

## Mulla Sadra's Virtue Legal Theory: Virtue Ethics as the Foundation of Political and Legal Virtue Theory<sup>1</sup>

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### Abstract

The article examines the requirements of the theory of moral virtue ethics among Islamic philosophers — such as al-Farabi, Khwaja Nasir al-Din al-Tusi, and Ibn Sina — in the domain of political and legal theories is considered essential for the social extension of Islamic philosophy. This endeavor, however, necessitates a coherent examination of the concepts of virtue ethics across the three domains: moral, political, and legal theories, as a unified normative theory — something that has not yet received adequate scholarly attention. In this research, we aim to focus on the foundations of philosophical virtue ethics in Mulla Sadra's philosophy provides a basis for moral philosophy, political philosophy, and philosophy of law, in order to outline his general principles as the foundations of a coherent normative moral-political-legal school of thought. It appears that within the system of Sadraean Transcendent Wisdom (Hikmat al-Muta'aliya), moral philosophy — understood as fundamental values grounded in anthropological concepts such as happiness (sa'ada), virtue (fadila), and justice ('adala) — serves as a basis for deriving political foundations such as the virtuous city (al-Madina al-Fadila), the promotion of virtues, the avoidance of vices, and ultimately the regulation of foundational legal concepts such as the expansion of goods, the removal of evils, and the protection of lives and property. The aforementioned rules and foundations are organized and framed in coherence with fundamental anthropological values. According to the findings of the present research, these foundations possess the capacity to formulate a moral-political-legal

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theory of virtue ethics in accordance with Mulla Sadra's particular version of this tradition.

**Keywords:** Virtue ethics; Political virtue theory; Legal virtue theory; Legal norms; Virtues; Vices



## 1. Introduction

Most normative theories cover three dimensions: moral philosophy, political philosophy, and philosophy of law (West, 2011). Typically, within normative theories, moral philosophy has been regarded as the foundation for formulating political theory, which in turn serves as the basis for developing a legal system. Utilitarianism and virtue ethics are two normative theories concerned with the grounds for the validity of moral propositions and the foundations of legitimacy in legal and political rules and judgments (Solum, 2007). Drawing on these two scholarly traditions and grounding their work in the Quran and prophetic narrations, Islamic philosophers have developed virtue ethics as a social philosophy and as the basis for their political-legal obligations. Some of the most prominent Islamic philosophers — including al-Farabi (Bahārnezhd, 2013), Ibn Miskawayh (Habibi, 2017), Ibn Maytham, Ibn Sina, and Mulla Sadra (Atrak, b2014) — may be considered within the circle of moral virtue ethicists. These thinkers endeavored to articulate fundamental concepts about the human being in a manner that could serve as an essential foundation for social (political-legal) conduct. Al-Farabi addressed the extension of moral virtue ethics into politics and law as an independent subject in various works, including *Opinions of the Inhabitants of the Virtuous City*, *The Political Regime*, and *On Civil Associations*. Others, such as Ibn Sina — in works including *Treatise on the Knowledge of the Rational Soul and Its States*, *On the Covenant*, and *The Metaphysics of the Book of Healing* — and Mulla Sadra — in *The Origin and the Return*, *Divine Manifestations in the Secrets of the Perfective Sciences*, *Commentary on the Holy Quran*, and *The Transcendent Wisdom in the Four Intellectual Journeys* — discussed the political and legal dimensions of virtue ethics in a scattered and unsystematic fashion.

In the field of virtue ethics among Muslim philosophers, studies have been conducted such as: *Comparing the Moral Theories of Allamah Tabatabai's Scholarly Circle with MacIntyre's Virtue Ethics* (thesis); *Virtue Ethics According to Fayz Kashani and MacIntyre* (thesis); *The Relationship between Happiness and Virtue in Aristotle and al-Farabi*; *Ibn Sina's Virtue Ethics*; *A Comparative Study of Ibn Miskawayh's and Michael Slote's Virtue Ethics*; *A Revelatory Account of Virtue Ethics in the Quran*; *Mulla Sadra's Moral Theory* (2014); *The Influence of Mulla Sadra's Ontological and Metaphysical Foundations on Resolving Some Fundamental Problems in Ethics* (2013); and *A Reappraisal of Mulla Sadra's Moral Theory in Light of Contemporary Virtue Ethics*.

