Family Bioethics and its role in prevention of crimes and family management

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Abstract

Family is a precious, fundamental and sensitive community which extremely affects different aspects of human life. Undoubtedly, based on codes of ethics, family and its continuation have useful functions in the complex social system. To achieve a superior goal obtained by formation of a family and its continuance, it is crucially important to notice and deliberate on quantitative and qualitative indexes of family. Traits and qualities that are thought to originate from morality in family would bring about factual insight and generosity for personality, and would be considered as supreme purposes of prophets. The primary members of the immediate family include a man and a woman who have to take advantage of a sacred and internal link, i.e. love, beside the necessities those keep them together. One of the major objectives in Islam is to standardize behavior and treat sensual pains and thus to create a society endowed with legitimate codes of ethics. As a smallest social community, it is significantly important to abide by principles of morality. Given that, it would be appropriate to study and analyze the effectiveness and function of morality in management of personal and collective lives within family to particularly prevent crimes or reduce their negative and harmful effects. The research on this matter would be especially useful since family as a social institution is honored by different religions. This Article studies the role of morality within family in preventing crimes and violence.

Keywords

Morality, Family Management, Prevention of Crimes, Violence

Introduction

Application of the concept "human" is due to acclimatization to others to continue social life, since human being is unable to continue his/her life without communication. God created a human comprising of all internal and external, material and spiritual and heavenly powers. These are features and quality that is naturally found in all humans. The difference is, however, in faith, in the love of God, and other qualities including wisdom and knowledge. But God has not differentiated in human's nature. The question that arises is whether any community can be called a family? Put it differently, can we call several people residing in a place as family?

In the next step, the question that may come to mind is whether taking role in family should follow specific principles? Should status and relations follow a specific function in learning family ethics or is it sufficient to have mental and physical tendencies for reaching the required standards? Another question is what kind of conduct people should have, and what type of principles and standards people should adhere to, so that a family's rules and principles could match with morality in family on the basis of the philosophy of morality?

Given the above preliminary questions, it would be appropriate to study and analyze the effectiveness and function of morality in management of personal and collective lives within family to particularly prevent crimes or reduce their negative and harmful effects. The research on this matter would be especially useful since family as a social institution is honored by different religions where studying the effects of morality on family is preferred. This Article studies, in two parts, the role of morality in family in preventing crimes and violence.

Definition of Morality, Moral Values and Its Position in Family Management

1. Definition of Morality

The word "Akhlagh" (i. e. morality) is the plural form of "Kholgh" (i. e. temper, mood, and disposition). The two words, Kholgh and Khalgh, consist of the same letter Kh, L and Gh. Khalgh refers to the human existence and Kholgh relates to the internal image of humans. As there are good and bad traits that are attributable to the human appearances, human nature has good and bad features as well. In other words, Khalgh is allocated to images and

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faces perceived by eyes, while Kholgh refers to spiritual powers discerned by heart eyes.[1]

Morality, therefore, means a range of qualities taking their root from human nature and spirit, which can be a source of good deeds, including honesty, Infaq (disbursement), self-sacrifice, and jihad, or bad deeds such as telling lies.[2] Good morality attracts love and in the shadow of this love, solidarity and social association are more fixed.

2. Definition of Moral Values

Value literally means price, cost, merit, excellence, fitness, competence and eligibility. Moral value is specific to something morally suitable. That is to say, the goal may be whether morality or a medium which leads human being to get closer to that goal.

3. Morality in Family

Effective factors that contribute to sustaining a marriage are subtlety, toleration and beauty of association. It is significantly important for people to have soft temper, appropriate behavior and toleration both in society and in family. This has been, also, emphasized in Quran and narratives. Quran says 'Consort with them in an honorable manner and should you dislike them, maybe you dislike something while Allah invests it with an abundant good.'[3]

According to Article 1103 of the Civil Law of Iran, "woman and husband are obliged to adhere to the beauty of association against each other." The word "couple" and its derivations have various applications in Quran. For example, it says "Is sacrosanct the one who created all couples. He created them from what is grown in the ground, from them, and this is him that created male and female."[4]

3.1. Sexual Morality: Sexual morality encompasses subjects that are formed in light of sexual differentiation, including the necessity or non-necessity of controlling over sexual instinct, Hijab, faith to spouses, absolute

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1. Vaseghi, Ghasem. Lessons from management morality. Islamic Promotion Press, 3rd ed. 1995, p.13.

