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INTELLECT IN INFERRING RELIGIOUS RULINGS WITH EMPHASIS ON THE VIEWS OF IMAM KHOMEINI AND AYATOLLAH KHOIE: EXAMINATION AND ANALYSIS

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ABSTRACT

Principles of Islamic jurisprudence is one of the most significant branches of Islamic disciplines that is highly regarded by Islamic scholars, especially the Twelvers. In outlining the importance of this discipline, it is noteworthy that, today, it is impossible to achieve the rules of Sharia without first referring to it. Nowadays we see that the late scholars have divided the principles of jurisprudence into four parts, namely terminology, rational requirements, argument, and practical principles. Etymology is responsible for discussing the implications and emergence of terms, such as the emergence of the imperative form for obligation and the emergence interdicting form for prohibition. In rational imperatives, the essential means of the rulings, such as the association between the rule of intellect¹ and sharia, are discussed. In argument, which is the considered most important topic of the principles of Islamic jurisprudence, authority is discussed as in the authority of a single hearsay.² While in practical principles, the principles that the mujtahid refers to when there is no ijthihad intellect are discussed, such as the presumption of innocence and istishab³. The purpose of the current study was to examine the position of intellect in inferring religious rulings from the perspective of Imam Khomeini and Ayatollah Khoie.

Keywords: Imam Khomeini, Ayatollah Khoie, Inference of religious rules, Intellectual independents, Attempt, Definite.

INTRODUCTION

The intellect has a very high, fundamental and undisputable value in various areas of life. In Islamic teachings, a plethora of verses and hadiths have outlined its significant and have numerously condemned people who do not employ this God-given gift properly and operate in life without the light of intellect and reasoning.

The high importance and value that Islam attributes to intellect is unparalleled in any school or profession. Islam introduces intellect as the only means of knowing God and acknowledging the Creator of the universe through His verses and signs. Islamic scholars, sages and jurists regard intellect highly, and the first chapter of the precious book of *Usūl al-Kāfi*, by the late Muhammad ibn Ya'qub al-Kulayni is devoted to the book of Intellect and Foolishness, in which the value and importance of intellect and reason is discussed. In Islamic teachings, intellect and reason is one

¹ For grammatical reasons, the terms “intellect” and “ration”, while referring to the same notion, are at times used interchangeably.

² That is, a hearsay the has not been successively quoted

³ *status quo ante*

of the important sources employed by scholars and fundamentalist scholars for deriving the rules of Sharia along with the Qur'an and Sunnah, from the distant past to the present.

In Islamic jurisprudence, intellect has many functions as a powerful tool to know the divine rule. Examining the implication of words on their meanings is inherently done by the intellect. The association between intellect and sharia is also realized with the intellect of reason. Furthermore, it is responsible for examining the meaning of narrations and verses, through which the arguments are assigned, restricted or generalized. Moreover, in resolving the conflict between the arguments, it helps to get inclined to one of the arguments.

In proving or denying the authority of the single hearsay, and the necessity of referring to practical principles, intellect is also a means to issuing rules and rulings that guides man in the right direction. As for the authority of the single hearsay, inference through the verses of the Qur'an, the narrations, the consensus and the foundation of the wise, as well as the examination and the analysis, and ultimately the conclusion, are all done by the intellect as a means to rule and governance. In hermeneutics, God's purpose of the verse is clarified by the intellect through rational reasoning from internal and external evidences and proofs. Here, too, intellect is an effective tool that analyzes and explains God's purpose.

It should also be noted that in Islamic jurisprudence, when the minor and major premises of analogy are rational, intellect functions an independent cognitive source. For example, in the matter of analogy, it is often stated that "Justice is graceful and its observance is necessary, and whatever that is necessary through the ruling of ration, the Sharia also considers it obligatory, and hence the observance of justice is a Sharia obligation."

Here the intellect alone discovers and infers the divine judgment. This is the so-called intellectual independence in the principles of Islamic jurisprudence. For example, "Prayer is obligatory according to the Sharia, and any action that is obligatory by Sharia, its premises are also obligatory. Therefore, the preparations for prayer are also obligatory."

In an issue such as the "obscenity for unstated punishment" the intellect is an independent source for discovery and cognition.

Thus, it becomes clear that the intellect is one of the sources for inferring the religious rules and esoteric argument. In this regard, the current study seeks to examine the position and importance of reason in deriving religious rules by emphasizing the views of two greats in the field of jurisprudence of Imam Khomeini and the late Ayatollah Khomeini.

PROBLEM STATEMENT

The Twelvers have included the intellect in the circle of discovering the ruling, but not in the sense that the intellect is free in all fields and causes the needlessness of sharia. Rather, the authority of the intellect refers to its unveiling. The intellect, by its own criteria, is convinced that what it has understood is a divine judgment, not that the intellect itself legislates a judgment. Intellect is used in areas such as praise and condemnation, intellectual imperatives, rectification of the effective cause and inference of the effective cause. In the field of praise and condemnation, in cases that are among the obvious ruling of practical intellect, its rulings on the goodness or badness of an action unveils the ruling of Sharia. Rulings such as intellectual innocence, engaging in a task within the framework of general knowledge, and preferences of disturbance, among others are obtained in this way. Rectification of the effective cause, that is,



not paying attention to the characteristics and attributes that *urf⁴* does not consider them effective in the subject, is sometimes interpreted as the abolition of the characteristic of the ruling and the subject. The ruling of intellect regarding associations is where the intellect finds the association between two obligations or two sanctities, one of which is not included in the Sharia; The connection between the prohibition of worship and its corruption is one such example. In the meantime, the inference of the effective cause is forbidden in principles of Shiite jurisprudence, unless where the reason for the ruling is stated by the sharia and it is so-called “Mansoos al-'El⁵”. However, such inference is permissible in Sunni jurisprudence by the methods of analogy and Istihsan⁶ among others.

The purpose of the present article is to examine this issue from the perspective of two contemporary jurists, Imam Khomeini and Ayatollah Khomei.

