IBN MISKAWAIH'S CONCEPT OF JUSTICE AND ITS METAPHYSICAL FOUNDATIONS

The importance that the concept of justice occupies in Miskawaih's ethics is evident from the fact that in his celebrated *Tahdhīb al Akhlaq*, one of the seven chapters of the book is devoted to the discussion of justice. But a recently translated monograph, *An unpublished Treatise of Miskawaih on Justice* or *Risāala Fī Māhiyat al – 'Adl li Miskawaih* (ed. and tr. M. S. Khan, Brill, Leiden, 1964), throws some more light on the metaphysical basis of Miskawaih's concept of justice. The *Risāla* indeed helps us to a great extent in the clarification of certain points regarding the sources of his concept of justice which appear to have been presupposed in the *Tahdhīb*. Even the later followers of Ibn Miskawaih's ethics in the Persian tradition i.e. men like Nasir ad-Dīn Tūsī and Jalāl ad-Dīn Dawwānī have only confined themselves to what has been explicitly stated in the *Tahdhīb* without any reference to the *Risāla*. Nor do we find any explicit reference to it in al-Ghazali's *Ihyā' al-Ulūm al-Dīn, Kīmiyā-e-saādah* (*The Alchemy of Happiness*) or his *Mīzān al-'Amal*. The present paper is an attempt to locate the various sources to which we must turn in order to determine the metaphysical strands underlying this important ethico- socio-political concept in Miskawaih's thought. Bereft of these, his treatment of justice in the *Tahdhīb* seems to be nothing more than a clumsy synthesis of a little bit of Plato (of *Republic*) and a number of points discussed by Aristotle in *Nichomachean Ethics*. In his detailed discussion and classification of various kinds of justice, Ibn Miskawaih has followed Aristotle very closely – indeed some of his arguments appear to be mere transliterations of those from Aristotle or, at best, they have been grafted in his thought. The general scheme of virtues is the Platonic cardinal virtues[1] which are also accepted by both his predecessors (like Al-Farabi) and his followers (like Al-Ghazali, Tūsī and others).

The parallels which are evident between Greek thought and Arabic philosophy should not, however, be interpreted as

mere uncritical borrowing or the result of the traditionally high esteem in which Aristotle was held by most of the Arab philosophers. My intention, nevertheless, is not to deny the deep impact which Aristotle had made on the Arab mind. But this was possible only because there were socio-cultural and intellectual affinities between the Greek and the Arab minds. The genius of Aristotle was readily recognised by the Arabs because the path to it was already paved by the earliest filtering of the philosophical ideas of Porphyry and Plotinus in various garbs. Often it was difficult to know whether it was Plato and Aristotle who were masked as Plotinus or the latter as Plato or Aristotle. But at the same time one cannot afford to ignore that the Qurān also contained many elements in its moral code which were very similar to the Greek insistence on virtues like courage, temperance or justice. And these, again, were not complete innovations but continuations or transformations of the old pagan ideals of the nomadic Arabs.[2]

But, above all, the most significant reason for the similarity between the Greek and the Arab approaches to the concept of justice must be found in the linguistic habits of the two people which reflect their forms of life – their culture and philosophy. The Greek word *dikaiosyne* (usually translated as justice) is derived from *dike* which originally meant a way or a path but later came to mean a proper or normal course (even natural). That this meaning was the uppermost in Plato's mind is clear from his account of justice in the individual and in the society. The fact that Plato's account of justice is in fact prescriptive and not descriptive does not alter the situation for what he found to be natural and normal in the human soul was idealized to fit into his understanding of social reality. But when Aristotle tried to trace the signs of the proper or normal course in conduct and virtue, he invariably applied the model of the intermediate or the mean and came to identify the just with the equal (*Nichomachean Ethics*, BK. V : Chs. 3). The general characteristic of justice is proportionality though, of course, Aristotle distinguishes between geometrical and arithmatical proportion, where he treats of distributive and recti-

ficatory justice. The Aristotelian understanding of justice comes very close to the Arabic connotation of the equivalent word *al-'adāla* which is a derivative from the root *'adl* which means 'to make equal'. Another derivative from the same root is *i'tidāl* which also has the same meaning.[3] But the primitive meaning is later extended to include harmony, proportion and moderation which are more evident in the latter derivative term. Hence, it is not surprising that though the Arab thinkers found the scheme of the *Republic* quite acceptable, it was the treatment of justice in *Nichomachean Ethics* which appeared to them more convenient and in accordance with their own understanding of the same.

