

The role of moral values in Islamic law

Seddigheh Mahdavi Kani

Abstract

The school of Islam regards the natural talents and instincts of human beings as the foundation of rights and has established rights and duties based on divine creative command. Emotions rest upon a natural and intrinsic foundation, and whatever bears an intrinsic aspect for a person becomes one of their essential needs. Therefore, to fulfill this need, rights and duties have been assigned to humankind. From this perspective, rights and duties are viewed as instruments within this continual process of ascent and descent, even though the primary concern remains attention to virtues and vices as the ultimate strategies along the path of human development. Nonetheless, the assignments are generally directed toward these instrumental means. The purpose of this research is to clarify the relationship between natural moral values and rights through the guidance of reason, and to demonstrate that moral values, in addition to playing a fundamental role in establishing and recognizing rights and duties, also hold an essential place in determining their aims and objectives.

Keywords: Moral value, Islamic rights, natural needs, purpose.

1. Introduction

The school of Islam offers a distinctive system for the growth and development of human society, in which all components are interconnected and harmonized toward a single goal. Within this system, alongside fundamental and epistemological guidance, there are teachings and doctrines aimed at self-improvement and the regulation of social relations. In general terms, these teachings are divided into three principles: belief, legal, and moral, which can be explained through three corresponding subsystems: descriptive, value-based, and prescriptive. Together, they serve as the guarantors of human growth and both material and spiritual well-being. Following the descriptive or belief subsystem, the moral or value-based subsystem holds particular importance as a core pillar and complement to the others, playing a vital role in the overall structure. The key distinction between this system and other human systems lies in this aspect. Islam views human beings as dual-dimensional entities, composed of material elements and a divine spirit. Unlike other systems, it places equal emphasis on spiritual and moral development as well as the preservation of human dignity. Accordingly, Islamic teachings and laws attend to spiritual concerns alongside material needs. Just as Islam considers the physical and material nourishment of human beings, it also addresses their spiritual dimension, maintaining that the soul can be nurtured through moral principles and spiritual virtues.

The study of human civilizations and societies, along with the causes of their decline throughout history, reveals that a society cannot achieve mental stability or true prosperity merely through the establishment of laws and duties without the support of a moral system. As the foundation of the Islamic legal structure, the moral system serves as a guarantor of the prosperity and advancement of Islamic societies; therefore, it must play a central role in the processes of deriving rulings, legislation, and policymaking.

Society is like a building in terms of relationships and composition; Just as building materials and infrastructures are involved in the strength and durability of the building, the durability of the community structure also depends on the constituent elements and the relationships between them. The stronger and more moral the relationships of people are based on the correct rules and regulations, the more successful society will be, and the more people know about spiritual values, behavior and their effects, the more and better they will adhere to the values in life, and they will be more committed to it with enthusiasm, motivation and determination. Therefore, it is necessary that this system, which invites humanity to itself and is the guarantor of human rights, its internal relationships be well explained and substantiated so that its merits and advantages compared to other human systems become clearer. (Mahdavi Kani, 1388, p. 32) Therefore, this article tries to better explain these relationships with two approaches, looking at the Selfish virtues and moral virtues: the basic approach and the ultimate approach. In this sense, to prove that, in this system, ethics and virtue play a role as one of the foundations (reason and wisdom) of legal provisions, and on the other hand, as the end and product of the implementation of laws, it should be considered. The ultimate cause is the first in opinion and the last in action.

