

center within the dominant ideologies and systems of thought, and presents instead a project of solidarity that aims to create a dialogue between cultures. This chapter concludes with a discussion of Arkoun's new ethos expressed in terms of individual autonomy, community, and cosmopolitan thought. These concepts are essential to civil societies in which individuals' rights to freedom of thought and belief, tolerance, and respect for differences should be promoted. Arkoun advocates and defends the project of interreligious dialogue to combat religious fundamentalism and extremism, both of which continue to pose a threat to our societies today. This chapter is a synthesis of Arkoun's thought with the aim of establishing a link between all the previous chapters in order to shed light on Arkoun's ethical and humanistic thought. The conclusion ends with an evaluation of Arkoun's contemporary intellectual project to show the relevance of his thought to our times.

### 3.1 Mohammed Arkoun's rereading of the Islamic thought of Miskawayh (d. 1030): A multifaceted concept of justice<sup>18</sup>

This chapter deals with the Islamic concept of justice according to the Muslim philosopher Miskawayh and the contemporary thinker Mohammed Arkoun. Justice in Arabo-Islamic philosophy describes how Muslim individuals should behave and treat each other. By definition, "justice is in accordance with the highest virtues which establish a standard of human conduct".<sup>19</sup> Humans are encouraged to adhere to a minimum standard of duties and to act in accordance with the divine virtues as much as possible.<sup>20</sup> The divine virtues are laid down in revelation—the Qur'an and Tradition, but Muslim philosophers have derived their concept of justice not only from Islamic sources but also from Greek and Persian philosophers.<sup>21</sup>

In this reflection, I would like to introduce the concept of justice according to the Muslim philosopher Ahmad ibn Muhammad Miskawayh (d. 1030). I chose Miskawayh because he is one of the most important Muslim philosophers to whom Arkoun devotes a study. In addition, as mentioned earlier, Arkoun did not develop an explicit concept of justice in his contemporary project. Early in his academic career, he dedicated his dissertation to Arabo-Islamic philosophy, entitled *Contribution à l'étude de l'humanisme arabe au IVe/Xe siècle: Miskawayh, philosophe et historien* (1970), and to

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18 This chapter is based on the following article: Karoui, Kaouther (2021): "The Theory of Justice between the Humanism of the Classical Muslim Thinker Miskawayh and the Contemporary Thought Project of Mohammed Arkoun". In Sebastian Günther Yassir El Jamouhi (eds.), *Islamic Ethics as Educational Discourse: Thought & Impact of the Classical Muslim Thinker Miskawayh (d. 1030)*. Tübingen: Mohr Siebeck, pp. 321–336.

19 Khadduri 1984: 107.

20 Khadduri 1984: 107.

21 Khadduri 1984: 107.

Miskawayh's humanist thought. As a Muslim researcher studying at the Sorbonne, Arkoun aims to communicate and translate the ethical and humanistic tradition of Islamic philosophy to Western readers and to sensitize 'Arab' Muslims to their humanistic heritage. For this reason, in addition to my presentation of Miskawayh's theory of justice, I would also like to present how Arkoun, as a contemporary thinker, interprets and reflects on Miskawayh's concept of justice.

I give a brief overview of Miskawayh's thought to highlight the importance of his intellectual project. Indeed, Miskawayh is considered the most important philosopher to occupy a central place in the Muslim tradition of philosophical ethics.<sup>22</sup> Miskawayh was also an ethical philosopher himself, for he refined some of the Greek ethical theories and reformulated them in the context of Islamic morality.<sup>23</sup> In addition, Miskawayh was an active scholar in many fields of knowledge. His main contribution was in two fields of study: history and ethics.<sup>24</sup> I focus on the field of ethics, which concerns the concept of justice and is the main topic of this chapter. His most important and influential work on ethics is *The Refinement of Character: Tadhīb al-Akhlaq* (2002). *The Refinement of Character* is an important book because it occupies a prominent place in Muslim ethical literature. It deals with a wide and diverse field, including Islamic religious tradition, literary studies, and especially ethical philosophy.<sup>25</sup> The book refers to the Greek science of ethics as part of practical philosophy.<sup>26</sup> In doing so, Miskawayh draws on the Greek ethical theories of Plato and Aristotle and on some of the later Greek writers who lived in the late period of the Roman Empire.<sup>27</sup>

This chapter is divided into three main sections, extended by two excursions to explain in more detail, in agreement with Arkoun, that the concept of justice is introduced in early Islamic thought within two approaches to thought: Islamic legacy and Greek rational thought, which decipher the humanistic and rational approaches to Arabo-Islamic philosophy.

The first section introduces Miskawayh's concept of justice on two levels: Divine justice and human justice. Divine justice is presented in terms of the spiritual relationship between man and the divine. Human justice is reconstructed in terms of transactional and social theories of justice. I argue that in his study of the concept of justice, Miskawayh combines the metaphysical concept of justice – divine justice – and the practical concept of justice, a combination that is a hallmark of studies of humanity.

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22 Zurayk 2002: xvii.

23 Khadduri 1984: 111.

24 Zurayk 2002: xiii.

25 Zurayk 2002: xv.

26 Zurayk 2002: xv.

27 Zurayk 2002: xv.

The second section presents Arkoun's interpretation of Miskawayh's concept of justice. Arkoun claims that Miskawayh's concept of justice is based on Plato's idea of 'universal justice,' which establishes a link between the concepts of divine justice and human justice. Arkoun also interprets Miskawayh's concept of human justice in line with Aristotle's political thought. Arkoun explores how Miskawayh's concept of justice is influenced by Greek thought. He further assumes that Miskawayh's political thought was developed in conjunction with the Islamic political legacy.

The first excursion presents the 'Three Laws' that govern social and political justice in the realm of human interaction. I would like to emphasize that Miskawayh's concept of justice is based on the Islamic perspective. Therefore, the convergences and divergences between Miskawayh's, Plato's and Aristotle's concept of justice will be presented in order to claim that Miskawayh unites Islamic religious tradition and Greek philosophical ethics. This translates his humanist approach and shows that Miskawayh is not simply an interpreter of the Greek philosophical tradition.

The third section deals briefly with Arkoun's concept of philosophical humanism, which he introduces at the end of his dissertation on Miskawayh. The concept of philosophical humanism plays a crucial role in Arkoun's contemporary intellectual project, in which he affirms that religious thought should be interpreted through reason to avoid orthodoxy. This assessment would confirm Arkoun's central claim about Miskawayh's independent philosophical achievement in terms of Islamic humanism.

The second excursion introduces the Islamic doctrine of 'voluntarism' to claim that the Islamic ethical doctrine enables philosophical humanism and, thus, rational thought. In this regard, 'voluntarism' supports that justice is determined by reason. Since individuals are responsible and self-determined, they can make choices and control their moral behavior. Thus, with the help of reason, individuals can decide what is appropriate for them in the realm of ethical behavior and take responsibility for their choices.

### **Miskawayh's theory of justice and the influence of Plato's and Aristotle's ethos**

Miskawayh wrote a groundbreaking ethical treatise in Arabic, *Tahdhīb al-akhlāq* (1961), which appeared in English under the title *The Refinement of Character* (2002). Considering this manuscript, the concept of divine justice as an expression of the purification of the soul will be explained below based on Miskawayh's Islamic philosophical ethics. In addition, Miskawayh's detailed analysis of justice as it relates to human action is presented, which states justice in terms of human social interaction. As part of my commentary on Miskawayh's concept of divine justice and justice in human interaction, I point out his references to Plato's *Republic* and Aristotle's *Nicomachean Ethics*, which have been remarked upon by scholars such as Majid Khadduri (1909–2007) and Majid Fakhry (1923–2021), making an interesting

contribution to Islamic theory of justice. Thus, the key to denoting Miskawayh's Islamic philosophical ethic is to highlight his mediation on Plato's and Aristotle's theories of justice and, most importantly, to show that Miskawayh was not a pure imitator of the Greek philosophical thought, but he associates aspects of Islamic religious ethics with Greek philosophical ethics.

