

The Development of the Application of Independent Reason in Shia Political Jurisprudence

Mahdi Shajarian¹

Extended Abstract

Objective: The primary aim of this article is to critically examine and reconsider one of the fundamental conditions of the science of *Uṣūl al-Fiqh* (principles of jurisprudence) in Imami jurisprudence, namely the condition of "certainty" for the validity of the rulings of independent reason, particularly in the realm of political jurisprudence. This condition, which deems the judgment of reason valid only when it is free from any possibility of error, effectively obstructs the application of reason in the context of abstruse political and social issues, reducing political jurisprudence to a "text-only" approach. Such an approach, by ignoring the broader benefits and harms that reason discerns behind political and social phenomena, ultimately leads to the inefficiency of jurisprudence and the governance system derived from it. This study seeks to provide a critical analysis of the arguments supporting the prevailing view, expand the scope of the validity of reason, and demonstrate that independent reason can serve as a reliable and effective source for deriving rulings in political jurisprudence, even without achieving philosophical certainty. Therefore, the ultimate goal is to propose an alternative principled foundation that empowers political jurisprudence to address emerging issues, adapt to contemporary needs, and overcome the challenges of analyzing social capital and inefficiency.

Research Problem: The primary question of this research is: Can the non-certain (conjectural) judgment of independent reason be considered valid in deriving juridical rulings in the realm of political jurisprudence? This question arises from a significant tension between the theoretical foundations of the science of *Uṣūl al-Fiqh* and the practical needs of governmental jurisprudence. On the one hand, the prevailing tradition in *Uṣūl al-Fiqh*, based on arguments such as the inherent validity (*hujjiyya dhātiyya*) of certainty (*yaqīn*), the inability of reason to fully comprehend the criteria behind Sharia rulings, and certain hadiths, restricts the validity of reason to certain and general rulings (e.g., the goodness of justice and the evil of oppression). This perspective deems any rational judgment that involves the slightest *possibility of error* or oversight of conflicting factors and obstacles as invalid. On the other hand, issues in political jurisprudence—such as the structure of governance, citizens' rights, international relations, and social justice—are inherently specific, complex, and dependent on variable benefits and harms, making the attainment of philosophical certainty in these matters nearly impossible. This profound gap presents political jurisprudence with a major dilemma: it must either remain faithful to its theoretical principles and refrain from rational engagement in these areas, leading to inefficiency, or reconsider these theoretical principles and find a way to validate non-certain rational judgments. This article aims to address and resolve this very dilemma.

¹ Assistant Professor, Department of Social Justice, Research Center for Social and Civilizational Studies, Islamic Sciences and Culture Academy, Qom, Iran. ORCID: 0000-0003-2061-7529 Email: m.shajarian@isca.ac.ir

Methodology: This article adopts an analytical-critical method and relies on library-based sources to examine the issue. The research process is structured in two main sections. In the first section, primary sources of *Uṣūl al-Fiqh* are consulted, and the three main reasons provided by scholars for requiring certainty in rational judgments are identified. These reasons are: (1) the inherent validity of certainty; (2) the inability of reason to fully comprehend all the rationales behind religious rulings; and (3) reliance on hadiths that negate the validity of analogy (*qiyās*) and personal opinion (extended to conjectural reasoning). Each of these reasons is then analyzed and critiqued individually, with a focus on their implications for political jurisprudence. In the second section, after refuting or weakening the arguments of the prevailing view, the article presents its espoused viewpoint. In this section, the article's hypothesis—that the threshold of reliability in the practice of rational agents suffices for the validity of reason—is proposed, supported by two independent arguments (one based on religious textual evidence and one on reason).

Key Findings: First, the argument from the inherent validity of certainty is challenged, demonstrating that certainty is merely a psychological state and its discovering character (*kāshifiyya*) or completeness does not necessarily entail validity (i.e., *mu'adhdhiriyya* [exculpatoriness] or *munajjiziyya* [inculpatoriness]). Rather, it is reason itself that possesses inherent validity. Second, regarding the critique of the argument from reason's inability to fully comprehend the rationales behind rulings, while it is somewhat true that reason does not fully comprehend all benefits and harms, there is no rational correlation between the possibility of error and the lack of validity. Otherwise, other valid legal conjectures and presumptions would also lose their validity. Third, the hadiths or textual evidence cited to negate the validity of reason (e.g., the hadith "Indeed, the religion of God is not attained through intellects") do not aim to deny the validity of reason but rather its definitive attainment (*iṣāba*) of reality, which are not necessarily correlated. Moreover, the subject of these hadiths and similar ones that negate analogy and personal opinion is not conjectural reason (*'aql ḡannī*) in an absolute sense, but rather reason that lacks reliability in the practice of rational agents (*sīrat 'uqalā*). That is, reason that, during the era of the presence of the Infallibles, stood in opposition to their definitive tradition. In contrast, numerous textual sources supporting the validity of reason are absolute and should not be interpreted as referring to rare cases (i.e., universal definitive reason). Their paradigmatic instance is the rationality applied in managing social and political affairs, which is deemed valid in the practice of rational agents.

Conclusion: The article concludes that the condition for the validity of independent reason in the realm of political jurisprudence is not "certainty" in the sense of eliminating all possibility of error, but rather the threshold of reliability in the practice of rational agents. This means that a rational judgment, even if it is conjectural and concerned with particular political and social issues, is valid and authoritative as long as it is grounded in rational premises that are tenable within the discourse of rational agents. This account rests on two foundations: First, the absolute or unqualified nature of textual evidence (*adilla naqliyya*), including Quranic verses and hadiths, which deem reason valid in an absolute sense; restricting this to certainty lacks justification and would entail limiting it to rare cases. Second, the judgment of reason itself, which considers its non-certain findings valid in practice in the absence of stronger evidence. Therefore, in a conflict between a rational judgment deemed valid in the practice of rational

beings (even if speculative) and the apparent meaning of certain texts (which are themselves speculative in their indication), preference is given to the evidence that, from a rational perspective, better indicates the intent of the Lawgiver (*shāri*). This conclusion paves the way for an active and effective role for reason in political jurisprudence, enabling it to address complex governance issues by understanding the benefits and harms of contemporary contexts.

Abstract

Can the non-certain judgment of independent reason be considered valid in deriving juridical rulings in the realm of political jurisprudence? This article, employing an analytical-critical method and relying on library-based sources, seeks to address this question. Imami scholars of *Uṣūl al-Fiqh* maintain that the judgment of reason is valid only if it is certain and free from any possibility of error. This condition is supported by arguments citing the inherent validity of certainty, the inability of reason to fully comprehend the rationales behind religious rulings, and certain hadiths. However, this condition appears to leave no room for independent reason in political jurisprudence, reducing it to a text-only approach akin to individual and devotional jurisprudence. This trend, by disregarding the benefits and harms that reason discerns behind political and social behaviors, leads to the inefficiency of political jurisprudence and the governance system derived from it. Furthermore, the inability of reason to fully comprehend all benefits and harms in political and social contexts does not necessarily negate the validity of its judgments. The hadiths cited do not explicitly deny reason's validity, and, conversely, textual sources supporting the validity of reason are not reasonably dismissible. Reason itself, in political and social rulings, deems its findings valid even if there is a slight possibility of error. Moreover, numerous religious texts affirming the validity of reason are absolute with respect to the condition of certainty, and rational judgments in political and social matters represent the paradigmatic example of the general meaning of reason in these texts. It appears that the judgment of independent reason in political and social rulings holds validity based on the threshold of reliability in the practice of rational beings, even if it does not lead to philosophical certainty and is issued in specific details.

