



ABSTRACTS

Trans. by Ahmad Reza Jalili and Sayyed 'AbbÄsHuseyni

- **Imam Khomeini and the Topic of Innovation in Political Fiqh**
 - **by Bahram Ikhwan Kazemi**

Benefitting from exercising *ijtihad* (independent judgment in public affairs), an up-to-date method of inferring religious injunctions that contributes to deriving new perceptions from religious books, the Shi'ah school of thought has managed to preserve its freshness, efficiency and immortality with the passage of time.

Imam Khomeini believes that the domain of fiqh has no end considering that this kind of religious knowledge as a proposal for managing man's affairs from the time of man's birth until the last moments of his life, and that the principle of rationality is very necessary in exercising *ijtihad* when time and place are given way to interfere. Imam's approach of *ijtihad*, while being in complete consistency and in interaction with the prevailing method of *ijtihad* emphasizes - in an innovative way - on the classical approach. Therefore, the nature of fiqhi method adopted by Imam on the questions related to political fiqh is totally lawful, and it is, in no way, based on common approval or common sense of times.

In the view of Imam Khomeini, the so-called *ijtihad*, which is concerned with nothing but scholastic arguing and proposing inapplicable theories and general rules, is not able to establish appropriate and efficient relationship

with the specific intricacies of time and place. This method of *ijtihad* has such preliminaries and components like: comprehensiveness and universality of Islam and fiqh, change of issues and emergence of new issues due to the changes occurring in societies and disciplines, religious tolerance, revolving of injunctions round a general pivot of issues and nature, the connection of injunctions with real interests and evils, the role of intellect in recognizing Islamic injunctions, dependence of injunctions on certain questions and criteria, making use of prevailing laws in drawing inference, showing courage in stating and clarifying real Islamic injunctions, close relations between fiqh and government, the effective role of time and place in recognizing the real criteria of injunctions.

Key words:

political fiqh, time and place, innovation, Imam Khomeini, so-called *ijtihad*, dynamic *ijtihad*.



● **Justice and Development Model in Islam
(with emphasis on the model of Imam Mahdi's government)**

□ **by Ayat Mozaffari**

With the beginning of the fourth decade of the Islamic Revolution, which the grand leader has named "the decade of justice and development" the important question that arises is:

What is the justice and development model of the Islamic Republic Government of Iran?

The way of answering this strategic question determines what the future of the Islamic Government is.

In modern times, there are two main justice and development models: liberal democracy model and socialistic or Marxist democracy, both of which are based on Western doctrines.

Without doubt the justice and development model in Islam adopted by the Islamic Republic of Iran - which takes into account the positive features of modern models - has roots in the discourse of pure Mohammadan Islam.

Therefore, when proposing a model, any model, we have to refer to the Islamic school of thought.

Contrary to the view which opposes the native Iranian-Islamic development model, the author, who seeks to answer this fundamental question and meet today's needs, cites two Islamic models, the early Islam model and the ideal Islamic government in Imam Mahdi's period.

The discussion falls into two main parts; the first is concerned with justice and the second focuses on development. According to the Islamic view, there is consistency between these two variables, and concerning which of them has priority over the other, the answer will be justice.

Key words:

justice, development, ideal Islamic government, justice model, development model.



● **The Obstacles and Causes of Change in Political Fiqh
(based on the grand leader's observations)**

□ **by Seyyed Sajjad Izadehi**

It is understood from the grand leader's observations that limiting shi'i fiqh to the scope of individual fiqh is connected more to time conditions than to any other thing. The obstacles leading to the stagnancy of fiqh in the fields of politics and sociology in the past centuries are as follows: not having access to authority and government, seeing shi'ah as minority, the gap between governments and jurists, time exigency, inattention to governmental and political issues, jurists' feeling of despair at the shi'i way of governing, prevalence of the idea of the separation of political and religious realms

(secularism), lack of acquaintance with the fact that Islam has a ruling power.

In contrast, the effective factors in political fiqh changes are as follows: the change in perception, the change in the methodology, good understanding of social conditions and issues, the change in expectations, interaction of fiqh with politics and the change in fiqhi subject matters as well as the idea of specialized fiqh.

Obviously, it is only when fiqhi circles take special care of the factors of change - some of which has been referred to - that fiqh in general and political fiqh in particular will witness changes. Then, in addition to the correct way of inferring novel questions, many doors will open in the field of fiqh, which paves the way for more changes.

Key words:

political fiqh, change, grand leader, causes, obstacles.