### **Divine justice as an expression of the purification of the soul: Based on the metaphysical virtues of Plato**

The concept of justice in Arabo-Islamic philosophy is discussed on two levels: divine and human justice.<sup>28</sup> For this reason, I present Miskawayh's concept of justice both on the level of divine justice and on the level of human justice to make it clear that he provides a multifaceted examination of the concept of justice by examining it on different levels.

Let us first briefly discuss divine justice as it is portrayed in the Islamic legacy with emphasis on the Qur'an and early Islamic philosophy. Divine justice is expressed in the Qur'an as follows: God is never unjust to His servant;<sup>29</sup> "My Lord commands righteousness,"<sup>30</sup> "God does not love evildoers,"<sup>31</sup> "Let harm be requited by an equal harm . . . He does not like those who do wrong."<sup>32</sup> These Qur'anic verses clearly show that the Divine calls upon humans to do justice. Therefore humans must embody justice in their behavior, because the Divine strictly commands it.

Majid Fakhry argues that the most explicit prediction of divine justice occurs in another verse of the Qur'an; the verse states: "God commands justice, doing good, and generosity towards relatives and He forbids what is shameful, blameworthy, and oppressive. He teaches you, so that you may take heed."<sup>33</sup> Fakhry also mentions that divine justice is described in terms of adjectival nouns. These nouns are in the list of the 99 'beautiful names' of God.<sup>34</sup> Names of God are names attributed to God in the Islamic legacy. Some names are known from either the Qur'an or the Tradition, while others are found in both sources. One of these nouns is al-'adl. The Just meaning that God is just and ensures that justice prevails in the behavior of people. Divine justice in the Islamic legacy, then, is about how Muslims can embody justice, a value prescribed in the Islamic scriptures that God requires of Muslims.

Earlier Islamic philosophy does not contradict Islamic legacy on the issue of divine justice. Islamic philosophy sees that divine justice is about the relationship be-

28 Khadduri 1984: 107.

29 The Qur'an, Chapter 3, The Family Of 'Imran; Verse 182.

30 The Qur'an, Chapter 7, The Heights; Verse 29

31 The Qur'an, Chapter 3, The Family Of 'Imran; Verse 57 and Verse 140

32 The Qur'an, Chapter 42, Consultation; Verse 40.

33 The Qur'an, Chapter 16, The Bee; Verse 90.

34 Fakhry 1991: 14–15.

tween humankind and the divine and that humankind must embody justice, and also sets out how it is possible for humankind to do so. Therefore, Islamic philosophy has raised the issue of the soul, as it is stated in the Qur'an in Chapter 91 entitled *The Sun*, which states that the soul should be purified in order to achieve justice. The verses of this Qur'anic chapter declare "(...) by the soul and how He formed it and inspired it [to know] its own rebellion and piety! The one who purifies his soul succeeds and the one who corrupts it fails."<sup>35</sup> Indeed, both Islamic legacy and early Islamic philosophy reflect how it is possible for humankind to embody divine justice. In this sense, divine justice is achieved by human beings when they find a balance between the faculties of their souls to achieve happiness, perfection and excellence, which are characteristics of a just person.

As a Muslim philosopher, Miskawayh develops his concept of divine justice based on Islamic legacy and philosophy by showing the characteristics of the soul's faculties and explaining how the soul can be purified to achieve justice. In this context, I will address the questions: How does the soul attain the virtue of justice? And how does the purification of the soul enable humankind to approach the divine?

In the first discourse of *The Refinement of Character*, subtitled "The Principle of Ethics: The Soul and its Faculties; the Good and Happiness; Virtues and Vices," Miskawayh discusses the nature of the soul. He affirms "Having found within man something which, by its definition and properties, is opposite to bodies and parts of bodies and, by its actions, is opposite to the actions and properties of the body."<sup>36</sup> Hence, the soul is both the opposite and a part of the body. The soul is part of the body because it lives in the body, which is its abode, but the action of the soul is opposite to the actions of the body because the soul is a substance, and the body is accidental. The soul claims eternity and intelligence, while the body claims contingency.

To explain the characteristics of the soul, Miskawayh claims that the soul strives for the sciences and forms of knowledge to constitute its virtue.<sup>37</sup> Indeed, the human shall "pay greater attention to his soul and puts in [strives with] all his power and capacity to renounce the things which hinder him from achieving the virtue".<sup>38</sup> Like Plato in his theory of the soul, Miskawayh distinguishes between the soul and the body, and joins a virtuous characteristic to the soul. This is to claim that the soul is the essence of humankind because it is incorporeal and immortal. Miskawayh also, like Plato, perceives that the soul is striving for knowledge to achieve virtue. This is achieved by training the soul to perform rationally. The question must be asked: How can the soul abandon desire and realize virtue?

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35 The Qur'ān, Chapter 91, *The Sun*; Verses 7- 8- 9-10-11.

36 Miskawayh 2002: 5

37 Miskawayh 2002: 10.

38 Miskawayh 2002: 10.

Based on his interpretation of Plato's metaphysical values, Miskawayh argues that there exist three faculties of the soul, which human beings shall temper to achieve virtue: "The rational faculty is called the kingly, and the organ of the body it uses is the brain. The concupiscent faculty is called the beastly, and the organ of the body which it uses is the liver. The irascible faculty is the leonine, and the organ of the body which it uses is the heart."<sup>39</sup> This is similar to how Plato classifies the soul. Indeed, for Plato, reason, spirit, and appetite are the three faculties of the soul: Appetite enhances the worldly desires and selfishness; the spirit soul is courageous and has a strong will; reason is to calm desire and selfishness caused by the appetite-soul, and balance the bold and strong will that characterizes the spirit-soul.<sup>40</sup>

As we see, Plato accords a principle role to the rational soul. In this way, we understand that the rational soul is the responsible agent for moderating yearnings. In the same line of thought, Miskawayh conceives that the rational faculty is an intermediary between the beastly and the leonine faculties. The rational faculty produces virtuous acts because the rational soul is supervised by reason. When the soul is guided toward knowledge it will not act wrongly. As Miskawayh explains, when the activity of the rational soul is moderate, and when the soul seeks true knowledge, it achieves the virtue of knowledge followed by that of wisdom. When the activity of the beastly soul is moderate, when it yields to the rational soul, and does not reject what the latter allots to it, and when it does not indulge in the pursuit of its own desires, it achieves the virtue of temperance followed by that of liberality. Similarly, when the activity of the irascible soul is moderate, when it obeys the rational soul and what it allots to it, it achieves the virtue of magnanimity followed by that of courage.<sup>41</sup> "Then, when all these three virtues are moderate and have the proper relation one to another, a virtue is produced, which represents their perfection and completeness, namely the virtue of justice."<sup>42</sup>

Besides the discussion of the nature of soul underlying its faculties to achieve purification, in the fourth discourse of *The Refinement of Character*, which clearly deals with the matter of justice, Miskawayh goes on to cite a statement by Plato, from which he highlights the question of how the soul of humankind, by the achievement of the virtue of justice, as the completeness of the other virtues, becomes nearer to God. Miskawayh argues when man acquires justice, every part of his soul illumi-

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39 Miskawayh 2002: 15.

40 See: Plato, *The Republic*: book 4 which explain in detail three parts of soul. Or, among other places, books 8 and 9 of the Republic.

