

## A Comparative Study of Islamic Religions

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### Abstract

According to the development of principles' sciences and the its changes during the history, wisdom regarding the perspective of Shiite jurists as one of the principal issues have been faced enormous changes (from those who ignored importance of wisdom (Ashaereh, Akhbariha and Zaheriyeh) to those who considered it). This study is aimed to explain the status of "wisdom" and its application among the evidence and inferred resources as well as study the views of some great scholars. Based on this subject, the application of wisdom was divided into three sections: A) Instrumental wisdom (general) that is in the service of other resources even for the wisdom, B) Rational necessities (especial wisdom) as the rational order will be issued by wisdom based on legal necessities and C) independent reasoning that is being used for inferring the legal order. The disagreement of scholars is limited to the independent wisdom, but, of course, the reason of wisdom will be proved by the ideas of the majority of scholars and discussing about legal and accepted points and a rule between reason of wisdom and religion. This important point has been accepted by the great scholars including Imam Khomeini, Shahid Sadr and Akhund Khorasani.

**Keywords:** Wisdom, Jurisprudence Principles, Common Sense, Rational Necessities, Independent Wisdom.

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### In the name of God

Imam MosaKazem (P.B.U.H):

ان الله على الناس حجتين: حجة ظاهرة وحجة باطنة، فاما الظاهرة فالرسل والانبياء وائمة، واما الباطنة فالعقول (Kolini, Kafi, vol.: 1, p.: 19).

### Introduction

The main aim of jurists is to infer the legal orders and rules from the valid sources and present a final order for the other jurists and his followers. The important point in such case is the validity of these inferred order or the sources which are used for inferring the legal order. So, one of the important tasks of jurists, before doing such work, is to measure the validity of the sources of jurists as well as the validity of the evidences which are so important in this field. The subject of this study is to become familiar with the evidences which are being used by the jurists for inferring the legal order and for this reason, there are four sources for the Shiites which are so valid: Quran, Tradition (Sunat), Ijma'h and Wisdom. Therefore, general points about the concept and nature of wisdom, its types and its relationship with the principles of jurisprudence must be presented.

### Concept and nature of wisdom

The meaning of word in Arabic language refers to growth, science, heart, think, etc (Ibne Fars, 1429 B.C., p.: 647, meaning of wisdom). Wisdom means Diyeh (atonement), Resort, etc. (Firuzabadi, 1430 B.C., p.: 896). Based on the idea of Arabic etymologists, all of these meanings refer to prevention or preventing the bad works. For this reason, the meaning of castle and fence are accounted as wisdom which prevent the entrance of enemies. So, atonement which prevents the blood-shedding of people is accounted as the other sample of wisdom. Wisdom helps the people to do good works and prevent the bad ones (Ibne Fars, 1429 B.C., p.: 691; Ibne Asir, 1408 B.C., vol.: 9, p.: 326). Dehxoda said that wisdom means science, thoughts, knowledge and how to feel the features of objects, bad and good works, etc. (Dehxoda, middle encyclopedia of Dehxoda, 2011, vol.: 2, p.: 2001).

### Expression meaning of wisdom

Wisdom was used in difference sciences as philosophy, logic, and ethics and difference interpretations were presented about it as its meaning in our words refers to the necessary issues which are accepted by public but in ethics, it refers to the humans' self/personality as they must follow or reject the good and bad works (Shirazi, 2012, p.: 19). In the logics, wisdom is beyond the intuitive feelings, which tries to separate good from bad, infer and abstract the generalities and also transfer the clear into ambiguous points by measuring the evidences (Mozaphar, 1388 B.C., p.: 14). In philosophy, sometimes, wisdom will equal sciences (Alameh Tabatabaei, 1405 B.C., p.: 214). However, there are different ideas among the scholars toward the definition of wisdom but the general definition refers to the separation of bad and good from each other and also helps the human to choose the good deeds and prevent the bad ones (Alidust, 27, p.: 33). Wisdom is so important in the Islamic narrations and there are various narrations about it as one of them by Kafi is Wisdom and Ignorance. Then, Majlesi presented the other work called كتاب العقل والجهل as well, Koleini studied this point and Feyz introduced the other work "كتاب الوافي". The others presented their ideas about wisdom like this: "ما عيد به الرحمن واكتسب به الجنان" by wisdom, God will be prayed and Paradise will be provided (Koleini, 1429 B.C., vol.: 1, edition, 3, p.: 25, book: wisdom). Mohammad prophet (P.B.U.H) said: اول ما خلق الله العقل "God created wisdom" (Majlesi, 1403 B.C., vol.: 1, p.:

79) "Wisdom is the best one which was created by God among His servants (Koleini, 1429 B.C., vol.: 1, p.: 14). Imam Ali (P.B.U.H) said: Wisdom is the best for praying God (*ibid.* p.: 21). These are the samples of wisdom definition based on the viewpoints of innocents.