It is crystal clear that recent research on virtue ethics — particularly studies related to Mulla Sadra's virtue ethics theory — has been confined exclusively to the domain of moral virtue ethics, and has not pursued virtue ethics as a coherent normative theory spanning ethics, law, and politics. This is despite the fact that, according to the findings of the present study, Mulla Sadra's virtue ethics theory possesses a systematic political and legal extension, coherent with the foundations of his moral philosophy, which has thus far gone unexamined.

Accordingly, the key questions of this research may be specifically stated as follows:

1. What are the fundamental principles and concepts of Mulla Sadra's moral theory — including his anthropological and axiological foundations?
2. Based on Mulla Sadra's moral virtue ethics, what are the core concepts of his theory of political virtue ethics?
3. Through what concepts can the implications of Mulla Sadra's moral virtue ethics in the legal domain — and specifically in the theory of legal obligations — be explained?
4. What is the unifying component or concept that integrates the three dimensions — moral, political, and legal — of Mulla Sadra's normative virtue ethics theory?

This research aims, following a conceptual analysis, to first outline the foundational principles of moral philosophy (anthropology and axiology) from Mulla Sadra's perspective. In the next step, it seeks to elucidate — as far as possible — his political principles and concepts as the mediating concepts between ethics and law. Finally, in the concluding step, it examines the results and implications of Mulla Sadra's "virtue jurisprudence" in the form of "fundamental and foundational concepts" that are capable of justifying legal and legislative interventions.

## **2.Theoretical and Conceptual Background**

### **2-1. Normative Theories**

Normative moral philosophy refers to broad and far-reaching theories whose primary concern is the principles and foundations of the legitimacy and validity of ethics. In this type of inquiry, scholars seek to explain the principles and rules governing moral acts and to articulate a coherent ethical system (Solum, 2003, pp. 178–213) . Normative theories in philosophy of law and politics, in the same vein, provide the basis for the legitimacy of political-legal rules. Normative philosophy of law is concerned with the general goals and nature of law that justify and legitimize its enforcement by governments. Questions such as: What is the purpose and outcome of law? What is the moral and political foundation of law? — belong to normative philosophy of law(William Twining, 2009, pp. 122–172). Virtue ethics and utilitarianism are two major theories of normative ethics and law. (Solum, 2004, pp. 475–534)

### **2-2. Virtue Ethics**

Identifying happiness (sa'ada) as the ultimate end of human beings; focusing on how to live rather than how to act; emphasizing the cultivation of moral virtues as the means to attaining happiness; stressing the balance among the faculties of the soul in realizing happiness; and

establishing the disposition of virtues while avoiding vices — these may be counted among the core components of moral virtue ethics (Atrak, b 2014, p. 54).

The fundamental concepts of virtue ethics in the moral philosophy of Muslim philosophers include: the immaterial reality of the soul (al-Farabi, *The Reconciliation of the Two Sages*, 1405 AH); happiness (al-Farabi, *Opinions of the Inhabitants of the Virtuous City*, 1995); the natural faculties of the human being (Mulla Sadra, *The Origin and the Return*); the four virtues and their corresponding vices; goods and evils; pleasure and pain and their relationship to happiness and misery; as well as discussions of will and volition in the individual and in society; and the questions of habituation, moral refinement, and education in virtues and vices. Islamic sages, adopting a realist perspective, have regarded the concepts of the philosophy of virtue ethics as the foundation of this theory, and have presented the political and legal dimensions as derivations and extensions of virtue ethics.

### **2-3. Political Virtue Theory**

One of the most important theories in political philosophy is political virtue ethics. The realization of social happiness, the promotion of virtues and goods, and the elimination of vices and evils can be considered the most important components of political virtue ethics — defining the duty and scope of state intervention with regard to the happiness of citizens. In these theories, unlike utilitarian approaches, welfare, freedom, and the enjoyment of civil rights alone cannot constitute the proper political end.

These theories have a deep historical background. From Socrates' perspective, knowledge and awareness alone are sufficient for happiness, and the state — in its pursuit of the virtue of citizens — should focus solely on elevating rational virtue and knowledge (Hekmatnia, 2007). Aristotle, by contrast, held that happiness requires both rational and moral virtues, and that the state is responsible not only for knowledge but also for the behavioral and practical education of society (Aflatuni, 2016).