2. Mohammadi Ghilani, Mohammad. Lessons from management morality. Qom, Sayeh Press, published by Alhadi Institude, 1st ed, 1995, p.23.

٣. وَ عَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِن كَرِهْتُمُوهُنَّ فَعَسَى أَن تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا (An-Nisa: 19).

4. Najm: 45.

abstinence from Zina (unlawful sexual intercourse), etc. Management of sexual relations is one of the most important Islamic moral tasks. Quran refers to couple's love as the symptoms of God existence.

Unlike other religions that has gone to extremes, Islam, as a balanced religion, holds that it is neither possible to suppress human's natural needs, as it results in mental and physical discomforts and social anxieties, nor should it be released freely, as it may end in hurting moral and social human and destruction of family. Quran does not hold the view that sexual needs are in contrast with spirituality. On the contrary, it believes that it is a way to reach human excellence and spiritual comfort. This, however, is conditioned by going along with moral accomplishments such as purity, chastity and zealotry and by abstinence from going to extremes.

3.2. Rationale for Marriage and its Place in Moral Values: Given recommendations on such a sacred act, is marriage created just because of preserving human being, while it is a common behavior among all creatures? Human is superior to other creatures since it has a distinctive qualities. Thus, preservation of human being cannot be the only purpose of marriage. Surely, God has, also, had another goal. He applies the word "inertia" to refer to marriage and guarantees its sustainability by promising to create peaceful relations and mercy. Quran says 'And of His signs is that He created for you mates from your own selves that you may take comfort in them, and He ordained affection and mercy between you'.[1]

Thus, what matters is the relation between two persons. Two persons, with different characteristics and features, complement each other. Some commonalities, however, are highly important among which is innate biases. Men and women have a lot in common, i.e. concepts such as monotheism (Tawhid), search for truth, search for perfection and inclination to morality. According to some commentators, they are different in some matters such as wisdom, sentiment and other physiological qualities.

Peace is the first step for human being toward perfection, and the comfort and moral health of a society depend on the comfort and the health of its population. The conformity of genesis and canonization was been considered by the lawgiver. To put it differently, it has aroused an affection that human beings are mentally and physically searching for it.

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١. وَ مِنْ آيَاتِهِ أَنْ خَلَقَ لَكُم مِّنْ أَنفُسِكُمْ أَزْوَاجًا لِّتَسْكُنُوا إِلَيْهَا وَ جَعَلَ بَيْنَكُم مَّوَدَّةً وَ رَحْمَةً (Al-Rum: 21).

4. Investigation into Morality in Family

4.1. Mahr (Dowry): Mahr is a mandatory payment, in the form of money or possessions paid or promised to pay by the groom or by groom's father, to the bride at the time of marriage that legally becomes her property.[1] There are many quotes about the philosophy of Mahr. Regarding the value of Mahr, Motahhari argued that Mahr has been created as a result of a skillful thought applied to the midst of human creation to adjust the relation between men and women.[2] The form of feelings is not the same for men and women in the case of love. According to the act of creation, beauty, pride, and needlessness were created for women, while neediness, quest, and love for men[3]. Mahr is a material poured by a general code of action in the midst of creation and created by the hand of nature (Fetrat)".[4]

In its famous verse, Quran says 'Give women their dowries, handing it over to them; but if they remit anything of it of their own accord, then consume it as [something] lawful and wholesome'.[5] There are many important points in this short sentence. Instead of Mahr, the word Alms is used which is the sign of men's honesty. It confirms that Mahr is nothing except a present or gift[6]. As such, Mahr endowed by men should have such features. It is a gift from men to women which is not harmful but totally beneficial and brings in more devotion and sincerity. In any event, treating Mahr as a pledge like what happens now does not match at all with its historic rationale.

Mahr is not a pledge for women to take advantage of it as a pressure lever against men[7]. This is, thus, entirely moral since it is rationalized in accordance with the nature of men and women. As mentioned before, men and women are different by nature. One (males) is demander and the other is respondent (females). Such a moral quality, based on offering a gift, would deviate from its philosophy if it turns into a pledge.

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1. Jamal, 2012, p.1.
2. Motahari, 1978, p.203.
3. Ibid.
4. Ibid.