Justice, for Miskawaih, is one of the four virtues, the other three being *al-hikmah* (wisdom), *al-shajā'ah* (courage or bravery) and *al-'iffah* (temperance or chastity). The *Tahdhīb* assumes the Platonic classification but their detailed discussions are carried on mostly under the shadows of the authentic Aristotle of *Nichomachean Ethics* though at some places the not-so-authentic Aristotle of *Magna Moralia* also seems to influence his formulations. In *Tahdhīb al Akhlaq* (Ch. IV), Miskawaih exalts justice to the position of the highest or the ultimate virtue – nay, it is 'the whole of virtue' – of which other three virtues are manifestations. Wisdom has, however, an edge over the others since it also in turn determines the practical application and adherence to justice in and through certain patterns of conduct. It indeed echoes Aritotle's statement in *Nichomachean Ethics* (BK. V : Ch. 1, 1129 b) that justice is 'complete virtue', 'the greatest of virtues' and that 'in justice is every virtue comprehened'[4]. Since virtuous conduct is always contrasted with those which are manifestly opposed and contrary to it, the general schema of the 'mean' or the 'intermediate' is found to be involved in every practical situation of deciding upon the right course of action. Justice is, therefore, regarded as something which avoids both *zulm* and *inzilām* i.e. doing wrong and being wronged.[5] It, of course, seems difficult to think of a 'mean' in the context of the abstract principle of justice and that is why Aristotle also considers it as having a

mean in its particular forms of distributive and rectificatory justice which he identifies as lying between gain and loss or, in other words, between making others suffer and suffering (*zulm* and *inzilām*). But Miskawaih's acceptance of the principle of mean in general and in the case of justice in particular need not be merely due to Aristotle's influence. *Qurān* also refers to the principle of mean in most unambiguous terms at several places. In an almost Aristotelian strand, the *Qurān* exhorts the virtue of striking the mean between prodigality and niggardiliness (XVII, 26-7, 29; XXV.67). In *Surahs* II. 173, V. 2, and at other places people are in general enjoined upon not to be seduced to act in a transgressing manner. Transgression is almost equated with sin. But not to transgress certain limits is semantically bound up also with various other words which are essential to an analysis of the concept of justice. As earlier pointed out, justice is said to avoid both *zulm* and *inzilām*. But the word *zulm* (V. *Yazlīm*) means to do injustice, going beyond one's own bounds. *Zalim* (unjust) is, therefore, one who transgresses the bounds of God (*hudūd Allah*). Other terms which often occur in the *Qurān* in the same or similar context with *zulm* also have this semantic element in them. For example, *mu'tadī* (participal form of *v. itada*) means one who passes beyond one's proper limit. Al-Baidāwi understands it as *Zalim*, transgressing the bounds of God. And so is *musrif* (from the root *srf*) which means one who exceeds or transgresses the right measure; immoderate, extravagant etc. In *Hadīth* also there are many sayings which extol moderation or the intermediate courage of action as the basis of the good and the virtuous. Ali, the son-in-law of Muhammad, the fourth caliph in the line of actual succession, and the first *Imam* according to the *Shi'a* creed, is said to have pronounced : "Blessed is he who knows his real worth and does not trespass (transgress) his limits" "Do not trespass (transgress) the limits..... Moderation is the path of safety..... We, the true Imams, use modernation in every thing."[6] In the light of this it may not be unreasonable to believe that Aristotle's insistence on finding a mean for particular manifestations of virtues was nothing but a concurrence with an element already present in the

Arab way of life. The period known as *jāhilya* was marked by the excesses of vanity, pride, self-glorification, lust, anger, vengeance, wrath etc. Islam had to bring about a moderating influence over most of these though not rejecting them all. Hence, the need of moderation or the mean. But, it is neither Aristotle nor the *Qurān* which provides the metaphysical basis for Ibn Miskawaih's concept of justice. As we will have an occasion to see later, it is in Pythagoras, Plato and Plotinus that we will have to search for this. Aristotle's view that justice is the greatest or the most complete virtue rests on the assumption that it is involved in the determination of other virtuous acts. But the sense which is involved here is only that of being proportionate or equal (as a mean between more and less). And this consideration is echoed in al Ghazali's *Mizān al-Amal*[7] and at other places. But in Miskawaih we find much more than this.

