

# Refutation and Elimination of the Aristotelian Term by Avicenna and Sohravardi

*Behjat Vahedi*

The present article is an attempt to study the Aristotelian term in the viewpoints of two great Muslim theosophists, Avicenna and Sohravardi, one of whom tried to eliminate it and the other tried to reform and complete it. It contains seven criticisms made by Avicenna and four eliminative criticisms made by Sohravardi along with the answers to the criticisms of Sohravardi.

**Keywords:** Aristotelian term, Avicenna, Sohravardi

# Precept and Consensus

*Seyed Mohammad Moosavi Bojnourdi*

The present article discusses the categories of precept and consensus as two sources of religious legislation. It also discusses the tradition and reliability of the precept, defines the literal and applied meaning of precept and also divides the precept into frequently quoted and unique traditions. Finally it discusses the consensus, its reliability, its reasons and its various kinds.

**Keywords:** consensus, precept, unique tradition, frequently quoted tradition.

## Objectivity and Value Judgement in History

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*Tr. by Masoud Sadeqi Aliabadi*

One of the major concerns of critical philosophy of history is the extent to which historians can properly claim the status of objective truth for the conclusions they characteristically reach as the scholars of experimental sciences do, and whether they can recover the past as it actually was.

The main reason of the relativists for refuting the objectivity of the findings of the historians is proof through selection. The objectivists claim that the reason that the historians are selective in their research is not specifically a characteristic of historical research, rather a characteristic of all the studies.

**Keyword:** Critical philosophy of history, objectivity, relativism, descriptive history, historical selection

## The Process of Inclination Towards Revolution in Imam Khomeini's Thought

*Alireza Mullai Tavani*

Undoubtedly the Shiite political thought during the era of occultation of the Infallible Imam has faced practical difficulties and theoretical shortcomings in its endeavor to lay the theoretical foundations of a religious government or launch a political revolution. The present article discusses this issue by studying the shortcomings as well as the political reflections of the Shiite political scholars and pays particular attention to various stages of its evolution and transformation until the emergence of Imam Khomeini.

The author believes that Imam Khomeini's political thought until the beginning of 1960s was the continuation of the theoretical approach of his predecessors to the issue of government, but Imam endeavored to establish a religious society irrespective of the form and configuration of its government system.

Finally by discussing the reasons for the transformation of Imam's political thought from a religious society to a religious government, the present article studies the reasons for the confrontation of Imam Khomeini with the established system.

Imam Khomeini's theory of Guardianship of Jurisprudent was in fact a theory of revolution. The article also discusses practical strategies for revolution in Imam Khomeini's viewpoint.

**Keywords:** Religious society, religious government, political revolution, political Islam, Guardianship of Jurisprudent.

# **A Comparative Study of the Amendment to the Constitution Prepared by the 1979 Constituent Assembly and the 1989 Council for Reviewing the Constitution**

*Mohsen Khalili*

In its final study of the Constitution of the Islamic Republic of Iran in 1979, the Constituent Assembly did not discuss any article with regard to the time, method and modality of amending the Constitution. But in the 1989 amendment, the Article 177 of Chapter 14 was allocated to the time and method of amending the Constitution. The present article is an attempt to undertake a comparative study of the Constituent Assembly and the Council for Reviewing the Constitution with regard to the amendment. Attempts have also been made to discuss the proposing body, the commencement of the amendment, the members of the Council for the Amendment of the Constitution, the limitations of the amendment, and its final approval.

**Keywords:** Constitution, Constitution of the Islamic Republic of Iran, amendment to the constitution, the Constituent Assembly, Imam Khomeini

## **A Jurisprudential-Legal Analysis of the Effect of Changes in the Modus Operandi on the Contracts**

*Guhfur Khoeini*

The principle of the validity of contracts as an inviolable principle necessitates the enforcement of the contracts, but the implementation of the contracts on the basis of this principle sometimes causes irreparable losses to one party of the contract. Hence the jurists since long time back have been trying to find whether the contracts can be modified to cope with the changes in the modus operandi? As a result the posited laws of countries and the international conventions paid attention to this issue and finally it was accepted that if the modus operandi undergoes some changes, the contracts may be changed, modified or abrogated. The jurists rely on such reasons as implicit conditions at the time of the conclusion of a contract, interpretation of the contracts, occurring losses, the principle of good intention, etc. to substantiate their viewpoints.

**Keywords:** validity of the contracts, implicit condition, good will, modus operandi.

## Usury, Another Approach

*Jamshid Ja'farpour*

One of the controversial problems of the society is the issue of usury and the way jurisprudence deals with it. For the individuals living of a society who, according to their belief, are bound to abide by the canonical rules on the one hand, and on the other due to economic necessities are bound to give and take loans, the discussion of new approaches to the issue of usury based on jurisprudential ideas is inevitable.

**Keywords:** usury, loan, jurisprudence, canonical rules

## A Historical Critique of Ibn Khaldun's Report of the Event of Ashura

*Hasan Hazrati*

The author has made attempts in the present article to conduct a historical critique of Ibn Khaldun's report of the Ashura event through a scientific method. The main hurdle in this endeavor is the lack of clear examples for historical critique - at least among the Persian-language studies. Therefore, in the beginning of the article the basic concepts are defined and then on the basis of the given definitions, the event has been critically studied.

**Keywords:** Historical critique, internal critique, external critique, Ibn Khaldun, Ashura

## English Abstracts of Essays

### The Rule of No Reinstatement

*Seyed Mohammad Bojnourdi Moosavi*

The author discusses the rule of no reinstatement breach of which nullifies the prayer and it has to be reinstated. He also argues that reinstatement is the rule of reason and that the rule of no reinstatement is a canonical rule.

He discusses various kinds of breach of prayer, that is, intentional, unintentional and by mistake. In discussing these issues, the author narrates authentic traditions.

**Keywords:** No reinstatement, time, Qibla, prostration

### The Ulema and the Russian Ultimatum

*Mohsen Beheshti Seresht*

The Russian ultimatum to Iran occurred at a time when the Constitutional Revolution of Iran had put only five years behind. The Iranian politicians were trying to compensate for Iran's backwardness in the light of Parliamentary system and lead the country through progress and development - like Japan that had attained a Constitutional monarchy. But during this very short period, the defeated dictators, supported by the Russian and British governments, did not tolerate the new developments and through coup, riot, dismemberment of the country through the agreements of 1905 and 1907, the bombardment of the Parliament, and finally the ultimatum, tried to weaken the people and make them remorseful of the Constitutional Revolution. The present article studies the stance of the clerics towards the ultimatum. It seems that they considered the ultimatum the question of death and life of the revolution. Hence in their opinion, silence against the ultimatum was tantamount to the victory of dictatorship and colonialism. It also studies the confrontation of religion with the colonial onslaught against Iran during the past two centuries.

**Keywords:** Constitutional Revolution, clerics, colonialism, ultimatum, Russia, Britain, progress, dictatorship, development