٥. وَآتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِن طِبْنَ لَكُمْ عَن شَيْءٍ مِّنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَّرِيئًا (An-Nisa: 4).

6. Ibid, p.203-204.
7. Al Ishagh, p.40.

Principles and rules envisaged under Sharia conform to the system of creation (Takveen)[1], and what is addressed in Sharia teachings matches with the creation of human. On the other hand, men and women's traits and the fact that one of them is demander and the other is respondent is reflected in Sharia. Mahr in marriage precisely depends on the nature and creation of couples.

4.2. Alimony in Accordance with Women's Dignity: Another financial aspect of marriage is alimony. It is money that men are obliged to pay to their wives. Women, in return of such a financial support, would have to undertake some tasks and responsibilities. The first point is that the word "Nafaqa", which means alimony, takes its root from the word "Infaq", i.e. disbursement. The question that arises here is why God has used this word to refer to such a matter? Quran says 'Let the affluent man spend out of his affluence, and let he whose provision has been tightened spend out of what Allah has given him'.[2] Infaq is one of the superior moral values. Cannot it refer to a moral value even in a financial quality?

If men had the right by Islam to have women at their service and own the outcomes of women's work and wealth, the reason of alimony could be regarded as a fee that is given to a worker.[3] Islam, however, has not offered such a right for men. Women have the right to own wealth and have income. Men are not allowed to own women's wealth and men are, in any case, responsible to make money from their family.

One of concealed philosophy of alimony is dignity. Women who have the responsibility of upbringing of children should not be mentally humiliated. If Islam had not obliged men to pay alimony, women might be mortified to make money. Dignity is, therefore, one of the principles of alimony and considered as moral codes.

4.3. Morality in Divorce: As allowed in Islam, divorce or separation is of the most improper, though, lawful deeds. According to Imam Jaffar Sadiq (May Allah be pleased with him): "No right action is more hateful and disgusting than divorce". God treats as His enemy the man getting divorced his wife without reason and affected by his transient passion. Islam

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1. Ibid, p.40.

٢. لِيُنفِقْ ذُو سَعَةٍ مِّن سَعَتِهِ وَمَن قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنفِقْ مِمَّا آتَاهُ اللَّهُ (At-Talaq: 7).

3. Ibid, p.221-222.

prescribes divorce when there is an intensified hatred between man and woman. For men having the right of separation, they are not allowed to violate their wives' right." Quran says '[Revocable] divorce may be only twice; then [let there be] either an honorable retention, or a kindly release.'[1]

Association is a Sharia task for men. To continue their married life, they have to nicely admit responsibilities to their wives, and, in case of separation, they have to properly put an end to it. Praying is not the only criterion of being religious. Morality is as important as praying. This includes honesty, faith to promise, trustworthiness, etc.

5. Family Functions

Family functions include:

- Watching over the moral security of society;

- Providing peace and comfort for man and woman that can be achieved by marriage as the basis of family;

- Reproduction;

- Providing children's food, health, clothes, housing and physical upbringing;

- Social and legal supports from children;

- Children's mental and spiritual upbringing;

- Transferring the culture of society to children and providing the ground for socializing them.

5.1. Children Upbringing: Parents have a heavy duty of passing on right beliefs to their children. Family beliefs have undeniable effects on children's future. Prophet Mohammad says 'each child is born based on nature (Fetrat), until his/her patents make him/her become Jew, Christian or Majus'.[2] Upbringing serves as a tool for protecting and supervising children's monotheistic nature. This is a moral task and the most important function of family. Family is the first social setting that a child experiences it. He or she is affected by family members, father and mother in particular.

Upbringing should be practiced in light of understanding our own and our children's cultural and social differences. Children should be prepared for admitting constant and invariable moral principles depending on conditions pertaining to time and place. Such a preparation enables them to handle toxic empathy and guarantees their moral security when they become youth and

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١. الطَّلَاقُ مَرَّتَانِ فَإِمْسَاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ (At-Talaq: 229).

٢. كل مولود يولد على الفطره حتى يكون ابواه يهوادنه او ينصرانه او يمجسانه (Fetr Madeh، Safinat al-bahar).

after that. On the other hand, their habits are formed in accordance with a moral model of behavior. There is no need to change the habits after admitting moral rules. Imam Ali (A.S) says "bring up your children with behavior matching with their time. They should not been brought up according to your own behavior and beliefs. They have been created for time other than yours."[1,2] Brought up in a righteous family, the children are well-familiar with morality, and they are prepared for admitting theoretical propositions that relates to codes of ethics.

