



Bijan Bidabad

Mystical (Sufi) Foundation of International Relations in Islam

Public International Law, Foreign Policy and
Diplomacy. A Theosophical Approach Based on
Islamic Sufi Teachings

 **LAMBERT**
Academic Publishing

Bijan Bidabad

Mystical (Sufi) Foundation of International Relations in Islam

Bijan Bidabad

**Mystical (Sufi) Foundation of
International Relations in Islam**

**Public International Law, Foreign Policy and
Diplomacy. A Theosophical Approach Based on
Islamic Sufi Teachings**

LAP LAMBERT Academic Publishing

Impressum / Imprint

Bibliografische Information der Deutschen Nationalbibliothek: Die Deutsche Nationalbibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über <http://dnb.d-nb.de> abrufbar.

Alle in diesem Buch genannten Marken und Produktnamen unterliegen warenzeichen-, marken- oder patentrechtlichem Schutz bzw. sind Warenzeichen oder eingetragene Warenzeichen der jeweiligen Inhaber. Die Wiedergabe von Marken, Produktnamen, Gebrauchsnamen, Handelsnamen, Warenbezeichnungen u.s.w. in diesem Werk berechtigt auch ohne besondere Kennzeichnung nicht zu der Annahme, dass solche Namen im Sinne der Warenzeichen- und Markenschutzgesetzgebung als frei zu betrachten wären und daher von jedermann benutzt werden dürften.

Bibliographic information published by the Deutsche Nationalbibliothek: The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available in the Internet at <http://dnb.d-nb.de>.

Any brand names and product names mentioned in this book are subject to trademark, brand or patent protection and are trademarks or registered trademarks of their respective holders. The use of brand names, product names, common names, trade names, product descriptions etc. even without a particular marking in this works is in no way to be construed to mean that such names may be regarded as unrestricted in respect of trademark and brand protection legislation and could thus be used by anyone.

Coverbild / Cover image: www.ingimage.com

Verlag / Publisher:

LAP LAMBERT Academic Publishing
ist ein Imprint der/ is a trademark of

OmniScriptum GmbH & Co. KG
Heinrich-Böcking-Str. 6-8, 66121 Saarbrücken, Deutschland / Germany

Email: info@lap-publishing.com

Herstellung: siehe letzte Seite /

Printed at: see last page

ISBN: 978-3-659-62906-8

Copyright © 2014 OmniScriptum GmbH & Co. KG

Alle Rechte vorbehalten. / All rights reserved. Saarbrücken 2014

Hu

121

Mystical (Sufi) Foundation of International Relations in Islam

**Public International Law, Foreign Policy,
and Diplomacy, a Theosophical Approach**

Bijan Bidabad

Partially Revised Edition

In the Name of Allah

The Most Gracious The Most Merciful

*Be glorified we have no knowledge saving that which Thou hast
taught us Thou only Thou art the Knower, the Wise*

Glorious Qur'an, Surah of Al-Baqarah, Verse 32

Dedicated to:

*The Knower, the Wise,
His Holiness Haj Dr. Nour Ali Tabandeh
Majroub Ali Shah The Second,
The Master of Nimatollahi Qonabadi Sufi Order
And
Distinguished Professor of Law and
Outstanding Scholar of Islamic Jurisprudence.*

*His Merciful Spiritual Protection and
Compassionate Teachings Inspired the Author to
Bring Forth This Book.*

TABLE OF CONTENTS

Foreword to English Edition	15
Foreword	19
GENERAL INTRODUCTION	21

CHAPTER ONE

ISLAMIC PUBLIC INTERNATIONAL LAW

Preface	59
1- Principle of: General authorization for acceptance of "General Principles of Law"	60
2- Principle of: Acceptability of statutory international law to the limited extent of conformity with Islamic Law	64
3- Principle of: Acceptability of customary international law	66
4- Principle of: Giving priority to forgiveness, benevolence and conciliation of hearts	68
5- Principle of: Honoring the Treaties	70
6- Principle of: Mandatory observation of formalities of contract	89
7- Principle of: Doing justice	99

8- Principle of: Imposition of punishment, based on substantiation of the offence	114
9- Principle of: Equality in law	116
10- Principle of: Continuity of states	120
11- Principle of: Prohibition of abusing the rights.....	121
12- Principle of: Prohibition of causing harm.....	126
13- Principle of: Presumption of innocence.....	128
14- Principle of: Blocking detrimental means in international scene	132
15- Principle of: Exclusive right of “juristic preference” for The Divine Master of Affairs and Authorization	133
16- Principle of: “Reasoning through exigency” in international relations .	137
17- Principle of: Observing “International status quo ante” “providing the right is lawful”	138
18- Principle of: Non-retroactivity of statutes	139
19- Principle of: Continuity of uncontested possession.....	142
20- Principle of: Remunerating the rightful attorney and punishing untruthful attorney.....	142
21- Principle of: Ignorance of statute law is a good excuse but ignorance of natural law is no excuse	145
22- Principle of: Respecting acquired rights.....	147
23- Principle of: Authority of res judicata	149
24- Principle of: International responsibility	150
25- Principle of: Compensation for unjustified damage.....	160
26- Principle of: Preserving the life in retaliation.....	162
27- Principle of: Prohibition from excessive retaliation.....	173
28- Principle of: Facilitation in Force Majeure (distress and constriction) .	180
29- Principle of: Freedom of trade in international commercial law.....	184
30- Principle of: Freedom of seas and space.....	186

31- Principle of: Recognition, on the bases of human beings' dignity rather than government.....	187
32- Principle of: Full recognition of individuals' rights of ownership and de facto recognition of governments' sovereignty	193
33- Principle of: Granting nationality (naturalization) to applicants.....	207
34- Principle of: Binding to testify truly and/or acknowledgment of faults and prohibition of concealment of truth and/or committing perjury	210
35- Principle of: Acceptance of inquiry for pacific settlement of international disputes.....	216
36- Principle of: Negotiation in settlement of disputes and acceptance of arbitration in international conflicts	218
37- Principle of: Obligation for mediation and making peace (voluntary mediation).....	221
38- Principle of: Conciliation and interference in international wars (compulsory mediation)	224

CHAPTER TWO

ISLAMIC FOREIGN POLICY

Preface	233
39- Principle of: Coinciding the Islam's expediency with the humankind's expediency.....	234
40- Principle of: Islam appertains to humankind.....	240
41- Principle of: Human being's dignity	242
42- Principle of: Unity.....	248
43- Principle of: Prohibition of racial discrimination	263
44- Principle of: Disdainful of idolaters.....	265
45- Principle of: Islamic Internationalism versus states' Nationalism	283

46- Principle of: Prohibition of national boasting and seeking national superiority.....	286
47- Principle of: Peaceful coexistence	291
48- Principle of: Friendship with nations and folks.....	293
49- Principle of: Protection of all nations' and states' interests whether in their presence or absence.....	299
50- Principle of: Trustworthiness.....	301
51- Principle of: Prohibition of impeding the benevolence	306
52- Principle of: Imperfect political neutrality	308
53- Principle of: Negation of protectorship and authorization of protection	310
54- Principle of: Non-intervention in other states' affairs.....	311
55- Principle of: Obligation for liberalization of oppressed people	313
56- Principle of: International protection of minorities	315
57- Principle of: Inapplicability of slavery and slave trade at this age.....	320
58- Principle of: Unity for the truth	338
59- Principle of: Prohibition of committing injustice and its aiding and abetting	342
60- Principle of: Unauthorization of hegemony and rebellion	347
61- Principle of: Disinclination to engage in hostilities.....	360
62- Principle of: Prohibition of aggression and permission of defense	363
63- Principle of: Severe fighting with the belligerent aggressors.....	367
64- Principle of: Having duty to assist in goodness and prohibition to assist in transgression.....	383
65- Principle of: Tactics and strategies of wars being at the discretion of the Master of Affairs	385
66- Principle of: Obligation of accepting the peace proposal.....	391
67- Principle of: Unauthorization of keeping prisoners of war after war termination.....	397

68- Principle of: Prohibition of torturing and molestation of the enemy's captives	398
69- Principle of: Prohibition of illicit trades and measures against humanity and the environment	403
70- Principle of: Unauthorization of destroying food sustenance for acquiring material profits	417
71- Principle of: Prohibition of international hoarding of food and obligation of feeding the world starving people	421

CHAPTER THREE

DIPLOMACY IN ISLAM

Preface	435
72- Principle of: The assignment based on authorization	448
73- Principle of: Obeying the holders of authority	462
74- Principle of: Diplomatic responsibility.....	476
75- Principle of: Political immunity and social or personal non-immunity for diplomats.....	479
76- Principle of: Propagation by deeds and restriction on verbal enjoining and forbidding	484
77- Principle of: Prohibition of imposing opinions	493
78- Principle of: Respecting others' opinion and prohibition of inquisition	505
79- Principle of: Harmonization and conformity of words and deeds.....	506
80- Principle of: Disagreeability of political and economic deception	507
81- Principle of: Honesty in negotiations	515
82- Principle of: Prohibition of fabrication of words and political lies and false accusations	519
83- Principle of: Unauthorization of insulting or mocking.....	522

84- Principle of: Greeting and responding in fair and giving reward by the best.....	524
85- Principle of: Unsupporting the traitors and authorization for reciprocity.	532
86- Principle of: Unauthorization of giving or receiving bribes.....	539
87- Principle of: Prohibition of usurpation and unlawful ownership of other nations' and states' properties	540
88- Principle of: Prohibition of the acts of terrorism.....	546
89- Principle of: Respecting and generosity towards the guest	550
90- Principle of: Prohibition of banishment and revoking the nationality	559
91- Principle of: Freedom of movement and cancellation of visa formalities	561
92- Principle of: Freedom of migration and domicile for all human beings in the world.....	564
93- Principle of: Obligation to concealment of the secrets.....	567
94- Principle of: Prohibition of inquisition into personal and private affairs of people	569
95- Principle of: Obligation for inquisition into performance of government officials, foreigners, enemies and crimes detection	584

APPENDICES

REFERENCES AND RESOURCES.....	599
Persian References	599
Arabic References.....	619
English References	621
French References.....	627
Other References.....	628
VOCABULARY	629
English Farsi Vocabulary.....	629
Farsi English Vocabulary.....	673

Hi

121

In the name of God who created the life and wisdom.

Nothing better than this, mind can never imagine

Foreword to English Edition

There are several aspects of meanings attached to the discourses made by theosophists and their discourses cover various concepts for different understandings levels of audiences while addressing diverse persons with different rationalities. Because the theosophy (wisdom) originates from insight and one who has insight deals everything in its right position and will not treat all of them equally, and gives the right of each right-holder on the basis of his entitlement. Consequently his words which are presented through terminologies and phrases contain the said quality, namely,

diversity and multitudinous in meaning for various levels and ranks. This kind of word-forms has had a great development in Arabic and Persian languages as compared with European, and especially English languages. That is why translation of theosophical texts from Persian to English is a difficult task to do.

Basically, we might say that, the translation works shall exactly conform with the main texts, when, mathematically saying, there be a "one-to-one"¹ correspondence (function and/or relation and/or mapping) amongst the elements of the "domain" and "range" sets. Namely, among the sets (vocabularies) of domain (Persian) and range (English) in the mapping (translation of Persian to English) there exist an exclusive relation. In this case the translation would be a "one-valued" function and if it be an "onto" function and cover all the elements of the range set and furthermore the domain set then the translation work shall convey the exact concept of the main text.

Now let us examine another case; when a word in the first language has more than one synonym in the second language. In this case the "relation" of translation is not "one-valued", and the translation "relation" shall convey the concepts of the first text in a good manner. Moreover, due to the multiplicity of the synonyms in the second language the translation text shall be eloquent.

In the third case which is our concern in this text, the verity of words in the language of domain is more than the words in the language of range. In this case even the translation "function" be a one-valued one but there are not correspondent elements of range set in domain set and in this case the function is incomplete and cannot transfer all the words/concepts from the domain set to the range set, and consequently the translation will be incomplete and a few percentage of the concepts mentioned in the first

¹ A "one to one" function has this property: if $f(a)=f(b)$ then a should be equal to b .

language text would be conveyed to the readers of the second language. This issue relates to the variety of meanings and multiplicity of concepts which a word may possess, which is used too much in the discourses of theosophists, because by one expression transfer several various meanings to their different addressees with different comprehending levels. Whenever this multiplicity of meaning does not exist in the second language synonymous words the translation shall not transfer the indications/signalings/allusions of the discourse. In other words translation of theosophical texts/speeches of prophets, divine guardians and divine executors - and generally the translation of the words of theosophists - from Arabic and Persian languages to English would somehow result to convey the concepts and meanings amiss and imperfectly. This book, mainly due to its concern to the theosophical issues taken from the sayings of the religious magnanimousness and its too many quoting to Arabic and Persian phrases from Qur'ān and exegeses and discourses of the magnanimousness and mystics, would be included within the aforementioned case. For this reason the weakness of conveying the whole concepts mentioned in Persian text through translation at this very point has to be confessed in advance.

It seemed not to be necessary to insert some of the footnotes mentioned in Persian text, for English readers, but it was decided not to omit them, for better comparison between the two texts. Those footnotes which describe the Latin version of the Persian words, which were used in Persian text is obvious example of the case.

Regretfully, the "publication permit" has not been issued for this book in Iran yet. Because the Ministry of Culture and Islamic Guidance has forbidden the publication of this book unless several obligatory changes to be made in the book. That is issuance of publication permit will be due to: omission of the expression of "Mystical foundation" from the title of the book, and omission of that parts of the book which describe the

successorship of prophets and Divine guardians after the Imams of the Twelves and during the occultation of the last Imam - specifically omission of the last paragraph of the "Principle 32". But the author has not accepted the said censorships; this is why this book has not been published in Iran yet. Interested readers may access the full Persian text in the author's personal web site through the internet². The same story has also been happened to another book written by the author of this book with the title of "Mystical foundation of Islamic economics" which the Ministry of Culture and Islamic Guidance insisted on making several changes in the title – omission of the expression of "Mystical foundation" - as well as some parts of the book. In that book again the author has not accepted the ruled censorships and consequently the said book has not been published either.³

The first drafts of English translation of this book have been prepared by my dear friend Mr. A. Boroujerdian and after reviewing and making modifications it is now at your disposal. I sincerely thank him for his close cooperation in this work. It is certain that there are some defects and faults in both Persian and English texts, which I accept the responsibility and hope the readers being so kind to aware me the mistakes and errors, to make necessary corrections in next editions.

Bijan Bidabad

Summer 2014

² <http://www.bidabad.ir/>

³ This book is also accessible through my personal web site.

HI

121

In the name of God by whom the life was created

The omniscient by whom the speech was created

Foreword

International relations are involved in an undesirable and wrong order, at present time, which could be the origin and cause of fundamental harms on humanity. Therefore, it is emphatically necessary to propound firm principles for regulating the relationships among states and nations, and new laws and regulations to be enacted at the international level. In this regard, the spirit of Islamic laws could be one of the most important pillars of this foundation. So that, the aim of this book is to enumerate the principles of mystic foundation of international relations in Islam. Perhaps the delicateness, truthfulness, and righteousness of Islamic mysticism, which is the gist of thoughts of humankind's guardians during thousands of years lead and direct the thoughts, writings, and speeches of scholars and researchers to these viewpoints, and consequently a new sets of thoughts, for international relations processes in the world, to be defined and

codified.

This book is only an introduction to the subject matter. Moreover, it is decided by introducing the views and standpoints of Islam with respect to the essential topics of international relations, such as, public international law, foreign policy and diplomacy, put several principles forward which on the next phases, can be used as the basis for many applied researches in this field of study.

Some friends recommended that a manifest or preliminary declaration based on the propounded subjects in this book be written, then by exchanging the standpoints and ideas prepare the ground for applying the subjects of this book in international executive issues. Some others recommended that writing critiques about the subjects of this book shall bring about the standpoints of those persons who oppose to them and the result would make a practical method to act upon at the international scene. All these recommendations are good and I accept them by all means. As a matter of fact I have planned during the greater pilgrimage in Mecca, besides exercising the sacred rites of pilgrimage to meet the scholars of our Sonnite brethren and get their standpoints about the subjects propounded in this book.

It is obvious that novelty of standpoints on the subject would result to the abundance of faults and errors of the author in the text. Therefore, it is requested the readers not to refrain from criticism and mentioning the defects and mistakes. It is certain that they will be taken into consideration in next editions.

Bijan Bidabad⁴

⁴ Email: bidabad@yahoo.com bijan@bidabad.ir Web: <http://www.bidabad.ir>

General Introduction

The word "Arrogance" literally means: "behaving in a superior manner" and is considered as one of the most detestable phenomenon in religion. The said phenomenon takes a special notice while achieved against divine commands, indicating that the arrogant believes to be in a higher position than Divine Master of Affairs and Authority. The origin and basis of all corruptions, deviations, and violations are "arrogance". The reason why "Iblis"⁵ (Satan) was expelled from the heavenly court was "arrogance" and the arrogance of Pharaoh brought him to destruction and death.⁶

From the individual psychological point of view, arrogance makes a person feel as if he is in a superior and higher position than others; and Iblis

⁵ Al-Baqarah II, 34. "And when we said unto the angels: prostrate yourselves before Adam, they fell prostrate, all save Iblis. He demurred through pride, and so became a disbeliever."

وَ إِذْ قُلْنَا لِلْمَلَائِكَةِ اسْجُدُوا لِآدَمَ فَسَجَدُوا اِلَّا اِبْلِسَ اَبَىٰ وَ اسْتَكْبَرَ وَ كَانَ مِنَ الْكَافِرِيْنَ .

⁶ Al-Qasas XXVLLL, 38-39: "And Pharaoh said: O chiefs! I know not that you have a God other than me, so kindle for me (afire), O Haman! Bake the mud; and set up for me a lofty tower in order that I may survey the God of Moses; and lo! I deem him of the liars. And he and his hosts were haughty in the land without right, and deemed that they would never be brought back to us."

وَ قَالَ فِرْعَوْنُ يَا اَئِيْهَا الْمَلَا مَا عَلِمْتُ لَكُمْ مِنْ اِلٰهِ غَيْرِيْ فَارْقِدْ لِيْ يَا هَامَانَ عَلَيِ الطِّيْنِ فَاجْعَلْ لِيْ صَرْحًا لَّعَلِّيْ اَطَّلِعُ اِلَى اِلٰهِ مُوسَىٰ وَ اِنِّيْ لَاطْمَنُّهُ مِنَ الْكَٰذِبِيْنَ وَ اسْتَكْبَرَ هُوَ وَ جُنُوْدُهُ فِي الْاَرْضِ بِغَيْرِ الْحَقِّ وَ ظَنُّوا اَنَّهُمْ اِلَيْنَا لَا يُرْجَعُوْنَ .

was under the same illusion. The case is mentioned in Glorious Qur'an as follows: **"When your Lord said unto the angels: I am about to create a mortal out of mire. And when I have fashioned him and breathed into him of My Spirit, then fall down before him prostrate. The angels fell down prostrate every one, saving Iblis he was scornful and proud and became one of the disbelievers. He said: O Iblis! What hindered you from falling prostrate before that which I have created with both my hands? Are you too proud or are you of the high exalted? He said: I am better than him. You created me of fire, while you created him of clay. He said: Go forth from hence for you are outcast. And my curse is on you till the Day of Judgment."**⁷ Iblis considered himself better and superior than Adam, and this illusion resulted in descending him to the lowest rank.

From the social psychological standpoint, the said phenomenon can also be observed in, groups, nations and countries. Nationalism is a variety of illusory desire for superiority over other nations. Most of times two countries, having these very same illusions, fight with one other, and kill their fellow human being just for this very reason that "you live on the other side of the border but I live in this side". All different types of desires for superiority, which are based on, groups, nations, races, languages, cultures, religious sects, religions, and even sciences are capable of producing social arrogance, which are the origins and bases of all wars, unfairnesses, cruelties, oppressions, massacres and corruption in the world. Just by a careful consideration of the subject, we will find out that, the only

⁷ Sād XXXVIII, 71-78

إِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي خَالِقٌ بَشَرًا مِّن طِينٍ فَإِذَا سَوَّيْتُهُ وَ نَفَخْتُ فِيهِ مِن رُّوحِي فَقَعُوا لَهُ سَاجِدِينَ فَسَجَدَ الْمَلَائِكَةُ كُلُّهُمْ أَجْمَعُونَ إِلَّا إِبْلِيسَ اسْتَكْبَرَ وَ كَانَ مِنَ الْكَافِرِينَ قَالَ يَا إِبْلِيسُ مَا مَنَعَكَ أَن تَسْجُدَ لِمَا خَلَقْتُ بِإِيْدِي اسْتَكْبَرْتَ أَمْ كُنْتَ مِنَ الْعَالِينَ قَالَ أَنَا خَيْرٌ مِّنْهُ خَلَقْتَنِي مِن نَّارٍ وَ خَلَقْتَهُ مِن طِينٍ قَالَ فَأَخْرِجْ مِنْهَا فَإِنَّكَ رَاجِمٌ وَ إِنَّ عَلَيْنَكَ لَعْنَتِي إِلَى يَوْمِ الدِّينِ .

factor leading us to magnanimity and dignity is piety and virtuous behaviors⁸. Moreover, belonging to groups, tribes, nationalities, races, cultures and even acquired knowledge shall not produce dignity for a man and or his society as compared with other societies. All human beings and other creatures are created by only one creator who has a unique affection towards all of them. So that how can we think about the pride and superiority.

In today's world, we can see that several issues such as, superior race, superior power, superior economy, superior nationality, superior culture, superior equipment and armament and superior science are all, the cause and responsible for destruction and killing the human being. This kind of behaviors has led the humankind to fall at the level of wild animals, even more inferior than them namely, plantations and inanimate objects. There are few animals, which are accustomed to kill their own kind and this will happen only on the compulsory starving occasions. With the exception of wolves and hyenas, no other animals would kill and eat their own kind. But, the humankind who believes to be civilized and transcendent being, kills his fellow human beings just to satisfy his desires of presidency and arrogance and/or taking more pleasure in his future eating and sexual activities. He wrongfully thinks that he is created to live and grow on the corpse of his brethren, or other ethnic groups, nationalities and races, to be able to eat better, have better sexual intercourses, excrete much easier, and sleep heavier.

It is certain that there have been the same reasons behind waging all

⁸ -Al-Hujurāt XLIX, 13. **"O mankind! Lo! We have created you of a male and a female, and have made you nations and tribes that you may know one another. Lo! The noblest of you, in the sight of Allāh, is the most pious in conduct. Lo! Allāh is Knower, Aware."**

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ.

previous wars. Moreover, it is not improbable at all that due to the stupidity of arrogant, the whole humankind had not committed suicide for several times and being born again. Second World War, was another warning for the same teachings of arrogant racism and ethnic superiority which was about to ruin and destroy the humankind through fire and wickedness, so that ambitious persons such as Hitler to be able to acquire their illusory superiority. Suppressing the danger and menace of foolish sovereigns and rulers who have never felt the concepts of humanity and have been remained within the arrogance stupidity and its related ignorances, is a must. The said sovereigns have never thought about their filthy inside; and will bring to destruction those lively, spiritual, affectionate hearts of the children, adults and old ones, whether being a man or woman, just to fill up their dirty stomach as much as possible. Human beings should according to humane covenant, create an environment filled with full of brilliance of knowledge, wisdom and humanities, consequently having started a movement from brutality towards humanity.

The reason for these encroachments and transgressions is the decline of humane standpoints to a lower point namely brutality standpoints. Under the despotism and jungle life the weak is always suppressed. Certainly, this kind of government in the jungle has its own special regulations, and the rule of "survival of the fittest" is exactly observed. Moreover, it has seldom been observed that a wild beast kills its own kind saving at those circumstances that the existence of the kind is based on the killing of the own kind. Regretfully, in human societies, this kind of governance, which is ruled under the nature and criteria of animals, is much worse than the government of jungle life. Because in so-called human societies this straight stature animal (human being) kills thousands of his fellow-human beings not just for subsistence or making a living but to remove obstacles and bothersome persons blocking the way to achieve his desires and/or

seeking retribution. Whereas, there is no such an aim amongst animals, while killing each other.⁹

As a matter of principle, human societies should take those transcendental issues into consideration, which are not observed in animal societies. One of the subject matters of the said issues is advancement of morality in international relations, which results to the establishment of a transcendental diplomacy amongst societies. This kind of diplomacy is not based on "power"; consequently, its elements and components are not parts of "power". Although during several centuries there has been some narrow efforts about this subject matter, but human beings at present time are not decided yet to establish such a kind of transcendental diplomacy, and there will be a long way ahead to approach this end. Probably those persons can get to this end that evolutionary changes have developed their thoughts. These expectations might happen only on that time when human beings are succeeded by taking advantage of science and technology to bring some changes in their own body, as a result, to strengthen the transcendental attributes in themselves, and grow the seeds of improved human being. Anyhow, this subject matter corresponds to the materialization of an expectation in a distant future.

All divine religions are founded to attain the said transcendental attribute and the messengers are appointed to attain the aforementioned goal. This order of prophets, divine guardians, and divine executors from

⁹ The exceptional cases are very rare. In some family of mammalian species, it has been observed that for example some male cats suffocate their male children to prevent them from making any trouble in the future. Or some dogs for removing other dogs from their way will fight them until they are killed. Or the crows will sue the wrongdoer and kill the criminal collectively. In some kinds of insects such as bees which live socially, the campaign among those who are candidate for acquiring the position of queen, is under the violent law of nature, namely, survival of the strongest and the fittest just to maintain a strong generation and elimination of weak generation. Or the guards shall kill those bees, which are carrying nectars of poisonous flowers. The ants also live under the same rules. For more information, see the interesting works of Maurice Maeterlinck.

Adam (A) to Moses (A) then to Christ (A) then to Muhammad (S) and to present time shall be continued till the end of time. Moreover, in each age according to the circumstances of place and time, the accomplishments of divine manifestations will be enhanced. These divine manifestations are messengers (apostles) who are Divine Master of Authority¹⁰. Therefore, all religions are successively at the same line towards transcendence and perfection. Out of various courses of human endeavors to codify social laws and regulations, the efforts of prophets, divine guardians, and divine executors are much more noticeable. The Reverend Messenger of Islam, who is perfect manifestation of all previous religious thoughts and an advanced heritage of laws and regulations of previous religions, has been a turning point of this evolution. Regretfully through some wrongful commentaries and interpretations made by so-called religious scholars, His precious orders (commandments) have been so distorted that one of the mystics addressing His Reverend said: "your religion is so decorated and distorted that if you be back you would never recognize your own religion".

As a general overview of Islamic ordinances and rules, it is said:¹¹ "...But whatever mankind is looking for and wishes to approach, there exist in sacred religion of Islam in a complete and perfect condition. All greatest and most important attributes that good ones possess, Islam has them all, just alone. But to attain one's goal, it is a must that all commandments being performed and executed thoroughly and word for word. We have no right to remain inactive and expect to receive the better of the both two worlds. We are waiting for the advent of the true reformer, the promised

¹⁰ Al-Baqarah II, 106. "Such of our revelations as we abrogate or cause to be forgotten, we bring (in place) one better or the like thereof. Know you not that Allāh is able to do all things".

ما نَنْسَخُ مِنْ آيَةٍ أَوْ نُنسِئُهَا نَأْتِ بِخَيْرٍ مِنْهَا أَوْ مِثْلَهَا أَمْ لَمْ تَعْلَمْ أَنَّ اللَّهَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ.

¹¹ His Excellency Hajj Sultan Hussein Tabandeh, "Religion Standpoints on Universal Declaration of Human Rights", Salih Publication, 2nd ed., 1975 pp. 27-38.

Messiah, Hojjat-ibn-al-Hassan (A), whose advent makes the sacred wishes and ideals of humanity come true. He is the one who can build Utopia, where, is the ideal place for philosophers and establish that kind of international community which is most desired by peace-loving nations, and also develop justice and equity that the whole mankind enthusiastically are waiting for. Islam has not disregarded the basic necessities of life for human beings and has stated all issues of moral, social, devotional, individual, and general commandments. If we do perform and execute Islamic ordinances, we would be able to do without all other statutory laws. And even if the international or internal laws being needed, they should be in fact, the commentaries of, and in accordance with the Islamic laws and regulations, because, there can always be found an answer to the raised questions, in Islam. And also, nothing is left behind as to the civilities of social life and transactions, that is to say, in every detail subject there is an order to be observed, in Islam. And if we take a look into the books concerning the commandments of transactions such as purchase, sale, rent, lease, and commandite and so on, we will find out, there is no issue that has no special order for it. As for the civilities of social life, it is so written that the procedures of receiving guests and serving and having food are carefully mentioned and the instructions for cleanliness and purity are meticulously and perfectly stated. As to the prescribed punishments (Hodood), relevant punishments are determined for various kinds of wrongdoings, which parts of them will be discussed briefly in future. Some of these punishments such as punishment for theft, which is cutting off four fingers of one hand, has been a matter of controversy; but scrutinization shows that if it is compared with the punishments prescribed in other religions and or legal systems, it would be noticed that, this kind of punishment is much better and preferred to the others. Because, cutting off the four fingers of one hand is not detrimental to the life of man. And it is

even ordered that the judge should give special instructions for dressing and bandaging the wound and taking care of it to be healed as soon as possible. If this punishment be executed, there will be no theft, as it is in Saudi Arabia. And if during Hajj pilgrimage there happens to be some thefts, it is perpetrated by those people who have come from abroad. No other punishments have such a deterrent effects as the prescribed punishments in Islam. Of course, cutting off the fingers of one hand would be beneficial if it is done according to the rules mentioned in canonical works. Consequently, nobody would be subject to the rule of cutting off fingers in vain and unjustly. As to the civilities of social intercourse, there are comprehensive and perfect instructions, which are the best, and no better one can be found. For instance, in Glorious Qur'an, sūrah Āle-Imran it is said: **"O People of the scripture; (Jews, Christians, and probably Zoroastrians) come to an agreement between us and you, and perform it carefully. That we shall worship none but Allāh, and that we shall ascribe no partner unto him, and that none of us shall take others for Lords besides Allāh. And if they turn away, then say: Bear witness that we are they who have surrendered (Muslimun) (unto Him)".**¹² From the said noble verse, we can learn freedom of human beings and their equality before law, and also prohibition of submission to other persons. (Unless it is in accordance with the law). This is what the leaders of most nations are nowadays speaking about and attempting to obtain for their nations. At the early Islamic period up to dominion of Mo'aviah, especially at the time of second Caliph Omar-ibn-el-Khattab and the Lord of the virtuous Ali-ibn-Abitalib (A), the said rules were precisely enforced. The story of Jabalat-ibn-Aiham the king of Ghassani who was converted to Islam at the time of

¹² Āle-Imran III, 64.

قُلْ يَا أَهْلَ الْكِتَابِ تَعَالَوْا إِلَى كَلِمَةٍ سَوَاءٍ بَيْنَنَا وَبَيْنَكُمْ أَلَّا نَعْبُدَ إِلَّا اللَّهَ وَ لَا نُشْرِكَ بِهِ شَيْئًا وَ لَا يَتَّخِذَ بَعْضُنَا بَعْضًا أَرْبَابًا مِنْ دُونِ اللَّهِ فَإِنْ تَوَلَّوْا فَقُولُوا اشْهَدُوا بِأَنَّا مُسْلِمُونَ.

