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**Effect of Islamic Jurisprudence and Law on  
Practical Ethics with an Overview to Jame Abbasi Sheikh Baha'i**

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**Abstract.** *The human being who is a civilian entity and lives in the community is forced to interact with others, and major part of this interaction is through actions that are objective, tangible, and understandable. It is a natural that due to the sense of need to be loved and praised, humans attempt to perform verbs and actions in the normal conditions that are considered by others. It is due to the fact that in the study of the thought and way of life of Sheikh Baha'i, ethics and ethical dignity in human existence is one of the gates of spirituality. From the viewpoint of the Islamic scholars, especially Mulla Sadra, human in his own being and survival cannot be satisfied to his nature and to be needless from others; because his kind is not unique to a particular person, he cannot live in the world, except through civilization and community and co-operation. Over the years, sociologists have consistently emphasized this view that the most important feature of the modern world is rationality. And this is while rationality, alone and without reliance on religion and ethics is not able to reform society and solve the basic problems of social life of humans due to cases such as the domination of sensual desires upon practical reason, the ignorance of man and his social relations, the use of modern societies from the teachings of religion, and the ignorance of real life of man and the reduction of life to material life. In this article, tried to be investigated the influence of the belief in the concepts and themes of the verses in practical ethics and behavior, one of the great scholars of Islam i.e. Mohammad bin Hossein Ameli, known as Sheikh Baha'i and the effect of morality on his ethics, with an overview in the jurisprudential and law context of Jame Abbasi to be discussed and investigated. This research seeks to determine whether the foundations of religious ethics are capable of solving community problems.*

**Key words:** Islamic Ethics, Jurisprudence and Law, Sheikh Baha'i, Practical Ethics, Jame Abbasi

### **Introduction**

Religion and ethics, as two sources of guidance and virtue and prosperity have always been considered by human community. For this reason, these two issues have been the constant subjects of intellectual and philosophical scholars and schools since the beginning of the widespread of rational and philosophical issues. Religious ethics has been a great part of the teachings and recommendations of all religions during history, and in terms of rationality, interrelationship, the influence of religion in the formation of complete ethics in human society and the capacity of the foundations of religious ethics in solving relevant problems has been the foundation of thought of scholars and caused numerous research and works. Sheikh Bahai is one of the few Shiite thinkers who have been a skillful person that he has some ideas in the theoretical and practical field. He is the one who applies religious doctrines and individual learning and his social, political, jurisprudent and intellectual ability during his time, he has been neither theoreticians nor enforcement, but he has been master in theory and practice, because Sheikh Bahaoddin Mohammad is grown in the field of religious teachings and has a developed religious thought and he is a religious theorist has been able to introduce religious ethics so that this behavior is seen throughout his life. By an overview of

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the conduct of this great scholar of the Islamic world, it can be easily considered the grateful works of Islamic goodness in the achievement of social and cultural affairs during his time. By thinking in the high position of Sheikh during the Safavid era, it will be discovered that his success in applying religious teachings is with goodness and this is precisely the example of Imam Ali (as) who has said that religion is nothing but affection. In this article, we are going to study the effect of Islamic jurisprudence and law on practical ethics by an overview to "Jame Abbasi" that is the first jurisprudential thesis codified. This research seeks to determine whether the foundations of religious ethics are capable of solving problems with society.<sup>1</sup>

