

I Introduction/History of project

Project arose from practical issues re: caring for Muslims and functioning as Muslim health care providers – needs of patients and providers to know legal rulings re: health care practices.

Needs identified:

- More interdisciplinary discussion
- Common vocabulary
- Philosophy for the legal rules that we have

Purpose of this group – develop conceptual framework to allow discourse between medicine and juridical sciences. (See first page of packet).

Purpose of this weekend – map of epistemology to engage contemporary sciences and Islamic sacred sciences; cosmology.

Funding – Templeton Foundation

- Their interest – partnering with Muslims; they have had trouble engaging with traditional ‘ulama.
- Their requirement: that we speak to our perspective on the status of the non-Muslim. Do they have equal worth? Rights?
- Products:
 - o Three panel presentations – lay audience, Muslim professionals, the academy
 - o Four journal articles (TBD)

Gaps:

- Traditional Islamic scholars don’t know how to assess scientific knowledge causing stagnation of thought in modernity.
- Muslims on the ground fail to integrate scientific data into theological frameworks. They are speaking about Islam through western eyes.

Questions:

- Can scientific notions of risk (e.g. medical, statistical) and religious concepts of necessity be combined to generate a schema of human health needs?
 - o Conceptually where can scientific data relate to/inform moral theology?
 - o How does ‘usul al fiqh inform how we interpret scientific data?
- What is the soul and how are its capacities manifested bodily?

II Mu'tazilite Epistemological Frameworks

Overview

- Two major branches: Basran and Baghdadi schools; concerned with 'usul as well as theology.
- Five principles of Mu'tazili thought, Baghdadi school: tawhid; divine justice; promise and threat; encourage good and forbid evil; the intermediate position (fate of Muslims who sin)
- Ash'ari was a student of the Basran school
- Example: al-Jabbar (d 415 AH/1024) Wrote commentary on the five principles.
- Absorbed and incorporated by the Shi'a and is still alive.

Definition of the intellect ('aql) (acc. to Jabbar):

- An aggregate of knowledge (acquired in the dunya) ('uloom al maksusah); when it occurs in a mukallaf person then it makes a person's acts sound (valid) – adds responsibility to humanity.
 - o not a substance
 - o not a body
 - o not a tool/instrument
 - o not a faculty or quwwah
- Everyone has the same intellect – the locus of moral responsibility
- What causes differences among people are not permanent attributes of the intellect.
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Good/evil (husn/qubh) : What can the intellect discern?

- Three areas where these terms are applied:
 - o Qualities of perfection or defect (kamaal or naqs)
 - o Objects or things in agreement with one's nature or desire
 - o Praise/blame – reward/punishment
- Is goodness an essential attribute of knowledge or an accident of it?
 - o Ash'aris would say it is accidental
 - o Mu'tazilites say it is essential
- Mu'tazili: The goodness and badness of an act is known intuitively by necessity in all three categories.
- Ash'aris agree that # 1 and 2 can be known without revelation; but not #3.

Two kinds of knowledge – necessary (daruri) and acquired

- Ilm daruri has two kinds – doesn't require any means or is acquired through some means
- Mu'tazili would say that the intellect can discern the need for prayer and how it is rewarded without revelation.
 - o Otherwise the intellect could not recognize it when revelation comes.
 - o Example: given a choice between lying and telling the truth, all things being equal, a person will choose to tell the truth.
 - o Ash'aris say that Good/Evil only apply to acts of God.

III Maturidi Epistemological Frameworks

Abu Hanifa debated deviant schools – al Kharaji, Mu'tazili

- One issue he discussed is whether a person who does not receive wahy is obligated to arrive at tawhid by virtue of his 'aql?
- Maturidi position is person is responsible for tawheed based on intellect, but not acts of shari'ah.
- Ash'ari position is that person is only responsible after wahy.

Maturidi epistemology

- 'Aql and wahy both have a role in the human's life. How much?
- 'Aql-no role in reward/punishment; but +role in mundane dunya issues.
- Who determines what is ma'roof and what is munkar?
- Maturidi says 'aql has a role and the Maturidi should engage (e.g. social policy) – this is in agreement with the Mu'tazili.

How does one define 'aql?

- Mu'tazili says it processes what is good and evil.
- Maturidis would not like to discuss what is or is not 'aql.
- There is overlap between the Maturidi and Ash'ari definitions.
- Maturidis say 'aql is not supreme when it comes to contextualizing wahy. Wahy will explain wahy; e.g. anything that has to do with creation.
 - o We do not form aqida based on 'aql
 - o Post-wahy we will use the 'aql to defend the wahy.
 - o We will not allow interpretation when it comes to Allah.
 - o When it comes to the ahkam of Allah pertaining to the mukallif it depends on the weight of the evidence. If it is overwhelming then we will stop there; but if it is supposition then we may employ the 'aql.

