



KOLEJ UNIVERSITI ISLAM MALAYSIA  
جامعة العلوم الإسلامية بماليزيا  
ISLAMIC UNIVERSITY COLLEGE OF MALAYSIA

# 2ND TUANKU NAJIHAH SYARIAH AND LAW LECTURE

*Faculty of Syariah and Law*

*Topic:*

**The Relationship Between Law And Morality  
In Islamic And Common Law System**

*Speaker:*

**Justice Iftikhar Muhammad Chaudhry  
Chief Justice of the Islamic Republic of  
Pakistan**



Her Royal Highness

The Chancellor of the Islamic University College of Malaysia;

Dignitaries;

Ladies and Gentlemen:

ASSALAM-O-ALAIKUM!

Indeed, it is a great honour and a pleasure for me to have been invited to deliver a public lecture on "The relationship between law and morality in Islamic and Common Law Systems". I thank the organizers for the honour they have bestowed on me.

In the ultimate analysis, the aim and object of ethics, morality, religion and law are not very dissimilar. They are functionally related to each other inasmuch as all of them seek to lay down the standard of the desirable just and humane conduct based on principles of justice, equality and human dignity. They differ from one another only in perspective and emphasis. Law looks at human conduct mainly from the stand point of orderliness, justice and security, whereas the aim of the other three disciplines is to provide guidance for enabling us to understand at a theoretical and philosophical plane what is good, right or virtuous. The method of law is to exercise compulsion and infliction of punishment on the transgressors, and essentially the method of the other three schemes of instruction is to create awareness and conviction in favour of what a human being ought to do. They aim at building a conscience that transcends the demands of basic physical instincts, and reaches out to the realm of universality of thought, nobility of sentiments and sympathetic feelings towards other members of the human fraternity. This may be termed as the spiritual domain of man's life. The influence which ethics, morality and religion exercise is, therefore, invisible, but more far-reaching and has greater endurance, though less precise than that of law. In other words, law deals with man's behaviour which is the exterior of human personality whereas morality, ethics and religion are primarily concerned with the formation of his interior aspects, namely, inclinations, feelings, intentions and motives, which constitute the core of his inner life. The consequence of this difference is that law operates only after an act or omission has taken place; while morality, ethics and religion operate before a man acts or omits to act. Thus, we may say that the

relationship of morality, ethics and religion to law is very close. Even, in the ancient world, people had started discovering this relationship. Plato, for example, holds that knowledge of what is just or moral, and the ability to distinguish true justice or morality from what is only apparently just depends on the full development and use of human reason. According to Plato, there is a very close connection between true justice or morality and human well-being and happiness. Legal and political arrangements that depart too far from true justice must, therefore, be replaced by arrangements that better promote justice and thus well-being.

There are perceptible differences between morality and ethics, as well as between morality and religion. Morality has reference to society's regard for the practice of morals. According to Deen Roscoe Pound, morality is not an idea but an actual system of idealistic morals. "Morals are in the main idealizing of the morality of the time and place." Moral principles are the precepts that tell us of the distinctions which exist between good and evil, virtue and vice, and right and wrong. Each of these pairs of adjectives points to somewhat different aspects of life. As pointed out by a western writer: "virtue and vice relate to character, good and evil relate to the end of life and right and wrong refer to a standard."

We come across these three sets of expression in all the three disciplines, namely, morality, religion and ethics. But this does not mean that there is only one morality, one religion and one system of ethics. They differ in their characteristics from one another and enable us to speak of various concepts of moralities such as the Communist Ethics or Christian morality. We used to note references to Communists principles of morality. They were unlike each other in respect of their sources and the details of their practices, but these sought to serve the same purpose; therefore most of what is immoral in one system is also immoral in another.

