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Combating Epistemic Injustice: A Reexamination of the Shī'ī Jurisprudential Principle '*Khudh mā khālaf al-āmma*'

This paper explores the Shī'ī jurisprudential principle *khudh mā khālaf al-āmma* (“accept what contradicts the position of the majority”—in this context, the “majority” refers to the Sunni Muslims) through the lens of contemporary social epistemology in the analytic tradition, particularly the concept of epistemic injustice.

At first glance, this principle appears to be an instance of anti-Sunnī prejudice and tribalism. The principle allegedly perpetuates one kind of epistemic injustice called testimonial injustice by systematically discrediting Sunnī *aḥādīth*. However, a deeper analysis reveals that it may function as a form of epistemic affirmative action, aimed at counteracting historical power imbalances and epistemic oppression.

The study begins by examining the historical context in which this principle emerged, highlighting the political and social dominance of Sunnī Islam and the prevalence of *taqīyyah* (precautionary dissimulation) among Shī'ī communities. This context suggests that, epistemologically, legal *aḥādīth* contradicting Sunnī positions were taken to be more likely to reflect authentic Shī'ī legal teachings, as they carried greater risks for their narrators.

Drawing on Miranda Fricker's work on testimonial injustice and Kristie Dotson's concept of testimonial smothering, the paper argues that *khudh mā khālaf al-āmma* can be understood as a corrective measure against systemic epistemic marginalisation. By privileging narratives that diverge from the dominant discourse, this principle may serve to amplify voices that would otherwise be silenced or distorted.

The analysis then turns to the broader implications of this reinterpretation for Islamic legal theory and comparative jurisprudence. It explores how such principles can function as tools for epistemic justice in pluralistic legal traditions, balancing the need for doctrinal coherence with the imperative to address historical inequities.

Finally, the paper considers the contemporary relevance of this principle in the context of ongoing debates about sectarian reconciliation and legal reform in Islam. It suggests that a nuanced understanding of such seemingly divisive principles can contribute to more inclusive and epistemically just approaches to Islamic jurisprudence.

The study directly engages with the conference's central theme of rationality in Islamic legal theory by demonstrating how reason can be employed as a critical tool for understanding complex hermeneutical practices and identity politics, thereby exemplifying the workshop's emphasis on exploring how rational procedures shape moral and legal reasoning responsive to changing human contexts.



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Yaser Mirdamadi is a scholar of Islamic thought with a background in both traditional seminary training in Iran, Mashhad and Western academic study. He holds a PhD in Islamic Studies from the University of Edinburgh, with a focus on the Islamic philosophy of divine revelation. His research spans Islamic theology, comparative philosophy, and Muslim biomedical ethics, with a particular interest in the intersections of revelation, reason, and ethics. Mirdamadi has taught at institutions such as Al-Maktoum College (Dundee, Scotland) and works as a Research Associate in biomedical ethics at the Institute of Ismaili Studies in London. His research engages classical Islamic intellectual traditions while addressing contemporary ethical and philosophical questions.