

Inferential Methodology in the Fiqh Related to the Health System Based on the System Discovery Theory Proposed by Ayatollah Seyyed Muhammad Baqir Sadr

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Abstract

Background and Objective: Developing a system using the knowledge of Fiqh and giving identity to the methods of discovering systems in the Fiqh thinking are to have been pursued by some religious thinkers such as Ayatollah Seyyed Muhammad Baqir in government and social macro-topics such as economy. The methods and patterns of processing it can be extended to other related systems with individual and social dimensions such as the health system. In other words, the most complete methods of dealing with health from the perspective of Islam, is the systematic understanding of the propositions mentioned in the religious sources. The present study was an attempt to examine the methods of inferencing in the Fiqh related to health based on the system discovery theory presented by Ayatollah Seyyed Muhammad Baqir Sadr.

Methods: In this article, considering the combination of inferential and real perceptions in the Fiqh related to health, the method of discovering the Fiqh of theories and meeting the proof condition in the Fiqh related to systems, the theoretical dimensions governing the health system were investigated from the perspective of Islamic Fiqh using a descriptive analytical approach and library studies. The authors reported no conflict of interests.

Results: Based on the findings, it is impossible to use the Hadiths related to medicine for treatment purposes unless in the cases related to the benefits of natural products or what has been confirmed as beneficial by empirical findings.

Conclusion: The doubtful sources related to health have an inferential nature and are different from the legitimate inferences related to other Haddith Ahad. On this basis, they should be used in an implicational system inferred from Sharia and valid religious sources by technical and interpretational validation for non-prescriptive purposes.



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Summary

Background and Objective

Developing a system using the knowledge of Fiqh and giving identity to the methods of discovering systems in the Fiqh thinking are reported to have been pursued by some religious thinkers such as

Ayatollah Seyyed Muhammad Baqir in government and social macro-topics such as economy. The methods and patterns of processing it can be extended to other related systems with individual and social dimensions such as the health system.

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Considering the fact that the most efficient methods of dealing with health, from the perspective of Islam, is systematic understanding of the propositions mentioned in the religious sources, the present study, using the mentioned methodology, seeks to present the logical dimensions of Fiqh in the health system instead of presenting a selective understanding and analysis (1). The health system can be systematically discovered and presented in this approach using qualitative measurable means in inferencing. A comprehensive understanding of the different angles of religious propositions related to ensuring physical health as one of the most important aspects of religious orders is a requirement that can be met only based on the knowledge criteria presented by Fiqh.

Methods

The method used in the present study is documentary analysis. For data collection, the keywords *Teb* (medicine), medical Fiqh, inferential concepts (*etebarat*), certainty in single (non-frequently cited) statements (from Imams), health system, medical statements and Islamic medicine along with families, synonyms, antonyms, and their English and Arabic equivalents were used. In addition, Islamic sources such as the Qur'an, *Osul-e Kaafi*, *Man la yahzarah-ul faqih*, *al-Mizan fi Tafsir al-Qur'an*, *Jame al-Ahadith Software*, *Jame ul-Tafasir*, *Jame-e Fiqh-e Ahl ul-Bait*, *Jame-e Osul-e Fiqh*, and many other Fiqh books and also scientific databases were used for extracting the system for inference of jurisprudence related to health.

Results

Analyzing the nature of medical propositions, the process of inferential jurisprudence (Fiqh) related to the health system was analyzed in a logical and clear framework and the difference between the methods of inferencing were revealed in reference to the sources of Hadiths related to other Fiqh issues and branches. In an inter-disciplinary study and based on the logical and philosophical foundations, the present study differentiated between the valid Fiqh propositions and the way their certainty is inferred in Sharia and external propositions inferred from realities, and defined a particular system for examining the validity and certainty of medical sources. On this basis, it is not possible to make a prescription based on the Hadiths for treatment purposes unless in the cases in which the benefits of natural products used across the world are pointed out or what has been confirmed by empirical findings to have been