2. The pillars of the Islamic system

To adequately elucidate this matter, a comprehensive description of the Islamic system is necessary to clarify its intrinsic relationships. The Islamic system is fundamentally composed of three interconnected sub-systems:

- a. The Formative System (Description of Beings): This system is concerned with metaphysics and ontology. It describes the nature of the world and humankind, setting forth the inherent goals and characteristics of each.
- b. The Value System: Following the description established by the Formative System, Islam proceeds to evaluate existence, delineating the worth of every entity within this created order, whether positively or negatively. This primarily involves articulating the concepts of good versus evil and beauty versus ugliness regarding actions and thoughts. However, for a precise and authentic explanation, it is imperative to examine this system by drawing exclusively upon authentic Islamic sources.
- c. The Legal System (Assignment and Recommendation Regarding Values): While the preceding two systems define and weigh existing values, this third system addresses duties and responsibilities (*ahkām*). Crucially, the Legal System holds no meaning or function unless it is firmly grounded in the descriptive framework of the Formative System and the evaluative judgment of the Value System. (Sobhani, 1382, Vol. 1, p. 98).

Given the focus of our current discussion, it is essential to elaborate further on the Value System and precisely define its linkage with the other two constituent systems.

3. The relationship between the value system and the legal system

3.1. Value system (ethical)

The Islamic Value System, in contrast to much of Western ethical thought, delineates not only the outward methods and observable behaviors of an agent but also encompasses the inner structure and disposition of the human heart, placing both thoughts and underlying motivations under its purview. Similar to how a plant germinates from its root structure, every individual's moral conduct possesses inner antecedents from which actions originate, preceding the stage of overt manifestation. Human emotions and inherent characteristics are subject to appraisal: in cases where they are deemed commendable (*maḥmūd*), they become the catalyst for prosperity and felicity, serving as the essential capital for both spiritual and material evolution. These dispositions may either be innate, derived from human nature (*fitra*), or they may be acquired, resulting from consistent practice and habituation. Consequently, the term 'ethics' (*akhlāq*) is occasionally employed in a restricted sense, referring either to emotional qualities or strictly to the voluntary dimension of action and behavior, that is, the moral act itself. Furthermore, some scholarship limits the term to signify only positive values and virtues, implying that 'moral' equates strictly to 'good,'

and ‘immoral’ strictly to ‘bad.’ This restrictive view overlooks the broader scope, wherein the meaning of morality encompasses both vice (the blameworthy) and virtue (the praiseworthy).

4. The nature of morality

Some scholars of ethics contend that all temperaments are inherent to human nature and, consequently, immutable. Under this view, since an individual’s morality is determined by the inherent constitution of their soul and body, and these cannot be altered, morality itself remains fixed. Conversely, other scholars argue that all human natures are subject to change. They posit that anything changeable, by definition, cannot be truly natural or innate, leading them to conclude that no temperament is inherently natural. (Aristotle, 1356, vol. 1, p. 3) Still other scholars of ethics maintain that the natural qualities of human nature are both unchangeable and inherent, remaining perpetually linked to the individual’s core being. They draw a distinction: certain temperaments are not subject to assignment, while morality, for instance, belongs to the realm of rational faculty and thus comprises qualities that are acquired rather than innate. According to this view, these acquired qualities are teachable, trainable, and therefore changeable or perishable. (Farabi, 1405, p. 95) But it seems to us that not all traits are innate and unchangeable, and not all of them are acquired. Also, not all people are created with a good nature, and then they go astray as a result of meetings with evil people, and not all people are created with an evil nature and can be trained; Rather, it should be said that temperaments have a natural foundation, and human-acquired ethics are born of nature. The human has natural talents and desires; if those natural desires are nourished and not extinguished, man will go on the path of perfection and will develop spiritual virtues. The lamp of a person's nature becomes brighter through discipline, worship and sacrifice, and sometimes it is extinguished by wrong actions and is not guided properly. It is in this case that sensual vices are realized: *قَدْ أَفْلَحَ مَنْ زَكَّاهَا، وَقَدْ خَابَ مَنْ دَسَّاهَا* (Truly he succeeds that purifies it, and he fails. That corrupts it!) The foundation of moral and value issues is human nature; Even people for whom duty and obligation are unbearable, they cannot live without morals. There are many people who deny morals and moral virtues, but they do not like to be known badly among people (Mahdavi Kani, 1377, p. 18). By their inherent disposition, human beings seek moral virtues; however, this pursuit is not necessitated by nature itself. Morality is thus neither purely natural nor innate, nor is it wholly contrary to nature. Flowing from this premise, the spiritual impact of any given action remains consistent across individuals when all conditions are equal; it is not the case that the same action, under identical circumstances, yields a positive effect on one person and a negative one on another. If an action constitutes a virtue and a form of perfection for one human being, it must necessarily be considered a virtue and perfection for all, because the ultimate perfection of humankind is expressed through the growth of its natural talents in the direction of nearness to God (*qurb ilā Allāh*). Therefore, moral values are fundamentally rooted in human nature (*ṭabī‘ah*), and since this nature is common to all human beings, moral values must possess universality across all times and locations.

