



The Two-Way Relationship between Law and Ethics in Islamic Socio-Political Rules

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Abstract

To achieve excellence and happiness in individual and social dimensions, humans need both Law and ethics. The existence of ethical rules alongside legal rules is essential for constructing a worthy and civilized society. Legal and ethical systems are designed as complementary to each other to organize and manage human material and spiritual life. The relationship, interaction, and correlation between ethics and law are among the most important topics in the philosophy of law. There is a logical relationship between general and specific ethical and legal rules. In this paper, the interaction and correlation between law and ethics in Islamic socio-political rules, based on the teachings of the Quran and Sunnah as two primary sources of Sharia, have been examined. The relationship between law and ethics in various socio-political matters such as family, civil affairs, criminal law, judiciary, military, and political affairs is very robust. In this research, examples of these relationships in different matters have been scrutinized and analyzed based on Quranic verses and Hadiths.

Keywords: Law, Ethics, Relationship between Law and Ethics, Political Rules, Social Rules.

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Introduction

Ethical principles serve as indicators for superior human behavior within society, while legal rules are established to organize social life. Simultaneously with the organization of social life through legal rules, adherence to ethical principles is mandated through the internal conscience of individuals and social oversight. The presence of ethical rules alongside legal rules is essential for constructing a dignified and civilized society.

The relationship, interaction, and correlation between ethics and law are among the most important topics in the philosophy of law. There exists a general and specific logical relationship between ethical and legal rules, such that some legal rules are derived from and based on ethical principles, while some ethical rules have no connection with legal rules, and likewise, some legal rules are not related to ethical rules.

In the Holy Quran, ethical verses are intertwined with legal and commandment verses. Similarly, in ancient Shiite narrative sources such as "Al-Kafi" by Kulayni, legal-ethical narrations are mentioned alongside ethical narrations. Moreover, Islamic jurisprudential and legal books are not devoid of ethical discussions. For example, Abu Salah Halabi in his book "Al-Kafi Fi al-Fiqh" divides it into three sections: rational obligation (discussions of beliefs), auditory obligation (legal discussions), and qualifications for obligations and their rulings (issues related to beliefs and ethics). He has included some ethical topics in each section, such as many jurists discussing ethical issues like backbiting, lying, and deception within the section on legal transactions.

Therefore, in Islamic teachings, including the Quran and Sunnah, ethical and legal rules have a close relationship and interaction with each other. The fundamental question that this research seeks to answer is: What is the relationship between law and ethics in socio-political matters? This research, with a descriptive and analytical approach, has been organized to respond to the aforementioned question.

Research Background

To date, approximately 4 dissertations and theses have been registered that address the topic of "the two-way relationship between law and ethics in Islamic socio-political rules." However, none of them have provided a definitive answer to this question. Registered articles in the Noormags system also generally focus on the general aspects of the "relationship between ethics and law." An example of such cases is listed below:

1) "The relationship between ethics and rights in family law," Master's thesis, 1392 AH, Author: Roghayeh Sadat Hajari Bidgoli, Supervisor: Sayyed Hassan Vahdati Shobiri, Islamic Azad University, Naragh Branch.

2) "The relationship between ethics and citizenship rights," Master's thesis,

1396 AH, Author: Alireza Akhavan Kafash, Supervisor: Leila Mirbod, Islamic Azad University, Taft Branch.

3) "A critical study of the relationship between ethics and law in modernity," Master's thesis, 1395 AH, Author: Ali Davoudi, Supervisor: Mohammad Taghi Yousefi, Consultant: Yarali Kurd Firouzjaee, Baqir al-Ulum University, Philosophy and Islamic Kalam Research Center.

4) "The position of ethics in administrative law," Specialized doctoral thesis, 1398 AH, Author: Ataollah Jokar, Supervisor: Reza Nikkhah Sarnaqi, Consultant: Mohammad Hassan Javidi, Urmia University, University Campus.

5) Article titled "The hidden role of ethics in law," Authors: Reza Nikkhah and Ebrahim Ali Asgari, *Journal of Bioethics*, 5 (15), 2016, pp. 11-39.

