

Moral Rationalism and Sharia: Independent rationality in modern Shi'i usul al-Fiqh (Culture and Civilization in the Middle East)



Moral Rationalism and Sharā'a is the first attempt at outlining the scope for a theological reading of Sharā'a, based on a critical examination of why Adliyya theological ethics have not significantly impacted Shā'ā readings of Sharā'a. Within Shā'ā works of Sharā'a legal theory (usūl al-fiqh) there is a theoretical space for reason as an independent source of normativity alongside the Qur'ān and the Prophetic tradition. The position holds that humans are capable of understanding moral values independently of revelation. Describing themselves as Adliyya (literally the people of Justice), this allows the Shā'a, who describe themselves as Adiliyya (literally, the People of Justice), to attribute a substantive rational conception of justice to God, both in terms of His actions and His regulative instructions. Despite the Shā'ā adoption of this moral rationalism, independent judgments of rational morality play little or no role in the actual inference of Sharā'a norms within mainstream contemporary Shā'ā thought. Through a close examination of the notion of independent rationality as a source in modern Shā'ā usūl al-fiqh, the obstacles preventing this moral rationalism from impacting the understanding of Sharā'a are shown to be purely epistemic. In line with the 'emic' (insider) approach adopted, these epistemic obstacles are revisited identifying the scope for allowing a reading of Sharā'a that is consistent with the fundamental moral rationalism of

Shā'ā thought. It is argued that judgments of rational morality, even when not definitively certain, cannot be ignored in the face of the apparent meaning of texts that are themselves also not certain. An Adliyya reading of Sharā'a demands that the strength of independent rational evidence be reconciled against the strength of any other apparently conflicting evidence, such that independent judgments of rational morality act as a condition for the validity of precepts attributed to a just and moral God.

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