

The Status of Moral Considerations in Islamic Jurisprudential Reasoning

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Abstract

Whether moral considerations *actually bear* or *ought to bear* on reasoning — and under what conditions such reasoning retains its validity — is one of the most important questions in the epistemology and hermeneutics of Islamic jurisprudence (*fiqh*). The question is not merely theoretical: systematic moral reform within *fiqh* cannot proceed without a rigorous answer. This article examines it from both *descriptive* and *normative* standpoints.

Descriptively, I offer a systematic articulation of the role moral considerations *actually play* in the prevailing traditional methodology of *fiqh* — a position that, while widely practiced, has not previously been made explicit in this form. I argue that within this framework, moral considerations carry no *independent epistemic weight* in legal reasoning; and where any role is conceded, it is conditional upon certitude (*qat'*).

Normatively, I advance a novel argument: moral considerations — even when *certain* — do not by themselves justify a belief in the *existence* of a ruling (*hukm*) in the divine law. Yet they can perform a significant and underappreciated *gatekeeping function* in three distinct respects, even when they are merely *probable* (*ẓannī*): they can ground a belief in the *absence* of a ruling that conflicts with them; they can block recourse to transmitted textual evidence (*adilla naqliyya*) incompatible with moral constraints, thereby precluding endorsement of morally incompatible rulings; and they can

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prevent the application of practical legal principles (*uṣūl ‘amaliyya*) in morally unacceptable directions.

By mapping the precise contours of these roles, I aim to lay the groundwork for a more rigorous account of how jurisprudential reasoning can and should be morally reformed.

Key Words: Islamic jurisprudential reasoning; moral considerations; sharī‘a and morality; fiqh and ethics; moral norm and legal ruling; jurisprudential evidence and moral evidence.

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