41 Miskawayh 2002: 15

42 Miskawayh 2002: 15–16.

nates every other part. Thereby all the other virtues are achieved in the soul in the best possible way. This is the happy man's nearest approach to God.<sup>43</sup>

In this regard, we note that Miskawayh's concept of divine justice is "defined not as governing the moral relationship among gods but as the relationship between God and man."<sup>44</sup> One can understand that Miskawayh bases the concept of divine justice on the Islamic principle of the oneness of God. Therefore, he rejects the multiplicity of gods as emphasized in ancient Greek thought and trusts in the oneness of God. I argue that belief in the oneness of God is the pillar of a monotheistic religious tradition called *Tawhid*. This observation also underscores Miskawayh's intellectual humanism and transcultural approach, by which he links two traditions together as "... an effort to achieve harmony of Greek philosophy and religion."<sup>45</sup>

The main characteristic of divine justice, according to Miskawayh, consists of the harmony between the soul and the body. Divine justice is realized only if man is able to harmonize the excesses of his natural passions by equilibrium or proportion (*i' tidāl*). It exceeds materiality and seeks the apprehension of the intelligible. In a word, divine justice is a spiritual relationship between God and man. It transcends the relationship between man and nature or between man and man.<sup>46</sup> On the one hand, I assume that it is pivotal to rethink the abstract conception of divine justice that encourages the self-divinization of humankind, where the soul as divine agent could moderate the corporal. However, I want to highlight that the conception of divine justice introduced by Miskawayh, under Plato's influence, is still insufficient in the realm of practical ethics. The conception of divine justice is restricted to the individual sphere of the human being and his relationship with God. Indeed, it does not include justice in the social sphere of human interaction. This prompts me to discuss how Miskawayh thinks about the concept of justice as it relates to human interaction.

### Justice in relation to human social interactions: Based on the practical ethics of Aristotle

Human justice in Islamic ethics deals with the ability of human beings to imitate or to reproduce the value of divine justice in the sphere of human interactions, for instance in terms of economic, political, and social spheres. Miskawayh believes that the measure of establishing justice on a practical level is related to the concept of equality. He argues that equality gives meaning to justice. Therefore, equality is established between individuals and in all spheres of human interactions when justice

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43 Miskawayh 2002: 110–111.

44 Khadduri 1984: 111

45 Khadduri 1984: 111

46 Fakhry 1975 a: 246; Fakhry 1975 b: 42; Khadduri 1984: 111–112.

is applied as a principle. Miskawayh defines the term equality as follows: “the etymology of the word equality indicates to you its meaning. For counterbalance (*'idl*) in loads, equilibrium (*i 'tidāl*) in weights, and justice (*'adl*) in actions are all derived from the meaning of equality (*musawah*)”.<sup>47</sup> He observes that the notion of equality “in its basic meaning, it is unity or a shadow of unity”.<sup>48</sup> Thus, as I understand it, equality could not be a principle of measuring to define economic and social justice. For this reason, Miskawayh draws on Aristotle’s concept of proportion to realize human justice. He explains: when we cannot attain that equality which is sameness within multiplicity, we resort to proportion (*i 'tidāl*) to achieve equality.<sup>49</sup>

In Aristotelian terms, to proportion is to equally grant distributive justice between individuals on their own merits.<sup>50</sup> In this respect, Miskawayh distinguishes between three types of proportions to establish justice: discrete proportion, continuous proportion, and geometrical proportion.<sup>51</sup> In line with these proportions, Miskawayh enumerates three types of justice regarding human activity: The first is justice relating to the division of money and honors; second is justice relating to the division of voluntary transactions such as selling, buying and exchange; and third is justice in involuntary transactions, in which injustice and violation of rights could be committed.<sup>52</sup>

In order to promote a clear understanding of Miskawayh’s theories of justice in the realm of human activities and in accordance with their proportions, I propose to refer to the first and second kinds of justice as transactional justice, by which I mean economic exchange between individuals. The third kind of justice – that of involuntary transaction – I will call social justice, which deals with mutual assistance between humans.

I shall now explain the three types of justice and how they function with their appropriate proportion (*i 'tidāl*) to determine equality. Miskawayh explains that the first type, which is justice according to the division of money and honors, a type of transactional justice, takes the form of a discrete proportion. An instance of this is the equitable distribution of privileges between people of the same rank. The second type of transactional justice, justice according to the division of voluntary transactions such as selling, buying and exchange, sometimes takes the form of discrete and continuous proportions. The discrete proportion entails that, in economic exchange,

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47 Miskawayh 2002: 101.

48 Miskawayh 2002: 101.

49 Miskawayh 2002: 101.

50 In *Nicomachean Ethics*, Book 5, Aristotle discusses “distributive justice in accordance with geometrical proportion.” Aristotle claims “awards should be ‘according to merit,’ for all men agree that what is just in distribution must be according to merit in some sense.”

51 Miskawayh 2002: 101.

52 Miskawayh 2002: 102.

each man shall share the same transaction as others in the same rank.<sup>53</sup> I understand this to mean that the notion of transactional justice has the same meaning as Aristotle's concept of distributive justice, in that distributive justice involves dividing benefits and burdens fairly among members of a community.<sup>54</sup> The third, justice of involuntary transaction, which I call social justice, is nearer to the geometrical proportion. It deals with human relationships between one man and another. When the latter annuls this relation by doing injustice to the former, justice requires that the former does the same injustice to the latter by involuntary action.<sup>55</sup> As a result, the concept of social justice is equivalent to Aristotle's notion of distributive justice. In this sense, distributive and social justice reestablish a fair relationship between individuals.<sup>56</sup>

In sum, human justice is dealing with justice in actions. It is produced in the realm of human interaction as in the economic – distributive – and social spheres. It is to provide a fair and just distribution of goods among individuals in the transactional realm; further, it calls for just conduct among individuals.

One could argue that Miskawayh's theory of justice is shaped through a multifaceted concept. In this regard, Khadduri comments on Miskawayh's concept of divine and human justice by claiming that Miskawayh brings together two levels of justice.<sup>57</sup> Divine justice is "(...) a spiritual relationship between man and God (...), it is the fulfillment of man's legal and religious duties toward God".<sup>58</sup> Human justice is expressed with a praxis notion of justice, dealing with the relationship among natural and physical bodies, or between humans.<sup>59</sup>

In other words, there exists divine justice; it only exists in terms of the transcendental relationship between the individual and God to determine divine virtues. Human justice deals with human relationships. It is to determine a just and good conduct of individuals in the sphere of social interactions and economic exchanges. I suggest that Miskawayh develops a notion of humanism (*al-ansana*) as the main achievement of the connection between the notion of divine justice and human justice. In this manner, "Humanism – in particular, *humanista studia* – was the key to the success of this symbiotic relationship (i.e., between theory and praxis)."<sup>60</sup> As theory, justice refers to the relationship between God and man, while as practice justice refers to human relationships.

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53 Miskawayh 2002: 102.

54 See Aristotle, *Nicomachean Ethics*: 67–74, 76; 1129a–1132b, 1134a.

55 Miskawayh 2002: 102.

56 See Aristotle, *Nicomachean Ethics*: 67–74, 76; 1129a–1132b, 1134a.

57 Khadduri 1984: 111–112.

58 Khadduri 1984: 112.

59 Khadduri 1984: 111.

60 Radez 2015: 32.

In addition, humanism (*al-ansana*) is developed by Miskawayh through the concept of reason. Reason realizes divine justice when the rational soul triumphs over the concupiscent and irascible faculties to achieve it. Furthermore, the faculty of reason exists to monitor human behavior in the realm of human interaction, because when they use the faculty of reason, humans will act in a correct manner. In this case, I agree with Radez who claims that Miskawayh not only made a connection between Platonic and Aristotelian ethics, but also placed moral knowledge in a rationalist context.<sup>61</sup> In doing so, he uses reason to regulate human behavior in the realm of human interaction and as a principle to achieve divine justice.