When Muslim jurists sit down to discuss an issue they are concerned with whether there is sin or not; not whether it is beneficial

- e.g. smoking; Mujtahid: Can I say this is haram meaning that if someone says it's halal he is a kafir?
- Is there a text upon which we can make a determination? If so, there is no need for further discussion.
- In Shafi'i school the reward and punishment is based on the agent's belief.
 - o if you believe it is haram and you do it, you are accountable.

Are Allah's acts for benefit? Allah does not need to create that which is best, but He does. He is khaliq, doesn't need the khalq to be khaliq.

- 'Adl is necessary for the Mu'tazili theology. In order to be just then he must create the best. Allah does not create sin.
- Maturidis say nothing is binding on Allah and whatever he does is out of his fadl and 'adl. The difference is huge in the akhirah.
- The Sufi says fadl is the way the world works; the Sunni would say 'adl is the way the world works.
- Allah's habit is that the natural end of things is benefit.

- Good has a degree over evil. Allah's khair is absolute and his sharr is subsidiary. He does create sharr but it is relative.

For each group (Mu'tazili, Maturidi, etc.) we should try to use their language independently and not try to make vocabulary fit for everyone; instead we could choose a different term entirely.

IV Ash'ari Epistemological Frameworks

Kalaam is a synonym for 'usul ad din, tawheed, aqeeda or as the systemic defense of these three; also known as theology/systematic theology/speculative theology

- Ash'ari - student of a Mu'tazili scholar.
 - o used Mu'tazili methodology to defend the Sunni creedal positions.
- Ash'ari and Maturidi are the two schools of ahl as sunnah wa al jama'ah. They agree on the great majority of opinions.

Why discuss epistemology?

Rational examination to deal with questions such as pre-eternity of the creator and createdness of creation using naThr and istidlaal

- Categories of knowledge based on how it is known:
 - o Immediate – daruri – inextricably attached to.
 - Knowledge acquired through the senses
 - Extrasensual – knowledge of your own existence
 - Person's knowledge of how one feels
 - o Acquired knowledge – one must engage in the effort of reason and inference to achieve it.
- Categories of knowledge based on level of certainty:
 - o Yaqin – no doubt; this is accepted as 'ilm at level of daruri knowledge
 - o Ghalabah al Thun – preponderance of supposition – more sure than not – this is a range rather than a point (50.xx1-99.xx9%)
 - o Shak (doubt)- 50%
 - o Wahm – non-preponderant 0.xx1-49.xx9%
 - o Jahl – ignorance - you may or may not know that you are ignorant...
- Muktasib (acquired) knowledge does not comment on its certainty.
- Most ethico-legal determinants are preponderant regardless of whether one must abide by them.

Can 'aql be used to achieve knowledge? (big discussion with M'utazilis)

- Aql is limited in its capacity to opine on transmitted knowledge
- 'aql's role is in kalaam – marshaling arguments to support transmission and the human heart's acceptance of it.

Mass transmission – if you have narrations that are mass transmitted, is it 'ilm (yaqeen) or not?

- The 'usulis say it conveys certainty. Example: we believe China exists.
- Mass transmission of the Qur'an, conveys certain knowledge

Can 'aql determine goodness of an act?

- Ash'aris say fitrah gives us the sense that things are good or bad, but cannot help us to know what Allah will do about them without revelation.
- Humans can ascertain interests in commission or omission of acts.
- The closer you get to the time of Ash'ari, the more prominent was the reactive nature of the school against the M'utazilis who were very reason-centric. Once it is defeated, then Ash'aris can talk about the consideration of interests in the ethico-legal realm because within the theological realm it is accepted that 'aql is not suited to independent realization of goodness.

Revelation, reason, and empirical knowledge are complementary sources of truth regarding the seen and the unseen.

Only revelation is a true indicator of good and evil.

Ashari definition of aql – the capacity in the heart-mind of the person that allows the person to discern the qualities of a thing so that they can be grouped and categorized and make a sound conceptualization.

Adam was taught the naming of things (categorization) – it is a part of fitrah.

V Ghazalian Classification of Knowledge

Muqaddamaat – rational principles needed to understand the science itself

See handout – Table - Definition of Hukm and its different kinds

Intellect is doing the affirming, but the basis varies. Thus the religion is “rational”.

Rational ('aqli) Hukms: The intellect can make judgments without the aid of revelation and without the aid of sense experience; this is bound by space and time.

– all 'aqli Hukms can be either self-evident or inferential

- Necessarily true (wujub) (rationally)
 - o Self-evident - daruri
 - principle of identity = $A=A$, A is not B
 - Principle of non-contradiction = A cannot be both true and false at the same time in the same manner.
 - Principle of excluded middle = A is either true or false; there is no third category.
 - o Inferential – naThari (you have to reflect on it)
- Possible (jaiz) e.g. the weather is cold.
 - Impossible (mustaHil) – e.g. a contradiction – e.g. square triangle

Empirical ('adi) – All natural laws are correlations. They are not necessary.