In the *Tahdhib,* Miskawaih talks of three kinds of justice : (a) Justice within the self, (b) justice with regard to others and the society, and (c) justice in relation to God. As regards the first, Miskawaih holds it to be the disposition of the rational soul which directs all our activities in such a way that harmony and moderation follow. It is this which leads to the coordination of all activities in accordance with 'the right principle'. In the context of the second and the third, Miskawaih includes *al-makafat* (return of benificience and benevolence with good, even sometimes including return of good for evil), *husn al-shirkah,* (fairness in fellowship), *al-sadāqah* (friendship), *al-ulfah* (amity), *silat ar-rahm* (Care of Kin), *al-ta waddud* (acquiring love of others by pleasing manners) *al-'Ibadah* (devotion, worship, reverence and obedience), *taqwa* (fear of God and piety) etc. In general, however, Miskawaih follows Aristotle in regarding fairness, which he understands as *masāwāt* (equality), and law-abidingness as constituting justice.[8] The latter is implied in his admitting of the three authorities (nawāmīs) viz. God, the ruler and money. Miskawaih is in full agreement with al-Farabi in acceptance God as the highest authority of the land or *sharī'ah* as the final and most authoritative law.[9]

In his elucidation of the second kind of justice, i.e. social, Miskawaih, following Aristotle, distinguishes between (i) distributive justice, and (ii) rectificatory justice which has also been translated by some writers as 'reparative' or 'retributive' justice.[10] In distributive justice he talks of geometrical proportion which may be either continuous or discrete i.e. either *al-nisbat al-muttasilah* or *al-nisbat al-munfasilah*. The former can be expressed as the equation : A:B::B:C ('as the line A is to the line B, so is line B to the line C'). Here A and C being persons, and B being the share in the wealth or goods to be distributed we have perfect proportion, i.e. justice. The discrete proportion also demonstrates the same principle : A : C :: B : D (A and B being persons and C and D the portion or share due to them). The relation of the share C to A and of the share D to B must be according to the relative merits of A and B. This equation, *componendo*, also appears as A + C : B + D :: A : B. The same principle holds good for Miskawaih in cases of distribution of public funds, wealth and honour and in transactions of contracts and exchanges.

In the case of rectificatory justice the underlying principle is to establish the arithmetical proportion which will equalise the gains and losses. But even in distributive justice, sometimes, arithmetical proportion appears to be relevant. When distributive justice has not been maintained, a geometrically disproportionate distribution has taken place which can be rectified by taking away the surplus from the one and to restore it to the other who has been wrongly deprieved of his due share. That is why it is likely to be misunderstood that for Miskawaih even some forms of distributive justice consist in maintaining arithmetical proportion.[11] The chief function of rectificatory justice, however, is to restore the original relative position present before the wrong had been done. But this is primarily relevant in civil cases, not in criminal ones. The talk of arithmetical proportion is meaningful in those cases where, by dint of certain damages claimed upon, and paid by the wrong doer, *status quo ante* can be brought back. The final appeal is to the principle of equality which Aristotle has very clearly illus-

trated.[12] The arithmetical proportion has been represented as : The values of A and B being equal,

$$(A + C) - (B - C + C) = (B - C + C) - (B - C).$$

The general principle of taking away from the wrongdoer what he has usurped and restoring it in the same quantity to the one who has been wronged so as to maintain equality (*musāwāt*) and proportion between the parties concerned is clearly brought out in the above equation to which Miskawaih subscribes. This principle which is quite relevant in civil laws and justice can also, with a natural extension, be applied to criminal justice where proportion and equality can be restored partly physically and partly psychologically.

In administering justice in transactions and commerce, the other important factor is money whose function, for Miskawaih, is to maintain social justice (*al-'adl al-madanī*) which is directly under the dictates of the government. The role of *Dīnār* (money) as a measure for the exchange of value (*muqawwīn*) is accepted by Miskawaih for the same reasons which Aristotle has to offer in support of his similar contention. Miskawaih calls it a 'silent agency', one of the laws or authorities (*namūs*) under the higher law of the state. Aristotle also explains the etymology of the word money (*nomisma*, derivative from the word '*nomos*' meaning 'law') and holds that it is justly called a law. Nasīr ad-Dīn Tūsī, following Miskawaih, says : "... money is a just mediator between men, but it is silently just, and the requirement for a rationally just being remains."[13] Hence, the need of a human arbitrator, i.e. the ruler.

In the context of justice towards God, Miskawaih talks of *al-'ibadah* and *taqwa* which can guarantee justice both to God and from God. God also, as the perfect reason, acts according to the rational principle of justice because God, in the *Qurān*, has also promised a fair deal to all men on the principle of justice. No doubt, there lurks here the *mu'tazale* stand that even God does abide by the laws of reason.