#### Remark:

Our relationship with surrounding world is through our five senses by which the data and information will be sent to our memory and undoubtedly, they affect our behavior, words, judgments and decisions but wisdom is the best one which was given to us by God in order to process the information and data and also discriminate bad from good as well, interpret and classify them and infer the best conclusion (*Shariati, 2011, vol.: 2, p.: 137*).

#### Wisdom regarding the views of Osuliyani (regarding the views of the others who follow principles)

The concept of wisdom is a logical order by which it is possible to get a legal order (*Isfahani Ghoravi, 1404 B.C., p.: 316; Sheikh Ansari, 1432 B.C., vol.: 2, p.: 319*). Wisdom is a power by which a legal order will be got (*Mirzaeei Qomi, 1999, vol.: 2, p.: 21*). Wisdom is a power by which a legal order will be issued; it shows that our logical decisions depend on our wisdom to get the final legal order. There are two opposition ideas about such point:

- The first difference is between Shiites and Sunnis as wisdom is important for the first group and less important for the second one except comparison but Shiites reject their idea regarding the view of Imams.
- The other difference is between Osuliyani and Akhbaryun as the scholars of the first group consider the use of legal orders in order to prove the order of jurisprudence but the other group reject it because they believe that mistakes are so high in the legal orders and for this reason, they ignore the use of wisdom in the legal orders (*Mozaphar, 1996, vol.: 1, p.: 216*).

#### Historical trend of wisdom in the domain of principles

The first person who mentioned the wisdom in the domain of principles is Sheikh Mofid who presented these principles in his book "التذكير في اصول الفقه" as book, holy tradition or Sonate Nabavi and the narrations of innocent Imams. He said that the ways for accessing them are limited to *اللسان، والاخبار، واولها العقل*. In this case, wisdom is a tool for understanding the meanings of book and tradition and it is not a reason for expressing or presenting the legal order (*Mozaphar, Principles of Jurisprudence, 1405 B.C., vol.: 2, pp.: 109-110*). Ibne Adris also said: when you do not access an order in these three things as book, tradition or Ijma'eh, you resort to your wisdom for issuing the legal order (*Ibne Adris, 1414 B.C., vol.: 1, p.: 49*). Based on the previous points, the process of using wisdom is divided into three sections:

- 1- Considering wisdom and legal methods in the jurisprudential inferences without naming one of the sources of Ahkam (from 4<sup>th</sup> century to the 6<sup>th</sup> century). The scholars such as Ibne Jonid, Sheikh Mofid, Seyyed Morteza, Sheikh Toosi mentioned that wisdom is a tool for recognizing the important of holy Quran (*Sheikh Mofid, التذكير في اصول الفقه, p.: 28; quoted from Qomashi article, 1991, no.: 3, p.: 48*).
- 2- In this section, wisdom is defined as one of the sources of orders (late of 6<sup>th</sup> century to 13<sup>th</sup> century). Scholars such as Ibne Adris Helli regarding the points of Seyyed Morteza said that wisdom is so important and significant. As well, Shahid Aval added: the legal points or documents are divided into four groups as book, tradition, wisdom and Ijam'eh (*Mohammad ibne Makki, Shahid Aval, vol.: 1, p.: 55; quoted from the same source*).
- 3- In this section, wisdom will be studied (from 13<sup>th</sup> century to the present). In this part, Mirzaye Qomi is the one who studied wisdom and in this book "قوانين الاصول", the scholars such as Mohammad Hossein Isfahani and Mohammad Taqi Isfahani as well as Mozaphar continued his way (*Qomashi, Saeed, article, 1991, no.: 3, p.: 48*) and also Sheikh Azam Morteza Ansari in his book "مطرح الانظار" studied wisdom (*Ansari, 1432 B.C., vol.: 2, p.: 319*).