One might object: In moral discourse, we frequently encounter instances where a characteristic, virtuous in one configuration, transforms into a vice through mere alteration of degree. For example, a measured lack of fear constitutes bravery and virtue; yet, when this trait exceeds its

proper limit, it devolves into impudence or recklessness, which is a vice. Similarly, lying, while generally the source of corruption and the erosion of public trust, is typically prohibited and considered a vice; however, when employed with the intent of improving one's own nature or reconciling others, it becomes permissible and virtuous. This phenomenon, critics argue, proves the relativity of moral values. In response, it must be asserted that such apparent relativity arises because the *topics* (the specific circumstances or contexts) have changed over time, and the rulings (*ahkām*) are necessarily subject to these changing topics. This contextual shift should never be misinterpreted as proof of the relativity of the underlying moral values themselves.

Every distinct action or statement is defined by its specific subject matter (*mawḍūʿ*). Intentionally wounding another person and inflicting injury constitutes a crime, thus subjecting the perpetrator to legal sanction and prosecution. However, the specific ruling governing this action is subject to contextual variation. Consider the hypothetical case of a surgeon who, to preserve a patient's life, performs an incision into the abdominal cavity to excise a malignant gland or opens the thoracic cavity to repair the heart's valves and vessels. In this scenario, the *mawḍūʿ* shifts entirely: the action ceases to be classified as a crime. Indeed, the surgeon who performs such an incision upon the heart or abdomen is deemed worthy of commendation and reward.

It is crucial that no one mistakenly employs this type of contextual alteration in a ruling as evidence supporting ethical relativism. Relativism, properly defined, pertains to a situation where the judgment or ruling shifts based on different individuals or different historical periods, even while the essential content and subject matter of the act itself remain fundamentally unchanged.

Human's moral behavior is also affected by their instincts, talents and instincts, and instincts in growth and prosperity are affected by human's voluntary behavior. These traits, whether natural or acquired, can be seen in two ways in humans: emotional ethics and behavioral ethics. These two ethics interact with each other; In such a way that sensual ethics is effective in human behavior and human behavior is also effective in sensuality. In other words, on the one hand, human actions originate from his emotional morality and are the fruit of his inner moods, and on the other hand, human actions also shape his emotions; That is, the repetition of a good or bad action, whether he wants it or not, leaves an impression on his soul and gradually becomes a habit, with more repetition it passes the habit stage and turns into an internal attribute. The continuation of this action causes the appearance of a moral queen (Makarem Shirazi, 1380, p. 72), and at each stage, the said attribute grows or, on the contrary, declines.

A noteworthy aspect of Islamic ethics is that originality, the source or starting point, is positively and negatively correlated with spiritual and emotional values. When originality trends in a positive direction, it is defined as a virtue; conversely, when it moves in a negative direction, it is characterized as a vice. Consequently, ethical actions and behaviors are evaluated based on the psychological principles from which they originate. Therefore, in order to thoroughly explain the

relationship between ethics and law, it is first necessary to define the legal foundations and approaches pertinent to this connection.