Omar is a well-known story. Because he was retaliated due to whipping a person without due cause. And also, there is a well-known story about the behaviors of Ali (A) towards his beloved brother Aqil, while dividing public treasury between Muslims in an equal basis. The said verse has also an important message that all nations are born free and should not be under the guardianship and/or state of slavery of the great powers. In sūrah of Al-Nahl, it is said: **"Lo! Allāh enjoins justice and kindness, and giving to kinsfolk, and forbids lewdness and abomination and wickedness. He exhorts you in order that you may take heed"**.¹³ This verse emphasizes a development of justice and equity on every stage and place whether in a society, city, village, and/or family and also enjoins doing good to those who are inferior to others and so on. It is a general instruction that all those persons who are in a higher position should observe, and refrain from doing any cruelty and infringement of others rights as well as stopping unjust behaviors. It also orders kindness and benevolence in all affairs, which includes individual and social activities such as helping the poor and needy, and taking part in public works and charitable establishments, as it is now established all over the world. In sūrah of Al-Hujurāt, it is said: **"O mankind Lo! We have created you of a male and a female, and have made you nations and tribes that you may know one another. Lo! The noblest of you, in the sight of Allāh, is the most pious. Lo! Allāh is Knower, Aware."**¹⁴ This verse indicates the equality of races in the sight of Allāh, that is to say, there is no difference between races whether white or black, and all of them are equal before laws and regulations. No person is preferred to another one. The only criterion, which is taken into

¹³ Al-Nahl XVI, 90.

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ.

¹⁴ Al-Hujurāt XLIX, 13.

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ.

consideration, is piety, because it is the base and origin of all virtues. In the early Islamic period, the situation was practically the same as mentioned above. There was no difference between the clothes of Caliph and other persons. No chamberlain or doorkeeper was appointed for Caliph. The second Caliph while was on a journey to Jerusalem, to visit and make a compromise and peace treaty with their people, had only one servant who accompanied him. They had only one camel to ride on, and they did ride on it in turn. At the time of entering the city, it was the turn of the servant and second Caliph was traveling on foot. There were seventeen patches on the clothes of Ali-ibn-Abitalib (A) who once said "I am ashamed of the tailor mending my shirt". He always used to buy clothes of the same kind for himself and his servant and even he would give the servant the better one. When Salmon the Persian, was appointed as governor of Mada'in, he had only a backpack. He entered the city on foot, without having any other things with him. Therefore, what kind of freedom and equality can be practically superior and better than these that are instructed and given by Islam? Islamic leaders have explicitly stated that paradise would belong to those persons who obey God's ordinances, even if they be slaves from Abyssinia, and Hell for those who disobey, even if they be masters and from Quraish tribe. The Islamic leaders have practically and exactly followed the said instructions. But the human beings statutory laws are firstly defective and secondly most of times those persons who have ordered and made the laws are not bound to them. In sūrah of Āle-Imran, it is said: **"And hold fast, all of you together, to the cable of Allāh (Divine Master of Affairs and Authority) and do not separate. And remember Allāh's favour unto you: because you were always fighting with each other as enemies and He made friendship between your hearts so that you became as brothers by His grace"**.¹⁵ This gracious and firm

¹⁵ Āle-Imran III, 103.

instruction is a must for unity and alliance of societies. Without unanimity and unity of thoughts and without assistance of individuals all together, there would be no prosperous, tranquil, and advanced society. When the societies and states are not gathered under one flag and are not allied, they would not be prosperous. Now the question is, which one of the international laws do contain such a firm instructions, and which one of the legislators like honorable legislator of Islam and his true successors have exactly observed the ordinances. In sūrah of Al-Fat'h, it is said. **"Muhammad is the messenger of Allāh. And those with him are hard against the disbelievers and merciful among themselves."**¹⁶ That is to say, each society and nation should be devoted to and very serious in defending their own territory and stop the enemy to penetrate into their community. And they should also be united to destroy the enemy. On the other hand, they must be very kind and merciful towards their brethren and fellow citizens, and should not infringe their rights. They should not prefer their desires if it is against interest of society. They should, as long as possible, prefer other's interests to their own. As it is said: **"but prefer (their brethren) above themselves, though poverty may afflict them."**¹⁷ On an occasion, the grand Caliph of Islam, Ali-ibn-Abitaleb (A) heard that in the realm of his governance the guerrillas of Moavi'ah have taken out the earrings of a Jewish woman, who was under the protection of Islam's government, and have torn her ears. Due to the sadness of this happening, he was ill with high fever for three days and would say: "Ali must be buried

وَ اعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَ لَا تَفَرَّقُوا وَ اذْكُرُوا نِعْمَتَ اللَّهِ عَلَيْكُمْ إِذْ كُنْتُمْ أَعْدَاءً فَأَلَّفَ بَيْنَ فُلُوبِكُمْ فَأَصْبَحْتُمْ
بِنِعْمَتِهِ إِخْوَانًا.

¹⁶ Al-Fat'h XLVIIT, 29.

مُحَمَّدٌ رَسُولُ اللَّهِ وَ الَّذِينَ مَعَهُ أَشِدَّاءُ عَلَى الْكُفَّارِ رُحَمَاءُ بَيْنَهُمْ.

¹⁷ Al-Hasher LIX, 9.

وَ يُؤْتِرُونَ عَلَى أَنْفُسِهِمْ وَ لَوْ كَانَ بِهِمْ خَصَاصَةٌ.

alive, because in his realm of governance the enemies have taken out the earrings from the ears of a Jewish woman." In Al-Kafi it is narrated from Reb'ai¹⁸ then from Fuzail-ibn-Yassar that, "A Muslim is religious brethren of another Muslim. He never treats him oppressively and shall not desire his wretchedness."¹⁹ Reb'ai says, one of our friends asked me about the correctness of this narration which is narrated by Fuzail and I responded: yes, it is true. Because I myself heard, that Abi-Abdollah said: "A Muslim is religious brethren of another Muslim; he never treats him oppressively and would not deceive him and/or commit treachery and never betrays him, and does not speak of him in the manner of backbiting." That is to say, it is the duty of every one of Muslims to observe all above mentioned rules and orders in connection with other Muslims. The above-mentioned Islamic commandments were introduced just as an example. Other Islamic laws and regulations whether moral, devotional and/or transactional are all at the same level. Therefore, we are not able to find any other laws better than these gracious and firm orders. If the human beings are intended to overcome their difficulties, they have to observe and enforce Islamic laws and regulations. But regretfully, at present age, the Islamic leaders are not bound to Islamic laws or they are not aware of them. Otherwise, to

¹⁸ Reb'ai, which has different pronunciation, is the nickname of some narrators, where from common or special sects, such as Qus-ibn-Abdollah, Haris-ibn-Zaid, and Hazirat-ibn-Amer Reb'ai who is thought to be one of the disciples of Imam Sadiq (A), And Hassan-ibn-Ali Reb'ai that Sheikh Toosi has mentioned to be one of the disciples of Imam Reza (A). But the one who mentioned in the text is Reb'ai-ibn-Abdollah-ibn-Jabrood-ibn-abi-Sireh Hazli, who was one of the disciples of Imam Sadiq (A) and he has also narrated from Fuzail-ibn-Yasser. He has also narrated from Imam Baqer (A) and Imam Sadiq (A).

¹⁹ Al-Kāfi, 2, 167, Chapter of believers brethren:

الكافي، ٢، ١٦٧، باب اخوة المؤمنين بعضهم لبعض. عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنْ حَمَّادِ بْنِ عِيسَى عَنْ رَبِيعٍ عَنْ فَضَيْلِ بْنِ يَسَارٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ الْمُسْلِمُ أَخُو الْمُسْلِمِ لَا يَظْلِمُهُ وَلَا يَخْدُلُهُ وَلَا يَغْتَابُهُ وَلَا يَخُونُهُ وَلَا يَحْرِمُهُ قَالَ رَبِيعٌ فَسَأَلَنِي رَجُلٌ مِنْ أَصْحَابِنَا بِالْمَدِينَةِ فَقَالَ سَمِعْتُ فَضَيْلاً يَقُولُ ذَلِكَ قَالَ فَقُلْتُ لَهُ نَعَمْ فَقَالَ فَإِنِّي سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ الْمُسْلِمُ أَخُو الْمُسْلِمِ لَا يَظْلِمُهُ وَلَا يَعْشُهُ وَلَا يَخْدُلُهُ وَلَا يَغْتَابُهُ وَلَا يَخُونُهُ وَلَا يَحْرِمُهُ.

overcome their social sufferings, they would refer to Islam and Qur'an, consequently would remove their difficulties. And they would never appeal to the strangers who are themselves destitute and powerless on these cases."

Islamic standpoints are consistent and integrated, and sagacious persons and Divine Authorities believe that true Islamic laws are just the same as unchangeable scientific laws. These laws were made and innovated on the basis of humankind's nature and are fully compatible and in harmony with the states and behaviors of human beings. Different religious sect's jurists have commented on the basic principles of religion in detail. Moreover, it might be that, these detailed commentaries have been the reason for introducing various decisions in religion and the cause of all existing differences. The current jurisprudential methods between various sects of Shiites and Sunnies and the method of reasoning of canon lawyers affiliated to the said sects about reasonability of the sources of jurisprudence are quite different. And this can be the base and origin of discrepancies between decisions and viewpoints, which are principally opposite to the religion's objectives. Unity is the main aim of religion, which said: **"And hold fast, all of you together, to the cable of Allāh and do not separate. And remember Allāh's favor unto you."**²⁰ Probably the said verse suffices us for setting aside all these argumentation about reasonability of different sources of jurisprudence and different methods of deduction at religious laws, such as: traditions, narrations, analogy, consensus of opinions, juristic preference, reasoning through exigency, blocking the detrimental means and so on. We should use the aforementioned sources just for expansion of thoughts and utilizing the teachings of reasoning. The Lord of the Age is the, possessor of the

²⁰ Āle-Imran III, 103.

وَاعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا وَاذْكُرُوا نِعْمَتَ اللَّهِ عَلَيْكُمْ.

absolute reasonability, and because of his confirmation, Glorious Qur'an possesses transcendental reasonability. Moreover, all Islamic sects are unanimous on the latter's reasonability. Thus, in this book, it has been made efforts, as far as possible, not to rely on the conjectural references and uncertain traditions and narrations,²¹ because conjecture can by no means take the place of truth,²² whereas there are too many traditions, which have different meanings, and even some of them are contradictory with some others. Therefore, invoking this kind of traditions, which results to various interpretations, not only would not resolve our difficulties, but they would introduce contradictory decisions, which are the cause of discord among the nations, instead of bringing unity. On the other hand, the interpreter of the words of the impeccable should have some special requirements that we are not going to discuss about it here.²³ Above all, discernment of the words of the impeccable while they are speaking in their human beings position and/or while they are inspired²⁴ are not so easy to understand.²⁵ Although it is said: **"your companion does not err, nor he goes astray.**

²¹ The common belief is that all traditions and narration are to be taken as genuine and correct reference. But with respect to the fact that the impeccable were under dissimulation state and/or they have answered the questions just according to the personality of the persons who have propounded the questions, therefore it seems better their words to be taken as doubtful or conjectural reference.

²² Yūnus X, 36. **"Assuredly conjecture can by no means take the place of truth".**

إِنَّ الظَّنَّ لَا يُغْنِي مِنَ الْحَقِّ شَيْئًا.

²³ See: B. Bidabad, A. Harsini (2003) Economic-juristic analysis of usury in consumption and investment loans and contemporary jurisprudence shortages in exploring legislator commandments. (In Farsi).

<http://www.bidabad.ir/doc/reba9.html>

See also: Bidabad (2004), Economic-juristic analysis of usury in consumption and investment loans and contemporary jurisprudence shortages in exploring legislator commandments. Proceeding of the 2nd International Islamic Banking Conference. Monash University of Malaysia. 9-10 September. (In English)

<http://www.bidabad.ir/doc/reba-english-4.html>

²⁴ Al-Kahf XVIII, 110. **"Say: I am only a mortal like you. My Lord inspires in me".**

قُلْ إِنَّمَا أَنَا بَشَرٌ مِّثْلُكُمْ يُوحِي إِلَيَّ.

²⁵ For more information see: "Collection of juristic-social articles", written by His Excellency hajj Dr. Noor-Ali Tabandeh, Haqiqat Publication. Tehran, (2001).

Nor he speaks out of desire. It is naught save an inspiration that is inspired"²⁶ But understanding and discernment of their statements and words necessitate passing the similar several phases of mystical paths of those magnanimous and honorable persons, otherwise to distinguish the words of the speech from the purport becomes very difficult.²⁷ In the noble book of Salehyeh it is mentioned that, "Conjectural reference if does not lead to knowledge and understanding would result to conjecture. One who knows the path of tasks and is doubtful about the subject matter and its related doubts, and could not attain the knowledge, is excused to be in doubt. But to take a conjectural order as a certain one, and to introduce it as divine commandment binding on oneself and the followers, and make stalled and dependent divine commandments on an incorrect judgment and baseless analogy and on one's own desire, this is opposition to God and to call oneself as his agent without being authorized, it "will not avail aught against the truth"²⁸ although "will take advantage from the people."²⁹ In

²⁶ Al-Najm LIII, 2-4.

مَا ضَلَّ صَاحِبُكُمْ وَ مَا غَوَىٰ وَ مَا يَنْطِقُ عَنِ الْهَوَىٰ إِنْ هُوَ إِلَّا وَحْيٌ يُوحَىٰ.

²⁷ There are too many traditions on this case. In Bahar-ol-Anvar there is a separate chapter with 116 traditions on this subject. Bahar-ol-Anvar, volume 2, chapter 26, p. 182.

بحار الأنوار ج: ٢ ص: ١٨٢، باب ٢٦- أن حديثهم ع صعب مستصعب و أن كلامهم ذو وجوه كثيرة و فضل التدبر في أخبارهم ع و التسليم لهم و النهي عن رد أخبارهم. الآيات النساء فلا وَ رَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَ يُسَلِّمُوا تَسْلِيمًا يونس بَلْ كَذَّبُوا بِمَا لَمْ يُحِيطُوا بِعَلَمِهِ وَ لَمَّا يَأْتِهِمْ تَأْوِيلُهُ كَذَلِكَ كَذَّبَ الَّذِينَ مِن قَبْلِهِمْ فَانظُرْ كَيْفَ كَانَ عَاقِبَةُ الظَّالِمِينَ الكهف قَالَ إِنَّكَ لَن تَسْتَطِيعَ مَعِيَ صَبْرًا وَ كَيْفَ تَصْبِرُ عَلَىٰ مَا لَمْ تُحِطْ بِهِ خُبْرًا النور إِمَّا كَانَ قَوْلَ الْمُؤْمِنِينَ إِذَا دُعُوا إِلَى اللَّهِ وَ رَسُولِهِ لِيَحْكُمَ بَيْنَهُمْ أَن يَقُولُوا سَمِعْنَا وَ أَطَعْنَا وَ أُولَئِكَ هُمُ الْمُفْلِحُونَ الأحزاب وَ مَا زَادَهُمْ إِلَّا إِيمَانًا وَ تَسْلِيمًا و قال سبحانه وَ مَا كَانَ لِمُؤْمِنٍ وَ لَا مُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَ رَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ وَ مَنْ يَعْصِ اللَّهَ وَ رَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُّبِينًا و قال عز و جل يَا أَيُّهَا الَّذِينَ آمَنُوا صَلُّوا عَلَيْهِ وَ سَلِّمُوا تَسْلِيمًا ...

²⁸ Yūnus X, 36.

إِنَّ الظَّنَّ لَا يُغْنِي مِنَ الْحَقِّ شَيْئًا

²⁹ His Excellency Noor Ail Shah the second, Salehyeh, 2nd ed., Tehran University Publication, 1967, Haqiqat no. 374, p. 250.

another part of the book, it has been written: "the future and the past news as well as invisible world's news are mentioned in Glorious Qur'an. The appearances of the words are eloquent and their hearts and inwards amplitude, its words are purposeful and each one of its sentences is a complete topic, and together with others are a perfect knowledge, and all of them together are successful at the end".³⁰

In this book, we have made effort to invoke just Qur'an's verses if possible. And on special cases, reference is made to the statements of Reverend Messenger (S) and Imam Ail (A). These two honorable personalities are respected and accepted by all Islamic sects and religious groups. Their remarks and statements are accepted and performed sincerely and willingly by all Muslims all over the world.

As it is stated by Molavi (peace be upon him): There is an apparent meaning for Qur'an's verses as well as inward meaning. And there is an inward meaning for the latter, and so on. On the basis and to the degrees of suitability of our understanding, different comments and meanings from Qur'an's verses can be understood and/or construed. But generally, that which is not contradictory to the appearance of the Qur'an's verses can be accepted as an exegesis of Qur'an. In other words, a commentator just states his own understanding from Qur'an's verses. From the appearance meaning of the words some various advantages have been taken, in a manner that, some has explicated and paraphrased (interpreted) Qur'an's verses, and some other persons known as "Batinyeh" (Esoteric, Batinis) have emphasized on the inward meaning of Qur'an's verses.³¹

³⁰ His Excellency Noor Ail Shah the second, Salehyeh, 2nd ed., Tehran University Publication, 1967, Haqiqat no. 374, p. 252.

³¹ For having a full description on this subject see the book of "A guide to prosperity", a translation of the preface of "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah" بيان السعادة في مقامات العباده translated from Arabic to Farsi by His Excellency hajj Sultan Hussein Tabandeh Gonabadi, Haqiqat Publication, 1963.

After the establishment of Islamic community and while Reverend Messenger was in charge of community's management, in different occasions, where a new instruction was needed or a heavier punishment was felt necessary for a special crime, a revelation was inspired by Reverend Messenger. And at those situations where there was no ordinances revealed, Allāh had ordered the Messenger (S) to enforce the laws prescribed in Torah. **"The Torah, wherein there exist commandments of Allāh".**³² And **"The Torah wherein there exist guidance and a light to judge by them"**³³ Whenever it was necessary other verses would be revealed and, as long as, they were not abrogated, the laws and regulations prescribed in Torah were enforced. Anyway, although Qur'an's verses have been revealed due to special occasions and relate to those periods of time but, in all occasions a general rule has also been stated that could be used in other instances. Therefore, it should not be said that some of Qur'an's verses are revealed just for that period, but it should be said that all Qur'an's verses are for all the times, which have been revealed in a special occasion. There is no verse in Qur'an that not to be advantageous for human beings in this age.

To make comment on Qur'an's verses we have taken advantage of noble exegetic book of "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah"³⁴ which

³² Al-Māidah V, 43.

التَّوْرَةَ فِيهَا حُكْمُ اللَّهِ.

³³ Al-Māidah V, 44.

التَّوْرَةَ فِيهَا هُدًى وَ نُورٌ يَحْكُمُ بِهَا.

³⁴ Second edition of "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah" was printed in Tehran University printing office, in four volumes (1965). This exegetic book is in Arabic language and is unique with great elegance in religious argumentation. And certainly its translation would reduce the quality of its delicate hints. There is a translation in Persian whose translators are, Muhammad Aqa Reza Khani and Dr. Heshmatollah Riazi. But without resorting to the main text the translation cannot be very useful. Therefore, the Persian and Arabic texts are compiled in one book. Anyhow, by recourse to the Arabic text and editing the Persian translation we have used a reformed text in this book, which as the phraseology and fluency is closer to the main text. But reference at the footnotes

is one of the most important mystical-theosophical exegeses in Islamic world. This book has met with approval of whole great Shiite scholars in and out of Iran. Concerning the said exegetic book Ayatollah Khomeini³⁵ says: "Several persons have asked me to have a discussion about some noble verses of Glorious Qur'an. I should declare that commenting on Qur'an's verses is not such an easy task to be done by the people in my rank. Of course, during the history of Islam those distinguished scholars who have written some books on this subject, whether Sunnies or Shiites - whose efforts are to be praised- just due to their specialties have been able to comment only on one aspects of different levels of Qur'an, which has been expressly understandable. For example the mystics who have lived during past centuries and have made comments, such as Muhy-ed-Din³⁶ in some of his books, Abdol-Razzaq Kashani³⁷ in "The interpretations", Sultan-Ali³⁸ in "the exegesis" who have been all in the path of mysticism and have written noticeable comments".

are to the main Persian translation even though the words are not quite the same.

³⁵ The aforementioned sentences are the same as his recorded speech. Nevertheless, see: "Comment on sūrah Al-Hamd", ayatollah seyed Rouhollah Mousavi Khomeini, Institute of Arrangement and Publication of Khomeini's Works, second edition, 1996 pp. 93-94 and comment on sūrah Al-Hamd, printed by Payam Azadi Publications.

³⁶ Muhammad-ibn-Ali-ibn-Muhammad Arabic, known as "ibn-Arabi", "Muhy-ed-Din", "Sheik Akbar" (560-638 A.H. Lunar year) one of Sheikhs (mystic leader) of the Sufis. As it is apparently noticeable in all Ayatollah Khomeini's works, his high regards to perfect divine mystics cannot be ignored. For example in his message to Gorbachev, declares: "I am not going to bother you more, so I do not mention the books of mystics especially I do not mention the name of Muhy-ed-Din Arabi. If you want to be aware of the discussions of this great man, you'd better send some of your genius experts, who are highly knowledgeable on these matters, to Qom. With trust in God and after several years of studying, they might get some awareness, about deep and delicate -thinner than hair- stages of his knowledge and wisdom.

³⁷ -Molla Abd-ol-Razzaq-ibn-Jamal (Jalal)-ed-Din Kashani whose nickname is Aboo-Ghana'im and entitled as Kamal-ed-Din. One of the Sheikhs (mystic leader) of the Sufis in eighth century (A.H. Lunar year).

³⁸ Hajj Molla Sultan Muhammad Beidokhti Gonabadi entitled as Sultan Ali-Shah one of grand mystic leader (Qutb) of the Sufis in ne'matollahi Sultan-Alishahi Gonabadi order. His biography is written in the book of "The genius of knowledge and mysticism" written by His Excellency hajj Sultan Hussein Tabandeh, second edition, 1971, Tehran, Haqiqat Publication.

Almighty God in Glorious Qur'an says: **"He it is who has revealed unto you (Muhammad) the scripture wherein indisputable verses are. They are the substance of the book- and others (which are) allegorical. But those in whose hearts is doubt and perversity due to seditiousness and inclination to interpretation pursue that which is allegorical. None knows its explanations save Allāh. And those who are of sound instruction, say: We believe therein; the whole is from our Lord, but only men of understanding really head."**³⁹ It seems suitable to have a comment on this verse from the said exegesis (Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah): **"He it is who has revealed unto you the scripture."** This is a beginning sentence (leading term) or an independent one, which indicates His Wisdom. **Scripture** means whatever in existence saves Allāh; because what remains when excluding Him is his scripture as it was explained in book one. To reveal or sending down the scripture, means to manifest His words unto Muhammad's status. Which denotes suitable ways of revealing on his status, such as, manifestation of those ordinances and precepts unto his status as a messenger, or its manifestation as words, phrases, designs, and writings that the scripture is collection of all of them. **"Wherein indisputable verses are."** Some of the verses are called "indisputable ones" which literally has the meaning of "firm and strong". *"He made firm and strong the matter and structure"* in such a way that there will be no break or destruction in it, *"He made firm the precepts"* in such manner that there will be no disappearance and abrogation in it. *"He made the words consistent and integrated"* namely words are so integrated which there will be no probability in their meanings. In all

³⁹ Āle-Imran III, 7

هُوَ الَّذِي أَنْزَلَ عَلَيْكَ الْكِتَابَ مِنْهُ آيَاتٌ مُحْكَمَاتٌ هُنَّ أُمُّ الْكِتَابِ وَأُخَرُ مُتَشَابِهَاتٌ فَأَمَّا الَّذِينَ فِي قُلُوبِهِمْ زَيْغٌ فَيَتَّبِعُونَ مَا تَشَابَهَ مِنْهُ ابْتِغَاءَ الْفِتْنَةِ وَابْتِغَاءَ تَأْوِيلِهِ وَمَا يَعْلَمُ تَأْوِيلَهُ إِلَّا اللَّهُ وَالرَّاسِخُونَ فِي الْعِلْمِ يَقُولُونَ آمَنَّا بِهِ كُلٌّ مِنْ عِنْدِ رَبِّنَا وَمَا يَذَّكَّرُ إِلَّا أُولُو الْأَلْبَابِ.

aforementioned cases allegorical stands at the opposite side of firmness (indisputable). All traditions and narrations received from the impeccable (the infallible) are declared into the said "indisputable or allegorical" manner, that should be referred to the abovementioned explanations for their meanings. As to the great created book (universe/macrocosm), its intellectual (rational) and sensual (worldly) verses, with respect to their intellectual aspects are called "indisputable" and concerning their principles are allegorical; the objective, natural and scientific verses from superior and inferior heaven, concerning their disappearing and transitory states would be allegorical. As to the mankind created book, which is a brief sample (and summary) of the great book, its spiritual and intellectual verses are indisputable" and its sensual and natural verses are allegorical. And as to the scientific sense, the intellectual sciences are its "indisputable" because they will meet no annihilation and their known facts never contradict them because they are the science themselves. As to the worldly or sensual sciences, their generality and details, acknowledgements and imaginations, certainties and conjectures they are all allegorical, because they would be eradicated from the soul and contradict with their manifestations, in addition, inconsistency of their manifestations with them is occurred. That is the reason that they are called doubts or suspicions. As to his willful deeds, all his deeds and words, his occurrences to mind and imaginations are his allegorical, because they will vanish and do not remain in existence. Moreover, what ever whose issuance is from Almighty God and whose return to Almighty God is clearly known, will be his "indisputable" and every thing whose issuance is not known to be from God or it is obvious which has been issued from Devil, they will be his allegorical. And whatever whose return to God is clearly known and whatever whose return to God is not known just follow the same rule. As for the obligatory commandments, every commandment that is not

susceptible to abrogation is "indisputable" and every commandment, which has been abrogated or is susceptible to abrogation, is allegorical. Everything which is brought as a general rule and all eligible and fully responsible are bound to it, will be "indisputable" and whatever which is brought as a special rule and not to be obligatory for all eligible, it will be allegorical. And from collected and compiled written book (Qur'an), whatever whose signification is distinct and clear and there is no probability to its meaning except for its own context, or being abrogate or to be as a general rule or to be unchanged and never abrogated or its interpretation being determined after distinguishing its revelation, they are all called "indisputable verses" and all those which are contrary to the said cases are allegorical. Since Ali (A) is entirely under the command of spirit, and his return is to God and belongs to the exalted spirits and his opponents are in contrary state of these attributes, therefore it is true to call Ali (A) and other Imams (A) as "indisputable" and their opponents as allegorical. As it is narrated from Abi-Abdollah (A) about "**wherein indisputable verses are**" said: because "**indisputable verses**" are bases and pillars of the scripture, that is why it is said "**they are substance of the book**" and not "**principles of the book**". Although as a grammatical standpoint the "verses" is plural, but God Almighty presumes the entirety of what is called scripture just as a single unit. And this presumption necessitates singularity to what is attributed (to the book), not plurality. And because the totality of "indisputable verses" as a general compound, establishes a united principle for the scripture, therefore each one of them is not taken as separate principle. "**And others (which are) allegorical. But those in whose hearts is doubt and perversity**" namely, those persons in whose hearts there exist rejection of The Right, and deviation from the heart and other world. Hereafter, they will take and "**Follow**" only allegorical from macrocosm, that is to say, the creatures of the world, the transitory

ornament and also the creatures of inferior heaven and their tricks (imagination/presentations); and from microcosm also only follow the allegorical, such as transitory ardent desires which are full of pain and suffering and evil perceptions and deeds and words which are deviated or doubtful of deviation. From allegorical commandments, they will follow those that are compatible with their corrupt decisions and/or some of them, which could be interpreted to their advantages. And from Qur'an they will also follow those allegorical verses, which are compatible with their illusions, and/or their interpretation might have been to their advantages. Therefore, they abandon the indisputable verses of scripture. **"Pursue, that which is allegorical, seeking (to cause) dissension"** whether to be aware of mischievousness or not to be thereof. Because seeking disturbance like seeking God's satisfaction is sometimes based on intention and sometimes is done unintentionally. Because those persons who are settled in the prison of the "self" and/or the hells of bad tempers, would never create, save corruption in the earth of macrocosm or microcosm and /or destruction of cultivation and generation. By accepting any words or deeds from them, this corruption would be more severe and this severity is the very same as willfully caused corruption, whether not to be aware of correction or corruption or being fully aware of their causing of corruption or their intention of doing it. Whether imagining that they are peacemakers not corruptors, as they said so **"We are peacemakers only"**⁴⁰ **"By seeking to explain it"** they will interpret the verses in a manner to be compatible with their thoughts. **"and none knows its explanation"** (with respect to Arabic grammatical standpoints this sentence is in present tense, so beginning with "and" to a negative future tense is permissible. Or this "and" might be a

⁴⁰ Al-Baqarah II, 11-12. **"And when it is said to them: make no mischief in the earth, they say: we are peacemaker only. Lo! They are not indeed the mischief-makers. But they perceive not."**

وَ إِذَا قِيلَ لَهُمْ لَا تُفْسِدُوا فِي الْأَرْضِ قَالُوا إِنَّمَا نَحْنُ مُصْلِحُونَ. أَلَا إِنَّهُمْ هُمُ الْمُفْسِدُونَ وَ لَكِن لَّا يَشْعُرُونَ.

conjunctive). And **explanation** (interpretation) in this place refers to that which is interpreted to, or to the meaning of its infinitive. Namely that which its interpretation is in essence. And nobody knows "**save Allāh**". Know that "interpretation of a thing" means to return it or send it back. And this will not happen unless to return it to its beginning phase or origin. Since the beginning point of divine created or compiled words is the manifestation position of His Almighty, which is the very same as divine providence, therefore no one knows its absolute interpretation save Allāh. "**And those who are of sound instruction**", who are the persons with deep and firm knowledge are those who have passed the status of "possibility" and have attained the position of "providence", as we have been received, the said persons are only Muhammad and his twelve divine executors. But as to other than prophets and divine guardians, since they have not passed the status of "possibility", so they do not know its interpretation. Their knowledge just depends to their dignity and position. Since the words are somehow emanated from occult position, so it is true to say that nobody knows its complete interpretation save Allāh. And even the persons with deep and firm knowledge do not know it but on the grounds of submission, they say: "**We believe therein**" therefore it all depends on "**save Allāh**". And the words of Allāh, namely "**of the sound instruction**" is the beginning of another sentence. So it is true to be said: Nobody knows the interpretation of Qur'an save Allāh. Or to be said: the knowledge of interpretation of Qur'an is restricted to the Prophet (S) and Imams (A) and nobody else knows it. Or it might be said: the said knowledge is restricted to abovementioned persons and some appointed persons from their followers. There are some narrations indicating and confirming all the aforementioned subjects. "**The whole**" whether "indisputable verses" or allegorical "**is from our Lord**". It is narrated that: "we are the persons of sound instruction. And there is a tradition that says: Messenger of God is

the most meritorious person of sound instruction. And it is also narrated that: those persons, which there are no difference between their statements and deeds, they are of sound instruction. There is a tradition which indicates "Then God, glorified be His name, through His vast compassionate and mercy towards His creatures, and knowing that some interpreters would change His words purporting different meanings, has divided His words into three kinds. The first kind is that which everybody would understand it whether being scholars or laymen. The second kind is that, which does not understand it save those persons whose minds are clear, senses are fine, and their discernments are perfect. These are persons whose chests are expanded by God unto Islam. The third kind is that which does not understand it save Allāh and his prophets and those of sound instruction. God has done it to prevent the wrongdoers who predominate the heritage of messenger of god, to assert having the knowledge of scripture. God did not give them this knowledge to compel them at the time of distress to submit themselves to their Divine Master of Authorization. They disobeyed God due to their conceit and making false accusation unto God Almighty and because of the abundance of their friends and followers became arrogant. And showed enmity towards God, glorified be His name, and His messenger. They do not remember that there are both "indisputable verses" and "allegorical" in scripture and nobody knows allegorical save Allāh and His successor. And its existence and revelation cannot be understood unless through comprehension of allegorical. **"But only men of understanding really heed."** But those whose deeds and knowledge arise from wisdom, and as we have already said, this is done only through connection of their hearts to divine guardianship by hands of Divine Guardians. The said sentence of the words of God Almighty is a response to the words of the believers, which makes it clear, and/or the believers themselves utter the sentence. To raise objections, that presenting

allegorical statements with probable aspects of obscurity is not in accordance with dignity of the wise, should be dismissed. If the concept of the statements are perceptible and are one of the kinds which laymen are able to understand, then there might be a sentence in the statement that the text would lead us to the meaning. And it is impossible to refer to improbable. Of course, this kind of discourse has its correct rational objectives. There might be several aspects of meaning in the statements. Therefore, it is probable to have two or more aspects of meanings in the statements. If the concept of the statement is part of the invisible affairs, which has no similar form in this world, then, since the preordinations and incorporeal beings of invisible affairs are bright and whatever which there exists in this world is dark and certainly there is no compatibility between brightness and darkness, so that whenever there is a manifestation of the brightness, the darkness would disappear. Therefore, God Almighty said: **"If we sent down an angel the matter would be terminated."**⁴¹ Because when the "luminous beings" with their existence become manifest in this world they would destroy whatever there exists in the world. In this case, interpretation of the said concepts are impossible unless through parables; and portraying the parables are also impossible unless through allegorical which needs interpretation. Just the same as dreaming that needs interpretation. Because, the portray of that which exists in that world, is in parables within next world's perceptions, therefore surely, it needs to be interpreted. This kind of interpretation and explanation is not authorized save for those clear-sighted who are aware of relationship between the illustrative allegories and the object of comparison. It is attributed to Ali (A) that said: "be aware that those who are deep and firm in knowledge (sound instructions), are the persons whom God has bestowed the ability to

⁴¹ Al-An'am VI, 8.

remove the barriers of invisible world without trying too hard. And they confessed the existence of those, which have been behind the veil and were not aware of their interpretation, so that they said: **"We believe therein; the whole is from our Lord."** Then God Almighty praised their confession in their inability of those things, which through their knowledge have no comprehension. And abandonment of fathoming the matters, which they are not obliged to discuss about, is called "firmness". So you better be content to so much, and never estimate the magnificence of Allāh with your own wisdom, otherwise you would be damned to perdition. And there is another Qur'an's verse about the persons of sound instruction which says: **"But those of them who are firm in knowledge and deep in thinking (sound instructions) and the believers, believe in that which revealed unto you, and that which was revealed before you, especially the diligent in prayer and those who pay the poor-due, the believers in Allāh and the Other Day. Upon those we shall bestow immense reward."**⁴² This knowledge⁴³ is one, which emanates from "piety" not from learning at school, which is said: **"Observe your pious duty to Allāh, Allāh will teach you."**⁴⁴ We will discuss this subject in forthcoming pages.