5.2. Children's Ethical Duties: Children perceive their parents' pure and true affection, and love their parents by nature. Reaching the age of understanding morality, they would be thankful of their parents. During childhood, children's behavior does not have any positive or negative value. Their acts, however, are morally valuable. At maturity, they experience a mentally and physically growth when there would be a growing distance between them and their parents. They gradually move toward an independent life.

Feeling power, more understanding and inclination to be independent would cause them to deviate from abiding by parents and to have more independent opinions in life. The importance of identifying moral duties relates to the age of growth and adultery. Being aware of moral tasks enable adolescents to adhere to codes of ethics and become, at the same time, mentally and practically independent. While complying with God's orders, children should always obey their father without question, and have good behavior with their parents.[3,4]

6. Innovation in the New Family Law Act

The new Family Law Bill in Iran, containing 58 articles, was finally passed in March 2011 by Islamic Consultative Assembly and Guardian Council and announced by the president.

Article 21 confirms that in temporary marriage, which is based on Sharia principles and civil law, government registration is obligatory where wife becomes pregnant, or where spouses comes to a mutual agreement on the

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1. R.K, Islam and time requirements, p.274-275.

۲. لا تؤدبوا اولادکم باخلاقکم لانهم خلقوا لزمان غیر زمانکم.

3. The Nahj al-Balagha, Ghesar-al-Hekam, p.399.

٤ . حق الوالد علی الولد ان یطیعه فی کل شیی الا فی معصیه الله سبحانه.

registration of their marriage. The rationale behind the obligation to register marriage upon pregnancy is to protect children's interests and prevent any problem that may cause regarding the child custody and caring. According to the article 21, permanent marriage is recognized as the foundation of a family. Article 22 concerns the legal matters surrounding Mahr. It provides that if Mahr has been specified up to one hundred and ten Bahar Azadi coins (an Iranian gold coin minted by Central Bank) or its equivalent, it would be subject to the rules of article 2 of Financial Convictions Act. In case of higher Mahr, the surplus payment depends on man's financial ability. Mahr is still calculated according the market rate.

There are, also, several requirements in case of uncontested divorce in article 25. In the previous Act, it was obligatory to present a number of required documents inducing verdicts of two judges, and to provide a mutual financial and nonfinancial agreement so that courts could issue certificate of lack of conciliation that would result in divorce. In the new Act, if it is an uncontested divorce, the court refers the case to a center for family consultation. As such, the couple can also present a divorce application to consultation centers from the very beginning. In such case, the center announces the case to the court. In cases related to contested divorce, the court refers the case to judgment to reconcile the couple.

An important point reflected in article 43 is that the custody of children whose father has died will be given to mother. But if the child's forced protector or prosecutor does not advise on mother's custody, the child can be taken from her. The ceaseless affinity of child for his/her mother seems to be recognized by lawmakers. Similar issues had also been provided in the previous Act. Article 44 refers to the properties belonging to children under the legal age. In this regard, it is up to the prosecutor to determine how much of the property should be designated to the head of family based on everyday needs. The property is kept by the one who has the custody of child.

7. Moral Refinement: Purpose of Prophets

Islamic morality offers dignity and honor, and shows a way to prosperity and a thriving life. In this regard, Imam Ali says 'if there is no fear of the hell and no hope for heaven, if there is no reward and no punishment, it is logically our duty to demand qualities and specifications bringing for us

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dignity and honor, because these qualities lead human being to prosperity'.[1] Bad behavior, in contrast, is followed by others' fear and hatred. Imam Ali says 'bad behavior is disgusting and frightens people. It spoils affection and friendship'.[2]

Scoffing and ridiculing is forbidden in Islam as Quran says 'let not a people ridicule [another] people; perhaps they may be better than them; nor let women ridicule [other] women; perhaps they may be better than them. And do not insult one another and do not call each other by [offensive] nicknames. Wretched is the name of disobedience after [one's] faith'.[3] Islam puts virtue as a criterion. Racial, class and family matters are not important. Quran emphasizes that 'indeed we have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted.'[4] Having considered such teachings, it is surprising that many suppose that people should merely search for the outcomes of Islamic rules in afterlife.