5. The basics of law

In general, two approaches can be taken into consideration in examining the basics of law; (Hekmatnia, 1386, p. 131) rational approach and volitional approach. From the first point of view, the origin of legal rules is the essence of the rules, which is valid with the help of reason and independent of any authority. The school of natural law considers this to be the standard and basis of legal rules, and the origin of this view can be found in the works of Aristotle. (Aristotle, 1371, Volume 5, Chapter 7) According to the second point of view, the basis of the validity of legal laws is the will that imposes them. This may be the will of the nation, the government, or the legislative will of God or someone who has the authority to enact laws on his behalf.

5.1. Fundamentals of law from the point of view of Islam

Although the scholars and jurists of Islam have not addressed this issue directly with these two approaches, what they have described as the problem of rational goodness and ugliness is closely related to the two approaches of volitionism and rationalism. People like Ash'aera deny the goodness and ugliness of actions, and consider the reason for the legitimacy of Shariah rights to be the will of the Supreme Court, and they believe that it is only after God's commands and decrees that the intellect can understand its merits and demerits. With this statement, they are clearly included in the group of free willists. On the other hand, another group, such as Mu'tazila and Imamiyya, have accepted the goodness and badness of actions, and they believe that actions have intrinsic goodness and badness regardless of Sharia's orders, and since the Islamic legislator was wise, he ruled based on it. With this statement, this point of view is included in the category of both volitionists and rationalists, in the sense that Islamic laws are based on both the goodness and badness of an act and the will of God.

5.1.1. Intellectual goodness and ugliness

According to the Imami view, the intellect understands the truth of actions in two ways: in some matters, he decides something independently, but through the judgment and validity of another, he succeeds in discovering the correctness and the corruptness in the present tense, like many religious orders. However, in some matters, the criterion of judgment is intrinsic to the action, and the practical mind, independently and without the help of others, has issued a decision regarding this action and validates its goodness and badness.

In other words, some optional verbs have inherent beauty and ugliness and intellectual value and are characterized as good or bad; Like injustice and justice, knowledge and ignorance. Because justice is always good and good because it is justice, and injustice is always a bad and ugly act

because it is injustice, but some other actions are not characterized by any of the two attributes; Rather, they are subject to the adaptation of one of the actions that are inherently good or bad; The title of justice, for example, respect for a friend, is good and acceptable as long as it is true, and if it is combined with another title, it becomes ugly inside the title.

It seems that the best point of view that can be extracted from the statements of Muslim sages is that the criterion of reason's judgment about the goodness or ugliness of an action is the perfection and existence of the action for the soul or the imperfection and destruction of the soul. In this case, it can be said that since the human soul is perfectionist by nature and in search of absolute perfection, and by nature it loves survival, and everything that increases its survival is because of its beloved reason. Therefore, a person should seek perfection, and this perfection is also a rational necessity; so its preparations and everything that brings us closer to perfection are also necessary. Some of the actions are inherently perfecting and existential for the human soul; therefore, after verifying the existence by the theoretical intellect, the practical intellect judges its goodness. Therefore, the criterion of mandatory rules of practical reason is perfection and existence of an act for the soul or imperfection and destruction of the soul. Just as the actions themselves are real and external things, their effect is also a real thing, so actual perfection or practical improvement is the real and constructive effect of actions. For example, theoretical reason discovers that truthfulness leads to perfection of the soul, and practical reason rules that whatever leads to perfection of the soul must be done, so it must be honest.

When theoretical reason determines that an action is inherently perfecting for the soul, and practical reason accordingly decrees it as obligatory, given that such judgments are rational, every wise person will regard that action as a duty. In this way, the approval of the *Shaare*, who stands as the supreme authority of reason, is necessarily attained; therefore, the *Shaare* must rule in accordance with the wisdom of the wise. There is no need for a verbal indication to discover the *Shaare*'s concurrence with this requirement, although such verbal evidence is not excluded. (Muzaffar, 1373, vol. 1, p. 229). Whatever the intellect dictates, the Sharia also dictates. For instance, the intellectual imperative for justice is clearly mirrored by the Sharia's pronouncements on the same necessity. The Sharia concurs with this requirement even absent an explicit divine command, such as the directive: "Be just, for that is closer to piety, and fear God, for God is aware of all that you do."

