

# Relationship between law and ethics in islam



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I would like to start my analysis by posing a few questions about this relationship to stimulate our thoughts. Are law and ethics identical or non-identical in Islam? Are ethics derived from law or is this relationship vice versa? Are they both derived from the same sources? If yes, then are they separate or do they supplement each other? What I found after my analysis is that law and ethics in Islam are complementary. They come from the same sources and they serve to complete each other like a body and its soul.

The main source of law and ethics in Islam is Allah's (s. w. t) will in the Quran, the exemplary life of the Prophet Muhammad (p. b. u. h.), analogical reasoning and consensus. To analyze in depth the relationship between ethics and law in Islam, we should analyze the Fiqh and Sharia, in light of their connection with both ethics and law. Firstly, Fiqh relates the religious conduct with both law and the human moral life by stating that the human conduct should be understood through Quran and Hadith and then formulating moral and legal norms according to that. These norms, that have two joint components, the moral and the legal one, unite together to make what we call a Hukm in Islam. In this sense, the jurists and judges in Islam judge actions through Hukm which is basically based on morality and legislation. In other words, Quran places the acts in its proper moral context and informs the scholars about its Hukm.

Hadith is the second source of law in Fiqh, and it represents the exemplary life of the Prophet, a life that has been lived in accordance with the best morals. From the exemplary moral acts and sayings of the prophet, a bunch of Islamic laws have been formulated. Secondly, when we hear the word " Sharia", the first thing that comes to our mind is a bundle of rules and

authoritative commandments combined together to make the law of God. However, when we deepen our study and sight into Sharia, we find that Sharia is not only a law, but it is a moral way that we should adopt in order to lead the ethical life. In addition, both civil and criminal justice, as well as the regulation of individual conduct (personal and moral), come under the rubric of Sharia. Thus it is evident that Sharia is a law and a code of ethics at the same time, and either of these individual components does not have any value on its own. Hence, law and ethics are extensively intertwined, compatible and complimentary in Fiqh and Sharia.

Historically, one of the most important questions in law and in ethics is what ought to or not to be done. The answers for this question would compose the largest part of ethics and law. The answers are also what comprise obligation in Islam. Let us analyze this obligation in the light of ethics and law in Islam. In order to determine the obligation, an employing of rules or law is needed. The duties in Islam in accordance to these rules are widely presented through the fivefold theory, which classifies acts in moral and legal way. In Islam obligation in morality and obligation in law come from the same grounds (Quran and Hadith) and they overlap in their requirements. According to the fivefold theory, some obligations derive their force from the laws (the required and forbidden categories) and others derive from an attractive ideal of human nature and virtue (the recommended and discouraged categories). In other word, the fivefold theory makes a blend of law and ethics and uses it to judge the human act. Suppose, if we were to remove the recommended and discouraged acts or the required and forbidden acts from this model, then the model will become totally

inadequate according to the facts of morality or to the necessity of the law respectively. In my opinion, the fivefold model of duty in Islam is the best model to judge actions and to answer the original question: what ought to be done? And here we see what is really distinctive about the relationship between law and ethics in Islam is that they conjoin to make the perfect model that humanity has been in search of since the time of Socrates.

Both law and ethics in Islam deal with obligations, human character, and righteous actions. Allah (s. w. t.) sent down in the Quran a corpus of commandments and rules that identify the obligations of human beings. The collection of these obligations is the first and biggest source of law in Islam. These obligations shape the human character as well, and guide him towards righteous actions. Righteous actions come under the studies of normative action in ethics which is basically a practical science and less of a theoretical science. However, Islamic law transacts with human action within two domains-the theory and the practice. What is important here is to distinguish whether the Islamic law forms the heart of Islamic ethics or is it the opposite case. What I found from the readings is that the Islamic law is a heart inside another heart, which is the Islamic ethics, and vice versa. Both of them are interlinked to the point that they can never be separated or dealt with individually. You need one to complete the other.

There are many non-Islamic notions of law and morality. We will first take a look at the theory of positivism that asks for separating law from morality. The theory claims that law is not a code of morality and that legal obligation should be apart from the moral ones. However, in Islam, Sharia consists equally of law and morality. Secondly, the idea that started in the west first

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and has now spread worldwide is the notion of separating religion from the state. It argues that the state should have its rules and law distinctive from religion. The obligation in this case is to the law of the state. The law of the state mostly is man-made and is known as positive law. This notion cannot work in the Islamic world unless Islamic law and ethics step aside. Islamic law and ethics is not only a few obligations like prayers and fasting, but a law for life that guides the human acts and conduct in every aspect and involves total submission to God.

In general, many people think that law controls the people. However law, while being very important, is not enough by itself to control human life. On the other hand, ethics, if understood deeply, can control the lives of people and lead them to happiness. The truly just and virtuous society is the one that is based on conscience and ethics before looking at the law. The ethical responsibility is more inclusive than the legal one. Furthermore, ethics are stable and immutable but law can be changed and modified according to the legislations. Also ethics control one's internal conduct whereas law dictates the external behavior. Additionally, in ethics people do self-examination and in law, the legal supremacy is the examiner and calls people to account. Therefore, if society builds only on law, it cannot reach its true potential. Law is essential, but, the real significance belongs to ethics. Therefore in Islam, both ethics and law compose the commandments which refer to the requirements of Quran and Hadith, and they jointly constitute the Sharia which is important in our contemporary time. Thus, from the Islamic perspective, both law and ethics are equally important to lead the human life to the ultimate happiness.

Finally, it can be said that although Islamic law and ethics are well-matched, a few recommendations need to be followed to make it well equipped to tackle contemporary issues in medical law and bioethics. In order to deal with this, I highly recommend the establishment of an International Islamic Medical Law and Bioethical Academy. Secondly, since many medical and bioethical issues are still subject to scholarly debate, therefore it requires further detailed research in the light of medical research and Sharia rulings. Thirdly, I encourage introducing Islamic medical law and bioethics into the syllabi of different institutes teaching the health care sciences, and incorporating it into the curriculum at graduate and postgraduate level. Thus, Islamic law and Islamic ethics stand together as an important instance of a moral and legal theory that composes an attractive ideal for all of human life.