The above is a brief account of Miskawaih's views as enunciated in the *Tahdhīb*. Now we may turn to the philosophically

more pregnant account of the same in the *Risāla*. This treatise begins with the classification of justice into (i) Natural, (ii) conventional and (iii) Divine. Though the former two kinds are clearly admitted and discussed by Aristotle, the third one is a blend of Islamic ideology with Platonic and neo-Platonic philosophies. But as we shall see later, it is different from his account in the *Tahdhīb* concerning justice in relation to God. Miskawaih also admits that "there is a voluntary justice peculiar to human beings, but it is included in the three". It does indeed seem incredible that voluntary justice is included in natural and divine justice and, hence, the remark that "it is illogical"[14]. But it becomes clear in the light of his detailed account of natural justice (which will come up in the course of our discussion) where he observes that it is also applied to man "who is the noblest of all existing beings in the world of becoming".[15] Though natural justice and divine justice exist in matter and metaphysical things respectively, man participates in both. Thus, the view that voluntary injustice is included in all the three presupposes Miskawaih's concept of man as expounded in other treatires like *al-Fauz al-Asghar* and the *Tahdhīb*.

To the discussion of natural justice he appends, what he calls, "two accepted premises" : (A) "The Absolute One, the Truth in whom there is no differentiation in any way or by any cause, is the noblest, the most honourable, and the most excellent of all (existing) things. He has, therefore perfection of existence, and abundance of it, in Himself". (B) "The Absolute Good (*Khair al-maḥaz*) is the Perfect Existence of which we say that its perfection lies in the abundance of the good it possesses, since the very nature of the Good is the nature of existence, there being no difference between the two". Since both the above premises underlie his concept of natural justice, we will look at them more closely to understand their metaphycal bases.

(A) In elaborating on the first premise, he asserts the identity of denotation between "The Perfect Being" and "the One, the Truth". This identification is the result of Miskawaih's interest in Plotinus, Plato and the Parmenidean element which

he had, may be unknowingly, gathered through Plato. The differentiationless Absolute One is a clear echo of what has been said in the *Enneads* of Plotinus where the One is described almost as negatively as the *Nirguṇa Brahman* of Śaṅkara. Plotinus is, however, more rigid in his insistence on negating any qualification or description of his One. The premise under discussion presupposes the fundamental antithesis between Being and not-being or Existence and non-existence. This One (without the other) [16] is also termed as "the noblest, the most honourable and the most excellent of all (existing) things". From the above statements it becomes quite logical for Miskawaih to infer that what is opposed to this one (= Being = Existence) is plurality and multiplicity which becomes the cause of all that is 'the basest, lowest and meanest'. The first premise, as we see here, evidently assumes that which is separately asserted in the second premise. The diffusion of existence in things is a movement which takes them towards the other extreme of Many and the non-Truth. It is unity and not multiplicity which accords existence to the things that there are. And the things share in the underlying unifying principle in varying degrees. There are higher and lower degrees of existence, reality and perfection in accordance with the proximation of things to the underlying unity. Though it comes quite near to the Pythagorean concepts of harmony in the universe or Plato's theory of participation it is closest to Plotinus both in language and content. Plotinus, in the Ninth Tractae of the sixth *Ennead* (On the Good, or The One) says :

> "It is in virtue of unity that beings are beings. This is equally true of things whose existence is primal and of all that are in any degree to be numbered among beings. What could exist at all except as one thing ?. Deprived of unity, a thing ceases to be what it is called .... Any thing that can be described as a unity is so in the precise degree in which it holds a characteristic being; the less or more the degree of the being, the less or more the unity"[17].

The concept of perfect unity as identical with Perfect Existence, excluding all multiplicity, opposition or contrariety, is also

found in al-Farabi who held that contrariety implies defect in existence.[18]

(B) The second premise of Miskawaih identifies Perfect Existence with Good – absolute or Good as such (*Khair al-Mahaz*) – free from all contingencies and *accidence*. The application of the term 'good' is due to the fact that "all bodies desired it essentially". Hence, Perfect Existence is that which may also be termed the Desirable in the absolute sense : The Perfect Existence as Pure Form and Unity, the One and the Good is the Being or Reality towards which everything tends or to which all things proximate in order to possess whatever degree of reality they have. There is indeed an element of Platonism here, specially in the identification of Perfect Existence with the Good, but it also combines Aristotle with Stoicism and Plotinism. The Stoics also held that the world is one, harmonious and good. Plotinus did not only agree with the Stoics but also accepted the Platonic view that the One and the Absolute must be wholly transcendent. Miskawaih comes very close to Plotinus who says :