1. Conceptualization

"Rights" is the plural form of "right" and encompasses various meanings such as justice, correctness, deserving, and specific benefit for individuals (Safipour, n.d., Vol. 1, p. 263). In terminology, "right" refers to an authority granted by the law to individuals to perform an action, and individuals are free to perform or not perform this action; freedom of action is a fundamental aspect of the concept of rights (Imami, 1379 AH, Vol. 1, p. 134). In another terminology, "rights" refers to a set of rules that are established and enforced through social or governmental institutions to regulate the behavior and governance of individuals and entities. Legal science is the study of the analysis and evolution of legal rules (Khosravi, 1394 AH, p. 28).

Similarly, "ethics" is a relatively new word, and its singular form "khulk" with one "zamme" and "khuluq" with two "zammehs" in Persian means temperament, disposition, institution, and character (Dehkhoda, 1377 AH, Vol. 7, p. 9925). In terminology, "khuluq" refers to a psychological disposition that human behavior is easily associated with, which is of two types: praiseworthy disposition like chastity and courage, and blameworthy disposition like greed and fear; good or bad disposition is understood after behavior is expressed (Tabatabai, 1417 AH, Vol. 19, p. 369). Also, in the definition of "ethics," it is stated that: "Ethics is the knowledge of destructive and salvation qualities, how to be described and embodied in salvation qualities, and how to be freed from destructive qualities" (Naraqi, 1368 AH, Vol. 1, p. 34).

From these definitions, it becomes clear that ethics and rights have relative similarities and aim for a common goal, which is the perfection and happiness of humanity; however, they differ in quality, quantity, and methods, and their modes of operation are heterogeneous.

2. The Necessity of Rights in Society

Since humans cannot meet their needs in isolation, they need society and are

considered social beings, compelled to live with other beings of their kind. Individuals in society have common desires and aspirations and cooperate with each other to achieve them; however, some individuals are overly ambitious and oppress others. Therefore, to prevent conflict and disorder and establish order in society for its continuity and survival, the existence of laws and the science of rights is necessary and imperative. Some contemporary thinkers have stated: "A society without regulating laws cannot continue its desirable existence" (Jafari, 1379 AH, Vol. 26, p. 179).

3. The Necessity of Good Ethics in Individuals and Society

With the prevalence of ethical virtues in society and the dominance of ethics, undoubtedly, that society enjoys high levels of tranquility and mental well-being. Individuals in society, for interaction and socializing with each other and to have peace, comfort, and good life, must observe good ethics because the presence of ethical virtues in humans is among the important factors of happiness and perfection. The true character of a human being forms when ethical values crystallize within them. Each individual is evaluated based on the manifestation of ethical values in their thoughts, speech, and behavior, and the first aspect that appears of a person in society is their ethics.

Therefore, Amir al-Mu'minin, Ali (peace be upon him), regarding the necessity of preferred ethics among individuals and society, said: "By God, if we were not hoping for good deeds, reward, fear of hellfire, or punishment, it would still be appropriate for us to seek noble morals, as ethical merits guide us to paths of success and victory" (Sayyid Yahya, 1422 AH, p. 450). In today's world, nations are alive with ethics; a nation lacking ethics is not considered honorable.

In Islam, adherence to good ethics and virtuous qualities is highly significant; the primary purpose of the noble Prophet of Islam's mission was the evolution of human good ethics. The Holy Prophet said about this: "I was sent to perfect noble ethics" (Tabarsi, 1372 AH, Vol. 10, p. 500). Also, he said: "Indeed, Allah loves noble ethics and detests reprehensible conduct" (Ibn Asakir, 1415 AH, Vol. 7, p. 5). God loves excellent ethics and dislikes bad ethics.

Moreover, Amir al-Mu'minin, Ali (peace be upon him), said: "Adhere to noble ethics, as they elevate you" (Ibn Shu'bah Harani, 1363 AH, p. 215). Good ethics cause elevation. Imam Sadiq (peace be upon him) said: "God never sent a prophet except with purity, justice, noble ethics, good deeds, and forbidding indecency" (Saffar, 1404 AH, p. 530). God did not send any prophet except to command them to do good, justice, and preferred ethics and deeds and to forbid indecent actions.

It must be noted that ethics is integrated into Islamic law because any action

that has benefits is included within the scope of recommended actions, and performing such actions has a good reward.