International law has been existed since long, between human societies, so that it is not a new phenomenon. However, during past decades this topic has been being taught as an independent field of study at the universities. The object of this field of study is surveying the peculiar method of international life. With respect to the various meanings,

⁴² Al-Nisā IV, 162.

لَكِنَّ الرَّاٰسِخُوْنَ فِي الْعِلْمِ مِنْهُمْ وَ الْمُؤْمِنُوْنَ يُؤْمِنُوْنَ بِمَا اُنزِلَ اِلَيْكَ وَ مَا اُنزِلَ مِنْ قَبْلِكَ وَ الْمُقِيمِيْنَ الصَّلَاةَ وَ الْمُؤْتُوْنَ الزَّكَاةَ وَ الْمُؤْمِنُوْنَ بِاللّٰهِ وَ الْيَوْمِ الْاٰخِرِ اُولٰٓئِكَ سَنُوْتِيْهِمْ اَجْرًا عَظِيْمًا.

⁴³ For a noble discussion on this subject see: "Sa'adatnameh". Written by: His Excellency hajj Molla Sultan Muhammad Sultan Alishah Gonabadi. Edited and marginal notes by Hussain Ali Kashani Beidokhti, Haqiqat Publication (2000), Tehran.

⁴⁴ Al-Baqarah II, 282.

وَ اتَّقُوا اللّٰهَ وَ يُعَلِّمَكُمُ اللّٰهَ.

deducible from the word "international" several explanations might be understood from this discussion which all of them could be classified under the realm of political sciences and international law branches. But we are not going to discuss about them here.⁴⁵ We are going to consider three main and palpable chapters in international relations in this book. The three main topics facing governments in relation to other states and nations are public international law, foreign policy, and foreign diplomacy. We have tried to consider the important principles of Islamic government's standpoints with regard to the most important subjects of international relations. Therefore, we have described the important principles in relation to this subject.

"Principle" is literally defined by the theologians as "the base on which something is built".⁴⁶ And as to the Methodists or theoreticians in law (those scholars who deduct their inference based on certain juristic principles), there are some special rules such as evidences, *status quo ante*, and preference which are called principles. And also, the previous state of a thing or ruling is called principle. Our aim by using this peculiar method - namely referring to principles- is to present the structure of thoughts in Islamic international relations. In this regard by presenting some chapters, we will mention several principles. Consequently, the spirit of Islamic international relations would be deducible. It is certain that for altering these principles into legal and political rules and regulations and also executive texts, lots of works should be done. It is hoped that this book to be a beginning for this new trend in the field.

⁴⁵ See: Jacques Huntzinger, "Introduction aux relation internationals" Translated to Farsi by Abbas Aghai, Astan Qods Razavi Publication.

⁴⁶ The literal meaning of "principle" is origin of an object. The books of comments on parables, Jame-ol-Moqadamat, edited by M. Muhammadi Qa'ini, Darul'fekar Publication, 5th edition, 1998, p. 62.

کتاب شرح الامثله، جامع المقدمات. الاصل مايني علي شيء غيره.

The principal outlook of this book on Islamic commands, concerning the aforementioned three fields of study is based on principle of wisdom. Within the principles of religious jurisprudence, the principle of wisdom is based on this explanation that the sacred legislator of Islam has always just reasons behind each command which understanding of that reason would lead us to generalize the instructions of the commands over other neighboring realms. On the meaning of wisdom, it is said:⁴⁷ "Wisdom is a special power, by which, one will gain the ability of understanding the subtleties of matters and secrets behind the creative power. And one can also create some things containing the subtleties of creation. Therefore, wisdom with respect to its dependents consists of two parts. One part that is concerned with ideas is called theoretical theosophy and another part, which is concerned with action, is called practical theosophy. In Persian, they are referred to as scrutinizing and meticulous workings. Occasionally the wisdom is explained as certainty in action, which indicates one of the two parts of wisdom. And sometimes it is explained as perfection and certainty in knowledge, which indicates another part of it. And sometimes it is interpreted to certainty in knowledge and action, which indicates both parts. When wisdom is mentioned with respect to high capability, it means that the knowledge and action must be the basis of the policy of living. In this case, high capability would be its extreme form. The said wisdom is one of the consequences of divine guardianships dignity, because the divine guardian is able to recognize the subtleties of the things due to his incorporeal status. And whenever he wants to know something, it would not be hidden from him. And he can also manufacture and create the subtle designs of creatures by himself because nothing is impossible for him to do

⁴⁷ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", volume four of translation, pp. 102-104 under the verse 54 of sūrah Al-Nisā. **"But indeed we have given to Abrahams' successors, the scripture and wisdom."**

فَقَدْ آتَيْنَا آلَ إِبْرَاهِيمَ الْكِتَابَ وَ الْحِكْمَةَ.

and he will not refrain from doing it. The first omniscient is God Almighty and then prophets and messengers due to their divine guardianship and afterwards their successors and then those persons who resemble the said magnanimous and honorable ones. The first stage of wisdom is to recognize the subtleties of creative power of God in yourself and your body. You should understand that you are created in the limbo of inferior and superior worlds. And your soul has the absolute and full capacity of domination and taking possession of both heavenly realms (celestial worlds). And soul never refuses to dominate and take possession of them. Moreover, domination and taking possession of inferior world would lead the soul towards prison and Hell (Sejgin) and domination taking possession of superior world would lead the soul close to the highest degree in the world. All of these incidents will happen just by way of enlightenment, not by way of learning and surmise which is the method and manner taken by ethical philosophers. The latter are contented to the general knowledge, whereas they are ignorant to their own micro selves. Therefore, they shall not take advantage of their knowledge. But people of enlightenment gain power on subtleties of action to block the ways of domination and taking possession of inferior world, and they open the ways of taking possession of superior world. It is just as the power of Ali (A) during the war who stopped fighting with the enemy right at the time of victory, while having the sword in his hand. He threw his sword away, because his enemy spit on him. For this very reason, that his self was in an angry mood to kill his enemy. So that, when a man takes cognizance, and by gains the said special power and takes appropriate actions, then certainly he would be promoted to the status of servitude and devotion. This is the position of "annihilation in god" and position of divine guardianship. Afterwards when God Almighty notices that he has the talent and capacity of reforming other people then he will restore his humankind state of being and bestows him

the robe of honor of prophethood, messenger's mission and /or successorship. Then makes him aware of subtleties of creation in material and heaven worlds. Bestows him the power of domination and taking possession in things. Makes all beings to be at his service. And this is the last stage of wisdom. When we are speaking of wisdom in this stage, we mean divine guardianship. Because divine guardianship is the result of wisdom. This is presentation of the wisdom in theory and in actions. Various interpretations of their words refer to this situation. Just as to say, wisdom is to recognize the truth of things as to their realities. Or wisdom is the knowledge of benevolence and good deeds. Or doing an action, which has good results. Or following The Creator, up to the strength of humankind. Or resemblance to God in regard to the knowledge and deed, up to the strength of mankind."

There are various explanations about the meaning of wisdom in the books and statements of mystics. In the sūrah of Luqman, there is a proposal to him, whether to accept the divine successorship and/or adjudication between human beings. He responds: "If it is an order, I will obey it, but if I have any option, I would like to choose deliverance and salvation." So that, God Almighty bestows him the wisdom. In this regard, wisdom is interpreted as seeing the things to their realities.⁴⁸ Wisdom is classified into several types that we are not going to mention it here. But from the noble book of Salehyeh the distinction between knowledge, wisdom, and enlightenment will be mentioned, which says: "the theologians say enlightenment is divided into two kinds. One of them depends on viewpoints, thoughts, and reasoning which is the method and manner of those who are concerned with appearance of things. Other one

⁴⁸ His Excellency hajj Sultan Hussein Tabandeh Gonabadi (2004). Forty luminous jewels, selected works, from lectures given by His Excellency hajj Sultan Hussein Tabandeh Gonabadi. pp. 144-154, Ashna Publication.

depends on revelation and observation, which is the method of those who are concerned with inwards. But the first one cannot be called enlightenment rather it is called knowledge whenever results to a determined or known fact, otherwise it is called conjecture. Once Ahmad Hanbal was asked "you are higher than Boshir-e-Hafi in knowledge, so why do you go to visit him. He answered, "He knows God better than me, though I know sciences (knowledge) better than him". Someone who possesses narrational outward sciences (knowledge) is one who has seen the colour of wine or has heard its description. He who possesses intellectual knowledge is one who has smelt it (wine). And he who possesses wisdom is one who has touched it. But enlightenment belongs to those who have tasted it and have drunk it whether a drop of it or a cup or a jar or a cask and/or have been drowned into it or just have become the same as wine."⁴⁹

In treatise of Dhulfaqr it is said"⁵⁰ The reason for prohibition of murder is narrated to be the corruption of people (namely it is against the social order and causes corruption in community and people) and the rule of retaliation is for protection of life. The reason for prohibition of adultery is vice and corruption. The reason for prohibition of misappropriation of orphan's property is preventing assistance in killing the said orphan, because an orphan without having property is not able to afford his means of living and consequently he will die. It is narrated if that orphan grows up he would be the cause of fighting and corruption. And the reason for prohibition of leaving and running away from the scene of battle⁵¹ is

⁴⁹ His Excellency hajj Molla Ali Noor Ali Shah Beydokhti Gonabadi, Salehyeh, 2nd edition, Tehran University printing office, 1967, Haqiqat 384, p. 258.

⁵⁰ His Excellency hajj Molla Ali Noor Ali Shah Beydokhti Gonabadi, Dhulfaqr, in prohibition of opium smoking, fourth edition, Haqiqat Publication, 2003, Tehran, chapter six from fourth part, pp 69-73.

⁵¹ "Zahf". The word "zahf" means fighting with enemy, Al-Kāfi, 2, 27, chapter Alkaba'ir, p 276.

corruption. And also, the reason for prohibition of usury is omission of giving loans without interests. It also results to destruction of property and human beings and/or committing cruelty. There are too many religious regulations which are recommended but they are not obligatory, and there are also some other actions which are disapproved and blamable. In narrations, it is proved that non-observance of the said rules and regulations would result to poverty or being harmful to human body or harmful to children or generation and so on. And it is narrated from Imam Reza (A) that.⁵² "Everything which is forbidden is due to its harmfulness, therefore all harmful things are forbidden. Everything that is beneficial is permitted. So all permitted things are beneficial. The reason for prohibition of using dead animal's body (carcass) is that they cause some diseases such as rabid, leprosy and sudden death. The prohibition of using blood, as food is that it makes heart to be hard, and also causes large pustules (Debilah)⁵³. Jery fish⁵⁴ is forbidden to eat because it is harmful. Poison is forbidden because it causes death. Alcoholic beverages are forbidden because they destroy the heart and blacken the teeth and make mouth to have a bad smell. It is

الكافي، ٢، ٢٧٦، باب الكبائر، ص: ٢٧٦، ٢ - عَنْهُ عَنِ ابْنِ مَجْبُوبٍ قَالَ كَتَبَ مَعِيَ بَعْضُ أَصْحَابِنَا إِلَى أَبِي الْحَسَنِ عَ يَسْأَلُهُ عَنِ الْكِبَائِرِ كَمْ هِيَ وَ مَا هِيَ فَكَتَبَ الْكِبَائِرُ مَنْ اجْتَنَبَ مَا وَعَدَ اللَّهُ عَلَيْهِ النَّارَ كَفَّرَ عَنْهُ سَيِّئَاتِهِ إِذَا كَانَ مُؤْمِنًا وَ السَّبْعُ الْمَوْجِبَاتُ قَتْلُ النَّفْسِ الْحَرَامِ وَ عُقُوقُ الْوَالِدَيْنِ وَ أَكْلُ الرِّبَا وَ التَّعَرُّبُ بَعْدَ الْهَجْرَةِ وَ قَذْفُ الْمُحْصَنَاتِ وَ أَكْلُ مَالِ الْيَتِيمِ وَ الْفِرَارُ مِنَ الرَّحْفِ.

⁵² Al-Mustadrak Alvasa'il 16, 165.

مستدرک الوسائل، ١٦، ١٦٥، ١-باب تحريم الميتة و الدم و لحم... ١٩٤٧١-٥ - فِقْهُ الرِّضَا، ع اعْلَمَ يَرْحَمَكَ اللَّهُ أَنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى لَمْ يُبَيْعْ أَكْلًا وَ لَا شُرْبًا إِلَّا لِمَا فِيهِ الْمُنْفَعَةُ وَ الصَّلَاحُ وَ لَمْ يُحْرَمَ إِلَّا مَا فِيهِ الضَّرَرُ وَ التَّلَفُ وَ الْفَسَادُ فَكُلُّ نَافِعٍ مَقْوٍ لِلْجِسْمِ فِيهِ قُوَّةٌ لِلْبَدَنِ فَحَلَالٌ وَ كُلُّ مُضَرٍّ يَذْهَبُ بِالْقُوَّةِ أَوْ قَاتِلٍ فَحَرَامٌ مِثْلُ السُّمُومِ وَ الْمَيْتَةِ وَ الدَّمِ وَ حَمِّ الْخَنْزِيرِ إِلَى أَنْ قَالَ وَ الْمَيْتَةُ تُورِثُ الْكَلْبَ وَ مَوْتُ الْفَجَاءَةِ وَ الْأَكِلَةَ وَ الدَّمُ يُفْسِدُ الْقَلْبَ وَ يُورِثُ الدَّاءَ الدُّبَيْلَةَ وَ السُّمُومُ فَقَاتِلَةٌ وَ الْحَمْرُ تُورِثُ فَسَادَ الْقَلْبِ وَ يَسْوَدُ الْأَسْنَانَ وَ يُبْخِرُ الْفَمَ وَ يُبْعِدُ مِنَ اللَّهِ وَ يُقَرِّبُ مِنْ سَخَطِهِ وَ هُوَ مِنْ شَرَابِ إِبْلِيسَ.

⁵³ "Debileh" is a tumor larger than pustule; it has a round shape and has the same color as skin. There are several strange things such as nail, hair, clay, charcoal and so on in it.

⁵⁴ Jery is a kind of fish.

narrated that:⁵⁵ "God has made prayers obligatory to remove haughtiness and pride. Poor-due is a means for daily bread (subsistence). Fasting is for examination of the obedient. Pilgrimage to Mecca is for strengthening the religion. Holy war is for grandeur of Islam. To enjoin the right (good) is for the interests of people. To forbid the wrong (evil) is for disgusting the ignorant. The bonds of relationship (union of kindred) is for being numerically superior. Retaliation is for protection of bloods. Enforcing the law of punishment (Hodood) is for showing the grave danger of unlawfulness. Quitting drinking wine is for protection of mind and reason. To avoid stealing is for confirming the chastity. Avoiding adultery is for protection of parentage. Avoiding sodomy is for increasing the population. Giving testimony is for supporting the denials. Quitting telling lie is for grandeur and importance of righteousness. Greeting is for being secure from the position of fear. Leadership is for social order. Obedience is for grandeur of leadership." There is a tradition that says:⁵⁶ "justice is for

⁵⁵ Comment on Nahj-el-Blagheh, 19,89, 249.

شرح نهج البلاغة، ١٩، ٨٦، ٢٤٩، فَرَضَ اللَّهُ الْإِيمَانَ تَطْهِيراً مِنَ الشِّرْكِ وَالصَّلَاةَ تَنْزِيهاً عَنِ الْكِبْرِ وَالرِّكَاءَةَ تَسْبِيهاً لِلرِّزْقِ وَالصِّيَامَ ابْتِلاءً لِإِخْلَاصِ الْخَلْقِ وَالْحَجَّ تَقْوِيَةً لِلدِّينِ وَالْجِهَادَ عِزاً لِلْإِسْلَامِ وَالْأَمْرَ بِالْمَعْرُوفِ مَصْلِحَةً لِلْعَوَامِّ وَالنَّهْيَ عَنِ الْمُنْكَرِ رِذْواً لِلسُّفْهَاءِ وَصِلَةَ الرَّحِمِ مَنَمَةً لِلْعَدَدِ وَالْقِصَاصَ حَقْناً لِلدِّمَاءِ وَإِقَامَةَ الْحُدُودِ إِعْظاماً لِلْمَحَارِمِ وَتَرَكَ شُرْبَ الْحَمْرِ تَحْصِيناً لِلْعَقْلِ وَمُجَانَبَةَ السَّرِقَةِ إِجْباباً لِلْعَفَةِ وَتَرَكَ الرِّبَا تَحْصِيناً لِلنَّسَبِ وَتَرَكَ اللُّوَاطِ تَكْثِيراً لِلنَّسْلِ وَالشَّهَادَاتِ اسْتِظْهارةً عَلَى الْمُجَاحِدَاتِ وَتَرَكَ الْكُذْبَ تَشْرِيفاً لِلصِّدْقِ وَالسَّلَامَ أماناً مِنَ الْمَخَافِ وَالْإِمَامَةَ نِظاماً لِلأُمَّةِ وَالطَّاعَةَ تَعْظِيماً لِلْإِمَامَةِ.

⁵⁶ Kashf-ol-Ghamah, 1, 480. p. 449.

كشفت الغمة، ١، ٤٨٠، فاطمة ع ... ص: ٤٤٩، روى عن رجاله من عدة طرق أن فاطمة ع لما بلغها إجماع أبي بكر على منعها فدكا لانت خمارها و أقبلت في لميمة من حفدتها و نساء قومها تجر أذراعها تطأ في ذيوها ما تحرم من مشية رسول الله ص حتى دخلت على أبي بكر و قد حشد المهاجرين و الأنصار فضرب بينهم بريطة بيضاء و قيل قبطية فأنت أنه أجهش لها القوم بالبكاء ثم أمهلت طويلا حتى سكنوا من فورهم ثم قالت ع أبتدى بحمد من هو أولى بالحمد و الطول و المجد الحمد لله على ما أنعم و له الشكر بما ألهم و الثناء بما قدم من عموم نعم ابتداها و سبوغ آلاء أسداها و إحسان ممن أولاهها جم عن الإحصاء عددها و نأى عن المجازاة مزيدها و تفاوت عن الإدراك أبدها و استتب الشكر بفضائلها و استخذى الخلق بإنزالها و استحمد إلى الخلائق بإجزائها و أمر بالندب إلى أمثالها

calmness of heart. Benevolence towards parents is for being secure from divine wrath. Honoring the religious pledge (vows) is for exposing oneself to forgiveness. The rule of prohibition of "imputation of in chastity against married women" is for preventing the existence of illegitimate child. The rule (prohibition) of theft is for keeping chastity. The rule of

و أشهد أن لا إله إلا الله وحده لا شريك له كلمة جعل الإخلاص تأويلها و ضمن القلوب موصولها و أبان في الفكر معقولها الممتنع من الأبصار رؤيته و من الألسن صفته و من الأوهام الإحاطة به أبدع الأشياء لا من شيء كان قبله و أنشأها بلا احتذاء مثله و سماها بغير فائدة زادته إلا إظهارا لقدرته و تعبدا لبريته و إعزازا لأهل دعوته ثم جعل الثواب لأهل طاعته و وضع العذاب على أهل معصيته زيادة لعباده عن نعمته و حياشة لهم إلى جنته و أشهد أن أبي محمدا عبده و رسوله اختاره قبل أن يجتبله و اصطفاه قبل أن يبتعثه و سماه قبل أن يستجيبه إذ الخلائق بالغيب مكنونة و بستر الأهويل مضمونة و بنهايا العدم مقرونة علما منه بمائل الأمور و إحاطة بمجداث الدهور و معرفة منه بمواقع المقذور و ابتعثه إتماما لعلمه و عزيمة على إمضاء حكمه و إنفاذا لمقادير حقه فرأى ص الأمم فرقا في أديانها و عابدة لأوثانها عكفا على نيرانها منكرا لله مع عرفانها فأثار الله بأبي ص ظلمها و فرج عن القلوب بهمها و جلا عن الأبصار عمهها ثم قبضه الله إليه قبض رافة و اختيار رغبة بمحمد ص عن تعب هذه الدار موضوعا عنه أعباء الأوزار محفوقا بالملائكة الأبرار و رضوان الرب الغفار و جوار الملك الجبار فصلى الله عليه أمينه على الوحي و خيرته من الخلق و رضيه ع و رحمة الله و بركاته ثم قالت ع و أنتم عباد الله نصب أمره و نبيه و حملة كتاب الله و حيه أمناء الله على أنفسكم و بلغاؤه إلى الأمم حولكم لله فيكم عهد قدمه إليكم و بقية استخلفها عليكم كتاب الله بينة بصائره و آي منكشفة سرائره و برهان فينا متجلية ظواهره مديما للبرية استماعه قائدا إلى الرضوان أتباعه و مؤديا إلى النجاة أشباعه فيه تبيان حجج الله المنيرة و مواعظه المكرورة و محارمه المخدورة و أحكامه الكافية و بيناته الجالية و جملة الكافية [الشفافية] و شرائعه المكتوبة [المكنونة] و رخصه الموهوبة ففرض الله الإيمان تطهيرا لكم من الشرك و الصلاة تنزيها لكم من الكبر و الزكاة تزييدا لكم في الرزق و الصيام تبيينا إمامتنا و الحج تسنية للدين و العدل تنسكا للقلوب و طاعتنا نظاما للملة و إمامتنا لما للفرقة و الجهاد عز الإسلام و الصبر مؤنة للاستيجاب و الأمر بالمعروف مصلحة للعامة و البر بالوالدين وقاية من السخطة و صلة الأرحام منسأة للعمر و منامة للعدد و القصاص حقنا للدماء و الوفاء بالنذور تعريضا للمغفرة و توفية المكاييل و الموازين تغييرا للبخسة و اجتناب قذف المحصنات حجابا من اللعنة و الاجتناب عن شرب الخمر تنزيها من الرجس و مجانبة السرقة إيجابا للعفة و التنزه عن أكل أموال الأيتام و الاستيثار بفيئهم إجارة من الظلم و العدل في الأحكام إيناسا للرعية و التبري من الشرك إخلاصا للربوبية فاتقوا الله حق تقاته و أطيعوه فيما أمركم به فإنما يخشى الله من عباده العلماء ثم قالت ع أنا فاطمة بنت محمد أقول عودا على بدء و ما أقول ذلك سرفا و لا شططا فاسمعوا إلي بأسماع واعية و قلوب راعية ثم قالت لَقَدْ جَاءَكُمْ رَسُولٌ مِنْ أَنْفُسِكُمْ عَزِيزٌ عَلَيْهِ مَا عَنِتُّمْ حَرِيصٌ عَلَيْكُمْ بِالْمُؤْمِنِينَ رَؤُفٌ رَحِيمٌ فَإِنْ تَعَزَّوْهُ تَعَزَّوْهُ أَبِي دُونَ نَسَائِكُمْ و أخا ابن عمي دون رجالكم فبلغ الرسالة صادعا بالرسالة ناكبا [مائلا] عن سنن مدرجة المشركين ضاربا لئبجهم آخذنا.

misappropriation of orphan's property is for preventing the commission of cruelty and so on. There is a narration from Imam Reza (A)⁵⁷ that: "God

⁵⁷ Man-la-Yahzarah-ol-Faqih, 3, 565.

من لاجضره الفقيه، ٣، ٥٦٥، باب معرفة الكبائر التي أوعده الله عز وجل، ٤٩٣٤- وكتب علي بن موسى الرضا ع إلى محمد بن سنان فيما كتب من جواب مسأله حرم الله قتل النفس لعله فساد الخلق في تحليله لو أحل و فنانهم و فساد التدبير و حرم الله تبارك و تعالى عقوق الوالدين لما فيه من الخروج من التوقير لله عز وجل و التوقير للوالدين و كفران التعمه و إبطال الشكر و ما يدعو من ذلك إلى قلة النسل و انقطاعه لما في العقوق من قلة توقير الوالدين و العرفان بحقيهما و قطع الأرحام و الرهد من الوالدين في الولد و ترك التربية لعله ترك الولد برهما و حرم الله تعالى الرنا لما فيه من الفساد من قتل الأنفس و ذهاب الأنساب و ترك التربية للأطفال و فساد الموارث و ما أشبه ذلك من وجوه الفساد و حرم الله عز وجل قذف المحصنات لما فيه من فساد الأنساب و نفي الولد و إبطال الموارث و ترك التربية و ذهاب المعارف و ما فيه من الكبائر و العلل التي تؤدي إلى فساد الخلق و حرم أكل مال اليتيم ظلماً لعل كبره من وجوه الفساد أول ذلك إذا أكل الإنسان مال اليتيم ظلماً فقد أعان على قتله إذ اليتيم غير مستغن و لا يتحمل لنفسه و لا قائم بشأنه و لا له من يقوم عليه و يكفيه كفيام والديه فإذا أكل ماله فكأنه قد قتله و صيره إلى الفقر و الفاقة مع ما حرم الله عليه و جعل له من العقوبة في قوله عز وجل و ليخس الذين لو تركوا من خلفهم ذرية ضعافاً خافوا عليهم فليئسوا الله و ليقولوا قولاً سديداً و لقول أبي جعفر ع إن الله أوعده في أكل مال اليتيم عقوبتين عقوبة في الدنيا و عقوبة في الآخرة ففي تحريم مال اليتيم استنبقاء اليتيم و استقلاله لنفسه و السلامة للعقب أن يصيبهم ما أصابه لما أوعده الله عز وجل فيه من العقوبة مع ما في ذلك من طلب اليتيم بثاره إذا أدرك و وقوع الشحناء و العداوة و البغضاء حتى يتفانوا و حرم الله الفرار من الرخف لما فيه من الوهن في الدين و الاستخفاف بالرسل و الأئمة العادلة ع و ترك نصرتهم على الأعداء و العقوبة لهم على إنكار ما دعوا إليه من الإقرار بالربوبية و إظهار العدل و ترك الجور و إمانته و الفساد و لما في ذلك من جرأة العدو على المسلمين و ما يكون في ذلك من السبي و القتل و إبطال حق دين الله عز وجل و غيره من الفساد و حرم الله عز وجل و جعل التعرب بعد الهجرة للرجوع عن الدين و ترك المؤازرة للأنبياء و الحجج ع و ما في ذلك من الفساد و إبطال حق كل ذي حق لا لعله سكنى البدو و لذلك لو عرف الرجل الدين كاملاً لم يجز له مسأكنة أهل الجهل و الخوف عليه لأنه لا يؤمن أن يقع منه ترك العلم و الدخول مع أهل الجهل و التماذي في ذلك و لعله تحريم الرنا لما نهى الله عز وجل عنه و لما فيه من فساد الأموال لأن الإنسان إذا اشتري الدرهم بالدرهمين كان ممن الدرهم درهماً و ممن الآخر باطلاً فبيع الرنا و شراؤه و كس على كل حال على المشتري و على البائع فحرم الله عز وجل على العباد الرنا لعله فساد الأموال كما حظر على السفيه أن يذفع إليه ماله لما يتخوف عليه من إفساده حتى يؤنس منه رشده فلهذه العلل حرم الله عز وجل الرنا و بيع الرنا ببيع الدرهم بالدرهمين و لعله تحريم الرنا بعد البيعة لما فيه من الاستخفاف بالحرام المحرم و هي كبيرة بعد البيان و تحريم الله عز وجل لها لم يكن ذلك منه إلا استخفافاً بالمحرم الحرام و الاستخفاف بذلك دخول في الكفر و لعله تحريم الرنا بالنسيئة لعله ذهاب المعروف و تلف الأموال و رغبة الناس في الربح و تركهم للقرض و الفرض صنائع المعروف و لما في ذلك من الفساد و الظلم و فناء الأموال.

Almighty has prohibited commission of murder because its perpetration would result to corruption of social order and destruction of community. Disobedience from parent's order is prohibited because the perpetrator would lose respect of God and parents. It will also cause ungratefulness of the favors and cancels the previous thanks to God and cause interruption of generation. Adultery is prohibited because, the consequences of it are commission of murder, elimination of parentage, corruption of heritage, abandonment of educating the children and elimination of the true wisdom is the result of adultery. Misappropriation of orphan's property is prohibited because its commission would help to his death, since he is in need of money and cannot afford his subsistence just by himself and there is no other person to help him. In addition, there is a punishment for commission of this action. Above all, when the orphan grows up he would ask his property to be returned to him and this would result to fighting between the parties and probably to destruction of both sides. Running away from the battlefield is prohibited because this action is directly an insult and disgrace towards religion, prophets, and religious leaders, and make the enemy to become courageous against Muslims. The said action would result to apostasy and abandonment of prophet's way due to leaving the Islam's country after residency in it. Usury is prohibited the same as giving the property to imbeciles. The reason for prohibition of credit usury is elimination of good deeds and feeling of assistance towards other persons and abandonment of giving loans (without interest). Usury would result to destruction of property and the outbreak of corruption and cruelty."