#### Different kinds of wisdom

One of the best classifications of wisdom which is important for the philosophers is its theoretical and practical parts as there are various definitions and theories about the explanations of these two sections. But one of them which is so common is that: if wisdom is about the issues related to nature, existence and humans, so it will be as a theoretical one like: general is larger than specific but if wisdom is limited to the issues which are related to humans, it will be a practical one such as violence is bad, being kind is good, etc. the main point is that there are not two groups of wisdom and it is only wisdom but the difference refers to the kind of issues which are being received by it; in other words, these two kinds of wisdom of a power are limited to our perception (*Mozaphar, 1405 B.C., vol.: 1, p.: 205*). The main point here refers to the practical wisdom because the practical points of wisdom are rather important.

#### Main sources of jurisprudential references

##### There are two viewpoints about these sources

##### Regarding the views of scholars who follow principles

The most important sources in such cases are Quran, Tradition, and Wisdom. There are various holy Ayats about them (*Haq Panah, 2011, pp.: 30-31*). Imam Khomeini said: the principles of jurisprudence are the main axis of jurisprudence and most of the documents of main issues in holy Quran refer to the legal and natural or common narrations as well, some of them such as Encouraging to the good deeds and Dissuading from bad deeds are the issues of wisdom (*Imam Khomeini, تهذيب الاصول, vol.: 3, p.: 140; quoted from ibid source, p.: 31*). The other source for defining the principle rules is Tradition or Sonat as the science of invention principles was resulted from the imagination Innocent Imams and it attributed to us in the form of Hadiths. The practical and scientific trend of

Imams provide the people or followers with the main rules of these things in addition to answering and solving the legal problems such as Istehsab (*Sheikh Hore Ameli, 1418 B.C., vol.: 1, p.: 453*).

### **Second idea**

The basis of jurisprudential principles is based on the views of Akhond Khorasani who did not document the jurisprudential principles to Hadiths and Quran and separating the principles from Quran, Ijam'eh and Tradition changes the science of jurisprudential principles to a comprehensive knowledge as everyone can understand it and try to learn it. This is a great honor for him. The scope of legal documents for such issues and points is not limited but the fault of such jurisprudential principles is the lack of legal reason (*Javadi Amoli – site of Akhond Khorasani*).

### **Wisdom in the jurisprudential principles**

The fourth source is wisdom because it is one an independent source beside these three sources in order to infer the legal orders. In this paper, we try to prove that wisdom is an independent source beside the others. For clarifying this point, it is better to express or present the division of wisdom in order to infer the legal orders:

- The use of wisdom as a general tool (like instrument) in the jurisprudential principles
- The use of wisdom as the especial tool (legal necessities)
- Wisdom as an especial reason which is being called as a legal reason or the reason of wisdom.

### **In the first category (general):**

The jurists use various sources for inferring the orders and one of them is wisdom by which the jurists can infer the legal orders. In other words, wisdom is a tool for analyzing all points of jurisprudence and using the other sources which was called as the Organic Application of Wisdom by different scholars (*Alidoost, 2007, p.: 161*). In a summary, wisdom plays a role in the inference of jurisprudence because it is the basis of inferring such legal orders is limited to wisdom (*Shariati, 2011, vol.: 2, p.: 139*). In other words, wisdom is used for using the other sources, rejecting or accepting them and also criticizing them as well, it helps the jurists to get the final legal order (*Momeni and Rajaei, article, 1998, no.: 17, p.: 156*). There are not different ideas about the instrumental use of wisdom and its role was accepted by all scholars as they referred to it (*Alidoost, 2007, p.: 162 and Naraq, 2009, p.: 29*).

### **In the second category (Especial):**

Legal and logical necessities are referred to the orders as wisdom is important for them (*Mozaphar, vol.: 1, p.: 187*). In such case, wisdom is a technical tool for getting and understanding the final results from the legal orders such as accepting or rejecting the good or bad deeds as all of them are under the control of wisdom and they are in the field of legal orders. These samples show that logical inference based on wisdom is clear and it is indicative of a legal point or discussion as wisdom was limited to it and by which all of the other points will be proved (*Katoozian, 2003, vol.: 2, p.: 269*).