### **2-4. Legal Virtue Theory**

Legal Virtue theory represents a category of normative philosophy of law theories that do not regard welfare, order, or the mere rule of law as the basis for the legitimacy of laws and legal interventions. Instead, they put forth transcendence and happiness as the primary ends of law. They consider the promotion of virtues in society and the avoidance of vices as important social prerequisites for human happiness, and emphasize the expansion of common goods and the elimination of evils. These theories ground the fundamental concepts and principles of law in virtue ethics. Lawrence B. Solum has conducted extensive research on this dimension of virtue ethics in articles including "The Aretaic Turn in Constitutional Theory," "Virtue Jurisprudence: A Virtue-Centered Theory," and "Virtue Jurisprudence: An Aretaic Theory of Law." By

"foundations of philosophy of law," we mean the philosophy of legal obligations, whether in the form of public law or private law.

### **3. Components of Mulla Sadra's Moral Virtue Ethics**

Happiness is the starting point of Mulla Sadra's moral theory. Based on his philosophical foundations, Mulla Sadra regards existence and the perception of existence as identical to happiness. In speculative wisdom (*hikma nazariyya*), happiness means attaining the realities of things and witnessing intelligible beings and luminous essences. The full realization of this happiness pertains to otherworldly felicity; on his view, this dimension of true happiness is not attainable in this world, at the level of the body and sensory knowledge.

"The correct end of the human being is none other than true felicity and otherworldly happiness — a permanence into which non-being cannot enter, a pleasure free of pain, a knowledge and wealth free of ignorance and poverty." (Mulla Sadra, *Commentary on Usul al-Kafi*, 1987, Vol. 4, p. 356)

Happiness also has a dimension related to the body, which consists in establishing balance among the faculties, purifying the soul, and controlling the irascible and appetitive powers. Establishing the disposition of justice — the virtuous mean between two opposing vicious traits — constitutes happiness and perfection at this level. Happiness also has a preliminary aspect: the ordering of worldly subsistence (*ma'ash*), as a necessary prerequisite for happiness in the afterlife (*ma'ad*). The preservation of souls and property and the establishment of order in the means of their realization are considered preliminary conditions for otherworldly happiness. The philosophy behind many political and legal rulings is to regulate worldly affairs in accordance with the goal of otherworldly happiness. Ordering the affairs of this world according to the end of otherworldly happiness is the starting point of political and legal philosophy.

#### **3-1. Happiness at the Rational and Spiritual Level of the Human Being**

In this theory, happiness is the axis and foundation of moral values — it is the ultimate end in itself of all moral acts. True happiness consists in complete abstraction from matter and the realization of the human being's rational existence. According to the degrees of existence, the human being possesses corresponding levels, from the realm of the physical and material to the level of rational existence, in which deficiency and imperfection have no place. Naturally, from Sadra's perspective, true happiness is characterized by permanence, absoluteness, and freedom from admixture with non-being and temporal and spatial limitations.

"True pleasure is the connection to the reality of existence, especially the rational level of existence, for deficiency and non-being have no place at the rational level of existence. The highest happiness and pleasure is the apprehension of the Truly Beloved and Necessarily Existent Being — He is the reality and truth of existence, encompassing all perfections. Therefore, to delight in Him and to be made happy through the apprehension of Him is the highest of all pleasures and the greatest of all serenities." (Mulla Sadra, 1989, vol. 9, p. 125)

The human soul, in Islamic philosophy generally, is the most perfect existence in the material world. By virtue of the soul, the human being resembles the angels and will become a permanent and eternal being. To the extent that the human being resembles his origin and perfects his knowledge and deeds, he draws near to God Almighty, and his permanence comes to resemble God's permanence (Ibn Sina, 2007, p. 189). The true and ultimate happiness of the human being is a permanence into which annihilation cannot enter; a pleasure free of pain; a knowledge impervious to ignorance; and a wealth that knows no poverty. Therefore, the first good and the end sought for its own sake by the human being is otherworldly happiness (see: Mulla Sadra, 1987, p. 356).

For al-Farabi as well, the reality and truth of the soul is immaterial and separate from the world of empirical sensations. This soul is an emanation from the universal and divine soul, beyond the bounds of the material world (al-Farabi, 1405 AH, p. 44). The soul has the capacity to become the apprehension of a perfection through the attainment of which it no longer requires matter or body for its existence and continuity.

### **3-2. Happiness Related to the Material Dimension of the Human Being**

The perfection and happiness of the soul also has a lower dimension, one that is realized in the relationship between the soul and the body. The happiness of the soul at the level of its partnership with the material body consists in "the acquisition of the disposition of justice" in the human being. Justice, in fact, arises in the relationship between the soul and the material dimension of the human being.

