
GREEK THOUGHT IN ARAB ETHICS: MISKAWAYH'S THEORY OF JUSTICE

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Miskawayh (d. 1030) was the first Arab philosopher to have written a substantial work on ethics, *The Refinement of Character*, which had a great impact on the development of Islamic philosophical ethics after him. In this paper we examine his theory of justice, and the manner in which he appropriated Greek notions of justice. Miskawayh deals with the justice to the self as understood in Platonic psychology, and justice to others as understood by Aristotle. He harmonised these two concepts of justice by embracing the Aristotelian notion of justice and integrated it within the framework of Platonic psychology. I also show how Miskawayh introduced Islamic elements to bring his theory of justice more in line with the Islamic tradition.

I compare the Arabic version of the *Nicomachean Ethics* (translated by Ḥunayn ibn Isḥāq (d. 873)) with *The Refinement* to illustrate the influence of Aristotle on Miskawayh.

As an older contemporary of Iṣfahānī (d. middle of the 11th century), Miskawayh paved the way for filtering of Greek ethical ideas through to Iṣfahānī and other Arabic writers after him. We show that Miskawayh's social and material conception of justice is clearly a reflection of Aristotle.

1. Virtues of the soul

Miskawayh adopted Plato's theory of justice of the soul and developed its social implications along Aristotelian lines. Virtue for Miskawayh emerges from the rational faculty of the human soul. This faculty distinguishes man from animal, and enables him to discipline the irascible (pertaining to anger) and concupiscent (pertaining to desire) faculties of his soul. Virtue is the result of this rational faculty, and is a mean between two extremes; its essence is moderation, and this quality of moderation distinguishes it from vice. The cardinal virtues of courage, temperance and wisdom emerge from the discipline of the three faculties, and justice is its outcome and the means and end of all virtue; in fact, it is the whole of virtue.

According to Fakhry, Platonism is a major strand in Miskawayh, who constructed an ethical theory on Platonic psychology, upon which emerged a concept of virtue that was expressed in mainly Aristotelian terms. From the time of al-Kindī the tripartite division of the soul had been accepted as axiomatic, and had been refined in a manner that would enable Aristotelian concepts to be grafted upon the Platonic sub-stratum.¹ Miskawayh's individual justice is Platonic, but the social manifestations of it is Aristotelian. It is defined as the perfection of the Platonic cardinal virtues through the correct equilibrium and proportion of the three faculties of the soul. He views this equilibrium in Pythagorean and Neoplatonic terms as a form of unity that is associated with 'the absolute good.'² The four cardinal virtues have four corresponding vices. Miskawayh enumerates secondary virtues emerging from each of the cardinal virtues. With respect to justice, he mentions friendship, concord, family fellowship, recompense, fair play, honest dealing, amiability, and piety.³ He then proceeds to define each of these secondary virtues.

Virtue is a mean between the extremes of vice. Miskawayh compares it to a circle where the mean is the circle's centre. It falls on the diameter, and so the slightest deviation from it is a slight movement away from the center along the diameter. This means that there are many extremes of vices, and therefore the causes of evil are more numerous than the causes of virtue.⁴ I take the example of justice. It is the mean between inflicting injustice and suffering injustice. Miskawayh states: "A person commits injustice when he acquires many possessions from the wrong sources and in the wrong way, and he suffers injustice when he acquires many possessions from the wrong sources and in the wrong way." The just person is not one with much wealth as he is in the middle; acquiring wealth in the right way and abstaining from acquiring it in the wrong way.⁵

2. Comparison with Aristotle

Both Aristotle and Miskawayh share the view that justice is the kind of virtue that embraces all virtues as it does not apply to justice to oneself alone, but also to others. Justice, therefore, is not an aspect of virtue as the other virtues of the soul are, but indeed, the whole of virtue. Similarly, injustice is not a component of vice, but the whole of it. Note the similarity of thought between Aristotle and Miskawayh in the table below.

| ARISTOTLE ⁶ | MISKAWAYH ⁷ |
|---|--|
| <p>(Justice) is complete excellence because he who possesses it can exercise his excellence towards others too and not merely towards himself. Now, the worst man is he who exercises his wickedness both towards himself and towards his friends, and the best man is not he who exercises his excellence towards himself but he who exercises it towards another, for this is a difficult task. Justice in this sense then is not a part of excellence but excellence entire, nor is the contrary which is injustice a part of vice, but vice entire.</p> | <p>Thus, the just man exercises justice towards himself as well as towards his fellow citizens, while the unjust man exercises injustice towards himself, his friends, and all his fellow citizens.</p> <p>Aristotle added: Justice is not a part of virtue, but the whole of virtue; nor is injustice, which is its opposite, a part of vice but the whole of vice.</p> |

Thus, justice is a social virtue as it relates to others and not only oneself. In this sense it is the whole of virtue, and this notion is evident in both passages. There are, however, some differences. Miskawayh uses the word 'fellow-citizens.' Aristotle states that 'the best man is *not* he who exercises his excellence *towards himself* but he who exercises it towards another.' Miskawayh, however, stresses the excellence towards the self as well. This aspect of the moral justice of the soul is not ignored in Aristotle, but it is dealt with separately, not in the *Nicomachean Ethics*.⁸ His concept of justice confined itself rather to social and material dimensions.