### **In the third category (particular domain):**

Wisdom is the source for inferring the main points in the field of evidences (parallel with the evidences) and within the evidences as the first one refers that in some cases, evidences are not useful (book, tradition and Ejma'eh), we call it as Feqdan-e-Nas. In this case, wisdom is the only source which is being shown as the legal or logical reason or the reason of wisdom. It seems that there are different ideas about the use of wisdom as the source of inferring results among the scholars (*ibid, p.: 162*). But in the latter case, there are logical reasons along the use of book, tradition and Ejma'eh for inferring the orders such as logical caution. This kind was called as the logical or rational intellectual properties as wisdom accessed them without using the legal orders or information. In other words, in these two definitions, the movement of mind for getting the orders is independent; means that we can get the orders and its necessities as well, it is possible to get the desirable legal order by the use of these two points. It shows the change from science to the rational order or science to the legal order (*Mirzaye Qomi, vol.: 2, p.: 2; quoted from Katoozian, philosophy of law, vol.: 2, p.: 269 and Sheikh Ansari, 1432 B.C., vol.: 2, p.: 319*).

### **Which kind of wisdom is used for discrimination?**

One of the main points in this case is that whose wisdom is the best. For this reason, wisdom is divided into two groups: natural wisdom as Task Condition or Sharteh Taklif in Islam and the experimental wisdom which is allotted to the field of science and technology. In our discussion, acquired wisdom is considered for the discrimination of good and bad from each other. So, for this case, we cannot trust to the traditions of people. Then, we must document the scholars of different tribes as referring to the behavior of Mohsenin and Motaqiyan not the behavior of all people such as scholars whose judgment is limited to their thoughts (*Katoozian, vol.: 2, p.: 271*).

### **Remark**

We must prevent the integration of reasons with the trend of sages (*ibid, vol.: 2, p.: 273*) because the reason of wisdom is the reason of the wise people as بما هم عاقل but the reason of all scholars is limited to their wisdom as بما هم عقلاء. This is accepted by all however, the rational reason is limited to priorities, guesses and experiences (*Sobhani, 1411 B.C., vol.: 1, p.: 238*) and also the rational reason is related to the creation. But the other reason associated with a fixed society will be removed because it is along with the rational and logical validities. As well, the logical reason of wisdom can be in the range of different sources such as experimental sciences to the

humanities (Javadi Amoli, 2013, p.: 24). What is important is that the basis of rational reason is the practicality of clear issues of wisdom not the rational evidences and this point is important in all ethical, social, governmental systems as well as family one (Sobhani, 1411 B.C., vol.: 1, pp.: 241-242).

### Independent valid source of wisdom

What is the source or origin of wisdom? There are two definitions about this point.

1- **Priority of science:** This is resulted from the rational evidences and it is not based upon the Good and generally, it is considered in the issues of reasoning against the false evidences by the legislator such as the reasoning of news and the apparent features of a book. Sheikh Ansari said: what is being resulted from wisdom is not in relation with the reasoning and importance of science gained from the rational evidences which are not based upon Good because this is Hojrat (*Sheikh Ansari, 1432 B.C., vol.: 2, p.: 328*). This issue was presented by Mozaphar in the principles of jurisprudence (*Mozaphar, 1405 B.C., vol.: 2, p.: 20*). This science is limited to the orders of reasoning or Hojrat and it is along with different divisions such as explanatory and comprehensive sciences, experimental ones, etc. This result is gained from the evidences and it is being resulted from the general ideas or insights as well as the other sources.

### The second situation

If the order is a legal one, so we can say that the rational independency is one of the legislator's order and sages considered two points for it:

- Accepting the rational points such as good or bad deeds and the wisdom can discriminate them
- Rational necessities between order of wisdom and legislator; means that if our wisdom discriminate bad and good, so there will be rational order in such case. And therefore, the order of wisdom will be limited to two points: follow good deeds and bad ones or leave them. Our rational reasoning based on the importance of good or bad deeds is Hojrat or not? Its meaning is that:

When we feel the importance of good and bad deeds by our wisdom, whether it will prove or discover the legal order for wisdom or not (*Sheikh Ansari, 1432 B.C., vol.: 2, p.: 327*). For answering this point, study the importance of good and bad deeds is important.