"The perfection and happiness of the soul, at the level of the soul-body partnership in the material world, is realized through the acquisition of the disposition of justice. Justice means the establishment of a transcendent state — the dominance of the human being's abstract, spiritual rational faculty over bodily desires. Justice means avoiding two opposing vices and establishing the mean and balance among the character traits of the body. The mean between recklessness and cowardice is courage; likewise, chastity and wisdom are virtues, each constituting the mean between two vices." (Mulla Sadra, 1989, vol. 9, p. 127)

Transcendence and justice constitute a disposition in which the bodily faculties — desire, sensation, and behavior — follow and are brought under the control of the rational faculties.

The opposite of the state of transcendence is the state of submission, in which the soul has come under the dominance of the body and is perpetually in a state of excess or deficiency, with the intellect and deliberation placed in the service of bodily desires and dispositions rather than the other way around.

Instrumental goods — which are not desirable in themselves (the only intrinsic good being happiness connected to the human being's abstract intellect), their desirability being derivative — are divided into first-order and second-order instrumental goods. First-order instrumental goods are knowledge and justice; justice in turn encompasses chastity, courage, and wisdom (see: Mulla Sadra, 1987, p. 356). This dimension of happiness is a prerequisite for true happiness, and the rulings of the religious law have been established in relation to the realization of the disposition of justice. In this theory, the rulings of the law concerning chastity (related to the faculties connected to appetitive desires), courage (related to the defense of oneself, property, honor, and the law), and wisdom (related to the obligation to spread and promote rationality and reflection) have been enacted to realize the disposition of justice in human beings.

### **3-3. The Distinctiveness of Mulla Sadra's Anthropological Foundations**

From Mulla Sadra's perspective, the soul possesses a synthetic unity — it has a single reality with multiple levels. Mulla Sadra considers the Peripatetic view of the soul to be correct only with regard to one level of the soul. In his view, the Peripatetic philosophy and the Stoic philosophers — who held the reality of the soul to be abstract, pure, and entirely separate from the material body and its attributes — attended only to the abstract rational level, separate from the body and connected to the celestial and sacred realms, without giving proper attention to the dimension related to the body.

For example, from al-Farabi's perspective, the connection of this universal soul to the body is the root and origin of all deficiencies, shortcomings, and evils for the soul. The divine soul in the body is like being imprisoned, accompanied by pains, frustrations, and afflictions. The reality of the human soul experiences evil and pain through the body and lives alongside grief, desire, and fear (al-Farabi, 1405 AH, p. 44).

But from Sadra's perspective — and also from the perspective of the mystics and men of spiritual taste, as Mulla Sadra reports — the soul is not merely abstract rational faculties entirely separate from the body; rather, the body in their view is like the shadow cast by the light of the sun and in reality has no independent existence of its own (Mulla Sadra, 1935, p. 307).

Mulla Sadra regards the soul as having two levels: one purified from matter, and one material. The level purified from matter — whose knowledge, as declared in Quranic verses and traditions, is equated with knowledge of God — is the celestial reality close to the sacred realm,

a reality akin to the angels. The material dimension is also a level of the soul whose rectitude or corruption affects the soul as a whole. In this theory, the world is a true way-station among the way-stations of the afterlife, and the human soul at this stage is a traveler from dark nature (elemental, bodily, mineral, vegetative, appetitive, irascible, sensation, imagination, and delusion) toward the human station, then toward the station of the divine angels, and ultimately in the process of drawing near to God Almighty (see: Rezanejad, 2008, p. 1648).

Thus, Mulla Sadra's definition of the soul — and his attention to all its material and abstract levels as a single reality with different gradations — led him to attend to both the bodily dimension and material virtues. Mulla Sadra considers goods and blessings related to the material level as second-order instrumental goods, namely bodily virtues, which include: strength and power, health, beauty, and longevity (Mulla Sadra, 1987, p. 356). External instrumental goods — outside the soul and body — include the tools and means related to the material body, comprising wealth and property, social standing and prestige, family, and tribal honor (Mulla Sadra, 1987, p. 356). Accordingly, happiness is divided into happiness *li-nafsihi* (for its own sake) and *li-ghayrihi* (for the sake of something else). True happiness — happiness for its own sake — is otherworldly happiness (see Mulla Sadra, 1987, p. 125).