Keywords: Independent reason, conjectural reason, political jurisprudence, benefits and harms.

Introduction

Politics involves the management of affairs by discerning their benefits and harms (Ibn Athīr, 1988, vol. 2, p. 421; Ibn Manẓūr, n.d., vol. 6, p. 108). Islamic jurisprudence, in many of its chapters, undertakes this very management, and thus can be considered political jurisprudence (Sanad, 2005, p. 98). The vast scope of new political issues in the modern global order, the political authority and influence of Shia jurists, and the social and governmental approach to jurisprudential matters have significantly broadened the domain of political jurisprudence (Hosseini Haeri, 2004, p. 19). For this reason, the historical focus of jurisprudence on devotional matters and individual affairs has been subject to criticism (Montazeri, 1988, Vol. 1, pp. 19–20).

Individual jurisprudence is effectively addressed through reliance on textual sources, adherence to their generalities and absolutes, and, ultimately, the application of practical principles (*uṣūl ‘amaliyya*), which has been the common practice of jurists across various eras. However, a social approach in political jurisprudence, when confined to such a method, leads to the problem of inefficiency and loses the capacity to address contemporary issues. This is because the diverse political and social issues—such as the duties of the ruler and the people, the structure of governance, the relationship between the state and citizens, individual freedoms, social justice, minority rights, and the like—cannot be adequately resolved without employing independent reason. A text-only, reason-averse jurisprudence is incapable of addressing the challenges posed by these matters (Montazeri, 1988, vol. 1, pp. 19–20; Hosseini Haeri, 2004, p. 19; Sanad, 2005, p. 98).

The primary question of this article is the critical examination of certainty as a condition for the validity of independent reason in the derivation of political jurisprudence, a condition that, as will be discussed, effectively sidelines reason in jurisprudential methodology. The article employs an analytical-critical method and is based on library sources. Reference to *Uṣūl al-Fiqh* sources indicates that this condition is supported by at least three reasons among scholars. Following a review of the background in this article, the first section will elucidate and critically analyze these three reasons, while the second section will present the espoused viewpoint and its supporting arguments.

The hypothesis of this research is that, contrary to the prevailing view among Imami scholars of *Uṣūl al-Fiqh*, independent reason is not valid only when it provides a certain judgment free from the slightest possibility of error. Rather, the scope of the validity of independent reason in political jurisprudence, particularly with a governmental approach, is broader.

Research Background

The general background of this research includes numerous *Uṣūl al-Fiqh* sources that discuss the validity of reason and outline its conditions. Contemporary studies, however, have extensively explored the issue of reason and its role in jurisprudential derivation. For example:

- a. The book *Fiqh va ‘Aql* (Jurisprudence and Reason) provides evidence from jurisprudential texts regarding the comprehension of the rationale behind religious rulings by independent reason and elucidates certain overarching objectives of the Sharia that a jurist is obligated to consider in their derivations (Alidoost, 2012, pp. 123–150).
- b. The book *Dīn dar Tarāzū-yi Akhlāq* (Religion on the Scale of Ethics) defends the validity of conjectural reason and holds that the law of reason takes precedence over the law of religious texts (Fanaei, 2016, p. 13). Similarly, the book *Akhlāq-i Dīn-Shināsī* (Ethics of Religious Knowledge) emphasizes that if rational conjectures (*ẓunūn ‘aqlī*) provide stronger discovering power than textual conjectures (*ẓunūn naqlī*), they take precedence over them (Fanaei, 2015, pp. 61–63).
- c. The article "Regulated *Istiṣlāḥ* [Discerning What Is Proper], an Essential Necessity in Islamic Jurisprudence" emphasizes that discerning benefits and harms through reason is indispensable, provided certain conditions are met, including alignment with the spirit of the Sharia, absence

of conflict with religious textual sources, being certain and general, and relating to social and governmental matters (Ayoobi Mehrizi, 2009, p. 32).

d. The article "The Role of Reason in Understanding the Sharia and Legislation" addresses the concern of elucidating the efficacy of reason in the domain of legislation, examining the role of reason in three spheres: before the Sharia, within the Sharia, and after the Sharia (Raghebi et al., 2019, pp. 330–331).

Based on the brief overview of the research background provided, the novel contributions of this article can be articulated in three parts: First, the article extracts and formulates the three main arguments for the necessity of certainty in rational judgments from primary *Uṣūl al-Fiqh* sources. Second, these three arguments are analyzed and critiqued, with a specific focus on their implications for political jurisprudence. Third, the article presents its espoused viewpoint and supports it with two independent arguments.

1. Arguments for the Certainty Requirement for Rational Judgments

1.1. Inherent Validity of Certainty

1.1.1. An Overview of the Theories in *Uṣūl al-Fiqh*

From the perspective of many scholars of *Uṣūl al-Fiqh*, certainty is inherently valid; consequently, the validity of any other evidence, including reason, must culminate in certainty (Muḥaffar, 1996, vol. 2, pp. 125–127; Ḥakīm, 1997, p. 278; Ṭabaṭabā'ī Ḥā'irī, 1997, pp. 14–15; Tabrīzī, 1993, pp. 68–70; Ṭabaṭabā'ī Qummī, 1992, vol. 2, p. 39). Based on this view, the judgment of reason in the realm of political jurisprudence is valid only when it is certain and free from any possibility of error. However, reason typically offers solutions in political matters and social problem-solving that involve, even if minimally, a possibility of error. Therefore, accepting this condition effectively precludes reason from engaging in the field of political jurisprudence. For this reason, it is necessary to critically examine the two main arguments proposed regarding the inherent validity of certainty in this context.

First Argument: Certainty is inherently discovering (*kāshif*) or is an essential direct means (*ṭarīq*) to reality + whatever is inherently discovering or is a direct means is inherently valid = certainty is inherently valid (Anṣārī, 1996, vol. 1, p. 29). In this argument, the notion of inherent discovering character or direct means implies that certainty, by its very nature and independent of any designation or convention, serves as a pathway to reality and truth (Haydari, 2007, p. 181). However, conjecture possesses a discovering character by virtue of external factors and requires the Lawgiver to compensate for its deficiency (Ākhūnd Khurāsānī, 1990, p. 258; Anṣārī, 2007, vol. 1, pp. 29–30). Therefore, while validity in the sense of exculporiness (*mu'adhdhiriyya*) and inculporiness (*munajjiziyya*) in conjecture requires designation by the Lawgiver, in certainty, this validity is inherent, and the Lawgiver has no role in affirming or negating it.

Second Argument: Certainty is the most complete means of knowledge for discovering reality + whatever is such is valid and authoritative = certainty is valid and authoritative. The minor premise is explicitly acknowledged (Ākhūnd Khurāsānī, 1995, Vol. 3, p. 8). The explanation

of the major premise is that if certainty were not exculpatory and inculpatory, it would imply that the Wise God imposes on humans obligations beyond their capacity, which is impossible.

1.1.2. Critical Examination

1.1.2.1. The Meaning of the Discovering Character of Certainty

Regarding the meaning of the discovering character in the first argument, two possibilities present themselves.

The first possibility is that the discovering character refers to absolute disclosure (*muṭlaq kashf*), even if it is a disclosure that may be subject to error. This possibility is valid, but in this case, such disclosure does not necessarily entail validity. This is because, rationally, someone who follows their erroneous certainty is not necessarily exculpated; for example, suicide bombers in *takfiri* ideologies are severely condemned in the practice of rational agents.