Implicit in Miskawayh's notion that justice is the whole of virtue, is also the consciousness that the justice of the soul has a direct bearing on the justice to others. A just soul is balanced with all of its three faculties moderated. When the faculties perform their functions in moderation, true social justice emerges; and it is not merely the outcome of all these virtues, it actually constitutes them. The essence of all virtue, i.e. the mean between the two extremes, constitutes justice.⁹

Like Aristotle, Miskawayh expresses the social side of justice in material terms in order to find equality; i.e. to find the mean between them. These material terms refer to a fair exchange of benefits such as returning benevolence in equal terms, fairness in giving and taking, and payment of remuneration or without grudge. In relation to others, justice is to give to others what is their due. It is

the mean between doing wrong and being wronged. Higher forms of justice include friendship, affection, assisting relatives, acquiring love of others by pleasing manners.¹⁰

3. Distributive and rectificatory justice

Miskawayh and Aristotle make a distinction between distributive and rectificatory justice. He modifies Platonic justice along Aristotelian lines where the justice of 'the balanced soul' has an important bearing on justice at the external level¹¹ in three ways:¹²

1. Division of money and honours [distributive justice].
2. Division of voluntary transactions, eg. selling, buying and exchange.
3. Division of involuntary transactions where injustice and violation of rights have been committed.

Distributive justice refers to the fair distribution of honour and wealth. This is applied in the case when divisible goods are distributed unevenly. This is called 'particular justice.' Particular injustice for Aristotle is connected to greed, the desire to have more than others. A person who commits adultery for gain is not only self-indulgent but unjust.¹³ Distributive justice is concerned with a class of goods.

'Since the unjust man is grasping, he must be concerned with goods - not all goods, but those with which prosperity and adversity have to do; which, taken absolutely, are always good, but for a particular person are not always good.'¹⁴

Rectificatory justice is concerned with voluntary and involuntary transactions. This is not the justice of geometrical proportion as defined in the third chapter of the *Nicomachean Ethics*, but of arithmetical proportion. The law does not look at the character of the man but at the action itself. 'The law looks only at the distinctive character of injury, and treats the parties as equal... this kind of injustice being an inequality, the judge tries to equalize it; for in the case also in which one has received and the other has inflicted a wound, or one has slain and the other has been slain, the suffering and the action has been unequally distributed; but the judge tries to equalize things by means of a penalty, taking away from the gain of the assailant.'¹⁵ 'Equal' implies the mean between the lesser and the greater. This corrective (or rectificatory) justice is the intermediate

between loss and gain. The judge decides what the intermediary is. Aristotle compares it to a line divided into unequal parts. By taking from the greater segment (the part that exceeds the half), the judge adds it to the smaller segment.¹⁶

This is legal justice, of which the judge is the guardian. Aristotle states:

For justice exists only between men where the Law governs their mutual relations, and law exists for men between whom there is injustice. For legal justice is the discrimination of the just and the unjust. And between men (among) whom there is injustice there is also unjust action, and this is assigning too much to oneself of things good in themselves and too little of things evil in themselves. This is why we do not allow a man to rule but law, because a man behaves thus in his own interest and becomes a tyrant. The magistrate on the other hand is the guardian of justice, and, if, of justice, then of equality too.¹⁷

In all three kinds of external justice the law, for Miskawayh, plays an important role in establishing the mean and equilibrium. Miskawayh concurs with Aristotle's description of legal justice, and makes a distinction between the justice of transactions that take the form of continuous proportion, and the justice which is exercised where injustice and oppressive acts occur. The latter kind of justice is expressed in the following passage:

For when a certain relation exists between one man and another, and the former annuls it by doing injustice or harm to the latter, justice requires that he receives a similar harm so that the relationship between them can be restored. The business of the just man is then to bring equality to the things which are unequal. For example: If a line is divided into two unequal parts, he takes from the longer and adds to the shorter, so as to secure equality in the line and to remove from it the attributes of paucity and multiplicity and of excess and deficiency.¹⁸

Thus, both Aristotle and Miskawayh agree that the justice of the law seeks equality. They both use the analogy of an unequally - divided line.

4. Benevolence and Justice

Miskawayh calls legal justice 'universal justice' and clarifies this concept by comparing it with 'universal benevolence.' Aristotle does not make this distinction in Book V of the *Nicomachean Ethics*. There is a reason for this. For Miskawayh the justice of the soul is

integral to his conception of justice; it is not separated from the social forms of justice. This is not the case with Aristotle, who views justice only in social and legal terms. For Miskawayh, it is therefore only through the justice of the soul (which is not confined to the law of equality) that universal benevolence can make sense. Legal justice cannot tolerate any form of excess, and benevolence is a form of excess, albeit a positive one. This is why Miskawayh could discuss the concept of benevolence in a chapter on justice. Benevolence is not justice, yet justice is an important prerequisite for benevolence. We proceed further to clarify the distinction between universal justice and universal benevolence.

