

# THE GUARANTEE OF JUSTICE AND THE RATIONALISM OF LEGAL CRITERIA IN THE WORK OF ABU NASR AL-FARABI

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### ABSTRACT

This article analyzes the essence of the concept of justice within the philosophical heritage of Abu Nasr Al-Farabi, its connection with social and legal criteria in society, and approaches formed on the basis of rational thinking. The theoretical foundations and practical significance of justice are revealed through Al-Farabi's concept of "Virtuous City". Al-Farabi's recognition of man as the most perfect and mature end of world development, and the need to educate and train a person in his works are analyzed.

*Keywords:* Al-Farabi, justice, human intelligence, education, knowledge, methodology, philosophy, dialectics, sophistry, rhetoric, poetics, legal criteria.

## ABU NASR FOROBIY IJODIDA ADOLAT KAFOLATI VA HUQUQIY MEZONLAR RATSIONALIZMI

#### ANNOTATSIYA

Ushbu maqolada Abu Nasr Forobiy falsafiy merosi doirasida adolat tushunchasining mohiyati, uning jamiyatdagi ijtimoiy va huquqiy mezonlar bilan bogʻliqligi hamda ratsional fikrlash asosida shakllangan yondashuvlar tahlil qilinadi. Forobiyning "Fozil shahar" konsepsiyasi orqali adolatning nazariy asoslari va amaliy ahamiyati ochib beriladi.Forobiy inson, uning dunyo tarqqiyotining eng mukammal va yetuk yakuni sifada etirofi, uning asarlarida insonga tarbiya va ta'lim berish zarurligi kabi masalalar taxlil etilgan.

*Kalit soʻzlar:* Forobiy, adolat, inson aql-zakovati, ta'lim-tarbiya, bilish, metodologiya falsafa, dialektika, sofistika, ritorika, poetika, huquqiy mezonlar.

#### **INTRODUCTION**

At a time when science plays an important role in the development of countries around the world, in-depth study and research of the scientific heritage of historical thinkers is becoming increasingly important. The events taking place in various parts of the world, as well as the rapid development of globalization, demonstrate the need



to form a strong immunity in young people against the spiritual and moral threats that are emerging through deep inculcation of science. Therefore, it is necessary to use the views of the great thinker of the East, Abu Nasr Al-Farabi, on the basis of philosophical anthropology, such as man, morality, justice, happiness, humanity, peace and enlightenment.

The scientific heritage of Abu Nasr Al-Farabi is being widely studied in a number of scientific research institutes and centers around the world. While the scholar's long-standing scientific and philosophical heritage was initially studied within the Muslim paradigm, the study of Abu Nasr al-Farabi's philosophical views in the United States and Europe is currently being studied in accordance with the Eurocentric paradigm. For this reason, international universities and research centers such as the University of Pittsburgh, Cambridge University, University of Oxford, Heidelberg University, Freiburg University, Center of Islamic Studies in Freiburg, Berlin Freie University, The Islamic Studies program at the University of Detroit, The Middle Eastern & Islamic Studies New York University, The Islamic Studies, African Studies Center University of Michigan, Baghdad Farabi in Iraq, Riyadh University, and the Al-Farabi Faculty in Saudi Arabia are paying special attention to the scientific conceptual analysis of problems in this area. Based on the need to determine the objective significance of Abu Nasr Al-Farabi's philosophical views on man, a pressing goal has been set in the future to scientifically study the ethical principles in the scholar's philosophical anthropological views and to increase their significance on an international scale.

As a result of analyzing the different and common aspects of the philosophical teachings of the European and Eastern Middle Ages, it can be noted that humanism - an approach to man, respect for him, and protection of his rights - was reflected in the philosophy of Eastern thinkers Al-Farabi, Ibn Sina, Al-Biruni, Ibn Rushd, Abu Hamid Al-Ghazali, as well as in the ghazals and epics of such great poets as Omar Khayyam, Sa'di Shirazi, Khusraw Dehlavi, Hafiz Shirazi, Abdurahman Jami, and Alisher Navoi, and although these ideas, characteristic of the European Renaissance, were put forward three to four centuries earlier than European thinkers. During the Renaissance, both in the East and in the West, it is clear that the material beings in nature, including the human body, nature itself, were understood as manifestations of the divine, manifestations of divinity, and one of the bright signs of the Renaissance in the East and the West, the characteristic that expresses its essence, is humanism, humanism. According to this idea of the Renaissance, the intellectual and spiritual potential and possibilities of man are unlimited. To prove this idea, thinkers of the Renaissance also turn to ancient spiritual values, traditions of socio-cultural elevation



and perfection. From this perspective, they took a new approach to medieval ideas about man and enriched these ideas with new content. The foundations of Central Asian philosophical thought, which has been one of the most important historical and cultural centers of world civilization since ancient times in terms of hereditary traditions, reflect the historically formed cultural achievements, innovations in the field of science, including philosophy, as an integral part of the development of world culture and science.