### Arkoun's interpretation of Miskawayh's theory of justice

Focusing on Arkoun's interpretation of Miskawayh's theory of justice, my working material consists of Arkoun's dissertation on Miskawayh entitled: *Contribution à l'étude de l'humanisme arabe au IVe/Xe siècle: Miskawayh, philosophe et historien* (1970), and the part on "Conditions d'accès au bonheur" [conditions for access to happiness]. I structure this section as follows: First, I emphasize that Arkoun interprets Miskawayh's concepts of divine justice and human justice as interconnected. Arkoun sees that Miskawayh was influenced by Plato's idea of universal justice, which a wise man must hold. Second, I present Arkoun's interpretation of Miskawayh's detailed analysis of the concept of justice. The point is to illuminate how Arkoun shows that Miskawayh's political ideas were inspired by Aristotle's political philosophy.

At the first level of Arkoun's interpretation of Miskawayh's concepts of divine justice and human justice, which are interconnected in reference to Plato's idea of universal justice, Arkoun emphasizes that Miskawayh points out the general orientation of the virtue of justice, dependent upon the works of Plato.<sup>62</sup> The general orientation of the virtue of justice signifies Plato's concept of divine justice, which Arkoun understands as being possible once humankind achieves a harmonization between divine and human justice.<sup>63</sup> Arkoun indicates that Miskawayh developed the concept of justice on three levels: Divine justice, is the expression of unity and perfect existence.<sup>64</sup> Natural justice, then, is determined by the unity of celestial bodies and by the equality of the bodies around us.<sup>65</sup> Human justice exists in two realms: There is justice resulting from free choice or voluntary justice and institutional justice. Vol-

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61 Radez 2015: 33–34.

62 Arkoun 1970:292.

63 Arkoun 1970:293.

64 Arkoun 1970:293.

65 Arkoun 1970:293.

untary justice results of the equilibrium between the three faculties of the soul,<sup>66</sup> and institutional justice concerns the equitable economic exchanges.<sup>67</sup>

Arkoun interprets Miskawayh's concept of justice in line with Plato's concept of the idea of universal justice as combination between divine and human justice. In this regard, Arkoun explains that the divine justice, and voluntary as well as institutional justice, are mutually and reciprocally correlated. Although voluntary justice and institutional justice deal with justice in human interaction activities, the key to ethical and good behavior is seen in the ability of human beings to achieve unity between divine virtues and human virtues of justice, therefore, of the *Unity* through proportion (*nisba*), equality and equilibrium.<sup>68</sup> Since there is homology of structures between the order of the world, the arrangement of the soul, and the organization of the city.<sup>69</sup>

Additionally, Arkoun explains that once humans achieve harmonization and union between divine and human virtues of justice, they attain an idea of universal justice.<sup>70</sup> Therefore, humans imbued with this idea of universal justice will be a living link between the upper world and the lower world.<sup>71</sup> In a word, the idea of universal justice represents a correlation between the divine and human virtues of justice. Humans should realize the idea of universal justice in order to act in the lower world in accordance with the divine virtues. In addition, Arkoun states that the human who embodies the idea of universal justice will be the embodiment of Beauty and Truth which are the content of Plato's idealism.<sup>72</sup> Arkoun maintains that Miskawayh emphasized the idea of universal justice more than other Muslim philosophers and in line with Plato's idealism.<sup>73</sup>

Like Arkoun, Khadduri explains the idea of the union of the divine and human virtues of justice in Miskawayh's thought. Khadduri quotes him (Miskawayh): "The truly just man,' Miskawayh said, 'is he who harmonizes all his faculties, activities, and states in such a way that none exceeds the others . . . desiring in all of the virtue of justice itself and not any other object . . . He can achieve this only if he possesses a certain moral disposition of the soul out of which, and in accordance with which, all his activities come forth".<sup>74</sup> In the following, I explain who this "just man" is, who will promote a universal idea of justice as a link between divine and human justice.

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66 Arkoun 1970:293.

67 Arkoun 1970:293.

68 Arkoun 1970:293.

69 Arkoun 1970:293.

70 Arkoun 1970:293.

71 Arkoun 1970:293.

72 Arkoun 1970:293-294.

73 Arkoun 1970: 293-294.

74 Khadduri 1984:113; Miskawayh 2002: 100.

In his article entitled “Greek thought in Arab ethics: Miskawayh’s theory of justice” (2000), Yasien Mohamed, in contrast to Arkoun, assumes that Miskawayh adopted Plato’s theory of justice of the soul and developed his concept of social justice following Aristotle.<sup>75</sup> For Mohamed, the general orientation of the virtue of justice or the universal concept of justice, thus, develops following Plato and Aristotle, and not only through Plato, as Arkoun depicts it.

Arkoun explores the question of who is the person capable of promoting divine justice in the realm of human interaction based on his interpretation of Miskawayh’s concept of justice. In other words, the question must be asked: Who is this man who has appropriated the idea of universal justice and succeeded in reproducing the divine virtues of justice in the subordinate world of human interaction? In this regard, Arkoun declares that Miskawayh “was haunted by the Iranian ideal of a righteous ruler, the figure of the Imam, master of justice, and the daily spectacle of a city gone astray” [translation mine].<sup>76</sup> As Arkoun affirms, Miskawayh, like Plato, was sensitive to the need to overcome the contingency of history by opening moral and political leadership to the transcendence.<sup>77</sup> In addition, Arkoun argues that the figure of the righteous Imam could be interpreted as Socrates, and what’s more, as Plato and Aristotle’s idea of the wise man. When, according to Plato and Aristotle, the virtue is formed and reached by the wise man, every man is capable of discerning and choosing the Good in all circumstances.<sup>78</sup>

From a comparative perspective, I would like to briefly point out the divergence between Plato’s and Miskawayh’s concepts of the ‘sage’ that Arkoun does not address. The main characteristics of ‘wise men’ according to Plato are that they must be the embodiment of the idea of good; they must be heroes, supermen, and demigods. From among these men, the one who possesses the qualities of leadership, which are wisdom and strength, is chosen to be a political leader.<sup>79</sup>

Thus, I claim that Plato, from a purely philosophical point of view, asserts that every man is capable of knowing virtue, but that man should be a philosopher who provides the quality of wisdom. Wisdom and political power must be united in one man, who provides the leadership of a philosopher-king.

Contrary to this Greek philosophical tradition, and following the Arkoun based interpretation of Miskawayh’s concept of the ‘wise man,’ I understand that Miskawayh justifies his notion of universal justice as being led exclusively by the Imam with the Islamic political heritage when it is stated that only the Imam is qualified to

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75 Mohamed 2000: 242.

76 Arkoun 1970: 294.

77 Arkoun 1970: 294.

78 Arkoun 1970: 298.

79 Plato, *The Republic* Book 5: 476a-b; 476d; 476e-477e.

lead the citizens politically. That is regarding to the Shi'ite Islamic political tradition, where the Imam leader is transcendent as God.

Indeed, 'transcendence' in Arabic is called *tanzih*. Transcendence is only asserted to God, where Muslims must submit and surrender to God, first because of His unity, uniqueness, and perfection, second because of His omnipotence and majesty, and finally because of His specifically transcendent attributes of infinitude and everlastingness.<sup>80</sup>

Just as these divine virtues are meant to describe God, they are emphasized above by Arkoun in his account of the divine attributes of the Imam as the 'master of Justice.' In the same perspective as Arkoun, Fakhry sees that the Imam, the ruler, acts on behalf of God.<sup>81</sup> As we can see, the Imam is immanent to God, and therefore Shi'ite Muslims should submit to the Imam because he represents divine virtues in the lower world. As a religious icon, the Imam has the authority to politically control individuals.

As a result, Arkoun understood that Miskawayh's theory of justice is presented in the same perspective as Plato's idealism through the idea of universal justice resulting from the harmonization between divine and human justice. I have highlighted a point of divergence between Miskawayh's and Plato's theory of the wise man that was not explored by Arkoun in his presentation of the idea of who will embody the concept of universal justice. For Plato, the wise man is a philosopher with political power; for Miskawayh, he is a ruler who holds religious leadership. Therefore I conclude that Miskawayh's concept of the wise man is exclusively linked to an Islamic political legacy.