4. Common Goals of Ethics and Law

Ethical principles are established with the aim of refining, disciplining, and reforming human character. Similarly, restraining and regulatory legal rules are founded with the objective of correcting criminal behavior. In the Constitution of the Islamic Republic of Iran, Article 156, Fifth Clause, titles two important duties of the judiciary as "taking appropriate action to prevent crimes and reforming offenders."

Individually speaking, the ultimate and principal objective of religious regulations in Islam seems to be the purification of humans from impurities. In the Holy Quran, after stating some regulations and emphasizing that the purpose of the prophets' mission is the refinement and upbringing of humans, God says: "God does not intend to make difficulty for you, but He intends to purify you and complete His favor upon you that you may be grateful" (Ma'idah, 6). Through studying Islamic penal law, we clearly find that one of the important and fundamental objectives of punishments is the correction and rehabilitation of offenders (Peyvandi, 1395 AH, pp. 116-117).

Among the strategies for reforming offenders and criminals in Islamic teachings is repentance, whose educational consequences have been taken into account by the legislator of the penal system of the Islamic Republic of Iran. Repentance and forgiveness are two different concepts, and in some cases, the repentance of an offender leads to their forgiveness by the Islamic ruler, while in other cases, forgiveness and pardon of an offender by the Islamic ruler may occur without their repentance. For example, according to Article 114 of the Islamic Penal Code, in crimes that entail corporal punishment except for adultery and armed robbery, if the accused repents before the proof of the crime and their remorse and correction are confirmed by the judge, the punishment is waived. Also, if the aforementioned crimes, except for adultery, are proven by confession, the court can request the pardon of the repentant offender by the head of the judiciary even after the proof of the crime.

This ruling in Article 114 of the Islamic Penal Code is based on the jurisprudential legal principles indicating the effectiveness of repentance in the rehabilitation of offenders, therefore, the repentance of an offender, emphasized by legal rules and regulations, revives the ethical spirit within the individual of the offender.

Based on this, it can be inferred that the laws and legal regulations in the Islamic penal system, in addition to preventing and deterring crimes (non-realization of crimes), are aimed at reforming and treating offenders and

reviving good ethics in them. The purpose of disciplining an offender is to compensate for their ethical deficiencies; therefore, in Islamic teachings, if an offender repents, they may be pardoned from the specified punishment, as their repentance is a sign of their ethical reformation, and in this case, there is no longer an obligation to impose punishment or reformation.

In other words, the repentance of an offender signifies their return to a pure nature and good ethics, and the purpose of punishment is also this return to a pure nature; hence, with the realization of this purpose, their punishment is not necessary. Therefore, it can be concluded that by institutionalizing good ethics within the individuals of society, legalism is established and lawlessness is eradicated.

Furthermore, on the other hand, the goal of legal rules and regulations is to secure the worldly interests and benefits of individuals in a society, while ethical principles, in addition to securing worldly and material benefits, seek the correct pattern of human growth and perfection to thereby provide spiritual happiness for the individual (Mesbah Yazdi, 1384 AH, p. 339).

Therefore, the goal and objective of ethics and law are the same, but their methods and approaches are different.

Considering the above statements, it becomes clear that ethics and law share common goals and purposes and have a close relationship with each other.

5. The Relationship between Ethics and Islamic Law

Some legal rules are also considered ethical rules, such as rules that deem encroachment upon the property, life, and honor of others as a crime, and also rules like the principle of unfair ownership and the principle of fidelity in financial and international commitments.

Law and rights do not absolutely encompass some ethical rules and principles, but in other cases, they do include ethical rules and principles, such as aiding others and truthfulness, which legislators deem obligatory only in specific cases like aiding individuals in danger and consider refraining from it as a crime (Yazdian Jafari, 1393 AH, p. 115). Also, in legal rules, lying is not absolutely prohibited, but in specific circumstances such as testimony and giving a sworn statement, lying is considered a crime, and truthfulness is mandatory.

It may be presumed that some legal regulations have no connection with ethics, such as some procedural and transportation regulations. It appears that the reason for this assumption is that these regulations are not inherently considered matters of good or bad ethics but are merely established to prevent social disorder. However, it seems these matters can also be accounted for as ethical rules, as the result of legal regulations and principles is public benefit,

happiness, and good, all of which are ethical principles (Amer, 1996, p. 23).

