

Fiqh and Personal Autonomy: From Conflict to Structured Coexistence

*Hojjat Mangenehchi**

DOI: 10.22096/rc.2025.2063757.1259

Received Date: 15/06/2025 - Accepted Date: 23/07/2025

Abstract

This study examines the relationship between personal autonomy—as a key component of modern thought—and the Islamic legal (fiqh) system. At first glance, these two concepts appear fundamentally opposed. Autonomy emphasizes the individual's right to free choice and the authority of self-grounded reason, while Islamic fiqh is based on adherence to divine commandments and submission to God's will. Using a descriptive-analytical method and drawing on theological foundations of Islamic jurisprudence, the article argues that legal obligation (*ta'abbud*) in fiqh can be interpreted as structured autonomy. In this view, the individual, at the macro level, freely chooses the religious framework as a life system, and at the micro level, remains committed to its legal rulings within that chosen framework. This model—likened to a driver following traffic rules—illustrates that the conflict between autonomy and fiqh is not inherent, but stems from a failure to distinguish between different levels of decision-making. The findings suggest that this perspective can help mitigate tensions between tradition and modernity.

Keywords: Personal Autonomy; Imami Fiqh; Legal Obligation (*Ta'abbud*); Revelation-Based Rationality; Modernity.

* Assistant Professor, Department of Philosophy, Mofid University, Qom, Iran.
Email: mangenehchi@gmail.com



Bibliography

- Amili, Hasan ibn Zayn al-Din. *Ma‘alim al-Din wa Maladh al-Mujtahidin (Fiqh Section)*. Qom: Al-Fiqh Institute for Printing and Publishing, 1990. [In Arabic]
- Beauchamp, Tom L., and James F. Childress. *Principles of Biomedical Ethics*. 8th ed. New York: Oxford University Press, 2019.
- Christman, John. “Ethics in Moral and Political Philosophy.” In *Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. (Winter 2020.)
- Deci, Edward L., and Richard M. Ryan. “Self-Determination Theory and the Facilitation of Intrinsic Motivation, Social Development, and Well-Being.” *American Psychologist* 55, no. 1 (2000): 68–78.
- Deci, Edward L., and Richard M. Ryan. “The ‘What’ and ‘Why’ of Goal Pursuits: Human Needs and the Self-Determination of Behavior.” *Psychological Inquiry* 11, no. 4 (2000): 227–268.
- Deci, Edward L., and Richard M. Ryan. *Self-Determination Theory: Basic Psychological Needs in Motivation, Development, and Wellness*. New York: Guilford Press, 2017.
- Hilli, Hasan ibn Yusuf (Allama Hilli). *Kashf al-Murad fi Sharh Tajrid al-I’tiqad*. Qom: Islamic Publishing Office affiliated with the Society of Seminary Teachers of Qom, 2011. [In Arabic]
- Hilli, Ja‘far ibn Hasan. *Sharā‘i‘ al-Islam*. Qom: Isma‘iliyan Institute, 1987. [In Arabic]
- Hilli, Muqaddad ibn ‘Abdallah Siyuri. *Nazd al-Qawa‘id al-Fiqhiyyah ‘ala Madhhab al-Imamiyyah*. Qom: Ayatollah Mar‘ashi Najafi Library Publications, 1982. [In Arabic]
- Hornby, A. S. *Oxford Advanced Learner's Dictionary of Current English*. 6th eEdition. Edited by Sally Wehmeier. Tehran: Sib-e Sorkh, 2000.
- Ibn Manzur, Muhammad ibn Makkaram. *Lisan al-Arab*. Beirut: Dar Sader, [n.d.] [In Arabic]
- Jawhari, Ismail ibn Hammad. *Al-Sihah: Taj al-Lughah wa Sihah al-Arabiyyah*. Edited by Ahmad Abd al-Ghafur Attar. Beirut: Dar al-Ilm lil-Malayin, [n.d.] [In Arabic]
- Kant, Immanuel. *Groundwork of the Metaphysics of Morals*. Translated by Mary Gregor. Cambridge: Cambridge University Press, 2011.
- Karaki, ‘Ali ibn Husayn ‘Amili (Muhaqqiq Thani). *Jami‘ al-Maqasid fi Sharh al-Qawa‘id*. Qom: Al al-Bayt (a.s.) Foundation, 1993. [In Arabic]

- Locke, John. *Second Treatise of Government*. Edited and with an introduction by C. B. Macpherson. Indianapolis: Hackett Publishing Company, 1980.
- Mill, John Stuart. *On Liberty*. Edited by David Bromwich and George Kateb. New Haven: Yale University Press, 2003.
- Muzaffar, Muhammad Reza. *Usul al-Fiqh*. Qom: Publishing Center of the Office for Islamic Propagation, 1995. [In Arabic]
- Rawls, John. *A Theory of Justice*. Translated by Mohammad Kamal Sarourian and Morteza Bahrani. Tehran: Institute for Cultural and Social Studies, 2008. [In Persian]
- Shahid Awwal (Muhammad ibn Makki ‘Amili). *Al-Qawa‘id wa al-Fawa‘id*. Qom: Mufid Bookstore, [n.d.] [In Arabic]
- Taylor, Charles. *A Secular Age*. Cambridge: The Belknap Press of Harvard University Press, 2007.
- Taylor, Charles. *The Ethics of Authenticity*. Translated by Vahid Sohrabifar. Qom: University of Religions and Denominations Press, 2023. [In Persian]
- United Nations. *Universal Declaration of Human Rights*, December 10, 1948. [In Persian]
- Waldron, Jeremy. “Moral Autonomy and Personal Autonomy.” In *Autonomy and the Challenges to Liberalism: New Essays*, Edited by John Christman and Joel Anderson, 307–329. Cambridge: Cambridge University Press, 2005.