1. *The definition of intellect*

2. Fakhruddin Tarihi, one of the most authoritative lexicographers, defines intellect as the following: “A wise person is one who forbids his soul from carnal lusts.” (Tarihi, 1990, vol. 2, 223)
3. According to Ragheb Isfahani, intellect is a force that is ready to accept science, and the knowledge by which man uses this force is called intellect. The spirit of intellect is restraint and maintenance, as in restraint of a camel using ropes (Ragheb Isfahani, 2003, 242)
4. Ibn Manzur also argues that intellect means to prevent and forbid, as it prevents its bearer from falling into tumult. (Ibn Manzoor, 1992, 444)

2. *The meaning and concept of the authority of intellect*

The authority of intellect refers to the integrity of relying on the evidences of intellect and acting according to them as a religious ruling. Undoubtedly, it is obligatory to observe the Shari ruling inferred from the Holy Quran and Sunnah, but there is a difference between the fundamentalists on whether the Sharia ruling inferred from intellect is the duty of the obligated person, he/she must act on it, and can refer it to the Sharia:

- A) Some consider the perceptions of intellect to be absolutely, definite and indefinite, valid and authoritative for inferring religious rules (such as the companions of the Sunni jurists who accept analogy, Istishan and the interests of the message);
- B) Some scholars, such as the Shiite narrators and the companions of the hadith from the Sunnis, do not consider the evidence of intellect to be absolutely valid in inferring the Shari rules.
- C) Well-known Shiite fundamentalists believe that the definite perceptions of the intellect are valid for inferring the Shari'a rulings, while the indefinite perceptions of the intellect are not valid in the aforementioned practice (Janati, Mohammad Ibrahim, 242-243).

In any case, it is safe to say that all the fundamentalists acknowledge that the rational ruling that is the authority among the fundamentalists is the definitive ruling of the intellect, in which the

⁴ Meaning custom

⁵ meaning to have clear reason

⁶ decorating or improving or considering something good



intellect is ascertained of the neccasry through ascertainment of association and imperatives, yet the suspicious ruling of the intellect, like the ruling obtained through analogy and Istishan, is not valid among Shiite fundamentalists (Mohammadi, Ali, vol. 3, p. 242).

To prove the authority of intellect, many views have been presented by thinkers in this field, some of the most important and solid of which are discussed here:

2.1. The view of the Mohaghegh Isfahani, known as Kumpānī

The view of the Mohaghegh Isfahani, which was promoted after him by his students the late Muzaffar in *Usul al-Fiqh* and Hakim in *Usul al-Fiqh al-Muqarran* is based on the popular maxim. He considers the rulings of intellect to be limited to the notions in which “No two disagree”, that is, intellectual praising and condemning is one of the things that in inferred by consensus owing to public interests and corruptions. Therefore, it will not be reasonable for the Shar to issue a ruling in contrary, as the presumption is that the ruling is not reserved for a particular intellect man, and since it is expedient to all, the integrity of the ruling clear to everyone, and the Sharia is one of the intellects, perhaps the greatest. Therefore, in order to be one of the intellects, the personified sharia acts like the rest of the intellects, otherwise, in the sense that the rule of intellect is clear to all intellects, its contrary would be apparent. Therefore, justice is praised by the intellects, and Sharia can be personified as one of the intellects, while oppression is condemned by the intellects, and hence by Sharia (Muhammad Husayn Gharawi Isfahani, vol. 2, p. 323).

The argument of the late Isfahani shows that he limited the rules of intellect to popular maxims and considered them as authority, as the root of his argument can be traced back to “otherwise, the successor is required to be the opinion of everyone”

Explanation of the aforementioned reasoning in the argument:

1. The Shari'a is one of the Intellect, perhaps the greatest.
2. popular maxims are viewed by the majority of the intellects, such that they realize their validity with the first attention and judge accordingly. In other words, the source of the generality of the ruling is its clarity in the initial attentions;
3. Therefore, when a ruling is made public because of its clarity, all the intellects, including the Sharia, acknowledge it and hence rule accordingly.

If the Shari, assuming to be one of the intellects, does not rule according to other intellects, the ruling is not subject to public cognition and thus lacks generality, by which the agreement of the sharia can be inferred.

Therefore, the generality and popularity of the intellectual ruling is involved plays a role in proving its authority, and Mohaghegh Isfahani argues that only such rules are valid, and the intellect in such cases can bear legitimate result.

2.2. The view of Sheikh Ansari

After accepting the inherent authority of the definite and consequently the authority of intellectual rulings, the late Sheikh Ansari acknowledges that the intellect cannot be simply limited to the natural, healthy or other forms of intellect. However, it cannot be unchained indefinitely as to wander in every realm it desires. He continued: "Yes! It is fair that relying on

intellect in understanding the effective causes of the rulings with the purpose of achieving the rulings themselves causes a lot of error regarding the matter itself, although the individual might not be conscious about it.” What is meant in many narrations implying that God's religion is not to be understood by such intellects implies the refers to this argument. Sheikh Ansari then cites the narration of Aban Ibn Tughlab on the difference between the ransom of a woman's fingers and concludes with a general statement:

“The return of all these discussion to reprimand from referring to intellect is rooted in inferring the rulings. Hence, those premises that leads to real opposition are subject to reprimand.” Sheikh Ansari continues: “We mentioned here earlier that it is not permissible to search in intellectual matters to discover sharia rulings and employ them to obtain the effective causes of the ruling with the purpose attaining the ruling through the cause, as getting used to such practice causes uncertainty in the obtained non-intellect orders and may lead to the negligence of the conjectured narrative orders, as conjecture to ruling would be achievable therefrom.” (Ansari, Morteza, 1991, vol. 1, p. 14)

He does not consider intellectual rules to be limited to generally accepted premises and it is not far-fetched that this theory has been grounded from the era of Sheikh Mohammad Hossein Isfahani. The sheikh accepts the principle of authority and does not point to a specific scope such as the intelligibility of intellectual rulings for all. The only criterion for limiting them is a lack of plunging in theoretical matters, that is, one should not exaggerate and think that all or most of the rulings can be justified by rational reasoning, or whatever comes from superior wisdom and revelation, should be understandable to him, but the use of intellect should not lead to non-worship and make him selfish. That is, one is permitted to go as far as the issues are clear, albeit not general, and where the issues are ambiguous and thus need further examination, contemplation is of utmost importance.