On the second level of Arkoun's interpretation of Miskawayh's detailed concept of justice, Arkoun's dissertation focuses on the fifth discourse of *The Refinement* of Miskawayh, which deals with the concepts of "love and friendship." I mention this to illustrate that Arkoun begins with an interesting introduction to the section of his dissertation on Miskawayh that deals with "*la justice dans la cité*" [justice in the city]. In it, Arkoun affirms the necessity of human sociability as a principle of Greek moral and practical philosophy, which for him inspired Miskawayh's thought on justice.<sup>82</sup>

In fact, Arkoun explains that happiness, which is the result of good moral behavior between individuals, cannot be reduced to a spiritual relationship between God and the individual. Therefore, the individual is intent on attaining his own happiness, living in isolation and at a distance from other individuals.<sup>83</sup> However, Arkoun explains to us that happiness in Greek practical philosophy has its meaning in relation to individuals among themselves. Happiness must be shared between individ-

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80 Graham 1982: 8.

81 Fakhry 1991: 115.

82 Arkoun 1970: 302.

83 Arkoun 1970: 302.

uals and is perceived in the sphere of social human interaction.<sup>84</sup> In my own words, individuals live in a social group. For this reason, they need the support of other individuals, just as other individuals need their support. Thus, when individuals treat and support each other justly, human justice arises in the sphere of socio-political interaction, followed by happiness.

Following on from this, I understand the reason Arkoun comments on Miskawayh's detailed concept of justice by focusing on the fifth discourse of *Refinement*, which is about love and friendship. Arkoun does this because "love" and "friendship" are the cornerstone for strengthening human relationships and spreading happiness. I will not reproduce in detail in this study Arkoun's analysis of Miskawayh's concept of love and friendship as a cement for strengthening human social relations. This is because I note that Arkoun merely repeats Miskawayh's definition of love and friendship. In what follows, I am more concerned with presenting Arkoun's engagement with Miskawayh's detailed concept of justice. The purpose is to examine how the concept of political justice is articulated in Miskawayh's thought and examined in accordance with Aristotle's political philosophy and within the Islamic political tradition. I begin by presenting Arkoun's interpretation of Miskawayh's detailed concept of justice, which Arkoun conceived on the basis of Aristotle's thought.

Arkoun declares that Miskawayh develops a certain definition and a particular description of the detailed concept of justice – or a 'particular' notion of justice – under the influence of Aristotle.<sup>85</sup>

To confirm what Arkoun says, I turn to Miskawayh's book *The Refinement of Character* to demonstrate that Miskawayh clearly draws on the Greek philosophy of Aristotle to develop his detailed concepts of justice. Thus, Miskawayh affirms, "[r]esuming our discussion of justice, we say: Aristotle divided justice into three categories."<sup>86</sup> In fact, for Aristotle, there are two types of justice: distributive justice and remedial or corrective justice. Distributive justice implies that the state should divide or distribute goods and wealth among citizens according to their merit. Again, remedial justice is divided into two, dealing with voluntary transactions and with involuntary transaction. Further, Aristotle added commercial and cumulative justice to the above-mentioned types of justice.<sup>87</sup> Since remedial justice is divided into two cate-

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84 Arkoun 1970: 302.

85 Arkoun 1970: 292.

86 Miskawayh 2002: 106.

87 Aristotle, *Nicomachean Ethics*, Book V, chapters. 1–2. In his book *Refinement of Character*, Miskawayh, following Aristotle, also presents three categories of justice. The first category of justice is what people do toward God. The second category is what people perform, one towards another. The third category of justice is what people must do as an obligation, such as paying their debts (see Miskawayh (2002): *Refinement of Character* (p. 106)). I examined these categories of justice in the first section of this chapter, which dealt with Miskawayh's concept of divine justice and his concept of justice in relation to human social interaction.

gories of justice, voluntary and involuntary transactions, one could argue that Aristotle presents three categories of justice. Therefore, Arkoun's claim that Miskawayh derives his detailed concept of justice from Aristotle is accurate in that Miskawayh clearly cites Aristotle as the reference on which he relies to ground his concept of justice, which he conceptualized in three categories as did Aristotle.

I continue by presenting Arkoun's interpretation of Miskawayh's political thought. Arkoun explains that all of Miskawayh's political ideas were developed in terms of Greek thought.<sup>88</sup> He further explains that Miskawayh's political ideas were summarized in the book IV, which deals with justice, and the book V, which is devoted to love (*mahabba*).<sup>89</sup> Nevertheless, Arkoun explains that Miskawayh does not provide a deeper analysis of the concepts of the machinery of government, the possible constitutions, and the concrete relations between citizens.<sup>90</sup> For Arkoun, this means that Miskawayh does not know Aristotle's book of *Politics*, since he adheres to Aristotle's political ideas set forth in the *Nicomachean Ethics*.<sup>91</sup>

In addition, Arkoun emphasizes that Miskawayh was an intellectual celebrity at the time of the Buyid dynasty. Arkoun affirms that Miskawayh defined the social function of religion and the responsibility of the ruler in terms that were clearly dictated the Buyid Dynasty<sup>92</sup>. Arkoun states that most of Miskawayh's primary intellectual works were written during the period of Buyid rule. He further asserts that Miskawayh served as librarian and instructor to Abu-l-Fath Ibn al- 'Amid (360–366).<sup>93</sup> In agreement with Arkoun, one could argue that it is important to point out this biographical fact about Miskawayh in order to shed light on the fact that Miskawayh places his political ideas within the legacy of Persian political tradition, for he is a Shi'a intellectual who was among the intellectuals who occupied a prominent position in the intellectual assemblies of the Buyid viceroys.<sup>94</sup> This leads Miskawayh to a positive assessment of Buyid rule and the Islamic political tradition.

Thus, one can argue that Arkoun interprets Miskawayh's detailed concept of justice in two realms: the realm of social interaction, where Arkoun focuses on the two

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88 Arkoun 1970: 302–303.

89 Arkoun 1970: 302–303.

90 Arkoun 1970: 302–303.

91 Arkoun 1970: 302–303. See the section "Justice in relation to human social interactions," in which I examine Miskawayh's notion of human justice based on Aristotle's books of *Nicomachean Ethics*.

92 Arkoun 1970: 302. The Buyid Dynasty is a Shi'a Persian dynasty that originated from Daylaman in Gilan. They founded a confederation that controlled most of modern-day Iran and Iraq in the 10<sup>th</sup> and 11<sup>th</sup> centuries. See: Husain Syed, Muzaffar, Sayed Saud Akhtar, and Babuddin Usmani (eds) (2011): *A concise History of Islam* (pp.183). New Delhi: Vij Books.

93 Arkoun 1970: 65.

94 Kraemer 1993: 54.

principles of love and friendship to strengthen human interactions; and the realm of the political, in which he attempts to understand Miskawayh's political ideas in the light of Aristotle's political theory. According to Arkoun's interpretation of Miskawayh's political ideas, Miskawayh does not provide an implicit definition of what political justice is. Therefore political justice is still related to the other categories of divine justice and human justice. Following the same line as Arkoun, Mohamed explains the fact that Miskawayh developed his theory of justice following Aristotle, because "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."<sup>95</sup>

Arkoun claims that Miskawayh's concept of justice is embedded in an Islamic legacy.<sup>96</sup> As mentioned earlier, Arkoun refers to the ruler, the infallible Imam, who should promote a notion of universal justice as a link between divine and human justice. However, I argue that Arkoun does not deal in depth with Miskawayh's notion of laws. For Majid Fakhry, the concept of law is the principle for regulating the social or political behavior of individuals in the realm of human interaction.<sup>97</sup> Arkoun does not refer to Miskawayh's fourth discourse on *The Refinement of Character* in his analysis of Miskawayh's thought, which I think demonstrates a lack of attention to Miskawayh's concept of law. Instead, Arkoun focuses more on the fifth discourse. With this in mind, the next section of this study will discuss the three laws that are said to govern justice in the transactional and social realms. My primary concern is to emphasize more strongly that Miskawayh's theory of justice is influenced not only by the Greek philosophical ethos but also by the Islamic legacy, in order to show Miskawayh's transcultural approach to justice as a link between two traditions of thought: Greek and Arabo-Islamic.