Prophets intended to accomplish morality and refinement of egos. In Islamic culture, human makes effort to approach God. Admirable behaviors are considered as the most fundamental way to reach the final destination. Prophet Mohammad was appointed as a prophet to accomplish morality. In the same vein, Quran says 'so set your heart as a person of pure faith on this religion, the original nature endowed by Allah according to which He originated mankind (There is no altering Allah's creation; that is the upright religion, but most people do not know.)'[5]

Companionship with God is the product of abiding by commands, and abstinence from forbidden measures to approach divine qualities. Sura Al-i-Imran contains an Aya which implies God's friendship with human and human companionship with God where it says 'If you love Allah, and then

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1. Rey Shahri, 1983, p. 146
2. Ibid, p. 5092

٣. يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَرْ قَوْمٌ مِّن قَوْمٍ عَسَى أَن يَكُونُوا خَيْرًا مِّنْهُمْ وَلَا نِسَاءٌ مِّن نِّسَاءٍ عَسَى أَن يَكُنَّ خَيْرًا مِّنْهُنَّ وَلَا تَلْمِزُوا أَنفُسَكُمْ وَلَا تَنَابَزُوا بِالْأَلْقَابِ بِئْسَ الِاسْمُ الْفُسُوقُ بَعْدَ الْإِيمَانِ (Al-Hujurat: 11).

٤. يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُم مِّن ذَكَرٍ وَأُنثَى وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِندَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ (Al-Hujurat: 13)

٥. فَأَقِمْ وَجْهَكَ لِلدِّينِ حَنِيفًا فِطْرَتَ اللَّهِ الَّتِي فَطَرَ النَّاسَ عَلَيْهَا (Ar-Rum: 30).

follow me; Allah will love you and forgive you your sins, and Allah is all-forgiving, all-merciful.'[1]

God, therefore, created sacrosanct human by nature. He granted him/her wisdom and bestowed Quran to shed light on the way of blasphemy and to show him/her what is deemed as good or bad. All of these teachings are by virtue of the fact that human being is the manifest of prominent names and God's Khalifa in the earth to represent God's qualities and to display his/her image of universalism and manifestation as the story of Adam: 'And He taught Adam the Names, all of them'.[2]

Human is a collection of contrasts and excesses to be able to lead all excesses toward a unity. Hence, Adam refers to the primary human. What exists in his nature exists in every one's nature. By virtue of this, God addressed human in Quran where it says 'Did I not exhort you, O children of Adam, saying, "Do not worship Satan. He is indeed your manifest enemy. Worship Me. That is a straight path"?'.[3] In another place it says 'Certainly we have honored the Children of Adam, and carried them over land and sea'.[4] Prophet Mohammad in interpreting such verses stated that 'human is, in fact, appointed as Khalifa when carry all God's qualities'.[5]

All divine religions have been established on the basis of friendship, kindness, compassion, etc. Prophets were destined for spreading moral values such as affection, peach, intimacy, comfort, etc. As such, Islam has prohibited Muslims from aggression of any kind in social communication, and has invited them to forgiveness, absolution, compassion and kindness[6]. There are many verses in Quran and narratives from Ahl al-Bayt in which humans are inhibited from telling lies, jealousy, envy, defamation, humiliation, sarcasm, insolence, bothering, frightening, arrogance, etc.

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۱. قُلْ إِن كُنتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي يُحْبِبْكُمُ اللَّهُ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ (Al-i-Imran: 31).

۲. وَعَلَّمَ آدَمَ الْأَسْمَاءَ كُلَّهَا (Al-Baqara: 3).

۳. أَلَمْ أَعْهَدْ إِلَيْكُمْ يَا بَنِي آدَمَ أَن لَّا تَعْبُدُوا الشَّيْطَانَ إِنَّهُ لَكُمْ عَدُوٌّ مُّبِينٌ وَأَنِ اعْبُدُونِي هَذَا صِرَاطٌ مُّسْتَقِيمٌ (Ya-Sin: 60-61).

۴. وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ (Al-Isra: 70).

۵. تَخَلَّقُوا بِأَخلاقِ الله تعالى إِنِي جاعِلٌ فِيالارضِ خليفَةً.

6. Bihar al-Anwar, Majlesi, p.294.

8. Personal and Social Morality

Conceiving the difference between personal and social morality is a new perception which is a product of philosophers' review in general nature of human's behavior throughout history. This may have a personal aspect which is also true about a person who is completely isolated from the society. Morality is, here, divided into two categories of personal and social.