In the west separation between religion and worldly affairs has taken place. This has given rise to the banishment of moral values from the domain of law. It is due to this separation or banishment that English law can sanction sodomy and such other practices as are considered by all religious scriptures as immoral. On the other hand, the English law does not allow a man to marry four wives even if the wives are willing and consenting parties

to such an arrangement despite the fact that most of the biblical prophets were polygamous and are reported to have maintained dozens, in some cases hundreds of wives. On the contrary law takes a soft view if a man keeps several mistresses. Actually, the status of the mistresses is legally improving because there is judicial inclination to recognize the right of long abiding relationships to recover alimony from their satiated paramours. This judicial inclination can be said to have been motivated by ethical considerations because a paramour who exploits the youth and beauty of a woman for long years should be under an obligation to maintain her in her old age. In terms of Islamic legal philosophy, such a law cannot be said to be morally sound, because the immoral past of a woman cannot be used as an ethical justification of her alimony.

Morality cannot be separated from 'good' conscience. The Penal Code punishes the violation of a large number of moral precepts, e.g. it punishes the commission of fraud, theft, murder and slander. But there are penal laws which have nothing to do with moral precepts, e.g. Income Tax Act prescribes punishments for certain violations of its provisions which have no direct connection with any specific moral mandate.

The definition of law, like that of religion, is by no means so easy as it looks. The definition framed by the great jurist, John Austin, since long dominant in English political philosophy, was derived from Hobbes, who in the 17<sup>th</sup> century elaborated the theory of paternal government. So high did he place the authority of the ruler that he made the king the arbiter, not merely in the context of the political and social conduct, but even matters of religion and morals. Austin, of course, did not go that far. When he formulated his theory, the controversy concerning the Divine Right of Kings was already a dead theory, theological and political passion on the question had already cooled down, and the British Constitutional principles as settled at the Revolution, had been accepted by all parties. According to Austin, positive law (as distinguished from the divine law, the moral law, the laws of nature, and other laws so called by way of analogy, and in the technical sense are not really laws) is a rule of conduct prescribed by a sovereign, whether an individual or a definite body of men, to a member or members of the independent political society wherein its author is supreme. Laws are a species of command addressed by a political superior to those on whom he

has the power and the will to inflict evil if his desire expressed in the command be disregarded. A sanction, or penalty for disobedience, is, therefore, annexed to, or implied in, every command of the sovereign – that is to say, in this connection, every law.<sup>1</sup>

According to P. Vinogradoff, the notions of sovereignty and command are not central to the conception of law, that the term 'law' cannot be confined to a rule of conduct prescribed by the head of an independent political society, but extends to the rules to which the members of any society as such are required to conform, and, finally, that law does not rest ultimately on the physical sanction of force, but on recognition or agreement. A sanction of some kind must indeed be implied, but it need not be of a material kind, like the punishments of death, imprisonment, or the forfeiture of goods. It need not be inflicted by any definite tribunal. It may be nothing more than the hostility of public opinion, or the contempt by all honourable men.

Put in another way, laws may be said to aim at the delimitation of wills. No society could hold itself together unless the wills of the individual members were limited and restrained; without this it would be a mere struggling mob; it would be chaos. It is by means of the limitation and direction of wills that it becomes an organized community. The rules effecting such limitation and direction are the laws of the society. But every limitation of one human will gives power to other human wills. It defines the scope within which they have free play, and the conditions which they must observe to give effect to the intentions either of the individual or of the society alike as regards persons and things. Within that scope and subject to those conditions, it facilitates the exercise of power. Law has been defined thus –

“A set of rules imposed and enforced by a society, for the conduct of social and political relations.”

To a large extent, morality and law cover the same ground. The law of every community is an index to its morals; and especially it is so with relatively primitive peoples. Among them the standard of the collective conscience is external; the idea of motive as affecting the value of an act has not yet been fully evolved. To such peoples, for instance, the unconscious violation of a

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<sup>1</sup> Encyclopedia of Religion and Ethics, edited by James Hastings, Vol. 7

taboo entails the same guilt as the most deliberate; it is equally heinous to slay a man by accident or with malice and forethought. The distinction drawn by morality between the different classes of homicide, and adopted by law, matters nothing to them; bloodshed even in self-defence demands atonement. Until the individual conscience has been cultivated by the reflection of generations on the social norms and their adaptation to the changing environment, and until the emotions have been disciplined and directed with some conscious effort, if not to the general well-being, then at least to the maintenance of the existing customs and constitution of society, morality cannot emerge as distinct from law. The process commences early. It is indispensable to the growth of civilization. It is one of the most important dynamic forces, which contribute to that growth. But its operation is slow.