CHAPTER ONE

ISLAMIC PUBLIC

INTERNATIONAL LAW

Preface

International law is a branch of law, which regulates the relationship between individuals, nations, and states in international arena. On the other hand, the scope of municipal law is relations of individuals with one another and with government within the boundaries of a state through the fields of public and private laws. Law of nations or international law has also the same categories of public and/or private law. In the field of municipal law, public law mostly covers the topics of constitutional, administrative and criminal law. But private laws covers various subjects such as, rules of procedures up to matters like adjudication and relations among individuals in the society. Public international law attempts to regulate and exercise rights over diplomatic and consular relations among states and formal relations of states with international organs, institutions, and entities. But private international law consists of a body of rules and regulations regarding the relations of citizens of different states with others and differences and conflicts of laws of nations and adjustment of these differences and settlement of conflicts among them.

In this chapter, our aim is to survey the subjects of Islamic public international law, and we have tried not to engage ourselves with the subjects of Islamic private international law as far as possible, because the latter needs a completely separate deal. In this chapter, we are focusing to extend Islamic jurisprudence decisions from a theosophical points of view over the field of international law. What the theosophy calls for, is that the reasons and secrets behind each order, should be the bases of its enactment. Therefore, by full understanding of reasons and spirit of Islamic laws we are going to extend these rules to the international law level.

1- Principle of: General authorization for acceptance of "General Principles of Law"

There are several principles that are referred to and enforced in international law. Some of these principles are derived from general principles of law, which are common amongst all states and are recognized by all civilized nation's legal system. According to the Article 38 of The Hague Convection 1907 "... general principles of law which are recognized by civilized nations- i.e. they are parts of valid legal systems, and civilized nations have enforced them- are one of the independent and distinct sources of international law."

Some principles which can be named as parts of general principles of law read as follows: priority of international law over municipal law, priority of international treaties over law of the land, recouring to municipal courts before resorting to international courts, principle of unauthorization of submission of rights in excess of what one has in one's authority, equality of states sovereignties, principle of non-recourse to force, principle of peaceful co-existence, principle of binding force of obligations, principle of impartiality in adjudications, principle of payment of fees by losing party, principle of lack of jurisdiction over the actions brought to another court, principle of freedom of navigation on the high seas, principle of continuation of uncontested possession in establishment of right of sovereignty, principle of non-discrimination or equality of citizens of states in front of law. Some of the said general principles of law, with respect to the relations among the states are often mentioned in treaties and resolutions of international organizations. For example, the followings are a few principles that are invoked while bringing an action or during legal proceedings before judicial authorities, such as: principle of

recoursing to municipal courts before resorting to the international courts, principle of priority of international treaties to the law of the land, principle of continuation of government (state), principle of independence of states, which are common between municipal and international law.

Although the aforementioned cases are propounded as new legal terms and seems to be novelties in Islamic jurisprudence, but after a careful consideration over the subject we will realize that nearly all of the general principles of law, exist in Islam's legal system; and Islam by approaching delicacy and tacting the said principles has its own special position towards them. As a matter of fact, international law, and public law have been less used and invoked in Islamic countries, than municipal and private laws, that is why there is less improvement in these fields of law. Regarding this subject, we refer to the following lecture:⁵⁸ "... Nearly all scholars and researchers have observed the reasons for abandonment of Islamic law in Islamic countries and René David by a comprehensive survey has found many positive and useful points in Islamic law. On the one hand, the proud of western nations about their laws and regulations which they had strong conviction to be the best and highest all around the world, persuaded them to take possession and control and colonize the oriental nations, consequently enforced their laws in colonized countries. The westernized intellectuals who are influenced by the power and material welfare of western countries, are supported by the old and new colonialisms, and despise everything that belongs to the past of the nation. In the meantime, if a national movement comes into existence, the colonialization and westernization attempt to take control over it or to create a fabricated movement under the guise of nationality or under the same propagations to

⁵⁸ His Excellency Hajj Dr. Noor Ali Tabandeh (1978), Comparative law; Judicial and Administrative School of Qom, Tehran University.

follow their own objectives. For example, pretending to support a nation, without due cause, ignore one thousand and some years of their history and in such cases most frequently the boasting of the said colonialists are reiterated impartially or partially by the aforementioned researchers. For instance, this is René David who says: “Iran is so proud of having such customs and traditions that predominance and introduction of Islam was not able to make them fall into oblivion.” If we analyze and scrutinize this sentence, it conveys the meaning that, we should be only proud by ourselves if we set aside nearly one thousand and four hundreds years of our national and moral traditions as well as customs. We even have to abandon the current usage of words that belong to this period. We should take a backward step to the time period of 1400 years ago and be changed into an amalgam of forgotten 1500 years ago plus contemporary western society. Concerning the matter, in question, perhaps Islamic jurists have been more negligent than the others in recent centuries. They have lost the leadership of the society due to the lack of spiritual power. The jurist consults did not have guardianship and the governors did not have the knowledge of Islamic jurisprudence. This deviation of present legal system from the right path of Islam is the consequence of negligence and inefficiency of Islamic jurists. Although René David, has declared the strength and flexibility of Islamic law in several instances, but he adds that the governments of Islamic societies have been bound to accept western legal system in many cases, because Islam has not been able to regulate all social affairs, and since by development of civilization new problems arise in the world which Islamic law cannot solve them, so they (Islamic countries) are forced to accept western rules, and this is the reason that gradually Islamic law has been abandoned in Islamic countries and except some private affairs such as marriage and inheritance there has been nothing more left in the realm of Islamic law. This opinion is subject and

liable to some criticisms. That is to say, apart from spirituality of Islam, Islamic law is, in principle, subsequent to Roman law, which is the base of western law at present time. Therefore, it is obvious that Islamic law is more modern than Roman law and its flexibility is especially so great that would be no need to resort to Roman law. Secondly, the Islamic jurists have been negligent during recent centuries, because the colonialization poison has poisoned their blood and stagnated their minds and prevented their progress and improvement. Thirdly, the colonial pressure and the discord amongst Islamic nations caused the Islamic governments being under dominion of the west and it is obvious that the servant always follows the policy of his boss. This is why we observe the rigidity and stagnation mostly occur in the realm of public law. Whereas the private law was not stagnated as much. On the other hand, because the rules of private law are directly in contact with the feelings of people and their daily relations, its changing is difficult and it is worthless to take action in this regard. It is said that one of the reasons for Islamic countries' tendencies towards western law is the lack of some legal institutions in Islamic law that makes it impossible to guarantee the requirements of present societies. Therefore, Islamic governments are compelled to seek protection from western law, and they refer to "insurance" as an example of the subject. Islamic law is a dynamic law by its nature, and all legal problems can be solved within the framework of its general principles. Concerning the said affairs, if Islamic jurists were not inactive, idle, and silent, and in confronting with new phenomena and requirements, declared the necessary regulations there would not exist such an illusion. On those first days, when necessity towards insurance was felt they had to solve those requirements according to Islamic regulations. In Islamic law the institution of insurance exists, at the highest level, but its naming is somewhat different...."

However, in this chapter while surveying every one of general principles of law, the distinct Islamic viewpoints will be considered as well. Generally, the spirit of law-making in Islam is emanated from the moral perfection of natural law, which is easily deducible by reason and conscience. The individual's interest as egotism is not the objective of Islam, on the contrary, what is propounded is individual's interest as part of "Existence", and by deep thinking over the texts of these pages we will understand this very subject which is highest value in Islamic law. To prevent the prolixity we do not continue the subject but it should be mentioned that, this standpoint is the most essential distinction between statutes of contemporary world and Islamic law.

General principles of law which are recognized by civilized nations are of the independent and distinct sources of international law.

2- Principle of: Acceptability of statutory international law to the limited extent of conformity with Islamic Law

The statute law and international conventions are acceptable by Islamic legal system as long as they are not in direct contradiction to and/or in conflict with the Muhammedan religious law. There are detailed discussions over this subject, which compare the international law-making viewpoints to the ordinances of Islamic law and consequently makes full assessment of their acceptability or non-acceptability.⁵⁹ According to

⁵⁹ One of the most interesting researches on the subject is the book of "Religious standpoints on Universal Declaration of Human Rights" which presents positions of Islam, whether in agreement or disagreement towards the Universal Declaration of Human Rights. Written by His Excellency Hajj Sultan Hussein Tabandeh Gonabadi,

article 38 of statute of International Court of Justice, sources and rules of international law consists of international conventions, whether general or particular, establishing rules expressly recognized by the contesting states, and international custom and general principles of law recognized by civilized nations and finally judicial decisions, and the teachings of the most highly qualified publicists of the various nations as subsidiary means for the determination of rules of law.

In Islamic international law, the above-mentioned sources, as a matter of hierarchy, are placed after religious law. At first, the primary Ordinances of Islam, based on Glorious Qur'an and Mohammedan religious law are acceptable sources of adjudication and arbitration. Other sources of law are placed at the next degrees. It is certain that, if secondary sources were not in contradiction to and/or in conflict with Glorious Qur'an, they would be liable to gain acceptability. The main criterion of comparison for sources of statutory international law is conformity with religious law.

As for the new legal institutions/affairs, we ought to take the standpoints of theosophy and apply reason to find out the conformity or contradiction of the subject to the ordinances of Glorious Qur'an. There are many detailed and certain conditions for this reasoning approach (for comparison), which are topics of other books, and we will refrain from discussing about this subject here.⁶⁰

published by "Salih Library", second edition (1975).

⁶⁰ There is a detailed discussion on this topic in: Bidabad, B. Harsini, A. (2003), Religious-economic analysis of usury in consumption and investment loans and shortages of contemporary jurisprudence in finding the rules of religion legislator. Monetary and Banking Research Academy, Central Bank of Iran, (Farsi). And also: Bidabad, B. (2004), Economic-juristic analysis of usury in consumption and investment loans and contemporary jurisprudence shortages in exploring legislator commandments. Proceeding of the 2nd International Islamic Banking Conference, Monash University of Malaysia. 9-10 September 2004, (English). <http://www.bidabad.ir/>

Sources and rules of international law consist of international conventions, no matter general or particular. They establish rules expressly recognized by the contesting states, international custom and general principles of law recognized by civilized nations and finally judicial decisions, and the teachings of the most highly qualified publicists from various nations as subsidiary means for the determination of rules of law, conditioned not to be in conflict with the Quran.

3- Principle of: Acceptability of customary international law

Sources of law in different levels and divisions, more or less, consist of statutory (written) law, customs and judicial precedents, and even legal doctrines as well. Custom is set up by people during a long period of time and is recognized as an enforceable precedent by public conscience. Old and protracted usages and binding sense of public conscience in the society, makes definition and distinction of custom as legal term. In other words, custom is voluntary and continuous usage, which gradually is recognized as a binding rule in public minds. International custom also proves applicable by the same definition. It is a rule of law, which the states have enforced and observed in their relations during a long period of time, so that the common conscience of states believes them as enforceable.

Custom is also recognized as a secondary source of law in Islam. One of the distinct examples of acceptability of custom in Islamic law can be noticed in the law of marriage. As it will be pointed out later in this chapter, there are some similarities between international law and the law

of marriage. In both of them, guarantee for performance of contract and lack of guarantee to bind parties to perform their obligations to the conditions of contract are the same. Therefore, similar rules of procedure could be applicable for the said topics. In sūrah of Al-Baqarah it is mentioned that:⁶¹ **“It is no sin for you if you divorce women while yet you have not touched them, nor appointed unto them a portion. But provide for them a fair provision, the rich according to his means, and the straitened according to his means. This is a bounden duty for those who do good.”** As it is noticed, obligation to pay the marriage portion is ordained but the sum total of the payment is referred to the usages and custom of the society. In the said Qur'an's verse, without mentioning the word “custom” its concept and meaning is invoked and accepted.

The aforementioned rule of law includes “custom” as one of the sources of Islamic law. We should admit that accepting “custom” as a rule, is not definite and indisputable, because it varies under conditions of beliefs and behaviors of states and societies. But it always exposes the standing beliefs in the society and at the international level, which this mode of subject is applicable in settlement of legal actions.

International custom is a rule of law, which the states have enforced and observed in their relations during a long period of time, so that the common conscience of states believes them as enforceable is acceptable as secondary source of law.

⁶¹ Al-Baqarah II, 236.

لا جُنَاحَ عَلَيْكُمْ إِذَا طَلَقْتُمُ النِّسَاءَ مَا لَمْ تَمْسُوهُنَّ أَوْ تَفْرِضُوا لَهُنَّ فَرِيضَةً وَ مَتَّعُوهُنَّ عَلَى الْمَوْسِعِ قَدَرُهُ وَعَلَى الْمُقْتَرِ قَدَرُهُ مَتَاعًا بِالْمَعْرُوفِ حَقًّا عَلَى الْمُحْسِنِينَ.

4- Principle of: Giving priority to forgiveness, benevolence and conciliation of hearts

Based on the Islamic teachings, in human relationships, whether municipal or international, forgiveness is always preferred to retaliation. As it is mentioned in Qur'an's verse of Retaliation, retaliation is authorized but forgiveness is preferred and has been placed more stress on it. sūrah of Al-A'rāf has also placed great emphasis on this matter and says:⁶² **“Keep to forgiveness, and enjoin kindness”** In another verse says: **“... And the good deed and the evil deed are not alike. Repel the evil deed with one that is better, then, lo! He, between whom and you there was enmity, will become as though he was a bosom friend.”**⁶³ In sūrah of Al-Taubah, goes beyond this and ordains that a part of treasury revenues and generally the alms should be allocated to reconcile with enemies and their satisfaction, and says: **“The alms are only for the poors and the needies, and those who collect them, and those opponents whose hearts are to be reconciled, and to free the captives and the debtors, and for the cause of Allāh, and for needy wayfarers, are duties imposed by Allāh.”**⁶⁴

The Glorious Qur'an to encourage those who overcome evil with good, has promised the God's grace in the Hereafter and in sūrah of Al-Ra'ad says: **“Such as persevere in seeking their Lord's countenance and**

⁶² Al-A'rāf VII, 199.

خُذِ الْعَفْوَ وَأْمُرْ بِالْعُرْفِ.

⁶³ Fuselat XLI, 34.

وَلَا تَسْتَوِي الْحَسَنَةُ وَلَا السَّيِّئَةُ ادْفَعْ بِالَّتِي هِيَ أَحْسَنُ فَإِذَا الَّذِي بَيْنَكَ وَبَيْنَهُ عَدَاوَةٌ كَأَنَّهُ وَلِيٌّ حَمِيمٌ.

⁶⁴ Al-Taubah IX, 60.

إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ.

are regular in prayer and spend of that which secretly or openly, We bestowed upon them, and overcome evil with good, theirs will be sequel of the (heavenly) Home.”⁶⁵ And addressing honorable prophet (p) said: “Repel evil with that which is better. We are best aware of that which they allege.”⁶⁶ And said: “The (faithful) bondmen of the Beneficent are they who walk upon the earth modestly, and when foolish ones address them answer: Peace!”⁶⁷ And again says: “These will be given their reward twice over, because they are steadfast and repel evil with good....”⁶⁸ Ordering the good deed is also noticed in several Qur'an's verses, such as: “Whatever good they do, they will not be denied....”⁶⁹ And said: “... So vie with one another in good works.”⁷⁰ In addition, said: “Do good, Lo! Allāh loves the beneficients.”⁷¹

To find forgiveness preferable to retaliation, this evidence suffices that on the level of international relations, any evil deed that are perpetrated through foolishness or, the perpetrator looks suitably repentant to his action should not be responded. Because such actions will incite wrath power of some of the heads of governments who are weak in their mind and reason,

⁶⁵ Al-Ra'd XIII, 22.

وَالَّذِينَ صَبَرُوا ابْتِغَاءَ وَجْهِ رَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَنفَقُوا مِمَّا رَزَقْنَاهُمْ سِرًّا وَعَلَانِيَةً وَيَدْرُؤْنَ بِالْحَسَنَةِ السَّيِّئَةَ أُولَٰئِكَ لَهُمْ عُقْبَى الدَّارِ.

⁶⁶ Al-Mu'minin XXIII, 96.

اذْفَعْ بِالَّذِي هِيَ أَحْسَنُ السَّيِّئَةَ نَحْنُ أَعْلَمُ بِمَا يَصِفُونَ.

⁶⁷ Al-Furqan XXV, 63.

وَعِبَادُ الرَّحْمَنِ الَّذِينَ يَمْشُونَ عَلَى الْأَرْضِ هَوْنًا وَإِذَا خَاطَبَهُمُ الْجَاهِلُونَ قَالُوا سَلَامًا.

⁶⁸ Al-Qasas XXVIII, 54.

أُولَٰئِكَ يُؤْتَوْنَ أَجْرَهُمْ مَرَّتَيْنِ بِمَا صَبَرُوا وَيَدْرُؤْنَ بِالْحَسَنَةِ السَّيِّئَةَ.

⁶⁹ Al-Imran III, 115.

وَمَا يَفْعَلُوا مِنْ خَيْرٍ فَلَنْ يُكْفَرُوهُ.

⁷⁰ Al-Baqarah II, 148.

فَاسْتَبِقُوا الخَيْرَاتِ.

⁷¹ Al-Baqarah II, 195.

وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ.

consequently the flame of war starts and some nations will be burnt in it. The outbreak of many wars, throughout the history, was for the same reason, which has horribly affected several nations. It is worth mentioning that forgiveness and connivance should not lead to establishment of a breeding-ground for oppressors, which in this case the act is worse than cruelty. To find forgiveness preferable to retaliation is a kind of meritorious preference, which is not obligatory. The benevolent has his own choice to do it.

In human relationships, whether municipal or international, forgiveness is always preferred to retaliation. On the level of international relations, any evil deed that are perpetrated through foolishness or the perpetrator looks suitably repentant to his action should not be responded. Forgiveness and connivance should not lead to establishment of a breeding-ground for oppressors. In such a case, the act is worse than cruelty. Finding forgiveness preferable to retaliation is a kind of meritorious preference which is not obligatory. The choice is up to the benevolent.

5- Principle of: Honoring the treaties

One of the most important subject matters discussed in religious laws of all religions, is “honoring treaties” which its explanation needs a long discussion. But it is sufficient to mention only a paragraph from Zoroaster’s book: “The Avesta” which reads as follows: “**The wicked promise-breaker destroys the whole country ... and his deed is the**

same as a killer of a pious man. Never break your promise, not a promise with a mendacious nor with a truthful, because both of them are called “promise”, whether made with a liar or a truthful.”⁷² Concerning the said subject, there are many verses in Old and New Testaments. The Glorious Qur'an also has expressly stressed on this principle. In sūrah of Al-Mā'idah says: “O you who believe! Fulfill your undertakings.”⁷³ And in another place says: “keep the covenant, Lo! Of the covenant it will make responsibility.”⁷⁴ This verse includes international responsibility that will be discussed later on. While describing the particulars of “the good”, in sūrah of Al-Baqarah, the subject of “honoring the obligations” is also mentioned.⁷⁵ And the same emphasis is placed on the subject in sūrah of Al-Ra'ad.⁷⁶ In sūrah of Al-Muminon, one of the particulars of this group is “To remain steadfast to their pledges and covenants.”⁷⁷

⁷² Avesta, Yashts, Doostkhah, Jalil, Morvarid Publication, Tehran, 3rd edition, 1982.

⁷³ Al-Mā'idah V, 1.

يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُقُودِ.

⁷⁴ Bani Isra'il XVII, 34. Al-Ahzab XXXIII, 15.

وَأَوْفُوا بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا. 15 and in Al-Ahzab, 15: وَكَانَ عَهْدُ اللَّهِ مَسْئُولًا.

⁷⁵ Al-Baqarah II, 177. "It is not righteousness that you turn faces to the East and West; but righteous is he who believes in Allāh and the Last (Other) Day and the angels and the Scripture and the Prophet; and gives his wealth, for love of Him, to kinsfolk and to orphans and the needy and the wayfarer and to those who ask, and to set slaves free; and observes proper worship and pays the poor-due. And those who keep their treaty when they make one, and the patient in tribulation and adversity and time of stress. Such are they who are sincere. Such are the God-fearing."

لَيْسَ الْبِرَّ أَنْ تُوَلُّوا وُجُوهَكُمْ قِبَلَ الْمَشْرِقِ وَالْمَغْرِبِ وَلَكِنَّ الْبِرَّ مَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَالْمَلَائِكَةِ وَالْكِتَابِ وَالنَّبِيِّينَ وَآتَى الْمَالَ عَلَى حُبِّهِ ذَوِي الْقُرْبَى وَالْيَتَامَى وَالْمَسَاكِينَ وَابْنَ السَّبِيلِ وَالسَّائِلِينَ وَفِي الرِّقَابِ وَأَقَامَ الصَّلَاةَ وَآتَى الزَّكَاةَ وَالْمُوفُونَ بِعَهْدِهِمْ إِذَا عَاهَدُوا وَالصَّابِرِينَ فِي الْبَأْسَاءِ وَالضَّرَّاءِ وَحِينَ الْبَأْسِ أُولَئِكَ الَّذِينَ صَدَقُوا وَأُولَئِكَ هُمُ الْمُتَّقُونَ.

⁷⁶ Al-Ra'd XIII 20, "Those who keep the pact of Allāh, and break not the covenant".

الَّذِينَ يُوفُونَ بِعَهْدِ اللَّهِ وَلَا يَنْفُضُونَ الْمِيثَاقَ.

⁷⁷ Al-Mu'minin XXIII, 8. "... And who are shepherds of their pledge and covenant".

There is an exception in the subject of breach of pledge and covenant, and it is when the adverse party does not honor his/her obligations. In sūrah of Al-Taubah, it is said: **“How can there be a treaty with Allāh and his messenger for the idolaters? Save those with whom you made a treaty at the inviolable place of worship (Masjid-al-Haram), so long as they are true to you in their covenant, be true to them according to their covenant. Lo! Allāh loves those who keep their pious duty. How (can there be any treaty for the others) when, if they have the upper hand of you, they regard not pact nor honor in respect of you? They satisfy you with their mouths the while their hearts refuse. And most of them are wrongdoers. They have purchased with the revelations of Allāh a little gain, so they debar (men) from His way. Lo! Evil is that which they are wont to do. And they observe toward a believer neither pact nor honor. These are they who are transgressors. But if they repent and establish worship and pay the poor-due, then they are your brethren in religion. We detail our revelations for people who have knowledge. And if they break their pledges after their treaty (has been made with you) and assail your religion, then fight the head of disbelief-Lo! They have no binding oath-in order that they may desist.”**⁷⁸

Breach of covenant is also accepted in international law, based on the

وَالَّذِينَ هُمْ لِأَمَانَاتِهِمْ وَعَهْدِهِمْ رَاعُونَ.

⁷⁸ Al-Taubah IX, 7-12.

كَيْفَ يَكُونُ لِلْمُشْرِكِينَ عَهْدٌ عِنْدَ اللَّهِ وَعِنْدَ رَسُولِهِ إِلَّا الَّذِينَ عَاهَدْتُمْ عِنْدَ الْمَسْجِدِ الْحَرَامِ فَمَا اسْتَقَامُوا لَكُمْ فَاسْتَقِيمُوا لَهُمْ إِنَّ اللَّهَ يُحِبُّ الْمُتَّقِينَ. كَيْفَ وَإِنْ يَظْهَرُوا عَلَيْكُمْ لَا يَرْقُبُوا فِيكُمْ إِلَّا وَا لا ذِمَّةً يُرْضُونَكُمْ بِأَفْوَاهِهِمْ وَتَأْبَى قُلُوبُهُمْ وَأَكْثَرُهُمْ فَاسِقُونَ. اشْتَرَوْا بِآيَاتِ اللَّهِ ثَمَنًا قَلِيلًا فَصَدُّوا عَن سَبِيلِهِ إِنَّهُمْ سَاءَ مَا كَانُوا يَعْمَلُونَ. لَا يَرْقُبُونَ فِي مُؤْمِنٍ إِلَّا وَا لا ذِمَّةً وَأُولَئِكَ هُمُ الْمُعْتَدُونَ. فَإِنْ تَابُوا وَأَقَامُوا الصَّلَاةَ وَآتَوْا الزَّكَاةَ فَإِخْوَانُكُمْ فِي الدِّينِ وَنُفَصِّلُ الْآيَاتِ لِقَوْمٍ يَعْلَمُونَ. وَإِنْ نَكَثُوا أَيْمَانَهُمْ مِنْ بَعْدِ عَهْدِهِمْ وَطَعَنُوا فِي دِينِكُمْ فَقَاتِلُوا أَنَّمَا الْكُفْرُ إِنَّهُمْ لَا أَيْمَانَ لَهُمْ لَعَلَّهُمْ يَنْتَهُونَ.

well-known principle of “*Rebus*”.⁷⁹ According to the said principle mentioned by Vienna Convention 1969, if there is a fundamental change of circumstances, upon which the agreement rests, the concerned party may unilaterally abrogate the treaty and consider it as terminated. According to article 64 of Vienna Convention, resorting to principle of “*Rebus*” should meet three requirements: First, the taking places of fundamental changes in the circumstances that the agreement rests upon, should be essential condition to the consent of both parties to the treaty. Second, the said fundamental changes, should lead to an essential change of commitments, and third, the main reasons for revision or abrogation of the treaty must be unpredictable in advance.⁸⁰

From the purport of the aforementioned Qur'an's verse, it is understood that in Islam stipulation of breach of contract (treaty) is based on the non-observance of terms of agreement of the adverse party. Therefore, resorting to the principle of “*Rebus*” and related three requirements is not sufficient for abrogation of a treaty. It means that according to principle of “*Rebus*” if the circumstances for making profit are changed, the breach of contract is acceptable, but Islam does not accept it as a circumstance for breach of contract. Because, as Islam is concerned, there is an implied principle in all treaties, which purports “advancement of humankind” vis-à-vis the unilateral profit. What is important in Islam is the benefit for both sides. In other words, there is a firm conviction in Islam that by changing the circumstances of a contract resulting to the reduction or loss of profit, the contract should not be abrogated and/or the obligations be cancelled.

⁷⁹ La regle rebus sic stantibus.

⁸⁰ Ghaem Magham Farahani, Abdolmajid (1988) International law to nationalize ...” Pajang Publication, Tehran, pp. 29-32.

Some international jurists have interpreted the requirements of principle of “*Rebus*” to definition of “*Force Majeure*”, and believe that by non-observance of principle of “treaties immunity” the world commitment towards the rights of states shall meet with disorders, because those states which don’t want to fulfill their international obligations, by misusing the said principle will bring disorder to the international relations and infringe the rights of the other states.⁸¹

About those who break their promises it is said in sūrah of Al-Anfāl **“Those of them whom you made a treaty, and then at every opportunity they break their treaty and they keep not pious duty (to Allāh). If you come on them in the war, deal with them so as to strike fear in those who are behind them, that haply they may remember. And if you fear treachery from any folk, then throw back to them (their treaty) fairly (inform them that you will act the same as they do.). Lo! Allāh loves not treacherous.”**⁸² On the other hand, breaking promises in relation to those who keep and honor their obligations is not acceptable in Islam, and says: **“Excepting those of the idolaters with whom you (Muslims) have a treaty, and who have since abated nothing of your right nor have supported anyone against you (as for those) fulfill their treaty to them till their term. Lo! Allāh loves those who keep their pious duty (unto Him)”**.⁸³ In sūrah of Al-Baqarah says: **“Those**

⁸¹ For discussion on this subject look at: Abd-el-Kader Boye, Serie "Tiers monde en marche", Tome 3-L'acte de nationalisation, Berger-Levrault, les Nouvelles editions africaines.

⁸² Al-Anfāl VIII, 56-57.

الَّذِينَ عَاهَدْتَ مِنْهُمْ ثُمَّ يَنْقُضُونَ عَهْدَهُمْ فِي كُلِّ مَرَّةٍ وَ هُمْ لَا يَتَّقُونَ. فَإِنَّمَا تَتَّفَقَنَّهُمْ فِي الْحَرْبِ فَشَرِدَ بِهِنَّ مَنِ خَلَفَهُمْ لَعَلَّهُمْ يَذَّكَّرُونَ. وَإِنَّمَا تَخَافَنَ مِنْ قَوْمٍ خِيَانَةٌ فَانْبِذْ إِلَيْهِمْ عَلَى سَوَاءٍ إِنَّ اللَّهَ لَا يُحِبُّ الْخَائِنِينَ.

⁸³ Al-Taubah IX, 4.

إِلَّا الَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ ثُمَّ لَمْ يَنْقُصُوكُمْ شَيْئًا وَ لَمْ يُظَاهِرُوا عَلَيْكُمْ أَحَدًا فَأَتُوا إِلَيْهِمْ عَهْدَهُمْ إِلَىٰ مُدَّتِهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُتَّقِينَ.

who break the covenant of Allāh after ratifying it, and sever that which Allāh ordered to be joined, and (who) make mischief in the earth: those are they who are the losers."⁸⁴ And in sūrah of Āle-Imran says: “Nay, but he who fulfills his pledge and ward off (evil). For lo! Allāh loves those who ward off (evil). Lo! Those who purchase a small gain at the cost of Allāh’s covenant and their oath, they have no portion in Hereafter. Allāh will neither speak to them, nor look upon them on the Day of Resurrection, nor will He purify them. Theirs will be a painful doom.”⁸⁵

In sūrah of Al-An'ām says: “And if you give your word, do justice thereunto, even though it be (against) a kinsman; and fulfill the covenant of Allāh. This he commands you that haply you may remember.”⁸⁶ In sūrah of Al-Baqarah, addressing the children of Israel says: “O children of Israel! (Its real meaning is children of bondman of God ("Isra" in Hebrew means bondman and "El" means God) and seems it is addressed to Arabs, whether Muslim or Jew, who are children of Ishmael and Isaac, both of them children of Abraham. They are called children of Israel because they are grand children of Jacob called “Israel”, but basically -in meaning- it is addressed to children of Abdullah (bondman of God) in all times which means the believers) remember my favor wherewith I favored you, and fulfill your (part of the) covenant, I shall fulfill My

⁸⁴ Al-Baqarah II, 27.

الَّذِينَ يَنْقُضُونَ عَهْدَ اللَّهِ مِنْ بَعْدِ مِيثَاقِهِ وَيَقْطَعُونَ مَا أَمَرَ اللَّهُ بِهِ أَنْ يُوصَلَ وَيُفْسِدُونَ فِي الْأَرْضِ أُولَئِكَ هُمُ الْخَاسِرُونَ.

⁸⁵ Āle-Imran III, 76-77.

بَلَى مَنْ أَوْفَى بِعَهْدِهِ وَاتَّقَى فَإِنَّ اللَّهَ يُحِبُّ الْمُتَّقِينَ. إِنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللَّهِ وَأَيْمَانِهِمْ ثَمَنًا قَلِيلًا أُولَئِكَ لَا خَلَاقَ لَهُمْ فِي الْآخِرَةِ وَلَا يُكَلِّمُهُمُ اللَّهُ وَلَا يَنْظُرُ إِلَيْهِمْ يَوْمَ الْقِيَامَةِ وَلَا يُرَكِّبُهُمْ وَهُمْ عَذَابٌ أَلِيمٌ.

⁸⁶ Al-An'ām VI, 152.

وَ إِذَا قُلْتُمْ فَاعْدُوا وَ لَوْ كَانَ ذَا قُرْبَىٰ وَ بِعَهْدِ اللَّهِ أَوْفُوا ذَلِكُمْ وَصَّاكُمْ بِهِ لَعَلَّكُمْ تَتَذَكَّرُونَ.