Additionally, the concept of duty and right has its roots in ethical principles and also in the provisions and regulations of Islamic jurisprudence, and Islamic law also has its roots in Islamic jurisprudence; therefore, from an Islamic perspective, rights and ethics are two factors that restrain and limit human behavior (Mousavi Bojnourdi, 1385 AH, p. 123).

Below are a few examples of the relationship between legal regulations and ethical principles:

Article 6 of the Civil Procedure Law stipulates: "Contracts and agreements contrary to public order or against good morals are not enforceable in court." This article is also stated in the laws of other countries, and nowadays, in the courts of any country, contracts contrary to morals are not enforceable (Abdali and Tafreshi, 1383 AH, p. 4).

Article 975 of the Civil Law of the Islamic Republic of Iran is regulated as follows: "The court cannot enforce foreign laws or private contracts that are against good morals or, due to injuring societal sentiments or for other reasons, deemed contrary to public order, even though the enforcement of these laws is generally permissible."

Therefore, it can be said that legislators have placed ethical principles such as supporting the oppressed, public order, and justice as criteria and guidelines for legislation, although they have not explicitly referred to ethics and ethical principles in some cases, they have implicitly considered ethical principles. Therefore, ethics can be found within each of the legal rules and regulations. Additionally, ethics provides a guiding nature for specific laws and rights and leads to their greater compatibility with the beliefs and convictions of society (Nikkhah and Ali-Asghari, 2016, p. 18).

6. The Relationship between Law and Ethics in Family Matters

In Islamic jurisprudence, there are numerous recommendations for forming a family. The noble Prophet of Islam, peace be upon him and his family, said: "No structure has been built in Islam more beloved to Allah than marriage" (Tabarsi, 1370 AH, p. 196). In Islam, there is no structure dearer to God than marriage. Besides establishing legal regulations, Islamic principles of ethics are also fundamental for strengthening the foundation of the family, to which spouses must adhere for attaining happiness. Below are some of these principles:

1) The principle of dignified companionship or good conduct in family relationships is an ethical principle incorporated into Islamic law to organize marital affairs and family relationships, including marital relations. This principle is supported by verses and narrations. For instance, God has said: "And live with them in kindness" (Quran, 4:19), emphasizing respectful interaction

with women. The Prophet, peace be upon him, said: "The best of you are those who are best to their families, and I am the best among you to my family" (Saduq, 1413 AH, Vol. 3, p. 554). He also stated: "Whoever marries a woman should honor her" (Nouri, 1408 AH, Vol. 14, p. 250). Imam Ali, peace be upon him, advised men to speak kindly to women so that they reciprocate with good behavior (Saduq, 1413 AH, Vol. 3, p. 554).

Just as husbands should behave well within the family, wives should also exhibit good conduct towards their husbands and avoid causing them distress. Imam Sadiq, peace be upon him, said: "Cursed is a woman who harms her husband, and blessed is a woman who honors her husband, does not harm him, and obeys him in all situations" (Nouri, 1408 AH, Vol. 14, p. 247). Additionally, the Prophet said: "If a woman harms her husband, Allah does not accept her prayers or good deeds until she makes him happy and satisfied, even if she fasts perpetually, performs night prayers, emancipates slaves, and spends wealth in the path of Allah, and she will be the first to enter the Fire" (Hur Ameli, 1424, Vol. 20, p. 163). Scholars have also said: "One who does not treat their family well loses the pleasure of life" (Samarghandi, n.d., p. 61).

Therefore, based on the noble Quranic verse and similar narrations, Article 1103 of the Civil Law states that spouses are obliged to treat each other with kindness. The principle of dignified companionship is clear and firm; if any other principle conflicts with it, it must be interpreted in light of this principle. All marital laws, such as alimony, its amount and allocation, sexual rights, daily behavior of spouses, determination of dowry and its manner, and unconditional alimony, stem from this principle. This principle governs even in resolving marital crises, such as in cases of separation between spouses.