The second possibility is that the discovering character refers to complete disclosure (*kashf tāmm*) that corresponds to reality, as implied by the statements of some scholars of *Uṣūl al-Fiqh* (‘Irāqī, 1996, vol. 3, p. 6). However, this view is not correct. The certainty that forms within our mind is a psychological state dependent on our soul, which does not necessarily correspond to reality. For this reason, some scholars have questioned the inherently discovering character of certainty (Khomeini, 2002, vol. 2, p. 294). Apparently, those who consider definitive disclosure as complete disclosure have conflated discovery with respect to "what is known by essence (intrinsically known)" (*ma ‘lūm bi-l-dhāt*) and "what is known by accident (extrinsically known)" (*ma ‘lūm bi-l-‘araḍ*). To clarify, every instance of certainty in acquired knowledge (*‘ilm ḥuṣūlī*), whether it aligns with reality or not, discloses something intrinsically known—a mental image—and there is no doubt about this discovering character. This is because if a person doubts the disclosure of such mental image through their belief, certainty would not form for them. However, this certainty does not necessarily disclose the extrinsically known, i.e., external reality. If it aligns with reality, it reveals both the intrinsically known and the extrinsically known; but if it is contrary to reality and constitutes high-order ignorance (i.e., ignorance of ignorance) (*jahl murakkab*), it only discloses the intrinsically known, not the extrinsically known.

1.1.2.2. Intrinsic Validity of Reason

If certainty were inherently valid, there would be no need to resort to multiple rational arguments to establish its exculpatory and inculpatory nature. As scholars of *Uṣūl al-Fiqh* have explicitly stated, the validity of certainty is established through reason (Ṣadr, 1997, vol. 1, p. 70). When the validity of certainty is proven through multiple rational arguments, this process indicates that certainty itself is not inherently valid; otherwise, there would be no need to rely on reason to establish its validity. In these arguments, the validity of certainty is proven through rational reasoning, but the validity of reason itself is not based on anything else. This is because, in truth, reason itself is inherently valid.

1.1.2.3. What Is the Most Complete Certainty?

Regarding the second argument, the claim that certainty is the most complete form of knowledge and that no more complete knowledge is possible for humans carries two possible interpretations:

The first possibility is that "most complete" refers to "greater discovery of the intrinsically known." That is, certainty provides greater disclosure of the mental image compared to conjecture, doubt, or illusion. While this is correct, the previous critical points indicate that this sense of completeness has no bearing on the validity of certainty. Moreover, in the practice of rational agents, such certainty, despite being the most complete in terms of disclosing the intrinsically known, lacks validity if it is not formed through a rational process.

The second possibility is that "most complete" refers to greater discovery of the extrinsically known or external reality. This is not correct, as there is not always a necessary correlation between certainty about the intrinsically known, or psychological certainty, and the disclosure of truth or attainment of the extrinsically known. Therefore, if "most complete" refers to the first meaning, it does not entail its validity; and if it refers to the second meaning, certainty cannot be considered the most complete form of knowledge possible.

It appears that certainty is merely a psychological state dependent on the individual inquirer and its realization is not necessary for the jurist (*mujtahid*). What is required in the realm of political jurisprudence is the presentation of a rational understanding of the benefits and harms associated with a religious ruling. The persistence of a state of doubt in the jurist does not undermine the validity of their judgment, as long as the provided arguments meet the threshold of rationality. This claim will be further elaborated in the section on the espoused viewpoint.

1.2. Reason's Failure to Comprehend the Criteria of Religious Rulings

1.2.1. An Overview of the Theories in *Uṣūl al-Fiqh*

The second argument put forth by scholars of *Uṣūl al-Fiqh* for requiring certainty as a condition for the validity of reason can be summarized and elucidated with the following premises:

First, human reason does not fully encompass the criteria behind religious rulings (Ḥakīm, 1997, p. 277). Although religious rulings are, in their reality, contingent upon real benefits and harms, reason is incapable of identifying all of these benefits and harms (Hosseini Shirazi, 2006, vol. 1, pp. 149–150; Ḥakīm, n.d., vol. 2, p. 64). This is because, rationally, the possibility of error in such identifications cannot be eliminated (Ṭabaṭabā'ī Qummī, 1992, vol. 2, pp. 38–39). Furthermore, it is *possible* that benefits and harms do not pertain to the object of the obligation but rather to the very act of legislation or compliance itself (Khomeini, 1997, vol. 3, pp. 313–314). Rational perceptions in the domain of benefits and harms are constantly subject to the possibility of overlooking certain conflicting factors or obstacles (Khoei, 1998, vol. 3, p. 77). On the other hand, the benefits and harms underlying a religious ruling are infinite, and reason has no access to them (Hosseini Shirazi, 2006, vol. 1, p. 149). Additionally, reason has no capacity to access otherworldly benefits and harms, and the limited criteria it does articulate are confined to worldly life (Tabrīzī, 1993, pp. 68–70).

Second, reason's lack of comprehensive grasp implies its lack of validity. A cognitive tool that lacks access to the criteria behind religious rulings and is prone to error in comprehending them

is neither valid nor possesses exculpatory or inculpatory authority (Mūsawī Khalkhālī, 2004, pp. 17–18). In other words, reason can only be considered valid if it fully encompasses these rationales, akin to the reason of the Lawgiver himself, and is free from error. As long as such comprehensive grasp is absent, the validity of reason is also negated (Ḥakīm, 1997, p. 277; Hosseini Shirazi, 2006, vol. 1, p. 149).

Third, reason's comprehensive grasp of the criteria behind rulings is only possible when it issues a certain judgment regarding general concepts. General concepts refer to things such as justice and injustice, about which even two people would not disagree in terms of their inherent goodness or evil (Ṭabaṭabā'ī, n.d., vol. 2, pp. 187–188). For this reason, reason lacks the capacity to judge specific instances of justice and injustice (Ṭabaṭabā'ī Ḥakīm, 1993, vol. 2, p. 178; Mūsawī Khalkhālī, 2004, p. 18).

It follows from these three premises that the judgment of reason is valid only when it is issued with certainty regarding general concepts. Otherwise, its judgment concerning specific details, such as additional particulars under justice and injustice, or their applications to concrete external realities, lacks validity due to reason's inability to fully encompass the criteria and its consequent conjectural nature.

A crucial point derived from this second argument is the intended meaning of certainty in this context. Here, certainty does not refer to ordinary or commonsense certainty or confidence of rational agents, which intellectually allows for the possibility of error but is disregarded by rational subjects (Ṣadr, 1996, vol. 4, p. 328; Makarem Shirazi, 2007, vol. 2, p. 214; Mūsawī Qazwīnī, 2001, vol. 3, p. 187). Rather, it refers to philosophical certainty, which admits no possibility of error whatsoever (Ṣadr, 2003, vol. 2, p. 413; Badri, 2007, p. 185). This is because expressions such as "possibility of error" and "possibility of overlooking certain conflicting factors or obstacles" are consistent with requiring certainty in its philosophical sense. Furthermore, the mention of "infinite benefits" and the necessity of considering potential otherworldly benefits also indicates that the scholars of *Uṣūl al-Fiqh* intended philosophical certainty in this context.

Accepting this argument has a direct impact on political jurisprudence. Issues in political jurisprudence, such as relations between the government and citizens, relations with other countries, international treaties, rights and freedoms, elections, political parties, public participation in decision-making, and the like, are specific details and applications of general concepts such as justice and injustice. In this context, it is not feasible to comprehend their criteria and achieve philosophical certainty. Consequently, based on this argument, a jurist must abandon all benefits and harms discerned by their reason due to the possibility of otherworldly benefits or harms or unknown conflicting factors and obstacles (Montazeri, 1988, vol. 1, pp. 19–20; Sanad, 2005, p. 98; Hosseini Haeri, 2004, p. 19).