5.1.2. Accountability

All theorems can be categorized as either cognitive or constructive. Cognitive theorems serve solely to inform us about the external world; thus, their validity is contingent upon their correspondence with reality, and they can be true or false. Constructive theorems, conversely, do not convey information about any external reality; rather, their contextuality or structure is immediately available to us. These cognitive theorems are further subdivided into two types:

1. Constructive theorems, inherent in their essence, carry intrinsic orders. They comprise everything that can be understood from things and facts, yet they possess no alternative because their source of being is grounded in what is real and true. These subjects are referred to as valid intellectual matters, which are contrasted with valid rational matters. Take, for example, the word “Above”: we can assert that the nature of this term exists, but there is no objective existence corresponding to the state of “being above.”

2. Purely constructive theorems consist of everything that lacks any real or true source of existence and gains accountability only under specific, special circumstances. Some Islamic researchers, such as the Ash‘arites (a specific theological school), maintain that rights and responsibilities are purely constructive, thereby denying any role for knowledge in this framework. (Taftazani, 1409, 4th volume, p.282, Joveini, 1405, p.228-229) From the perspective of other scholars, such as the Twelver Shi‘a researchers, responsibilities recognized by our intellect and legislated by Islamic authorities, which are considered true, are actually rooted in human reality, expediency, and the pursuit of desired perfection relative to worldly realities. Mohammad Hossein Tabatabaee is a proponent of this view. He contends that the source of constructive concepts lies in human needs, believing that these concepts are not formed automatically or without substantiation, and he finds that the clear (*sarih*) theorems are not unconditionally valid. His position is that the customary laws governing human interactions are fundamentally adjectival and based on constructive concepts that embody goodness and expediency for the individuals involved. The impetus for these constructive laws, however, stems from the outward nature of humanity, which guides individuals toward correcting errors and meeting their needs. In truth, every soul possesses as many rights in this universe as it has talents. Therefore, firstly, the individual must seek out these rights. Secondly, society is then obligated to grant these rights. For every right that is thus conferred, a corresponding responsibility is placed upon that individual’s shoulders. This structure is constructive, with its source being a variety proposition. This variety proposition is sometimes foundational (*asli*), and at other times, it is intrinsic (*dhati*) or expedient (*maslahati*).

6. About morals

The concept of law and morality revolves around the potential relationship that may exist between these two subjects. The central question, therefore, is whether the moral system constitutes the fruit while the logical *Nezam* (system) is the tree, or if the reverse is true. Alternatively, is their connection so intricate that it renders complete mutual dependence impossible, leading them instead to cooperatively assist human life in achieving integrity and perfection? We have stated that the objective of this research is to demonstrate the connection and relationship between the two, and to analyze values and morals as the sources for law, with behavioral ethics serving as the ultimate aim for these established rights.

