



AENSI Journals

Advances in Environmental Biology

ISSN-1995-0756 EISSN-1998-1066

Journal home page: <http://www.aensiweb.com/AEB/>



Analyze of fix and change order in Islamic Jurisprudence

¹Elahe Sadeghi, ²Ali jahan khah and ³Sedigheh Mosadegh Sedghi

¹M.A.Department of Religious Jurisprudence and Islamic law, Karaj branch, Islamic Azad University, Karaj, Iran

²PH.D .Department of Religious Jurisprudence and Islamic law, Karaj branch, Islamic Azad University, Karaj, Iran

³PH.D .Department of Religious Jurisprudence and Islamic law, Karaj branch, Islamic Azad University, Karaj, Iran

ARTICLE INFO

Article history:

Received 25 September 2014

Received in revised form 26 October 2014

Accepted 25 November 2014

Available online 31 December 2014

Keywords:

fix orders, time, changeable orders, place, human needs

ABSTRACT

Islam on the one hand at the beginning of eternity, stability sentences to mind, but on the other hand, different society culture and habits are not same and the situation and lifestyle changes overtime and make changes in orders essential. Differences and changes in lifestyle and fixation of Islam orders create a question (how a fixed religion can be remaining in changeable world? Scientists have three ideas about Islamic orders: Religious orders are fixed without change, Religious orders changes by time in society, Some of orders are fixed and some change based on situation and they are essential terms for remaining of religion, First group believes we should obey orders and avoid newness second group said orders are flexible and we should follow changes third group believes human has both fixed and changeable needs and Islam create fix and changeable rule for both of them. Based on this view some of religious orders will change overtime and some others won't change.

© 2014 AENSI Publisher All rights reserved.

To Cite This Article: Elahe Sadeghi, Ali jahan khah and Sedigheh Mosadegh Sedghi., Analyze of fix and change order in Islamic Jurisprudence. *Adv. Environ. Biol.*, 8(25), 620-624, 2014

INTRODUCTION

For introduction about fixation and changes in Islam we use different view and we could divide it in three categories we talk about them briefly.

1- A group which believes all orders are fixed:

This group believes in fixation of orders because an order shows a benefit or a crime in an action and clarify the corrector or wrong directions to promotion or backward of peoples on haven religion and as religion is fixed the benefits and crimes are fixed too so the orders should be fixed.

It's clear although by appearance of this view and wholeness has more growth in fegh(Jurisprudence) but in fact make it disable and in solving people problems and to protect religion avoid growth of knowledge of people and society undouble it maybe because of destroying the culture and knowledge of society.

2- A group which believes orders are changeable:

This group believes all orders change overtime and there is no fixed rule moreover they believe order should be easy in all aspects of human life and it should be flexible and change overtime and situation [1]. Pretoria in discrimination of Jurisprudence real is idea of some new philosopher whom said: religious just talk about general fact and performing is depend people himself in the other word: religion has no interred predation in people lifestyle and just crates abstract directions for people. Idea fully effected by Cristian ideas or people with themselves and said other elements like government and legacy facts are out of religion circle and depend on social facts and believes: this orders and rules depends on scientists view of that time (perception based on general fact) and what brings in the cover of book and sonnet the abstract life (avoid fsin and reach to god but in culture and life and people relation free and creation mechanism and lifestyles refers to people themselves. It's while most Jurisprudents said against this in Islam and they said religion more than morals and pray rules contain all legal and peoples relation facts also the matter of government and political facts and all of rules of

Corresponding Author: Ali jahan khah, Department of Religious Jurisprudence and Islamic law, Karaj branch, Islamic Azad University, Karaj, Iran.

Islam are based on people needs and scientists discrimination and approve in any time could be based on religious orders.

3- *Group which said some orders are fix and some changeable:*

While Islam is complete and remaining religion and a routine for life if it's not dynamic it will omit of our life some should be life and some rules change.

Possibility of changing orders:

Unmistakable change of time and situation and place has impact on people because they are based on people situation and inner and outer features of people and has impact on non praying action and by changing them the change in orders of religion happens because these changes cause to make out the topic or put the topic in the circle of religion then create an order based on this situation. This law of changes in deductions overtime and place and people situation is based on general elements of deduction and valuable reasons which accepted by Elders people like Islam Jurisprudents.

Some imamiye Jurisprudents idea:

- 1- Alame helli said: orders in Islam is base on benefits and benefits changes or time and place, regard this it may an special order was benefit for a group and they do it and for other group maybe a harm and avoided [4].
- 2- SHahid aval said: orders may change by changing habits like common weights and woman cabin and neighbors should obey it over it [5].
- 3- Mohaghegh ardabili about it said: it's not possible we explain general fact in religion because orders based on features and situations, places and time and different persons changes and its really clear and it's benefits is for scientists and Jurisprudents whom could preview those differences and overlap the orders based on example and topics of holy religious [6].