1.2.2. Critical Examination

The first premise of the aforementioned argument is, to some extent, acceptable. The reason rational judgments sometimes lead to disagreements among rational agents is precisely this limitation. Not only do we fail to fully grasp all criteria through reason, but we also do not achieve this through textual sources. Nevertheless, some points raised in this premise, such as

the notion that rulings are based on infinite benefits and harms, have not been substantiated (Ḥakīm, 1997, p. 277; Khomeini, 1997, vol. 3, pp. 313–314).

Regarding the second premise, it appears that there is no necessary correlation between reason's lack of comprehensive grasp of benefits and harms and the invalidity of its judgments. The basis for this claim is as follows: First, this alleged correlation is neither evident nor explained. Some hadiths might be considered as evidence for this correlation, which will be examined independently under the third argument. Second, this correlation cannot be upheld by reason, as its basis is the lack of comprehensive grasp of benefits and harms or, in other words, the possibility of error. It is evident that if this criterion were accepted, the scope of this correlation would need to be extended to other valid principles of *Uṣūl al-Fiqh* as well, since they too lack comprehensive grasp of benefits and harms and are susceptible to error. Al-Shaykh al-Anṣārī critiques the Akhbari perspective, which denies the validity of reason due to its potential for error, using this very reasoning (Anṣārī, 1996, vol. 1, p. 15). Therefore, it is rationally possible for a cognitive apparatus to err in fully discerning benefits and harms while still being valid.

The third premise is also open to debate. The practical implication of this premise is the abandonment of the application of independent reason in the system of political jurisprudence, which consequently leads to the problem of inefficiency in political jurisprudence. This is because its findings will not be grounded in what reason ordinarily discerns about benefits and harms, as is typical in other human sciences. Instead, they will rely on the generalities and absolutes of religious textual sources or the implications of practical principles. This trend will gradually expose political jurisprudence and the resulting governance system to the challenge of eroding social capital, as citizens will not embrace an inefficient governance system (Montazeri, 1988, vol. 1, pp. 19–20; Sanad, 2005, p. 98; Hosseini Haeri, 2004, p. 19).

1.3. Hadiths Indicating the Invalidity of Conjectural Reason

1.3.1. An Overview of the Hadiths and the Views in *Uṣūl al-Fiqh*

As previously discussed, from a rational perspective, the conjectural nature and possibility of error do not necessarily entail a lack of validity. The third argument seeks to establish this correlation through recourse to certain hadiths in a prescriptive manner. The majority of these hadiths are those that negate the validity of analogy (*qiyās*). Scholars of *Uṣūl al-Fiqh* have abstracted from the specific context of analogy in these hadiths and extended their implication to all conjectural rational judgments (Narāqī, 2009, vol. 1, p. 454; Ṣadr, 1987, vol. 1, p. 567; Ṣadr, 1996, vol. 4, p. 119). It should be noted that in most of these hadiths, the explicit subject is not "reason" itself but rather "analogy" and "personal opinion" (Makarem Shirazi, 2007, vol. 2, pp. 252–254). However, there is a well-known hadith that explicitly mentions reason itself, which is necessary to discuss briefly.

It is narrated from Imam al-Sajjad that: "Indeed, the religion of God, Mighty and Exalted, is not attained (*lā yuṣāb*) through intellects" (Ibn Bābawayh, 2016, vol. 1, p. 324). This hadith has been particularly emphasized among later scholars of *Uṣūl al-Fiqh* as evidence for the invalidity of reason in deriving religious rulings. Based on research, the earliest source of *Uṣūl al-Fiqh* addressing this hadith is *Al-Durar al-Najafiyya* in the 12th/18th century (Bahrānī, 2002, vol. 1, p. 324). Subsequently, many others have cited this hadith, considering it evidence for the

invalidity of conjectural reason (Khoei, 1998, vol. 3, p. 77; Khoei, n.d., vol. 3, pp. 69–70; Kharrazi, 1997, vol. 4, p. 388; Madani Tabrizi, 2008, pp. 109–110; Āsefī, n.d., vol. 23, pp. 95–96). Accordingly, they have restricted the scope of reason's validity to general (*kullī*) and certain rulings (Ḥakīm, 1997, p. 277; Makarem Shirazi, 2006, p. 342; Bujnūrdī, 2000, vol. 2, p. 502; Sobhani Tabrizi, 2003, p. 291).

1.3.2. Critical Examination

1.3.2.1. Lack of Correlation between Negating Attainment and Negating Validity

The wording of the aforementioned hadith does not explicitly indicate the negation of validity. The hadith explicitly negates attainment (*iṣāba*), and as previously discussed, there is no necessary correlation between the lack of attainment and the lack of validity. Otherwise, all valid principles of *Uṣūl al-Fiqh* would be deemed invalid. In political jurisprudence, attainment is not the criterion for the validity of political rulings; rather, validity in the sense of exculpation and obligation inculcation is sufficient.

Evidence supporting this claim within the hadith itself is that the condition for attaining the essence of religion, contrary to the interpretation of *Uṣūl al-Fiqh* scholars who consider it to be the certainty and generality of reason, is identified as "submission to the Imam." It is evident that, within the Shia discourse, the knowledge of the Infallible Imam is immune to error, and his reports of religion align with the essence of religion. Therefore, the hadith emphasizes that independent reason, without the guidance of the Imam, cannot attain the essence of religion; rather, this is achieved through submission to the Imam. This meaning is unrelated to the validity of jurisprudential rulings, particularly those in political jurisprudence, which are primarily derived during the era of the Imam's occultation (*ghayba*). This is because such rulings do not claim to attain the essence of religion but rather assert exculpation and inculcation in the context of managing political and social systems during the occultation (Ibn Bābawayh, 2016, vol. 1, p. 324; Montazeri, 1988, vol. 1, pp. 19–20).

1.3.2.2. Compatibility between the Hadith and the Reasons for the Validity of Reason

Based on the previous point (the lack of correlation between negating attainment and negating validity), it is clear that the hadith in question does not conflict with the textual sources affirming the validity of reason. In this regard, we first provide a brief overview of these textual sources and then explain why there is no contradiction.

The Quran is replete with emphasis on reason and rationality. Some verses reprimand humans for failing to employ reason (e.g., al-Baqara, 2:44; Āl 'Imrān, 3:65; al-An'ām, 6:32; al-A'rāf, 7:169; Yūnus, 10:16; Hūd, 11:51, and others). These verses, by virtue of their reprimand, indicate that abandoning reason is inculpatory and warrants punishment, while conversely, utilizing it is exculpatory. In another category, we encounter verses that attribute vice to those devoid of reason or, conversely, ascribe nobility and virtue to those who possess it (e.g., al-Anfāl, 8:22; Yūnus, 10:100; al-Ḥajj, 22:46; al-'Ankabūt, 29:43; al-Ḥujurāt, 49:4, and others). A third category includes verses that identify the use or absence of reason as the cause of the eternal felicity of the inhabitants of paradise and the perpetual misery of the dwellers of hell (e.g., al-Mulk, 67:10; al-Mā'idā, 5:100; al-An'ām, 6:32). In a fourth category, we find verses

that, alongside a specific religious obligation, appeal to rational argumentation or explicitly question the human cognitive faculty regarding specific religious issues, such as the prohibition of consuming alcohol (al-Baqara, 2:219), the prohibition of sodomy (al-‘Ankabūt, 29:29), the prohibition of sexual slander (al-Nūr, 24:12), and similar matters (e.g., al-Nūr, 24:13; al-Tawba, 9:122). It appears that these reprimands are, in essence, a reference to rationality in religious obligations, particularly since most of these rulings have social and political dimensions. Without the validity and authority of this form of rationality, reprimanding the abandonment of such rationality would lack justification.