6.1. Morality as the Source¹ of Law

According to what was said, values have natural and inherent sources, and whatever has an inherent aspect for humans will be one of their needs. So the mind orders to answer this need, which is the need of the Islamic ruler who created these needs himself and is aware of all the dimensions of the human being and his cost and benefit. From this perspective, values are divided into two categories: main and minor. From the main perspective, virtues and vices are the final solutions for the growth of human beings, and from the minor perspective, logical and juridical responsibilities will be a tool for this growth. Ordinarily, obligation (*taklīf*) is directed toward the means, although the primary issue here lies elsewhere. It is from this standpoint that we realize the separation of these two concepts is mistaken. However, in the realm of study and education, these matters are treated separately. This discussion closely relates to the topic raised by Motahari concerning the ultimate purpose of the movement of living and non-living beings, based on the ideas presented by Mohammad Hussein Tabatabaee. He stated: “The movement of creatures lacking consciousness toward their destination is obligatory, whereas conscious beings, to attain their ultimate goals, employ natural instruments alongside their own conscious systems.” In essence, there exists a connection between the objective and formative aspects of nature and its conscious system. Humans tend to regard this connection as accidental. For example, when a person feels hunger, he seeks food based on his prior experience of the pleasure of eating. Yet, in this very act, nature also achieves its own purpose. It might have occurred differently, for instance, the eater could have found delight in consuming stones, and the stomach might have required other substances, but these elements coincided merely by chance. Is that really the case? Or is there no accident at all? There is indeed a dependence, but the crucial point is that one aspect is primary and the other secondary. The primary aim is the capacity for perception, which seeks enjoyment and freedom from the pain of hunger; yet to realize this aim, the digestive system must cooperate with the perceptive faculty to bring about pleasure. (Motahari, 1363, P.191) The value’s function is the same, and the responsibilities will be helping the values as tools. So just like the obligatory relation between nature and its purposes, there is a relation between values and responsibilities. In fact, moral matters are the logical matter’s foundation and must be obtained. But this is not clear to everyone. Therefore, action (as a tool for personal and social expediences) will be a tool which will be used to open the way to felicity for those who are ready and close the way of violation for those who make mistakes. For instance, dignity is human’s inherent nature; he is created based on this goal. وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ. The almighty Allah has constructed a law based on this matter. Having dignity is what differentiates human beings from other creatures. It also puts a prophecy in his hands and considers him some rights. For example, one of these rights is the right of ownership. According to this right, society is responsible to respect humans’ properties and life. In fact, this

¹ Source is a principle or a rule which the logical system is depended on and the logical rules and orders are made based on itas.,

² Asra, 70: Indeed, we have dignified the children of Adam, carried them on land and sea, granted them good and lawful provisions, and privileged them far above many of Our creatures.

right brings society some specific responsibilities. Another example which can be discussed here is the concept of Mehrieh. Mehrieh is one of the financial institutions in Nikah, which is constructed upon moral values. Motahari has a say in this matter, which confirms our hypothesis. “The creation of Mehrieh is the result of the skilful planning which is used in the process of balancing the relationship between man and woman. Mehrieh is constructed because, since the creation of man, and woman play opposite roles in matters of love. Their love for each other is not the same kind.

The rule of creation has endowed women with beauty, honor, and independence, while instilling need, desire, and love in men. Thus, the *Mehrieh* (dowry/dower) is an element derived from a general regulation established since the inception of humanity and prepared by the hand of nature. (same, 1357. 199-203). In other words, by the very nature of creation, men and women have been formed such that needs and requests originate from the man, and the reactions and fulfillment are provided by the woman. One means by which a man attracts a woman’s attention and affection is through the giving of gifts; this concept is embodied in *Mahr* (dower), which Islam positions at the very beginning of married life. The Holy Quran did not invent *Mahr*, because *Mahr* is an origination of creation in this manner. What the Quran has done is return *Mahr* to its innate state. God says in Quran: *وَأَتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً* ³. Meaning women’s *كابين* to them, which belongs to themselves (not to their brothers or fathers), it’s a gift from your side to them. In this short sentence, three main points have been mentioned: First, there is the word “Sadaghe”. Not *Mahr*. *Sadaghe*’s root is *Sedgh* and is called this way because it shows a man’s true love for a woman. Another point is that by adding “هَنْ”, it is implied that *Mahr* belongs only to women, not their parents. Because *Mahr* is not a payment for feeding and growing a woman. The third point is the word “نَحْلَه”. By this word, it is clarified that *Mahr* is nothing but a gift for women. (same, p203-204)

In another order, God commands justice *وَلَا تَمِيلُوا كُلَّ الْمِيلِ* ⁴ and *وَلَوْ حَرَصْتُمْ فَلَا تَمِيلُوا كُلَّ الْمِيلِ* ⁵ in treating the partner for protecting the peace and calmness between wife and husband *وَأِنْ تُصْلِحُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا* ⁶ *آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً* ⁷ *وَرَحْمَةً*. which is the main foundation of a marriage and a family. Or a man must pay his wife’s *Nafaghe* (alimony) and take care of the family. *قَوَامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا* ⁸ *الرِّجَالُ* ⁹ *أَنْفَقُوا مِنْ أَمْوَالِهِمْ*.