(part of the) covenant, and fear Me.”⁸⁷ In sūrah of Al-Ra’ad says: “Such as keep the pact of Allāh, and break not the covenant: such as unite that which Allāh has commanded should be joined, and fear their Lord; and dread a woeful reckoning. Such as persevere in seeking their Lord’s countenance and are regular in prayer and spend of that which We bestow upon them secretly and openly, and overcome evil with good. Theirs will be the sequel of the (heavenly) Home. Gardens of Eden which they enter, along with all who do right of their fathers and their helpmates and their seeds. The angels enter unto them from every gate, (saying) peace be unto you because you persevered. Ah, passing sweet will be the sequel of the (heavenly) Home. And those who break the covenant of Allāh after ratifying it, and sever that which Allāh has commanded should be joined, and make mischief in the earth; there is the curse and theirs the ill abode.”⁸⁸ And in sūrah of Al-Nahl says: “Fulfill the covenant of Allāh when you have covenanted, and break not your oaths after the asseveration of them.”⁸⁹ And: "And purchase not a small gain at the price of Allāh's covenant."⁹⁰ And in sūrah of Al-Ma’arij indicates one of the qualifications of the believers,

⁸⁷ Al-Baqarah II, 40.

يَا بَنِي إِسْرَائِيلَ اذْكُرُوا نِعْمَتِيَ الَّتِي أَنْعَمْتُ عَلَيْكُمْ وَأَوْفُوا بِعَهْدِي أُوفِ بِعَهْدِكُمْ وَإِيَّايَ فَارْهَبُونِ.

⁸⁸ Al-Ra'd XIII, 20-26.

الَّذِينَ يُوفُونَ بِعَهْدِ اللَّهِ وَ لَا يَنْقُضُونَ الْمِيثَاقَ. وَ الَّذِينَ يَصِلُونَ مَا أَمَرَ اللَّهُ بِهِ أَنْ يُوصَلَ وَ يَخْشَوْنَ رَبَّهُمْ وَ يَخَافُونَ سُوءَ الْحِسَابِ. وَ الَّذِينَ صَبَرُوا ابْتِغَاءَ وَجْهِ رَبِّهِمْ وَ أَقَامُوا الصَّلَاةَ وَ أَنْفَقُوا مِمَّا رَزَقْنَاهُمْ سِرًّا وَ عَلَانِيَةً وَ يَدْرُونَ بِالْحَسَنَةِ السَّيِّئَةِ أُولَئِكَ لَهُمْ عُقْبَى الدَّارِ. جَنَّاتٍ عَدْنٍ يَدْخُلُونَهَا وَ مَنْ صَلَحَ مِنْ آبَائِهِمْ وَ أَزْوَاجِهِمْ وَ ذُرِّيَّتِهِمْ وَ الْمَلَائِكَةُ يَدْخُلُونَ عَلَيْهِمْ مِنْ كُلِّ بَابٍ. سَلَامٌ عَلَيْكُمْ بِمَا صَبَرْتُمْ فَنِعْمَ عُقْبَى الدَّارِ. وَ الَّذِينَ يَنْقُضُونَ عَهْدَ اللَّهِ مِنْ بَعْدِ مِيثَاقِهِ وَ يَقْطَعُونَ مَا أَمَرَ اللَّهُ بِهِ أَنْ يُوصَلَ وَ يَفْسِدُونَ فِي الْأَرْضِ أُولَئِكَ لَهُمُ اللَّعْنَةُ وَ لَهُمْ سُوءُ الدَّارِ. اللَّهُ يَبْسُطُ الرِّزْقَ لِمَنْ يَشَاءُ وَ يَقْدِرُ وَ فَرِحُوا بِالْحَيَاةِ الدُّنْيَا وَ مَا الْحَيَاةُ الدُّنْيَا فِي الْآخِرَةِ إِلَّا مَتَاعٌ.

⁸⁹ Al-Nahl XVI, 91.

وَ أَوْفُوا بِعَهْدِ اللَّهِ إِذَا عَاهَدْتُمْ وَ لَا تَنْقُضُوا الْأَيْمَانَ بَعْدَ تَوْكِيدِهَا.

⁹⁰ Al-Nahl XVI, 95.

وَ لَا تَشْتَرُوا بِعَهْدِ اللَّهِ ثَمَنًا قَلِيلًا.

"Keep their pledges and their covenants."⁹¹ As it is noticed, based on the said Qur'an's verses, breach of covenants concluded with Allāh and people are unacceptable, and the actions should be based on the verse that says: **"As for those with whom you have made a covenant, give them their due. Lo! Allāh is everwitness over all things."**⁹²

The importance of covenant is so great that Allāh in sūrah of Al-Ahzab says: **"Of the believers are men who are true to that which they covenanted with Allāh. Some of them have paid their vow by death (in battle), and some of them still are waiting; and they have not altered in the least."**⁹³ In the book of Al-Kāfi, it is narrated from Muhammad (S) that: "Those who believe in God and the Day of Resurrection should fulfill their promises whenever they make a covenant."⁹⁴

Imam Ali (A) in the decree addressed to Malik Ashtar says: "Whenever a treaty was made between you and your enemy, and/or you were under an obligation, then you have to honor your promises and fulfill your obligations, and you should keep up this manner. (You should not create circumstances that the others feel insecure in relation to you and your treaty and contract.). As a matter of fact, these contracts are deposited with you. You should use yourself as a shield to protect what you have promised to do. Honoring the promise is one of the obligations which Allāh

⁹¹ Al-Ma'arij LXX, 32.

وَالَّذِينَ هُمْ لِأَمَانَاتِهِمْ وَعَهْدِهِمْ رَاعُونَ.

⁹² Al-Nisā IV, 33.

وَالَّذِينَ عَقَدَتْ أَيْمَانُكُمْ فَآتَوْهُمْ نَصِيحَتَهُمْ إِنَّ اللَّهَ كَانَ عَلَىٰ كُلِّ شَيْءٍ شَهِيدًا.

⁹³ Al-Ahzab XXXIII, 23.

مِنَ الْمُؤْمِنِينَ رِجَالٌ صَدَقُوا مَا عَاهَدُوا اللَّهَ عَلَيْهِ فَمِنْهُمْ مَن قَضَىٰ نَجْبَهُ وَمِنْهُمْ مَن يَنْتَظِرُ وَمَا بَدَّلُوا تَبْدِيلًا.

⁹⁴ Al-Kāfi 2, 364, chapter: breach of covenant, p 363.

الكافي، ٢، ٣٦٤، باب خلف الوعد، ص: ٣٦٣، عَلِيٌّ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ شُعَيْبِ الْعَقْرُقُوفِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلْيُفِ إِذَا وَعَدَ.

has stipulated for His servants (the people) and people should not be bound to any characteristics more than this one. (A matter, which is common among all people, apart from their religions and creeds, is honoring the promises and fulfilling the obligations). There might be some differences between people in respects of their desires and inclinations, but concerning the “honoring promises” which is one of Allāh’s stipulated obligations they are in a broad consensus and unanimity. Even the idolaters keep their promises and obligation between themselves, apart from Muslims, because the consequences of treachery are clear and obvious for them. Be careful not to break treacherously the commitments that you have made. Because it is not only you, as Muslims, who are aware of the consequences of breaking the promises and/or deceitfully dishonoring the contracts due to the ordinance of Allāh and His messenger, but the idolaters are also aware of this subject matter. Be absolutely certain, not to break your promises and commitments, and definitely not to deceit your enemies. Because nobody dares to do such a thing (i.e. deceit and dishonoring promises) save those persons who are wicked and foolish. God has made the covenants and commitments as being concluded with Him. (If you make a contract with somebody, in fact you have made it with Allāh). These commitments and covenants form security, which should not be ignored by bondmen of Allāh, because Allāh through his favor has made it as a basis for security between His bondmen. The commitments and covenant are as a secured place where the human beings rest at peace under its protection. When a contract is made, it seems that the parties to the contract are performing and making use of it while they are next to Allāh. In such a case, you have no right to be dishonest, deceitful, and treacherous. Do not conclude or sign those contracts, which appear to bring some difficulties in future. While making a contract your words and proposals should not be vague or equivocal. If in a contract you found that the words of adverse party is

vague do not accept it. The contract should be clear and obvious in every part, so that there would not be any question in the future. Lest the difficulties arising during the performance of a contract or your own difficulties for performing your obligations lead you towards breach of promise, in a manner that you try to abrogate the covenant. In spite of all difficulties, you are bound to accept your obligations even if performing the contract is against your interests.”⁹⁵

The basis of “honoring promises” in Islam and other divine religions, as well as, adherence unto real Islam and true faith, requires a special contract called as “swear of allegiance” (Bay'at). Unfortunately, there has been too much carelessness towards the said contract at these ages. Most of the Muslims have forgotten it, whereas it was so important that Imam Hussein (A) sacrificed his own life and his dearest family as well as nearest friends only for this very reason that he did not want to swear allegiance

⁹⁵ Mostadrak-ol-Vasa'il, 11, 43, 18, chapter of authorization of giving security ..."

مستدرک الوسائل، ۱۱، ۴۳، ۱۸، باب جواز إعطاء الأمان و وجوب... نَهَجُ الْبِلَاغَةِ، فِي عَهْدِ أَمِيرِ الْمُؤْمِنِينَ ع لِأَشْتَرِ لَا تَدْفَعَنَّ صَلْحًا دَعَاكَ إِلَيْهِ عَدُوٌّ لِلَّهِ فِيهِ رِضَى فَإِنَّ فِي الصُّلْحِ دَعَاً جُنُودِكَ وَ رَاحَةً مِنْ هُمُومِكَ وَ أَمْنًا لِبِلَادِكَ وَ لَكِنَّ الْحَدَرَ كُلَّ الْحَدَرِ مِنْ عَدُوِّكَ بَعْدَ صَلْحِهِ فَإِنَّ الْعَدُوَّ رُبَّمَا قَارَبَ لِيَتَغَفَّلَ فَخُذْ بِالْحَزْمِ وَ أَتَّهِمْ فِي ذَلِكَ حُسْنَ الظَّنِّ وَ إِنْ عَقَدْتَ بَيْنَكَ وَ بَيْنَ عَدُوِّكَ عُقْدَةً أَوْ أَلْبَسْتَهُ مِنْكَ ذِمَّةً فَخُطْ عَهْدَكَ بِالْوَفَاءِ وَ ارْعَ ذِمَّتَكَ بِالْأَمَانَةِ وَ اجْعَلْ نَفْسَكَ جُنَّةً دُونَ مَا أُعْطِيتَ فَإِنَّهُ لَيْسَ مِنْ فَرَائِضِ اللَّهِ سُبْحَانَهُ شَيْءٌ النَّاسُ عَلَيْهِ أَشَدُّ اجْتِمَاعًا مَعَ تَفْرِيقِ أَهْوَائِهِمْ وَ تَشْتِيبِ آرَائِهِمْ مِنْ تَعْظِيمِ الوَفَاءِ بِالْعُهُودِ وَ قَدْ لَزِمَ ذَلِكَ الْمُشْرِكُونَ فِيمَا بَيْنَهُمْ دُونَ الْمُسْلِمِينَ لَمَّا اسْتَوْبَلُوا عَنْ عَوَاقِبِ الْعُدْرِ فَلَا تُغْدِرَنَّ بِذِمَّتِكَ وَ لَا تُخَيِّسَنَّ بِعَهْدِكَ وَ لَا تُخْتَلِرَنَّ عَدُوَّكَ فَإِنَّهُ لَا يَجْتَرِئُ عَلَى اللَّهِ إِلَّا جَاهِلٌ شَقِيٌّ وَ قَدْ جَعَلَ اللَّهُ عَهْدَهُ وَ ذِمَّتَهُ أَمْنًا أَفْضَاهُ بَيْنَ الْعِبَادِ بِرَحْمَتِهِ وَ حَرِيمًا يَسْكُنُونَ إِلَى مَنَعَتِهِ وَ يَسْتَقْبِضُونَ إِلَى جَوَارِهِ فَلَا إِدْغَالَ وَ لَا مُدَالَسَةَ وَ لَا خِدَاعَ فِيهِ وَ لَا تَعْقِدْ عَقْدًا يَجُوزُ فِيهِ الْعَلَلُ وَ لَا تُعَوِّلَنَّ عَلَى لَحْنِ قَوْلٍ بَعْدَ التَّأْكِيدِ وَ التَّوْتِيقَةِ وَ لَا يَدْعُوكَ ضَيْقُ أَمْرٍ لَزِمَكَ فِيهِ عَهْدُ اللَّهِ إِلَى [طَلَبِ] انْفِسَاخِهِ بِغَيْرِ الْحَقِّ فَإِنَّ صَبْرَكَ عَلَى ضَيْقِ [أَمْرٍ] تَرْجُو انْفِرَاجَهُ وَ فَضْلَ عَاقِبَتِهِ خَيْرٌ مِنْ عُدْرِ تَخَافُ تَبِعْتَهُ وَ أَنْ تُحْبِطَ بِكَ (فِيهِ مِنْ اللَّهِ طَلْبَتُهُ لَا تَسْتَقْبِلُ) فِيهَا دُنْيَاكَ وَ لَا آخِرَتَكَ وَ رَوَاهُ الْحَسَنُ بْنُ عَلِيٍّ بْنِ شُعْبَةَ فِي تَحْفِيفِ الْعُقُولِ، وَ فِيهِ لَا تَدْفَعَنَّ صَلْحًا دَعَاكَ إِلَيْهِ عَدُوُّكَ فِيهِ رِضَى فَإِنَّ فِي الصُّلْحِ دَعَاً جُنُودِكَ وَ رَاحَةً مِنْ هُمُومِكَ وَ أَمْنًا لِبِلَادِكَ وَ لَكِنَّ الْحَدَرَ كُلَّ الْحَدَرِ مِنْ مُقَارَبَةِ عَدُوِّكَ فِي طَلَبِ الصُّلْحِ فَإِنَّ الْعَدُوَّ رُبَّمَا قَارَبَ لِيَتَغَفَّلَ فَخُذْ بِالْحَزْمِ وَ تَخَصِّصِ كُلِّ مُحُوفٍ تُؤْتِي مِنْهُ وَ بِاللَّهِ التَّمَنُّةُ فِي جَمِيعِ الْأُمُورِ وَ إِنْ لَحَّتْ بَيْنَكَ وَ بَيْنَ عَدُوِّكَ فَصِيَّةٌ عَقَدْتَ لَهُ بِهَا صَلْحًا أَوْ أَلْبَسْتَهُ مِنْكَ ذِمَّةً إِلَى آخِرِهِ.

unjustly. Now due to the importance of the subject matter, we are going to have more detailed information about it here.

In noble sūrah of Al-Fat'h says: **“Lo! Those who swear allegiance unto you (Muhammad), swear allegiance only unto Allāh. The hand of Allāh is above their hands. So whosoever breaks his oath breaks it only to his soul’s hurt; while whosoever keeps his covenant with Allāh, on him will be bestowed immense reward.”**⁹⁶ As it is understood from the said noble verse, as for men, “swear of allegiance” takes place by hand, and has a solemn formality. To interpret the verse it is said:⁹⁷ **“Those who swear allegiance”** is the response of a presumed question in position of reasoning and/or in position of describing the (situation) state. It seems there has been a question that how is the (situation) state of those who swear allegiance unto messenger of Allāh. And God Almighty said: **“Lo! Those who swear allegiance unto you”** as a matter of fact **“they swear allegiance unto Allāh”**. Because you are manifestation of Allāh, and in case of the advent of the manifest, ordinance is only for the manifest, not for manifestation. It is **“the hand of Allāh”** not your hand which is **“above their hands”**. The formalities of taking the oath of allegiance are stated in detail while interpreting Allāh's wording from sūrah of Al-Taubah as: **"Know they not that Allāh is He Who accept repentance from His bondmen"?**⁹⁸ And **"Lo! Allāh has bought from the believers..."**⁹⁹ In addition to that the "swear of allegiance" is mentioned in other verses too.

⁹⁶ Al-Fat'h XLVIII, 10.

إِنَّ الَّذِينَ يُبَايِعُونَكَ إِنَّمَا يُبَايِعُونَ اللَّهَ يَدُ اللَّهِ فَوْقَ أَيْدِيهِمْ فَمَنْ نَكَثَ فَإِنَّمَا يَنْكُثُ عَلَىٰ نَفْسِهِ وَمَنْ أَوْفَىٰ بِمَا عَاهَدَ عَلَيْهِ اللَّهُ فَمَسْئُوتِهِ أَجْرًا عَظِيمًا.

⁹⁷ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", vol. 13, translation, pp. 299-301.

⁹⁸ Al-Taubah IX, 104.

أَمْ يَعْلَمُونَ أَنَّ اللَّهَ هُوَ يَقْبَلُ التَّوْبَةَ عَنْ عِبَادِهِ.

⁹⁹ Al-Taubah IX, 111.

إِنَّ اللَّهَ اشْتَرَىٰ مِنَ الْمُؤْمِنِينَ...

"Whosoever breaks his oath" in such a way, that breaks the conditions of the oath of allegiance and/or not to follow the orders or remove the whole covenant and cancel it **"breaks it only to his own detriment"**. And **"whosoever keeps his covenant with Allāh"** (this part of verse is so written in Arabic that by adding the word "with" prior to Allāh, glorification of the name of Allāh is maintained) immense reward will be bestowed on him that nobody is able to describe it. Qomi has stated that: "during swearing formalities at Rezwan the following verse revealed: **"Certainly Allāh is satisfied with those believers who swear allegiance unto you (Muhammad) under (this) tree"** provided that, thereafter, they should not oppose to, or deny whatever the messenger of God does, and they should not oppose to the orders of messengers of God. After the revelation of "Rezwan verse" God Almighty said: **"Lo! Those who swear allegiance unto you (Muhammad), swear allegiance only unto Allāh. The hand of Allāh is above their hands..."** And God Almighty was only satisfied with the believers if they honour their commitments and covenant with Allāh and also not to break their covenant. But at the time of writing down the said verses, the verse, which contained the conditions, was written prior to the "Rezwan verse". Whereas the "Rezwan verse" was revealed first and after that the verse which contained the conditions was revealed.

He has also commented on verse **"Lo! Allāh has bought from the believers their lives and their wealths because the Garden will be theirs"**¹⁰⁰ as follows: "After mentioning the various groups of hypocrites and their situation, then to add to their regrets, the qualities of believers and their present situation as well as what they gain in the Hereafter is

¹⁰⁰ Al-Taubah IX, 111. In volume 6 of the translation of "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", pp. 254-257.

mentioned. Be aware that human being souls are created as being dependent. That is to say, dependency and attachment is a part of the essence of their nature. This dependency and attachment is their distinction point from the pure immaterial substance. The said dependency and attachment is not a quality out of their essence, to be attributed to them, but this natural dependency and attachment is the basis of their ardent desire, which is called “the pain” which is appropriate to optional dependency and attachment during maturity. So, if success be favorable unto those souls and according to their options and on the basis of God's ordinances, become dependent and attached to the abstract reasons and their human manifestations, consequently would attain the Eternal life. But if God despises a person and he be attached to Satan and his human manifestation -which we take refuge in God from him- he would fall down to wrath (remoteness) manifestation and would be destroyed. Because in the beginning, the rational perceptions are weak but animal and satanic perceptions are so strong that one cannot understand save those which are appropriate to apparent and intrinsic animal perceptions and/or whatever is appropriate to satanic and animal power, and because perceiving the powers of reason and being attached to them is impossible without a human mediator known only through animal perceptions, therefore God Almighty has ordered souls to get attached to intellect manifestation of messengers and their successors and submit themselves and adhere to them. And when the types (spheres) correspond with each other and the ranks are in concurrence, the permeation of orders from each type (spheres) and its rank to the other types (spheres) and ranks is certain. So that Allāh has commanded them to take oath of allegiance, which consists of corporeal attachment through the covenant made by dependent to the hands of the one who accepts it. And dependency of each one is due to the hearing the voice of the other one, until the soul attachment corresponds with the

corporeal attachment and permeates to the rank of human being. Taking oath of allegiance has been an established tradition from Adam (A) up to the advent of the prosperous time of Muhammad, the last of the prophets, in a manner that nobody was accepted as a member of a religion unless he had taken oath of allegiance with the head of the said religion, or one who was appointed to take the oath of allegiance. For taking oath of allegiance, there has been always a solemn formality, because an especial honor was attached to it and it was never performed with those who were unworthy (not to be appointed to). After demise of the head of religion, private and national motives were dominated over the people and taking the oath of allegiance gradually disappeared. So that public thought there has never been an oath of allegiance. The words of Allāh as: "**The well not in use**" indicates that religious establishment is due to entering into it, that is to say, it takes place by taking oath of allegiance. And "**strengthened castle**" indicates the (apparent) form of religion, which is taken in accordance with the traditions of people. Of course, the latter does not ascertain religiousness. Now that this subject matter is described, you should know that the said oath of allegiance could not be established without the human being manifestation, because approaching God and reasons without a mediator of the said manifestations is impossible. On the other hand, it is ascertained that, manifestations are prophets and their successors, because they are annihilated unto God. Especially while they are taking oath of allegiance and buying lives and wealths, their existence is God's existence not theirs. Because, at this time, no "self" has been left for them. Their actions are also actions of God and not theirs. Moreover, people who are laymen cannot consider the oath of allegiance except through some visible means. They cannot see the "unseen". Therefore, God Almighty in the manner of "restriction of heart"¹⁰¹ or appointing some persons said: "**Lo!**

¹⁰¹ At the First volume of the "Exegesis" the meaning of the term of "Exclusiveness of

Allāh has bought (purchased)” not the human being mediators, as it was believed by laymen so clearly indicated "the restriction" and said: They swear allegiance only unto Allāh. And this is also the words of Allāh who said: **“The hand of Allāh is above their hands”** which is for restriction, because adding the word **“hand”** to **“Allāh”** conveys this meaning, that is to say, hand of Allāh not your hand. As it was commented earlier, the following words of Allāh: **“know they not that Allāh is He Who accepts repentance from his bondman”** is a remark to oath of allegiance as well as the restriction. Because acceptance of repentance is a part of oath of allegiance and a prelude to it. And this is the statements of some interpreters that, the said verse and mentioning the word **“purchase”** is a parable to explain Allāh's reward in exchange for giving one's life and wealth which is a financial transaction, not an Islamic transaction."

As for taking oath of allegiance from woman says: **“O prophet! If believing woman come unto you, taking oath of allegiance unto you that they will ascribe nothing as partner unto Allāh, and neither steal nor commit adultery nor kill their children nor produce any lie that they have devised between their hands and feet, nor disobey you in what is right, then accept their allegiance and ask Allāh to forgive them. Lo! Allāh forgiving, Merciful”**.¹⁰² There is a comment on this verse, which says:¹⁰³ **“O prophet”** is specifically addressed to messenger of God (S). Because the order is directed towards him and he was the only one who took oath of allegiance from men and women, not anybody else.

heart” has been described.

¹⁰² Al-Mumtahanah LX, 12.

يا أَيُّهَا النَّبِيُّ إِذَا جَاءَكَ الْمُؤْمِنَاتُ يُبَايِعَنَّكَ عَلَىٰ أَنْ لَا يُشْرِكْنَ بِاللَّهِ شَيْئًا وَلَا يَسْرِقْنَ وَلَا يَزْنِينَ وَلَا يَقْتُلْنَ أَوْلَادَهُنَّ
وَلَا يَأْتِينَ بِبُهْتَانٍ يَفْتَرِينَهُ بَيْنَ أَيْدِيهِنَّ وَأَرْجُلِهِنَّ وَلَا يَعْصِينَكَ فِي مَعْرُوفٍ فَبَايِعُهُنَّ وَاسْتَعْفِفْنَ لَكَ اللَّهُ إِنَّ اللَّهَ غَفُورٌ
رَحِيمٌ

¹⁰⁰ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", volume 14 the translation pp 150-154.

“If believing women come unto you” or those who admit and are certain about their faith or those who are converted to Islam **“taking oath of allegiance unto you”**. It is worth mentioning that at the time of announcement of prophecy of messenger of God Muhammad (S) it was the period of interregnum. The ordinances of previous prophets have been nearly forgotten. People received their religion through their fathers and/or plagiarist teachers in their religion. Taking the oath of allegiance, which is the basis of all good (and welfare), have fallen into oblivion. In the view of ordinary people, it was strange and odd to take an oath of allegiance, and laymen thought of it to be queer and surprising. But when they noticed that whoever want to convert to Islam, messenger of God makes him to take oath of allegiance; they found out that if they want to be a Muslim, it is obligatory to take the oath of allegiance. It seems that, necessity of oath of allegiance was hidden from women and they believed it was sufficient just to say: **“There is no God but Allāh and Muhammad is Messenger of God”** and then they would be converted to Islam. They did not know that one, by uttering the said phrase would only be in security. Islam will not be ascertained (established) but through taking oath of allegiance. This is the reason why God Almighty revealed the manner of women's taking oath of allegiance, which at the same time, indirectly shows their obligation for taking oath of allegiance. **“That they will ascribe nothing as partner unto Allāh”**. And never take a partner for Allāh. **“And will neither steal, nor commit adultery nor kill their children”**. And not to bury their children while they are still alive. **“Nor produce any lie that they have devised between their hands and feet”**. It is said that, sometimes, when a woman was pregnant, untruthfully would tell her husband that the child was theirs. The meaning of the said “false statement” (slander) which is between two hands and two feet is, to ascribe wrongfully the baby to the husband. Because the woman's belly that carries the baby is situated

between her two hands and her pudenda wherefrom the baby comes out is between her two legs. This verse does not mean that the bastard baby should not be borne. Because the conditions of prohibition of adultery is gone. Some others have said that there should not be any slanderous statements against married women. And those who want to take oath of allegiance, whether at present time or in the future, have no right to make false statements against the others or untruthfully ascribe babies to their husbands. **“Nor disobey you in what is right”** because whatever you order them is nothing but right; **“then accept their allegiance and ask Allāh to forgive them. Lo! Allāh is Forgiving, Merciful”**. These are requirements for taking oath of allegiance from women. You should know that, taking oath of allegiance has been common amongst all religions. It is the same as special yeast for making cheese, which should be added to the milk of Being. As long as the yeast is not added to the milk, no cheese would be produced. And it is also like fertilization of a female palm tree. While it is not fertilized, the palm tree would produce no fruit. This is also the case for walnut and pistachio to become kernelled. It is like grafting a sweet tree onto a bitter one. If the latter were not grafted from sweet tree, it would not produce sweet fruits. That is the reason that in all religions, from the very beginning, there has been great diligence to take oath of allegiance. Some people say that after revelation of the aforementioned verse, Messenger of God (S) used to take oath of allegiance from women through talking to them, and the hands of Messenger of God (S) never touched a woman, except those he owned. But it is also narrated that, whenever he wanted to take oath of allegiance, he would bring a tub of water, then he put his hands into the water and would recite what Allāh had already said, then he took his hands out of water. After that, women put their hands into the water. Some others say he used to take oath of allegiance while his hands were covered with his clothes. Some people say, the reason for taking oath of

allegiance from women, although they are not obliged to take part and give assistance in battles, is to make them promise, to take corrective actions and make improvements in their religion, themselves and their spouses. This has happened at the beginning period of Islam. And taking oath of allegiance was also for preventing women from being indolent in performing those ordinances brought by Messenger of God”.

Concerning the ranks of authorities appointed to take oath of allegiance, it is now relevant to make a reference to the grades and ranks of divine saints (guardians). In the said exegesis¹⁰⁴, in chapter of “research into ranks of people” regarding the prophecy, prophetic mission, friendship, and Imamate (divine leadership) and under the verse of “**And (remember) when his Lord tried Abraham with (His) commands and he fulfilled them, He said: Lo! I have appointed you a leader for mankind, (Abraham) said: And of my offspring (will there be leaders)? He said: My covenant included not wrong- doer**”.¹⁰⁵ This has been interpreted as follows: “**He said**” is to honor Abraham (A) and said “**Lo! I have appointed you a leader for mankind**” this leadership is quite different from the leadership of those people who are being led astray, or being in right path. It is also different from the leadership of congregational or Jum’ah prayer; whether being right or wrong. It is different from leadership to limited rights, which is attributed to Masha’ikh (pontiffs, venerables) for being authorized to recite narrations or guide the people. It is also different from the specific leadership with limited rights, which is attributed to every prophet and divine executor. On this occasion, it is superior to all ranks of humanity. It is the position of General Delegation that is obtained after general guardianship and prophetic mission. It is

¹⁰⁴ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", volume 2, the translation, pp. 249-251.

¹⁰⁵ Al-Baqarah II, 124.

وَ إِذِ ابْتَلَىٰ إِبْرَاهِيمَ رَبُّهُ بِكَلِمَاتٍ فَأَتَمَّهُنَّ قَالَ إِنِّي جَاعِلُكَ لِلنَّاسِ إِمَامًا قَالَ وَ مِنْ ذُرِّيَّتِي قَالَ لَا يَنَالُ عَهْدِي الظَّالِمِينَ

narrated from Imam Sadiq (A), “God Almighty accepted Abraham to become as His bondman prior to be prophet, and gave him the position of a prophet prior to obtain prophetic mission, and he was appointed as His messenger prior to give him the position of Friendship, and God Almighty called him as a Friend prior to give him the position of divine leadership, and at last while every thing was prepared for him God Almighty said **“I have appointed you a leader for mankind”**”. As it is noticed, divine leadership (Imamate) is at last step to the hierarchy of human perfection. Because the first step of human perfection is submission and obedience. And this is first step of several stages of journeying to the path (of mysticism) which gradually gets to the path and from that point step by step continues his journey in the path towards Allāh, until he will be liberated from egotism and slavery of self and enters into the category of God's bondmen and enhances his submission and obedience to its perfection. Therefore, he will become converted to one of the pure God's bondmen. If divine favour extended over him, and after annihilation, God Almighty reinstated and kept him and through His Life brought him back to life, for completion and perfection of His creation, then he will be given opportunity to make reform and improve his heart, which is Home of God, and will grant him authority to improve the life of people (powers within himself), without having authority to refer to others. This is called the position of prophethood and no mission is attached to it. Now if in addition to abovementioned subjects, the authority of reform and improvement of life of other people, out of his realm of kingdom is granted to him, in this case it is called the position of prophetic mission but it is not Friendship yet. Now having all these positions and due to superiority over other messengers, God Almighty will keep him for Himself. God returns to him for second time, which is different from the first time. On the latter occasion, whatever Abraham had attained would show them, but in this

time, all those, which God has bestowed him, will come to the sight, which consists of everything but God. This is called Friendship. And when the position of Friendship was completed and his position unto God was the same as his position unto creatures and was empowered, then God Almighty will appoint him for divine leadership (Imamate) and grants him all affairs in the world, in a manner that not even a leaf of a tree would fall down without his permission and order, and at that time he determines. There is no position in the world superior than this position. Now we will find out that every Imam (divine leader) is a Friend, every Friend is a messenger, every messenger is a prophet and every prophet is a bondman but the vice versa is not correct. And it was also known that Imamate (divine leadership) as we gave its definition is “congregation of position between mankind and position unto God, without happening any defect into what he is empowered”.

Based on the aforementioned subject matters the importance of promise and honoring the covenant is quite obvious.

Covenant brings obligatory responsibility and as far as the adverse party observes the honor of her commitments to the circumstances that the agreement rests upon and are essential condition to the consent of both parties to the treaty, obligations of covenant are enforcing.