Elements which impact on changing order:

Facts which are flexible and social actions effect on them change the orders of Islam and cause to change overtime the religion in any time and situation and could change society. So the impact of time and place usually is on topics then a topics sometimes has one example and some other times is for another example We mentioned some of elements which could change orders:

1- *Change in topic of orders:*

One of the most important and basis of change in orders is change entopic because any orders couldn't protect the topic and orders follows the topic topic is any person or thing which order stand on it like beer in drinking and doer in term of haj

Dependent in orders is most of Jurisprudents idea is what wanted person [7] when topic changes orders, changes too for example the order if drinks change hasn't value, outer topics always changes and actions could change in orders most of actions in propjet area was and know it's Solventl in fact change in orders is cause of change inForbidden(haram)topic [8].

A) *Change in element and objects:*

When topic fully change so the order change too for example when unclean wood burn and turn to ash the its order changes and become clean sometimes the innate topic won't when drink change to vinegar it adjectives changes but it's elements remains this change called revaluation, against changes called estehale (Transubstantiation) but some scientists said they are the same order refers to drink not vinegar.

B) *Change in example:*

Poor is source of using knows and zakat but it example changes over time and place because a person may sometimes be poor and other time may receive income and not poor. [11].

C) *Change in title of topic of order:*

Topic has different title over time without any change in adjective.

This change could change order for example chess was example and Forbidden (haram) but now it's an sport and with change in title the Forbidden (haram)order change and replace with Solvent.

2-*Changes in additions and relation of topic:*

In Islamic juratory change in additions could change order skin of people dead or alive when it shell and graft after shelling like! It unclear because its corpse but this order remains till it's not grafted to others but when it grafted and blood follows on vessels or it moves we couldn't count it as unclean because it's not corpse and changes and after graft is a limb of second man.

As in blood transfer from man to fly its mentioned when blood gets to fly its clean, because fly hasn't jumper blood and it's not man blood after transfer [12].

3-Development of topic:

Sometimes a topic get more examples by passing time and developed some should analyze examples and produce orders on of this examples is hoard. Base on sources hoard refers to some special goods; spoken I by Imam sadegh (p) and heby his unsisters, prophet said: hoard refers to 6 wheat – date – olive oil – grist, raisin [13].

Its possible essential goods of that time was just 6 which mentioned and hoarding my create economic crisis in Islamic society but undoubtly with exampling people needs and necessity of goods which wasn't important before the hoarding of not mentioned will create crisis and contain all types of hoods [14].

4-Change of orders with occurring secondary topics:

Secondary topic is unordered which is undoubted order like necessity or ekrah and the same when secondary topic occurs for things then first order couldn't perform and replaced with second order.

Occurring secondary topic cause to change first order to special case and replace with second order for example in necessary situation eating of corpse which was Forbidden(haram)before change to Solvent as second order so it's been allowed and when person need do robbery to remain alive wont punish and order wont perform.

In quotation of imam sadegh we see: the hand of thief won't cut in famine years [15] sometimes a thing in common situation is Solvent and in Forbidden(haram)position is not, and an action in freedom isForbidden(haram)but in necessity situation is Solvent, in this cases situations and terms could change title and order [16].

5-Subsidiary topic:

Main or subsidiary topic depends to value of religion aims. The main aim of religion is main topic and the meaning of subsidiary aim is that god didn't won't talk about it at first but for reaching main aims we should talk about them, for example if the main aim is invite to god and worship and goodness of other world and as managing society is with government, if its outer aim, we should know the rule of government is really important. In this situation religion should provide other world goodness and talk about it and interpreted in it, here we should say other world is the main aim of religion and government is subsidiary aim and it mean flower

If a topic is hologeton of another one is the topic is subsidiary the orders will change [17].

6-Scientists custom:

Any action which is common in people is custom, in term of custom realms some believes custom help in discrimination and doesn't related to orders while its wrong because analyze of ayes and quotation and religious orders specially in deal shows religious law makers pay attention to customs, existence of emzaee orders in religion shows this and it will say that god pay attention to scientist customs and count them as a part of orders. Undoubtly orders follow topics and there is a relation between them and if a topic change the order change too and change in topics cause to change in society customs [18].

Juratory items will approves by clear text obey kind of ejtehad. Most of times what Jurisprudents say is about this time as a new custom appear against previous items so Jurisprudents said mojtahed should be familiar with people custom or change cause corruption, in which if previous order remain it create hardship for people and by rules of religious orders about easiness and avoid harm the society will manage in good from – they will disagree with it [19].

7-Change orders based on benefits and harms of orders:

Undoubtly orders follows harms and benefits so as selected value remains the orders remains too.

Know if we have order about topic which it harms and benefits change over time naturally the order changes because the topic was the base of order and if description on it won't be base of order. For example of in past time all Jurisprudents avoid buy and sell blood because there is no benefit in it and has some abstract harms.

8-Different in dedication:

Another element which changes orders is differences in uptakes in text.