In the philosophical teachings of Farabi, the central place was occupied by the problem of man and the issues of improving society, building a virtuous community, and creating means to open the doors of happiness to humanity. The issues of what kind of being a person is, what his lifestyle and principles of life should be based on, and what means he can achieve his happiness in this world were of interest to many scientists and thinkers in the Middle Ages. Interest in studying man arose from certain practical needs in both the East and the West. Because, by knowing a person, determining the ways of educating and perfecting him, it was possible to find the right means of governing and managing society, to create laws and rules for regulating and controlling people's behavior. According to the thinker, the purpose of a person's coming to this world and living is to achieve happiness. The key to the doors of happiness is in the hands of a person himself. This goal is achieved by people, in turn, through virtuous deeds and good moral qualities. Therefore, happiness and the means to achieve it are inextricably linked with virtuous deeds, and happiness is not an abstract concept that is a person's dream and hope, but a product of the active actions and virtuous deeds of all members of the community. Such happiness can be achieved only in the conditions of a virtuous community.

In a society based on Al-Farabi's ideal state system, the division of people into classes and their privileges are preserved, differences between the duties and responsibilities of people belonging to a class are preserved, and each person knows his profession well and performs his duties perfectly are necessary factors for the strength of society and the emergence of justice. The correct performance of the duties of each person related to his profession is the basis for the introduction of justice in society.

According to Al-Farabi, happiness is possible only in a society founded on the rational principle of social justice. A virtuous city or an ideal state is built on the foundations of reason, justice, and love. In particular, mutual love between members of society, established as a moral category, is an important link that ensures the stability of the community and the connection between its classes. The tranquility of social life, harmony between people, cooperation, and the integrity of society are



ensured and manifested through fair politics and the exemplary deeds that arise from it. Therefore, justice, according to Al-Farabi, "is based on the kindness of people towards each other. And kindness comes from the inclination of the people of a virtuous city to virtuous deeds and is the basis for their common understanding and common aspirations about what to know and what means to use to achieve happiness."

Justice, according to Al-Farabi, is a concept that means equality between people. This concept is explained by the scholar in a broad sense, just like goodness. This concept does not mean only material equality, but also includes spiritual equality. A person must fully comply with the rules of justice in all his activities and in his relations with others.

Abu Nasr Al-Farabi recognizes justice as a legal concept that guarantees the stability of society and the preservation of class differences. From this point of view, the interpretation of the idea of justice in his work is close to the views of Plato. However, in Al-Farabi's views, the idea of justice includes moral, social, economic, distribution and exchange relations between people. In this respect, his views differ from Plato's. In particular, he writes: "Justice means, first of all, the (correct) distribution of the benefits created by the entire city and the observance of the rules for distributing these benefits among people. Such benefits include (people's) wellbeing, wealth (property), various titles and positions in society, as well as many other benefits (things) related to the material, economic and spiritual life of people. Each member of the community has a share of these benefits in accordance with his merits. If the benefits are distributed less to one person, then there is injustice towards that person. On the contrary, if the benefits are distributed more to that person, then there is injustice towards other citizens."

Thus, justice in relations between people and different classes, as a socioeconomic concept, consists of a sign of correct distribution. In this case, "the occurrence of injustice," writes Al-Farabi, "is expressed in the fact that the due share of benefits is not given." In this regard, the philosopher explains various types of injustice that occur in society. Al-Farabi admits that injustice lies in the fact that after the distributed share has left the hands, either its value or its own does not return to the owner or the city dwellers.

According to the scholar, "a person has a natural talent for a certain profession, but innate ability does not produce results by itself. Even a person who has an ability needs education, and if he is not shown the right path, his ability may fade and not yield results. Justice is also not innate in a person. It is manifested in communication with others, in society, and in governing the state. Thus, according to Al-Farabi, a



person acquires some innate abilities, including justice, in the process of life. Whether he is just or unjust depends on the external environment, social conditions, a certain system, and education. In this sense, the scholar's views on justice are similar to those of Aristotle. Aristotle also said that virtues are acquired in society, through education. When he touches on the moral aspects of justice, he emphasizes that it is characteristic of a person to distribute (all things) according to his ability and to be based on correctness in important matters and to be faithful to agreements. Aristotle believed that moral qualities, including justice, are subject to change, and no quality is innate. A person can move from one skill to another due to habit and skill. Plato, on the other hand, taught that a person's innate ability triumphs over habit.