- Mu' jizah (miracle) – defined as a break in the normal correlation. It is rationally possible although not likely or not empirically confirmed.

For Muslims there is no contradiction between different kinds of knowledge. What goes against something that is wujub must be rejected.

There is cause and effect, but Allah created it as He willed and it was not necessary.

Example from Incoherence of the Philosophers (See handout). Empirical evidence can rise to the level of certainty.

Language to describe reality, knowledge, certainty.

First principles (al awaliyyaat, al uliyyaat) - inescapable basis of all discourse.

- Non-contradiction, excluded middle, etc
- What is considered certain. It is a proof and is used to make a proof.
- Propositions that the intellect can arrive at e.g. 1 is greater than $\frac{1}{2}$
- Are not inferential and do not require reflection.

Mushahaddaat (Emotions, feelings)

- Your inner sense detects these; E.g. hunger, pain.
- This is in the category of things known with certainty.

MaHsusaat (known with outer senses, perceptible)

- it may seem immediate – may be naThuriyyat – requires some inference.

- Some say it is daruri
- Not certain although it is certain you perceived something

Mujarrabaat - experimental

- Empirical evidence
- We can know by certainty - a Hukm 'adi

Mutawaatiraat - frequent

- Reports that come to us; e.g. China exists
- It has to be mutawaatir from the first observation until today. It cannot have been doubtful in the beginning (e.g. Jesus was crucified/is God).

Hadassiyaaat - intuitive

- Something that is conjectural/inferred; e.g. the moon's light comes from the sun
- Can be considered yaqin;
- Conclusion based on correlations; It is an intuitive rather than logical inference. Preponderant guess.

These are the kinds of data that contributes to valid knowledge in Islam.

Some of these are daruri all the time and always yaqini.

Some are not; but all can be seen as yaqin.

VI Concepts Regarding Knowledge in Law

Methodological principles extracted from our intellectual tradition having to do with authority and interdisciplinary activity.

Idealized behavior of posing and responding to questions (ifta), uses qawa'id, muntiq

Collective ijtehad – modern national, regional, international fiqh bodies exist

- can be used for resolution of bioethical issues.
- It is not innovative
 - o There are precedents in early Islamic history (although in some cases each faqih gave an independent ruling).
 - o In the case of some judicially related matters there is Quranic indication for testimony.
- Occurs not only among fuqaha but also with respect for input from domain experts.
 - o Helps the fuqaha to conceive of the question correctly
 - o Domain expert does not try to anticipate the answer.
- Transmission of reports – characteristics of acceptable reports is defined.
- Some qawa'id:
 - o The mufti is akin to the war captain of the person who poses the question
 - o Custom is determinative. Custom could be of several types:
 - What people in a particular region do.
 - The prevailing custom around a collective.
 - o All things being equal between two fuqaha, if one is from the region of the questioner and speaks their language and has sufficient knowledge of customs he is the stronger in responsibility.

Importance of posing questions well. This is helped if the questioner has some training in fiqh, qawa'id, etc.

In this time of crisis of authority there is massive doubt about the authority of the shari'i trained folks to address the questions that come up. We need to have a separation of concerns. Whether or not a treatment is more or less efficacious is a matter for medicine. Whether it is permissible for a Muslim to take is a matter of fiqh. To choose among two mubah things, the faqih can say which is preferable.

When a faqih says "ask the doctor?" he should give the doctor some parameters; e.g. when a person can break their fast.

With regard to addressing bioethical issues, health care professionals who are trained in fiqh may do 90% of the work, but it should be signed off by a mufti.

VII Wrap-UP

Next time

- Hanafi/Maturidi view on the sources and types of knowledge (1/2 h, Sh. Amin)
- Al Ghazzali classification of the sciences/Sh Muhammad –relating classification of sciences to ontology)
- Islamic cosmology – important because of q of interaction of levels of reality
- Virtues, where they come from, spiritual knowledge, kashf
- “Real life things”
 - o Overview of medical risk, public health epistemology (Dr. Ahsan)
 - o Classification of sciences from a western viewpoint (??)
 - place medicine in that construct; applied science
 - o Different perspectives on a definition of health/conceptions of health e.g. purpose/limits of medicine - maximizing happiness, etc. (Dr. Trinkka)
 - o Statistics, confidence intervals, etc. (Dr. Ahsan)

Outline of 2 papers as a result

Ideas for paper: all that we do and think about is rational. E.g. based on the first session we could have a sketch of the terms – Dr. Ahsan