The issue of the validity of reason in hadiths requires examination in a separate study. Put very briefly, from one perspective, the hadiths that establish the validity and authority of reason can be divided into three categories. The first category includes numerous hadiths that describe the value and significance of reason using various expressions such as guide, supporter, divine gift, and the like. Some sources have compiled 103 hadiths in this regard (Mohammadi Reyshahri et al., 2017, pp. 51–73). The second category consists of hadiths that explicitly address the validity of reason, considering it, alongside divine prophets, as a means to attain religion. Seven such hadiths have been identified (Mohammadi Reyshahri, 2016, vol. 13, p. 126; Āmidī, 1989, p. 27; Ṭurayhī, 1996, vol. 5, p. 425; Kulaynī, 2010, vol. 1, p. 25; Kulaynī, 2010, vol. 1, pp. 13, 16; Kulaynī, 2010, vol. 1, p. 25). The third category includes other hadiths that highlight the relationship between individual rationality and one’s otherworldly status. The essence of some of these hadiths is that the criterion for evaluating an individual’s deeds on the Day of Judgment is the degree of reason granted to them (Jalili & Mahmoodi, 2002, p. 124; Barqī, n.d., vol. 1, pp. 193–195; Kulaynī, 2010, vol. 1, p. 12; Majlisī, 1982, vol. 61, p. 196; Ibn Shu‘ba, 1984, p. 54). It is evident that if reason were not valid in the behavioral system, neither the fall and degradation nor the ascent and proximity to God in the eternal abode would be linked to reason.

In any case, contrary to the explicit claim of some scholars (Hosseini Shirazi, 1998, p. 117), the aforementioned Quranic verses and hadiths cannot be considered contradictory to the hadith of Imam al-Sajjad. This is because the established ruling in this hadith is not the negation of validity but the negation of attainment. There is no necessary correlation between affirming validity (the purport of the aforementioned textual sources) and negating attainment (the purport of Imam al-Sajjad’s hadith) (Ibn Bābawayh, 2016, vol. 1, p. 324; Mohammadi Reyshahri, 2016, vol. 13, p. 126).

1.3.2.3. Hadiths Negating the Validity of Reason Deny One That Is Unreliable in the Practice of Rational People and Is Afflicted by Analogy

If, contrary to the previous points, we accept that this hadith, by denying the ability of reason’s ruling to attain reality, also denies its validity, or that other hadiths denying analogy and personal opinion pertain to this meaning, then it becomes necessary to discuss the method of reconciling these hadiths. Scholars of *Uṣūl al-Fiqh*, in the context of reconciliation, have restricted the denial of validity to conjectural reason and reason governing particulars, and naturally, the evidence pertaining to the validity of reason will be limited to certain reason governing universals. From their perspective, a clear example of conjectural reason in the era of the hadiths’ issuance was reason afflicted by analogy (Khomeini, 2005, p. 11). The qualification to analogy is explicitly seen in the text of the hadith as well, as in another hadith,

the word "maqāyīs" (analogies) is used instead of "'uqūl" (reasons or intellects) (Barqī, n.d., vol. 1, p. 211).

It seems that the "incomplete" in this hadith serves as a qualifying clause (*qayd iḥtirāzī*). These reports and similar cases belong to the category of external propositions (*qadāyā khārijīyya*) and pertain to rival doctrinal systems that were prevalent during the era of the presence of the Infallible Imams (Anṣārī, 1996, vol. 1, pp. 20–21). These rival systems were not aimed at deducing political and social jurisprudential rulings by relying on reason during the era of the Imam's occultation; rather, they advanced such rulings during the era of the Imam's presence and in place of submission to him—and there is a vast distance between these two.

Yes, contrary to the interpretation of the scholars of *Uṣūl al-Fiqh*, it appears that the subject of the Imam al-Sajjād's hadith and the hadiths condemning analogy and personal opinion is not conjectural reason governing particulars but rather reason that is unreliable in the practice of rational people. The reason that is reliable in the practice of rational people is that to which rational individuals refer and adduce as proof in their ordinary interactions, and adducing such reason is valid, exculpatory, and inculpatory; for it constitutes an established rational practice that the aforementioned hadiths do not deter, and the proofs of reason's validity have endorsed it—and this very reason is also employed in political measures within the practice of rational people.

If reason issues a ruling in political systems that contradicts the explicit Sunnah, it is not a kind of reason to which rational people would adduce as proof; for rational agents, upon discerning the epistemological status of rational cognition and its fallibility (as put by the above hadith, lack of attainment of reality), and likewise discerning the status of the Sunnah and its infallibility (as put by the above hadith, attainment in the case of submission to the Imam), recognize that preferring reason over the Sunnah constitutes preferring the inferior (*tarjīḥ-i marjūḥ*), and in the presence of an infallible Sunnah regarding political and social rulings, one should not resort to fallible reason.

Of course, it is possible that reliable reason in the practice of rational people, in political matters and resolving social dilemmas, may in some cases conflict with the apparent meanings of certain texts. However, it is evident that this conflict is with the transmitted hadith (as a revealer of the Sunnah), which itself is a fallible method for discovering the opinion of the Infallible. Yet this conflict is not with the Infallible himself; rather, due to following the ruling of reason, it constitutes a form of submission to him, as he has designated reason as valid in numerous texts. For instance, ruling on the prohibition of reviving dead lands (*iḥyā' al-mawāt*) and the permissibility of *anfāl* (spoils) for each citizen in the current era—although contrary to the apparent meaning of the texts on this topic—is not considered opposition to the Infallible. The jurist observes numerous corruptions in this regard in the present era and, relying on these corruptions and by the ruling of reason, opposes the apparent meaning of the transmitted hadith (Khomeini, 2000, vol. 21, pp. 150–151). However, this process is by no means a confrontation with the Sunnah of the Infallible; rather, due to following the reason that he has designated as valid, it is precisely submission.

In any case, contrary to the view of the scholars of *Uṣūl al-Fiqh* who have generalized analogy and personal opinion in this hadith to "conjectural reason," it appears that disregarding the specificity (*ilghā' al-khuṣūṣiyya*) of these two phenomena and their likes leads to "unreliable reason in the practice of rational people," and as a result, the texts indicating the validity of reason and the reports in consideration are entirely different and distinct in terms of subject matter, with the aforementioned conflict being merely *prima facie*. The texts indicative of the validity of reason pertain to "reliable reason in the practice of rational people," the paradigmatic instance of which is reason governing political and social matters, while the report in consideration pertains to unreliable reason in the practice of rational people.

1.3.2.4. The Majority View in *Uṣūl al-Fiqh* Implies Interpreting the Hadith as Referring to a Rare Instance

Assuming acceptance of the conflict and non-acceptance of the previous method of reconciliation (restricting the hadiths denying validity to unreliable reason in the practice of rational people), it must be said that nevertheless, this method appears stronger than the majority view (restricting the hadiths to conjectural particular reason); for the majority view entails carrying multiple texts on the validity of reason to a rare instance. According to this view, the ruling of reason is valid solely in the form of philosophical certainty only with respect to general concepts, and its rulings in other concepts in the realm of social and political jurisprudence are not valid due to the probability, even if weak, of rational error. It is evident that these rulings are few in number and very limited, and the special emphasis of the Sharia on the validity of reason in numerous verses and hadiths cannot be considered as pertaining to this limited subject. However, if we count reason as valid in political and social rulings, then numerous instances will find validity for the ruling of reason, and the hadith will not be interpreted as referring to a rare instance. Interestingly, in jurisprudential works as well, such adductions to the ruling of reason in political and social rulings are seen, even if contrary to the apparent meanings of some texts (Sanei, 2018, pp. 166–167; Sanei, 2005, pp. 62–64; Aliakbarian, 2007, pp. 73–79).