### **A review on life and jurisprudent and ethical compilations of Sheikh Baha'i**

Sheikh Baha al-Din, Mohammad Bin Hossein Ameli <sup>2</sup>known as Sheikh Baha'i is a famous scientist of Safavid period. He was from Jabal Amel Sham. Bahaeddin Muhammad was ten years old when his father, Ezz al-Din Hussein Ameli, went to Iran from the elders of Sham. When they arrived in Qazvin and found that city as the center of Shiite scholars, they settled there and Baha al-Din became his father's apprentice and other scholars. The death of this great mystic and scientist is mentioned in 1030 or 1031 at the end of eighty-seventh year of his life. He was died in Isfahan, and disciples took him to Mashhad with magnificence, and buried in the shrine of the eighth Shiite Imam alongside the Shrine. Sheikh Bahai was a man who hated the pretense and prosperity, and this was an incentive for pure reputation of sheikh. Sheikh Bahai was confirmed and acknowledged by most scholars and orientalis, he was one of the unique men of Iran's science and literature who was grown by the culture of that era of this border and was the best representatives of the Iranian education in the tenth and eleventh century. Sheikh Baha'i has trained students who has been one of the greatest scholars of Iranian science and literature, such as the philosopher and divine wise Molasadra Shirazi and Molahasan Hanifi Kashani, another promise that was outstanding in philosophy and wisdom, jurisprudence, principles and mathematics and astronomy and became bright stars in the field of Iranian science and literature that not only Iran but the Islamic world were proud of them. Among the books and great literary and scientific works of Sheikh Baha'i, in addition to Ghazalites and Rubaiyat, there are two Masnavi, one called Masnavi "Nan and Halva" and the other is "Shir and Shekar", and his scientific works are "Jame Abbasi, Kāshkol, Bahr al-Hesab and Meftah al-Fallah Valarbaein and Share al-Qalaf, Asrar Al-Balaghe and Al-Vajize." Other books by Sheikh Baha'i, which is over eighty-eight books and treatises, have

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<sup>1</sup> T. David Evans, "Re-investigating the Relationship between Religion and Crime: The Impacts of Religion, Non-Religious Controls and the Social Environment on Adultery's Delinquency", translated by Ali Silmy in *The Journal of Field and University*, XXIII (2006), p. 142-179.

<sup>2</sup> Ameli, Sheikh Baha al-Din Mohammad, Jame Abbasi Farahani *Publications of Tebran Aqiqi Bakhsbayeshi, Abdul Rahim Translation of Al-'Arabain, Sheikh Baha'i International Congregation of Commemorate of Sheikh Baha'i*, Central Secretariat of the Congress, Thought Publishing, 2008.

always been the books needed by the applicants of science and literature. "Jabal Amel" area has always been one of the Shiite centers in the west of Asia, and there are many Shiite leaders and scholars who have come from this area. At any time, even today, the Shiite sect has lived abundantly in Jabal Amel, and has greatly contributed in the establishment of Shiite religion in Iran and its foundation, especially from the seventh century and during this time; great leaders went among them and Baha'i family has been among the most famous Shiite families in Jabal Amel.

Baha'eddin came to Iran with his father in childhood, and after graduation, he became sheikh al-Islam of Isfahan. He moved to Hajj in 991, he went to many Islamic territories including Iraq, Sham and Egypt, and returned to Iran after four years later when he became Darwish. He was proficient in philosophy, logic, board and mathematics sciences, a collection of works that he wrote is about 88 books and treatises. In 1031, he died in Isfahan and, according to his will; his corpse was taken to Mashhad, and buried him near the holy shrine of Imam Ali ibn Musa al-Reza (pbuh) near Astan Ghods Museum.

### **Sheikh Baha'i's ethical school**

Sheikh Baha'i's ethics and conduct can be investigated precisely. Sheikh Baha'i has been pure Shia undoubtedly by repeated stipulations that has in his works and placed Imam Ghaem as the intercessor of his sins. His ethics is apparently as a Darwish, and has considered official science as fracas and everywhere has said:

The official science is fracas no quality is achieved from it In Sheikh Baha'i's works, there is adherence to ethics, especially in Arba'in, which has explained ethical themes with a particular scrutiny in issues such as enjoining good, sincerity in action, and ethical orders, religious brothers' rights, sincerity and true intention and ... In the sixth chapter of Jame Abbasi in the discussion of enjoining good, he said:

"You should know that it is obligatory to do good work as prayer is obligatory and good deeds is custom as prayer is custom, and forbidden of the denial act i.e. obscene as adultery is obligatory and denial of the abominable act is custom, and there is reward in both of these and the obligatory of enjoining good is obligatory and forbidding evil is consensus and none of mujtahids is wrongdoing in incumbency of these two. But the contrast is whether the necessity of this is based on the custom or on the basis of law, and there is a contrast among mujtahids whether it is obligatory that if some uprising, it is overthrown from others or it is obligatory on everyone, some believe in the first one and some in second, in the sense that whenever a person enjoins good and forbidden evil and the person does not accept, it is also obliged to others to do it until he accepts, and it is not obligatory until five conditions. A person who is enjoining good and forbidden evil must be wise. Second, he should know that the good deed is good and bad deed is bad until he is safe from wrongdoing. Third, he should know if he orders or forbids, it affects the person, so if it does not affect, it is not obligatory. Fourth, the

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person who has will force him to do good or forbid him from bad deed, so if he repented, his obligation or forbidden is not obligatory."