6- Principle of: Mandatory observation of formalities of contract

There are positive and detailed orders concerning the manner of

making contracts in Glorious Qur'an. In sūrah of Al-Baqarah¹⁰⁶ says: “O you who believe! When you contract a debt for a fixed term, record it in writing. Let a scribe record it in writing between you in (terms of) equity. No scribe should refuse to write as Allāh has taught him, so let him write, and let him who incurs the debt dictate, and let him observe his duty to Allāh his Lord, and diminish naught thereof. But if he who owes the debt is of low understanding, or weak, or unable himself to dictate, then let the guardian of his interest dictate in (terms of) equity. And call to witness, from among your men, two witnesses. And if two men be not (at hand) then a man and two women, of such as you approve as witnesses, so that if the one errs (through forgetfulness) the other will remember. And the witnesses must not refuse when they are summoned. Be not averse to writing down (the contract) whether it be small or great, with (record of) the term thereof. That is more equitable in the sight of Allāh and surer for testimony, and the best way of avoiding doubt between you. Save only in the case when it is actual merchandise that you transfer among yourselves from hand to hand. In that case, it is no sin for you if you write it not. And have witnesses when you sell one to another, and let no harm be done to scribe or witness. If you do (harm to them) Lo! It is a sin in you.

¹⁰⁶ Al-Baqarah II, 282-283.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَايَنْتُمْ بِدَيْنٍ إِلَىٰ أَجَلٍ مُّسَمًّى فَآكْتُبُوهُ وَ لِيَكْتُبَ بَيْنَكُمْ كَاتِبٌ بِالْعَدْلِ وَ لَا يَأْبَ كَاتِبٌ أَنْ يَكْتُبَ كَمَا عَلَّمَهُ اللَّهُ فَلْيَكْتُبْ وَ لِيُمْلِلِ الَّذِي عَلَيْهِ الْحَقُّ وَ لِيَتَّقِ اللَّهَ رَبَّهُ وَ لَا يَبْخَسَ مِنْهُ شَيْئًا فَإِن كَانَ الَّذِي عَلَيْهِ الْحَقُّ سَفِيهًا أَوْ ضَعِيفًا أَوْ لَا يَسْتَطِيعُ أَنْ يُمْلَئَ هُوَ فَلْيُمْلِلْ لِئِنَّهُ بِالْعَدْلِ وَ اسْتَشْهَدُوا شَهِيدَيْنِ مِنْ رِجَالِكُمْ فَإِن لَّمْ يَكُونَا رَجُلَيْنِ فَرَجُلٌ وَ امْرَأَتَانِ مِمَّنْ تَرْضَوْنَ مِنَ الشُّهَدَاءِ أَنْ تَضِلَّ إِحْدَاهُمَا فَتُذَكَّرَ إِحْدَاهُمَا الْأُخْرَى وَ لَا يَأْبَ الشُّهَدَاءُ إِذَا مَا دُعُوا وَ لَا تَسْنَمُوا أَنْ تَكْتُبُوهُ صَغِيرًا أَوْ كَبِيرًا إِلَىٰ أَجَلِهِ ذَلِكُمْ أَفْسَطُ عِنْدَ اللَّهِ وَ أَقْوَمٌ لِلشَّهَادَةِ وَ أَدْنَىٰ أَلَّا تَرْتَابُوا إِلَّا أَنْ تَكُونَ تِجَارَةً حَاضِرَةً تُدِيرُونَهَا بَيْنَكُمْ فَلَيْسَ عَلَيْكُمْ جُنَاحٌ أَلَّا تَكْتُبُوهَا وَ أَشْهَدُوا إِذَا تَبَايَعْتُمْ وَ لَا يُضَارَّ كَاتِبٌ وَ لَا شَهِيدٌ وَ إِن تَفَعَّلُوا فَإِنَّهُ فَسُوقٌ بِكُمْ وَ اتَّقُوا اللَّهَ وَ يَعْلَمْكُمْ اللَّهُ وَ اللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ. وَ إِن كُنْتُمْ عَلَىٰ سَفَرٍ وَ لَمْ تَجِدُوا كَاتِبًا فَرِهَانٌ مَّقْبُوضَةٌ فَإِن أَمِنَ بَعْضُكُمْ بَعْضًا فَلْيُؤَدِّ الَّذِي أُؤْتِنَ أَمَانَتَهُ وَ لِيَتَّقِ اللَّهَ رَبَّهُ وَ لَا تَكْتُمُوا الشَّهَادَةَ وَ مَنْ يَكْتُمْهَا فَإِنَّهُ آتَمٌ قَلْبُهُ وَ اللَّهُ بِمَا تَعْمَلُونَ عَلِيمٌ.

Observe your pious duty to Allāh then Allāh teaches you, and Allāh is knower of all things. If you be on a journey and cannot find a scribe, then a pledge in hand (shall suffice). And if one of you entrusts to another let him who is trusted deliver up that which is entrusted to him (according to the pact between them) and let him observe his duty to Allāh. Hide not testimony. He who hides it, verily his heart is sinful. Allāh is aware of what you do”.

To comment the abovementioned verses it is said that:¹⁰⁷ **"O you who believe"** is addressed to those persons who have believed unto general belief, swearing allegiance unto Muhammad (S) and acceptance of apparent form of invitation (to Islam). This is due to the fact that, all formal religious orders are addressed to those Muslims who have taken a general oath of allegiance. **"When you contract a debt"**, it means some people have lent and some have borrowed, or each one of them borrowed from a third person, or they carried on transaction on credit, or when some of you lend or some of you borrow, or when transaction happens between you on credit. Therefore, the orders of **"writing down"** indicate the lender, the borrower, and other persons too. As for the lender or borrower, the order of **"writing down"** is for prevention of making mistakes and/or settlement of disputes. But writing in other cases is for positive contribution to goodness and performing one's pious duty. Mentioning the word **"debt"** here is for verifying its real meaning in this case from another meaning (in Arabic) which is "punishment", or **"contract a debt"** may refer to "transaction in general" or might be that, words are based on an abstract quality, namely it (debt) is used for a "long term loan" or might be used as "loan" in its general meaning. **"For a fixed term"** means determined due date. **"Record it in writing"** is for being away from mistake or disputes and relative to the

¹⁰⁷ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", volume 3 the translation, pp. 157-168.

amount of loan as well as the longer due date be recorded. **“Let a scribe record it in writing between you in (term of) equity”**. The word **“in”** is used for the instrument of writing, and **“equity”** is the quality of **“pen”** which is understood from the text. It means that you should write with a **“just pen”** because righteousness and crookedness is attributed to pen. And the word **“in”** is related to **“scribe”** or **“record it in writing”** or **“in”** is related to instrument. And equity means to be impartial for both parties or protecting the rights of both parties. Or **“in”** is for confounding (Molabasat)¹⁰⁸ of similar subjects, and is an adverb of place, which is the quality of scribe. And **“No scribe should refuse to write as Allāh has taught him”**. The kind of writing which Allāh has taught him is to take justice into consideration while he is writing, or the way of writing which is similar to the teaching of Allāh in writing or, absolutely similar to the teachings of Allāh. That is to say, while he is writing he should take the teachings of Allāh into consideration until his writing to be an appreciation for Allāh's teachings, this concept is bound to reasoning (the reason for writing is appreciation). Therefore, no scribe should refuse to write because in fact God is the one who has taught him how to write. So he is obliged to write. The word **“to write”** has four times repeated in this verse to put emphasis on writing and indicates its importance. **“Let him who incurs the debt dictate”**. The person who is under the debt should dictate and the scribe should write. Because confession to the debt and testimony of witnesses are against him. **“And let him observe his duty to Allāh his Lord”**. He should be afraid of God and not to induce anything to be detrimental to the owner of the right. **“And diminish naught thereof”**. And not to decrease anything whether in writing or in the right. **“But if he who owes the debt is of low understanding”** or weak and not low

¹⁰⁸ The word used, is an Arabic-Persian compound word that means “confusion” “ambiguity”.

understanding, and he cannot discern the true meaning of the words to be for or against him **“or unable himself to dictate”** - the pronoun of **“himself”** in this sentence is for emphasis and it is used for this reason that he negates the ability of writing and dictating from himself not from the person who acts in his capacity. **“Then let the guardian of his interests dictate in (terms of) equity”**. So his guardian or the guardian of the one who is under the debt or guardian of rights should dictate the writing in justice and truthfully. **“And call to witness”**. This is another relevant procedure in social intercourse and transactions, because while the transactions are on credit, having some persons as witnesses protects the parties of the transaction against mistake or dispute. **“From among your men, two witnesses”**. There should be two mature, Muslim, free men as witnesses. The quality of mature is understood from the word **“men”**, and they should be Muslim, because it is written **“your men”**, and being free men can be understood from the interpretation of the whole verse. Therefore, this interpretation is attributed to Imam (A) that: If a slave is imposed to give testimony is a Muslim, his testimony can be heard”. **“And if two men be not (at hand) then a man and two women”**. Instead of two men, the testimony of one man and two women is acceptable. **“Of such as you approve as witnesses”**. It means that you should be satisfied that they are of your co-religious men and they are eligible as being witnesses. That is to say, being just and trustworthy and their awareness of the current affairs prevent them from being cheated. **“So that, if the one errs (through forgetfulness)”**. The reason for choosing two women in lieu of one man is that if one of them forgets **“the other will remember”**. The other one will remind her. Hearing of witnesses, procedure for men and women, being alone or together, and the place of giving testimony, admissibility or inadmissibility of testimony and validity of number of witnesses are all discussed in Islamic law (jurisprudence) books. **“And**

witnesses must not refuse” that is to say, whosoever which has the capacity of giving testimony **“when they are summoned”** should not refuse, or whosoever which is bound to give testimony, if he is summoned should accept it or **“witnesses”** might cover both meanings. In narrations, both concepts have been indicated, and in some narrations, it is mentioned that witnesses to be summoned for giving testimony. The unlawfulness of refusal of giving testimony can be understood from the words of Allāh Almighty that **“hide not testimony. He who hides testimony, verily his heart is sinful”**.¹⁰⁹ And **“be not averse”** it is addressed to lender, barrower, witnesses and scribes that do not be neglectful **“to writing down”** debt or right or written (contracts). Therefore, prohibits the parties to the contract to be neglectful, because writing is their rights and prohibits witnesses and scribes, because their writing is assistance to goodness and piety. **“Be small or great with (record of) the term thereof”**. It relates to the omitted agent, which is establishment of rights that is maturity of debt, namely a transaction that has a determined time of performance. It indicates that in writing, the right and its time period should be determined; or it relates to the words of Allāh **“in writing (the contract)”** namely do not be tired of writing all remarks and dates thereof. Or it relates to **“be not averse”** namely, do not be tired of doing this job from the beginning of the transaction until the date of its termination. **“That is more equitable in the sight of Allāh”** it means that it is far away from exceeding bounds, because there is no need to take in pawn as multiple of right (credit), and away from falling short, because there has been no negligence in writing or calling to witness. **“More sure for testimony”** it means doing so will suffice. That is, the writing is much better than calling to witness, because everything such as the amount of right, the duration, and other conditions are mentioned

¹⁰⁹ Al-Baqarah II, 283.

وَمَنْ يَكْتُمْهَا فَإِنَّهُ آتِمٌ قَلْبُهُ.

therein. **“And the best way of avoiding doubt between you”**. There would be no doubt if there has been any transaction between you. And from the words of God Almighty it is understood that **“record it in writing”** means it is better to record it where the transaction is on credit or in cash. **“Save only in the case when it is actual merchandise which you transfer among yourselves from hand to hand (over counter)”**. Considering the abovementioned phrase, and according to the Arabic grammatical rules, it reveals that the words **“actual merchandise”** which is the “objective of transaction and present at the time of transaction”, in the said phrase stands for “accusative case” due to the Arabic pronunciation of “transaction”. And the “noun” for the verb **“to be”** is a pronoun, which includes the said transaction. And also taking other grammatical points of view (which is only understandable for those who are reading the text in Arabic) into consideration we will come to this conclusion that: All transactions should be recorded in writing except over counter trading (cash transaction) among yourselves which you transfer between yourselves hand to hand. As a grammatical point of view, description of transaction to “over counter trading” and “capable of being transferred hand to hand” are such as attributing the state of quality to the noun. It means when the object of transaction is present, there is no need to record in writing. Or what is meant is that the object of sale which the transaction is performed on it; and the meaning of the “to transfer hand to hand” is that seller (vendor) takes the purchase money (consideration) from purchaser (buyer) and the purchaser takes the object of sale (merchandise) from the seller. In that case, **“there is no sin for you if you write it not”**. And this phrase indicates that previous orders are obligatory. **“And have witnesses when you sell one to another”**. Having witnesses during transaction will settle the dispute much easier and better prevents the tricksters to deceive others. **“And let no harm be done to scribe or witness”**. This is a

prohibition and it is possible the form of sentence be in active voice or passive voice, so the meaning of the verse is that scribe and witness should not do any harm to lender or borrower and also during writing or calling to witness or giving testimony, the debtor or creditor should not do any harm to scribe and witness while they are summoned, such as wasting their times and preventing them from ordinary life and making their livings without reimbursing their expenses. Therefore, contract of reward in this case is not unlawful, because when the scribe and witness spend their time for the case and leave their work, they will suffer a loss. **“And if you do (harm to them)”** you will be punished. **“Lo! It is a sin in you. Observe your duty to Allāh”**. You should be afraid of God and not to do harm to others and observe all His orders and prohibitions. Because it is a sin in you. **“And Allāh teaches you”**. Allāh teaches you all advisable things. As a grammatical point of view (in Arabic text), the word **“and”** at the beginning of this phrase is not a conjunction, because there is no other phrase to be connected to. It is neither used as a conjunction nor can the meaning be changed to “with”. For this reason it is called a disconnecting “and” (details of grammatical reasoning to clarify the meaning of this concept of "disconnecting and" can be found in the main Arabic text of exegesis). Since, keeping one's pious duty, with all its relevant obligations, means to refuse performing the ardent desires of “self”, which is the source of ignorance, and resort to the reason, which is the entrance gate of knowledge, therefore keeping one's duty requires the knowledge and its advancement, as it is understood from the words of God Almighty:¹¹⁰ **“If you keep your duty to Allāh, He will give you discrimination (between right and wrong)”** or the words of God Almighty¹¹¹: **“And whosoever**

¹¹⁰ Al-Anfāl VIII, 29.

إِنْ تَتَّقُوا اللَّهَ يَجْعَلْ لَكُمْ فُرْقَانًا.

¹¹¹ Al-Talaq, LXV, 2-3.

keeps his duty to Allāh, Allāh will appoint a way out for him: And will provide for him from (a quarter) whence he has no expectation”. “And Allāh is knower of all things”. So that He knows your doing harm and your keeping pious duty. This phrase is threatening as well as encouraging. Some people have said: there are five hundred rules in sūrah of Al-Baqarah, which fifteen of them can be found in the said verse. “**If you be on a journey**” that is during the sale contract or lending and borrowing “**and could not find a scribe, then a pledge in hand (shall suffice)**. When you cannot find a scribe to record in writing, then you should receive a loan security in pawn. The Twelvers are in unanimity that one of the requirements in pledge (mortgage) is delivery (handing over). “**And if one of you entrusts to another**”, if some people trust each other in journey or generally in making sale contracts or credit sale agreements and parties to the contract abandon to record in writing or taking security or giving some articles as a pledge or other kinds of deposits “**let him who is trusted deliver up that which is entrusted to him (according to the pact between them)**. It means that the debtor or the one who is entrusted to, pay back his debt. Debt is called deposit because the lender believes the creditor is trustworthy or it may be deposit as general. “**And let him observe his duty to Allāh**”. And he should be afraid of God to be deceitful or treacherous. “**And hide not testimony**”. This time the witnesses are addressed. “**He who hides it**” without having lawful excuse which authorizes its hiding, “**verily his heart is sinful**”. The purpose of attributing the sin unto heart, is exaggerating the sin, because sin is imposed from the “self” on the members of the body, but heart is in the opposite side of “self” and is innocent. Although heart with the meaning of self is the source of guilt and sin, but guilt is not attributed to it. On the

وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ.

contrary, guilt or sin is attributed to person or his members of body. And there is an equivocation to attribute sin to heart, indicating that sin has been communicated from body members to “self” and then from “self” to heart which is free from guilt. There is a tradition narrated from the prophet who has prohibited hiding testimony and said: “whosoever hides testimony God will feed people by his flesh and this is the words of God (may be glorified and dignified), **“Hide not testimony. He who hides it, verily his heart is sinful. Allāh is Aware of what you do”**. God is aware of delivering up deposits, and treachery in trust, and giving testimony and hiding it. Aware of a promise and threatening.

The aforementioned commentary will suffice us and puts forward this particular idea that, to prevent the international disputes, which emanate from the vagueness and obscurity of various international treaties, we have to make necessary arrangements to predict all disputable and indisputable issues and clearly insert them in the treaties to remove the causes of international differences. On the other hand, such precautions would result to the smooth activities of citizens of nations within the realm of private international law.

To prevent international disputes emanated from the vagueness and obscurity of international treaties, necessary measures need to be taken for predictable and unpredictable disputable issues and inserted clearly in the treaties.

7- Principle of: Doing justice

Prior to entering into the detailed discussion of this section, it seems advantageous to have a general analysis over the purport of justice. According to different school of thoughts, justice has various and distinct meanings.¹¹² They are so different that justice in one school seems to be cruelty (injustice) in another one. Different ideologies while dividing equal rights among individuals are mostly involved in deviations resulting from their ideological inclinations. This discussion needs a long and detailed description but the general idea of the case is that, whenever the mankind as a whole has become the focus of attention, justice is inclined towards impartiality in ideology, but when the qualities of human beings is taken into consideration, justice is inclined towards the concerned qualities. Justice is generally defined as: "to place things in their right position". This definition is taken from the opposite meaning of cruelty's definition.¹¹³ In the humanities, the issue of "placing things in their right position" is very complicated problem, which cannot be solved so easily. If the position of justice is fair allocation of economic resources, then justice takes the meaning of "optimum allocation of resources"¹¹⁴, which is known as "Pareto optimality"¹¹⁵ in microeconomics¹¹⁶, and Euler equation¹¹⁷ defines fair distribution. If we were looking for just and fair position in the realm of society, the concept of individual's values and his efficiency would be our

¹¹² See: Otfried Höffe, *Politische Gerechtigkeit, Political justice ...*, 1995. Translated by Amir Tabari, Akhtaran Publication, 2004.

¹¹³ In the exegesis of Seyyed Haidar Amoli, volume one, The Institute of Printing and Publication of Ministry of Culture and Islamic Guidance (1989) pp. 402-409, this definition has been accepted.

المحيط الاعظم و البحر الخضم في تأويل كتاب الله العزيز الحكيم.

¹¹⁴ Optimum allocation of resources.

¹¹⁵ Pareto optimality

¹¹⁶ Microeconomic

¹¹⁷ Euler equation

concern, which is not known to have unique optimal solution¹¹⁸. When justice is discussed as a legal subject, it means exercising the sovereignty of law over all individuals equally. Even if the law were fair one, the application of justice would be ruled only over the subject matter under consideration and would not include all aspects of the right. When the meaning of justice, within the scope of individual and/or social psychology is under consideration, we would find out that there is no basis to adjudge the feelings, affection, and love of humankind. Anyhow, capability of attaining partial justice in all fields of studies depends on "human justice"¹¹⁹. Whereas, the general and full justice is related to the nature of the creatures and on the basis of their particularities all over the world, which is under the influence of their creator's justice. Therefore, the individual is the basis for understanding and interpretation of partial justice. In order that an individual be capable of adjudging fairly the interpretation of partial justice, he should necessarily have obtained "justice" within himself, that is to say, the concept of "The Just" must be stationed in his whole existence. Now, to have a better comment on the said subject matter we are going to seek help from the exegesis of "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah"¹²⁰: "You should know that human beings possess four powers. Each one of these powers has various effects while used, excessively, in dissipation or moderately. While using these four powers, moderation is praiseworthy and preferred, but to go to extremes is disagreeable and blameworthy. The said powers are sagacity, functionality, sensuality, and wrath. Power of sagacity is similar to the king of a country.

¹¹⁸ Unique optimal solution

¹¹⁹ Human justice (human adjudication)

¹²⁰ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", Persian translation, volume fourteen, sūrah of Al-Balad under the verse: **"What would make you know what is the undertaking of Hard Task? Freeing a slave."**

وَمَا أَدْرَاكَ مَا الْعَقَبَةُ فَكُّ رَقَبَةٍ.

He orders, forbids, and designs the policy of the state. The power of functionality is like the minister who performs and exercises the orders of the king. Power of sensuality is the same as steward of soldiers and power of wrath is the commander of the army. Concerning the power of sagacity, moderation is ability to distinct between right and wrong, righteous and wrongful and good or evil. The ability of discernment and distinction is called scientific wisdom (theosophy). Because scientific wisdom is to discern and distinct between persons, words, deeds, moods, moralities, sciences, consciences, heart occurrences, imaginations, observations, and heart attentions; for this reason, that it will be connected to the Hereafter and will return again. So that its advancement (scientific wisdom) causes perfection of soul and its deficiency results to deficiency of soul. Therefore, there are no extremes for it. On the contrary, efficiency is enemy and on opposite of the excessiveness of power of carnal sagacity and it is dissipation and negligence of soul to get the wisdom's position. Because efficiency is manipulation based on illusory knowledge in the worldly affairs, which is much more than what is needed or suitable to be done, and it is not more than deficiency in perception of Hereafter's affairs. So efficiently and stupidity are two enemies of two extremes sides of sagacity power and both of them are enumerated as kinds of foolishness/stupidity. That is why those persons who do not know the right and cannot understand the realities are called imbecile and ignorant whether their stupidity is about worldly affairs or not. Just like Mo'aviah who was thought to be one of the wisest men at his time, whereas he was a foolish man in regard to the Hereafter affairs. And because scientific wisdom lacks the side of blameworthy excessiveness, so it is said that vice (evil-actions) are according to the seven origins and qualities are according to the four origins. In power of functionality, moderation and temperance happen when all the actions are under the control of reasonable rules, of sagacity.

Therefore, it will be able to perform whatever the reasonable power commands it. This is called "justice". And "justice" is to place every thing in its right position. This is not possible unless the powers of sensuality and wrath are employed to be at service. Two sides of the latter's extremes are called cruelty and being oppressed. Moderation of power of sensuality happens when it is in the obedience of the power of functionality, which the latter is submitted to the reasonable power of sagacity. In this case, its moderation is called "chastity". Two sides of its extremes are called greediness and inactivity. Moderation of power of wrath is called bravery, which their extremes are called valour and fear. Sometimes it is said that the four powers in human beings are power of ferociousness and power of mischievousness which is the very same power of illusory carnal sagacity and power of reason which is the very same power of reasonable sagacity. And power of functionality is located at the service of the four powers. "Justice" which is a moderate state between cruelty and being oppressed, is placed as one of the branches of bravery. Wisdom that is intermediate of foolishness and efficiency is placed as demands (requirements) of carnal sagacity power. The necessity (requirement) for power of reasonable sagacity is the adjustment of the three powers and modification of functionality power in a manner that no action of the latter's task falls outside of the orders of reasonable power. This is called justice, which there is no extremes in it. On the contrary, its dissipation is the negligence of reasonable power to gain control over the three powers. This is the meaning of cruelty performed by the powers and being oppressed of reasonable power. And the power of functionality due to the inter-connection between those two powers is known as origins of some qualities.

The consequence and result of the aforementioned discussion leads us

to this point that just and righteous persons are only prophets, Divine Guardians, and Divine Executors. They are the measuring criterion of justice. Their words are law, and evaluation and adjustment of justice. Justice becomes an objective manifestation through the existence of their Holiness. It is due to the light of their beings that line of justice is determined and demonstrated.

In other schools of thoughts, even in Marxism's points of view, there is always a philosopher imagined who is appointed as the head of society and it is supposed, he can be the criterion for settlement and adjustment of arisen problems within the society. However, in all religions this criterion is the appointed agent of God, who is prophets or Divine Guardians and/or Divine Executors. They are the ones who are criterion, because "The Just" is invested with their beings.

In any case, doing justice is the tasks and missions of Divine Prophets, Guardians, Executors, and their Agents. These tasks and missions can be observed in several Qur'an verses which His Holiness The Prophet is ordered to persevere in his tasks, and even it is emphasized that if his orders were not admired and favoured by the parties, however he should observe and do the justice. It says: **"Unto this, then, summon (O Muhammad). And be you upright as you are commanded, and follow not their lust, but say: I believe in whatever scripture Allāh has sent down, and I am commanded to be just among you. Allāh is our Lord and your Lord. Unto us our works and unto you your works: No argument between us and you. Allāh will bring us together, and unto Him is the journeying"**.¹²¹

¹²¹ Al-Shura XLII,15

فَلِدِّكَ فَادُعْ وَ اسْتَقِمْ كَمَا أُمِرْتَ وَ لَا تَتَّبِعْ أَهْوَاءَهُمْ وَ قُلْ آمَنْتُ بِمَا أَنْزَلَ اللَّهُ مِنْ كِتَابٍ وَ أُمِرْتُ لِأَعْدِلَ بَيْنَكُمْ اللَّهُ

And in another verse, it says: "**...and if you judge between mankind then judge justly**".¹²² And in another verse, it says: "**Lo! Allāh enjoins justice and kindness, and giving the kinsfolk, and forbids lewdness and abomination and wickedness**".¹²³ In noble exegesis of Bayan-*Alsa'adah fi Maqamat-el-ebadah*¹²⁴ under the said verse is written that: "**Lo! Allāh enjoins justice**", justice is being stationed in the middle and observing moderation between two extremes, in all affairs, in other words, to place everything in its right position. And this will be accomplished only, when all kinds of things (in the world) with their ranks and position and subtle points of their merits, on the basis of their dignities to be known and recognized. Then each one of them, with regard to the demands (requirements) of their nature in creation and requirements of their deeds in performing their duties would be granted that which, he is entitled to receive. Justice demands punishment, enforcing the rules of religious provisions (Hodood), enjoying right (good), and forbidding wrong (evil). This punishment is a threat for those who disobey the rules and an encouragement for those who obey them. This is the meaning of "dignity and status of chest" as a matter of their creation, provided to be illuminated by the light of prophethood and prophetic mission and being related as well as characterized to the said both lights. That is why in our narrations "Justice" is interpreted to be Muhammad (S). Because at the time of conversation the said terms, namely prophethood and prophetic mission was exclusively maintained for His Holiness Muhammad (S). Therefore, "justice" has been interpreted to be as, prophethood and prophetic mission,

رَبُّنَا وَ رَبُّكُمْ لَنَا أَعْمَالُنَا وَ لَكُمْ أَعْمَالُكُمْ لَا حُجَّةَ بَيْنَنَا وَ بَيْنَكُمْ اللَّهُ يَجْمَعُ بَيْنَنَا وَ إِلَيْهِ الْمَصِيرُ.

¹²² Al-Nisā IV,58

وَ إِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ.

¹²³ Al-Nahl XVI,90

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَ الْإِحْسَانِ وَ إِيْتَاءِ ذِي الْقُرْبَى وَ يَنْهَى عَنِ الْفَحْشَاءِ وَ الْمُنْكَرِ وَ الْبَغْيِ.

¹²⁴ Volume 8, translation pp. 175-177.

to place every thing in its right position, and observing moderation and temperance between two extremes in all affairs. "**Kindness**" literally means that one's attribute is benevolence, or it means showing a desire to be benevolent towards others, without taking their entitlement or merits into consideration. It seems that the latter meaning is suitable for the sentence. Because "justice" and "giving the kinsfolk" are grammatically attributive genitive in the sentence. The grade and rank of "Kindness" is also next to the justice, meanwhile the entitlement and merit is one of their requirements. The kindness, having this meaning, is the status of spirit and heart as a matter of spirituality, which is the status and dignity of divine guardianship. Therefore, in traditions the "**kindness**" is interpreted to be Imam Ali (A). And its interpretation to divine guardianship with respect to characterization and/or connection to him is correct. "**Giving the kinsfolk**" is grammatically particularization, due to its dependents, after generalization of justice and kindness. Because kinsfolk is somehow possessing a special preferences. "Kinsfolk" is whether spiritual relationship or corporeal relationship, being in macrocosm or microcosm. And the dependent of justice and kindness are also something in macrocosm or microcosm. The one who is entitled to accomplish the divine deposit of successorship is introduced by the principle of "kinsfolk" which means accomplishment of successorship from an Imam to another one. "**Forbids lewdness**". Lewdness or indecency is what the wise, namely Islamic jurists call it morally unacceptable. It is at the opposite side of justice but transgression and encroachment to other's rights is not within the purport of its meaning. "**And abomination**". It is behaviors that the other's rights are transgressed and Islamic jurists call it as obscene behaviors. It is at the opposite side of benevolence and kindness. "**Wickedness or rebellion**" is encroachment to the other's rights or disobeying the reason, as well as non-submission to the kinsfolk. It is at the opposite side of "**giving**

the kinsfolk" especially Imams (the right guides), as it is interpreted by the word "kinsfolk".

The task of adjudication and arbitration with Justice and impartiality, which is the duty of prophets and divine guardians and divine executors and the believers, is common for all groups and nations and there is no preference between parties to the dispute. In Glorious Qur'an is written **"Listeners for the sake of falsehood! Greedy for illicit gain! If then they have recourse unto you (Muhammad), judge between them or disclaim jurisdiction, and if you disclaim jurisdiction then they cannot harm you at all. But if you judge, then judge between them with equity. Lo! Allāh loves the equitable"**.¹²⁵ To comment on this verse it is said:¹²⁶ **"Listeners for the sake of falsehood! Greedy for illicit gain"**. Repeating **"Listeners for the sake of false food"** is to show and present the reason for degradation and chastisement. And **"illicit gain"** is all forbidden things, which is obtained due to receiving a bribe for giving an uncorrected judgment. Or it is everything, which God has not authorized its process of acquiring such as: purchase money of animal's dead body (carcass) and alcoholic beverages, and payment for adultery and payment for fortune-telling and misappropriation of orphan's property and also usury after presenting clear proof. In some of narrations, it is stated that: bribery is considered as blasphemy. In some other narrations, it is stated that accepting presents or gifts from faithful brethren to satisfy their needs is also considered as bribe. In other narrations it is stated, whatever obtained as remuneration from illegitimate rulers for performing arbitration (adjudication) is considered as **"illicit gain"**. **"If then they have recourse**

¹²⁵ Al-Mā'idah V, 42.

سَمَاعُونَ لِلْكَذِبِ أَكَّالُونَ لِلسُّحْتِ فَإِنْ جَاؤَكَ فَاحْكُم بَيْنَهُمْ أَوْ أَعْرِضْ عَنْهُمْ وَ إِنْ تَعْرِضْ عَنْهُمْ فَلَنْ يَصُرُّوكَ سُبْحًا وَ
إِنْ حَكَمْتَ فَاحْكُم بَيْنَهُمْ بِالْقِسْطِ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ.

¹²⁶ Volume 4, translation pp 332-333.

unto you (Muhammad), judge between them or disclaimed jurisdiction". If Jews come to you for adjudication arbitration, you have the option to accept their request for adjudication or ignore them. **"If you disclaim jurisdiction then they cannot harm you at all".** If you judge between them, it should not be due to fear or their satisfaction, because if you ignore them they cannot harm you, so applying to them should not be due to apprehension of harm. **"But if you judge then judge between them with equity".** That is to say, it is suitable your judgment be based on justice as God has already ordained. Your judgment should not be based on their satisfaction such as blasphemy and disrespectfulness. **"Lo! Allāh loves the equitable".** God loves those people who do justice while making a decision, whether it be for a believer or a disbeliever.