Miskawayh makes a distinction between benevolence (*tafaḍḍu*) and justice (*ʿadālah*). Benevolence is a laudable quality that is synonymous with kind-heartedness and liberality. Whereas justice implies the mean between two extremes, benevolence implies excess or extremity. Benevolence therefore does not fall into the category of justice. Yet, it is a praiseworthy quality. Miskawayh clarifies this apparent contradiction stating that liberality in excess is better than its deficiency because it becomes a form of 'circumspection and of resoluteness in the practice of this virtue.' Nevertheless, benevolence without justice is impossible. To give money to the undeserving is wasteful, not benevolent; benevolence is to give to the deserving even more than what is sufficient. Benevolence is therefore not unlike justice, but it is to give a person more than his due, it is justice with circumspection.¹⁹

The law, however, prescribes justice; the universal equality between two or more persons, where one has unduly gained more than another. The law seeks to rectify the excess and deficiency; it is to bring it to the mean, to the level of moderation. The law can therefore not prescribe benevolence. Miskawayh states: 'While the Law prescribes universal justice, it does not prescribe universal benevolence. It only urges people to practice benevolence, and this in particular which cannot be specified because they are endless. On the other hand, Law is definitive in (prescribing) universal justice because it is limited and can be specified.'²⁰

Clearly, benevolence then is practiced by the individual, and flows from the self, and in relation to others. The judge implements minimal justice. He cannot be benevolent, he can only be just. His duty is to bring about equality where there is excess and deficiency between the two parties. He must give the claimant his due, his 'pound of flesh.'²¹ Benevolence is a moral virtue of the soul. It is

nobler than justice. Therefore, a benevolent man is nobler than a just man. The intelligent man will therefore do justice to his soul first.²²

This equilibrium of the soul can be achieved through reason. If a person is 'just towards himself, and if he acquires this virtue, then he has necessarily to be just towards his friends, his relatives, his kinsmen, and then towards those who are remote, and finally, towards all animals.'²³ Such a level of social justice will come naturally to him as he acts voluntarily from the disposition of his soul. Furthermore, if he is just to himself he will be just with others, not only materially, but also through his goodwill, his benevolence. This is the best man. The worst man is first unjust towards himself and then unjust towards others. Such a person cannot exercise material justice, nor act with benevolence.

The law, therefore, sets the basis for justice, commanding the good, forbidding the bad, and producing a good citizen. Compare these two passages by Aristotle and Miskawayh.

| ARISTOTLE | MISKAWAYH |
|--|---|
| <p>Since the lawless man was seen to be unjust and the law-abiding man just, evidently all lawful acts are in a sense just acts...Now the law in their enactments on all subjects aim at the common advantage...so that in one sense we call those acts just that tend to produce and preserve happiness and its components for the political society. And the law bids us to do both the acts of a brave man, and those of a temperate man, and those of a good-tempered man, and similarly with regard to the other excellences and forms of wickedness, commanding some acts and forbidding others; and the rightly-framed law does this rightly, and the hastily conceived one less well.²⁴</p> | <p>Aristotle said further: he who abides by the Law acts according to the nature of equality and gains both the good and the happiness through the various ways of justice. For the Law, being from God (mighty and exalted is He), commands men to perform praiseworthy deeds and does not prescribe anything but the good and whatever leads to happiness. It also prohibits all kinds of bodily wickedness and prescribes courage, the preservation of order and the perseverance in struggle. It prescribes temperance and prohibits profligacy as well as slander, insults, or foul language. In short, it prescribes all virtues and prohibits all vices. Thus, the just man exercises justice towards himself as well as towards his fellow-citizens, while the unjust man exercises injustice towards himself, his friends, and all his</p> |

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|--|--------------------------------|
| | fellow-citizens. ²⁵ |
|--|--------------------------------|

The above passages reveal a clear transmission of ideas from Aristotle to Miskawayh concerning the law, the good that it commands and the evil that it prohibits. It is important for happiness. For Aristotle it is the happiness of the political society. The law, according to him, produces a good citizen for the whole society. But education for the specific individual is concerned with moral excellence, and therefore does not necessarily have a political function.²⁶ Justice is defined in terms of obedience to the law, and injustice amounts to disobedience to the law. But what is the nature of this law?

For Miskawayh it is the law of God, the *shar'ah*. In modern legal terms the justice emerging from this Divine law is called 'natural justice.' Aristotle's law, however, is a rightly framed-law, not a Divine law.²⁷ The 'revealed' law for Miskawayh commands courage, temperance and other moral dispositions of the soul. Therefore Miskawayh (but not Aristotle) states that the just man is just towards himself as well as to others. Aristotle provides practical examples of temperance and courage, but does not mention it in the above passage. Although both Aristotle and Miskawayh unite ethics and the law, it appears that for Aristotle the ethical dimension recedes into the background and attention is given to justice at the material level, and justice for man as a citizen of the state. Miskawayh, however, is explicit about not separating justice to one's soul from justice to others.