### Importance of rational good and bad deeds

There are different ideas about this point among the sages and scholars. According to the idea of Alameh Helli: This issue is the starting point of negotiation among the sages; however, most of the Islamic rules are bounded to it. So, the theory of sages was faced difficulty in such case (*Alameh Helli, 1431 B.C., vol.: 1, p.: 133*). There are two theories about this point: Adliyah and Ashaereh. In the first one, wisdom is important in this discrimination but in the second, one, the attention was limited to the field of good and bad deeds (*Mozaphar, 1405 B.C., vol.: 1, p.: 199 and Mosavi Qazvini, 1423 B.C., vol.: 5, p.: 476*). So the main question is that: If there are good and bad points about the objects without considering the legal or rational orders of the jurisprudents or legislators or not providing that the issuance of the legal order is based on them or the real properties of the things? (Isfahani, 1435 B.C., vol.: 3, p.: 499). Before studying such points, clarifying the main point of such issue is important as well as these points: 1- their properties and 2- property of perfection and errors or faults in them. In such cases, the ideas of these two groups as Adliyah and Ashaereh are the same and they are indicative of their rationality (*Alameh Helli, 1431 B.C., vol.: 1, p.: 133*).

Mozapahar said: sometimes, good and bad deeds are important and they are accounted as the aim of perfection and fault or mistake; it is like a characteristic for the optional acts such as science of good or its importance and ignorant of bad deeds. It means that ethical characteristic such a courage, patience, justice and fair are considered for our ego or self and the other ones such as fear of ..., violence, ignorance, impatience, etc are within our ego. So they are considered as the rational characteristic by Ashaereh and sometimes, they are referring to different points such as enjoyment and suffering for instance, physical disease or psychological problem. So they are accounted as rational ones in the theoretical group (*Sheikh Ansari, 1432 B.C., vol.: 2, p.: 330 and Mozaphar, 1405 B.C., vol.: 1, p.: 202*).

### Conflict and its role or place

Conflict about good and bad deeds refers to the good or bad acts; it means that if a person follows a good act, so s/he will be appreciated and if s/he follows the bad acts, so s/he will be punished. Based on the ideas of scholars, this order is a rational one however, Ashaereh said that this idea is legal one; it means that the good and bad effect of an act is based on the order of a legislator (*Alameh Helli, 1431 B.C., vol.: 1, pp.: 133 and 137*). As Sheikh Ansari said: the place of conflict between good and bad is based on their appreciation and punishment (*Sheikh Ansari, 1432 B.C., vol.: 2, p.: 330*).

### Remark

Different ideas about perfection and imperfection as well good and bad deeds are rational one and based on the ideas of Sunni, there are different ideas about them as their punishment and appreciation (*Jeyrani, 1429 B.C., pp.: 326-327*).

### Reasons of natural or inherent good and bad deeds

Before studying this point, it must be added that inherent means the use of a thing or object and its action or a verb which are sufficient for understanding them without adding the other points (*Sheikh Ansari, vol.: 2, p.: 391*) and the other reasons of good and bad deeds:

In fact, the good deeds such as helping the poor, considering fair, justice, saving the one who stuck in the water, help the children and disable are the good deeds and the permission of a legislator is not important and also, the bad deeds like violence, telling lies, teasing the children, etc are deserved punishment. But these samples are not based on the permission of legislators; but if they depend on his permission, he won't be permitted to appreciate or punish them because there are various Ayats about them (*Alameh Helli, 1431 B.C., vol.: 2, p.: 137*).

- If good and bad deeds are legal one, so the legislator can appreciate or punish them, but, it consciously is wrong and all of the sages reject it. As well, all of the legal and rational evidences of God such as religion, prophecy and the others will be negated because there is not any reason to the effect of such deeds before to the legal orders (*Sobhani, vol.: 1, pp.: 244-246*). Based on these points, it is possible to issue an order to such deeds.

Compromise between the order of wisdom and religious law

After proving the importance of good and bad deeds, the question is that whether there is a compromise between them or not. Whether the order of wisdom the same as the order to religious law toward such deeds or not. There are two ideas about these questions.

1- The order of our wisdom toward such compromise is as the order of religious law because the order of the sages is the same as the order of legislator for the reason that he (legislator) is the head of sages. So if we reject it, therefore, the final order of sages will be ignored. And its ignorance will be lead into the ignorance of the idea of legislator who is the creator of sages (*Mozaphar, 1405 B.C., p.: 217*). Based on this idea, the theory of good and bad ones will be decreased to the rational one and a distance will be created toward our feeling about the certain points and this result is not in the same path of our hypotheses. So, this point is important for most of the sages or scholars because it is a topic of rational good and bad deeds not the logical aspects.