useful for medication because medicine is a real science the propositions of which are considered to have real-life manifestations. What has been revealed and discovered as a fact and reality and has been confirmed to be consistent with the reality has priority over all oppositions. Therefore, if customary law recommended using a particular drug for a particular disease and real discoveries and research findings prove the opposite, the real science (empirical finding) should be practiced and for the wise, customary law will have no practical value. Accordingly, if a knowledge obtained from customary laws is confirmed as certain and there is no doubt about its certainty in the holy Shari'a, it will have priority over all the oppositions because certainty is intrinsic to this knowledge, but our main source in religious medicine is the Hadiths attributed to the Innocents (Imams) and none of these Hadiths indicate and establish something as absolutely and certainly beneficial because some of the Hadiths have been narrated only once and a single (non-frequent) Hadith is to be treated with suspicion. On the other hand, although a single Hadith is inherently suspicious and invalid, the holy Shari'a has included it as a source of certainty in these inferential concepts. Therefore, certainty of single Hadiths is simply in the inferential concepts and religious obligations otherwise they should be considered as uncertain. On this basis, in the Hadiths related to medicine, if the source of Hadith is certain, as they are considered as single Hadiths, they are not considered as authorized or certain from the perspective of Sharia and they cannot be practiced as a religious duty.

Conclusion

The method followed by Fiqh in identifying and discovering religious systems is to use Islamic sources based on a movement from the superstructure of religious orders to discovering the general principles. Considering the fact that the source of certainty of inferential concepts is the *dos* and *don'ts* of the Sharia, and their levels of obligation are determined by Sharia, which is based on 'Adlieh (justice) beliefs' (2), can have discoverable benefits and disadvantages or values that human has not been able to discover and believers should practice as a religious obligation, these principles constitute the main structure of the system. Its nature is the value norms that determine the realm of science, policy making and executive programs in a particular subject. For example, in the Fiqh related to the health system, the overall framework and the value norms in using medical sciences and the related branches

associated with them, lie within a certain limit. For this reason, understanding a system of knowledge means to develop a theory, which is the most systematic way of developing, combining and compiling scientific knowledge.

Single Hadiths, which account for a considerable part of the Hadiths and all the Hadiths related to traditional medicine, are not proof (certain) in themselves because they are dubious. It has been proved that doubt, due to lack of knowledge and certainty, is no proof unless Sharia considers it as a proof under certain conditions. The single Hadiths referred to in traditional medicine have an inferential structure and do not include the certainty of single Hadiths. On this basis, they should be used in an implicational system inferred from Sharia and valid religious sources by technical and interpretational validation for non-prescriptive purposes, for example in preventing diseases, explaining the benefits of natural foods for protecting health, etc. This is in contrast with the prescriptive approach, which seeks to treat diseases based on the points made in these Hadiths.

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Conflict of interest

The authors declared no conflicts of interest.

Authors' contribution

Developing the overall framework of the method and main structure of the article: First author and Extracting and clarifying the materials and elaborating on the arguments: Second author.

References

1. Ibn Rushd M. Resāleh al-Samā' al-Tabi'i. Beirut: Dār al-Fekr; 1994. (Full Text in Arabic)
2. Meshkini Ardebili A. Istelāhāt al-Osūl va Mo'zam Abhāsehā. 6 ed. Qom: al-Hādī; 1995. (Full Text in Persian)

منهج الاستنباط في فقه نظام الصحة المبني على نظرية اكتشاف النظام لآية الله السيد محمدباقر الصدر

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الملخص

معلومات المادة

خلفية البحث وأهدافه: إن أمر "تشكيل النظام" في مسيرة علم الفقه والاعتراف بمنهج "اكتشاف النظام" في التفكير الفقهي له سوايق وتجارب لعدة من علماء الدين أمثال آية الله السيد محمدباقر الصدر في الموضوعات العامة الحكومية والاجتماعية مثل "الاقتصاد"، والذي يمكن تسرية أساليبه ونماذجه التطبيقية إلى سائر الأنظمة المرتبطة بالأبعاد الفردية والاجتماعية للإنسان مثل نظام "الصحة". وبعبارة أخرى فإن أفضل طريقة للخوض في موضوع الصحة من منظار الإسلام هو من خلال فهم النظام الذي يربط بين التعاليم المرتبطة بهذا المجال والتي تم بيانها في المصادر الدينية. والهدف من هذه الدراسة هو اكتشاف منهج الاستنباط في فقه نظام الصحة، والذي يبيّن على نظرية اكتشاف النظام لآية الله السيد محمدباقر الصدر.