6.2. Proportion between development and legislation in Islamic law

³ Nisa, 4: Give women their dowries, handing it over to them; but if they remit anything of it of their own accord, then consume it as [something] lawful and wholesome.

⁴ Nisa, 129: You will not be able to be fair between wives, even if you are eager to do so. Yet do not turn away from one altogether, leaving her as if in a suspense. But if you are conciliatory and God wary, Allah is indeed all-forgiving, all-merciful.

⁵ Rum,21: And of His signs is that He created for you mates from your own selves that you may take comfort in them, and He ordained affection and mercy between you...

⁶ Nisa, 34: Men are the managers of women, because of the advantage Allah has granted some of them over others, and by virtue of their spending out of their wealth...

Islam regards human talents and instincts as the very source of law, establishing legislation and responsibilities based upon the development of the human being. Through this linkage, the relationship between development, legislation, and the quality of their interactions becomes clear. The manner and nature of this relationship constitute one of the most critical issues in jurisprudence. Since legislation is the law governing developmental flourishing, and since this flourishing, improvement, and criticism of latent talents (all of which are inherent rights) requires a program and a set of rules outlining dos and don'ts, this is provided by legislation. The origin of right (*haqq*) is from the prescription of reality and the realm of being and non-being; whereas the obligation (*taklīf*) originates from the prescription of ordinance and the realm of ought and ought not. Moreover, just as right itself belongs to the category of ordinance and ought/ought not, the origin of obligation (*taklīf*) is from the category of reality (*takwīn*) and being/non-being. (Javadi Amouli, 1384, p.159). In conclusion, at the stage of establishment, the logical system must be recognized as the active and apparent manifestation of the moral system that governs human life, both within the individual sphere and in society. Furthermore, it serves as the pathway for the flourishing of spiritual knowledge for both the individual and the collective. Therefore, at the stage of establishment, these ethical realities must also be manifested within Islamic law and jurisprudence. Consequently, just as morality presides over foundational principles, it must also intervene in and govern the process of *Ijtihād* (independent legal reasoning) and the inference of legal rulings. This is how the word "طيبه", which has a remaining principle, shows its results in the field of jurisprudence and principles. ⁷أَلَمْ تَرَ كَيْفَ ضَرَبَ اللَّهُ مَثَلًا كَلِمَةً طَيِّبَةً كَشَجَرَةٍ طَيِّبَةٍ أَصْلُهَا ثَابِتٌ وَفَرْعُهَا فِي السَّمَاءِ. تُؤْتِي أُكْلَهَا كُلَّ حِينٍ بِإِذْنِ رَبِّهَا وَيَضْرِبُ اللَّهُ الْأَمْثَالَ لِلنَّاسِ لَعَلَّهُمْ يَتَذَكَّرُونَ

6.3. Morals as the Purpose of Law

Do logical principles adhere to a specific purpose? Are logical systems constructed upon designated objectives? What precisely are those objectives, and what constitutes their ultimate justification? Indeed, the core reality is that the majority of divergences within logical systems reside in their chosen goals and purposes. This variance directly causes differences in legal principles and legislation. All rights and responsibilities are predicated upon a logical system, and each such system depends, to some degree, on its own foundational axioms and intended goals. Currently, in the field of jurisprudence, schools of thought are generally divided into two main groups based on their primary purpose and aims:

1. Schools whose rules are purposed toward safeguarding societal peace and eliminating disorder.

⁷ Abraham, 24-25: Have you not regarded how Allah has drawn a parable? A good word is like a good tree: its roots are steady and its branches are in the sky. It gives its fruit every season by the leave of its Lord. Allah draws these parables for mankind so that they may take admonition.

2. Schools whose rules aim not only to protect society but also to assist humanity in attaining the highest degree of felicity.