2- The others came to a conclusion and said: in the field of good and bad deeds, each person knows the good and bad effect of some acts and this point is based on his/her wisdom. So, we cannot say that the good and bad deeds are rational and limit them to the evidences. This point shows that there is not a difference between theoretical and practical wisdom because both of them are limited to our wisdom and practical one is limited to the sciences which are bounded to the acts. Regarding these points, all sciences such as theoretical and practical ones must be lead into the clear and prior results but the main point is that evident results of our wisdom are limited to such as the effect of good and bad deeds, effect of justice, and the other ones (*Sobhani, vol.: 1, pp.: 237-241*).

### Remark

Some of the scholars said that for approving and rejecting the good or bad deeds, rule of compromise is not important because the acceptance of good deeds and rejection of bad ones are along with the idea of legislator (*Mozaphar, 1405 B.C., p.: 219*). It means that this issue is limited to the rational point and since legislator is the head of sages, so the second point or compromise is not important; however, we believe that importance of good and bad deeds is the issue of rational points, so compromise is an independent point important and its rule must be defined (*Ibid, p.: 219*). If our view is limited to our wisdom and its creation by God, so we can say that there is not difference between wisdom and quotation/narration because both of them are limited to God and legislator and in fact, they are being emerged by quotation and inspiration and also by wisdom. In general, the legal order is limited to the narrative and rational one not only this point as the reason or order is rational or legal; if such case occurs, the conflict between legislation and wisdom won't occur and if it occurs, so the conflict will be between wisdom and narration. So, the rule of compromise won't be important because the reason of wisdom is one of the basis of legal order; means that legal order is superior to the others (*Ayatollah Javadi, website of Akhond Khorasani*).

### Result

1- A rational principle is that if the sages issue their order, so their head cannot do his task against this order. Therefore, compromise is important because it is a rational principle and since God is creator, this order was accepted. In such case, compromise is important.

2- Some of the scholars such as Sheikh Ansari (*مطرح الانظار, vol.: 2, p.: 335*) and Naeeni (*قواعد الاصول, vol.: 3, p.: 60*) as well as the others such as Ester Abadi and Bohrani accepted it and the others like Isfahani, Fazel Toni and Shahid Sadr (*علم الاصول, vol.:2, p.: 289*) rejected it. The others such as Dr. Feyz (*Principles of jurisprudence, p.: 49*) ignored this compromise (*Shariati, 2011, vol.: 2, p.: 150*).

### Importance of wisdom based on the view of sages

Based on the mentioned points, the theory of wisdom regarding the views of sages was divided into two points

The rule of compromise is that: it the order of one of them (good or bad deeds) accepts, so the rational order will be proven as the final result. Shahid Sadr said: conflict between Imamiyeh and Sunni as the general people use comparison, etc instead of the logical reason of their wisdom but the jurisprudents of Shiite rejected such points for supporting the ideas of innocent imams.

Conflict between Imamiyeh as the other scholars do not accept the reasoning of wisdom but the sages of Imamiyeh accepted it (*Hashemi, 1405 B.C., vol.: 4, p.: 119*) and the meaning of rational order is to the order of philosophical one but it refers to a rational order which is being gained without considering Book and Tradition not the order which is along with them and the meaning of rational one is the order which is along with them as

the order which is being gained from the legal evidences such as obeying God (*Ibid*, p.: 120). The rational orders are into two groups: Theoretical and practical rational orders as based on differences between them, the rational order will be different however, wisdom is along with our perceptions (*Ibid*, p.: 120). In general, in order to present the rational reasoning, theoretical and practical wisdom must be considered by which we can organize the legal reasoning and gain the legal order. We must consider that theoretical wisdom refers to one of these points: 1- rational necessities which refer to our perception to the real orders from the legal ones and this case does not have a difference with the theoretical and evolutionary wisdom such as encouraging to good deeds and dissuading from bad ones. 2- the domain of cause and effect in which case, the reasoning of theoretical wisdom for discovering the causes of orders through theoretical wisdom is like as discovering the ones based on the legal orders which shows the effect of legal order (*Ibid*, p.: 121) but the order of practical wisdom is not the same as legal one and its importance will become clear by adding the order of theoretical wisdom such as the order of wisdom which is along with rules (*Ibid*, p.: 124). Shahid Sadr said: we accept that by our wisdom, we can issue the rational order however; our reasoning is based on the idea of legislator or through book and tradition which were forced by the legislator for getting the legal orders. We believe the natural wisdom without violence and bad deeds (for getting the final order) as mentioned by the legislator such as the final fair vote for determining the legal order and this is the acceptance of legal order (*ibid*, p.: 124).