In the west, the institutions of religion have one purpose, and the institutions of the state have another, and the two should be kept separate whatever the relative importance of the two. Lord Macaulay said:

“Without a division of labour the world could not go on. It is of very much more importance that men should have food than that they should have pianofortes. Yet it by no means follows that every pianoforte maker should add the business of a baker to his own; for, if he did so, we should have both much worse music and much worse bread. The community would be thrown into universal confusion, if it were supposed to be the duty of every association which is formed for one good object to promote every other good object.”

The role of government thus, is to protect the persons of citizens from injury and attack, to enable citizens peacefully to enjoy the use of material goods according to the property conventions of the society, to provide systems of arbitration to enable citizens to settle their disputes without resort to force; to provide, directly or indirectly, institutions for the construction of works and the provision of goods which are beyond the powers of citizens as individuals or families: works such as building roads and bridges, services such as education and health care. It is, I claim, the role of government to provide these services ‘directly or indirectly’: it has been, however, a matter

of continuing dispute whether in these matters a Government does better to act directly (by setting up a state system of transport, education, health service) or indirectly (by legislating in such a way as to enable and encourage private associations to furnish these goods).

The role of religious institutions differs from the role of civil government. The precise role of these institutions would be stated differently within different religious traditions: but as a rough and ready generalization it might be said that religious institutions exist for the propagation of religious belief, the promotion of spiritual welfare, and the provision and protection of worship of the divine. These purposes are clearly distinct from those of civil Government as just described. But if one grants – as I have just granted, and as a nineteenth century liberal might not have granted – that the provision of education and the custody of health can be legitimate concerns of civil government, why not also the promotion of religion?

There are two arguments which are commonly put forward in liberal societies for making a distinction here. The primary objects of civil government are things which any human being, without reference to any higher power, or any future state, is very deeply interested. But there is not similar agreement when we turn from the ends of civil Government to the ends of religious institutions. Despite these disagreements, throughout the history of the world, Governments have endeavoured to enforce religious belief and practice. If law is not based on morality, on what can it be based? The irony and hypocrisy of those who argue that Christian morality must be exorcised from law and society are that, at the same time, they are arguing for new laws based upon their own particular moral base. It may be called a 'new morality', secular humanism, permissiveness, material equality and distributive justice enforced through law.<sup>2</sup>

Christian morality, derived from the Ten Commandments, underlies the common law. Criminal law is based on the Ten Commandments, which also underlie the law of contract and the law of civil wrongs. The common law was developed over many centuries by British Judges who reacted to

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<sup>2</sup>Prof. Anthony Kenny, Religion, Church and State in History and Philosophy (PLD 1986 SC Journal Part 226)

particular human situations on the basis of Christian values. In an essay entitled "morals and the criminal law," Lord Devlin wrote:

"Society means a community of ideas; without shared ideas on politics morals and ethics, no society can exist. Each one of us has ideas about what is good and what is evil; they cannot be kept private from the society in which we live. If men and women try to create a society in which there is no fundamental agreement about good and evil, they will fail; if, having based it on common agreement, the agreement goes, the society will disintegrate.

"For society is not something that is kept together physically; it is held by the invisible bonds of common thought. If the bonds were too far relaxed, the members would drift apart. A common morality is part of the bondage. The bondage is part of the price of society; and mankind, which needs society, must pay its price - "The philosophy of a Law, ed. R.I. Dworkin, Oxford Press, 1977).