In another verse, it says: **"Say My Lord enjoined justice".**¹²⁷ In the exegesis of Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah under the said verse, it is written:¹²⁸ "When the soul in accomplishment of deeds, statements, states, moralities and creeds, is stationed in the middle of two extremes (namely excessiveness and dissipation) in such a manner that these two extremes may not deviate him from reasonable objectives towards forbidden worldly objectives, then this is called equity.

"We verily sent our messenger with clear proofs, and revealed with them the scripture and the Balance, that mankind may conduct themselves with equity".¹²⁹ This verse also emphasizes that objectives and goals of prophets and revelation of the scripture and Balance is that people behave and deal with equity. In this verse, there is a general indication to

¹²⁷ Al-A'rāf VII, 29.

قُلْ أَمَرَ رَبِّي بِالْقِسْطِ.

¹²⁸ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", Volume 5, translation, p. 262.

¹²⁹ Al-Hadid LVII, 25.

لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ لِيَقُومَ النَّاسُ بِالْقِسْطِ

the words "prophets, scripture and Balance" and the word "people" is not particularized and means all people around the world. The comment on this verse in formalities of diplomatic procedures is an illustrative of justice and equity between all nations of the world. To comment on this verse it is said:¹³⁰ **"We verily sent our messenger with clear proofs"**, means we sent our messenger with decree of prophetic mission and several miracles to denote their righteousness. Therefore, whosoever wants to gain faith and belief should have recourse to them. **"And revealed with them scripture"**. The prophetic Books, the written book, and divine religions are their forms and external appearances. It is narrated from Imam Sadiq (A) in regard to this verse that "The book is **The Greatest Name of God** with which the knowledge of everything with the prophet could be understood. Imam (A) said: whatever which is called the book, such as Torah, Gospel, and the Balance and in that Book, there exist the names of Salih, Jethro and Abraham, they can be recognized by The Greatest Name of God. Then God, Mighty and High, informed us: **"Lo! In this there exist the first Books, The Books of Abraham and Moses!"** But where is the Book of Abraham? The Book of Abraham is the very same "The Greatest Name" and the Book of Moses is the very same "The Greatest Name"¹³¹ **"And the Balance that mankind may conduct themselves with equity"** we sent them down the Book and Balance of justice, so the people should do the justice. The Balance is everything which other things can be compared with. That is to say, it is a criterion, such as a pair scales, a steelyard, the

¹³⁰ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", Volume 13, translation, pp, 584-585.

¹³¹ Al-Kāfi, 1, 293.

الكافي ١، ٢٩٣، باب الإشارة و النص على أمير المؤمنين ع ص: ٢٩٢. الأَنْبِيَاءِ ص يَقُولُ اللَّهُ تَعَالَى وَ لَقَدْ أَرْسَلْنَا رُسُلًا مِنْ قَبْلِكَ وَ أَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَ الْمِيزَانَ الْكِتَابُ الْإِسْمُ الْأَكْبَرُ وَ إِنَّمَا عُرِفَ بِمَا يُدْعَى الْكِتَابَ التَّوْرَةَ وَ الْإِنْجِيلَ وَ الْفُرْقَانَ فِيهَا كِتَابُ نُوحٍ وَ فِيهَا كِتَابُ صَالِحٍ وَ شُعَيْبٍ وَ إِبْرَاهِيمَ ع فَأَخْبَرَ اللَّهُ عَزَّ وَ جَلَّ إِنَّ هَذَا لَفِي الصُّحُفِ الْأُولَى صُحُفِ إِبْرَاهِيمَ وَ مُوسَى فَأَيُّنَ صُحُفِ إِبْرَاهِيمَ إِنَّمَا صُحُفِ إِبْرَاهِيمَ الْإِسْمُ الْأَكْبَرُ وَ صُحُفِ مُوسَى الْإِسْمُ الْأَكْبَرُ.

string of bricklayers, the policy of the kings while ruling over their kingdom, the formal laws and regulations of religions, the reason, the messenger, the prophetic mission, the divine guardians, the divine guardianship, the divine Books. But the Balance which the people should conduct themselves with justice and equity is divine guardianship. They should accept it and its rules and orders and also submit themselves to the divine Master of affairs. All of these are Balance for people to resort to them providing that they be connected to them. Therefore, the purpose of Book that messengers have with them is prophethood and prophetic mission. They are two greatest names of God that have everything with them. The religious laws of messengers and their Books are the form of prophethood and prophetic mission, and the purpose of Balance is the very same of divine guardianship which are manifested from their highest position unto the humankind feature of messengers and then unto their divine executors. So that the people may establish justice and equity by them, and because divine guardianship is the criterion for justice, and prophethood and prophetic mission as Balance, is due to divine guardianship, therefore they will be best means for people to establish the equity..."

There are numerous topics concerning the delicate attention of Islam to the principles of adjudication and observation of justice and equity while rendering a judgment and also behavior of judge during the trial, in Islamic law books. On a comment on Articles 5 to 7 of Universal Declaration of Human Rights, it is said:¹³² "There are perfect social justice rules in Islam such as this noble verse in sūrah of AL-Nahl: **"Lo! Allāh enjoins justice and kindness"**.¹³³ Which we have already mentioned it. In this verse, there

¹³² His Excellency Hajj Sultan Hussein Tabandeh, "Religious standpoints on Universal Declaration of Human Rights". pp. 52-54.

¹³³ Al-Nahal XVI,90.

is a rule that nobody should be treated unjustly or contrary to his human dignity. Nobody should be under oppression or his rights be infringed. In sūrah of Al-Nisā, it says that: **"Lo! Allāh commands you that you restore deposits to their owners, and if you judge between mankind, judge justly"**.¹³⁴ It means God has enjoined you that whatever has been deposited to you should be returned to its owner and you should never abuse the deposits. And whenever you decide to adjudicate, you should judge with justice and never render a judgment contrary to the right, equity, and conscience. This commandment includes social justice, ruling as a governor, adjudication, arbitration and so on. As a general rule, it indicates that everybody should observe other's rights and never transgress or infringe their rights. A judge is under obligation to observe justice in his adjudication and never take the social status of an individual or class differences, kindship and so on into consideration. And while rendering a judgment should regard both parties to the dispute on an equal basis. Concerning the judges who are at the position of hearing the cases, whether private allegations or criminal actions, Islam has carefully paid attention to the subject matter and there are precise instructions for rules of procedures that no other rules and regulations could be compared with them. For instance, the judge should treat both parties to the disputes equally, even in greeting, talking to, looking at, and giving permission to take their seats. He should not greet one of them warmly and then wait for the other one's greetings, or look at one of them respectfully and ignore the other one. Even if he prefers one of them in heart, he should not show it apparently. And finally when he is rendering the judgment he should do justice and not to follow his own desires. When he is addressing the parties, he should not

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ

¹³⁴ Al-Nisā IV, 58.

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ.

give priority to one of them. But he must say: "the one who has an allegation, do tell his story", or addressing both of them "tell what you want". The details of the rules of procedures are instructed in the same way and all of them emphasize the impartiality of the court and the judge. The judge should hear the evidences of both parties and then render his judgment with justice. In criminal actions, as long as the accusation against a person is not proved, there should not be any defamation and/or treating the accused harshly. There are determined conditions for imposing punishment, which is described in Islamic legal books. As long as the accusation is not proved, the accused is presumed to be innocent, even if there exists some presumption to his criminality. In some offences such as behaviors against chastity and morals and also severe crimes to protect the prestige and dignity of people, the utmost precautions have been taken, so that nobody might be accused and infamed without due cause. And as long as one's accusation is not proved by conclusive evidences, one should not be degraded or ascribed any ill deed. On the contrary, in case of failure of evidence, the person who attributed the offences to the accused would be eligible for punishment. The purpose of the said rule is to protect the prestige and dignity of people. Nobody should be considered as a criminal, just for a bare suspicion. It is said: **"O you who believe! Shun much suspicion, for lo! Some suspicions are sins"**.¹³⁵ Even in Al-Kāfi it is narrated from Imam Sadiq (A) that¹³⁶: **"Whosoever says to another person, what he has seen with his eyes or has heard with his ears, he**

¹³⁵ Al-Hujurāt XLIX, 12.

يَا أَيُّهَا الَّذِينَ آمَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ.

¹³⁶ Al-Kāfi 2,357, p 356.

الكاظمي، ٢، ٣٥٧، باب الغيبة و البهتان ... ص: ٣٥٦، ٢ - عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عَمِيرٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ مَنْ قَالَ فِي مُؤْمِنٍ مَا رَأَيْتُهُ عَيْنَاهُ وَ سَمِعْتُهُ أُذُنَاهُ فَهُوَ مِنَ الَّذِينَ قَالَ اللَّهُ عَزَّ وَ جَلَّ إِنَّ الَّذِينَ يُجِبُونَ أَنَّ تَشْيِيعَ الْفَاحِشَةِ فِي الَّذِينَ آمَنُوا لَهُمْ عَذَابٌ أَلِيمٌ.

would be of those people that God Almighty said: **Lo! Those who love that slander to be spread concerning those who believe, theirs will be a painful punishment.**"¹³⁷ It means that those people who like to reiterate and spread the wrongdoings of others, they will be punished severely. There are strict rules for protecting people's reputation, that no accusation will be accepted unless there exists some determined conditions and eligible witnesses and evidences. And if a person vilifies and slanders somebody and divulge others secrets to the court, no action should be taken prior to thorough investigation and proof of correctness of the allegations. In sūrah of Al-Hujurāt, it is said: **"O you who believe, if an evil-doer brings you tidings, verify it, lest you smite some folk in ignorance, and afterward repent of what you did."**¹³⁸ Therefore, Islam has not refrained from putting forward such an instruction, which is advantageous to individuals and society. But regretfully, we as Muslims are not grateful and do not follow Islamic instructions. That is why the corruption is so spreading between us".

The principle of "doing justice" will not be even dispensed with while dealing with enemies. In sūrah of Al-Mā'idah, it is said: **"O you who believe, be steadfast witnesses for Allāh in equity, and let not hatreds of any people incite you that you deal not justly. Deal justly, that is nearer to piety. Observe your duty to Allāh. Lo! Allāh is aware of what you do"**.¹³⁹

¹³⁷ Al-Nur XXIV, 19.

مَنْ قَالَ فِي مُؤْمِنٍ مَا رَأَىٰ عَيْنَاهُ وَ سَمِعَتْهُ أُذُنَاهُ فَهُوَ مِنَ الَّذِينَ قَالَ اللَّهُ تَعَالَىٰ: إِنَّ الَّذِينَ يُحِبُّونَ أَنْ تَشِيعَ الْفَاحِشَةُ فِي الَّذِينَ آمَنُوا لَهُمْ عَذَابٌ أَلِيمٌ.

¹³⁸ Al-Hujurāt XLIX, 6.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنْ جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا أَنْ تُصِيبُوا قَوْمًا بِجَهَالَةٍ فَتُصِحُّوا عَلَىٰ مَا فَعَلْتُمْ نَادِمِينَ.

¹³⁹ Al-Mā'idah XLIX, 6.

Strict observance of principle of "doing justice" in international relations indicates this very fact that sending messengers and appointing prophets have not been for acquiring economic gains. No prophet has been appointed just to improve and enhance the interest of his own folk. Therefore, the purpose of Islam's government would not be only gathering wealth and property,¹⁴⁰ especially acquiring and confiscating other nations' rights. So, contrary to prevailing international attitude that each state is looking for manipulation of others' rights and joining them to its ownership, the Islam's government never follows such on end. The main objective of Islam is spiritual-physical transcendence of individuals of humankind as well as their communities. So that Islam shall pursue continually the principle of "doing justice" in international scene. Because its national interest is bound on the same direction as others' national interests. All states consist of human beings and the final goal of Islam is improvement and guidance of all human beings, no matter if they are living in this side of the border or in the other side.

*Adjudication and arbitration with justice and impartiality
is common for all groups and nations and there is no
preference between parties to the dispute.*

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَ لَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا اعْدِلُوا هُوَ أَقْرَبُ
لِلتَّقْوَىٰ وَ اتَّقُوا اللَّهَ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ.

¹⁴⁰ Bijan Bidabad (2006) Expenditure in Islamic public finance. Monetary and Banking Research Academy, Central Bank of Iran.

8- Principle of: Imposition of punishment, based on substantiation of the offence

The imposition of punishment in Islamic religious law will be admissible, just while the commission of unlawful acts is definitely proved. Therefore, punishment of unlawful acts shall be only authorized, if their perpetration is certain.¹⁴¹ As a general rule, and according to clear Quran's verses "conjecture" has no room in substantiation of the right. In sūrah of Yūnus, it is said: **"Assuredly, conjecture can by no means take the place of truth."**¹⁴² To command on the verse it is said:¹⁴³ "It means that conjecture is not sufficient for understanding the truth. (In Arabic Grammar "of truth anything" is a direct object, and "of truth" is the accusative of "sufficient" and "of truth" is also a participial phrase). To write the word "**conjecture**" with definite article, is to denote a previous conjecture or it is a material noun. Although sometimes a conjecture might lead the person who puts it forward, towards the knowledge but it never takes the place of truth. So that it does not deserve to be satisfied with conjecture. There are the conjectures and suspicions, which are supported by the Book and practice of prophet, if they are rational and heavenly, would be considered as loadable and good, but to remain in the state of conjecture without being led to knowledge would not be meritorious and if the conjectures are based on lowest worldly selfishness they would be considered as obscene and blamable. In sūrah of Al-Hujurāt, it is clearly ordered to avoid suspicion. **"O you who believe! Shun much suspicion, for lo! Some suspicions are**

¹⁴¹ Religious standpoints on Universal Declaration of Human Rights, written by His Excellency Hajj Sultan Hussein Tabandeh Gonabadi, second edition (1975), Tehran, pp 53-54.

¹⁴² Yūnus X, 36 and Al-Najm LIII, 28.

إِنَّ الظَّنَّ لَا يُغْنِي مِنَ الْحَقِّ شَيْئًا.

¹⁴³ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 6, pp. 357-358.

sins! And spy not....."¹⁴⁴

In the history of Islam while describing the assassination of Commander of the Faithfuls Ali (A) it is written that His Holiness was told Abd-el-Rahman-ibn-Moljam has a criminal intent to kill you, so that let us arrest him. Ali (A) answered: "He has not committed any criminal act yet to be an excuse for his detention". Such a statement and also his conduct after assassination is the best guidance for all Muslims in similar cases.

This rule is thoroughly applicable in many international relations' cases such as: putting forward some excuses for waging war¹⁴⁵ against other states, malevolence against other nations, confiscation of their properties, calling their governments as wicked or terrorists, and making them to go through hardship. Even in some cases, they have attacked an airliner just for a bare suspicion that it might have been a military aircraft or a fighter. This kind of cases, due to their conjectural conditions and uncertainty for perpetrating a criminal action cannot be used as justification for a counter attack. For example, we cannot attack an airplane just for this probability that it might be a fighter. Therefore, the Islam's government has no right, just the same as other aggressors, to propound conjectural excuses, for taking hostile policies at international scene. The Islam's government is only authorized to take such kind of measures when the commission of the crime is proved to be certain.

¹⁴⁴ Al-Hujurāt XLIX, 49.

يَا أَيُّهَا الَّذِينَ آمَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ وَلَا تَجَسَّسُوا....

¹⁴⁵ For example: the Nazi Germany by designing such a kind of plots attacked Poland and started World War II, which is mentioned in the books of international relations. Look at public diplomatic history.

No government has the right to propound conjectural excuses for taking hostile policies at the international scene; and is only authorized to take such kinds of measures when the commission of the crime is proved to be certain.

9- Principle of: Equality in law

Construed from the principle of "unity" and principle of "human beings dignity" it is easily understood that no one of us is superior to the other one. We are all creatures of unique creator and children of one Father. Our nation or tribe is not the reason for our superiority. The only distinction between an exalted person and an ordinary person is performance of pious duty towards Allāh whose criterion rests with Allāh and no other criterion is left for people to measure it. On this basis we can take it that all persons are considered equal by law and there is no difference between an internal accused or criminal or the subject (citizen) of the state and/or foreign accused and criminal having foreign nationality. With regard to the principle of "respecting the guests", it would be preferable if there be a mitigation of punishment for a foreign criminal as compared with the punishment of municipal criminal, because he/she is a guest and respecting a guest is an Islamic as well as Muslims' duty. The equality of municipal and foreign national can be extended to the political considerations, and principle of "truthfulness in international relationships" makes it obligatory to remove all and every political considerations".

The best examples to prove the equality of human beings in front of law is the story of Sawadat-ibn-Qais. The Reverend Messenger said: "if

there is anybody among you who believe to have a right on me come and take or forgive me. Sawadat-ibn-Qais who was amongst the crowd said: "When we were returning from Ta'if, your stick with which you used to run the camel, hit my belly". His Honorable gave his stick to Sawadah and took his shirt up to retaliate. Sawadah kissed the prophets' belly as retaliation".¹⁴⁶

The Reverend Messenger said: "The people are equal in front of law" and there is another well-known prophetic narration, which indicates the same subject, as he said: "A salve from Abyssinia and a master from Quraish tribe are both equal to me",¹⁴⁷ and the same saying is told by Imam

¹⁴⁶ Mostadrak Alaasa'il 18, 287, 20.

مستدرک الوسائل، ١٨، ٢٠، ٢٨٧- باب نوار ما يتعلق بأبواب فصاص. الصدوق في الأمالي، عن محمد بن إبراهيم الطالقاني عن محمد بن حمدان الصيدلاني عن محمد بن مسلم الواسطي عن محمد بن هارون عن خالد الحداء عن أبي قلابة عبد الله بن زيد الجرمي عن ابن عباس في حديث طويل في وفاة النبي ص وما قاله لأصحابه في مرضه إلى أن قال ثم قال ص إن ربي عز وجل حكّم وأقسم أن لا يجوز ظلم ظالم فنادتكم بالله أي رجل منكم كانت له قبل محمد مظلمة إلا قام فليقتص منه فالقصاص في دار الدنيا أحب إلي من القصاص في دار الآخرة على رؤوس الملائكة والأنبياء فقام إليه رجل من أقصى القوم يقال له سواده بن قيس فقال له فذاك أبي وأمّي يا رسول الله إنك لما أقبلت من الطائف استقبلتني وأنت على ناقتك العصابة وبيدك القضيب الممشوق فرفعت القضيب وأنت تريد الرحلة فأصاب بطني فلا أدري عمداً أو خطأ فقال ص معاذ الله أن أكون تعمّدت ثم قال يا بلال قم إلى منزل فاطمة فائتني بالقضيب الممشوق فخرج بلال وهو ينادي في سلك المدينة معاشر الناس من ذا الذي يعطي القصاص من نفسه قبل يوم القيامة فهذا محمد ص يعطي القصاص من نفسه قبل يوم القيامة و ساق الحديث إلى أن قال ثم قال رسول الله ص أين الشيخ فقال الشيخ ها أنا ذا يا رسول الله بأبي أنت وأمّي فقال تعال فاقصص مني حتى ترضى فقال الشيخ فأكشف لي عن بطنك يا رسول الله فكشف ص عن بطنه فقال الشيخ بأبي أنت وأمّي يا رسول الله أ تأذن لي أن أضع فمي على بطنك فأذن له فقال أعوذ بموضع القصاص من بطن رسول الله ص من النار يوم النار فقال رسول الله ص ياسواده بن قيس أ تغف أم تقتص فقال بل أعفو يا رسول الله فقال رسول الله ص اللهم اغف عن سواده بن قيس كما عفا عن نبيك محمد ص الخبر.

¹⁴⁷ Behar-ol-Anvar 7, 239, chapter 9.

بحار الأنوار، ٧، ٢٣٩، باب ٩- أنه يدعى الناس بأسماء أمهاته ٤- فس، [تفسير القمي] قال علي بن إبراهيم في قوله فإذا نُفِخَ فِي الصُّورِ فَلَا أَنْسَابَ بَيْنَهُمْ يَوْمَئِذٍ وَ لَا يَتَسَاءَلُونَ فإنه رد على من يفتخر بالأنساب قال الصادق ع لا يتقدّم يوم القيامة أحد إلا بالأعمال و الدليل على ذلك قول رسول الله ص يا أيها الناس إن العربية ليست باب

Ali (A) with different wording: "The right (law) is not enforced to the interests of anybody unless it is also enforced against him, and it is not enforced against anybody unless to be enforced also to his interest".¹⁴⁸

والد و إنما هو لسان ناطق فمن تكلم به فهو عربي ألا إنكم ولد آدم و آدم من تراب و الله لعبد حبشي أطاع الله خير من سيّد قرشي عاص لله و إن أكرمكم عند الله أتقاكم و الدليل على ذلك قول الله عز و جل فإذا نُفِخَ فِي الصُّورِ فَلَا أَنْسَابَ بَيْنَهُمْ يَوْمَئِذٍ وَ لَا يَتَسَاءَلُونَ فَمَنْ ثَقُلَتْ مَوَازِينُهُ قَالَ بِالأَعْمَالِ الْحَسَنَةِ فَأُولَئِكَ هُمُ الْمُفْلِحُونَ وَ مَنْ خَفَّتْ مَوَازِينُهُ قَالَ مِنَ الأَعْمَالِ السَّيِّئَةِ فَأُولَئِكَ الَّذِينَ خَسِرُوا أَنفُسَهُمْ فِي جَهَنَّمَ خَالِدُونَ تَلْفُحٌ وَ جُوهُهُمُ النَّارُ قَالَ أَي تلهب عليهم فتحرقهم وَ هُمْ فِيهَا كَالْحِوْنِ أَي مفتوحى الفم مسودي الوجه.

¹⁴⁸ Nahj-ol-Balaqah, Al-Kāfi 8, 352.

نخج البلاغه خطبة الناس امام الحق سواد. الكافي، ٨، ٣٥٢، خطبة لأمر المؤمنين ع...، عليُّ بنُ الحسنِ المُؤدَّبِ عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ خَالِدٍ وَ أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَسَنِ التَّمِيمِيِّ جَمِيعاً عَنْ إِسْمَاعِيلِ بْنِ مِهْرَانَ قَالَ حَدَّثَنِي عَبْدُ اللَّهِ بْنُ الْحَارِثِ عَنْ جَابِرٍ عَنْ أَبِي جَعْفَرٍ ع قَالَ خَطَبَ أَمِيرُ الْمُؤْمِنِينَ ع النَّاسَ بِصِفَتَيْنِ فَحَمِدَ اللَّهَ وَ أَثْنَى عَلَيْهِ وَ صَلَّى عَلَى مُحَمَّدٍ النَّبِيِّ ص ثُمَّ قَالَ أَمَا بَعْدُ فَقَدْ جَعَلَ اللَّهُ تَعَالَى لِي عَلَيْكُمْ حَقًّا بِوَلَايَةِ أَمْرِكُمْ وَ مَنْزِلَتِي الَّتِي أَنْزَلَنِي اللَّهُ عَزَّ ذِكْرُهُ بِهَا مِنْكُمْ وَ لَكُمْ عَلَيَّ مِنَ الْحَقِّ مِثْلُ الَّذِي لِي عَلَيْكُمْ وَ الْحَقُّ أَجْمَلُ الأَشْيَاءِ فِي التَّوَاصُفِ وَ أَوْسَعُهَا فِي التَّنَاصُفِ لَا يَجْرِي لِأَحَدٍ إِلَّا جَرَى عَلَيْهِ وَ لَا يَجْرِي عَلَيْهِ إِلَّا جَرَى لَهُ وَ لَوْ كَانَ لِأَحَدٍ أَنْ يَجْرِيَ ذَلِكَ لَهُ وَ لَا يَجْرِيَ عَلَيْهِ لَكَانَ ذَلِكَ لِلَّهِ عَزَّ وَ جَلَّ خَالِصًا دُونَ خَلْقِهِ لِقُدْرَتِهِ عَلَى عِبَادِهِ وَ لِعَدْلِهِ فِي كُلِّ مَا جَرَتْ عَلَيْهِ ضُرُوبُ فَضَائِهِ وَ لَكِنْ جَعَلَ حَقَّهُ عَلَى الْعِبَادِ أَنْ يُطِيعُوهُ وَ جَعَلَ كَفَّارَتَهُمْ عَلَيْهِ بِحُسْنِ التَّوَابِ تَفَضُّلاً مِنْهُ وَ تَطَوُّلاً بِكَرَمِهِ وَ تَوْسَعاً بِمَا هُوَ مِنَ الْمَزِيدِ لَهُ أَهْلاً ثُمَّ جَعَلَ مِنْ حُقُوقِهِ حُقُوقاً فَرَضَهَا لِبَعْضِ النَّاسِ عَلَى بَعْضٍ فَجَعَلَهَا تَتَكَافَى فِي وَجْهِهَا وَ يُوجِبُ بَعْضُهَا بَعْضاً وَ لَا يُسْتَوْجِبُ بَعْضُهَا إِلَّا بِبَعْضٍ فَأَعْظَمَ مِمَّا افْتَرَضَ اللَّهُ تَبَارَكَ وَ تَعَالَى مِنْ تِلْكَ الْحُقُوقِ حَقُّ الْوَالِي عَلَى الرَّعِيَّةِ وَ حَقُّ الرَّعِيَّةِ عَلَى الْوَالِي فَرِيضَةٌ فَرَضَهَا اللَّهُ عَزَّ وَ جَلَّ لِكُلِّ عَلَى كُلِّ فَجَعَلَهَا نِظَامَ أَلْفَتِهِمْ وَ عِزًّا لِدِينِهِمْ وَ قِيَاماً لِسُنَنِ الْحَقِّ فِيهِمْ فَلَيْسَتْ تَصْلُحُ الرَّعِيَّةُ إِلَّا بِصَلَاحِ الْوَلَاةِ وَ لَا تَصْلُحُ الْوَلَاةُ إِلَّا بِاسْتِقَامَةِ الرَّعِيَّةِ فَإِذَا أَدَّتِ الرَّعِيَّةُ إِلَى الْوَالِي حَقَّهُ وَ أَدَّى إِلَيْهَا الْوَالِي كَذَلِكَ عَزَّ الْحَقُّ بَيْنَهُمْ فَقَامَتْ مَنَاهِجُ الدِّينِ وَ اعْتَدَلَتْ مَعَالِمُ الْعَدْلِ وَ جَرَتْ عَلَى أَذْلَاهَا السُّنَنُ فَصَلَحَ بِذَلِكَ الزَّمَانُ وَ طَابَ بِهِ الْعَيْشُ وَ طَمِعَ فِي بَقَاءِ الدَّوْلَةِ وَ بَيَسَّتْ مَطَامِعُ الأَعْدَاءِ وَ إِذَا غَلَبَتِ الرَّعِيَّةُ وَالْيَهُمُّ وَ عَلَا الْوَالِي الرَّعِيَّةَ اخْتَلَفَتْ هُنَالِكَ الْكَلِمَةُ وَ ظَهَرَتْ مَطَامِعُ الْجُورِ وَ كَثُرَ الإِدْغَالُ فِي الدِّينِ وَ تَرَكَّتْ مَعَالِمُ السُّنَنِ فَعَمِلَ بِالهُوَى وَ عَطَلَتِ الأَثَارُ وَ كَثُرَتْ عِلَلُ التُّفُوسِ وَ لَا يُسْتَوْحَشُ جَسِيمٌ حَدِّ عَطَلٍ وَ لَا لِعَظِيمٍ بَاطِلٍ أَثَلٌ فَهَنَالِكَ تَذَلُّ الأَبْرَارُ وَ تَعَزُّ الأَشْرَارُ وَ تَحْزَبُ الْبِلَادُ وَ تَعْظُمُ تَبِعَاتُ اللَّهِ عَزَّ وَ جَلَّ عِنْدَ الْعِبَادِ فَهَلُمَّ أَبْيَهَا النَّاسُ إِلَى التَّعَاوُنِ عَلَى طَاعَةِ اللَّهِ عَزَّ وَ جَلَّ وَ الْقِيَامِ بِعَدْلِهِ وَ الوَفَاءِ بِعَهْدِهِ وَ الإِنْصَافِ لَهُ فِي جَمِيعِ حَقِّهِ فَإِنَّهُ لَيْسَ الْعِبَادُ إِلَى شَيْءٍ أَحْوَجَ مِنْهُمْ إِلَى التَّنَاصُحِ فِي ذَلِكَ وَ حُسْنِ التَّعَاوُنِ عَلَيْهِ وَ لَيْسَ أَحَدٌ وَ إِنِ اشْتَدَّ عَلَى رِضَا اللَّهِ حِرْصُهُ وَ طَالَ فِي الْعَمَلِ اجْتِهَادُهُ بِبَالِغِ حَقِيقَةٍ مَا أَعْطَى اللَّهُ مِنَ الْحَقِّ أَهْلَهُ وَ لَكِنْ مِنْ وَاجِبِ حُقُوقِ اللَّهِ عَزَّ وَ جَلَّ عَلَى الْعِبَادِ النَّصِيحَةُ لَهُ مَبْلَغَ جُهْدِهِمْ وَ التَّعَاوُنُ عَلَى إِقَامَةِ الْحَقِّ فِيهِمْ ثُمَّ لَيْسَ امْرُؤٌ وَ إِنِ عَظُمَتْ فِي الْحَقِّ مَنزِلَتُهُ وَ جَسُمَتْ فِي الْحَقِّ فَضِيلَتُهُ بِمُسْتَعْنٍ عَنْ أَنْ يُعَانَ عَلَى مَا حَمَلَهُ اللَّهُ عَزَّ وَ جَلَّ مِنْ حَقِّهِ وَ لَا لِامْرِئٍ مَعَ ذَلِكَ حَسَاتٍ بِهِ

Glorious Qur'an says: "O you who believe! Be you staunch in justice, witnesses of Allāh, even though it be against yourselves (your) parents or (your) kindred, whether (the case be of) a richman or a poorman, for Allāh is nearer unto both (than you are). So follow not passion, lest you lapse (from truth) and if you lapse of fall away then lo! Allāh is ever informed of what you do".¹⁴⁹ From this Qur'an's verse, it is inferred that there is no difference between people and it is meritorious to obey Allāh, and Allāh's ordinances are superior than the interests of one of the parties to the disputes, and no matter, who the parties are, and whoso their relationship is, and how is their wealth, there is no difference between them. Obeying God's ordinances, namely doing justice and equity between the parties is a meritorious conduct and superior than every thing.

Performing this principle shall cancel the principle of capitulation in international law. As it will be discussed later, there is no difference between people in regard to legal aspects, save those cases where the Holy Legislator of Islam has recommended for persuading people to convert to Islam. The spirit of this approach has its own issues in international law that reject and condemn political considerations in international judiciary.

There is no difference between states in regard to legal aspects and all are equal in front of law. Political considerations and privileges in international judiciary are rejected and condemned.

الأُمُورُ وَافْتَحَمْتُهُ الْعُيُونُ بِدُونِ مَا أَنْ يُعِينَ عَلَى ذَلِكَ وَ يُعَانَ عَلَيْهِ وَ أَهْلُ الْفَضِيلَةِ فِي الْحَالِ وَ أَهْلُ النَّعَمِ الْعِظَامِ أَكْثَرُ فِي ذَلِكَ حَاجَةٌ وَ كُلٌّ فِي الْحَاجَةِ إِلَى اللَّهِ عَزَّ وَ جَلَّ شَرَّعَ سِوَاءً.

¹⁴⁹ Al-Nisā IV, 135.