> "This Absolute Good other entities may possess in two ways – by becoming like to It and by directing the Act of their being towards It."[19]

Now, by converting the second premise Miskawaih arrives at the conclusion that the opposite of the Good or the One is evil, not-existence and not-one. That "the good is existence in the One and the evil is non-existence in plurality". But what is the principle of non-existence ?. Miskawaih clearly identifies it with matter. Within the matter – form and potentiality – actually schema of Aristotle's metaphysics, it is the form which imparts reality to particulars. A thing is what it is by virtue, not of matter but, of form. And, when kinetically understood and the reality of change is assumed, it is the actuality of the latent potency which brings something into reality. The highest reality thus becomes Pure Form or Actuality without any matter or potentiality. It is full Existence *per se* which of course becomes a logical prerequisite in Aristotle's philosophy

in the same manner as pure matter is a logical postulate. But the former, not so much the latter, was hypostatized into something ontologically real and existent. This tendency of Aristotle becomes too dominant in neo-Platonism. But apart from the Aristotelian necessity of conceiving of Pure form or Actuality as Perfect Existence, Miskawaih uses certain epithetes for matter which, in ancient philosophy, are found in Plotinus alone and which has only one philosophic parallel in the history of western thought and that is Berkeley's immaterialism. Miskawaih says that since prime matter is an underlying potency for receiving the forms ..... it is connected with many non-existents." This statement, connected with the identification of Perfect Existence with the Good, leads to the further statement that "Matter is, therefore, the mine of evil and its source." And that which gives existence and form to matter is "the mine of good".[20] Plotinus also calls Matter 'the cause of evil', 'a non-existent'.

The identification of good with existence and its opposite with evil manifestly raises a difficulty whereby anything which exists, e.g. things like, disease, tyranny etc. will, by sheer dint of existing, become good and it might be said that it is better that they exist rather than that they do not. But this difficulty is overcome by treating these concepts as belonging to the category of privation (One of the contraries in Aristotle's *categories*). Disease is nothing but the loss of equilibrium in the physical constitution, tyranny is the loss of justice and death is the loss of the activities of the soul in the body. These terms are deceptively positive, affirming the existence of something though in fact they are only negations of something positive. Plotinus also identifies Matter with Privation because it is 'indeterminate, unfixed and without quality'. This state of utter destitution is essentially 'ugliness, disgracefulness, unredeemed evil'.[21] Of the pairs of opposites, one possesses existence, while the other is non-existence. The spectrum of reality is thus delimited by the two ultimate and fundamental contraries of Existence and non-existence, being and non- Being. Within these two extremities lie most of the existents which are relatively more or less 'existent' or 'non-existent'.

While talking of bodies in general, both celestial and terrestrial, Miskawaih admits that 'there must be besides plurality a unifying cause so that all bodies stand under one law'. But there is an inherent supreriority which the heavenly bodies enjoy over the terrestrial ones. The unifying principle in heavenly bodies works most harmoniously due to the presence of the 'fifth element' (an echoe of Aristotle and Avicenna indeed') which is manifested in their circular movement which is the most perfect form of movement. On the contrary, the sublunar world is marked by a certain lack of unity because of the four elements in them that are opposed to one another. Hence their underlying unity is far from being perfect and is marred by strife and struggle among the elements contrary to one another. Thus the eternity of the heavenly bodies is ensured by the oneness in them which preserves existence. But the terrestrial bodies too have something resembling unity and that is equalities between the elements. It is the extent to which equalities exist in them that they come nearer to "Oneness" and "existence" in varying degrees. The equalities may be in substance, in quality or in other categories (Miskawaih talks of the "ten categories". All the Aristotelian categories were totally accepted and termed *al-maqūlāt* by classical Arab philosophers). Miskawaih also talks of 'equality in essence' where the term identity can also be used, e.g. between a drop of water and another drop of water or even between two portions of the same compound as one piece of gold and another piece of gold. The identity of substance can be both an equality of quality and that of quantity. Where there may not be 'equality in essence', there may, however, be equality in quantity and measurement between one portion of one part and a similar portion of the other part. Since this is a phenomenon which is observable by our senses, "natural justice" (in the sense of equality of quality or quantity in physical substances) 'becomes clear to sense- perception'. In his concept of natural justice Miskawaih almost identifies it with equality which, as shown above, is the original meaning of the word *al-'adl.* The clearest analogy in this context can be given from geometry. So, like Aristotle (*Nichomachean Ethics,* V., 4), Miskawaih illustrates this notion