Some philosophers believe that society is an abstract institution and what is the principle is the human originality. Living in any conditions in terms of time and place, human being may be able to learn instructions by referring to his/her insight from the world and put them in practice by not abiding by his/her passion. Some morality issues (e.g. patience, bravery, fear, perseverance and laziness in trying to reach the goal, ignorance, noticing God, being thankful of indefinite gifts and other moral excellence or blackguardism) are just personal and the same is completely true about human. Ones who confirm this do not consider that morality does not have any foundation and teaching morality is unnecessary. They, exclusively, believe that any moral system is established upon its followers' social relations. According to them, no one grows in vacuum and socialization starts even before birth and from the very beginning of the birth and continues over time.

The approach of human originality is not an appropriate response to today's needs and social and complicated requirements. The society originality provides the ground for moral despotism and captivity in predefined tribal and social frames. Having a more exhaustive insight into different dimensions of human behavior, recent thinkers have talked about people's and the society's dialects. Accordingly, what is thought as moral conducts results from a complicated dialog flowing between human as a thoughtful and a sentimental creature and a society where he/she lives. Then, the question that arises is which of them affects moral behavior more than the other? The answer is completely relative and depends on the relation that exists among them.[1]

Morality is accompanied by a type of wisdom. If wisdom refers to introspection, this means that we would not reach a correct understanding of morality. That is because morality takes its root from a framework of

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1. Sefidkhosh, Meysam, Hamshahri online. Available at: www.Hamshahrionline.ir.

communication and generally from social association. In order to adhere to morality, human being must examine his/her own conscious thoughts and feelings, and, at the same time, observe social customs. Such a dual necessity has urged philosophers to ponder over the nature of morality and the priority of originality from internal and external dimensions.

It is clear that social morality forms the foundation of human personality. But, it does not mean that personal morality is less important. Personal morality has a noticeable part. A person's behavior has priority over the behavior of a society, because the society is a collection of people.

Role of Morality in Prevention of Crimes and Violence

Law and morality are different in several aspects such as differences in sanctions, rewards, etc. In contrast to law, morality has a wide domain. Morality includes standards that affect human's personal and social life. They originate from two isolated resources. Law is a phenomenon whose principles result from human's liberal willpower. On the other hand, sanction norms differ from the standards of morality. In legal context, sanctions are accompanied by force. However, the standards of morality associate with conscience alarm, admirable intents, fear of punishment, hope for spiritual rewards and respecting human values.

1. Relation between Good Behavior and Public Order

Good behavior is a specific image of public order. Although the ultimate destination of morality is to create a pious and sacrosanct person, law is based on justice and equality. The legal system has never been needless of morality, and, in some cases, supports moral principles to preserve social justice. Some moral principles that are obligatory in law refer to public order. The other principles that their sanctions are public conscience are referred to as good behavior.

Public order and good behavior have an individual domain. They affect each other, and at the same time they should be studies separately. In spite of this, as matters against good behavior are harmful for public order, and law can never disregard immoral behavior. In fact, everything against good behavior violates public order, but a matter against public order may not seem immoral.

2. Social Effects of Adhering to Personal Morality

Accomplishments: good behavior may improve the society setting. The effects of good behavior can be listed as follows:

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- Friendship and Affection: human being is thirsty for affection and expects others to behave well with him/her. We are affected by others' emotions and immediately express our feelings. It is, thus, good for all of us to behave with each other in a friendly way, and have a cordial life with our fellow being. Imam Sadiq says 'good behavior attracts others' friendship'.[1] In a personal dimension, morality would either offer a healthy and peaceful spirit or make people discomfort and create tension and stressful situation. Well-behaved people are not the ones with admirable conducts, but those who are secured against mental diseases;

- Development of Cities and Longevity: when people are friendlier, challenges, fights, distrust, and anxiety would be reduced. If people live and work with spiritual safety and mutual trust, they cooperate with each other, and they feel sympathy with their fellow-beings. In such society, anyone live comfortably and cities are developed, and diseases are reduces. Furthermore, God helps such society more.[2]

3. Preventing Crimes by Morality

Committing crimes is prevented by different methods. Sometimes morality and its spread within society is neglected. When people ignore codes of ethics, they are prepared for committing crime. In such conditions, an incorrect step would encourage human to do wrong deeds. It costs too much for the society. Morality, thus, can be one of strongest inhibitors.