The Islamic logical system stands as one of those frameworks bestowed upon society as a sacred law, pursuing a specific, defined goal. It belongs to the school of thought whose purpose extends beyond mere societal protection to actively assist humanity in achieving the ultimate level of felicity. Adherence to this guiding framework will guarantee genuine happiness for mankind in every dimension. (Shahabi, 1366, 1st volume, p.16-20). The mere promulgation of a law and the establishment of a governing body are insufficient for its practical realization. The true effectiveness of a law, both at the societal and individual levels, stems from the moral impact it cultivates among the populace subsequent to its implementation. Consequently, to ensure a favorable outcome, the legislator must prioritize securing a positive effect upon the people, concurrent with the act of codifying the law itself. This necessitates that morality and justice serve as the inherent guarantee for every enacted rule. In essence, moral potency functions as the underpinning assurance for all juridical and logical principles.

For instance, Islam posits that the primary purpose behind the institution of the family is the actualization of moral virtues such as fault-covering, modesty, tranquility, patience, and tolerance. The family unit is thus established as a moral foundation that must be built upon grace (*mawaddah*) and mercy (*rahmah*). Furthermore, as stated in the Qur'an, Surah Ar-Rum, verse 21, the rights and responsibilities between partners must be structured in a manner that inherently produces peace (*sakinah*) and tranquility, rather than fostering contention and dispute. The Holy Quran has talked about Zakat in other verses. ⁸خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ إِنَّ صَلَاتَكَ سَكَنٌ لَهُمْ وَاللَّهُ سَمِيعٌ عَلِيمٌ. This verse highlights two critical moral and social dimensions. It directs the Prophet Muhammad to purify and cultivate his people through his actions: to cleanse them of moral vices, secularism, stinginess, and parsimony, while simultaneously planting the seeds of altruism, generosity, and attentiveness to the rights of others. Moreover, by enacting what God commands, he is tasked with eradicating the pervasive impurities caused by poverty, discrimination, and deprivation within society. The resulting benefits are social unity and economic development. Accordingly, *Zakat* is simultaneously designated as the “Purifier of the individual and the community” and the agent for fostering virtues in individuals, thereby causing societal progress. This represents the most comprehensive explication of *Zakat*: on one hand, it washes away impurities (*rijs*); on the other, it cultivates perfection. The Holy Qur'an reminds us that the payment of *Zakat* ultimately benefits the payers themselves, as it purifies the ego on an individual level and clarifies the structure of society on a collective level (Elhami, 1379. P.3). This means,

⁸ Tobe, 103: Take charity from their possessions to cleanse them and purify them thereby, and bless them. Indeed, your blessing is a comfort to them, and Allah is all-hearing, all-knowing.

according to the Quran, the secret of sending prophets is to educate the human society. «بُعِثْتُ أَنَا⁹» (Tabarsi, 1412, p.8) «لَأَتَمِّمَ الْأَخْلَاقَ».

7. Conclusion

In the Islamic system, the process of lawmaking, if executed properly, must yield an impact consistent with its foundational *ratio legis* (the rationale or basis of the legislation). For instance, chastity serves as the underlying cause and basis for legislating the rule of *Hijab* within the Islamic framework. Therefore, if this specific rule is correctly implemented throughout society, the expected outcome is the emergence of a virtuous and modest community. If this expectation fails to materialize, two primary reasons can be posited: either an error occurred in the legislative formulation itself, or the law was not enforced with the necessary precision. Consequently, within this system, morality and virtues must be given paramount attention, both as the foundational principle of the entire structure and as the ultimate objective and desired outcome of law enforcement. Unfortunately, due to the limited focus by scholars on the fundamental bases and the resultant individual and social effects of Islamic laws and edicts, certain groups have exploited this vacuum by characterizing the Islamic system merely as a set of obligatory duties to be performed, irrespective of their moral or educational consequences. This fundamentally misrepresents the system, whose ultimate aim is to realize justice and construct a moral society capable of guaranteeing authentic human rights.

⁹ I was sent to conform morals.