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● **An Account of the Indications of the Political Aspect of Human Development in the View of Islam**

(with special emphasis on the holy Quran)

□ **by Muhammad Reza Ahmadi**

The approach to human development is the most modern and most commonly accepted approach in the study of development. It has been selected by the international community and three indicators are proposed for measuring the degree of development achieved by countries, that is "annual income", "literacy rate" and "hope for life". In the common approach, the political aspect of human development has received attention in social capacity-giving atmosphere and for achieving democracy.

It seems that the reliance on the three indicators already mentioned is not sufficient for creating a developed Islamic society.

This article presupposes that Islam, being a comprehensive, perfect and

final religion, can meet all man's essential needs for achieving happiness and attaining perfection, and the Quran is a book of guidance in all aspects of life. A new definition of development and human development in accordance with some passages of the Quran and traditions of infallible Imams is introduced. Being inspired by the general theory of interaction, this research work offers four indicators for the political aspect of human development:

- 1- guardianship-centeredness
- 2- deontological feature
- 3- justice and equity
- 4- public participation both politically and socially.

Key words:

development, human development, Islam, politics, exposition, indicator, systematic.



● **The Role of People in Government Legitimacy**

□ **by Seyyed Jawad Wara'i**

Regardless of its divine nature, is an Islamic government dependent on people's approval as a condition for its legitimacy?

Five views are presented in response to the stated question, but "public" kind of legitimacy is not included in this discussion.

The evidence supporting the idea of giving authority to an infallible Imam during the presence of Imam, as is confirmed by shi'i scholars, and giving authority to a just faqih during the absence of Imam, as is generally agreed upon by faqihs, essentially invalidates the idea that faqihs cannot assume authority or that the evidence for establishing the position of *Wilayat al-faqih* (guardianship of jurist) is insufficient. The same position is true of the assumption that the affairs of government are to be entrusted to people without reasonable grounds.

The evidence for the idea that exercising authority demands the majority decision is insufficient. Therefore, no sound view will be left, from among the views five, other than giving authority to an Imam during the presence of Imam and giving authority to a just jurist during the absence of Imam - which follows that, in legitimacy measures, neither people have part in assigning guardianship nor the legitimacy of governance is related to people's consent. However, people's consent only adduces the grounds for the establishment of government.

Key words:

legitimacy, governance, people, Islamic government, consent, acceptance.



● **A Historical Exploration of Attributing the titles of "Amir al Mo'mineen" and "Khalifatullah" (vicegerent of God) to Caliphs**

□ **by Hamid Montazeri Moqaddam**

After depriving the Ahlu al-Bayt of their rights as caliphs and when public support was not given to Imam Ali ibn Abi Talib (p.b.u.h), the general structure of the Islamic government and community witnessed great changes. Caliphate had changed to monarchy and the community was governed by rulers who claimed to be the successors of the Prophet but behaved as arrogant kings.

It is worth noticing that those caliphs - i.e. chief leaders of Islamic world - were viewed by people as having spiritual authority, even though the mentioned caliphs were deeply involved in worldliness. They know very well people's deep-rooted relation with religion and spiritual beliefs and way of thinking; therefore, they tried to appear as religious rulers.

The mentioned caliphs used various means to give the impression of their being "religion-oriented". For instance, they, realizing the great effect of

such titles like "Amir al - mo' mineen" or "Khalifatullah" in that they lend their position a kind of divinity, they made use of these titles.

Key words:

Amir al - mo' mineen, Khalifatullah, caliphs, general view, history of Islam.



● **Islamic Republic of Iran and International Commitment; Challenges and Strategies**

□ **by Mas'ud Ra'i**

As active members of international community, governments have various kinds of commitment, which have some legal effects. Governments' keeping to their promise is the most important of these effects.

The different kinds of commitment in this community do not always result from explicit mutual consent. The scope of such commitments requires that governments take suitable actions in legislative, judicial and executive realms. Constitutional laws sometimes forbid taking such actions which, in turn, result in contradictory commitments. Governments have made some efforts to sooth such knots so that some of these very efforts in this regard have provoked controversies. The same can be said for the Islamic Republic of Iran, which is one of the members of the UNO.

The present article addresses a government's commitments and the commitments of the Islamic Republic of Iran to the world and the challenges facing it. A number of solutions are proposed at the end of the discussion for contending with the challenges.

Key words:

international commitment, the Islamic Republic of Iran, legal effects, a government's international commitment.