Law and morality have always been at loggerheads with each other in the west. The positivists led by Bentham and Austin deliberately keep justice and morality out of the purview of legal system. Their formalistic attitude is concerned with "law as it is" and not "law as it ought to be." They emphasize law from the point of source and implementation. When one tries to analyze the distinction between law and morality, one feels vaguely that somehow law is connected with reason and conscience. Therefore, law has the characteristic of binding whereas morality has the characteristic of being bound. That force is necessary to control human behaviour because humanity as a whole is not governed by reason. If everyone thinks reasonably and acts rationally, there is no need of binding one's behaviour. But the experience of history does not provide any evidence of such rational behaviour and so the idea of law has developed on the assumption that it is necessary to compel the behaviour of individuals in a particular direction to achieve certain specific ends. Justice and conscience seem to be personal and individualistic. Most probably, because justice and conscienceless are

experiences and intuitions of the mind. We cannot think of an external system to regulate the activities of the mind. On the contrary, human behaviour, in its rudimentary nature is physical and superficial. And so a legal system can find a methodology of directing it or guiding it or even governing it. Therefore, a legal system having rules and regulations with regard to trade, commerce, finance and employment will be greatly successful because these are the areas in which human behaviour is physically desirable. Law becomes a technique to establish a certain expected social behaviour. Morals may be for enlightenment and would facilitate individual pursuits.

Things that are illegal but are not considered immoral (for many):

Drinking under age, driving over the prescribed speed limit, smoking marijuana, cheating on a tax return, splitting a cable signal to send it to more than one television, many people do not think breaking of these laws as immoral.

Things that are immoral (for many) but are not illegal:

Cheating on spouse, breaking a promise to a friend, using abortion as a birth control measure – they are not offences and people committing the same cannot be arrested, fined, imprisoned, etc.

A society where laws have become the answer to all human problems, laws get completely confusing and many people begin to be concerned with nothing other than avoiding violating the law. Such a society is very likely to see ethics and morality slowly but surely recede from its midst.

The relationship between law and morality in the common law context may be summarized thus: -

- (1) The existence of unjust laws (such as those enforcing slavery) proves that morality and law are not identical and do not coincide;
- (2) The existence of laws that serve to defend basic values, such as laws against murder, rape, malicious defamation of character, fraud, bribery, etc. – prove that the two can work together;
- (3) Laws can state what overt offences count as wrong and therefore punishable. Although law courts do not always ignore a person's intention or state of mind, particularly in criminal law, the law

cannot normally govern, at least not in a direct way what is in one's heart (one's desires)? Because often morality passes judgment on a person's intentions and character, it has a different scope than the law;

- (4) Laws govern conduct at least partly through fear of punishment. Morality, when it is internalized, when it has become habit-like, governs conduct without compulsion. The virtuous person does the appropriate things because it is a fine or noble thing to do;
- (5) Morality can influence the law in the sense that it can provide the reason for making whole groups of immoral actions illegal;
- (6) Law can be a public expression of morality which codifies in a public way the basic principles of conduct which a society accepts. In that way, it can guide the educators of the next generation by giving them a clear outline of the values society wants to be taught to its children.

#### **LAW AND MORALITY IN ISLAMIC SYSTEM:**

The origin, development and expansion of Islamic law hardly bears any semblance to that of the evolutionary path taken by other systems of law. It did not have to undergo the same historical course trailed by other legal systems. However, Islamic system does not claim to be totally new and novel in its precepts. Rather it deems itself to be the continuation of the earlier divine religions. It draws significantly on the legal ethics of Moses and Christ. In this way, Islamic law embodies in itself a unique panorama of legal concepts and moral values. It has expanded and consolidated through both thinking and experience of centuries and generations, yet it is based on a set of fundamental principles, which are believed by us to have been divinely revealed, bestowed and completed in a series of revelation. Islamic law did not originate in the vague practices or customs of any olden people nor in the form of some scattered principles compiled later, neither was there any later addition to the preliminary doctrines. The conception of Islamic system essentially coincides if not precedes the existence of Muslim *Ummah*, while the basics of Islamic law as found in the Quran were complete and compiled along with its revelation process.

Thus, scholars who read the content of Islamic Law in isolation from its whole belief and value system commit an error that only results in misperceptions and leads to incomplete and faulty understanding of its

substance and spirit. Islamic law is only but a small part of a much bigger and systematic paradigm. The Islamic system simultaneously operates at multiple levels in multiple dimensions. There is a dual conception of life. According to Islam, life in this world is not the only and the real life. The real and the eternal life is life hereinafter. This concept of continuing life regulates the relationship of human beings with God, with their own selves, with other human beings, with other living objects, environment and the rest of the physical world. The primary object of Islam is to regulate human life in all spheres of its activities and its interactions, and an important aspect of this object is to demarcate boundaries through the enforcement of laws.