2) Among the rights a wife holds over her husband is the dowry. According to Islamic law, after concluding the marriage contract and consummating the marriage, the wife becomes the full owner of the dowry, and it is obligatory for the husband to pay it in full. Although taking the dowry is the right of the wife, in order to increase love and affection within the warm family environment, Islam recommends that the wife forgive her dowry to her husband. In this regard, the noble Prophet of Islam said: "Any woman who donates her dowry to her husband before consummation, Allah writes for her, for every dinar, a slave's liberation" (Kulayni, 1407 AH, Vol. 5, p. 382). When asked about forgiveness after consummation, he said: "It leads to increased affection and love."

Just as women are encouraged to forgive their dowry to their husbands, men are also advised to give gifts to their wives. The noble Prophet said: "A man's gift to his wife increases her chastity" (Saduq, 1413 AH, Vol. 4, p. 392). Generosity and benevolence are ethical virtues. Possessing these qualities

prompts individuals to give to others. Generosity involves giving from worldly possessions, an act that is incompatible with miserliness. Giving gifts dispels animosities; it is a form of kindness, and a person who is kind is deemed virtuous.

3) Among the rights a woman has over her husband is the right to maintenance and living expenses (food, clothing, and shelter) to a reasonable extent, and it is obligatory for the husband to fulfill this right. Islamic law recommends that a financially capable husband provides well for his wife and does not limit himself to fulfilling basic financial obligations. Imam Ali said: "Good manners are in three things: avoiding the unlawful, seeking lawful sustenance, and generously providing for one's family" (Majlisi, 1403 AH, Vol. 68, p. 394). Imam Kazim stated: "A man's family are his dependents, so whoever Allah has blessed with a bounty should expand on providing for his dependents, otherwise, that blessing may be taken away" (Saduq, 1413 AH, Vol. 4, p. 11). Imam Reza said: "A man should provide generously for his family so that they do not wish for his death" (Kulayni, 1407 AH, Vol. 4, p. 11). Imam Sajjad said: "Your satisfaction with Allah is through providing for your family" (Kulayni, 1407 AH, Vol. 8, p. 69). The Prophet also said: "He is not one of us who Allah has enriched and yet he is miserly towards his family" (Hindi, 1409 AH, Vol. 16, p. 372). A wealthy man who does not provide for his family adequately is stingy and miserly, traits that are morally reprehensible and should be avoided.

4) The most important role of a woman in married life is to create a peaceful and comfortable environment for her husband at home. The noble Prophet of Islam said: "A woman's striving is in her good management of her husband's affairs" (Ibn Shu'bah Harani, 1363 AH, p. 60). Being a good manager for one's husband encompasses various activities such as cooking, cleaning the house, doing laundry, taking care of children, and hosting guests. According to Islamic law, a woman is not obligated to perform these tasks and can receive wages from her husband for doing them. However, serving her husband at home without compensation is considered worship in the sight of the Almighty and carries great reward. The Prophet said: "Any woman who serves her husband for seven days, Allah closes seven doors of Hell for her and opens eight doors of Paradise, from which she may enter as she pleases" (Nouri, 1408 AH, Vol. 14, p. 254).

Based on the foregoing, rights and ethics in marital life are deeply intertwined, forming a strong bond.

7. Relationship between Law and Ethics in Civil and Social Matters

In Islam, certain civil and social matters are interconnected in terms of both

legal and ethical dimensions. Below, we will address some of these aspects:

1) Zakat is a right that the Almighty has ordained for the needy from the wealth of the affluent. Imam Sadiq (peace be upon him) stated: "Verily, Allah has obligated for the poor a share in the wealth of the rich that suffices them. If He knew that it would not suffice them, He would have increased it for them. And if people fulfilled their rights, they would indeed live in well-being" (Kulayni, 1407 AH, Vol. 4, p. 464). Allah has designated a portion in the wealth of the affluent for the destitute that meets their needs. If He had known it wouldn't suffice, He would have increased it, and if the affluent fulfilled the rights of the destitute, they would indeed live happily. He also said: "There is nothing more obligatory upon this Ummah than Zakat" (Kulayni, 1407 AH, Vol. 4, p. 479). Imam Sadiq (peace be upon him) further remarked: "The most generous among people is one who pays the Zakat of his wealth and does not withhold from the believers what Allah, the Almighty, has obligated upon him in his wealth" (Saduq, 1413 AH, Vol. 2, p. 7). Therefore, the presence of generosity in a Muslim compels them to fulfill the rights of the needy from their wealth. Miserliness is the lowest ethical trait and should be avoided, as it leads a person to Hell. Imam Kazim (peace be upon him) said: "Beware of miserliness and embrace generosity, for a miser will not enter Paradise and a generous person will not enter the Fire" (Majlisi, 1403 AH, Vol. 1, p. 242). Moreover, Imam Ali (peace be upon him) stated: "Miserliness is the gathering point of all vices, and it is a bridle that leads to every evil" (Nahj al-Balagha, Saying 384).