Morality may well prevent crimes. Admitting codes of ethics plays an important role in reducing violence. But how is it possible to spread moral principles throughout the society? Article 1 of the third principle of Constitutional Law of Iran provides that government has the duty to grow moral excellences, and provide a proper setting for the people.

In some countries, governments do not have such a responsibility, but in Iran this duty has been designated to government as well as the parliament. Government administration is planning for compiling codes and laws to create an appropriate environment for nurturing morality. According to article 8 of Constitutional Law, enjoining good and forbidding wrong is a public task for people against each other, for government against people and for people against the government. Conditions and limitations have been

<div style="text-align: right">Mahmoud Abbasi</div>

<div style="text-align: right">١. حُسنُ الخُلقِ مَجلَبَةٌ لِلمَوَدَّةِ.</div>

2. Karimi Fard and Karimi-Fard, 1391.

defined in the Constitutional Law: 'The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong'.[1] Accordingly, educational system and organizations are mandated to grow morality further.

Lawmakers have been well aware of the role of morality in preventing crimes. Because of this, many laws and regulations have been enacted and many organizations and institutes have been established to pursue this mandate. None of these efforts, however, has been able to reinforce the role of morality in controlling crimes and violence in our society. Many speak, consequently, of increased aggression.

Promoted morality has a direct effect on reduction of crimes. Living in a religious society which is entirely affected by religious principles is a good chance to employ such a tool. Media, also, can help with promoting moral standards. Therefore, cultural law is tightly connected with media law. Therefore, morality is the best factor of preventing from crime. Accepting moral principles plays a major role in reduction of crimes. According to philosophers of Islamic morality, ethics is a sustainable queen that the conscience of every human is his/her existing capacity, and s/he takes the responsibility of supervision either directly or indirectly that affects all external conducts.

Human relation with him/herself is a moral subject, and by virtue of such relation, God gives human some responsibilities and duties to prevent him/her from deviation. When people ignore their internal conscious, they may opt for the wrong choices. The famous poet Hafez refers to this fact as 'You are called from heaven arch, Not know why you have fallen into such a trap'.

The important piece of evidence that confirms the role of family in the prevention of crime is a study on orphans. Children who lack a protector or who suffer from deficient protector are not able to materially and spiritually support their own children when they get married because of their occupation, illnesses or having several children. For this reason, they are more exposed to criminal behavior.

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١. وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنكَرِ (At-Tawba: 71).

4. Criminally Support from Morality

Some profit-oriented grounds support morality as a legal requirement. It is believed that legal requirements have nothing to with some immoral personal behaviors that are not harmful for others and shown in privacy. Some others, however, hold the view that violation of moral principles should be legally prevented, whether it is harmful or not. Morality should spontaneously be supported by the government. Governments seem to be responsible for supporting morality and providing the framework for matching society with codes of ethics. Also, it should be noted that a range of morality cannot be supported by sanctions. Personal behaviors and what is related to the people's private life should be secured and the governments, at the same time, have to encourage people to morality and inhibit them from violation of rules in a civil way. To put it simply, tightly putting pressure for moral refinement of the society, as quoted from Spinoza, brings about immorality, and opens the way to social arrogance and ignorance against the principle of enjoining good and forbidding wrong.

Criminalization of morality, irrespective of its restricting principles, raises a number of general and vague terms in definition of crime, and provides a suitable ground for violation of crime legality. In this way, those behaviors to be criminalized are harmful for others, and the society has forbidden them, they cannot be prevented by moral, civil, social and legal methods and those that are considered as treat to the society strengths, provided that they are not harmful and in the limit of people's private life. And conducts which are considered by a specific group or the ruling government as contrary to codes of ethics, and they are not welcomed by public are unlawful and illegal[1]. We can avoid the loss of health costs exercising preventive measures as it is usually easier to prevent than cure.

