

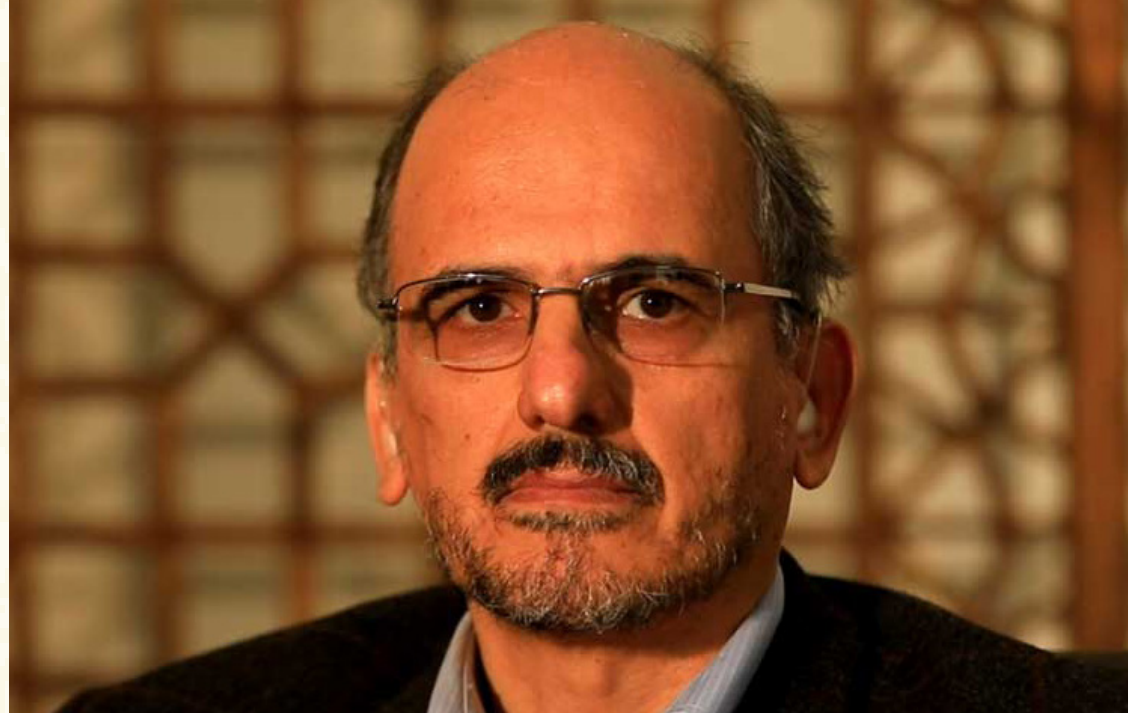
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Jurisprudential Rationality vs. Conventional Rationality

Like any discipline, Islamic jurisprudence (*fiqh*) must inherently rely on a specific form of rationality, which comprises a set of rational norms that provide intellectual justification for jurisprudential verdicts. Since narrative/textual evidence serves as the primary source of justification for these verdicts, the norms jurists employ when referencing and evaluating such evidence constitute the foundation of jurisprudential rationality.

In this article, I seek to compare this part of jurisprudential rationality with the rationality that governs the use of narrative evidence in everyday life, while illuminating their distinctions. Highlighting these differences is crucial because *Usūli* jurists primarily argue that jurisprudential rationality emerges from adapting conventional rationality to the realm of understanding and discharging religious law (*Sharī'a*). Therefore, if one can demonstrate that jurists misunderstood conventional rationality, it becomes possible to trace the origins of seemingly irrational verdicts and identify the starting point for their critical review and correction.

Correcting existing jurisprudential rationality by replacing it with a more accurate comprehension of conventional rationality represents the critical missing link in jurisprudential reform. Stated differently, meaningful and defensible reform in Islamic jurisprudence hinges on reconstructing its rational foundations - a process achievable through a comparative analysis of jurisprudential rationality against the rationality prevalent in everyday life. To this end, this article aims to articulate the principles of both jurisprudential and conventional rationality, followed by a comprehensive comparative examination.



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Ali Fanaei completed 17 years of seminary studies in the *hawza ʿilmiyya* of Qom which included seven years of *khārij* (graduate) study. During this time, he was also awarded an MA in Islamic Theology from the University of Qom taking special interest in modern theology and philosophy of religion. He then moved to the UK to conduct research at the Department of Philosophy in the University of Sheffield. This led to the award of an MPhil for research on Moral Scepticism and Moral Realism followed by a PhD for research regarding the epistemic justification of moral beliefs.