Sheikh Baha'i believes that enjoining good deeds is obligatory in the rank of obligatory prayer and considers enjoining good as custom as Mustahab prayer. According to this idea, if this important promise is considered by Islamic society, as Sheikh considered, the society will be able to approach a society with the characteristics in Madine. Also attention to the incumbency conditions that he considers shows well that the movement of society towards ethics has certain delicacies.

### **Resort and utilization of Bahai from religious teachings in the introduction of Islamic ethics**

Sheikh Baha al-Din Mohammad Ameli has a special mastery in these affairs because he himself has these characters and virtues and it is due to these features that he was able to have a special position in the Safavid court, that not only all the friends and acquaintances but also the enemies and adversaries also acknowledged with Sheikh. About the division of water of Zayande Rud, the land disputes and the conflicts between the marginalized areas and the areas used Zayande Rud has been a long and historic disagreement that Sheikh by the power of thought and the calculative ability and of course, with cleverness, the most important of all these components is having toleration and ethic because with all the differences, a person entering the subject must have a good ethics in order to be able to withstand the harshness and has a positive influence on the situation. Anyway, it can be concluded that if Sheikh had these abilities, he has been surely true in the religious teachings in faith school that could pass the problems that he encountered in childhood in the closed political social space and by tolerance of plenty of suffering reach to Sheikh Al-Eslami and to be the sole guardian of the Safavid court.

### **The role of religion and ethics in controlling and solving social problems**

From the perspective of Islamic scholars, the need of the society to the law is the main reason of man's need to religion and prophecy. Mulla Sadra also writes: "Man in his own being and survive cannot satisfy his nature and to be needles from others, because his kind is not unique to a particular person, therefore he cannot live in the world, except through civilization and society and co-operation and therefore its existence and survival alone is not possible .<sup>3</sup> Allameh Tabatabai believes that humankind is seeking to exploit and recruit others, and this issue while compelling him to form a community, faced him with disarray and corruption; consequently, in all aspects of his life faced with conflict and the only correct solution of conflict is the way of religion and religion has established all the laws required by mankind. The human need in forging law to religion in contemporary society is more than ever because human social relations have

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<sup>3</sup> Muhammad ibn Ibrahim Sadr al-Motaalehin, *Al-Shavahed Al-Rabubie*, by Correction, Suspension, and Introduction of Seyyed Jalaeddin Ashtiani, Tehran, Tehran University Press, 1967, p. 359-360.

become more widespread and complex, creating issues that not existed in the past. Shahid Motahhari believes that the social life of man requires a kind of "division of labor" among the people of the society, according to which each person performs their "duties" and "assignments" to each other. The realization of such a healthy position in social life is based on respect for treaties, covenants, and contracts. According to him, devotion to the promise and covenant is one of the most important pillars of human civilization. This role has always been in responsibility of the religion, and so far no substitute has been found for it. One of the main concerns of community leaders and social science researchers is finding an effective and efficient way for protecting the law and the norm and contact with law and solving social problems. From the point of view of Allamah Tabatabai, Bu'ali and Mulla Sadra and other Islamic scholars, one of the most important functions of religion and ethics in contemporary society is to protect social laws and norms and combat with deviants and social deviance in an Islamic society. In addition to the viewpoint of Islamic thinkers, non-Muslims also refer to this point. For example, the commentators and commentators of Durkeim's view have considered one of the functions of religion as social control and control. "Important social values and norms, such as those related to human life, sexual behavior and property, usually not only placed in the realm of law, but also in the realm of religion," says Kouzer. And religion through the strengthening of important values and norms helps to individual social control effectively. <sup>4</sup>In the view of Dutocvill, the function of religion is not solely to the formation and establishment of democracy, but also plays a crucial role in controlling the society and solving its problems. In his opinion, religion in front of people is like a barrier that not let the nation to accept any new commentary and to do anything. Parvardan says: "It is religion ... that has been used as enforcement for primary legislation" <sup>5</sup>From the point of view of other people like Montesquieu, Hobbes and Bodan, religion plays an important role in social controlling.<sup>6</sup>

