



The Equality of Tajarri and 'Isyan in Violating the Law of Will

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Abstract



This article focuses on the relation between Tajarri (insolence, audacity) and the Law of Will: has the Law of Will been violated in instances of Tajarri or, in other words, has the Law of Will been disobeyed, broken and defied? This article does not focus on the circumstance of the external act in which Tajarri has occurred. Therefore, one can consider the present discussion to apply to instances where an external act has not taken place, a circumstance that the agent abstains from committing an act against the law due to the presence of obstacles and in doing so does not extend Tajarri to the domain outside of his self. It will be shown that in the area of natural dispute and conflict, there has certainly been no violation of the law, in the same way that in instances of 'Isyan (transgression), there has absolutely been a breach of the law; in this case, the violation of the law by the agent in instances of Tajarri is linked with the violation of the law by the agent in instances of 'Isyan in terms of ruling; rather, it can be said that the violation of the law by the agent in instances of Tajarri has no difference from that of 'Isyan.

Keywords

Law of Will, duty, natural dispute, Tajarri, 'Isyan.

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Introduction

Man's actions are defined either by natural law, psychological law or intellectual law. An action that is determined by the law of intellect is man's most specific act. An intellectual act is formed of intellectual perception and intellectual will. In contrast to a natural act and a psychological act, in an intellectual act the will is warranted according to the understanding of the law and not just due to the law alone. The intellect's main condition in terms of action is the condition of will and therefore, the law of intellect in terms of action is known as the law of will. Whenever will is determined according to its own law or pure intellectual law, a pure intellectual act is formed in the natural world.

Along with the capacity of the intellect in being present during action, there are also other natural faculties that man possesses that are also present during action. The practical capacity of the intellect is not at odds with the practical capacities of these non-intellectual faculties; however, there is a possibility of conflict between the two. This conflict which manifests in the form of conflict and disputes regarding the determining of the will can result in the will being inconsistent and contradictory with these faculties. Man's responsibility is determined through his intellectual causality; intellectual causality is the will that rises only from pure intellect (= choice = free will) and is free of all non-intellectual determinants.

Summary

Considering the intellect's recognition of its own practical law which has been completed and perfected through the doctrine of the last Prophet (peace be upon him and his household), compliance means the correspondence between man's actions and the law of intellect if this law has determined the will. In contrast to compliance is rebellion where man's actions do not correspond with the law of intellect and the will is determined through non-intellectual faculties. Sometimes man makes a mistake either in recognizing this law or in the corresponding stage. In both cases, particularly the second, *Tajarri* and *Inqiyad* (obedience) are placed alongside obedience and 'Isyan. *Tajarri* refers to the audacity to take steps to violate the law, even though due to a mistake this violation does not actually take place; *Inqiyad* refers to submission to the law when, for example, a mistake has occurred in the correspondence of the law with a particular matter. Our question in this paper is that has a transgression/'Isyan occurred in instances of *Tajarri* in relation to the law of the intellect and does the title of transgression/'Isyan apply to instances of *Tajarri*?

In order to achieve a more precise answer to this question, we will first address it in the area of natural conflict and dispute. In this dispute, sometimes a person makes a decision to lie based on non-intellectual practical faculties, but by bringing forth its own law, the intellect weakens his previous decision and pulls

him towards its own law. This commuting of the will between the faculty of intellect and non-intellectual faculties stems from man's nature and no one is free of it. In this case, only the possibility of daring to violate the law of intellect is surmised.

In Tajarri, daring to transgress from the law of intellect is surmised; an analysis of Tajarri shows that transgression from the law of intellect has occurred as far as the person's free will is concerned.

In this paper, three arguments have been presented which show that transgression from the law has occurred in instances of Tajarri. Some objections have been raised against these arguments; however, the author believes they can be answered.

The first argument considers every action of a person who possesses intellect to be an instance of a matter which that person has willed so that his action is actualized under it in the external world.

The second argument considers Tajarri to reveal the incorrect will of the agent with the purpose of violating the law; a will that is ugly and its evilness extends to the action that is connected to it. The objection raised against this argument is that this incorrect and bad will makes the action bad only when an actual bad action has also taken place because of it; whereas in case of Tajarri it is not so. The answer given to this objection is that the title of transgression of the law in Tajarri is actualized and finds objectivity during an action with the presence of the agent's mental or spiritual factors like determining the will to violate the law. In other words, Tajarri is itself an instance of transgressing against the law and therefore, the common intellect differentiates between a person who audaciously seeks to violate the law and a person who submits to it, even though they may be equal in terms of the external act.

The third argument considers certainty regarding the goodness or badness of an action to be one of the complete causes of its being good or bad. In critique of this argument it has been mentioned that the matters that constitute good and bad must be from the category of voluntary matters, in contrast to the certainty that a person pays absolutely no attention to while performing an action and does not make it a condition of his action. The answer to this objection lies in considering the being good or bad of voluntary acts to be noumenal and in placing certainty among the conditions of the compliance of the agent to the law.

References

- Kant, I. (1369 SH). *Groundwork of the Metaphysic of Morals*. Translated into Persian as: *Bunyah-i Ma Ba'd al-Tabi'a-i Akhlaq*, by: Hamid Enayat & Ali Qeysari. Tehran: Khwarazmi Publications.
- Khoie, A.Q. (1409 AH). *Misbah al-Usul*. Penned by: Seyed Muhammad Sarvar Wa'iz Hosseini. Qom: Maktabat al-Dawari. Vol. 2.

- Khorasani, M.K. (1427 AH). *Kifayat al-Usul*. Qom: Mu'assasat al-Nashr al-Islami. Vol. 2. 2nd ed.
- Kulayni, M. (1424 AH). *Usul al-Kafi* (vol. 1). Qom: Dar al-Uswah. 4th ed.
- Lahiji, A.R. (1364 SH). *Sarmaye-i Iman* (belief is an asset). Qom: al-Zahra Publications.
- Muzaffar, M.R. (n.d.). *Usul al-Fiqh (the principles of jurisprudence)*. Beirut: Dar Ihya al-Turath al-'Arabi.
- Naini, M.H. (1432 AH). *Fawa'id al-Usul*. Qom: Mu'assasat al-Nashr al-Islami. Vol. 3. 10th ed.
- Naraqı, A. (1392 SH). *Me'raj al-Sa'adah*. Mashhad: Beh Publications (Astan Qods Razavi Publications). 2nd ed.
- Qommi, A.Q. (1431 AH). *Al-Qawanin al-Muhkamah fi al-Usul al-Mutaqqinah*. Qom: Mu'assasat Ihya al-Kutub al-Islamiyyah. Vol. 3-4.
- Sabzviri, H. (1386 SH). *Sharh al-Manzumah fi al-Mantiq wa al-Hikmah*. Qom: Bidar Publications. Vol. 2.
- Shirazi, S.M. (Mulla Sadra). (1368 SH). *Al-Hikmat Al Muta'aliyah fi al-Asfar al-'Aqliyyat al-Arba'a* (the Transcendent theosophy in the Four Journeys of the Intellect), vol. 9. Qom: Manshurat Mustafavi. 2nd ed.
- Tabatabai, M.H. (1387 SH). *Usul-i Falsafa va Ravish-i Realism (The Principles of Philosophy and the Method of Realism)*. Qom: Bustan-i Ketab.