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The Epistemological Framework of Contemporary Ethico-legal Judgements in Applied Ethics

Islamic legal theory (*uṣūl al-fiqh*) is widely regarded across Muslim denominations as the pinnacle of religious scholarship. Its philosophy and methodology reflect the influence of various theological traditions. Most legal scholars affirm the role of reason in formulating legal theories and deriving judgments, even those who restrict the truth of premises to scriptural sources. However, it is crucial to distinguish between reason (*al-'aql*) as a tool for deriving ethico-legal judgments and reason as an independent source and foundation of law and morality. The former approach was widely employed by Muslim jurists, while the latter remained marginal, as theological voluntarism has historically dominated Islamic legal thought—even within schools traditionally associated with rationalist tendencies in *kalām* (Islamic theology).

This paper examines the epistemological framework of contemporary Muslim jurists and ethicists engaged in applied ethics. It explores the extent to which scholars from different theological traditions accept the epistemic truth value of premises based on modern science and ethics and how they incorporate them into ethico-legal reasoning. Theological voluntarism continues to shape the perspectives of many contemporary Muslim scholars and jurists dealing with modern legal and ethical issues. This study critically analyses their premises and conclusions regarding emerging fields such as artificial intelligence, robotics, and genetic engineering.



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Mariam al-Attar is a senior lecturer at the American University in Sharjah. Her book *Islamic Ethics: Divine Command Theory in Arabo-Islamic Thought* traces the development of ethical thought in Islam and focuses on the work of the Mu'tazilite judge 'Abd al-Jabbār al-Asadabādī. Her more recent work includes chapters and journal articles that reflect her research interest in metaethical theories, *kalām* (speculative theology) and *uṣūl al-fiqh* (principles of jurisprudence) in a way that relates to contemporary normative concerns. Before her academic career, she worked as a clinical scientist.