

An Epistemological Analysis of the Role of the Principle of Justice in the Relationship Between Jurisprudence and Ethics

Mohammadhadi Hazeri *

Abstract

The present article aims to compare and analyze the epistemological theories in Islamic jurisprudence focused on the role of the principle of justice in discovering religious rulings. This function is considered a useful tool in making jurisprudence more ethical. Based on the findings of the research, the issue of justice in jurisprudence is established on two pillars: evidential epistemology and affirmative epistemology. Affirmative epistemology has two approaches: negative and positive. In the negative approach, the possibility of any role of justice in the process of discovering rulings is excluded, but in the positive approach, this possibility is available. The next step in actualizing justice requires examining affirmative epistemology. However, in affirmative epistemology, most Imami scholars, despite their justice-oriented foundations, have moved towards contractivism. From their perspective, the essence of right is legislative and authoritative. Their point of departure from naturalism is the critique of rational knowledge. Naturalism, which was the starting point of Imami legal thought and is considered one of the most abandoned theories today, considers the philosophy of law to be based on principles such as "the exclusivity of the Sharia to God, the precedence of (theoretical) reason over (action) will, the association of right/ruling with the finality of nature, and the possibility of knowledge for the human mind." While the negation of the affirmative role of the principle of justice will lead to the pure validity of Islamic law.

Keywords

Relationship between jurisprudence and ethics, justice, evidential epistemology, positive epistemology.

* Graduate, Level 4 Studies, Qom Hawzah (Seminary), Qom, Iran. | hadihazeri@gmail.com



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