5. Criminology Violence

The most important roots for the growth of personality is within family, and, particularly in the relation between parents and children. Some believes that crimes primarily originate from environmental and social factors. Accordingly, crimes are not a phenomenon affected by people's physical and mental conditions, but they are the society that brings about aggression. Family is an obvious example of social factors which is one of the

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1. Khorami, Ahmad. Available at: http://tasawi.persianblog.ir. Accessed 20 Oct, 2015.

inevitable, certain, and primary environments. Some comments in this regard are as follow:

- Social learning: in explanation of social learning approach, Glasser says that the differential identity is a determining factor for turning differential association into illegal acts;

- Theory of Contrast: given the pluralistic nature of the modern society, several sociologists, including Fuller and Valler believe that in a simple traditional society, people culturally have a lot in common, but this is not true of modern societies;

- Theory of relative deprivation: people usually compare themselves with others and they are not sufficiently fair, and show their extreme emotional feelings (e.g. changing job, committing suicide, etc.). Thus, it is impossible to deny the indirect effect of personal behavior on social issues. When such a feeling goes to its extremes, it results in social severe contrasts.[1] Such deprivation occurs when a person inclines to what he/she does not have and knows that he deserves to have it and does not blame himself.[2]

Emile Durkheim Theory: a celebrated French sociologist, Durkheim is the founder of paradigm of sociology of social reality. She searches for all unusual behavior in the social environment and believes that the crime is a natural and social phenomenon. To her, there is a connection between crime, culture and the place of committing crime. In her comments, she clears the way for looking over various environments where criminals and non-criminals live together.

According to the Durkheim's social theory, there are several reasons for committing crimes such as an upheaval in life standards, exposing standards to changing conditions, economic development, personal relations released from order and weakened moral powers.[3]

Conclusion

As an element of private associations, family is based on thoughtful structures consisting of good behavior and fellowship. From social aspects, morality regulates the communication of people. To have a healthy and

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1. Rafi Pour, 2011.
2. Holnder, 1999, p.383.
3. Tavassoli and Nurmoradi.

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constructive correlation in the society, we need to have appropriate and admirable morality. If social morality is well formed, we would experience healthy and fair relations. According to what has been discussed, a major part of crimes originates from immorality. As psychic reasons of criminal behavior, immorality weakens willpower and, at the same time, eases the way provides the ground for committing crime. Ignorance, resulting from passions and immorality, refers to a deviation in cognitive power which is the main root of most crimes. Anger and aggression usually end in crimes such as sexual offense.

One major function that is well perceived in Islamic training is creating a complete security and comfort in the social environment. If codes of ethics such as cooperation, dignity, obeisance, affection and generally speaking justice are widely enforced in a society, this would be a utopia where people could live with no fear and treat. Family is an institution which is based on human communication, and moral values have salient role in it. Therefore, moral values are the foundation of family law. In such a sacred body, law and morality are intertwined and they are not identifiable. Good behavior, affection, respect, and fulfilling tasks do not have any origin except Islamic morality and adhering to its rules. This makes ethics more effective than other branches of law. Human survival is one of the reasons for marriage. But, the most import one is to reach sublimity. Moral values are defined as one aspect of perfectionism. Alimony is not a wage for women because of doing housework and it is based on two factors of Infaq and self-sacrifice. Endowment is the foundation of Mahr. Mahr is a gift from a man to a woman.

An obligatory rule is enforced when people do not tend to respect other's rights, and turns the life into a place for their arrogance. Beyond rules, this is respecting each other's rights that create a peaceful life for the society. Article 1103 of Civil Law of Iran provides that 'wife and husband are obliged to associate with each other.' Being required to have good behavior, anyone may have a share in creation of a pleasant atmosphere in family and an amiable social being, such that all people live in a warm and friendly environment. In a family in which good deeds are defined and applied as moral qualities in the context of human being, affection strings would not be torn and guide family members into the direction of truth in face of potential social inconveniences. To create purposeful association and to have good-

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behaved children, parents play a crucial role by teaching morality and fear from losing the resultant security in preventing from crimes.

Another evidence confirming the role of family in socialization, peace-making, and crime-avert is a study on the conditions of orphan or semi-orphan children. Children who lack a protector or who suffer from deficient protector are not able to materially and spiritually support their own children when they get married because of their occupation, illnesses or having several children, and, therefore, they are more exposed to criminal behavior. At the end, as already mentioned, family formation is based on qualitative and quantitative features of teaching morality to spread ethical behavior among its members. Morality has a crucial role in family management and its sustainability. Family helps people in the process of socialization and prevention from crimes. To put it simpler, it may have noticeable reflections in all personal and social dimensions of life (cultural, political and economic stages).

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