### **Excursion 1: The Three Laws: *The Islamic law of Shari'a, a principle law between a just ruler and money***

The focus here is on the fourth discourse of *Refinement of Character*, to introduce "The Three Laws" that govern the social and political ideas of justice. My main goal is to point out that Miskawayh's theories of ethical justice are rooted in Islamic legacy in addition to the philosophical thought of the Greeks.

Law is used to regulate the conduct of individuals. Law is also related to particular traditions of society or community. To define justice, Miskawayh uses laws that are in connection to the Islamic tradition. Miskawayh argues that there exist three laws by which justice should be established in the sphere of human interaction. He

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95 Mohamed 2000: 243.

96 Arkoun 1970: 356.

97 Fakhry 1991: 115.

declares “the highest law is from God (blessed and exalted is He!), the ruler is a second law in His behalf, and money is a third law.”<sup>98</sup>

Paraphrasing Miskawayh's words, the “highest law” is the Islamic law, Shari'a, which is revealed by God. The second is the just ruler, identified by Miskawayh with the Caliph or Imam, who acts in the image of God and, thus, is the only being who can justly imitate the Islamic law of Shari'a to establish the sense of justice between individuals because he is infallible. The third is money, which is only an imitator.<sup>99</sup> In contrast to Aristotle, who “derives the Greek *nomisma* (money) from *nomos* (law)”<sup>100</sup> by considering money as the principal law for establishing justice, Miskawayh introduces the Islamic law of Shari'a as *the principal law* for determining justice, whereby *the ruler, the imam, is an imitator and money is a means*.

Miskawayh argues that while Shari'a is the supreme law, the ruler (Imam) and money play an important role in promoting justice. Money is a means of promoting justice in the social sphere – in the context of distributive justice and economic exchange. The ruler should promote justice in the political sphere. Thus, in the absence of either the righteous ruler or money, social and political justice cannot be established.<sup>101</sup>

To explain this idea of the dependency relationship between the Shari'a law, the ruler and money, Miskawayh gives the example of the distribution of jobs between workers of different ranks. He affirms that although the workers have different positions, they are related one to the other. Thus, when they accomplish their respective duties, justice will be done.<sup>102</sup> He declares “there is nothing to prevent a small labor from being equal to a considerable labor [of another kind]. For instance, the engineer does little supervision or labor, but his supervision is worth a considerable amount of labor on the part of people who toil under him and conduct his plans”.<sup>103</sup> Similarly, Shari'a law, the just ruler, and money are all associated to ensure equality, but if one of them is not pursued, social and political justice will not be established. Therefore “the most unjust man is he who does not accept the religious divine Law (al-shari'ah), and refuses to abide by it; he also does not accept the decision of the just ruler; therefore he will not earn money but usurps it, giving to himself more than what is his due and others less than what is due to them.”<sup>104</sup> In his commentary on Miskawayh's theory of dependence on laws, Majid Fakhry states, “he who clings to the divine law will act in accordance with the precepts of justice and thereby acquire

98 Miskawayh 2002: 103.

99 Fakhry 1975 a: 248.

100 Zurayk 2002: 204.

101 Miskawayh 2002: 103–104.

102 Miskawayh 2002: 103–104.

103 Miskawayh 2002: 103–104.

104 Miskawayh 2002: 103–104.

perfection of character and happiness. He who deals with his fellowmen equitably in money matters will contribute to the prosperity of the state, which is the essence of ‘political justice’.<sup>105</sup> I argue that Shari’a law is an important law for promoting justice, but it is tied to the ruler and money. In fact, without ruler and money, there is no social or political justice.

In addition, Miskawayh distinguishes between three categories of men to show who among them is best suited to be the custodian of Shari’a law. These men are also divided into three different ranks. Miskawayh argues that the first man is the Imam, the one who purifies man and belongs to those who have a noble heritage and lineage; the second man is the one who has a noble heritage; and the third man is the reasonable man, who is said to be the wise man.<sup>106</sup> In addition, Miskawayh declares that the “rational men, however, deem it to be the prerogative of the wise and wisdom, for only wisdom and virtue bestow real authority and sovereignty, and it is they that have placed the first and the second in their proper rank and [conferred upon them] their virtue.”<sup>107</sup>

Thus, this assumption confirms that Miskawayh does not give the rational man a privileged position. This is because Miskawayh clearly affirms that the righteous Imam is the guardian of the supreme Islamic law. In this context, he declares “the just imam, who rules according to equality [...] acts as the deputy [*yakhhluf*] of the Custodian of the Law.”<sup>108</sup> As mentioned earlier, Miskawayh states that the second law is the righteous ruler, the Imam, who imitates the supreme Shari’a law because he acts on behalf of God, and is, thus, the guardian of the Islamic divine law.

Putting Miskawayh’s theory of law for determining justice into other words, one could argue that for Miskawayh, Shari’a law is the fundamental law for establishing justice. This is to emphasize that Miskawayh’s theory of justice is rooted in elements of Islamic legacy – and Greek thought. Hence, “justice as the whole of virtue is ethical justice, which Miskawayh maintained is quite consistent with Islamic teaching, as moral principles, enshrined in the Law and Traditions, are the ultimate goals of the Islamic religion.”<sup>109</sup>

### Arkoun’s concept of philosophical humanism as ethos for rational justice

In the following, I examine the idea that justice in Arabo-Islamic thought can be determined by the faculty of reason. Arkoun’s concept of philosophical human-

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105 Fakhry 1975 a: 248.

106 Miskawayh 2002: 105.

107 Miskawayh 2002: 105.

108 Miskawayh 2002: 105.

109 Khadduri 1984:113.

ism, which he defends in his contemporary intellectual project to rethink Islamic thought, favors this perspective.

At the end of his doctoral dissertation (1970), mentioned earlier, Arkoun highlights three forms of humanism: religious humanism, literary humanism – in the sense of *humanitas (adab)* – and philosophical humanism (*adab discipliné*).<sup>110</sup> In this regard, I introduce here the characteristics of philosophical humanism. Arkoun affirms that philosophical humanism integrates elements of religious humanism and literary humanism, but philosophical humanism is the most promising and relevant of the three. I point out characteristics of philosophical humanism, which “is distinguished by a more rigorous intellectual discipline, a more restless, more methodical, more solitary quest for truth on the world, on humankind and on God” [translation mine].<sup>111</sup> That is, philosophical humanism is based on reason, which guarantees a rational understanding of religion to get beyond the dogmatic closure of thought.<sup>112</sup> Therefore it is fruitful to indicate that Miskawayh’s humanist project is elaborated within the method of logical reasoning. In this manner, Arkoun demonstrates that Miskawayh adopted the methods of logical reasoning illustrated in the *Organon* of Aristotle.<sup>113</sup> Arkoun holds that Miskawayh displays a rationalist bent in his scientific posture. This rationalist tendency is reinforced by rigor, exactitude, and consciousness – qualities which dominate Miskawayh’s style.<sup>114</sup> Thus, I contend that the method of thinking shaped through the theoretical approach of philosophical humanism is not applied to the approach of *humanitas adab*, as it is to the concept of literary humanism. The term *humanitas*, like *adab*, designates a complete culture or a faultless knowledge highlighted by moral elegance, an agreeable outfit, refined manner, and a high sense of social relation.<sup>115</sup> Thus, *humanitas adab* is related to the aristocracy of the spirit, wealth and power.<sup>116</sup> I clarify the meaning of *humanitas adab* to remind the reader that Miskawayh’s philosophical humanism, *adab discipliné*, differs from *humanitas adab* in its methodological and epistemological way of thinking. It is beyond the scope of this study to detail the method of logical reasoning introduced in the project of Miskawayh. Still, it helps our understanding to mention that Arkoun develops his contemporary project of rethinking of Islamic thought based on Miskawayh’s philosophical humanism. In this context, Arkoun develops a more critical approach to the relationship between human reason and religious thought.