5. Proportionate compensation

Another interesting comparison between Aristotle and Miskawayh concerns the concept of proportionate compensation whereby two men, for example, a tailor and a carpenter are unable to exchange articles of identical value; and the only way to equalize and balance out their transactions is through money. A comparison of the two passages below will also illustrate the clear transition of thought from Aristotle to Miskawayh.

| ARISTOTLE | MISKAWAYH |
|---|--|
| For it is not two doctors that associate for exchange, but a doctor and a farmer, or in general people who are different and unequal; but these must be | In all these cases, it is the Law that establishes intermediateness and equilibrium. As men are civic by nature and cannot live without cooperation-some having to serve |

equated. This is why all things that are exchanged must somehow be commensurable. It is for this end that money has been introduced, and it becomes in a sense an intermediate; for it measures all things, and therefore the excess and the defect-how many shoes are equal to a house or to a given amount of food...but money has become by convention a sort of representative of command; and this is why it has the name 'money' (*dīnār*)-²⁸ because it exists by nature and not by law and it is in our power to change it and make it useless. There will, then be reciprocity when the terms have been equated so that as farmer is to shoemaker, the amount of the shoemaker's work is that of a farmer's work.²⁹

This is why all goods must have a price set on them; for then there will always be exchange, and if so, association. Money, then, acting as a measure, makes goods commensurate and equates them; for neither would there have been association if there were no exchange, nor exchange if there were not equality, nor equality if there were not commensurability.³⁰

others and some taking from, or giving to, others-they seek proportionate compensation. Thus, when the shoemaker takes from the carpenter the latter's product and gives him his own, the exchange between them is a barter if the two articles are equal in value. But there is nothing which prevents the product of the one from being superior in value to that of the other. In this case, money is what sets things aright and establishes equality between them. Money, then, is just and intermediate, but it is mute. The rational man uses it and regulates with it all that takes place on transactions so that they may be carried on in a straight-forward and orderly manner and in a right and just proportion. That is why when money, which is a mute establisher of justice, fails to settle the differences between two opponents, we have recourse to a ruler who is an articulate establisher of justice.³¹

Thus, the law brings about the mean and equality. Since legal justice is a material concept, it can be brought about through the help of a material commodity - money. Money can bring about the mean between excess and deficiency. The exchange of money leads to co-operation among men as civic beings. Money can also bring about proportionate representation in the case of two professionals with two different kinds of work in both the Arabic and Greek version. Money (*dīnār*) is associated with the Greek term *nāmūs* (law), as such, it represents the law. This point is implicit in Miskawayh. Also implied is Aristotle's idea that goods should have a price set on them. Miskawayh mentions that money is just, but mute; hence, it requires a rational man to regulate it in just proportion; but if this fails, they should take recourse to a just ruler. Aristotle does not mention this. A just ruler for Miskawayh therefore falls under one

of the divisions of justice (see below). Aristotle's style is characteristically more analytical and detailed. Miskawayh's passage is shorter, but no less lucid and intelligible. Their styles are fundamentally different except for a few similarities. Miskawayh uses the term *sharf'ah* instead of *nāmūs*. Aristotle mentions the example of the shoemaker (*al-Is' āf*) and the farmer, and Miskawayh mentions the shoemaker (*al-Is' āf*) and the carpenter. They both mention 'shoemaker,' using the same Arabic word. In another passage Miskawayh also uses the example of a farmer (*fallāh*) and a carpenter (*najjār*), stressing its importance for civic justice and the building of civilization.³²

6. Three laws of justice

Thus, for Miskawayh the measure, in socio-political relations, is the Law (*sharf'ah*). In economic relations, it is money. The highest measure is the revealed law of God. Thus, Miskawayh states that there are three laws of justice³³ (*nawāmūs*³⁴); namely, the law of God, the ruler acting on God's behalf, and money³⁵. These three laws correspond to the three modes of justice. He states:

*Aristotle said that money is a just law (nāmūs). Law, in his language, denotes administration, management and the like. In his work known as Nicomachea, he said: The highest law is from God (blessed and exalted is He!), the ruler is a second law on His behalf, and money is a third law. The law of God (exalted is He!), i.e. The [Religious] law, is the model for all the other laws. The ruler, who is second, imitates it, and money is a third imitator.*³⁶