Deepening the meaning of happiness in the domain of politics will carry with it the legitimization of a specific type of social power. Politics, on the basis of this principle, must have the capacity to realize happiness and its prerequisites — such as promoting virtues and repelling vices in society. The concept of social happiness and the duty of the Prophet and virtuous governance toward the true perfection and happiness of the people constitute the foundation of Mulla Sadra's political theory. The prerequisite for the realization of this happiness is health and continuity of souls and their requirements; Mulla Sadra's particular attention to this domain gave rise to a specific legal system. Establishing order, justice, and security in worldly subsistence are the fundamental legal concepts that led to the formulation of legal rules in Sadraean virtue-based philosophy of law.

#### **4. The Fundamental Concepts of Political Virtue Ethics from Mulla Sadra's Perspective**

Mulla Sadra grounds politics, the legitimacy of power, and related structures entirely in relation to the fundamental anthropological and axiological concepts. The rational judgment (*hukm al-'aql*) regarding the necessity of realizing happiness — since happiness is intrinsically desirable in Sadra's thought, which means that reason judges the necessity of its realization — the social and political nature of happiness, the abstract reality of the soul, the levels of the soul and the corresponding gradations of happiness, and the worldly prerequisites of otherworldly happiness are among the most foundational concepts of Mulla Sadra's political virtue ethics.

#### 4-1. The Reality of Prophethood

Mulla Sadra's political virtue ethics is built upon the rational necessity of realizing human happiness and spiritual and existential perfection. From Sadra's perspective, happiness is an entirely social matter, and reason's judgment on the necessity of happiness means a judgment on the necessity of forming a virtuous society — a society in which the realization of happiness is the ultimate end. In this society, prophethood is the supreme leadership in the virtuous city (al-Madina al-Fadila). Human happiness and perfection can only be realized in the virtuous city and society — a civilization in which various communities participate in reaching the true goal and destination, which is God Almighty. Opposed to the political concept of the virtuous city and community stands the ignorant city and community (al-Madina al-Jahila), in which people lead one another toward evils (Mulla Sadra, 1975, p. 490).

Like many virtue ethicists, Mulla Sadra considers the human being as naturally social; human life attains order and perfection only in society, civilization, and cooperation. The existence and continuity of the soul and human progeny is not possible individually. On the other hand, in society, due to the natural instinct of self-love, each person pursues only his own individual interests — even if this impedes others' use of resources and leads to their destruction. In such a situation, if the matter of governance were left unattended by God Almighty, corruption, killing, and crime would increase in society. The rise of crime and criminality in society leads to the destruction of the remembrance of God (dhikr Allah), the spirit of servitude, and the wayfaring toward God. Therefore, to establish order and justice and to avoid corruption and disorder — as well as to preserve lives, progeny, and property — human beings require law. This law is the divine law (shar'), through which the Lawgiver, by enacting laws grounded in the spiritual and physical happiness of society, guides the community toward God Almighty (Mulla Sadra, *Al-Mabda' wa al-Ma'ad*, p. 488). In this theory, the primary goal and purpose of these laws is the journey toward God and the true happiness of the human being. Establishing order, security, and justice as one of the functions of prophethood is entirely oriented toward the eternal and everlasting guidance and happiness of the human being.

The Prophet, as the legitimate political authority in society, thus has two roles. The first role is to bring the people to true good and happiness — i.e., drawing near to God Almighty — since the Prophet has fully realized this happiness and stands at the summit of otherworldly and worldly felicity. This view is confirmed by verses such as: "Then he drew near and came down" (Quran, 53:8–9); "You did not throw when you threw, but God threw" (Quran, 8:17); and "Your guardian is only God, His Messenger, and those who believe — those who establish prayer and give alms while bowing" (Quran 5:55). This vicegerent (khalifa) thus, has two dimensions: one in relation to the divine essence, and one in relation to creation and the realm of contingency, through which he can spread and manifest the divine names and attributes in this world. The philosophy of prophethood is, in essence, this very flow of divine guardianship (wilaya) on earth.

"The Prophet receives commands from God and then presents those commands and teachings to God's servants and guides them. Thus the Prophet is an intermediary between the realm of the visible (mulk) and the realm of the unseen (malakut). The Prophet's heart has two aspects: one opening toward the celestial realm — the realm of the Preserved Tablet and the angels — and the other opening toward the perceptive faculties, to examine what is in the senses and to become aware of the important events of creation. It is obligatory upon such a Prophet to bind the followers of his law to acts of obedience and worship, so as to move them from the animal station to the angelic station. Prophets, therefore, are the caravan leaders of their communities." (Mulla Sadra, Translation of *Al-Mazahir al-Ilahiyya*, 2010, p. 113)

At the second level, the Prophet assumes the role of legislating and executing law in order to ensure order, justice, and security in the virtuous city. The Prophet personally takes hold of governance and power through worldly means — "by his sensory and motive power he assumes sovereignty" — enacts divine rulings in society, protects the virtuous city, and combats the polytheists and corrupt of the ignorant, unjust, and corrupt cities, so that God's command may prevail (see: Mulla Sadra, 1975, p. 492).