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110 Arkoun 1970: 356.

111 Arkoun 1970: 357.

112 Arkoun 1970: 195.

113 Arkoun 1970: 196.

114 Arkoun 1970: 213.

115 Arkoun 1970: 357.

116 Arkoun 1970: 357.

## Excursion 2: The Islamic ethical doctrine of ‘voluntarism’: The demand of human responsibility and self-determination to establish rational justice in Islam

Following Arkoun’s concept of philosophical humanism, there is the theory of voluntarism, which initiates the debate on human responsibility and self-determination in order to establish a concept of rational justice. Voluntarism states that human beings are responsible for their moral behavior and therefore are free to determine their own lives. Thus, human beings are distinguished by their capacity to reason because they can make choices and freely participate in determining their moral behavior. Therefore, I examine the earlier controversial debate of Islamic teachings on how a concept of rational justice can be possible.

So before I elaborate on the doctrine of voluntarism, I would like to emphasize that philosophical justice, according to modern Western thought, states that justice is not determined within the religious framework, but according to the capacity of reason. Nevertheless, most Muslim philosophers in early Islamic thought intend justice to be defined and determined in accordance with both reason and revelation.<sup>117</sup> To put it simply, most Muslim philosophers intend to make justice intelligible to the individuals without necessarily compromising the creed and without challenging the authority of revelation.<sup>118</sup> I mention this to make it clear that justice in Islam is linked to religious duties and therefore must be determined within the framework of revelation.<sup>119</sup> However, this statement does not allow me to claim that there is no recommendation in the revelation on the concept of human responsibility and self-determination, which are the pillars of the Islamic doctrine of voluntarism. To corroborate this, I refer to Majid Fakhry’s work entitled *Ethical Theories in Islam* (1991).

Indeed, Fakhry focuses on revelation, i.e., the Qur’an, and the Tradition, to show that human responsibility and self-determination are permitted in the Islamic legacy. Therefore I begin with an introduction to Fakhry’s commentaries on the Qur’an. Fakhry reminds us that there are several verses in the Qur’an that address people by asking them about their righteous and wrong deeds on the Day of Judgment.<sup>120</sup> He refers to chapter 16 verse 56, which asserts, “They set aside part of the sustenance We give them, for [idols] about which they have no true knowledge. By God! You will be questioned about your false inventions;”<sup>121</sup> chapter 29 verse 13, which claims, “They will bear their own burdens and others besides: they will

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117 Khadduri 1984: 79.

118 Khadduri 1984: 79.

119 Khadduri 1984: 107.

120 Fakhry 1991: 18.

121 The Qur’an, Chapter 16, The Bee ; Verse 56.

be questioned about their false assertions on the Day of Resurrection;<sup>122</sup> and last but not least, chapter 37 verse 24, which says “[Angels], gather together those who did wrong, and others like them, as well as whatever they worshipped beside God, lead them all to the path of Hell, and halt them for questioning: ‘Why do you not support each other now?’—no indeed! They will be in complete submission on that Day—and they will turn on one another accusingly.”<sup>123</sup>

Fakhry says, “in some of these verses the unbelievers (*kafirun*) or polytheists (*mushirkun*) are stated to be answerable to God Almighty for their misdeeds or their unbelief on the Day of Judgement.”<sup>124</sup> In addition, Fakhry maintains that “apart from knowledge or consciousness, the most fundamental precondition or ground of human responsibility is that freedom.”<sup>125</sup> Hence, “in the absence of such a precondition, the human agent is reduced to the status of an automaton, as all forms of mechanism and determinism logically presuppose, or that of a slave of the almighty, as all forms of theistic determinism (or predestinationism) entail.”<sup>126</sup>

This statement reveals that humans must explain their actions or decisions before God, which in turn means that in Islamic legacy, human beings are recognized as responsible and capable of giving an answer. Therefore, Islamic legacy assumes that human beings are responsible and self-determined. I argue that human beings are not determined agents. If they are determined, there will be no Day of Judgment when individuals will be questioned about their moral behavior. This is because, according to Islamic ethics, individuals are responsible and self-determined. In fact, they will be judged according to their moral behavior.

In addition to the Qur’an, from which Fakhry sets out the verses that affirm human’s responsibility and self-determination, Fakhry refers to the Tradition to introduce testimonies in which the concepts of human self-determination and responsibility are presented. It is not my intention to present the texts of the Tradition to which Fakhry refers, as they are so diverse. Rather, I would like to present Fakhry’s achievement in interpreting the Tradition cited by Al-Bukhari. In this context, Fakhry focuses on the Book of Logic – *Kitab-al Manaqib* – by al-Bukhari. He tells us that al-Bukhari “[...] reports a Tradition [which] illustrates very well the preoccupation of the early Muslim community with the question of right and wrong and its bearing on religious belief.”<sup>127</sup>

However, according to Fakhry’s commentary on al-Bukhari’s cited Tradition, Fakhry concludes that “this tradition does not give us a definition of what the good

122 The Qur’an, Chapter 29, The Spider ; Verse 13.

123 The Qur’an, Chapter 37, Ranged in Rows ;Verse 24.

124 Fakhry 1991: 18; emphasis added.

125 Fakhry 1991: 19.

126 Fakhry 1991: 19.

127 Fakhry 1991: 23.

and evil referred to really are.”<sup>128</sup> In this sense, the concept of human actions or works (*a'mal*) is coupled with the concept of intention (*niyyat*); a certain degree of self-determination is presupposed as a prerogative of humans. Therefore, the two concepts of human action and intention are not at all opposed to libertarianism.<sup>129</sup> In other words, the cited Tradition does not clearly express the concepts of responsibility and self-determination. I define the Islamic doctrine of voluntarism to show that, according to early Islamic thought, humans are responsible for their moral behavior. In this regard, justice is to be determined by reason. In this context, I refer to Majid Khadduri's book entitled, *The Islamic Conception of Justice* (1984).

Khadduri maintains that “the Kharijites were the earliest thinkers in Islam to initiate the debate on justice, and they discussed not only its political aspect but also its ethical implications. Although they advocated the doctrine of *qadar* (voluntarism) and held that man is responsible for his actions on the political plane”,<sup>130</sup> “the doctrine of voluntarism was by no means acceptable to all believers.”<sup>131</sup> This is because the Qur'an and the Tradition are not clear whether they are in favor of voluntarism or involuntarism.<sup>132</sup> This led to different opinions about the relationship between religious and moral duties.<sup>133</sup>

This reveals a controversial debate about the doctrine of voluntarism in the earlier Islamic tradition, in which two schools of thought are represented: the Qadarites and the Jabarites.<sup>134</sup> Hence, “the Qadarites asserted the principle of voluntarism by virtue of which man possesses the capacity to choose between good and evil and is held responsible for all his moral acts.”<sup>135</sup> While the Jabarites held that man's acts, predicated by God, must be considered valid as an expression of His will, and therefore the question of good and evil is irrelevant.<sup>136</sup> As a result, the key to justice according to the Jabarites is predicated by God, and must be subordinated to His will, and moral issues should be settled in accordance with the religious Law.<sup>137</sup> Conversely, the Qadarites argue that “justice is connected with morality and determined by Reason (in accordance with the doctrine of *qadar*, voluntarism).”<sup>138</sup> Putting the Qadarites' concept of justice in other words, I claim that their concept of justice is

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128 Fakhry 1991: 24.