2) Giving gifts is commendable and recommended; the existence of the attribute of generosity in a person originates from bestowing. Giving gifts aligns with Islamic teachings of encouragement. The Prophet of Islam (peace be upon him and his family) said: "Exchange gifts, as it will increase your love for one another and remove hatred" (Kulayni, 1407 AH, Vol. 5, p. 144). If someone gives something to an uncompassionate or foreigner, as long as that thing remains, they can take it back (Imam Khomeini, n.d., Vol. 2, p. 55). Although this act is legally permissible and entails no wrongdoing, it contradicts good ethics and is reprehensible, as the Prophet stated: "One who reclaims his gift is like a dog returning to its vomit" (Payande, n.d., p. 587).

3) Regarding Qard al-Hasanah, granting a debtor the opportunity to repay when they are unable to do so at the time is morally commendable. Additionally, one can waive their right to the repayment of the loan. The Holy Quran states: "And if someone is in hardship, then [let there be] postponement until [a time of] ease. But if you give [from your right as] charity, it is better for you, if you only knew" (Al-Baqarah, 280). The Prophet of Islam (peace be upon him and his family) also said: "Whoever is pleased that Allah protect him from the breezes of Hell should grant respite to a distressed person or relinquish his

right to him" (Hur Ameli, 1424 AH, Vol. 18, p. 367).

4) Lying is one of the vices of ethics that every free individual must avoid. In Islam, great emphasis is placed on abstaining from falsehood. Imam Ali (peace be upon him) said: "Beware of lying, for it is among the lowest of moral qualities" (Ibn Shu'bah Harani, 1363 AH, p. 224). Imam Hasan Askari (peace be upon him) stated: "The filth has been placed within a house, and its key is lying" (Majlisi, 1403 AH, Vol. 7, p. 377). The Prophet (peace be upon him and his family) also said: "A liar does not tell lies except due to self-debasement" (Mufid, 1413 AH, p. 231). According to what has been mentioned, if a witness gives false testimony during a trial, and the judge makes a ruling based on that testimony, then the witness's falsehood is exposed. A lying witness is liable for any damages (physical or financial) incurred due to their false testimony and must compensate for the losses. Imam Sadiq (peace be upon him) said: "In the case of a false witness, if the thing is present, it should be returned to its owner, and if it is lost, the false witness must compensate for the amount that was destroyed of the person's property" (Tusi, 1407 AH, Vol. 9, p. 259). Here, being a guarantor for a false witness is a legal event stemming from the ethical vice of falsehood, which is an undesirable trait.

8. The Relationship between Law and Ethics in Criminal Matters

From the perspective of Islamic jurisprudence, there exists a strong connection between law and ethics in criminal matters, which will be discussed below:

1) Murder and intentional killing are among the greatest crimes and sins, and the place of a murderer is Hell. Allah says in the Quran: "Whoever kills a believer intentionally, his recompense is Hell, wherein he will abide eternally, and Allah has become angry with him and has cursed him and prepared for him a great punishment" (An-Nisa, 93). The primary ruling for intentional murder is the right of retaliation (Qisas) for the guardian of the deceased, and the secondary ruling is forgiveness and pardon, which can include compensation (Diyah). The Quran states: "O you who have believed, prescribed for you is legal retribution for those murdered - the free for the free, the slave for the slave, and the female for the female. But whoever overlooks from his brother (anything) then there should be a suitable follow-up and payment to him with good conduct. This is an alleviation from your Lord and a mercy. But whoever transgresses after that will have a painful punishment" (Al-Baqarah, 178).