"In his work, Al-Farabi, citing the above ideas of Plato and Aristotle, emphasizes that justice is closely related to other virtues. Justice is interconnected with concepts such as goodness, wisdom, generosity, courage, intelligence, and the like. According to Al-Farabi, good and evil are concepts that are particularly close to justice and injustice. Good and evil are based on free will and are inherent only to man. Goodness belongs to the 5 spiritual powers of man. These are: intellectual theoretical, intellectual practical, aspirational, imaginative, and perceptive powers. A person can achieve happiness only through intellectual theoretical power. According to the great philosopher, goodness, kindness, and justice serve as a means to achieve one goal, namely happiness. Without goodness and injustice, social ideals and happiness cannot be achieved."

According to the great philosopher, "a person who wants to engage in science must, first of all, have theoretical knowledge and understand the essence of things. In addition, he must be humble, educated, not given to wealth, and not greedy. But among these, goodness and justice occupy an important place. The future scientist must naturally perceive the truth and those who fight for it, justice and those who practice it, be moral, quick to obey goodness and justice, not easily succumb to evil and injustice, and act thoughtfully." Al-Farabi also connects goodness with justice. In his opinion, everything that comes from the First Cause, that is, from God, is in harmony and justice. Academician M.M. Khairullayev noted that "the creativity, activity, and works of the great Central Asian scientists who lived and worked during this period played an extremely important role in the development of medieval science. The names of scientists such as Khorezm, Ferghani, Forabi, Ibn Sina, and Beruni, who came from Central Asia, are mentioned with great respect throughout the Middle Ages in the East and Europe." The thinker pays attention to courage and bravery in his works. He also analyzes these concepts in connection with justice. Moral concepts and qualities cannot be formed in a person without morality.



Therefore, courage and bravery cannot be imagined without knowledge. Knowledge must also be subordinate to reason and come from it. According to Forabi's doctrine, a person should not overdo it when showing courage, as well as in other activities. He must adhere to the rule of moderation and be moderate. Otherwise, a person will not be able to achieve the desired result. According to the scholar, "courage is a good moral virtue. It can be achieved through moderate courage in dangerous actions and in avoiding them. Showing excessive courage leads to recklessness. This is a bad moral quality."

Al-Farabi, comparing justice with ambition, says that some people consider base actions and defects as virtues. They later give up their wealth in order to gain great benefits and advantages. Their actions are not part of justice. Such actions are a desire to receive rewards and gain wealth. The scholar says that some people deprive themselves of pleasure and hope to achieve more pleasure later. In fact, they are neither virtues nor ambition, but are a fundamental human characteristic. "Because their essence and nature are not the nature of those who possess true virtue, nor even close to it: moreover, they (virtues) are among the base and base qualities." The great humanist, in his book "The Tales of a Statesman," reflects on virtues and divides them into intellectual and moral qualities. Intellectual qualities belong to the intellectual, conscious part of the human psyche. These include prudence, wisdom, intelligence, intelligence, courage, and generosity. Al-Farabi also touches on the issue of chastity, that is, self-control. According to the scholar, chastity requires observing moderation and moderation in all human activities. Excess or deficiency in pleasure and enjoyment leads to negative consequences. According to him, "chastity, selfcontrol, occurs in the moderate use of pleasure, that is, in eating and (in intimacy with) women. Allowing excess in such pleasure leads to greed and lust, and deficiency leads to the loss of the feeling of pleasure. Such behavior is condemned."

The thinker also "talks about the difference between self-control and virtue. Although a person who strives to self-control strives to avoid excess and to be virtuous, he is prone to immorality and depravity. Therefore, he strives for moderation by suppressing greed and desires. A virtuous person, on the other hand, acts voluntarily in his activities, not under compulsion, and does his work according to the dictates of his heart."

According to Al-Farabi, both wisdom and reflection help to improve and develop a person's ability to achieve justice. The thinker considers reflection to be one of the paths to happiness. "Reflection is the ability to restore virtuous thoughts that lead a person to happiness, to the things sought for happiness." When a person thinks about doing something, he should abandon bad methods and use good methods.