129 Fakhry 1991: 26.

130 Khadduri 1984: 107.

131 Khadduri 1984: 107.

132 Khadduri 1984: 107.

133 Khadduri 1984: 107.

134 Khadduri 1984: 108.

135 Khadduri 1984: 108.

136 Khadduri 1984: 108.

137 Khadduri 1984: 108.

138 Khadduri 1984: 108.

founded on egalitarian justice. In this sense, Qadarites claim that individuals are responsible according to their reason to determine their moral behavior, because reason is the common faculty shared between human beings. Reason is the standard for determining morality.

This leads me to ponder the following ethical and religious question, “Can God do injustice?”<sup>139</sup> Considering the doctrine of voluntarism, I argue that justice is grounded in human reason. Thus, man is the only one responsible for his right and wrong acts. This means that God does not prescribe wrong actions. Thus, humans commit wrongs because they are responsible for their actions. Consequently, God cannot commit injustice, but injustice is the responsibility of humans. This is in line with Khadduri’s statement when he asserts, “God commends as the individual’s moral acts, each man is responsible for his own wrongdoing: ‘Guidance comes from God,’ [...] ‘but wrongdoing comes from man.’”<sup>140</sup> I further note that the argument about God’s fairness and perfection is based on the idea of divine justice, explained earlier. Thus, considering that God cannot cause injustice and that God can only do justice, divine justice must consequently be realized. When individuals embody God by aligning the faculties of their souls, they are virtuous. Consequently, justice is regulated in the realm of human interaction.

If one takes a closer look at the Islamic doctrine of the Qadarites, one can see that the Qadarites defend voluntarism. According to this, human free will is the fundamental principle to determine moral behavior. Therefore humans are responsible for their actions and can control their lives. Although the Qadarites affirm man’s responsibility to determine justice, I contend that the question of who is capable of establishing political justice remains controversial. Hasan al-Basri (d.728), who is considered a Qadarite scholar, makes a distinction between ethical and political justice. He explains that man is responsible for ethical justice, but not for political justice.<sup>141</sup> He argues that revelation is clear on issues of political justice. Verse 59 of chapter 4 states: “You who believe, obey God and the Messenger, and those in authority among you.”<sup>142</sup> Hence, “since political justice is an expression of the will of the Sovereign, the final decision on all questions of political justice must be made by the Caliph himself, presumably as God’s representative on earth.”<sup>143</sup>

In this context, Khadduri explains that the strength of the idea that political decisions should be made only by political authority could be justified by the particular historical and social circumstances of the time, in order “to repudiate all the political agitation which the leaders of the heterodox sects had aroused against Sunni’s rule.”

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139 Khadduri 1984: 108.

140 Khadduri 1984: 109.

141 Khadduri 1984: 108.

142 The Qur’ān, Chapter 4, Women, Verse 59.

143 Khadduri 1984: 108.

<sup>144</sup> Thus, I argue that Hsan al-Basri and Miskawayh conflated religion and politics to establish their notion of political justice. In this sense, they argue that a religio-political authority should make political decisions. One deviation is that Hsan al-Basri argues that the caliph should be the final decision-maker in the political realm because he is the representative of God on earth. This is consistent with the Sunni tradition of the caliphate. Miskawayh, on the other hand, as mentioned much earlier, states from an Iranian Shi'ite religious tradition that political decisions should be made by the Imam, who acts on behalf of God.

This chapter introduced the multi-faceted concept of justice in the context of Arabo-Islamic philosophy. As a basis for understanding Arkoun's contemporary intellectual project of an ethical theory of justice, this chapter returned to the early thought of the Muslim philosopher Miskawayh by pointing to Miskawayh's reference to the Greek thought of Plato and Aristotle. Miskawayh elaborates his concept of justice within the concept of "*humanista studia*" by establishing a link between the two levels of justice: divine and human justice; a theoretical and a practical concept of justice.

This chapter presented Arkoun's interpretation of Miskawayh's thoughts on justice. Arkoun points out that Miskawayh's theory of justice is a link between Greek philosophy and Islamic legacy. Thus, Plato's idea of 'universal justice' and Aristotle's political thought are both representative of Miskawayh's concept of justice. In addition, Arkoun notes that Miskawayh's concept of justice is mediated by the Islamic legacy of the righteous ruler who embodies justice and acts on behalf of God. I also argued that Miskawayh's concept of divine justice is based on the concept of the oneness of God. Miskawayh's connection between the Greek and Islamic traditions, thus, establishes his humanistic thought and proves an earlier transcultural approach to justice in the tradition of Islamic thought.

To further assert that Miskawayh applies Islamic legacy to establish his notion of justice, I have also shown in my first excursion that the most important law governing social and political justice in the sphere of human interaction is the Shari'a law, a fundamental law to be applied by the righteous ruler in the political sphere, and a fundamental law for promoting distributive justice in the sphere of economic exchange when money is a means.

The chapter further introduces Arkoun's notion of philosophical humanism, a concept which Arkoun defends in his contemporary intellectual project – this will be further emphasized in the following chapters – and which he develops from Miskawayh's notion of humanism, which shows that the Islamic legacy can be interpreted through reason to develop a rational notion of justice.

Following Arkoun's notion of philosophical humanism and in order to show that early Islamic thought has a scope of rational thought, in my second excursion I have

referred to the doctrine of voluntarism as an early Islamic doctrine indicating that justice can be determined by reason. In doing so, I emphasized that humans are responsible for determining their behavior and choices, to make the point that Islamic ethics recognizes the value of human responsibility and self-determination. Consequently, voluntarism, which assumes that justice must be determined by human reason, is indeed feasible in terms of a humanistic and rational conception of justice as expressed in Islamic thought.

### 3.2 The method of applied Islamology: A transcultural and transdisciplinary key for the renewal of Islamic studies

This chapter examines Arkoun's method of applied Islamology as key to the renewal of Islamic studies. One can argue that Arkoun's contemporary thought project is characterized by transcultural and transdisciplinary methods, and, thus, represents a global intellectual project for the renewal of Islamic studies. Arkoun's project is transcultural because he combines different philosophical traditions of Islamic thought from the early Islamic philosophy of Al Amiri (d. 992)<sup>145</sup> and from Western poststructuralist thought.

I have chosen to address Arkoun's reinterpretation of al-Amiri's early Islamic thought in this chapter rather than in the first chapter, even though al-Amiri is an early Muslim philosopher, because in this chapter I focus on the methods Arkoun employs in his contemporary intellectual project to renew the field of Islamic studies. In this context, I argue that Arkoun develops his methods based on his interpretation of al-Amiri's work from early Islamic philosophy. Moreover, this chapter explores how Arkoun applies the poststructuralist methods of Foucault's epistème, Deleuze's difference, and Derrida's deconstruction as a deconstructionist analysis of Islamic archive – the Qur'an and Tradition. Arkoun's project is also transdisciplinary, combining multiple disciplines such as history, sociology, linguistics, and philosophy to examine Islamic thought.

This chapter is divided into three sections: The first section begins with an analysis of Arkoun's rereading and reinterpretation of al-Amiri's early Islamic thought. Arkoun examines three approaches to understanding al-Amiri's methods aiming to rethink Islamic thought, which I chose to name the transdisciplinary approach, the

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145 Abu'l-Hasan Muhammad ibn Yusuf al-Amiri (d.381/992) is a Kurasanian philosopher. He is one of the immediate disciples of Al-Kindi (d.873). Al-Amiri was from eastern Iran and spent most of his life there. The titles of some twenty-five of al-Amiri's works are known, and of these six (or seven, depending on a contested attribution) are extant and have been published. *The most eloquent testimony to al-Amiri's views on reason and revelation is his best-known work, An Exposition on the Merits of Islam* (Rowson 2008: 405–406). Indeed Arkoun dedicated his subsequent study to that work.