Miskawayh classifies money as one of the three laws of justice. Money is definitely a principle of justice for Aristotle, but it does not fall into one of the three laws of justice. In the above passage Miskawayh actually quotes Aristotle's statement on the three laws of justice. He even mentions the *Nicomachean Ethics* as his source! His quotation, however, is incorrect. There is no such statement in the *Nicomachean Ethics*; neither in Ross's translation, nor in the translation of Ishaq Ibn Hunayn. We therefore conclude that Miskawayh took it from a commentary on Aristotle. Zurayk notes this point, stating: 'This is the only reference in the *Tahdhīb* to the *Nicomachean Ethics* by name. But the quotation that follows has no exact counterpart in that work. It is one more indication of the fact that Miskawayh knew the ethics through later commentaries, and that he had also adapted many of Aristotle's ideas and expressions to Islamic beliefs.'³⁷ This statement suggests the influence of an Arabic commentary of the *Nicomachean Ethics*, and Dunlop

attributes it to Porphyry (c.232-303). Thus, Miskawayh did not base himself only on the translation of Ḥunayn ibn Ishāq, but to paraphrased Arabic versions of Aristotle. This therefore means that in the process of Islamizing Aristotle, Miskawayh found it easier to draw upon the Neoplatonic commentaries of Aristotle, which he could find compatible with the Islamic view. For example, the notion of the 'Law of God' as the highest law is not found in the *Nicomachean Ethics*, but comes from the commentary of this text. The introduction of such elements is part of the process of Islamization begun by Miskawayh.

Aristotle's ideas on 'particular' justice relate to external goods. These ideas are faithfully carried over in the Arabic translation. One category of justice is the distribution of honour and wealth among the citizens, and the other is remedial justice in the relations between man and man. The latter form of justice relates to either voluntary transactions such as selling and lending, or involuntary transactions such as theft and assault. Remedial (or rectificatory) justice takes into account both financial and moral injury. Aristotle provides examples of voluntary and involuntary injustice (*zulm*), but Miskawayh mentions only two types of *voluntary* injustice (*jawr*) with similar examples. He states:

*Some injustices are apparent and done voluntarily, such as what takes place in selling, buying, securities, loans, and borrowings; some are hidden but also done voluntarily such as theft, profligacy, pandering, the slaves' deceit, and the giving of false testimony; and some are oppressive for the sake of domination such as torture by stocks, fetters, shackles, and sticks.*³⁸

Here we juxtapose the middle sentence with a corresponding passage in Aristotle:

| ARISTOTLE ³⁹ | MISKAWAYH ⁴⁰ |
|--|---|
| While of the <i>involuntary</i> some are clandestine, such as theft, adultery, poisoning, procuring, enticement of <i>vagabonds</i> ⁴¹ , assassination, false witness ⁴² | Some are hidden but also done voluntarily such as theft, profligacy, pandering, the slaves' deceit, and the giving of false testimony ⁴³ |

From the above table we observe that Miskawayh and Aristotle both mention two broad categories of injustice. (Aristotle uses the word *zulm* for injustice, and Miskawayh, (*jawr*). For Aristotle, the one category is voluntary and the other involuntary, but for Miskawayh they are both voluntary, even those acts that are hidden.

Aristotle refers to injustice that leads to an accidental injury to a person as involuntary (*lā irādiyatun*), and Miskawayh as voluntary (*irādiyatun*). Thus, Miskawayh did not follow Aristotle slavishly although the passages are similar in content and in the use of terms and examples.⁴⁴

In addition to the law and money, Miskawayh's introduces the just Imam as the third law of justice. He implements the revealed law, abolishes injustice and preserves equality by 'refusing to assign more goods to himself than to others.'⁴⁵ Such an Imam, according to Miskawayh, does not have to be from noble and opulent background, for authority is embodied in wisdom and virtue.

We note below that Iṣfahānī, and not Miskawayh and Aristotle, makes voluntary justice (or the justice of the soul), a separate category.⁴⁶ True justice can only come from choice and deliberation; then only is a person considered just. Without choice and deliberation, the person might act justly and yet not be a just person.⁴⁷ For a person to be just, there should be a balanced relation among the faculties of his soul and therefore, a balance of their corresponding virtues of courage, wisdom and temperance. A truly just act therefore assumes a truly just person, where the faculties of the soul are in balanced proportion.

7. The Three Divisions of Justice

Miskawayh's divisions of justice include justice towards God and justice towards others (living and dead). These divisions correspond with Miskawayh's just rulers of Divine Law, etc. He identifies the three divisions of justice as:

We say: Aristotle divided justice into three categories. The first is what people perform towards God, the Lord of the universe. It consists in conducting himself towards the Creator (mighty and exalted is He!) in the right way, according to his obligations to Him, and in the measure of his capacity. For, since justice consists indeed in giving the right person what ought to be given in the right way, it would be inconceivable that men should not owe God (exalted is He!) who granted us all these immense goods, an obligation which they should fulfill.⁴⁸ The second is what people perform, one towards another, such as the payment of what is due to others, the honoring of chiefs, the discharge of trusts, and fairness in transactions. The third is the discharge of obligations towards ancestors, such as the payment of their debts, the execution of their will, and the like. This is what Aristotle said.⁴⁹

In the above passage, Miskawayh mentions Aristotle, but does not quote from him literally. He does not state: 'He said', but at the end of the passage, he reminds us that the statement is from Aristotle. It is not clear whether he intends to mean by this the actual words of Aristotle. In another passage, Miskawayh makes it clear that he is quoting verbatim in the Arabic from Aristotle. Immediately after quoting from Aristotle, Miskawayh states: 'These are Aristotle's words as translated into Arabic. He also states that Aristotle specifies the form of worship.⁵⁰ There is nothing in the *Nicomachean Ethics* about man's worship to God as a form of justice, and since Aristotle's justice is of a material nature, Miskawayh must have had access to a Neoplatonic commentary on Aristotle, and statements from this commentary were appropriated as if they were the actual words of Aristotle.