The concept of crime in Islam is not identical to the contemporary notion of crime in secular law, even though it is inclusive of the crimes as we know them in the present day world. The word 'crime' when used in an Islamic context, is a more encompassing expression, intended to include at least three forms of deviances, religious sins, moral vices and so called positive crimes. In the theory of Islamic criminal law, there is a mention of many crimes based upon violation of the moral code of Islam. The moral principles of Islamic law are the nucleus of the comprehensive legal system of Islam. It is the harm caused by the violation of those principles that confirm the precise status of each breach of rule. At the same time, the object or victim of the deviant behaviour will also be a determining factor. In this context, Islamic law recognizes the variety of crimes. Sometimes they are against an individual, sometimes against society and sometimes even against God Himself.

In Islam, therefore, it is the good of society that has the preference over an individual's limited interest. It is for this reason that the collective moral orientation of the society hold a pivotal place in Islamic system and the disturbance or violation of this orientation is deemed as a crime. Contrary to the Islamic principle, in modern western law, the primary test for the criminalization is the amount or possibility of actual harm that the act in question may cause to the individual or to the law and order of the society. However, as a common observation, most of the deviant acts are neither completely harmful nor fully harmless. Even the criminal who commits certain crime, gets some sort of satisfaction for his evil ego out of his act. Therefore, most acts are a combined embodiment of benefit and harm. In

this context, it is natural for an individual to choose for those acts which appear to be beneficial to him, even if they entail harm for the society at large. And similarly, he will like to avoid those acts which are difficult for him even if there be a huge benefit for the society. It is with this rationale that Islamic law has been devised to carefully but effectively incorporate the moral dimensions into the realm of law, so that the benefit of society can be closely guarded. For, it is the benefit of the society that will ultimately transpire into the benefit of the individual. Hence, the individual is viewed by Islam both as a single and individual unit and also as part and parcel of a composite unit, i.e. society in the narrow sense and mankind in a broader perspective. The individualistic feature of Islamic law rests in part in the fact that Islamic law generally aims at the public good, which does not detract from its fundamental and individualistic character.

At present, the Islamic law and Islamic criminal justice system in specific, face two kinds of criticism. First, it is popularly propagated that the criminal justice system proposed by Islam has become outdated and cannot conform to the contemporary standards of justice. Second, it is also commonly portrayed as a rigid and severe system, which cares little about fundamental rights guaranteed to the citizens of civilized states and the protections given to the individuals under modern constitutions.<sup>3</sup>

In response to this gross misunderstanding, we would like to emphasize that the Quranic injunctions provide moral directives without the rigidity and hairsplitting or the technicalities of law. The emphasis is on the spirit and purpose of the law, which is always moral. The Quran is essentially concerned with the intentions and motives of a good Muslim. It is the attitude, belief and faith of a Muslim that have the real value and not his outer style of eating his meals, nor his attire, nor even his language. In all these spheres of human conduct and behaviour, Islamic law acknowledges the inherent freedom and the resultant variety of human choices and attitudes.

The basic essentials of an ideal religious life and the primary requirements of a good moral conduct, which complement and supplement each other, are given to the Muslims by the Quran as a book of sublime morals and superb

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<sup>3</sup> Pakistan Law Review, Vol. 2, published by Pakistan College of Law, Lahore, Pakistan

spiritual teachings. No technical book of Muslim law can make a man good Muslim, nor for that matter, can mere copying the ritual or the adoption of some outward manifestations make a Christian, or a Jew, a Muslim. The Jews have lived for centuries in Christian countries and have been subjected to many of their orthodox laws and practices during the medieval ages; yet they never became Christians. They and the Christians have for centuries stoned their adulterers to death, something which has been upheld by the Shariah, but this practice did not make them Muslims. Rigidity and ultra-technicality in legal matters always tend to compromise the higher moral objective of the law and its depth. It was well said that the "letter killeth, but the spirit giveth life." The Quran is even more explicit and direct in imparting this teaching. Says it of the sacrifice of animals: "Neither their flesh, nor their blood, reaches Allah, but to Him is acceptable observance of piety and God-fear on your part." (XXII:37). A more emphatic warning is administered in the following words: "it is not righteousness that you turn your faces towards the east and the west" (II:177), and then the verse goes on to explain that a righteous man is the one who subscribes to the faith of Islam and performs righteous deeds. The object of both the above quoted verses is to impress upon the Muslims that merely the performance of the outward ritual should not be their goal. It is the right spirit which is the essence of all virtuous deeds.

