

## The Role of “The harmony between ruling and its subject-matter” in correcting Ethical Incompatible Jurisprudential Fatwas

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### Abstract

One of the pitfalls in jurisprudential inferences is rigid adherence to literal meanings and neglecting non-verbal clues. One such clue is "The harmony between ruling and its subject-matter." The existence of this "The harmony between ruling and its subject-matter" leads the common understanding (عرف - 'urf) to interpret a statement in a way that preserves the harmony between the ruling and the subject, even if this understanding necessitates modifying the apparent initial meaning of the words. The suitability of the ruling to the subject has various origins, one of which is ethics and human values. That is, the presence of ethical considerations causes the common understanding to consider a ruling suitable for a subject, or vice versa, a ruling unsuitable for a subject. This present study, adopting a jurisprudential-legal (fiqhi-usuli) approach, examines the concept, functions, and roots of the "suitability of the ruling to the subject." Subsequently, by presenting ten examples of rulings seemingly incompatible with ethical principles, it demonstrates how attention to human values can influence the process of inferring from evidence and prevent the issuance of such rulings.

**Keywords:** The harmony between ruling and its subject-matter - Jurisprudence and ethics - Rulings incompatible with ethic - Non-verbal clues

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