2.3. The view of Moghaddas Ardebili

Moghaddas Ardebili believes that the intellect has authority beyond generally accepted premises. In his book *Majma 'al-Fa'ida wa al-Burhan*, he points to the guidance of intellect and approves its partially confirmatory role. In the discussion on the *Istihbab* (i.e. graceful but not obligatory) of ablution while reciting the Qur'an, he argues that “perhaps there is a narration for the Istihbab of ablution while reciting the Quran - of course I have not seen it, or they might by an *Ijma* (i.e. consensus) as the intellect realizes its appropriateness.” (Moghaddas Ardebili, 2002, vol. 1, p. 19)

The perception of Istihbab of ablution while reciting the Qur'an is that religious ablution purifies the soul and increases spiritual readiness for spiritual effects. The Qur'an is also the book of purification of the soul and was revealed by God Almighty to the Holy Prophet, both deemed utterly purified. Therefore, purity can definitely increase its spiritual effect. He also writes in the discussion on the annulment of ablution owing to getting help from others: But the reason for the sanctity of helping others in ablution, but also the incorrectness of ablution as such, is the emergence of a direct narration, while the intellect is also able to approve it.

Here, the assistance of the intellect is such that it approves that the matter of ablution belongs to the person himself. God Almighty asked people to do it therefore. Therefore, if it is, partially or completely, delegated to someone else, the matter is said not to be performed by oneself and, according to the premises, the Sharia has not issued such a clearance in this regard. With these

examples, it becomes clear that he considers intellect to be beyond generally accepted premises and considers it the authority in theoretical issues.

Fallacy of infinite regress

The reason for the inherent nature of authority of intellect from his point of view is such that if one wants to prove with intellect that intellect is authority, we fall into the trap of infinite regress, because the question arises as to why intellect itself is authority and why that reason is authority and so on. In fact, there is no separation at all between the object and the essence of the object. For example, oil and being oily are not two things that one can prove oiliness after creating oil, as oiliness is the same as oil and oil is the same as oiliness. (Ibid., 14)

But perhaps in the margins of this theory of inherent authority of intellect, it can be pointed out that there are many cases in which certainty is untrue. Probably in the view put forward by him, there might be mixing between knowledge and certainty. Because it is only one of knowledge or certainty that can be in accordance with reality, but certainty might shape whether it is in accordance with reality or not. Therefore, sometimes, even though we are certain of something, it turns out to be contrary to reality. This shows that the discovery of reality is not inherently certainty. Therefore, it must be acknowledged that the essence of certainty and knowledge in accordance with reality is in fact the discovery of reality, yet certainty, whether in knowledge or ignorance, is multiplex. Because multiplex ignorance is certainty, but does not reflect reality.

Subjective speculation of the rationalists

In addition to the Fallacy of infinite regress, the tendency of many fundamentalists, including Ayatollah Khoie, is that what is meant by subjective speculation and conduct of the rationalists is a conduct that is derived from nature and subjective speculation, not the conduct obtained from other principles, such as the coercion of a powerful ruler or the order of a divine prophet; Hence, instead of “the custom of the rationalists”, he has often employed the term “subjective speculation of the rationalists” or other similar terms (Feyz, 1963, vol. 1, 224).

In addition, Ayatollah Khoie argued that the jurisprudential reason for many rulings on transactions and trades is the very same subjective speculation of the rationalists, including the validity of the contract-less transaction, the validity of possession of the unclaimed, having option in contract-less sales, the need for equal exchange of possession, loss before the capture of the seller's property, liability of the possessor in a void contract, liability of unlawful possession, obligation to surrender by the seller and recompensating in the contract of sale among others (Tohidi, 1942, vol. 2, p. 1)

Thus, the authority of intellect due to the subjective speculation of the rationalists is also proved from the point of view of Ayatollah Khoie.

2.4. The view of Ayatollah Khoie

In the discussion on the authority of intellect, which means excuse and excuse, the view of Ayatollah Khoie is as follows: “Undoubtedly, the Sharia rulings have been grounded according the real interests and harms, and not on exorbitant grounds, except that our weak minds cannot identify all those real interests and harms, as the religion of God is not subject to our minds.” For this reason, it is necessary for us to observe the Sharia arguments, including the Holy Quran and the Sunnah. Of course, the human mind is able to understand necessary and trivial matters in



which there is no doubt, such as goodness of justice and benevolence and the evil of oppression and enmity. But it seems that whatever the case, there should be an evidence and proof from the narratorly sources therein. There are other rational rules that are used in some principles and general rules of inference in various chapters of the science of principles, such as the Togetherness of Command and Forbiddance, but these rational rules ultimately go back to the necessary rational propositions such as the transformation of the Togetherness of contradictions or opposites (Shahabi, Najjar, Abdul Wahed, 1992, 1: 4)

3. *Intellect in in the principles of jurisprudence*

To clarify the definition of intellect in the principles of jurisprudence, the author seeks to answer the following question, that is, in addition to the fact that intellect is a source independent of the Holy Quran and Sunnah, it is at times employed as a means serving other sources, the question arises whether the term “Intellect” has a special meaning in the principles of jurisprudence, or jurisprudence is not referring to a particular notion from this term?

To answer this question, it should be noted that in a general division, the use of intellect in inferring a sentence is divided into two types: independent use and non-independent use.

1. In the first function, the intellect is considered an independent source from the Qur'an and Hadith. Whenever the intellect observes a certain interest, and that should be obtained, in doing something, it can be considered a religious obligation based on this rational view. Moreover, if the intellect considers a conduct to have a certain harm, one that should be avoided, the religious sanctity of such conduct can be resulted based on this view. In this function of intellect, the jurists undoubtedly believe in the same divine essence and the drive of the human will that can understand the good and the necessity of doing it and the evil and the necessity of avoiding it. Intellect as a source has always been debunked by three groups, namely the Traditionalists, the Zāhirī, and the Separatists.
2. In its second function, intellect is a means serving other sources, i.e. tool that can be employed to deduce the Sharia rulings from sources such as the Quran and Hadith, For example, the rule-deriving jurist might employ his/her intellect after hearing “*Aqimwa al-Salah*” (i.e. establish prayer) and confirming the “emergence of the command form for obligation” and “the authority of appearances” to conclude the “religious obligation of prayer.”

here, the role of the intellect is the logical arrangement of the minor and major premises and the formation of analogy. In this function, the intellect is a perceptual force that achieves a general conclusion, causing the transformation from known facts to another one. In this function, the term intellect corresponds to its logical sense. This notion of intellect, that is, the instrumentality of intellect, has been accepted by everyone and is not thus considered a special term.

Therefore, the discipline of jurisprudence does hold a specific notion for this term. Hence, none of the jurists and fundamentalists have provided a specific definition for intellect. The only statement in this regard was issued by Shahid Sadr's regarding the independent function of intellect. He argues “By a rational ruling, the ruling of intellect in its philosophical sense is not intended. What is intended is a ruling that the intellect issues with conviction and certainty, without referring to the Qur'an and Sunnah.” (Hashemi, 2003, vol. 4, 119).