2. The Espoused View

Contrary to the view of the scholars of *Uṣūl al-Fiqh* who count reason as valid only in cases of certainty and universality, it appears that reason, to attain the threshold of validity in political and social rulings, is solely qualified by "reliability in the practice of rational people"; even if its ruling does not yield philosophical certainty or is issued in the particulars of religious political and social rulings.

Before adducing evidence for this claim, it is appropriate to review an example from contemporary fatwas, which can be considered a kind of expansion in the scope of reason's validity in the realm of political jurisprudence. A query was posed to one of the contemporary *marāji'* (Shiite authoritative jurists): "What is the duty of Muslim female students in Turkey and other countries regarding observance of hijab in the following two scenarios? 1. The condition for completing all semesters of study at universities under their management is non-observance of religious hijab. 2. The condition for completing the remaining semesters of a specific discipline at a university is removing the hijab." And in response, it was stated: "Given that if pious Muslim girls do not pursue higher education, only libertines and irreligious

individuals will occupy important positions, pious individuals are permitted not to observe hijab in cases where it is necessary, but they must certainly observe it in other cases" (Makarem Shirazi, 2006, vol. 3, p. 255).

This fatwa constitutes a form of utilizing the conjectural ruling of reason in particular political and social matters. "Hijab in foreign countries," which causes hardship (*'usr* and *ḥaraj*) for the individual and, at the same time, insistence upon it would result in the loss of more important social interests, depriving the pious community of acquiring knowledge, is a specific topic within political and social jurisprudential issues that has been diagnosed by independent reason as possessing corruption; a corruption that, firstly, is not certain and allows for the possibility of the contrary, and secondly, is not in general titles but rather pertains to the particular title of hijab under specific conditions as a social phenomenon. This rational reasoning possesses only the threshold of reliability in the practice of rational people. It appears that this approach is nothing other than utilizing independent reason in the process of *ijtihād* in the arena of political jurisprudence, even if in the prevalent discourse in *Uṣūl al-Fiqh*, there is reluctance to employ this expression.

In any case, the claim is that the validity of reason is unconditional with respect to certainty, and in this regard, two arguments will be adduced in what follows.

2.1. Unqualified Absolute Use of "Reason" in Texts Regarding the Validity of Reason

It is evident that the term "‘aql" (reason) intended in this context does not fully correspond to the connotations of this term in various sciences (Ḥurr al-‘Āmilī, 1989, vol. 15, p. 208; Shīrāzī, 1981, vol. 1, pp. 222–228; Majlisī, 1982, vol. 1, pp. 99–101); rather, what is meant by it is reason as employed in common usage and attended to in lexicography. "‘Aql" in these texts does not possess a religious meaning or one prevalent among religious individuals but is employed based on its literal meaning, and in this literal meaning as well, there is no qualification to certainty or universality.

The root "‘aql" is used to mean preservation (Ghazālī & Fayyūmī, 1993, vol. 2, p. 423), restraint (Farāhīdī, 1989, vol. 1, p. 159; ‘Askarī, 2021, p. 65), withholding (Jawharī, 1984, vol. 5, p. 1769), and safekeeping (Rāghib al-Iṣfahānī, 1991, p. 557; Ibn Manẓūr, n.d., vol. 11, p. 458). Consequently, reason (*'aql*), as a spiritual faculty, is a force that distinguishes benefit from harm, thereby causing the preservation of the soul from perdition.

It appears that in the texts on the validity of reason, reason has been recognized as valid with the aforementioned conventional meaning, which is unconditional with respect to being certain or universal. This is while in the majority view, reason has been conditioned upon these two characteristics, and such a thing is incompatible with the unqualified absoluteness of the texts on the validity of reason. Such a reason undoubtedly is concerned with managing political and social issues of society and, by recognizing the benefits and corruptions that lie beyond political and social behaviors, preserves human society from falling into the path of misery and perdition.

2.2. Rational Argument for Absolute Validity of Reason

Apart from resorting to the unqualified absoluteness of the texts on the validity of reason, to prove the claim that the validity of reason's ruling is not qualified by certainty, one can also argue from reason itself. This argument is not circular but rather an alert or reminder to the self-evident ruling of reason. In any case, this argument can be structured with the following premises:

Firstly, rational people in their practice, appeal to non-certain reason without absolute certainty and count it as valid in both descriptive knowledge (expressing what is and is not) and prescriptive knowledge (expressing what ought and ought not to be). This procedure exists not only in non-religious human knowledge but also in religious knowledge, and particularly in the arena of political and social measures, this kind of reason plays a prominent role in the practice of rational people.

Secondly, by the necessary ruling of reason, in the event of conflict between the aforementioned rational ruling and a stronger proof such as the Sunnah (not just its transmission or report), reason is not valid, and resorting to it constitutes preferring the inferior.

Thirdly, by the necessary ruling of reason, in the event of conflict between a non-certain rational ruling and another non-certain proof, such as many jurisprudential proofs reliant on specific conjectures (*ẓunūn khāṣṣa*), the proof that is stronger from a rational perspective and possesses greater discovering power with respect to reality will be preferred and valid. For example, in resolving a political and social dilemma such as the execution of *ḥudūd* (fixed religious punishments) in the era of occultation, the jurist faces two paths: first, resorting to the unqualified absoluteness and generality of the textual evidence and extending the application of *ḥudūd* to the era of occultation as well; second, resorting to the corruptions that reason perceives in the application of *ḥudūd* in the era of occultation and, with regard to these corruptions—summarized as weakening the foundation of Islam in the contemporary world due to the implementation of *ḥudūd*—rationally not counting the application of *ḥudūd* as permissible. Both paths are conjectural and neither yields philosophical certainty. However, it appears that in the practice of rational people, the second path possesses greater power to discover the intent of the Lawgiver and is therefore preferred. In any case, the prevalence of rational corruptions over the execution of *ḥudūd* in certain times is beyond doubt, and for this reason, it has been stated: "If the establishment of some *ḥudūd* with their specific manner in a particular region, or in all regions, or in a period of time causes public opinion to detest Islam and its rulings, and consequently weakens the foundation of religion, the Muslim ruler or the authority in charge of the judicial domain can—indeed, is obligated—to suspend the establishment of that *ḥadd* until the time when public opinion is justified regarding Islamic regulations and *ḥudūd* and the reason for their enactment" (Montazeri, 1988, p. 103).

Fourthly, based on what has been said, prioritizing textual apparent meanings in general over non-certain rational rulings is not correct and in many cases will lead to preferring the inferior. Therefore, reason, without relying on another epistemological source, alerts to its own validity and authority in normative rulings, and particularly in jurisprudential political and social directives—and this is the correct meaning of the intrinsic validity of reason as opposed to the intrinsic validity of certainty.