Islamic law, or Shariah is the social code of Islam, which aims at creating a society based on a deep sense of moral responsibility in which every citizen can develop his personality in accordance with his spiritual and moral traditions. The fundamental difference between the Shariah and secular law is that the former is based on divine revelation while the latter is based on human reason and experience. That is why Islamic law does not accept the idea that whatever human society determines on the basis of its limited knowledge and experience and in pursuance of mere material benefit is good. It is quite possible that the 'good' of human society may turn out to be an evil in reality and, thus, abominable in Islamic law. For example, usury is allowed by modern law while the Shariah considers it an evil; or the fact that extra-marital sexual relations even if they are based on free will are allowed by secular law while they are held to be a sin and a grave offence in the Shariah.

Throwing light on the moral fabric of the Islamic Shariah, H.A.R. Gibb wrote, "Islamic law is the most far-reaching and effective agent in moulding the social order and the community life of the Muslim peoples. The moral authority of the law holds the social fabric of Islam compact and secure through all the fluctuations of political fortune. The law has its own ethical norms of good and evil, vice and virtue to which society has ideally to conform and, thus, it influences all aspects of social and economic life as well as all branches of literature."

Law can punish the wrongdoers. Administration of justice can deter the intending culprits, but it cannot reform them from within. Punishments, however severe, cannot root out vice and crime. Whenever there is a chance to hoodwink the authorities concerned or to defeat their enforcement staff, the criminal or vicious self of man gyrates to its animality. In the *Surahs* of the Quran revealed to Prophet (PBUH) during the Meccan period, only teachings regarding basic metaphysical beliefs of Islam and moral values were enunciated. It was later in Medina when the Muslims had assumed the form of a social polity that laws and juristic instructions about the manifold spheres were revealed in *Surahs Al-Baqara, Al-Maida, Al-Ahzab* and others.

In Islam, law and religion, law and morals, are inseparable. Islamic law takes into its purview relationships of all kinds, both toward God and toward men, including such things as the performance of religious duties and the giving of alms, as well as domestic, civil, economic and political institutions. By its origin, nature and purpose, it is intimately bound up with the religious ethics. In its primary function it has classified actions in terms of an absolute standard of good and evil, which are not to be rationally determined, for God alone knows what is absolutely good or absolutely bad. The fact that law is of divine origin and based upon spiritual significance of life furnishes a solid basis to Islam's legal theory.

Islam is a revolution. It involves a total transformation of life. It maintains a clear and definite vision of the truth and reality. From this perspective, Islam prescribes a positive and healthy behaviour, which fully conforms to human nature in all ages and climes. As it discards all abominable customs and unhealthy conventions and reckons man as an honourable individual with his rights and obligations. Nobility and superiority lies only in the practice of

righteousness. It enjoins basic concepts of civilized society, such as compassion for the weak, fairness in dealings, incorruptibility in the administration of justice. It forbids intoxicants, *riba* (interest or usury), and gambling and purges human life of all its vices. It raises the status of women and lays down rules of inheritance. Its function was to build society on virtues.

It is to be noted that virtue and vice, good and evil cannot be rationally determined, for God alone knows what is absolutely good or absolutely evil. To know the objective good is beyond our power and this cannot be denied, for often we like a thing, which is bad for us and hate a thing, which is good for us. Says the Quran: 'per chance ye dislike a thing, which is good for you and per chance ye love a thing, which is bad for you.' (*Sura 2*, verse 216,)

God is Most Gracious and Most Merciful. These attributes are fully reflected in His Law which is a gift and a mercy to His creatures. Mercy is, thus, the keynote of Shariah and, therefore, a rule resting on mere force is reprehensible in the eyes of God. Justice is the supreme end. Justice, according to Shariah is of a higher order as it is not only to give to each his due, but also to be merciful and to return good for ill. Shariah seeks to establish peace on earth by controlling society and imparting justice to it in fairness to all. Thus, order and justice are both the principal purposes of Shariah.