As such, intellect has been defined as the power to distinguish between good and evil (interest and harm). This power has been called “the reasoning faculty” because its task is to identify and prevent bad and harmful deeds, and this process is called reason. But what is considered as one



of the four arguments in the etymology of the science of principles is the perceptual force that God has placed in man by which he/she can distinguish between good and evil and acquire certainty to the ruling of Sharia, as a group of fundamentalist scholars have stated the same meaning. As such, on the definition of rational reason, Mohaghegh Qomi argues that “Rational reason is the rule of reason by which one can reach the Sharia ruling and transfer from knowledge to rational rule to knowledge to sharia rule.” (Mirza Qomi, 1950, vol. 2, 2).

Definition of the discipline of the principles of jurisprudence

In the idiomatic definition of the principles of jurisprudence, various expressions of Shiite and Sunni Sunni fundamentalists are presented, which are mentioned in the following several definitions:

1. A considerable number of early jurists have offered the following definition of the science of the principles of jurisprudence: The principles of jurisprudence are the knowledge of the rules that have been prepared to obtain the secondary religious rules (Bojnourdi, 1950, 1, 14)
2. The definition given by the late Naini on the science of principles is as follows: “The discipline of the principles is the knowledge of major premises to which, if the minor ones are properly attached, a general secondary rule is inferred.” (Kazemi, 1992, 1, 19)
3. Imam Khomeini has provided the following definition for the science of principles: “science of principles of jurisprudence is a tool that can employed as an intermediary in deriving general secondary rules or express the practical duty of individuals.
4. The fundamentalists of the Shafi'i school, such as Wahba Zoheili, have defined the science of principles as follows: The science of the principles of jurisprudence is to know the reasons of jurisprudence briefly and to know how to use them and the condition of the one using it.

As mentioned earlier, the principles of jurisprudence are divided into four main topics or headings in recent taxonomies:

The topics of principles of jurisprudence

1. Terminology

Terminology, a.k.a. the science of phrases and terms, is defined as a subdivision of the principles of jurisprudence which, as an introduction to obtaining the rules of Sharia from the reasons, explores the lexical issues. Terminology is the first division of the principles of jurisprudence, whose relationship with the science of principles has always been subject to scrutiny. It is one of the oldest topics the principles of jurisprudence and is not placed after the topic of reason temporally.

This section of the principles of jurisprudence is responsible for discussing the implications and appearance of words such as Sharia truth, correct and general, lexical commons in Arab language, derivatives, commands, prohibitions, concepts, general and specific, absolute and restricted, the emergence of the command form for obligation and emergence of the prohibition form for sanctity. The term “the Eight Vertices” that is used in the terminology refers to some linguistic issues, such as the discussion of status, usage, correct and general, and the truth of Sharia. Although these topics are not among the main issues of the science of principles, some lexical discussions in the science of principles are reflected on them.

It is said that the terminology in the science of principles have a rather customary and rational nature. (Dehshour, Salman, 2, 14). It should also be noted that some scholars believe that there is a relationship between terminology and the knowledge of interpretation that some have sought to reveal (Great Islamic Encyclopedia, 14, 4421).

Based on his definition of the science of principles, Imam Khomeini believes that many discussions in terminology, such as situational and lexical meanings, and recognizing the meanings and implications of sentences among others are outside the scope of the science of principles. (Hosseini, "n.d.", 44, 12).

Ayatollah Khoie has offered some views on the discussion of terminology, a summary of which is presented in the following:

- 1- Figuration does not refer to what spoken and the founder states that a certain word is employed for a certain meaning, but before this, he imagines a special meaning in his mind, then he considers a term in his mind according to his taste, following these two processes, he commits himself and presumes that from now on, whenever he tries to convey the meaning a certain notion, he uses a certain term. This is considered a suspended commitment in the form of a conditional proposition, and since this commitment has both elements of the first founder and the group following him, thus all users are founders, and the commitment is the voluntary act of each of them and is dependent on them and it is not possible for another to take responsibility for his commitment and commit in his place
- 2- Founder of terms: According to Ayatollah Khoie, the founder of terms is the human, and thus they have a human nature and not a divine one.
- 3- Founder of letters: Ayatollah Khoie believes that letters are used to imply the understanding of assignment and narrowing of lexical concepts. Thus, the implication of the letters is not only imaginary, but also affirmatory, while according to other theories, it is the opposite, i.e. imaginary and not affirmatory. Of course, this theory is related to the issue of commitment in foundation.
- 4- application of term on term: does not apply to any of the four applications (application of the word and will of a person or type or class or synonym).
- 5- The use of the word in most of the single meaning is intellectually possible. (Khoie, 1992, 1, 42)

Imam Khomeini argues that terms are coined for common meanings and absolute truths. Therefore, for example, the adherence to compassion and tenderness is not included in the subject of the term "Rahmat" (i.e. mercy), but this adherence is related to the minds of ordinary people and does not interfere with the primary coinage.

Imam Khomeini acknowledges that this is apparently far from realization, as the founder is also one of these ordinary people and has not considered abstract notions and absolute truths in coinage. Of course, this can be justified if God or, by His revelation, the prophets are the founders of such term, but such an issue is not constant. In his principled discussions, Khomeini rejects the theory of the divine origin of the coinage when it comes to the discussions of terminology.

Therefore, although the founder of terms has not considered the absolute and abstract meanings during the coinage, what the terms have been coined in their stead are the very same abstract and absolute meanings. (Imam Khomeini, 1994, vol. 1: 44).



Imam Khomeini uses the term “noor” (i.e. light) in his elaborations. Although the founder of this term considered sensory lights in coinage and did have in mind any other light, but what the term light is placed against is the notion of giving light, not light in contrast to darkness. Therefore, if the founder was asked whether such lights are tangible and limited in their own sense, or mixed with darkness, that, whether the term simply refers to its own exclusive lightness or in analogy of lightness and darkness, his answer must have been that the term light, was intended for its light-bestowing feature, and the concept of darkness was never considered in the subject (ibid).

According to Imam Khomeini, when the founder first coined the term “Atash” (i.e. fire), he meant only the worldly fire, but what caused him pay attention to the truth of fire was the its worldly shape and must have been unaware of the afterlife fire - (It is) the fire of Allah, kindled, which will overspread the hearts (Hamza, 6-7) - especially if the founder did not believe in the hereafter world (Ibid.).