### **The role of ethics in solving individual and social problems in Islamic society**

All religions have ethical components, and religious approaches to ethical issues historically have dominated ethics over secular approaches. Given that "ethic is a matter of worship, man equally that worships God unknowingly, he unknowingly follows a series of divine orders when consciousness becomes unconscious, that the prophets have come for this purpose (the prophets have come to lead us to our own nature and convert that unconscious mind and that natural issue into a conscious issue) then all his actions will be ethical, not just a course of certain work; but his sleeping and eating can be an ethical act. i.e. when

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<sup>4</sup> Lewis Kouzer, *The Life and Thought of the Elders of Sociology*, translated by Mohsen Solasi, Tehran, Scientific Publications, 2001; Amanollah Fassihi, "The Need of Modern Society for Religion; with an Emphasis on Law and Ethics," in *Islamic Educational Journal*, 2013.

<sup>5</sup> Julie Scott, Irene Hall, *Religion and Sociology*, translation of Afsaneh Najjarian, Tehran, Rasesh Publication, 2003, p. 85.

<sup>6</sup> *Ibidem*, p. 85.

our plan of life is set based on the task and satisfaction of the right, then our eating, our sleeping, our walk, our speaking, and the summary of our lives and death will be ethics seamlessly. The y will be holy works seamlessly:

Properly, pray and worship, life and death are for God"

Everything will be God, and everything becomes ethics. The issue of ethics and ethical ad human dignity, except in the school of God, cannot be justified and proved in any other school. Only the school can justify and essentially this ethics and ethical dignity in human existence is one of the gates of spirituality i.e. one of the gates that introduces man to the meaning universe and believes in the world of religion.<sup>7</sup>"

### **Reasons for the need of human society for religion and ethics from the perspective of the scholars of Islam**

Over the years, sociologists consistently emphasized on this view that the most important feature of the modern world is rationality, as Max Weber has introduced "rationality" as the most important feature of modern society . Weber's intended reason is instrumental rationality; a rationality that distrusting to the traditions, distrusting to the heavenly rituals in socialization, the belief in self-esteem of man, the belief in the self-esteem of reason, and the belief in the instrumental role of reason are considered among its most important features.<sup>8</sup> In Weber's view, the rationality is realized in three areas: "social structure", "thought and reason", and "culture", and makes man needless from other matters, such as religion (Parsons, 2010). A problem that arises in this connection is that rationality alone and without reliance on religion and ethics will not be able to reform society and the basic issues of human social life.

**1) The domination of desires on the practical reason:** Allameh Tabatabai believes that a reason which is forging and stipulating law is practical reason, not theoretical reason whose duty is to recognize the truth of everything. Practical reason takes preliminaries of its judgment from the intrinsic feelings that exist in every human being at the beginning of its existence. And it does not need to have actuality, and these feelings are the forces of sordidness and disbelief, and these emotional sentiments are the cause of destructing system. The result is that human by trust to reason from religion cannot be needless in establishing law and the way of living.

2) Unknown human being and his social relations: Man has two types of intentional and non-intentional behavior. In spite of non-intentional behaviors of human, intentional behaviors always require a plan, method, and choice of means for the destination. Human reason is useful in the design of program and related to the everyday problems of life, but developing comprehensive plans of all dimensions of human life and according to its components is beyond the power of

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<sup>7</sup> Julien Freund, *Sociology of Max Weber*, translation of Abdul Hussein Nik Gohar, Tehran, Rayzan, 1989.

<sup>8</sup>Alireza Shojae Zand, *Become customary of Christian and Islamic Experience*, Tehran, Center of Recognition of Islam and Iran, 2002.

individual and collective intellect, since, firstly, human beings, and in particular social life is the highest unknown; Secondly, man has an eternal life that reason does not have the power to understand it, because it does not have the ecstasy of experience. So the need for a school and ideology is necessary.<sup>9</sup>

**3). The use of modern societies from the teachings of religion:** the neglected problem is that all the positive developments of the contemporary world are considered to be the product of human rationality; while it is not as this, and religion in this field directly and indirectly has a role. Allameh Tabatabai believes that despite the fact that Islam has a short life was dominated on west and east while the realm of his governance was very low and created a transformation in history of human; a transformation that its remarkable works have remained so far and will be remained from now on. According to Allameh, the transformation of the present age and its full effect is the emergence of Islam in the world<sup>10</sup>.