with the help of two equal parts of a line which, when hung horizontally and to whose ends two pieces of earth of equal substance and size are tied, remain parallel and maintain balance and equilibrium, i.e. justice. And, similarly, if two substances are equal in quality, there is also an equilibrium or justice which is described by Miskawaih as congruity with oneness and existence. So natural justice can be maintained between any two physical substances, however different in their respective natures they may be, if there is equality between them on any of the common qualities or points e.g. quantity, worth, relation or any other relevant feature. In case of compound elements or molecules it is the mutual relations of proportion among various constituent elements which enable these physical objects to maintain their inner structure, unity and function. Otherwise, any disproportionate imbalance in them will destroy the nature of such things and this will amount to the prevalence of injustice. In different orders of existence – celestial and terrestrial – proportion and harmony are responsible for giving them relatively more or less unity and permanance. This lesson Miskawaih manifestly draws from the science of Alchemy where harmony of relations is the basic principle.

As regards the application of all that has been said about natural justice to man, Miskawaih rightly feels upon himself the onus of providing an explanation. It might be objected to because man, despite being the most complete compound of all the substances, "is the noblest of all existing beings in the world of becoming". But man is accredited with this nobility precisely because there is a principle in him which unifies the multitudinous faculties, elements and propensities in his psychophysical existence. Miskawaih calls this "common sense" and adds : "..... this one ruler operates in the parts, rejects some of those that are false and confirms that are true."[22] This common sense is over and above the other senses which man shares with some animals. But in man perception is not mere sennation. There is a discriminatory power or faculty which is a rational or spiritual faculty. The functions which Miskawaih assigns to this faculty, i.e. of rejecting the false and

confirming the true, indicate that it is an epistemological concept. It is in 'Knowing' (in the widest sense of the term) that this "common sense" becomes the ruling faculty, giving rise to knowledge as a unity – the Kantian transcendental unity of apperception![23] Now, without there being unity, harmony and balance among the various senses and their product, there may not be any cognitive activity worth the name. Hence, natural justice is also involved here. But since Miskawaih, in his metaphysics and his concept of man, admits human freedom, the exercise and function of this discriminating rational faculty is within the power of man himself. And it is in this sense that Miskawaih affirms in the beginning of the *Risāla* that voluntary justice is involved in natural justice as well. Once we have understood in what sense natural justice is applied to man, the apparent inconsistency or anamoly is dissolved. It, nevertheless, has to be remembered that voluntary justice is involved in natural justice as applied to man.

As for conventional justice, the *Risāla* does not contain much whereas, as has been discussed above, it has been expounded at length in the *Tahdhīb*. However, in the *Risāla* he distinguishes between two kinds of conventional justice, i.e. particular and general. The latter is what is agreed upon by all people. For example, the fixation of the value of all labour and services in terms of gold. The basis of monetary systems is accepted to be gold which ensures parity and harmony in transactions not only in one country but which also systematises and harmonises international trade and commerce. Miskawaih in this short treatise does not mention money or *Dīnār* at all as he has explained its role, function and authority in social justice in the *Tahdhīb*. But here he seems to be concerned more with the fundamental issues which provide a basis and justification for what he has said at length about his ethical theory. So instead of talking about money he justifies and explains the basis of the monetary system and observes that it is gold because of the chemical structure and constitution of this substance. As he says, gold is "the most lasting of all existing objects in the world, and the lightest of all for carrying, most esteemed of all to the soul, most attractive to the eyes and most

precious of all in existence, and most remote from distruction."[24] Hence, the general conventional justice becomes universally applicable not only because of the needs and demands of the economic activity of man but due, also, to the nature of certain substances. Aristotle of course does not talk of general conventional justice but he does talk of political justice as partly natural and partly legal. The former is "that which everywhere has the same force". He also mentions of universal and particulars in case of just and lawful things. Though there is no parallel between Miskawaih and Aristotle on this point, there is still a basis in Aristotle for what Miskawaih had to say later.[25]

Particular conventional justice, on the other hand, may be agreed upon in different cases and contexts – from countries and nations to every house and every pair of individuals. In this conventional and contractual mode of justice the minimum number required to perform justice or to bring about a just situation must indeed be two individuals because social or conventional justice is, by definition, impossible unless the possibility of interaction is guaranteed. Equal rights and claims become meaningful only in the context of social interaction. The need and force behind conventional justice, which is peculiar to each society at a definite stage of its development and growth, is exemplified in the role and the binding nature of our customs. Customs, mostly, reflect the socio-economic and cultural needs, demands, manners and aspirations of a people. That polity also took care of all these phenomena was an accepted view both with the Greeks as well as the Arabs. The efficiency and utility of customs and convention which are changeable, though not arbitrary, are brought out by Miskawaih in these words : "... the ordainer of an institution and the framer of law prescribe certain laws according to the conditions and the ability of the temperaments which they administer, and according to the customs they observe which should not remain for ever and should change with the change of conditions, customs and manners (or peoples)"[26] Thus, in relation to a given time and place, each of these laws is justice and trespassing it becomes injustice and tyranny. Therefore, for Miskawaih, as for Aris-

totle, law-abidingness is one of the significant modes of being just.