Conclusion

1. Scholars of *Uṣūl al-Fiqh* have considered the ruling of independent reason valid only in the case of certainty and have argued for this claim with three proofs: the intrinsic validity of certainty, reason's lack of encompassment over the criteria of religious rulings, and some transmitted hadiths. This condition has led them to text-sufficiency (text-only approach) in discovering benefits and corruptions, and on this basis, independent reason will not even have a tangible practical effect in political jurisprudence.
2. The intrinsic validity of certainty cannot be proven by resorting to its discovering character nor to being the most complete type of cognition; for these two proofs have no implication for the exculpatory and inculpatory nature of certainty, just as in the practice of rational people, one who acts decisively in an irrational manner is not excused.
3. Although reason does not encompass the criteria of religious rulings and the probability of its error exists, the probability of error has no rational implication for lack of validity; otherwise, other religious indicators (*amārāt*) would also cease to be valid.
4. The hadiths condemning incomplete reason, analogy, and personal opinion are not considered a prescriptive proof for the implication between the probability of error and lack of validity; for these reports are not explicit texts on the lack of validity of reason in an absolute sense. Contrary to the majority view, which through disregarding specificity from these reports arrives at conjectural reason, it appears that the subject of these reports is unreliable reason in the practice of rational people, which in particular during the era of the Lawgiver was engaged in opposition to the Sunnah.
5. It appears that the validity of independent reason is not contingent upon issuing a certain ruling without the possibility of its contrary, and conjectural rational rulings are valid provided they possess reliability in the practice of rational people; for firstly, the texts on the validity of reason are absolute, and to interpret them as referring certain universal reason is to interpret them as referring to a rare instance, and secondly, reason itself endorses the validity and authority of its non-certain ruling as long as a stronger epistemological tool is not available.
6. Contrary to the majority view of the scholars of *Uṣūl al-Fiqh*, non-certain rulings of reason in the particulars of rational matters in political jurisprudence are valid provided two conditions: firstly, the expression of reason in these matters must possess reliability in the practice of rational people, and secondly, there should not be a stronger proof in terms of discovery in conflict with rational discoveries.

References

The Noble Quran.

Ākhūnd Khurāsānī, M. K. (1990). *Kifāyat al-uṣūl*. Qom: Mu'assasa Āl al-Bayt. [In Arabic]

Ākhūnd Khurāsānī, M. K. (1995). *Al-Bidāya fī tawdīh al-kifāya* (Vol. 3). Tehran: Nashr Niyayesh. [In Arabic]

Aliakbarian, H. A. (2007). *The principle of justice in Imami jurisprudence*. Qom: Islamic Sciences and Culture Academy. [In Persian]

Alidoost, A. (2012). *Fiqh va 'aql*. Tehran: Research Institute for Islamic Culture and Thought. [In Persian]

Āmidī, 'A. (1989). *Ghurrar al-ḥikam*. Qom: Dar al-Kitāb al-Islāmī. [In Arabic]

Anṣārī, M. (1996). *Farā'id al-uṣūl* (Vol. 1). Qom: Islamic Publishing Institute. [In Arabic]

Anṣārī, M. (2007). *Farā'id al-uṣūl* (Vol. 1). Qom: Majma' al-Fikr al-Islāmī. [In Arabic]

Āsefī, M.M. (n.d.). *Fiqh Ahl al-Bayt Journal*, Vol. 23. Qom: Institute of Islamic Jurisprudence Encyclopedia based on Ahl al-Bayt School. [In Persian]

'Askarī, H. (2021). *Al-Furūq fī al-lugha*. Beirut: Dār al-Āfāq al-Jadīda. [In Arabic]

Ayoobi Mehrizi, H. (2009). Regulated *istiṣlāḥ* [discerning what is proper] as an essential necessity in Islamic jurisprudence. *Fiqh wa mabānī ḥuqūq-i Islāmī*, 1(1), 7-26. [In Persian]

Badri, T. (2007). *Mu'jam mufradāt uṣūl al-fiqh al-muqāran*. Tehrān: Al-Mashriq li-l-Thaqāfa wa-l-Nashr. [In Arabic]

Bahrānī, Y. (2002). *Al-Durar al-Najafīyya min al-multaqaṭāt al-Yūsufīyah* (Vol. 1). Beirut: Dār al-Muṣṭafā. [In Arabic]

Barqī, A. (n.d.). *Al-Maḥāsin* (Vol. 1). Qom: Dār al-Kutub al-Islāmiyya. [In Arabic]

Bujnūrdī, H. (2000). *Muntahā al-uṣūl* (Vol. 2). Tehran: Urūj. [In Arabic]

Fanaei, A. (2015). *Akhlāq-i dīn-shināsī*. Tehran: Nigāh-i Mu'āṣir. [In Persian]

Fanaei, A. (2016). *Dīn dar tarāzū-yi akhlāq*. Tehran: Širāt. [In Persian]

Farāhīdī, Kh. (1989). *Al-'Ayn* (Vol. 1). Qom: Hijrat. [In Arabic]

Ghazālī, M., & Fayyūmī, A. (1993). *Al-Miṣbāḥ al-munīr fī gharīb al-sharḥ al-kabīr lil-Rāfi'ī* (Vol. 2). Qom: Mu'assasat Dār al-Hijra. [In Arabic]

Ḥakīm, M. (n.d.). *Ḥaqā'iq al-uṣūl* (Vol. 2). N.p.: Maktaba Bašīrī. [In Arabic]

Ḥakīm, M. T. (1997). *Al-Uṣūl al-'āmmah li-l-fiqh al-muqārin*. Qom: Ahl al-Bayt World Assembly. [In Arabic]

Haydari, S. K. (2007). *Al-Qaṭ'*. Qom: Dār Farāqid. [In Arabic]

Hosseini Haeri, K. (2004). *Al-Marja' iyya wa-l-qiyāda*. Qom: Dār al-Tafsīr. [In Persian]

Hosseini Shirazi, M. (1998). *Al-Qānūn*. Beirut: Markaz al-Rasūl al-A'zam. [In Arabic]

Hosseini Shirazi, Š. (2006). *Bayān al-uṣūl* (Vol. 1). Qom: Dār al-Anṣār. [In Arabic]