Deception, meanness, and impatience are among the bad methods. "Therefore," says Al-Farabi, "when a person is thinking about doing something, he should first think carefully about this work, then think carefully about doing this work, their methods, and be able to distinguish between good methods and bad methods." Aristotle of the East calls reflection a rational act. The first condition and measure of rational action is concern for the welfare of the people. "The people always need intelligent people to fulfill some need. People call intelligent people wise, and this intelligence is such a power in a person that it is called "common sense." For example, Abu Nasr al-Farabi also says that justice is related to kindness. Kindness is of three kinds. The first is kindness to God, the second is love for worldly things, and the third is love for things between the first and the second. Al-Farabi says that love for God is the main one. The next is "the attitude towards worldly things, that is, the views on achieving happiness are called complete views, and the love for them is called complete love." The scholar also does not imagine justice without intelligence, generosity, eloquence, the ability to explain, courage, and others. He emphasizes that justice cannot be achieved without them. Al-Farabi, dwelling on the moral aspects of justice, considers it the best of virtues. This is especially evident in the distribution of material wealth, in everyone keeping their share. "Justice applies to everyone," the philosopher emphasizes, "if a person is fair in all his activities, in his relations with others, it is a great virtue. Fairness in the distribution of wealth, fairness in keeping one's share is one of the most widespread manifestations of justice."

Buyuk olim adolatni kamolot, yaxshilik bilan tenglashtiradi. Qaerda kamolot va yaxshilik boʻlsa, oʻsha erda adolat boʻladi va aksincha, qaysi joyda tushkunlik va yomonlik ustuvorlik qilsa, shu erda adolatsizlik, jabr-zulm kuchayadi. Xuddi boshqa fazilatlar singari kamolot ham tugʻma boʻlmaydi. U ham oʻzgarib turadi, jamiyatning ta'sirida shakllanib boradi. "Inson faoliyatining adolatga yaqinligi yoki uzoqligi, uning xulqiga, yashagan jamiyatiga bogʻliq. Agar unda yomonlik fikrlari ozroq boʻlsa, adolatga yaqin boʻladi, agar koʻproq boʻlsa, adolatlilikdan, insofdan uzoqroq boʻladi", - deydi alloma.

In his socio-ethical views, Al-Farabi deeply reveals the essence of moral categories, including the concept of justice, approaches it from a dialectical and historical perspective, and shows its relativity and variability. In his worldview, moral categories are interconnected and are considered as complementary concepts. According to Al-Farabi, the law, as a means of establishing a certain order, should have legal properties, be spiritually acceptable, authoritative, understandable to ordinary people, meaningful, logical, fair, and most importantly, mandatory for execution. According to Abu Nasr Al-Farabi, the most difficult task is to introduce



the law. The easiest thing is to look at the law with suspicion and complain about the law. Such teachings have a special place in today's processes of establishing a legal state. Particularly noteworthy are his thoughts on the importance of respecting the law. The great scholar writes: "The law itself should be noble and high-ranking in its own right, and whatever is said in its name and about it should be considered authoritative. The people must feel the need for laws and study them deeply, because they will later benefit the people themselves. Otherwise, the law will not achieve its intended purpose." Thus, Al-Farabi emphasizes that every person has both admirable human and animal strength, and emphasizes that the law should be aimed at developing the admirable human strength. He believes that all residents of the city, if they do not have the strength to acquire admirable strength, should submit to the justice of the law-givers who guide them. In his opinion, "a true lawmaker, when adopting a new law, takes into account that it will bring happiness, joy, freedom and prosperity to all classes, generations and regions of the country. The law should be worthy of being welcomed with goodwill by people of different temperaments and qualities."

Continuing his thoughts on the law and its universal character, the scientist says that the legislator must be a researcher (meaning a philosopher - B.N.) and a politician. Otherwise, the formation and implementation of the law is very complicated. Also, Farabi pays special attention to the fact that laws are not permanent and can change due to changes in socio-historical conditions.

According to the Eastern Aristoteles, lawmaking is a continuous process, and the need for this or that law loses its social content and significance, that is, when its nature changes, it loses its legal character. "The invalidity of laws and their disappearance," writes Farabi, "is explained by two reasons: firstly, their validity expires; secondly, it can be a result of mass disasters that occur in the world, such as floods and plagues, which bring disaster to peoples."