**4). ignoring the true life of man and the reduction of life to material life:** religion in the first step is for providing the spiritual and mental needs of man. Allameh Tabatabai says that the main purpose in today's world is to exploit and enjoy the benefits of material and worldly life, while in terms of Islam, worldly and afterlife prosperity is not achieved, except through inviting and joining to pure monotheism.<sup>11</sup> Allamah Mohammad Taqi Jafari, with the division of life into natural and sensible says that man in organizing natural life not only does not need religion, but religion in some cases disturbing him. What caused the human needs to religion is a reasonable life and in which man reaches the ultimate perfection, and the realization of it is in the hereafter. Therefore, the ultimate goal of religion is to make a reasonable life. And if this goal is to be neglected and natural life to be preceded, it is instrumental use of religion, such as those who have preceded natural life have used religion and other values as instrumental use.<sup>12</sup>

## Conclusion

In the study of Sheikh Baha'i's thinking and method and ethics can be sought behaviors that show intellectual, ethical, social, and spiritual maturity, because he has used every opportunity to serve the people, and strengthening of the status of religion, so that in most of these affairs, he has achieved success. This is precisely the same sentence that: worship is the service of people, and the service is the transcendental ethics of the cultivated people in the high Islamic and revelation teachings. Therefore, the issue of ethics and human and ethical dignity, except in the school of God, cannot be justified and proved in any other school. Only this school can justify it and essentially this ethics and ethical dignity in human existence is one of the gates of spirituality. In the perspective of Islamic

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<sup>9</sup> Morteza Motahari, *Collections of works*, 2<sup>nd</sup> volume, Tehran, Sadra, 1995, p. 47, p. 172.

<sup>10</sup> Seyyed Tabatabaee, Mohammad Hossein, *Interpretation of Al-Mizan*, translated by Seyyed Mohammad Bagher Mousavi Hamedani, Qom, The Society of Teachers Publishing, 2009, p. 175-180 p. 196-197.

<sup>11</sup> *Ibidem*, p. 196-197.

<sup>12</sup> Mohammad Taghi Jafari, *Philosophy of Religion*, Tehran, Research and Culture Center, 2007, p. 125-126.

scholars, especially Mulla Sadra, man in his own being and survive cannot satisfy his nature and to be needles from others, because his kind is not unique to a particular person, therefore he cannot live in the world, except by civilization and society and co-operation and therefore its existence and survival alone is not possible man cannot inherit in his own being and survive, and it is unnecessary to others, because his style is not unique to a particular person, therefore, he cannot live in the world, except through civilization and society and co-operation, the need of human to forge law to religion in contemporary society is more than the past, because human social relations have become more widespread and complex, and created problems that not existed in the past. One of the main concerns of community leaders and social science researchers is finding an effective and effective way of protecting the law and the norm, dealing with law and regulators, and solving social problems. One of the main concerns of community leaders and social science researchers is finding an effective and efficient way for protecting the law and the norm and contact with law and solving social problems. From the point of view of Allamah Tabatabai, Bu'ali and Mulla Sadra and other Islamic scholars, one of the most important functions of religion and ethics in contemporary society is to protect social laws and norms and combat with deviants and social deviance in an Islamic society. Over the years, sociologists consistently emphasized on this view that the most important feature of the modern world is rationality, as Max Weber has introduced "rationality" as the most important feature of modern society. The issue raised in this relation is that rationality, alone and without reliance on religion and ethics, based on the causes, such as the domination of desires on the practical reason, the unknown man and his social relations, the use of modern societies from doctrine teachings and ignoring the real life of man and the reduction of life to material life has not been able and will not be able to reform society and solve the basic problems of human life. According to above, religious teachings has the ability to solve the problems of man and society around him, and the man must take step to eliminate the barriers of progressive life in heaven teachings, and the more human kind has ethics recommended by religion, they will have more happiness in the individual social life and even among the most societies.

Who are believers?