#### **4-2. The Relationship between Prophethood and Politics**

Mulla Sadra regards the relationship between prophethood and politics as analogous to the relationship between the body and the soul. A body without a soul is a corpse — purposeless, incapable of growth and perfection, devoid of life. Politics and power, if placed in the service of the purposes and goals of prophethood, gain life, purpose, and perfection; otherwise they are like a body without a soul. He ;nonetheless, distinguishes between prophethood and politics: politics, in Mulla Sadra's view, is distinct from prophethood, but gains life if the purposes and goals of the divine law flow through it (Mulla Sadra, 1999, p. 148).

#### **4-3. The Prophet Is Not Merely a Political Authority**

The Prophet is a divinely guided authority sent by God Almighty who, by binding people and creation to the path of worship and obedience to God and by spreading divine guardianship, works to habituate (ta'wid) the people and the masses to virtuous and celestial habits. The Prophet elevates the dispositions and attributes of the masses and the community of souls from the station of animality toward celestial and divine attributes and characteristics. In this journey from animality to humanity, the Prophets are the leaders of this community. The philosophy of politics, governance, and power is to serve the Prophet in the perfection of society toward divine characteristics. This act of the Prophets is, moreover, existential and real — meaning it is not merely of the nature of mental information and nominal awareness. By declaring the obligatory nature of worship, the Prophet places creation on the path of true growth.

Mulla Sadra likens human communities to caravans advancing toward God Almighty. Some in the caravan are close, others are far; some travel swiftly, others slowly; some are facing toward the goal and others have turned their backs upon it. In accordance with divine destiny and God's wisdom regarding His servants, the Prophets and the infallible Imams (peace be upon them) are the guides and leaders of this human community in its journey toward God. In these relations, the bodies of human beings serve as the mounts of these travelers toward God. In this journey, the Prophets have no choice but to train the bodies and discipline them, as the mounts of the travelers (see Mulla Sadra, 1981, p. 362).

Politics, in this sense, is a power that derives its legitimacy from divine guardianship and places the people in alignment with the purposes of their creation. The political leaders of society are in reality the Prophets and infallible Imams (peace be upon them), who bear the duty of guarding those journeying toward God in society — sometimes protecting the social identity of the wayfarers by clarifying beliefs and truths, and sometimes by repelling harms related to the bodies of the believers.

"The reality of prophethood is the realization of true happiness — i.e., the journey of creation toward God Almighty — and all other functions of the Prophet derive from this dimension. The Prophet, by binding creation to acts of obedience and worship and executing divine rulings among them, through their education distances them from animality and brings them close to the angelic station. Verily, the Prophets are the caravan leaders of human society toward the Origin of existence." (see: Mulla Sadra, 1999, p. 146)

Some acts of worship are affirmative (ithbati). Affirmative acts of worship, in some cases, benefit only the one performing them — such as prayer and remembrances performed with humility and reverence, which heighten the motivation for the journey toward God in people. In some cases, their benefit extends to others as well — such as charitable donations and sacrificial offerings. But some acts of worship are of the nature of abstention and self-restraint (kaff al-nafs) — such as fasting and refraining from prohibitions like lying and backbiting, which serve to purify the soul from evils and corruptions. The obligation of pilgrimage journeys and visits to sacred shrines is also each effective in this social journey toward God Almighty. According to some great figures in philosophy and mysticism — such as Imam Khomeini — all acts of worship have a political dimension; it should be noted that the political character of all acts of worship does not contradict their being either affirmative or negative in nature, as considered by Mulla Sadra.