In turn, Al-Farabi also emphasizes that it is impossible to show anything as real. Because it does not change the essence of anything, especially laws. In addition, desire can be good or not in itself. After all, the scholar believes that only desire based on sound reason leads to goodness with its consistency. Al-Farabi writes in support of this opinion: "It is desirable for the legislator to strive for things that fill the heart and mind and to take great care of them." Speaking about the practical implementation of laws, Al-Farabi emphasizes that obedience to laws should be carried out freely by people without any coercion. In his opinion, if the process of legislating is carried out in a free manner, obedience to and observance of it will be



met with desire and joy by those under his control, and the law will live for a long time.

The thinker defines a perfect and virtuous city as an ideal state in which such legislation is implemented. In our opinion, this city is reminiscent of today's concepts of a "legal state", a "democratic state". Abu Nasr Al-Farabi noted that the law, in addition to having legal force and political authority, must correspond to the interests of society and have educational significance. For this, the legislator must have a broad outlook, especially a deep knowledge of the needs and interests of his subjects, so that the inhabitants of his state are ready to follow the laws of his system of government. Speaking about legislation, Al-Farabi emphasizes that its power should be manifested, first of all, in the consciousness of people who sincerely understand the necessity of the law. At the same time, he envisages attracting people with life experience and good morals to enact laws, in which Al-Farabi reflects on the gradual formation of the state administration system: "After establishing order among people, it is necessary to appoint strategists and their military commanders against the possibility of war. It is possible that absolutely correct order will not be established at once," he says. Abu Nasr Al-Farabi's progressive ideas about the electoral system are of great political and legal importance not only for his time, but also for our day. In particular, he writes: "The elected leader or governor of the city is not absolute. They are people who have risen from among the people, have been tested, are the most noble, and are worthy of leadership. Therefore, such leaders give their voters complete freedom, protect them from external enemies. Such leaders treat everyone equally, even consider the interests of everyone above their own, renounce their personal interests for the benefit of the community, and do not spare their strength and wealth for the benefit of the people." The great representative of Eastern peripateticism pays special attention to the role of education and legal culture in the development of the law-making system and the implementation of laws. People who do not obey the law and encourage their subordinates to do the same are harmful to society, says Farabi. In his opinion, any law-making has significant power only in conditions of conscious, voluntary obedience. Therefore, the important factor in establishing law is not coercion, the use of power, or the making of decisions in this regard, but rather the improvement of legal culture through education.

Another noteworthy aspect of Farabi's political and legal views is the great attention paid to the humanistic nature of legislation. According to the scholar, the humanistic nature of legislation is that it "takes into account the natural characteristics of man and tries to correct these characteristics through them, because by correcting them, he corrects his (man's) character and behavior." Farabi calls the



main natural characteristics pleasure and sorrow, maturity and knowledge. In his opinion, the latter two characteristics are achieved through education and training. The great philosopher sets a number of requirements for jurists, that is, those who create and implement the law: a jurist must possess all the highest principles of pedagogy, be a connoisseur of the art of speech, be able to estimate the potential of the audience and deliver lectures accordingly, and be a careful mentor. If people do not fully understand the essence of the laws, there is a risk of abandoning them.

The scholar also puts forward the following as the main categories of political and legal education: intelligence, striving for it, upbringing, justice, virtue, courage. Intelligence is generosity, "education creates intelligence," says Farabi, "whoever is not educated accepts flaws as positive traits, and whoever is educated glorifies only virtue. The law is the path to generosity, therefore, all opportunities should be mobilized to strengthen education." Thus, Farabi recognizes education as the main factor in achieving happiness and virtue in the system of political and legal relations. In his opinion, first of all, the ruler himself must be educated, otherwise the state or city will face decline.

### CONCLUSION/RECOMMENDATION.

The great humanist also puts forward a number of views that were significant for his time regarding the role of laws in the life of society and the condition for citizens to obey them. A person who strives for great things and to subdue passions does not engage in stupid things. Moral virtue is a habit formed over the years, such as justice, wisdom, and courage. "Although a person does not have such innate qualities as arrogance and arrogance, he still needs to train his soul, because a person has such an innate quality as not noticing many of the crimes of his beloved." As can be seen from these sentences, the thinker here thinks about a person's ability to control his feelings, subjugating feelings to reason, that is, about eloquence. Forabi's idea of building a secular state and society based on spiritual, moral, political and legal values, and increasing the political activity and legal culture of the people living in it are among the most important and priority principles of the reforms being carried out in our country. Therefore, it is appropriate to use the political and legal heritage of the great philosopher Forabi in building a civil society based on justice and the rule of law in our country.

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