Therefore, from Imam Khomeini's point of view, the means of arriving from the coinage to the truth of words, such as fire, are its tangible projections, but the means of arriving does not cause restriction in truth. Here, fire is in the same direction of being fire and the term are unrestricted in the same directions of absolute meanings. It is not meant state that the founder himself has founded new meanings as a novel act. Imam further points out that the freer the meaning are of “near and far associations” in his interpretation, the closer they are to the truth and the farther away from the flaw of synthetization. He again uses the term light as an example. This term is coined for the emergence of self and manifestation for others (Ibid.).

In his other works, Imam emphasizes on the basis of “the manner of the coinage of the terms from the absolute general meanings” and argues that “one should not be bound in the presumption that lexical validity and truth are prerequisite to divine truth, but the integrity of application and the rational validity is important in such issues, although the lexical truth was also proved according to the previous statement” (Imam Khomeini, 1963, 244).

In any case, Imam Khomeini ultimately considers the terms to be reality in their divine and abstract meanings, yet considers permissible in material and tangible cases. In both cases, Imam Khomeini, like some other scholars, does not believe in the theory of the divine coinage (Ibid.).

Rational topics (Rational associations)

The second part of the principles of jurisprudence is responsible for discussing the instruments of the Shari'a rules, that is, is there an association between the ruling of Sharia and intellect? Does the necessity of an action require the necessity of its preparations as well?

From the Shiite point of view, the intellect is one of the four sources for deriving the rule of Sharia. Although the intellect is a human and earthly instrument, while the Qur'an and Sunnah have extraterrestrial, divine, and revelatory nature, can this earthly instrument also derive the rule of Sharia without intermediaries or does it need a mediator? In answer to this question, it can be pointed out that although the Quran and Hadith are of divine nature, its understanding from morphological and syntactic rules and their implications are all related to human beings. Therefore, it is necessary to first explain the functions of intellect in the field of rulings and inference of religious rulings.

1. Independent function



Independent function or intellect as source means that intellect is an independent source for extracting rulings along with other sources (namely, Quran and Sunnah), and non-independent function or instrumental intellect means intellect functions as a means of extracting ruling from other sources. The independent function of intellect is of two kinds:

- A. Rational independents
- B. Rational non-independents (Mirza Qomi, 1945, 2: 22)

Rational independents

Rational independents refer to rulings that the intellect understands without the intervention and help of the Sharia, and the minor and the major premises of analogy are both rational, such as the ruling on the goodness and beauty of justice which leads to conclusion with both minor and major premises being intellect-based.

1. Minor premise: Justice is graceful by intellect.
2. Major premise: What is graceful by intellect is also graceful by the Sharia.
3. Conclusion: justice is graceful by the Sharia.

Non-independent function (rational non-independents)

Rational non-independents refer to the rulings that the intellect understands and expresses according to the ruling of the Sharia, and in other words, the minor premises of analogy are Sharia-based, while the major premises are rational, like the obligation of preliminaries

1. Minor premise: Prayer is a religious obligation.
2. Major premise: Any action that is obligatory by Sharia, its preliminaries are also obligatory by intellect.
3. Conclusion: The preliminaries of the prayer are obligatory by intellect.

2. The principle of association between intellect and Sharia

To explain the role of intellect in deriving rulings, two issues must first be clarified:

1. Explaining the independent function of the intellect, in the sense that the intellect is considered as an independent source for deriving the rules of Sharia. But the non-independent function of intellect, that is, the instrumental function of intellect, which is accepted by all, even those who oppose intellect, is out of scope of the research.
2. The explanation of the minor and major premises of rational independents, in the sense that the intellect is able to derive the rulings as an independent source, or in other words, it is able to provide both the minor premises and major ones, but in rational non-independents, although the intellect is able to derive rulings with the help of Sharia (i.e. the minor premises) is again out of the scope of discussion.

For further explanation, it should be noted that, by contemplating on the rational independents and dependents, it is revealed that the inference of the Sharia rulings by the intellect in both parts requires the acceptance of a rule called the rule principle of association between the rule of intellect and Sharia.

The expression of the above rule by the fundamentalists is as follows “All ruled by intellect is also ruled by Sharia.” The principle of association implies that whatever the intellect dictates, so does the Sharia. The major premises of analogy in rational independences states that whenever the intellect indicates the existence of a certain interest or harm in doing or leaving an act, and



the perpetrator of the act or the one who is abandoning considers it worthy of reward or punishment, the holy Sharia also rules on the obligation or sanctity of that action (Abedi, 1965, 212)

According to Shiite scholars, the rule of intellect is authority in case it is certain and definite and there is no possibility of contradiction therein. If the intellect is able to derive a ruling with high certainty, that ruling of the intellect is valid and has authority. This is the point of contention between the Twelvers and the Sunnis. For in analogy, it is not permissible to refer to analogy at all on the simple basis that its ruling is merely following suspicion and conjecture, and on the grounds that the generalities reached by the holy sharia of Islam and its successors are sufficient to answer. On the contrary, this view is fully approved by the Hanafis, and the Shafi'is are partially inclined to it, while the Malikis, and especially the Hanbalis completely reject it and do not value rational matters at all. (Janati, 1943, 314)

It is sometimes illusioned that the issue of “attempt” is a matter of principle, in that, whenever we argue whether it is obscene to do what we have become certain of its forbiddance, if we rule on the obscene of that act, the principle of association dictates that it is also forbidden by Sharia. Therefore, the result of the discussion for the jurisprudential and secondary issue is considered the major premise, hence a matter of principle.

Therefore, the issues of “attempt” are topics of the science of principles (Sobhani, 2002, 2: 41-44).