Time and culture growth cause to exact uptakes; for example Jurisprudents idea about shaft waters fully changes. In past they said water cause to relation with unclean things unclean and then they said its wrong; because quotations like motabare ismaeel ibn yazid by Ali ibn Musa Reza (p) said: water of shaft is clean [21]. Based on this quotation they said water is clean and it's a kind of differences uptake in texts which time and occurrence have an important role in it

9-Avoiding religion interpretation in topics:

If religions interpretation in a topic is imperial and talks and actions of emams interpret the topic avoiding in religion interpretation find an example which emam interpretation in that topic is cause of another source not religion and if an order use talks that order couldn't be fix and there is no difference that what is the topic of interpretation? And avoid is enough? [22]

10-Aversion with scientific facts:

One of element to separation between fixation and change to use beyond history religious use of words aversion with scientific fact and it means sciences interpret religion and has role in dedication of orders for example god in grows said: pray in deing sun to end of night ad in morning pray [23] we have holy ayes to express times of prays. On Saudi Arabia and other countries sunrise and sunset has custom times and we should act based on ayes but in countries near North Pole most of year is night and they had no sun and in short summer and it always sun and it couldn't be an element to determine pray time. This scientific fact say the sunrise or sunset time based on countries situation which Islam appear in it and this situation is a rule for pray in special zone. So this rule is a main topic to determine pray time and transfer it places which sunrise and sunset is common in them. In other places we should clarify other elements so we conclude that religious orders could change based on scientific facts and when order with elements couldn't be perform that order could be a part of religious; not part of fixed religion [24].

11-Justice examples:

One of factors of change in orders is time justice so orders unclear name of justice are changeable; because although justice has fix concept: its examples change in different situations and times [25].

Justice is not religious fact' if religion in some part of history confirms the fair and justice examples not said the religions and actions forever and in every situation is justice.

So instating on justice factors one aim of religion as approving an special from of relations and fixation of orders which said justice has special case is not correct so as any protection of religion is disagree with justice it has not value [26].

For example if law in working era (any person work on field own ot)

Shows social justice in automation are agriculture devices couldn't provide justice because it cause to make farmers to owners and natural wealth divide fairly so this types of relations needs a dynamic element to resist in face with danger.

12-Change of orders by government order:

Another part which changes overtime is government orders which governor, means vali faghigh governors based on that produce orders government orders and authority of prophet (p) and imams in absence time doesn't mean to order religious fact because its refers to special Jurisprudents and god and governing orders refers to society management and its benefits and harams of Muslims like war and peace economic and political relations with countries, quality of culture in society and engineering and other people morals and facts. Vali faghiih by law makers allowed to order and decide in above cases [28].

As it's clear in definition of government order the basis is society benefits and as benefits changes overtime and has special cases so the government order will change and has new face and it's a base for protect society benefits cause to create priority for government order.

REFERENCES

- [1] Janato – mohammad Ibrahim, history of quality changes in Jurisprudence, 47.
- [2] Makarem shirazi naser – Jurisprudenceencyclopedia, 77.
- [3] Janati mohammad Ibrahim, history of quality changes in Jurisprudence, 44.
- [4] Tousi naseraldin mohammad – kashf al morad sharh tajrid aletheghad – jamal aldin alame heli, 503.
- [5] Ameli mohammad ibn maki – alghavaed va favaed al Jurisprudenceva osol al Arabi, 1-152.
- [6] Arabili ahmad ibn mohammad – mahma al faede va borhan fi sharge ershad azam, 436.
- [7] Sadr – mohammad bagher aldoros fielm osol, 158.
- [8] Abidimehr mohammad analyze of secondary talks of Jurisprudents realm of dix and changeable order, 165.
- [9] Musavi khoee abulghaesm – tahghigh fi sharh al orate alvasgha, 168-3.
- [10] Abedianmir hasan, 2013. affective factors in order change.
- [11] Makarem shirazi naser Jurisprudenceencyclopedia, 1: 275.
- [12] Makarem shirazi naser Jurisprudenceencyclopedia, 1: 472.
- [13] Hor ameli – mohammad haven – vasaal al shia 12 – chapter 27 of busyness quotation, 4-10.
- [14] Sobhini – jafar – rile of time and place in ejtehad – feghh ahle bayt magazine, 43-88.
- [15] Hor ameli mohammad hassan vasaal al Shia, 18: 520.

- [16] Bojnordi – sayed mohammad hassan alghavaed al Jurisprudence, 3: 32.
- [17] Ali akbarian – hassan Ali – measure of knowing about fixed and changeable orders, 2: 91– 92.
- [18] Abedian mirhasan, 2013. affective factors change of orders.
- [19] Sobhani jafar role of time and place in dedication Jurisprudenceahle bayt magazine, 13-74.
- [20] Makarem shirazi naser Jurisprudencemogharen encyclopedia, 279.
- [21] Hor ameli mohammad hasn vasael al shia, 1: 141.
- [22] Ali akbarian – hasam ali – measure to knowing fixed and change orders in quotation, 202.
- [23] Surah esra, 78.
- [24] Fanayi abulghasem – trilogy moral, 515-516.
- [25] Ali akbaruab hassan ali measure to knowing fixed and change orders on quotation, 2: 156.
- [26] Fanayi abulghasem tialogy moral, 520.
- [27] Sadr mohammad bagher eghtesadna, 689 – makarem shirazi naser Jurisprudencemogharen encyclopedia VI P222.
- [28] Abidi mehr – mohammad analuze of secondary talks and orders in realm of fixed change orders, 167.