For Miskawayh, justice towards God signifies the worship of God at three levels; i.e. the worship of the soul, the worship of the body, and the worship of God as it relates to other humans. This discussion does not feature in the *Nicomachean Ethics*. While justice relating to other humans is discussed, it is not the justice associated with the worship of God. That is a new idea attributed to Aristotle. However, it is partly based on a Neoplatonic commentary, and partly on Miskawayh's attempt to Islamize the ethics of Aristotle. Thus, the idea of worship is not necessarily a conscious attempt at Islamization; rather, it is an assimilation of an idea attributed to Aristotle, and which happens to cohere with Islamic teachings.

Aristotle and Miskawayh agree upon the notion of authentic action and acting with a sincere motive. This also applies to justice. For Miskawayh, true justice emerges when an outwardly just act is based on a sincere motive. Such a person is a just man who acts not for honour, money or any other gain, but pursues justice for its own sake. This basic position can also be found in Aristotle.⁵¹ A significant difference is that Miskawayh relates justice to the justice towards God and the justice of the soul. Aristotle connects justice to a secular rather than a religious law. For Miskawayh, true justice requires the harmony of the faculties; justice presupposes 'a sound moral disposition of the soul.' Since justice is the mean between extremes and a disposition by which one 'restores both excess and deficiency to the mean,' it is the most perfect of virtues and one nearest to unity (and not multiplicity).⁵² Thus, within this context one can understand what Miskawayh means by justice towards God. It does not merely constitute man's outward religious duties to God, but also the activity of the soul through which he reflects upon the

unity and greatness of God, and whereby all outward actions flow from the moral disposition of the soul. For Aristotle, however, it is the justice of the law that is paramount, and little attention is given to what emerges from the soul.

True justice, then, as the whole of virtue emanates from the deliberation and harmony of the three faculties of the soul. In citing Plato, Miskawayh states that 'when man acquires justice, every part of his soul illuminates every other part, for all the soul's virtues are achieved in it.' This is when the soul rises to perform its particular activity in the best possible way. Justice is then attributed to one who adheres to the revealed law, and it is a quality that proceeds from the disposition of the soul. This disposition enables one to obey the law voluntarily, without resistance.⁵³

8. Conclusion

Greek ethics had a profound influence on the Arab philosophers, particularly on Miskawayh whose theory of justice is a creative synthesis of Platonic psychology, Aristotelian justice and Islamic metaphysics. His concept of justice had a decisive influence on later Arab thinkers, especially Işfahānī.

From the time of al-Kindī, Muslim moral philosophers accepted the Platonic theory of the division of the soul as axiomatic, but they refined it in different ways. Justice, they concluded, was a result of the balance of the faculties of the soul. This balance is for Miskawayh the basis for true justice in all forms.

Platonic psychology then, became the basis upon which Miskawayh grafted the Aristotelian concept of social and material justice. Furthermore, he Islamized Aristotle's concept of the law (*nāmūs*) which he reconceived as Divine law (or the *sharf ah*), and the worship of God in accordance to this law. Injustice was to violate this law. Thus, Miskawayh did not confine himself from the legal justice of Aristotle, but it was the 'natural justice' that conformed to the Divine law. Whereas *nomos* is the man-made law, the *sharf ah* was the Divine law, and was for Miskawayh therefore superior. Justice must have authority to be effected and that authority belongs to the law of God rather than the fallible *nomos* of the Greeks.

Miskawayh's ethical work was much quoted and copied during his life and after his death. His popularity was partly due to the readability of his style; he wrote in plain philosophical prose. His

treatise was also appealing because of its didactic character. It had, for example, many practical suggestions for moral therapy, such as how to overcome grief and the fear of death. Miskawayh summarized and simplified Aristotle's chapter on justice. It appealed to a wider range of audiences as it drew upon a variety of sources, including Plato, Aristotle and Pythagoras.

I have shown above that Miskawayh attributed certain statements to Aristotle that could not be traced to the *Nicomachean Ethics*, and that he must have had access to a Neoplatonic commentary on Aristotle. Miskawayh therefore appeared to be less concerned with the authenticity of his sources, and more with the ideas that appealed to him in these texts.

The similar ideas between Miskawayh and Aristotle illustrate the transmission of the latter on the former. In *The Refinement* I have a summarized Arabic version of Aristotle's *Nicomachean Ethics*, and it should be left to later research to examine the impact of *The Refinement* on the later development of the concept of justice in Islamic and Western law.