Imam Khomeini responds to this illusion in such a way that his view on the rule of connection between the principle of association of intellect and sharia are also apparent:

(1) The principle of association between the rule of intellect and the Sharia, if it is complete, is complete only in the regress of causes and principles of rulings, like defining interest and harm, and not in the regress of effects of the rulings - such as obedience and disobedience, and the obscenity of the opposition of the one who has certainty therein - with its certainty in the regress of effects and results, and not in the regress of causes and preconditions. Association between the rule of intellect and sharia in regress of causes, principles and preliminaries, like interests and harms, is evidently clear, because if the ruling of the intellect on the necessity of obedience and the prohibition of sin is an indication of the ruling of the cleric, it results in the presumption that Shari rulings do not lead to a “bound” and thus several punishment emerge regressively for a single sin. (Ibid.). In short, if the rule of association is said to include the effect, and in obedience and disobedience, which the human intellect rules as obligation (obedience) and sanctity (sin), and based on the principle “All ruled by intellect is also ruled by Sharia”, the direct result of which would be Shariah also dictating the necessity of obedience and sanctity of sin, then a sin would indefinitely lead to two sins and an obedience would lead to two as well, which are:

- A. In that, denying and disobeying what the cleric has dictated, hence a sin, and agreeing what the cleric has dictated, hence an obedience.
- B. For the sake of agreeing a command that is discovered by the intellect on the basis of obeying the cleric or disobeying the cleric. As the intellect rules the obligation of obeying a specified command and also rules the sanctity of opposing it, thus like the previous argument, there is both an obedience in doing and a sin in opposing, and since this obedience and sin has a religious dictation according to the rule of association, obedience and disobedience to that Sharia are determined by agreeing and opposing it. As a result, a regress of obediences and punishments occur, which is also applicable to “attempt”



Therefore, “the obscenity of attempt” does not require a religious ruling.

(2) The second reason to dispute in illusion is that only the issue of the association between intellectual obscenity and religious sanctity is a matter of principle, but the discussion on whether “attempt” is obscene or not is not a fundamentalist matter, but a matter of trivial (Ibid., 41)

3. Authorities and Commands

The third part of the wide-ranging issues of the principles of jurisprudence is related to the discussion on authority, which itself is divided into sub-headings such as the authority of the Quran, the authority of Sunnah, the authority of Intellect and the authority of Ijma. Here, each of the aforementioned sub-headings are examined and views of Imam Khomeini and Ayatollah Khoie are presented.

The authority of the appearances of the Quran

The authority of the appearances of the Quran means that what is understood from the terms and phrases of the Quran has authority, even without the existence of prevailing interpretive narrations, and the jurist can rely on it for his ruling (Motahari, 2013, 22: 42) Although no sect of Muslims have any doubts about the authority of the appearances of the Quran, Akhbaris rely on the hadiths on eisegesis, and hence believe that the meaning of each verse should be understood from the hadith and only the Infallible Imam can refer to the Quran without intermediaries and understand its meaning. Therefore, understanding the Quran is only in the hands of the infallible Imams.

The fundamentalists say argue that the verses that call us to ponder and meditate on Quranic verses and instruct us to adhere to the Quran indicate that understanding the Quran is also possible for regular fallible people. In addition, successive hadiths have been narrated from the Imams which state that put whatever hadith that has been attributed to us up against the Qur'an, and if it contradicts the Qur'an, smash it on the wall and do not accept it. Such hadiths clearly indicate that the Holy Quran can be understood without the need for hadith and the appearance of Quranic verses is authority. The conduct of the wise also accepts such a practice (Sadr, 1991, 2: 194-199)

The authority of Sunnah

Sunnah in the principles of jurisprudence means the speech, behavior and approval of the Prophet (PBUH) or the Infallible Imam. By approval (*Taghrii*), it is meant that a person does something in front of an Imam and the does not prevent him from doing that, albeit provided that the Imam has the power to forbid, as for example, he is not in a state of taqiya. (Muzaffar, 1943, 2:11) There is no discussion about the authority of the appearances of Sunnah, but there are two important discussions on Sunnah in the knowledge of principles:

The authority of the single hearsay

Regarding the authority of the single hearsay, the fundamentalists rely on the verse “if an evil-doer comes to you with a report, look carefully into it” (Hujrat: 1), and thus believe that if the narrator or narrators are just, the hadith can be cited and acted upon. (Motahari, Ibid., 22:41). But the main issue remains at large, in that the argument to the above verse on the authority of



a single hearsay need contemplation and the basis of the authority of a single hearsay should remain the conduct of the rationalists.

Conflict of hearsays and narrations

Regarding the conflict of hearsays and narrations, the fundamentalists argue that, first, a compromise must be made between them, and if not possible, it is necessary to see which one is superior to the other in terms of evidence, content, custom, and public acceptance, among others. If no one was determined to be superior to the other, people are free to act freely. (Ibid., 22:42)

The authority of intellect

As mentioned before, intellect in Islamic jurisprudence is one of the four sources of deriving rules. According to the Shiites, the authority of the intellect means that if the intellect has a certain ruling on a case, that ruling is valid on the basis that it is definite and certain. The fundamentalists consider the authority of the certainty to be inherent, while the Akhbaris deny the authority of the intellect altogether. According to the fundamentalists, the authority of the intellect is inherent, and when the legitimacy of the Sharia and the principles of religion is proved by the rule of intellect, how can one not consider the intellect as the authority from the religious point of view. (Sadr, 2000, 2: 329)

The fundamental issues related to intellect are discussed in two sections, namely "Domain of rulings" and "instrument of rulings." The fundamentalists say that the rules of Sharia arise from interest and harms, and if there were no interests and harm, divine dictation would be meaningless. Thus, if the human intellect becomes aware of those interests and harms, issues the same ruling as the Shariah. This issue is raised in the principles of jurisprudence under the title of "rational requirements." (Motahari, 2013, 22:42)

The authority of Ijma (consensus)

The authority of consensus and its arguments, followed by the method of exploiting it, are extensively discussed in the principles of jurisprudence. Public scholars and Sunnis consider the consensus to be authority based on the narration of the Prophet (PBUH) in that "my ummah does not agree on fault." The Twelver and Shiite fundamentalists, while not acknowledging this hadith from the Prophet (PBUH), consider consensus valid because there is an innocent person among the ummah, so it is not possible for all people to agree on fault. On the other hand, what is meant in jurisprudential and theological books by consensus is not the consensus of the whole ummah, but the consensus of a group of ummah that the hadith - assuming its originality - is unable to prove.

According to Imami scholars, consensus is not original in itself, but is authority when it is an indication of tradition. According to the Shiites, whenever there is no reason for an issue, but we know that the general public or a group of the companions of the Prophet or the companions of the Imams acted in a certain way, we discover that there was a command that did not reach us (Motahari, ibid. 2:41).

Practical principles



In cases where the jurist does not have access to the Sharia ruling, the fundamentalists have established a series of principles and rules to alleviate the confusion of the people, which are called practical principles. These principles are four: the principle of innocence, the principle of precaution, the principle of choice and the principle of *Istishab*, the application of each of which is as follows:

1. The principle of innocence refers to issues that are relived from people and there is no obligation on them.
2. The principle of precaution implies that in any case, the person is not free from duty, it is necessary for him//her to exercise caution and act in such a way that any prospective duty is waived of him/her.
3. The principle of choice delegates the discretion to the person and leaves him the choice of one of the two options.
4. The principle of *istishab* refers to the fact things remain in their original state and have not been violated.