Finally, as regards his concept of divine justice in the *Risāla,* Miskawaih does not bring in his views concerning justice in relation to God as expounded in the *Tahdhīb* but is only concerned with nature of justice as manifested in the eternally existent metaphysical and unchanging things. This species of justice is more akin to natural justice than to conventional justice with the difference that whereas the former has no existence except in matter, divine justice is best exemplified in characteristics of numbers. The *a priori* necessity, self-evidence and logical certainty of mathematics have been upheld by philosophers from Pythagoras and Plato to Schlick and Ayer. But Miskawaih is surely drawing on the views of the Pythagoreans. He says : "The follows of Pythagoras illustrate this meaning with number because if a number is separated from the object numbered it possesses in itself necessary qualities and a regularity which does not suffer any changes...."[27]

It is not only the indubitable and unchanging character of propositions in mathematics and geometry which brings out the sense of divine justice but the underlying idea is that of proportions, harmony and equality which is equated with justice. Now on this analogy, if we understand the nature of the immortal soul in man, the rational activity of the highest order is bound to reflect the same order and harmony which we gather from our understanding of numbers and figures in Geometry. For him, voluntary justice is essentially "the cultivation of peaceful cooperation among the different faculties of the soul" – a Platonic idea indeed ! Therefore, so long as man is able to maintain this kind of proportion and harmony (i.e. justice) in soul, he is voluntarily affecting divine justice in the unchanging (*sarmadiya*) life of the soul.

I.I.T. Kanpur. S. A. SHAIDA

NOTES

1. Al-Farabi in *Fusūl al-Madanī* and *At-Tanbīh 'ala Sabīl as-Sa'dah* is closely Aristotelian in his treatment of the cardinal and other virtues. Al-Ghazali in *Mīzān al-'Amal* also accepts the Platonic-Aristotelian approach. For different sources of influence on Miskawaih see D. M. Donaldson's *Studies in Muslim Ethics* (S.P.C.K. London, 1953), and articles on 'Akhlaq' and Ethics in *Encyclopaedia of Islam* and *Encyclopaedia of Religion and Ethics.*

2. For a lucid discussion of the point as to how the pre-Islamic virtues got transformed and assumed new meaning and basis with the introduction of Islam, see Toshihiko Izutsu's *Ethico-Religious Concepts of the Qurān,* (McGill University, Press, 1966).

3. Miskawaih himself recognises it in *Al-Mawāmil Wash-Shawāmil* (authored jointly with Abū Hayyān al-Tawhīdī, eds. Ahmad Amin and Ahmad Saqar, Cairo, 1951).

4. Nasīr ad-Dīn Tūsī has the same things to say about justice. "..... none is more perfect than the virtue of Justice" and "..... justice is not a part of virtue, but all virtue in its entirety". *The Nasirean Ethics* (Tr. G. M. Wickens, George Allen and Unwin, 1964), pp. 95 & 98.

5. Nasir ad-Dīn Tūsī also says : "Now, since deviations refer to two kinds, one necessarily arising from transgressing in the direction of of excess and the other necessarily arising from transgressing in the direction of neglect; therefore, corresponding to every virtue are two classes of vice, the virtue standing at the middle-point and the two vices at two extremes ... two (vices) correspond to Justice namely Injustice and the suffering of wrong". (The words used in the original text are *zulm* and *insilām*). *The Nasirean Ethics, Op. cit.,* pp. 86-7,

6. See *Sermons of Ali* : *Nahjul Balāgha,* ed. and tr. Dr. Md. Ali Al-Haj Salmin (Bombay, 1956), pp. 307 and 248 respectively.

7. *Mizān al-'Amal* (Al Matba' at al-Arabiah, Egypt, 1342 A.H.), pp. 64 and 70-71.

8. *Nichomachean Ethics* (Ross's translation), BK. V, Chs. 1-2, esp. 1129a and 1130b.