- Hurr al-Āmilī, M. (1989). *Tafṣīl wasā'il al-Shī'a ilā taḥṣīl masā'il al-sharī'a* (Vol. 15). Qom: Mu'assasa Āl al-Bayt. [In Arabic]
- Ibn Athīr, M. (1988). *Al-Nihāya fī gharīb al-ḥadīth wa al-athar* (Vol. 2). Qom: Ismā'īliyyān. [In Arabic]
- Ibn Bābawayh, M. (2016). *Kamāl al-dīn wa-tamām al-ni'ma* (Vol. 1). Tehran: Dār al-Kutub al-Islāmiyya. [In Arabic]
- Ibn Manẓūr, M. (n.d.). *Lisān al-'Arab* (Vol. 11). Beirut: Dār al-Fikr. [In Arabic]
- Ibn Manẓūr, M. (n.d.). *Lisān al-'Arab* (Vol. 6). Beirut: Dār al-Fikr. [In Arabic]
- Ibn Shu'ba, Ḥ. (1984). *Tuḥaf al-'uqūl*. Qom: Islamic Publishing Institute. [In Arabic]
- Irāqī, D. (1996). *Nihāyat al-afkār* (Vol. 3). Qom: Islamic Publishing Institute. [In Arabic]
- Jalili, N. A., & Mahmoodi, Z. (2002). *Al-'Uṣūl al-sitta 'ashar*. Qom: Dār al-Ḥadīth. [In Persian]
- Jawharī, A. (1984). *Al-Ṣiḥāḥ* (Vol. 5). Beirut: Dār al-'Ilm li-l-Milayīn. [In Arabic]
- Kharrazi, M. (1997). *Umdat al-uṣūl* (Vol. 4). Qom: Mu'assasat dar Rāh Ḥaqq. [In Arabic]
- Khoei, A. (1998). *Dirāsāt fī 'ilm al-uṣūl* (Vol. 3). Qom: Institute of Islamic Jurisprudence Encyclopedia. [In Arabic]
- Khoei, S. (n.d.). *Al-Hidāya fī al-uṣūl* (Vol. 3, H. Ṣāfi Esfahānī, Ed.). Qom: Ṣāhib al-Amr Cultural Institute. [In Arabic]
- Khomeini, M. (1997). *Tahrīrāt fī al-uṣūl* (Vol. 3). Qom: Institute for Compilation and Publication of Imam Khomeini's Works. [In Arabic]
- Khomeini, R.A. (2000). *Ṣaḥīfi-yi nūr* (Vol. 21). Tehran: Institute for Compilation and Publication of Imam Khomeini's Works. [In Persian]
- Khomeini, R.A. (2002). *Tahdhīb al-uṣūl* (Vol. 2). Tehran: Institute for Compilation and Publication of Imam Khomeini's Works. [In Arabic]
- Khomeini, R.A. (2005). *Al-Ijtihād wa-l-taqlīd*. Tehran: Institute for Compilation and Publication of Imam Khomeini's Works. [In Arabic]
- Kulaynī, M. (2010). *Uṣūl al-kāfi* (Vols. 1–2). Tehran: Kitābfurūshī-yi 'Ilmiyya Islāmiyya. [In Arabic]
- Madani Tabrizi, Y. (2008). *Qawā'id al-uṣūl*. Qom: Āyatullāh Madanī Tabrīzī. [In Arabic]
- Majlisī, M. B. (1982). *Biḥār al-anwār* (Vols. 1, 61). Beirut: Dār Iḥyā' al-Turāth al-'Arabī. [In Arabic]
- Makarem Shirazi, N. (2006). *Dā'irat al-ma'ārif fiqh muqāran*. Qom: Madrasat al-Imām 'Alī ibn Abī Ṭālib. [In Persian]
- Makarem Shirazi, N. (2006). *Istiftā'āt jadīd* (Vol. 3). Qom: Madrasat al-Imām 'Alī ibn Abī Ṭālib. [In Persian]

- Makarem Shirazi, N. (2007). *Anwār al-uṣūl* (Vol. 2). Qom: Madrasat al-Imām ‘Alī ibn Abī Ṭālib. [In Arabic]
- Mohammadi Reyshahri, M. (2016). *Dānishnāma-yi Qur’ān va ḥadīth* (Vol. 13). Qom: Dār al-Ḥadīth. [In Persian]
- Mohammadi Reyshahri, M., Berenjkari, R., & Masoudi, A. (2017). *Khiraḍgarāyī dar Qur’ān va ḥadīth*. Qom: Dār al-Ḥadīth. [In Persian]
- Montazeri, H. A. (1988). *Dirāsāt fī wilāyat al-faqīh wa fiqh al-dawla al-Islāmiyya*. Qom: Al-Markaz al-‘Ālamī lil-Dirāsāt al-Islāmiyya. [In Arabic]
- Montazeri, H. A. (2008). *Pāsukh bih pursishhā-yi pīrāmūn-i mujāzāthā-yi Islāmī va ḥuqūq-i bashar*. Qom: Arghavān-i Dānish. [In Persian]
- Mūsawī Khalkhālī, M. M. (2004). *Al-Ḥākimiyya fī al-Islām*. Qom: Majma‘ al-Fikr al-Islāmī. [In Arabic]
- Mūsawī Qazwīnī, ‘A. (2001). *Ta’līqā ‘alā ma‘ālim al-uṣūl* (Vol. 3). Qom: Mu’assasat al-Nashr al-Islāmī. [In Arabic]
- Muẓaffar, M. R. (1996). *Uṣūl al-fiqh* (Vol. 2). Qom: Ismā‘īliyyān. [In Arabic]
- Narāqī, M. (2009). *Anīs al-mujtahidīn* (Vol. 1). Qom: Būstān-i Kitāb. [In Arabic]
- Raghebi, M. A., Geramipour, M., & Taki, M. J. (2019). The role of reason in understanding the Sharia and legislation. *Fiqh va mabānī-yi ḥuqūq-i Islāmī*, 21(52), 313–332. [In Persian]
- Rāghib al-Iṣfahānī, Ḥ. (1991). *Mufradāt al-fāz al-Qur’ān*. Beirut: Dār al-Shāmiyya. [In Arabic]
- Ṣadr, M. B. (1987). *Mabāḥith al-uṣūl* (Vol. 1). Qom: Maktab al-I‘lām al-Islāmī. [In Arabic]
- Ṣadr, M. B. (2003). *Al-Usus al-mantiqiyya lil-istiqrā’* (Vol. 2). Qom: Markaz al-Abḥāth wa-l-Dirāsāt al-Takhaṣṣuṣiyya li-l-Shahīd al-Ṣadr. [In Arabic]
- Ṣadr, S. M. B. (1996). *Buḥūth fī ‘ilm al-uṣūl* (Vol. 4, M. Hashemi Shahroudi, Ed.). Qom: Mu’assasat Dā’irat al-Ma‘ārif al-Fiqh al-Islāmī. [In Arabic]
- Ṣadr, S. M. B. (1997). *Durūs fī ‘ilm al-uṣūl* (Vol. 1, A.A. Haeri). Qom: Intishārāt-i Islāmī. [In Arabic]
- Sanad, M. (2005). *Usus al-nizām al-siyāsī ‘ind al-Imāmiyya*. Qom: Madyan. [In Arabic]
- Sanei, Y. (2005). *Barābarī-yi dīya*. Qom: Fiqh al-Thaqalayn. [In Persian]
- Sanei, Y. (2018). *Rūykardī bih ḥuqūq-i zanān*. Qom: Fiqh al-Thaqalayn. [In Persian]
- Shīrāzī, M. (1981). *Al-Ḥikma al-muta‘āliya fī al-asfār al-‘aqliyya al-arba‘a* (Vol. 1). Qom: Maktabat al-Muṣṭafawī. [In Arabic]
- Shīrāzī, M. (1981). *Al-Ḥikmat al-muta‘āliya fī al-asfār al-‘aqliyyat al-arba‘a* (Vol. 1). Qom: Maktabat al-Muṣṭafawī. [In Arabic]
- Sobhani Tabrizi, J. (2003). *Adwār al-fiqh al-Imāmī*. Qom: Imam Sadiq Institute. [In Arabic]

Ṭabaṭabā'ī Ḥā'irī, 'A. (1997). *Riyāḍ al-masā'il*. Qom: Mu'assasat Āl al-Bayt. [In Arabic]

Ṭabaṭabā'ī Ḥakīm, M. S. (1993). *Al-Muḥkam fī uṣūl al-fiqh* (Vol. 2). Qom: Mu'assasat al-Manār. [In Arabic]

Ṭabaṭabā'ī Qummī, T. (1992). *Ārā'unā fī uṣūl al-fiqh* (Vol. 2). Qom: Maḥallātī. [In Arabic]

Ṭabaṭabā'ī, M. Ḥ. (n.d.). *Hāshiyat al-kiḥāya* (Vol. 2). Qom: Bunyād-i 'Ilmī va Fikrī-yi 'Allāma Ṭabaṭabā'ī. [In Arabic]

Tabrīzī, G. Ḥ. (1993). *Khulāṣat al-uṣūl*. Mashhad: Ṭūs. [In Persian]

Ṭurayḥī, F. (1996). *Majma' al-baḥrayn* (Vol. 5). Tehran: Murtaḍawī. [In Arabic]

Islamic Political Studies