It is necessary to point out that, according to fundamentalists, if the jurist is unable to deduce the Shari'a ruling and has doubts about the Shari'a ruling, then either his doubt is with concise knowledge or without concise knowledge (i.e., primitive doubt). If doubt is accompanied by concise knowledge, precaution is either possible or not. If precaution is possible then the principle of precaution applies, otherwise, the principle of choice is valid. In case of primitive doubt, either the former state is known or unknown, and if the former state is known, the principle of *istishab* is applicable, otherwise, the principle of innocence will prevail (Ansari, 1:24).

This discussion is further elaborated using the views of Imam Khomeini and Ayatollah Khoie:

The authority of intellect from the point of view of Imam Khomeini and Ayatollah Khoie

The authority and instrumentality of intellect from Imam Khomeini's point of view

Imam Khomeini is one of the most prominent fundamentalist jurists of the current era. One of the characteristics of his jurisprudential and principled thought is belief in the authority of intellect, *ijtihad*, the principle of obedience of rules from harms and interest, the originality of permissibility, the authority of conjecture and intellect as a source of inferring religious rules, along with other three important sources of Quran, Sunnah and *Ijma* (i.e. consensus) as sources for developing religious knowledge. But the most obvious feature of the fundamentalist school is the belief in intellect as a source for inferring religious rules and teachings and, consequently, *ijtihad*.

His stance on the status of intellect in deriving religious rulings is more manifested in his fundamentalist works. From his point of view, intellect has such a position that he considers the necessity of intellect to be prior to the Shari' commands, and on the basis that "the rules of Sharia are surrounded by the rules of intellect." (Mousavi Khomeini, 1924). Even on proving the originality of Imamate, he emphasizes more on rational necessity than narrations. Imam Khomeini has offered a plethora of views on various principles of jurisprudence and principle, some of which are presented in the following:

The authority of the certainty



A large proportion of fundamentalist scholars agree that the authority of the certainty is inherent and can neither be synthesized nor excluded. No one has given authority to certainty and no one can take it back. Certainty is knowing a fact, the opposite of which is conjecture suspicion. It is obvious that it is the highest stage of knowing and its authority is not limited to evidence, but it has a real authority (Sobhani, 1962).

Scholars in the field of jurisprudence and principles believe that our intellect dictates that certainty has automatic authority and does not need anyone to validate it. The intellect independently rules that the certainty of its authority is inherent without the need for positivity, otherwise infinite regress has occurred.

Among scholars, Allameh Tehrani argues that if we achieve certainty on a ruling, that certainty would be authority, as the authority of certainty is inherent and rational, and does not require external positivity of authority; in fact, there cannot be any positive authority for such certainty, otherwise, infinite regress is formed, and it is impossible to give authority to certainty. Man must act upon what he/she is certain of (Hosseini Tehrani, Seyed Mohammad Hossein, 2013, 1:11). But Imam Khomeini has distinguished between certainty and knowledge. He believes that certainty is a state of mind that may or may not be in line with reality, while knowledge is always on the same page as reality.

According to him, the authority of knowledge is inherent while the authority of certainty is not inherent, as if certainty is contrary to reality. Imam accepts the popular view of the fundamentalists regarding knowledge, with the explanation that, according to him, certainty has two aspects, one is the inner state which may not agree with the reality, and is derived from the inner desire, while the other is the state in which the certainty is achieved relative to its object, which is the indication of reality (knowledge) (Sobhani, 1935, 44). According to Imam Khomeini, certainty gains its authority from intellect and the custom of the rationalists, as they are witnessed to act on such certainty (Ibid., 41).

Of course, this view is to some extent up for debate, as the certain individual sees the reality, even though his/her certainty might be contrary to the reality, and as such it is deemed authority. Its authority is not to the credit of intellect, because the rule of intellect itself is valid when its certainty is approved.

In his analysis of Imam Khomeini's theory, Fazel Lankarani argues that "According to Imam Khomeini's view, it is safe to conclude that that positivity of authority for certainty is null and void, not in the sense that authority is a requirement of the nature of certainty, but in that the authority is a rational rule that is based on certainty, as such an action would be considered in vain by rationalists, and annulment is thus necessary." (Fazel Lankarani, 1999, vol. 2, 473).

Instrumentality of certainty

Regarding the instrumentality of certainty, fundamentalists generally believe that certainty can be achieved by a plethora of means, namely narration, rational and irrational, all of which would be valid and bear authority. Sometimes the certainty corresponds to reality and coincides with reality, such as when someone is certain that a particular drink is wine, which is, in fact, the case. While sometimes certainty does not correspond to reality, which is called "compound ignorance", for example when someone is certain that a particular liquid is wine, while it is actually vinegar (Sobhani, 2015: 22, 23).



But contrary to popular belief on instrumentality of certainty, Imam Khomeini believes that indication and instrumentality are not means of its nature. Rather, they are the means of existence, in other words, when certainty is achieved, the prerequisite for this achievement and existence is indication and instrumentality. As for fire and heat, it is said that heat is not a necessity of the nature of fire, but when fire comes into being, heat is one of its components. Just as heat is necessary for the existence of fire, so are indication and instrumentality for the existence of certainty ... The requirement of nature is not the ability of compound positivity, that is, that Sharia can't claim to create a positive instrumentality for someone else achieving certainty.

Knowledge

Thus, it is concluded that from Imam Khomeini's point of view that instrumentality and indication of the certainty depends on an individual's understanding, so certainty of each person is an indication and an instrument to reality, even if it is untrue. This is also a clear symbol of freedom of thought, even if it is the result of untrue thinking, it still has its instrumentality and indication and is thus valid and the Sharia would not oppose it. As a result, Imam considers inherent authority for certainty, that is, he does not allow the deprivation of sovereignty and independence of intellect in deriving rulings and issues. He also believes that it has instrumentality and indication.

Thus, knowledge is realized when, at least for the possessor of knowledge himself, results in authority, incontrovertibility and instrumentality.