Notes

1. M. Fakhry, 'The Platonism of Miskawayh and its implications for his Ethics' In: *Studia Islamica*, XLII (1975), 39-57, pp. 40-41, 45-46.
2. M. Fakhry, *Ethical Theories in Islam*, 2nd ed. (Leiden: Brill, 1991) p. 113; cf. Miskawayh, *An Unpublished Treatise of Miskawayh on Justice or Risalah fi māhiyat al-'adl li-Miskawayh*, trans. M.S.Khan. (Leiden 1964), introduction, p. 9 ; cf. review by J. Schacht, *Oriens*, 18-19, 1965-66, p. 443f.
3. *Tahdhīb*, p. 23f./trans. Zurayk p. 20f.
4. *Tahdhīb*, p. 25, 5-18/trans. Zurayk, p. 22..
5. *Tahdhīb*, p. 28f./trans. Zurayk p. 24f
6. Aristotle, *Nicomachean Ethics*, 1129b, 31-33, 1130a, 5-11/trans. (English) Ross 1783; trans. (Arabic) Ḥunayn ibn Ishāq, p. 176, 4-17.
7. Miskawayh, *Tahdhīb*, p. 117, 8-13/trans. Zurayk, p. 104
8. Aristotle, *Nicomachean Ethics*, p. 1138b, 7-15/trans. Ross 1797. ; trans. Ishāq ibn Ḥunayn, p. 206. Aristotle states: 'Metaphorically and in virtue of a certain resemblance there is a justice, not indeed between a man and himself, but between certain parts of him.. For there are ratios in which the part of the soul that has reason stands to the irrational part; and it is to these parts that people also think that a man can be unjust to himself....let this be taken as our account of justice and the other, ie. the moral, excellences.'
9. A.H Ansari, *The Ethical Philosophy of Miskawaih.*, p. 107.
10. Ansari, *The Ethical Philosophy*, p. 108-109.
11. Fakhry, *Ethical Theories*, p. 114.
12. *Tahdhīb*, p. 114/ trans. Zurayk, p. 102. The arithmetic, harmonic and geometric proportions determine these three divisions of justice. See Ansari, *The Ethical Philosophy of Miskawaih*, p. 109, for how these divisions correspond with the three divisions of justice, and that the latter two, justice towards living men and justice towards dead ancestors, fall in the category of justice towards others specifically. Only in an implied sense would it relate to justice of the self or justice to God.
13. Aristotle, *Nicomachean Ethics*, p. 1129b/ trans. Ross. 1782; P. Bernard Williams, 'Justice as a Virtue' in Amelie and Oksenberg Rorty (ed.), *Essays on Aristotle's Ethics*, (1980), p. 189.
14. Aristotle, *Nicomachean Ethics*, p. 1129b/ trans. Ross. 1782/trans. Ishāq, p. 174; Williams, 'Justice as a Virtue' in *Essays on Aristotle's Ethics* p. 189.
15. Aristotle, *Nicomachean Ethics*, p. 1132a, 7-14/ trans. Ross. 1786/trans. Ishāq ibn Ḥunayn, p. 183.
16. Aristotle, *Nicomachean Ethics*, p. 1132a/ trans. Ross. 1786/trans. Ishāq ibn Ḥunayn, p. 183.
17. Aristotle, *Nicomachean Ethics*, p. 1134a, 29-35, 1134b, 1-3, / trans. Ross. 1790/trans. Ishāq ibn Ḥunayn, p. 190.
18. *Tahdhīb*, 115, 4-12/trans. Zurayk, 102.
19. Miskawayh, *Tahdhīb*, pp. 129-130/ trans. Zurayk, pp. 114-115.
20. Miskawayh, *Tahdhīb*, pp. 131, 16-19/ trans. Zurayk, pp. 116.
21. This is an expression used by Shylock in Shakespeare's 'Merchant of Venice.'
22. Miskawayh, *Tahdhīb*, pp. 132./ trans. Zurayk, p. 116f.
23. Miskawayh, *Tahdhīb*, pp. 132-133./ trans. Zurayk, p. 117.
24. Aristotle, *Nicomachean Ethics*, p. 1129b, 12-25/trans. Ross, p. 1782-1783/trans. Ishāq, p. 175, 1-13.
25. *Tahdhīb*, p. 117, 1-10/trans. Zurayk, p. 104.