9. See Al-Farabi's *Fusul al-Madanī* and other works. *Nasir ad-Dīn Tūsī* also admits it and refers to Aristotle though it is not explicitly stated in *Nichomachean Ethics, The Nasirean Ethics, op. cit.,* p. 97.

10. M. A. H. Ansari's The *Ethical Philosophy of Miskawaih* (Aligarh Muslim University, Aligarh, 1964), p. 110. See *Tahdhīb al-Akhlaq,* (Cairo, 1329 A.H.), pp. 94-95. Though there are about five editions

of this book published at Cairo between 1305 and 1329 A.H., the latest edition is referred to here. The same edition has been referred to by Dr. Ansari.

11. Dr. Ansari (*Op. cit.*, p. 110) fails to understand this when he observes: "This proportion (i.e. continuous) can also be called arithmetical proportion". Though the problems of distributive justice often lead to those of rectificatory justice, the two are distinct and should not be mixed up. Miskawaih is quite Aristotelian in maintaining the distinction between the two.

12. The entire discussion of social justice in *Tahdhīb al-Akhlaq* (ch. IV) is a very faithful reproduction of *Nichomachean Ethics*, BK. V, Ch. 2-4. And Nasīr ad Dīn Tusī has nothing to add significantly but only elaborates Miskawaih's Chief conclusions with repeated allusions to Aristotle. See The *Nasirean Ethics*, (*Op. cit.*), First Discourse, Second Division, Seventh Section, pp. 95 ff.

13. The Nasirean Ethics, *Op. cit.*, p. 97, *Tahdhīb Op. cit.*, p. 96; *Nichomachean Ethics*, BK. V, Ch. 5.

14. *An Unpublished Treatise of Miskawaih on Justice or Risāla Fī Māhiyat Al-'Adl Li Miswawaih* ed. & Tr. by M. S. Khan (Brill, Leiden, 1964) hereafter, *Risāla*, p. 21. The remark by the translator occurs in footnote, 2.

15. *Ibid.*, p. 28.

16. Miskawaih uses the word *gharīyah* which literally means 'otherness' *Ibid.*, p. 12.

17. Plotinus *The Enneads*, Tr. Stephen Mackenna (Revised edition, Faber and Faber, 1956) VI, 9.1, p. 614 See also VI, 7.41 for the non-dual One, the First.

18. Al-Farabi *Fusul al Madanī*, Ed. D. M. Dunlop, Cambridge, 1961) p. 50.

19. *The Enneads, Op. cit.*, I, 7.1. Elsewhere, Plotinus also talks of the participation of Virtue in the Good, I. 8.8.

20. *Risāla, op. cit.*, pp. 13 and 23. Miskawaih states that matter is the source of evil also in his *Fauz al-Asghar*. Plotinus speaks of the metaphysical necessity of assuming the existence of Evil as the Last in contradistinction from the First which he identifies with the Good. He says :

"Given that the Good is not the only existent thing, it is inevitable that, by the outgoing from it or, if the phrase he preferred, the continuous down going or away going from it, there should be produced a Last, something after which nothing more can be produced : this will be Evil.

As necessarily there is something after the First, so necessarily there is a Last : this Last is Matter, the thing which has no residue of good in it : here is the necessity of Evil." *The Enneads,* I. 8.7 See also II, 4.16.

21. *The Enneads,* II, 4.16. See also I. 8.6, II. 4.14. 15.
22. *Risāla,* p. 28.
23. Miskawaih's reference to the "common sense" shows the influence on him of what, Aristotle has said in *De Anima,* 426b-427a. But calling it a 'ruler' or a 'ruling faculty' betrays the Stoic influence more than that of Aristotle.
24. *Risāla,* p. 29.
25. See *Nichomachean Ethics,* BK. V : Ch. 7.
26. *Risāla,* p. 30 Comp. also al-Farabi, *Fusul al-Madanī* (Op. cit.) p. 51, where he speaks of the purpose of the earlier generations being carried over into the laws and traditions of the later ones.

    Aristotle also offers the relativistic account of human enactments, though he admits, within this general frame of reference, that 'there is but one which is everywhere by nature the best'. *Nichomachean Ethics,* BK. V : Ch. 7.
27. *Ibid,* p. 31. Farabi also says that numbers do not change. *Fusul al-Madanī, op. cit.,* pp. 30-31. Miskawaih might have also borrowed from al-Kindi who was a mathematician and held neo-Pythagorean principles.

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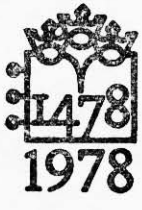

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