## **5. The Fundamental Principles and Concepts of Mulla Sadra's Legal Virtue theory**

From Mulla Sadra's perspective, matters related to worldly subsistence are in reality matters related to the state of the soul's attachment to the body. Since the body is one of the levels of the soul, attending to the affairs of subsistence and the body is among the prerequisites and necessities of otherworldly happiness. The principle of otherworldly happiness — which consists in attaining true knowledge of God and severing attachment from contingent beings and aligning with the divine essence — cannot be fully and completely realized unless the human body remains healthy, the human lineage continues and endures, and the human species is preserved. Therefore, human otherworldly return (ma'ad) is not fully realized unless the means of preserving souls and their property are attended to (Mulla Sadra, 1981, p. 361). This principle is also consistent with verses such as: "Do not give the foolish your property which God has made a means of support for you" (Quran, 4:5).

It appears that the concept having been able to position Mulla Sadra's legal theory within the category of virtue-based theories — alongside his political and moral theories — is the emphasis on the concept of happiness as the end of legal rules. Mulla Sadra regards the enactment of laws in society as aimed at preserving security, tranquility, and order in the means of souls and property, and considers the ultimate end of all of these to be the realization of the remembrance of God (dhikr Allah).

All human needs — in relation to the afterlife and worldly subsistence — have been entrusted to the human being by God Almighty. Food, clothing, and shelter, as well as desire and irascibility and the instruments appropriate to these faculties — whether proximate or remote instruments, such as the tools of agriculture and irrigation — are all blessings bestowed upon all human beings. These constitute the sustenance and cause of the stability and continuity of the soul. Mulla Sadra, however, taking into account the human sense of individualism and the drive for dominance, regards the enactment of laws as a necessary and indispensable matter. The individualistic and domineering human being always seeks to make greater use of these blessings, even if it prevents others from using them and causes their destruction. In such a situation, if the matter of governance were left unattended by God Almighty, corruption, killing, and crime would increase in society. The rise of crime and criminality in society leads to the destruction of the remembrance of God, the spirit of servitude, and the wayfaring toward God (Mulla Sadra, 1981, p. 361).

### **5-1. The Legal System as Part of the Legislative System, Related to the Goals of the Political System**

From Mulla Sadra's perspective, the legal system is fundamentally not a closed system unrelated to politics, divine law (shari'a), and the objectives of the law. Formally, the legal system is entirely connected to the enactor of laws — i.e., the divine Lawgiver and the person of the Prophet — and in terms of content, it is related to the goals of prophetic politics, namely the growth and elevation of society on its journey toward God. This important matter will be

realized through two paths: the direct path of executing divine commands and prohibitions in the journey toward God, and the indirect path of establishing stability, tranquility, and order in property, souls, and progeny for the flow of God's remembrance and divine guardianship in society.

## **5-2. The Enactment of Divine Law and Laws for the Preservation of Otherworldly and Worldly Happiness**

The flow of divine guardianship and remembrance, and the realization of human perfection and growth in society, require the establishment of order and justice and the distancing of society from injustice and oppression harmful to the material and spiritual affairs of the community. Therefore, it is incumbent upon the legislator and the Lawgiver to enact and explain laws governing the ownership of property, marriage, types of debts and transactions, the distribution of inheritance, and the allocation of war spoils and charitable donations. Political laws and public law must also be determined. To repel crimes and social corruptions, effective punishments must be enacted — such as the rulings on holy war (jihad) and fighting against unbelievers; rulings on retaliation (qisas), blood money (diyat), discretionary punishments (ta'zirat), and expiations (kaffarāt), which have been enacted to prevent the occurrence of corruption and crime. Mulla Sadra explains the reason for enacting some legal rules as follows (ibid., p. 368).

## **5-3. Three Primary Principles in the Enactment of Binding Legal Rules**

Mulla Sadra regards the binding legal rules of religion as related to three goals of the divine law. These three goals may perhaps be considered the three important principles in Mulla Sadra's legal theory — three principles that have become the source of the validity and legitimacy of the enactment of binding legal rules in divine law.

**A. The First Principle:** The enactment of retaliation (qisas) and blood money (diyat) for the prevention of the destruction of the human body.

"As for holy war and fighting against those who wage war, it is due to their deviation and distance from the laws and policies of religion, which the guardians of the path toward God have assumed responsibility for. Fighting them is for the preservation of the divine limits. The rulings of retaliation and blood money are likewise for the purpose of purifying society of the causes of the destruction of human souls." (Mulla Sadra, 1981, p. 368)

**B. The Second Principle:** The preservation of public property, specified through laws such as the prescribed punishment for theft (hadd al-sariqa) and highway robbery.

"The prescribed punishment for theft and highway robbery in divine law has also been enacted to repel the causes of the destruction of human property and livelihood." (Mulla Sadra, 1981, p. 368)

**C. The Third Principle:** The preservation of lineage (nasl), specified through prescribed punishments such as those for fornication and sodomy.