But Sadr said: since the legal orders are based on the real corruptions, so, our wisdom can feel them and due to the weakness of our wisdom, we cannot understand them and discriminate them. In such case, two points are important: 1- the good and bad deeds must be in the domain of rational things and 2- they must be based upon the rational fields. Based on the first point, there is not a reason to show that the legal orders of legislator and sages can be the same. And regarding to the second point, there is the possibility of going to the rational orders and there is not any reason to ignore them (*Mohammad Baqer Sadr, 1412 b.C., vol.: 2, pp.: 290-291*). Based on such points, Sadr did not accept the rational reason based on the basis of good and bad deeds but he accepted the reasoning of inherent wisdom and said that it can be the basis of legal orders.

### Summary

Shahid Sadr accepted the importance of good and bad deeds but thought the legal orders, it leads into the acceptance of wisdom, and however, he does not accept the rule of compromise.

### View of Imam Khomeini

He said: if a person knows the good and bad effects of an act, so s/he can discriminate them (*Philosophy principles, vol.: 2, p.: 329*). There is a power in humans which is not in the animals and this is the power of discrimination (*Philosophy principles, vol.: 3, p.: 278*). This point shows that humans can discriminate the good from the bad deeds. In addition, he said:

(*3: تنقيح الاصول*) قبح الفعل الخارجى فى الموارد التى يدرك العقل قبحه كالظلم هذا ايضا يدل عند الامام خمينى على صدق الحسن والقبح (*3: تنقيح الاصول*) و عنوان الظلم يقبح متى تحقق و اى مورد وجه (*3: جواهر الاصول*) و عنوان الظلم يقبح متى تحقق و اى مورد وجه

He also in his book "بيع" said:

(*Imam Khomeini, البيع, vol.: 3, p.: 589*) and in the other book "مكاسب محرمة" said:

(*2: مكاسب محرمة*) ان الكذب مع تجرده عن كافة المتعلقات والنظر الى ذاته له قبح ما عقلاً لا ينفك عنه (*2: مكاسب محرمة*) ان الكذب مع تجرده عن كافة المتعلقات والنظر الى ذاته له قبح ما عقلاً لا ينفك عنه. In the other work, he added: If a person reads the points of innocent Imams, so s/he will understand their points as well as their importance in the field of rational and legal issues (*Ibid*, p.: 477). His idea about compromise is that: the rule of compromise between the rational and legal orders – based on we accept them or not - is in the field of cause and effects. This point is true of the people who follow bad and the other who follow good deeds. So our wisdom has an important role in order to discriminates them (*Imam Khomeini, vol.: 3, p.: 22*) as well, the issue of compromise between the legal and rational orders refers to a fundamental issue and we must follow it (*Imam Khomeini, vol.: 3, p.: 23*).

### Summary

Imam Khomeini accepted the effect of good and bad deeds as well as the rule of compromise. Akhond Khorasani said: he presented his idea about this point in his book "فوائد الاصول" and allotted two points as the 13<sup>th</sup> and 14<sup>th</sup> principles to this point. He said: our acts regarding the importance of Ashaereh and Imamieyh as well as the others are not the same. It cannot add that there are separate or distinctive or real characteristics for each of them because the acts are different (*Akhond Khorasani, فوائد الاصول 1407 B.C., p.: 123*). He compared this difference with the real objects and said: the subject of acts is the same as objects and this difference leads into the differences in them (effects of good and bad deeds) like the differences of trees and stones, the acts are different such as killing a person is along with pains or the other works like being happy is not along with sadness. We can feel such differences (*Ibid*, p.: 124). He added: our power or wisdom is based on our ability to discriminate the bad from good deeds or the acts which bring happiness and non-happiness for us (*Ibid*, p.: 124). He mentioned: the meaning of rational good and bad deeds has a relationship with our wisdom which leads into our happiness or our sadness (*ibid*, p.: 124).