Rational innocence

In jurisprudential and fundamentalist books, two types of innocence are discussed, namely rational innocence and religious innocence. Rational innocence is the opposite of religious innocence and is the ruling of the intellect on the innocence of the person in relation to the conjecturing duty, in cases where after searching for the reason, his conjecture on the real duty is not alleviated. The authority of intellectual innocence refers to validity of relying on intellect and acting accordingly, as common sense dictates that punishment for a ruling that is not legislated or is conjecturing is obscene and indecent (Hosseini Dashti, 1950, vol. 3, 111)

Imam Khomeini believes that the main reason for the authority of intellectual innocence is the rational rule of "obscenity for unstated punishment" which exclude punishment of a person who has not heard of the Sharia ruling, and this ruling of intellect causes safety from punishment and discharge in following commit.

Therefore, the intellect rules on innocence a person if he/she has not received an explanation and reason from the Sharia regarding the conjecture, and if he/she has doubts about the existence of reason, and referred to sources such as the book *Wasa'il al-Shi'ah* and other narrative societies and did not find any reason for the obligation thereon, the intellect rules on the non-punishment of the person performing that action based on the rule of "obscenity for unstated punishment" (Mousavi Khomeini, 1942, 111)

Therefore, in such cases, the governing principle is that of freewill, which is in opposition to the principle of the prohibition, meaning that the preferred rule of the intellect on allowing possession of objects, regardless of the existence of the Sharia and the Sharia ruling on them



(Mousavi Khomeini, 1943, vol. 2, 24-24). Imam Khomeini has other views in this regard, that is, the position of intellect in inferring the Sharia rulings, which is outside the scope of this paper.

The authority of Intellect and Instrumentality according to Ayatollah Khoie

The authority of intellect

Like Imam Khomeini, Ayatollah Khoie, one of the greatest Marjas of the Islamic realm, has a special view on the status of intellect in deriving religious rules. He has presented his views in two invaluable works, *Mesbah al-Osul* and *Al-Muhazerat*, which have been narrated by two of his distinguished students.

However, it should be noted that in the principles of jurisprudence, there are propositions that are related to the issue of intellectual good and evil, as well as rational conducts and customs; Theorems such as “the authority of the certainty”, “obscurity for unstated punishment”, “the obscurity of attempt”, “goodness of caution and subjugation”, “the authority of appearances”, the discussion of which would lead us the ruling of intellect and rational conducts and customs.

Instrumentality and authority according to Ayatollah Khoie

In discussing the instrumentality of certainty, Ayatollah Khoie discusses the issue of the authority of certainty (by justifiability and incontrovertibility), all of which are discussed below:

Instrumentality of the certainty

In the view of Ayatollah Khoie, certainty is the instrument to the real, and this instrumentality is inherent and not positive. That is, instrumentality to a reality is inherent, as God has created certainty with inherent and simple positivity, and certainty is the instrument to reality. Therefore, instrumentality of the certainty to reality is inherent and cannot be positive. If something is inherent and cannot be positive, it cannot be denied as well. For this reason, God cannot prevent and deny us from acting on certainty. (Vaez Behsudi, 2008, vol. 1, 14)

As mentioned earlier, the generally accepted view of the fundamentalists is that certainty has authority. In other words, intellect is able to rule that dictates that if a person acts on the basis of his acquired certainty, one that is opposed to the reality, he/she cannot be punished. Ayatollah Khoie, in line with generally accepted premises, has scrutinized this issue and expressed his views thereon. Mohaghegh Khoie argues that the authority of certainty has three different aspects which should be distinguished:

1. Inherency or positivity of instrumentality of certainty;
2. Is authority an inherent instrument of the certainty or is it proved by the rule of “intellect” or by “the custom of the rationalists”?
3. Is it possible for the Sharia to forbid acting on certainty? (Ibid., 13)

According to Ayatollah Khoie, intellect is responsible for understanding and revealing the effective cause of the rulings, not the rules and commands themselves. Intellect has no authority other than understanding. Of course, the subject of intellect is sometimes a theoretical issue and sometimes a practice in which there is no authority of the intellect. Therefore, he believes that the intellect has no power other than understanding, and they argue that ruling is the privilege of the rulers and the intellect has no authority over its owner (Khoie, 2002, vol. 1: 42).



The authority of intellect (through justifiability and incontrovertibility)

Due to its inherent authority, the intellect has found a high place in Islamic thought. The teachings of Islam, the Quran and religious leaders have all invite people to reason and their own intellect.

Conjecture

Ayatollah Khoie, in line with the popular view of fundamentalists on the authority of the certainty, believes that in the authority of appearances “achieving the practical conjecture” and “not conjecturing the opposite” is not a condition and appearances are absolutely authority and argues that the conduct of the intellects seems based on following unconditional conjecture, whether it is current or opposite, as there is no doubt that the knowledge of conjecture, even though not true, does not violate the validity of the conjecture, let alone the true conjecture. (Khoie, 2002, 4, 132), That is, even when the conjecture emerges contrary to reality, its authority is still valid.

Instrumentality of the certainty

Another notable statement regarding certainty is instrumentality, i.e. the way of indicating certainty, on which the fundamentalists have varying views. However, Khoie argues that “the intellect is only responsible for perception, as the jurisprudential obligation and extraction is the duty of the cleric. It is similar to the fact that man is drawn to what is useful and avoids what is harmful, and in short, self-love and self-friendship are human stimuli, but this stimulus is a conceptive stimulus.” (ibid.)

In order to elaborate on the meaning of Instrumentality of the certainty, Khoie stated that certainty is not assignable. As such, the ruling of the intellect is not assignable as well. The authority of certainty, which became inherent, is of the type of intellectual independents, which themselves cannot be assigned. We know that rational matters can be assigned while rational rulings cannot be assigned. What Sheikh Ansari said and later scholars approved was that it is impossible to disagree the authority of certainty. (Ibid.)

CONCLUSION

From all the views put forward by two contemporary jurists, namely Imam Khomeini and Ayatollah, although in some cases, such as the authority of the certainty being essential or not, Imam Khomeini has offered opposing views to those of the generally accepted, both view the role of intellect in deriving the Sharia rules as effective and vital. That is, to what extent the jurist can trust the intellect as a source in deriving the rules of Sharia, what is the extent of the understanding of intellect independently, that is, in the realm of intellectual independents, and to what extent can intellect be the source of influence when it comes to intellectual dependents? In the discussion of the authority of appearances and the authority of certainty, to what extent is jurist free to drive the force of inference in jurisprudence and to extract the Sharia rules from the main sources with the help of intellect.

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