Faqih (Jurist) as Engineer: A Critical Assessment of the Epistemological Status of Fiqh

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Abstract

Among the distinct disciplines which has emerged and thrived in the cultural ecosystem of Islamic civilisation, fiqh (Islamic jurisprudence) enjoys a special position. Even a cursory glance at the history of Muslim societies suffices to show that fuqha, in contradistinction to Muslim philosophers, theologians, mystics, interpreters of the Quran, linguists, literary figures, and their ilk, wielded considerable social and political power. While philosophers, theologians and mystics were vying for the accolade of hakim, which is highly praised in the Quran and is among the names of Allah, fuqha had felt no need to enter into this particular dispute. Right from the beginning they positioned themselves as the heir apparent of the Prophet’s (and Imam’s in the case of Shi’i Islam) in all legalistic (shar’i) issues and therefore the legal representative of Allah on earth. Although the socio-political role and status of fuqha has been the subject of many studies in the past few decades and in particular since the Islamic revolution in Iran in 1979, the epistemological status of fiqh has not received much attention in the academic circles. In the present paper, following a brief discussion concerning the differences between science and technology and the main characteristics of engineering, I explore the epistemological features of fiqh. The upshot of my discussion is that although Muslim scholars like Farabi and Ghazzali in their classifications of sciences had consciously placed fiqh in the category of applied sciences, nevertheless, it seems the significance of this point, from a second-order epistemological point of view, has not received full appreciation either by fuqha or other Muslim (or even non-Muslim) scholars. The result, as I try to argue, has been epistemic confusion on the part of fuqha: fuqaha’s activities, by and large, have not been appreciated as a type of engineering. Instead, given the fact that fuqha were and are being regarded as ‘alim, it has generally been assumed that fiqh is a type of knowledge whose immediate objective is discovering the truth. Contrary to this general misconception I’ll argue that the ‘truth’ involved in fiqhi practices resembles the truth which is involved in engineering activities and not the truth as understood by theoretical researchers and epistemologists. Arguably, this misconception has played a role in giving fuqaha a dominant position in comparison to other Muslim scholars in other fields of scholarly activities in the ecosystem of the Islamic culture.

Key words: Fiqh, Engineering, Science, Knowledge claims, Pragmatic measure, Correspondence truth.

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