### Conclusion

Good and bad deeds and their effects were acceted by Akhon Khorasani and he said that these acts are along with the good and bad results and ignoring them is considered as Makabreh (*Ibid*, p.: 123). But he rejected the rule between the legal and rational orders and he presented two questions: 1- what is the legal order: 2- whether the

events are not along with the legal orders or not? He said that: there are different meanings about the legal order but what is related to us is that the legal order refers to the power of a leader to his/her follower unless there are not addresses for him (*ibid*, p.: 129). The answer of the second question is yes because the legislator does not access an order for them such as the acts of children or Muslims during the period of Islam which were along with the relevant orders. He also mentioned: if legal order is received by the wisdom, as the attention of legislator is bound to the acts which are good or bad ones, so the rational order based on the result of the first act or the second one will be the final order (*ibid*, p.: 130). In addition, the effect of acts results into the rational order by the sages such as having good behavior or charity which is being done by people not the sages or scholars because they invite or encourage us to the good deeds (*Ibid*, p.: 130). He added: this issue is true of God as He encourages us to the good deeds and dissuades us from bad one (*Ibid*, p.: 131). The main result from his words is that in the legal orders, the act must be as a good one but only this point does not lead into the legal order (*Ibid*, p.: 132). His view is that compromise between the rational and legal orders is not important; it means that the legislator has an important role in order to issue the rational and legal order such as the responsibility of children and Muslims of Islam period (*Ibid*, p.: 132).

### Findings

The effects of good and bad deeds were accepted for him and the rational order of these deeds is not important because the acts of sages are not along with them; as well, the rational good deeds does not lead into the legal order and it requires the other aspects such as the responsibility of children and Muslims during the period of Islam. So, Akhond Khorasani does not accept them.

### Remark

Having the social governance leads into the other issues and changes such as changes of Jurisprudential issues or legal points or the legal sections such as organizations or governments. These systems introduce the other points for Jurisprudence development. This point is not explainable by the individual tasks. So it is better to refer to the points of Imam Khomeini such as:

- 1- Orders or rules of sea
- 2- Orders or rules of driving
- 3- Orders or rules of registration or recording
- 4- Orders or rules of taxes
- 5- Orders or rules of I.D. information
- 6- Orders or rules of financial fines and the others.

### Conclusions

Based on the previous points, it can be said that:

- 1- Wisdom is the perceptual power of humans by which they can do their works and feel them such as understanding Book, Tradition and Ejma'eh and also study them by their wisdom. As well, they can determine the legal points or orders and issue the new ones.
- 2- In contrast to all conflicts about wisdom, there is not a difference toward its generality because wisdom is able and by which we can do different tasks and there is not any difference between the general scholars and sages except Akhbaryun, Ashaereh, and the others. Their conflicts refer to the issues which are about the place of wisdom.
- 3- But there are different about these issues as wisdom is wisdom or it is a reason. Some said that these points show that the inherent wisdom and its evidences are narrative but the others said that its origin refers to the rational good and bad deeds as well, the others said that its origin refers to the rational orders; however, a limited number of them said that it is the origin of Divine Evolution such as Legislation as God is the Creator of All Things and they know that the rational order and its results are the final aims or Hojjat and they can be the legal orders.
- 4- In this study, by explaining the concept of wisdom and its role regarding the views of the other sages and scholars such as the General and Especial Wisdom (in the first one, wisdom is a tool by which the jurisprudents can use it for getting their aim and in the second one, wisdom is a tool for understanding the results gained from the legal orders), we study the importance of wisdom and the other evidences about it and try to accept or reject them. In the other meaning or in the third concept, wisdom is a tool for inferring the results regarding the other sources; it means that they are along with wisdom or not. This issue leads into difference between them. So, wisdom is accounted as an independent source. It is between to consider these two points as: 1- rational good and bad deeds and 2- compromise rule between the legal and rational order. Based on the views of Imam Khomeini, Shahid Sadr and Akhond Khorasani, it seems that he accepted the rational reason as the source of inference; in other words, he said that the only way for accessing the legal orders (when they are not enough sources), only wisdom is useful in order to issue the best orders. It is clear that the social events must be along with the rational orders or wisdom and without them, the life of the people won't be meaningful.

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