26. Aristotle, *Nicomachean Ethics*, p. 1130b, 25-29/trans. Ross, p. 1784; cf. trans. ibn Ishāq, p. 179, 9-13. In chapter 2 Aristotle states, 'And the things that tend to produce excellence taken as a whole are those acts prescribed by the Law which has been prescribed with a view to education for the common good. But with regard to the education of the individual as such which makes him without qualification a good man, we must determine later whether this is the function of the political art or of another; for perhaps it is not the same in every case to a good man and a good citizen.'
27. This does not mean that Aristotle does not recognise God, but this recognition is not present in the chapter of justice; however, in the book 'on the universe' (ascribed to Aristotle) it is said: 'All things are nought else but God, even as the worthy Plato tells us: God, ...and with him follows Justice, the avenger of all that falls short of the Divine Law-let every man who is to become blessed and happy partake in this from the very first.' See, E.S. Forster, 'On the Universe', *The Complete Works of Aristotle*, Vol. I., p. 640; B. Jowett (tr.), *The Dialogues of Plato*, Laws IV, 716, p. 682.
28. The Arabic text states: the name *dinār* in Greek is *nāmūsi* (variation indicated in note is *na mu s*), see, Ishāq, p. 187-188. Thus, there is here a clear association between the term *dinār* and *nāmūsi*. The term *dinār* is our interpolation, but there is no mention of it in the English translation which is based on the Greek version.
29. Aristotle, *Nicomachean Ethics*, p.1133a, 16-31/Ross, p. 1788; cf. trans. Ishāq, 187, 6-19, 188, 1.
30. Aristotle, *Nicomachean Ethics*, p. 1133b, 14-19/trans. Ross. 1789; cf. Trans. ibn Ishāq, 189, 1-4
31. *Tahdhīb*, 115, 12-24/trans. Zurayk, 103.
32. *Tahdhīb*, p. 116/trans. Zurayk, p. 104.
33. *Tahdhīb*, p.116/ trans. Zurayk, p. 103f.
34. Miskawayh uses the term *nāmūs*, Arabicized from the original Greek *nomos* (meaning "habitual practice" and later "Law"). But because of its phonetic affinity to Syriac, it is more likely adapted from the Syriac *nāmūsā*. Miskawayh refers to the three laws as *al-Nawāmīs al-Thalāthah* and makes frequent references to Aristotle's usage of these terms. Although he uses the term *nāmūs*, he makes it clear that he is referring to the *shar'ah*. Cf. Zurayk, *Refinement of Character*, p. 204, note 15.
35. This is a type of commercial law of justice; it is not a moral virtue as such; but the rational person is expected to use it in a just manner in the exchange of goods for a fair price, or the exchange of labour for a fair price.
36. *Tahdhīb*, p. 116, 1-8/trans. Zurayk, p. 103.
37. Zurayk, *The Refinement of Character*, p. 204, note 16.
38. *Tahdhīb*, pp. 117, 11-17, trans. Zurayk, pp. 104-105; cf. *al-Akh'lāq*, p. 180, 1-8, trans. Ross. p. 1784.
39. Aristotle, *al-Akh'lāq*, p. 180, 1-6/ trans. Ross, p. 1131a.
40. *Tahdhīb*, p. 117, 15-17.
41. My word.
42. Aristotle, *Nicomachean Ethics*, p. 1131a/ Trans. Ross, p. 1784
43. Miskawayh, *Tahdhīb*, p, 117/ trans. Zurayk, *The Refinement*, p. 104.
44. The word 'vagabonds' is not equivalent to the Greek *doulapatia*, which signifies the enticement of slaves from their master. Badawi copied incorrectly from an unclear manuscript; but if he had to compare it to the Greek text, he would have been guided by the context, and could have avoided the mistake. *Mamālīki* was used by Ishāq ibn Hunayn and it corresponds in meaning to the original Greek. A mistake is possible with two similar words especially if the print of manuscript is unclear.
45. *Tahdhīb*, p. 118/ trans. Zurayk, p. 105

46. Below, we note that Işfahāni identifies three separate categories of justice, justice to God, to others, and to oneself.

47. See, Aristotle, *Nicomachean Ethics*, pp. 1134a-1135a./trans. Ross, p. 1791f; cf. Bernard Williams, 'Justice as a Virtue' in Amelie and Oksenberg Rorty (ed.), *Essays on Aristotle's Ethics*, p. 190.

48. This relates to the worship of God in terms of his body, soul and mutual relations in cities (see *Tahdhīb*, p. 121/ trans. Zurayk, p. 108). As it is unjust not to serve the kings who has given one many favours, so much more is it unjust not to serve God who has bestowed much more favours on man, including his body, his soul, and his reason. Cf. Miskawayh, *An Unpublished Treatise of Miskawayh on Justice*, p.31f., for an explanation of Divine justice. Miskawayh has specified the form that this worship takes. There are three kinds of worship: the worship of the body (eg. fasting, prayer), the worship of souls (eg. true belief such as the belief in the unity of God), the worship in cities, through transactions, marriages, discharge of trusts, protecting women. Cf. Miskawayh, *Tahdhīb*, p. 122f/ trans. Zurayk, pp. 109.

49. Miskawayh, *Tahdhīb*, p. 119, 9-20/ trans. Zurayk, p. 106.

50. Miskawayh, *Tahdhīb*, p.122, 14/trans. Zurayk, p. 108

51. Aristotle, *Nicomachean Ethics*, p 1130a/trans. Ross, p.1783f.

52. Miskawayh, *Tahdhīb*, p. 112; trans. Zurayk, p. 100-111.

53. Miskawayh, *Tahdhīb*, pp. 125-126/ trans. Zurayk, pp. 110-111.

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