Anas ibn Malik reported: "The Prophet (peace be upon him) was never given a choice between two things but that he chose the easier of them, so long as it was not sinful" (Nasa'i, n.d. Vol. 4, p. 230). The Prophet of Islam also said: "Whoever pardons (forgives) from a murderer, he has no reward except Paradise" (Hindi, 1409 AH, Vol. 15, p. 13). Furthermore, the Prophet stated:

"Indeed, Allah is kind and loves kindness" (Ahmad ibn Hanbal, n.d. Vol. 7, p. 232). Considering what has been mentioned, in cases of intentional murder which is a grave crime, Allah and the noble Prophet of Islam have recommended forgiveness, which is an ethical concept.

2) If someone faces oppression, they can seek retribution, but patience is better than retaliation. The Quran states: "And if you punish [an enemy], punish with an equivalent of that with which you were harmed. But if you are patient - it is better for those who are patient" (An-Nahl, 126). Moreover, Allah says: "And the retribution for an evil act is an evil one like it, but whoever pardons and makes reconciliation - his reward is [due] from Allah. Indeed, He does not like wrongdoers" (Ash-Shura, 40). Imam Ali (peace be upon him) said: "Pardoning and forgiving someone who has wronged you is a noble moral trait" (Amodi, 1410 AH, p. 232). In this matter, punishing a criminal or wrongdoer is a legal action, and forgiving and being patient is an ethical action.

3) Theft: If a thief repents and returns the stolen property to its owner, their hand will not be amputated. Imam Sadiq (peace be upon him) said: "If a thief repents to Allah and returns his theft to its owner, his hand will not be amputated" (Kulayni, 1407 AH, Vol. 7, p. 220).

4) Adultery is one of the major crimes and grave sins. Imam Ali (peace be upon him) said: "A jealous man never commits adultery" (Nahj al-Balagha, Saying 3005). This hadith indicates that jealousy, which is a noble and commendable moral trait characterized by restraint, prevents a person from committing the heinous act of adultery. A lustful inclination is an ethical vice that leads to adultery and violation of the rights of others.

9. The Relationship between Law and Ethics in Military Affairs

In the biographies of Prophet Muhammad (peace be upon him) and Imam Ali (peace be upon him), law and ethics in military matters are closely intertwined, and the biography of these two honorable figures serves as an excellent model for Muslims, some aspects of which are highlighted:

1) During the Battle of Khaybar, it was suggested to the Prophet of Islam (peace be upon him) to block the water supply to the enemy by diverting a stream. However, the Prophet refused and said, "I will never deprive anyone of water until they die of thirst" (Sobhani, 1376 AH, Vol. 2, p. 259).

2) After the conquest of Khaybar, the Prophet of Islam (peace be upon him) divided the land and date-palm orchards among the Jews for farming and equitable cultivation (Ibn Abi Jomhur al-eHsa'i, 1405 AH, Vol. 1, p. 224), while he could have shed their blood, enslaved them, or expelled them from the land of Khaybar.

3) After the conquest of Mecca, the Prophet of Islam (peace be upon him)

pardoned all its inhabitants and granted general amnesty, saying, "You have been bad neighbors to the Prophet, you denied him, expelled him, harmed and opposed him. Despite all this, you came to fight against me in my land. Now go, for all of you are free" (Majlisi, 1403 AH, Vol. 21, p. 106). After the conquest of Mecca, the Prophet (peace be upon him) could have punished all the disbelievers there, enslaved them, and seized their properties as war spoils. However, he refrained from doing so, adhering to ethical principles and granting freedom to all.

The Prophet said, "No prophet has been harmed like I have been harmed" (Majlisi, 1403 AH, Vol. 39, p. 56). He endured the greatest torment and injury from the people of Mecca.

4) During the Battle of the Trench, Imam Ali (peace be upon him) killed Amr ibn Abdud, a renowned Arab warrior, while he was wearing valuable armor. Imam Ali (peace be upon him) refrained from seizing that armor out of chivalry. Even when he was reproached a second time for not taking the armor from Amr's body, Amr's sister remarked upon hearing this: "I never regret that my brother was killed because it was done by a noble person. Otherwise, I would weep until I die" (Subhani, 1376 AH, Vol. 2, p. 139).