Shariah charges man with dual responsibility: one in relation to God and the other in relation to society, which results in a law of duties rather than of rights, or moral obligations binding on the individual, from which no earthly authority can relieve him, and which he disobeys at the peril of his future life.

Shariah builds the character of man, which according to Schopenhauer, lies in the will and not in the intellect. 'Brilliant qualities of mind, according to him, win admiration, but never affection'; and 'all religions promise a reward ... for excellences of the will or heart, but none for excellences of the head'.

Justice in Islam is, thus, a happy synthesis of law and morality. It seeks not to crush the liberty of the individual but to control it in favour of society

which includes the individual himself, and thus protects his legitimate interests too. Law plays its part in reconciling the interests of the individual with those of society and not vice versa. The individual is allowed to develop his personality with the proviso that he should not come into conflict with the interests of society.

Islam encompasses the whole spectrum of human of life. Its approach is moral more than legal. Human psychology and ambitions are always overwhelmed by the evil self. Simple preaching is not enough to eradicate the inherent lust and greed. Islam has, therefore, enforced some legal obligations. Some of the salient features of Islamic system are as follows: -

(1) Islam, inter alia, prohibits falsehood, arrogance, hypocrisy, deception, tyranny, transgression, talking ill, ridiculing, mocking at religion, magic and its reality, omens, gambling, liquor, suspicion, speculation, rumour mongering, secret counsels, false accusation, slander, backbiting, pilferage, murder, infanticide, etc. It provides for repentance as a means for forgiveness in respect of most of the above matters. Only few of the above are dealt with by legal means.

(2) Islam prohibits immoral means of livelihood, usury, bribery, breach of trust, niggardliness and extravagance and exhorts correctness of weights and measures, *zakat* (compulsory aid for the poor), tax on agricultural product, charity, trust, etc. It creates circumstances to avoid financial exploitation, it eliminates difference between the financial and moral values, it maintains economic balance by discouraging parsimony and niggardliness and disallowing joviality and prodigality, it keeps the money in circulation, it allows government intervention only in unavoidable conditions, otherwise the mission is to be carried out through purification of human mind and soul. Charity/almsgiving falls within the moral domain while *zakat*, *ushr*, etc. are in the legal domain.

(3) It lays down the duties of a witness, calls for written evidence, doing of justice, mortgage with possession, keeping promises, oaths, recommendations, etc.

(4) It provides for the family laws, relations between the spouses, rights of wives, equal treatment of man and woman, suckling of the child, divorce, wife's right to claim divorce, dowry for the wife, menstruation, the period of waiting, *zihar* (unjust and false declaration of relation).

(5) It deals with inheritance, child adoption, wills.

Thus, in Islam, law and morality are interlinked and intertwined. They supplement each other and work in unison in building a just and humane society. There is no wrong and there is no problem with the Islamic law, or its content. It is only the implementation of the law – a function of the humans, which needs to be worked on for the right results.

Islam promotes human good in all forms. It does so by a variety of measures. All those measures are viable and compatible with human nature at all times. Thus, the norms of morality sustain the rules of the Shariah. And the latter solidify the former. In this way both law and morality are complimentary to each other. If worked out in the proper way with the required sincerity of purpose and intention, it is bound to produce wonderful results even today.

I once again thank the organizers for the kind invitation to be present amongst this illustrious gathering. I share the idea and the objectives of the Faculty of Shariah and Law of the Islamic University College of Malaysia in organizing the public lectures to introduce and discuss current legal issues in the field of Shariah and law and provide explanation and appreciation of the laws by legal scholars by tapping their experiences and knowledge. It is indeed a useful exercise and is bound to bring the desired results.

Thank you, ladies and gentlemen, for your indulgence.

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