"The prescribed punishments for fornication, sodomy, and false accusation of unchastity (qadhf) have been enacted to repel matters that cause disturbance and disorder in the affairs of lineage, descent, and the family." (Mulla Sadra, 1981, p. 368)

The prescribed punishments (hudud), although in some cases they serve to preserve the interests of the material body, nonetheless — since God Almighty is the enactor of these laws — the act and execution of these laws also draws society closer to God and elevates it. At the same time, the execution of these laws and the prevention of crime in society ensures stability and tranquility, which is a prerequisite for growth, perfection, and drawing near to God. Most importantly, according to Mulla Sadra's foundations, harm to the body — as the mount of the spirit, or as a lower level of the soul — leads to the destruction of the soul's capacity for true and real growth.

"The purpose of creation and legislation is to bring the people to the nearness of God and to the abode of His generosity. The comprehensiveness of divine mercy and the universality of His grace and generosity require this. If the affairs of human beings were left without the enactment and execution of specific laws — governing the distribution of property and the respect for souls and progeny — by God and His divine guardians, human beings would fall into corruption, murder, and plunder of one another, and this would prevent them from journeying toward divine mercy and the Origin of existence." (Mulla Sadra, Al-Mabda' wa al-Ma'ad, 1975, p. 501)

## Conclusion

It is concluded that Mulla Sadra's moral-political-legal virtue ethics theory begins with the concept of happiness and its rational necessity. This concept is the unifying point of Mulla Sadra's virtue ethics theory across its moral, legal, and political dimensions. Human happiness and reason's judgment on the necessity of happiness in moral philosophy; the realization of true happiness in society and the necessity of the Prophet's existence in bringing about the true happiness of human beings in political philosophy; and the protection of souls, property, and lineage as a prerequisite for society's journey toward happiness in the philosophy of law — these constitute the unifying point of Mulla Sadra's virtue ethics. Furthermore, the dimensions

of the soul's true happiness — such as otherworldly happiness (which is the apprehension of the Truly Beloved and Necessarily Existent Being), happiness related to the bodily dimension (which is called justice), bodily virtues (strength and power, health, beauty, and longevity), and happiness external to the soul (wealth and property, social standing and prestige, family, and honor) — constitute the fundamental foundations of Mulla Sadra's moral virtue ethics. He regards all of God's blessings for the soul as oriented toward true happiness related to the abstract and immaterial dimension of the soul — that is, the knowledge of God and the attainment of the Supreme Good and the infinite divine existence. In the same vein, all legal obligations are directed toward happiness related to the human soul. Also, the Prophet — as the only individual who possesses knowledge of the otherworldly and worldly happiness of the human being and human society, and who stands at the apex of happiness (existential proximity and nearness to God Almighty) — is the person qualified to enact laws in society. The enactment of laws by the Prophet is entirely related to the human end, namely the moral virtuousness of society and its distancing from vices for the sake of drawing near to God. The Prophet, by binding people and creation to the path of worship and obedience to God and by spreading divine guardianship, works to habituate the people and the masses to virtuous and celestial habits. For this reason, the enactment of the divine law's legal rules is not a neutral or directionless matter. Accordingly, law is entirely related to ethics. The realization of moral virtues, as well as human happiness, transcendence, and the attainment of the Supreme Good, are among the goals of enacting laws and legal obligations.

To end up, legal rules, from Mulla Sadra's perspective, are enacted in a thoroughly consequentialist — though not utilitarian — manner, and the purpose of enacting laws has not been merely their execution and the rule of law as such. The legitimacy and validity of law and legal obligations derives from the legitimacy of the goal for which the law has been enacted. The outcomes and purposes that constitute the goals of legislation are sometimes related to otherworldly happiness and serve as guarantors of its provision in society, and sometimes they are related to the material level of the soul. Otherworldly benefit is obtained through the Prophet's habituation of the people to virtuous deeds and acts of worship. Benefits related to the body and the material level of the soul include the "preservation of ownership," "security," and "human lineage"; moreover, attention to the survival and security of the material body and life at the material level of the soul led to the enactment of laws such as retaliation (qisas) and blood money (diyat). The necessity of ownership for the continuation of life and the continuity of the soul resulted in the enactment of laws such as commercial regulations and the prescribed punishment for theft. The purity and continuity of human lineage is ensured through the rulings prohibiting fornication and sodomy.

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