5) During the Battle of Jamal, Imam Ali (peace be upon him) forgave all the oath-breakers (Nakithan). Ammar Yasir asked Imam Ali (peace be upon him), "How do you treat the oath-breakers?" He replied, "I treat them with forgiveness and pardon, just as the Prophet of Islam (peace be upon him) treated the people of Mecca with amnesty and forgiveness when he conquered it" (Qadi Nu'man, 1385 AH, Vol. 1, p. 394). During the Battle of Jamal, when Talha and Zubair were killed, and Aisha was captured while the rebels fled, Imam Ali's herald announced, "Do not kill the wounded, do not pursue the fugitives, and whoever throws down their weapon is safe" (Qadi Nu'man, 1385 AH, Vol. 1, p. 396). After the conclusion of the battle, when Imam Ali (peace be upon him) entered Basra with his companions, they requested him to distribute among them the wealth, children, and women of the people of Basra. Imam Ali (peace be upon him) replied, "This is not appropriate." After much insistence, he asked, "Which one of you will take Aisha as their share, when she is the root of this discord?" Upon hearing this, they withdrew their request and sought forgiveness (Qadi Nu'man, 1385 AH, Vol. 1, p. 396).

6) During the Battle of Siffin, the forces of Mu'awiyah reached the Shari'at Faraat before the army of Imam Ali (peace be upon him), occupied the area, and prevented his troops from accessing the water. Mu'awiyah said, "The enemy's army must perish of thirst." Imam Ali (peace be upon him) delivered a sermon to his soldiers, urging them to fight for access to water, and they fought and regained control of the Shari'at Faraat. After this victory, Imam Ali (peace be

upon him) allowed the enemy's troops to use the water and demonstrated valor by not depriving the enemy of water (Ibn Shahr Ashub, 1379 AH, Vol. 3, p. 169).

10. The Relationship between Law and Ethics in Political Affairs and Governance

Another area in Islam where there exists a very close relationship between law and ethics is political affairs and governance. Religious leaders have advised that forgiveness and pardon should be exercised towards political wrongdoers. The Prophet of Islam (peace be upon him) said, "The pardon of a ruler ensures the continuity of his rule" (Sadooq, 1413 AH, Vol. 4, p. 382), meaning that forgiving the ruler's mistakes reduces enmity and increases friendship. He also stated, "The pardon of a ruler is a means of maintaining governance" (Hawizi, 1415 AH, Vol. 4, p. 310). Imam Ali (peace be upon him) said, "The beauty of politics lies in justice in governance and forgiveness with power" (Amadi, 1410 AH, p. 341).

In his letter to Malik al-Ashtar, Imam Ali (peace be upon him) said, "Some people may err and suffer from defects, committing intentional errors and faults. You should treat them with your forgiveness and pardon, just as you would like Allah to bestow His forgiveness and pardon upon you" (Nahj al-Balagha, Letter 53, p. 427). People make mistakes and commit wrongs deliberately, resulting in transgressions; therefore, you should benefit people with your forgiveness and tolerance to the extent that you desire God to grant you similar forgiveness.

On this basis, Article 109 of the Constitution of the Islamic Republic of Iran stipulates that one of the powers of the Leader is to pardon or reduce the sentences of convicts within the framework of Islamic criteria, following the proposal of the head of the judiciary.

Conclusion

In Islam, rights and ethics have been given equal attention. In Islam, legal provisions are based on ethical principles because ethics are an integral part of religion, and the influence of ethical virtues on Islamic legal regulations is significant. The Noble Prophet of Islam (peace be upon him) expressed the purpose of his mission as the evolution of human ethics. In the Qur'an and Hadith, the relationship between rights and ethics is very strong, and these two are never separate from each other, with ethical matters playing a role in the creation of legal issues.

Among the intersections of ethical and legal principles in family matters, we can mention the principle of decent interaction, husband's responsibility towards family support, women forgiving the dowry, and the good nature in punishments.

Likewise, acts such as giving benevolent loans and condemning lies, especially in cases of testimony and witnessing, are examples of the interconnection between rights and ethics in social affairs, as well as matters like forgiveness in retaliation and forbearance in punishing criminals, illustrating the influence and impact of ethics and rights.

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