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الكلمات الرئيسية:

الروايات الطبية
الطب الإسلامي
الطب القديم
الطبي
فقه الطب

منهجية البحث: بملاحظة اختلاط الإدراكات الاعتبارية والحقيقية في فقه نظام الصحة، فقد تم اللجوء إلى منهج "اكتشاف" فقه النظريات وتأمين "الحجية" في فقه الأنظمة، والأبعاد النظرية الحاكمة على نظام "الصحة" من منظار الفقه الإسلامي من خلال الأسلوب الوصفي-التحليلي والمنهج المكتبي. ولم يلحظ مؤلفو المقالة أي تقرير عن تعارض للمنافع فيما يرتبط بهذا التحقيق.

الكشوفات: بناءً على معطيات الدراسة الحاضرة فإنه لا وجود لإمكانية تجويز أكثر الروايات الطبية بغرض المعالجة والاستشفاء، إلا في الموارد التي تكون بصدد بيان بعض الفوائد والمخاسن لمنتجات العالم الطبيعية، أو تلك التي تم إثبات قدرتها العلاجية في المختبرات التجريبية.

الاستنتاج: إن المصادر ظنية الصدور في مجال الصحة لها ماهية كاشفة عن الواقع، وهي تختلف عن مجال الاعتباريات المجعولة والمشروعة لأخبار الآحاد. وعلى هذا الأساس، فلا بد من الاستفادة منها ضمن النظام الدلالي والمعنى المستنبط من مذاق الشريعة والمصادر الدينية المعتمدة بعد إخضاعها للضوابط الفنية والاجتهادية؛ في المجالات غير التجريبية (مثل الوقاية من المرض).

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روش‌شناسی استنباط در فقه نظام سلامت؛ مبتنی بر نظریه کشف نظام از آیت‌الله سید محمدباقر صدر

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چکیده

سابقه و هدف: امر «نظام‌سازی» از مسیر دانش فقه و هویت‌بخشی به روش «کشف نظام» در اندیشه‌ورزی فقهی دارای سوابق و تجاربی توسط برخی از اندیشمندان دینی مانند آیت‌الله سید محمدباقر صدر در کلان‌موضوعات حکومتی و اجتماعی همچون «اقتصاد» است که روش‌ها و الگوهای پردازش آن می‌تواند به دیگر نظام‌های مرتبط با ابعاد فردی و اجتماعی بشر مانند نظام «سلامت» تسری یابد. به عبارتی کارآمدترین روش‌ها در پرداختن به موضوع سلامت از دیدگاه اسلام، فهم نظام‌مند گزاره‌هایی است که در این رابطه در منابع دینی ما بیان شده است. هدف این پژوهش روش‌شناسی استنباط در فقه نظام سلامت؛ مبتنی بر نظریه کشف نظام از آیت‌الله سید محمدباقر صدر بود.

روش کار: در این نوشتار با توجه به آمیختگی ادراکات اعتباری و حقیقی در فقه النظام الصحه، روش‌شناسی «کشف» فقه نظریات و تأمین «حجیت» در فقه نظامات، ابعاد نظری حاکم بر نظام «الصحه» از منظر فقه اسلامی، با رویکرد توصیفی-تحلیلی و روش کتابخانه‌ای واکاوی شد. مؤلفان مقاله هیچ‌گونه تضاد منافی گزارش نکرده‌اند.

یافته‌ها: بر اساس یافته پژوهش حاضر، امکان تجویز بیشتر روایات طبیبی جهت درمان و معالجه وجود غیرممکن است مگر مواردی که در صدد بیان برخی از فوائد و محاسن محصولات طبیعی عالم است و یا آنچه امکان درمانی آن در آزمایش‌های تجربی اثبات شده باشد.

نتیجه‌گیری: منابع ظنی‌الصدور در حوزه سلامت ماهیتی کاشف از واقع دارد و از ساحت اعتباریات مجعول و مشروع اخبار آحاد متفاوت خواهد بود. بر این اساس باید در نظام معنایی و دلالی مستنبط از مذاق شریعت و منابع معتبر دینی، با اعتبارسنجی فنی و اجتهادی در کارکردی غیرتجویزی (مانند پیشگیری از بیماری) استفاده شود.

واژگان کلیدی:

پزشکی
 روایات طبیبی
 فقه پزشکی
 طب اسلامی
 طب سنتی

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