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَ لَوْ عَلَى أَنْفُسِكُمْ أَوِ الْوَالِدِينَ وَ الْأَقْرَبِينَ إِنْ يَكُنْ غَنِيًّا أَوْ فَقِيرًا فَاللَّهُ أَوْلَىٰ بِمَا فَلَا تَتَّبِعُوا الْهَوَىٰ أَنْ تَعْدِلُوا وَ إِنْ تَلَوُّوا أَوْ تُعْرَضُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا.

10- Principle of: Continuity of states

This principle indicates that by changing the government of state, there would be no change in sovereignty over territory of the state. Although this principle is accepted by international law and is invoked in practice but there are some defects and shortcomings in it. It is stated in Glorious Qur'an "**Those were a people who have passed away. Theirs is that which they earned, and yours is that which you earn. And you will not be asked of what they used to do**".¹⁵⁰ It means that if the previous governments have made unacceptable treaties with other state, then by changing the government these treaties should be ratified again at their validity, be reduced, or be cancelled. Because the acts and thoughts of the people who lived in the past shall not impose any obligation on those who live in the future. An exception to this rule is the debts of a deceased, which shall be transferred by inheritance to the heir. And if the debt of deceased is more than his wealth and property then this debt shall not be transferred to the heir. This ordinance is legally reasonable which says: "**Each soul earns only on its own account, nor does any laden bear another's load**".¹⁵¹ And in sūrah of Saba says: "**Say: you will not be asked of what we committed, nor shall we be asked of what you do**".¹⁵²

¹⁵⁰ Al-Baqarah II, 134.

تِلْكَ أُمَّةٌ قَدْ خَلَتْ لَهَا مَا كَسَبَتْ وَ لَكُمْ مَا كَسَبْتُمْ وَ لَا تُسْأَلُونَ عَمَّا كَانُوا يَعْمَلُونَ.

¹⁵¹ Al-An'am VI, 164.

وَ لَا تَكْسِبُ كُلُّ نَفْسٍ إِلَّا عَلَيْهَا وَ لَا تَرَىٰ وَاِزْرَةً وَّ زِرًّا أُخْرَىٰ.

And also: Bani-Isra'il XVII, 15; Al-Fātir XXXV, 18; Al-Zūmar XXXIX, 8, Al-Najm LIII, 38. **No does any laden bear another's load.**

وَ لَا تَرَىٰ وَاِزْرَةً وَّ زِرًّا أُخْرَىٰ.

¹⁵² Saba XXXIV, 25.

قُلْ لَا تُسْأَلُونَ عَمَّا أَجْرَمْنَا وَ لَا نُسْأَلُ عَمَّا تَعْمَلُونَ.

This matter is propounded as a new subject to be open for discussion. But it should be noted that according to all divine religions as well as Islamic tradition, the successors (subsequent Caliphate) should ratify all enactments of previous one, otherwise they will be considered as invalid. If we extend this subject to the principle of continuation of states at the level of international relations, new discussions would arise from the standpoint of public international law. In this regard, the correctness and validity of treaties, especially those that has change the borders of some states and sovereignty over a specified territory, which is taken from a state and given to another state, shall be the subject of the concerned discussions.

The acts and thoughts of the people who lived in the past shall not impose obligation on those who live in the future. By changing the government of state, there would be no change in sovereignty over territory of the state. If the preceding governments had made treaties with other states, then by changing the government these treaties should have been ratified again at their validity, reduced, or even cancelled, save the debts of the previous government that shall be transferred to the new government.

11- Principle of: Prohibition of abusing the rights

Whenever a state causes damage and inflicts injuries to another state, by exercising unlimited power, the international court of justice is able to prevent the actions by taking advantage of the rule of "abuse of right".¹⁵³ In

¹⁵³ Abuse of right.

other words, the states have no right to invade the other states, especially the powerless states pretending that they are exercising their own rights. This principle is accepted and is in general use (current) in international law. This case is similar to misappropriation of orphan's property, which is stated in Glorious Quran. Because an orphan, being similar to powerless states, is not able to recover his rights and there might be occasions that the guardian of a minor attempts to encroach on property of the orphan, the same as invasion of colonials to colonies, which are under their influence at international level. There are several verses revealed in Glorious Qur'an about this subject that the principle of "prohibition of abusing the rights" can be construed from them. In sūrah of Al-An'ām says: **"And approach not the wealth of the orphan, save that which is better, till he reaches maturity"**.¹⁵⁴ And in sūrah of Al-Isra says: **"Come not near the wealth of orphan save with that which is better till he come to strength, and keep the covenant. Lo! Of the covenant it will be asked"**.¹⁵⁵ And says: **"Lo! Those who devour the wealth of orphans wrongfully they do but swallow fire into their bellies and they will be exposed to burning flame"**.¹⁵⁶ As it is known by the said verses, encroachment on the orphans' property and infringement of their rights are prohibited. Glorious Qur'an presents a solution for this case, which can be extended to public international law problems. In sūrah of Al-Nisā says: **"Give unto orphans their wealth. Exchange not the good for the bad (in your management thereof) nor absorb their wealth into your own wealth. Lo! That would be a great sin. And if you fear that you will not deal fairly by orphans**

¹⁵⁴ Al-An'ām VI, 152.

وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ.

¹⁵⁵ Al-Isra XVII, 34.

وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ وَأَوْفُوا بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا.

¹⁵⁶ Al-Nisā IV, 10.

إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا وَ سَيَصْلُونَ سَعِيرًا.

marry of the woman (the mothers of orphans) who seem good to you, two, or three, or four, and if you fear that you cannot do justice (to so many) then one (only) or (the captives) that your right hand posses. Thus it is more likely that you will not do injustice (to the orphans or their mother)".¹⁵⁷ It means that you should make some new situation that the orphans became as your children and under your guardianship, so that you take the advantage of their wealth as well as yours altogether. Therefore, you will be in a condition, not to deviate from justice. Moreover, the orphan and his/her mother will be under your guardianship, consequently removing one of the difficulties of the society. And when you have the ability of marrying up to four women having their orphan children with them, you are authorized to do so. The phrase "**who seem good to you**" might be the base of the statement and "two, three, four" be the examples of this base which means, for the protection of the orphans, in case of you are able to do justice, you can marry the widows having their minor children with them.

The resemblance between these two subjects encourages the following method of procedure. If you are decided to exploit a powerless country, so with consent of the said country and in fair and just manner, apply for its annexation. In this condition, what happens is the ownership of the powerless country, consequently the severity and hardship of exploitation will be reduced, and you will not deal with it as colony. Anyhow, due to condition on the ownership, finally, the weak and powerless country gains its strength and economic maturity and in this case, all its authority and

¹⁵⁷ Al-Nisā IV, 2-3.

وَ اتُوا الْيَتَامَىٰ اَمْوَالَهُمْ وَ لَا تَتَّبِعُوا الْحَبِيثَ بِالطَّيِّبِ وَ لَا تَأْكُلُوا اَمْوَالَهُمْ اِلَىٰ اَمْوَالِكُمْ اِنَّهٗ كَانَ حُوبًا كَبِيْرًا. وَ اِنْ خِفْتُمْ اَلَّا تُقْسِطُوْا فِي الْيَتَامَىٰ فَانْكَحُوْا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَنۢىٰ وَ ثَلَاثَ وَ رُبَاعَ فَاِنْ خِفْتُمْ اَلَّا تَعْدِلُوْا فَوَاحِدَةً اَوْ مَا مَلَكَتْ اَيْمَانُكُمْ ذٰلِكَ اَذۢنٌ اَلَّا تَعۡوَلُوْا.

power will be returned to it. This last inference is resulted from two subsequent verses¹⁵⁸, which says: **"Prove orphans till they reach the marriageable age, and then if you find them of sound judgment, deliver over unto them their fortune; and devour it not by squandering and in haste lest they should grow up. Whoso (of the guardians) is rich, let him abstain generously (from taking of the property of orphans); and whoso is poor let him take thereof in reason (for his guardianship). And when you deliver up their fortune unto orphans, have (the transaction) witnessed in their presence. Allāh suffices as a Reckoner".** The manner and limitation of taking advantage of the orphan's fortune and/or powerless country is mentioned at the end of this verse, which has completed the case. And willingness to possession is also mentioned in the next verse, which says: **"O you who believe! It is not lawful for you forcibly to inherit (to possess) the women".**¹⁵⁹ Anyhow, to covet the wealth, rights and property of other countries is expressly forbidden by this verse, which says: **"And eat not up your property among yourselves in vanity, nor seek by it to gain the hearing of the judges that you may knowingly devour a portion of the property of others wrongfully, and you know".**¹⁶⁰ There has always been this kind of bribery in the politics and there exists now, and there will also be in future, in such a manner that some countries through subornation of government of weaker countries, take the latter's property into their possession wrongfully. In any case

¹⁵⁸ Al-Nisā IV, 6.

وَ ابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا إِسْرَافًا وَ بِدَارًا أَنْ يَكْبَرُوا وَ مَنْ كَانَ عَنِيًّا فَلْيَسْتَعْفِفْ وَ مَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهَدُوا عَلَيْهِمْ وَ كَفَىٰ بِاللَّهِ حَسِيبًا.

¹⁵⁹ Al-Nisā IV, 19

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا.

¹⁶⁰ Al-Baqarah II, 188.

وَ لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَ تَدُلُّوا بِهَا إِلَىٰ الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَ أَنْتُمْ تَعْلَمُونَ.

"devouring the property wrongfully"¹⁶¹ in the national and international scenes is forbidden in Islam, which says: "And you see many of them vying one with another in sin and transgression and their devouring in illicit gain verily evil is what they do".¹⁶² Devouring other's property, no matter how and where, according to this verse is also forbidden which says: "O you who believe! Lo! Many of the rabbis and the monks devour the wealth of mankind wantonly and debar (men) from the way of Allāh. They who hoard up gold and silver and spend it not in the way of Allāh, unto them give tidings (O Muhammad) of painful doom. On the day when it will (all) be heated in the fire of hell, and their forehead and their flanks and their backs will be branded there with (and it will be said unto them). Here is that which you hoarded for yourselves. Now taste what you used to hoard".¹⁶³ These verses are not particularized for municipal law and are also valid for all international law problems.

The states have no right to invade other states, especially the powerless states, pretending they are exercising their own rights. Whenever a state causes damage and inflicts injuries on another state by exercising unlimited power, the international court of justice is able to prevent the actions by taking advantage of the rule of "abuse of right".

¹⁶¹ Al-Mā'idah V, 42.

سَمَّاعُونَ لِلْكَذِبِ أَكَّالُونَ لِلسُّخْتِ.

¹⁶² Al-Mā'idah V, 62.

وَ تَرَى كَثِيرًا مِنْهُمْ يُسَارِعُونَ فِي الْإِثْمِ وَ الْعُدْوَانِ وَ أَكْلِهِمُ السُّخْتِ لَبِئْسَ مَا كَانُوا يَعْمَلُونَ.

¹⁶³ Al-Taubah IX, 34-35.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّ كَثِيرًا مِنَ الْأَخْبَارِ وَ الرَّهْبَانِ لَيَأْكُلُونَ أَمْوَالَ النَّاسِ بِالْبَاطِلِ وَ يَصُدُّونَ عَنْ سَبِيلِ اللَّهِ وَ الَّذِينَ يَكْتُمُونَ الذَّهَبَ وَ الْفِضَّةَ وَ لَا يُنْفِقُونَهَا فِي سَبِيلِ اللَّهِ فَبَشِّرْهُمْ بِعَذَابٍ أَلِيمٍ. يَوْمَ يُحْمَى عَلَيْهَا فِي نَارِ جَهَنَّمَ فَتُكْوَى بِهَا جِبَاهُهُمْ وَ جُنُوبُهُمْ وَ ظُهُورُهُمْ هَذَا مَا كَنْزْتُمْ لِأَنْفُسِكُمْ فَدُونُوا مَا كُنْتُمْ تَكْتُمُونَ.

12- Principle of: Prohibition of causing harm

Causing harm in the said principle means to cause a loss, injury or harm to others. There is a well-known rule in Islamic jurisprudence which is called "the rule of prohibition of detriment". According to this rule, an individual has no right to cause harm to others just for recovering his own rights. That is to say, "exercising one's right" shall not be a means for causing harm to others and/or used against others' and public interests. This rule is based on pure reason, although there are also several religious narrations in this respect,¹⁶⁴ narrated in brief successive transmission (its

¹⁶⁴ Al-Kāfi, 5, 280, chapter "pre-emption" p. 280.

الكافي، ٥، ٢٨٠، باب الشفعة، ص: ٢٨٠، ٤ - مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَبْدِ اللَّهِ بْنِ هِلَالٍ عَنْ عُقْبَةَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَضَى رَسُولُ اللَّهِ ص بِالشُّفْعَةِ بَيْنَ الشُّرَكَاءِ فِي الْأَرْضَيْنِ وَالْمَسَاكِينِ وَقَالَ لَا ضَرَرَ وَلَا ضِرَارَ وَقَالَ إِذَا رُقَّتِ الْأَرْفُ وَحُدَّتِ الْحُدُودُ فَلَا شُفْعَةَ. الكافي، ٥، ٢٩٢، باب الضرار، ص: ٢٩٢، ٢ - عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ خَالِدٍ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ إِنَّ سَمْرَةَ بْنَ جُنْدَبٍ كَانَ لَهُ عَدْقٌ فِي حَائِطٍ لِرَجُلٍ مِنَ الْأَنْصَارِ وَكَانَ مَنْزِلُ الْأَنْصَارِيِّ بِيَابِ الْبُسْتَانِ وَكَانَ يَمُرُّ بِهِ إِلَى خَلَّتِيهِ وَ لَا يَسْتَأْذِنُ فَكَلَّمَهُ الْأَنْصَارِيُّ أَنْ يَسْتَأْذِنَ إِذَا جَاءَ فَأَبَى سَمْرَةَ فَلَمَّا تَأَبَّى جَاءَ الْأَنْصَارِيُّ إِلَى رَسُولِ اللَّهِ ص فَشَكَا إِلَيْهِ وَ حَبَّرَهُ الْحَبْرَ فَأَرْسَلَ إِلَيْهِ رَسُولُ اللَّهِ ص وَ حَبَّرَهُ بِقَوْلِ الْأَنْصَارِيِّ وَ مَا شَكَا وَ قَالَ إِنْ أَرَدْتَ الدُّخُولَ فَاسْتَأْذِنْ فَأَبَى فَلَمَّا أَبَى سَاوَمَهُ حَتَّى بَلَغَ بِهِ مِنَ الثَّمَنِ مَا شَاءَ اللَّهُ فَأَبَى أَنْ يَبِيعَ فَقَالَ لَكَ بِهَا عَدْقٌ يَمُدُّ لَكَ فِي الْجَنَّةِ فَأَبَى أَنْ يَقْبَلَ فَقَالَ رَسُولُ اللَّهِ ص لِلْأَنْصَارِيِّ اذْهَبْ فَأَقْلَعُهَا وَ اِرْمِ بِهَا إِلَيْهِ فَإِنَّهُ لَا ضَرَرَ وَلَا ضِرَارَ. الكافي، ٥، ٢٩٣، باب الضرار، ص: ٢٩٢، ٦ - مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ عَبْدِ اللَّهِ بْنِ هِلَالٍ عَنْ عُقْبَةَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَضَى رَسُولُ اللَّهِ ص بَيْنَ أَهْلِ الْبَادِيَةِ أَنَّهُ لَا يُنْتَعِ فَضْلُ مَاءٍ لِيُمنَعَ بِهِ فَضْلُ كَلْبٍ وَقَالَ لَا ضَرَرَ وَلَا ضِرَارَ. الكافي، ٥، ٢٩٤، باب الضرار، ص: ٢٩٢، ٨ - عَلِيُّ بْنُ مُحَمَّدِ بْنِ بُنْدَارٍ عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ ع عَنْ أَبِيهِ عَنْ بَعْضِ أَصْحَابِنَا عَنْ عَبْدِ اللَّهِ بْنِ مُسْكَانَ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ ع قَالَ إِنَّ سَمْرَةَ بْنَ جُنْدَبٍ كَانَ لَهُ عَدْقٌ وَ كَانَ طَرِيقُهُ إِلَيْهِ فِي جَوْفِ مَنْزِلِ رَجُلٍ مِنَ الْأَنْصَارِ فَكَانَ يَجِيءُ وَ يَدْخُلُ إِلَى عَدْقِهِ بغيرِ إِذْنٍ مِنَ الْأَنْصَارِيِّ فَقَالَ لَهُ الْأَنْصَارِيُّ يَا سَمْرَةُ لَا تَزَالُ تُفَاجِئُنَا عَلَى حَالٍ لَا نُحِبُّ أَنْ تُفَاجِئَنَا عَلَيْهَا فَإِذَا دَخَلْتَ فَاسْتَأْذِنْ فَقَالَ لَا أَسْتَأْذِنُ فِي طَرِيقٍ وَ هُوَ طَرِيقِي إِلَى عَدْقِي قَالَ فَشَكَا الْأَنْصَارِيُّ إِلَى رَسُولِ اللَّهِ ص فَأَرْسَلَ إِلَيْهِ رَسُولُ اللَّهِ ص فَأَتَاهُ فَقَالَ لَهُ إِنْ فَلَانًا قَدْ شَكَكَكَ وَ زَعَمَ أَنَّكَ تَمُرُّ عَلَيْهِ وَ عَلَى أَهْلِهِ بِغَيْرِ إِذْنِهِ فَاسْتَأْذِنْ عَلَيْهِ إِذَا أَرَدْتَ أَنْ تَدْخُلَ فَقَالَ يَا رَسُولَ اللَّهِ أَسْتَأْذِنُ فِي طَرِيقِي إِلَى عَدْقِي فَقَالَ لَهُ رَسُولُ اللَّهِ ص خَلِّ عَنْهُ وَ لَكَ مَكَانُهُ عَدْقٌ فِي مَكَانٍ كَذَا وَ كَذَا فَقَالَ لَا قَالَ فَلَكَ اثْنَانِ قَالَ لَا أُرِيدُ فَلَمْ يَزَلْ يَزِيدُهُ حَتَّى بَلَغَ عَشْرَةَ أَعْدَاقٍ فَقَالَ لَا قَالَ فَلَكَ عَشْرَةٌ فِي مَكَانٍ كَذَا وَ كَذَا فَأَبَى فَقَالَ خَلِّ عَنْهُ وَ لَكَ مَكَانُهُ عَدْقٌ فِي

subject matter is narrated in different wordings). What the reason commands is that the actions of a person for recovering his rights should not be to the detriment of other persons. In Islamic jurisprudence, obscenity of harm and causing harm is based on the rule of “cases independently accepted by reason”. According to this rule, there are some cases that the reason accepts them without argumentation or logical reasoning. Undoubtedly, the cases independently accepted by reason, which is mentioned in Islamic jurisprudence are relative matters, and in different conditions, they might be contradictory to each other. Because “rational decency and obscenity” can be contradictory pertaining to part or whole. For example, sometimes the performance of an action might be of benefit for an individual but against the interest of many other persons. The subject is related to the rule of: "reasoning through exigency" and the rule of “blocking the detrimental means” that we will consider it later on. But general meaning of this principle, which is under consideration, is that, in principle, one, for recovering one's rights should not act in a way that leads to detriment of other persons.

This principle has varieties of applications in international law and relations among states. For instance while a state is at war with another one, it has no right to use the territory of the third state for recovering its rights. And it should not encroach on third state's sovereignty and/or perform any action to be detrimental to the third state. A set of clear examples of this kind of actions can be noticed in World War II. For example, British and Russian armies, from Allied Forces, invaded Iran from south and north to fight against the United Forces.

الْجَنَّةِ قَالَ لَا أُرِيدُ فَقَالَ لَهُ رَسُولُ اللَّهِ ص إِنَّكَ رَجُلٌ مُضَارٌّ وَلَا ضَرَرٌ وَلَا ضِرَارَ عَلَى مُؤْمِنٍ قَالَ ثُمَّ أَمَرَ بِهَا رَسُولُ اللَّهِ ص فَقُلِعَتْ ثُمَّ رُمِيَ بِهَا إِلَيْهِ وَ قَالَ لَهُ رَسُولُ اللَّهِ ص انْطَلِقْ فَأَغْرِسْهَا حَيْثُ شِئْتَ.

There are so many problems that can be included in this topic, such as common borders between states whether territorial, sea or aerial borders. This principle is to such an extent in international scene that covers many infringements of rights of powerless countries by different states in their relationship.

"Exercising one's right" shall be neither a means of causing harm to others nor used against others' and public interests, and states have no right to cause harm to others just for recovering their own rights. While a state is at war with another one, it has no right to use the territory of the third state for recovering its rights. And it should not encroach on third state's sovereignty and/or perform any action to be detrimental to the third state.

13- Principle of: Presumption of innocence

The concept of “presumption of innocence” relates to the cases where there is a doubt about the enforceability of order, and we want to be certain that we are not bound to perform it. The position of “presumption of innocence” and its application is where, there is a doubt in one's duty. “Presumption of innocence” is different from “principle of non-existence”. In this regard, the basic conception is “non-existence” of “things” unless its existence is proved. For example, the rule of “burden of proof rests upon claimant and the oath upon one who denies” is based on this principle. It means anyone who alleges to have a right, he should prove it, and “presumption of innocence” is also different from the “principle of permission”. The basic conception of the latter is, while there is a doubt

about permission or prohibition of something, the principle stands on the permission. Doubtfulness, suspicion, and validity of innocence on their applications need profound discussions, which can be found in the books of “the principles”.¹⁶⁵

In the noble book of Salehyeh, it is stated that “principle of non-existence indicates there is no need to prove, but, not to prove the non-existence. And presumption of innocence does not make innocence. Principle of negation negates the essence and cannot prove the existence, and principle of *status quo ante* is executed on the cases where the individuals and conditions are different, and in case of validity, shall bring excuses but cannot confirm a rule”.¹⁶⁶

“Presumption of innocence” can be inferred from several verses of Glorious Qur'an. In sūrah of Al-Isrā says: “**We never punish until we have sent a messenger**”.¹⁶⁷ This verse indicates that as long as the ordinances are not communicated, their non-performance shall not impose any punishment by the Almighty God. In sūrah of Talaq says: “...**Allāh asks naught of any soul save that which He has given it (the capacity and talent)**...”¹⁶⁸ And similar verses like the latter are repeated in several cases,¹⁶⁹ which all of them indicate that obligation will exist after

¹⁶⁵ Principles such as “principle of permission” and “principle of non-existence” with small differences are similar to “presumption of innocence”. However, we are not going into differential niceties between them, and “presumption of innocence” is our main topic to be discussed here. See Muhammadi, Abolhassan, (1977) pp. 215-224.

¹⁶⁶ His Excellency Noor Ali-Shah the 2nd, Salihiyeh, 2nd edition. Tehran University Publication (1967), Haqiqat 379, p. 257.

¹⁶⁷ Bani Isra'il XVII, 15.

وَمَا كُنَّا مُعَذِّبِينَ حَتَّى نَبْعَثَ رَسُولًا.

¹⁶⁸ Al-Talaq LXV, 7.

لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا مَا آتَاهَا.

¹⁶⁹ Al-A'rāf VII, 42. Al-Mu'minun XXIII, 62. Al-An'am VI, 152.

لَا نُكَلِّفُ نَفْسًا إِلَّا وُسْعَهَا.

competence and legislation. Although the question of capability is, separate from “presumption of innocence” but capability is its base and foundation, because as long as a person is not capable or competent to be under the coverage of an order, he/she is not able to cast doubt on obligation, which is the way of application of “presumption of innocence” as mentioned above.

This principle with respect to religious characteristics of Muslims is very important in the international arena. Since, Muslims always think because of having the blessed name of Reverend Messenger on them, they have special superiority and human dignity over all nations around the world. And sometimes it has been observed that due to foolish fanaticism, they not only have excommunicated followers of the divine religions as well as the followers of other Islamic sects but they have also faught against their fellow brethren. Most of wars between Islamic countries shall confirm this matter. This principle makes the Muslims to understand, if there has been some enactment for them, it should not be the ground for self-glorification with all other nations in the world.¹⁷⁰ Because no obligation has yet been imposed on them and acts or omission are both

Al-Baqral II, 286.

لا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا.

Al-Baqral II, 233.

لا تُكَلِّفُ نَفْسٌ إِلَّا وُسْعَهَا.

¹⁷⁰ Some people through interpretation of Quran's verses of “... and Allāh will not give the disbelievers any way (of success) against the believers” Al-Nisā 141.

لَنْ يَجْعَلَ اللَّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلًا.

And also others by invoking several verses from Old Testament and New Testament think their nations are superior and preferred from the rest of the world, which is a wrong idea. As we will see in other chapters of this book, being related to a religion is not a good cause for superiority and self-glorification. Now we are going to ask a question from those who are related to a special religion: Who are the best people? Are Muslims the best people who killed and maimed the children of their honorable prophet in Karbala? Or Jews and Christians who used to kill the new prophets? Obviously none of them can be considered as the best people. Therefore, there is no glorification and/or superiority over other people.

equal for them. But it is not the same for Muslims, and the response to the presumed question of the verse of: “**Are those who know equal with those who know not?**”¹⁷¹ is, that those who know have heavier burden of performing their duties on them. In other words, there is no room for superiority and self-glorification of Muslims over non-Muslims, on the contrary, Muslims should do their best to perform their obligatory duties.

In international law as well as statute law, the “presumption of innocence” which is based on the principle of “*nulla crimen sine lege*” is capable of being used in the vast majority of cases. According to the principle of “*nulla crimen sine lege*”, no act can be named crime unless, by virtue of law, it is called a crime; and “presumption of innocence” is in accordance with this principle. Therefore, if somebody claims to have a right of claims for a debt, he should prove it otherwise according to this principle the case results to the acquittal of defendant/respondent.

The most important reason of validity of acquittal is the reasonable rule of “shamefulness of punishment without declaration of law”. Reasonable rules do not pertain exclusively to our religion or law or special state or nation. The time and place has no effect on them. For example the reason takes the oppression as an obscene act, and this subject is not exclusive for a special country and the time and place does not either affect on it. For this reason, "presumption of innocence" is the result of a clear understanding of wisdom and can be applied in customary international law.

¹⁷¹ Al-Zūmar XXXIX, 9.

هَلْ يَسْتَوِي الَّذِينَ يَعْلَمُونَ وَالَّذِينَ لَا يَعْلَمُونَ.

The “presumption of innocence” is based on “nulla crimen sine lege” and no act can be named crime unless, by virtue of law, it is called a crime. If someone claims to have a right of claims for a debt, he should prove it, otherwise the case results in the acquittal of defendant/respondent.

14- Principle of: Blocking detrimental means in international scene

“Zara’yea” is the plural of “Zar’i-eh” an Arabic word with the meaning of "the means". Some people are of the opinion that every kind of actions, which usually leads to a detrimental situation, should be prohibited and blocked according to the aforementioned principle.¹⁷² For example, freedom of transit and transportation of illicit drugs from a foreign country through a second state for a third country, even though there might be a freedom of transit of goods of second state, nevertheless, because the transit of drugs will cause damage to the third country, therefore the second state has to block it. In other words, the second state should “block detrimental means” namely transit of illicit drags to the third country. Glorious Qur'an says: "**Help not one another unto sin and transgression, but keep your pious duty to Allāh. Lo! Allāh is severe in punishment.**"¹⁷³ In addition to this verse, the said principle is also based on other Islamic precepts, and the reason will confirm it as well. As it was

¹⁷² Mohaqqueq Damad, Mostafa, “Principles of Islamic jurisprudence”, volume two, 9th ed., (2000) Islamic Sciences Publication Center.

¹⁷³ Al-Mā'idah V, 2.

وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ.

mentioned earlier, advancement and elevation of humankind depends upon the advancement of every individual of human beings and if the corruption spreads in a country, other states will also be damaged. It is one of big mistakes of people who always mistakenly have separated their individual interests from the interests of world and humankind.

Advancement and elevation of humankind depends upon the advancement of every individual of human beings and if the corruption spreads in a country, other states will also be damaged. Every kind of action which usually leads to a detrimental situation should be prohibited and blocked.

15- Principle of: Exclusive right of “juristic preference” for The Divine Master of Affairs and Authorization

“Juristic preference” is one of the most disputable arguments in Islamic jurisprudence and statute law, which its validity differs between different Islamic sects and is a case open to altercation. “Juristic preference” means to consider something as being good and admirable, therefore approving it. Islamic jurisprudence in different sects gives different definitions of it. By observing several practical examples of “juristic preference”, the following definition might be briefly presented. “Juristic preference” is issuing a rule, which is approved due to its excellence and practical advisability, by taking its expediency for ourselves and the others into consideration. Those who oppose this definition are of the opinion that if the topic of “juristic preference” be open to act upon, everybody would issue a rule covering his own interest and in accordance

with his wishes and desires. Therefore, the base and principle of precepts and laws would be into total confusion.

In Glorious Qur'an, ¹⁷⁴ “juristic preference” can be clearly observed in the behaviors and deeds of KHidr (A). None of his deeds as, piercing a hole in the ship, killing a child, and repairing a fallen wall, which belonged to cruel persons, were in accordance with ordinances and laws of any religions.¹⁷⁵ This kind of “juristic preference” exclusively belongs to those

¹⁷⁴ Some people believe that the actions and deeds of KHidr (A) are based on knowledge rather than “juristic preference”. This is a correct idea, because KHidr (A) had foreknowledge, and his “juristic preference” was based on his foreknowledge. For this reason, the principle of “juristic preference” exclusively belongs to those who have foreknowledge. They are Divine Authorized persons and “Master of Affairs”.

¹⁷⁵ **"And when Moses said unto his disciple: I will not give up until I reach the point where the two rivers meet, though I march on for ages. And when they reached the point where the two met, they forgot their fish, and it took its way into the waters, begin free. And when they had gone further, he said unto his disciple: Bring us our breakfast. Verily we have found fatigue in this our journey. He said: Did you see when took refuge on the rock, and I forgot the fish -and none but Satan caused me to forget to mention it- it took its way into the waters by a marvel. He said: This is that which we have been seeking. So retraced their steps again. Then found one of Our bondmen, unto whom We had bestowed him our mercy, and had taught him knowledge from Our presence. Moses said unto him: May I follow you, to the end that you may teach me right conduct of that which you have been taught? He said: Lo! You cannot bear with me. How can you bear with that whereof you cannot compass any knowledge? He said: Allāh willing, you shall find me patient and I shall not in aught gainsay you. He said: Well, if you go with me ask me not concerning aught till I myself mention of it unto you. So the twain set out till, when they were in the ship, he made a hole therein. (Moses) said: Have you made a hole therein to draw the folk thereof? You verily have done a dreadful thing. He said: Did I not tell you that you could not bear with me? (Moses) said: Be not wrath with me that I forgot, and be not hard upon me for my fault. So the twain journeyed on till, when they met a lad, he slew him. (Moses) said: What! Have you slain an innocent soul who has slain no man? Verily you have done a horrid thing! He said: Did I not tell you that you could not bear with me? (Moses) said: If I ask you after this concerning aught, keep not company with me. You have received an excuse from me. So the twain journeyed on till, when came unto the folk of a certain township, they asked its folk for food, but they refused to make them guests. And they found there in a wall upon the point of falling into ruin, and he repaired it, (Moses) said: If you had wished you could have taken payment for it. He said: This is the parting between you and me: I will announce unto you the interpretation of that you could not bear with me. As for the ship, it belonged to poor people working on the river, and I wished to mar it, for there was a king behind them who was taking every ship by force. And as for the lad, his parents were believers and**

only mentioned here to make it clear that not everybody is entitled to issue rules, juristic opinion and/or make policies. Because, it was due to this claimed entitlement that after demise of our Reverend Prophet, the path of Islam was changed towards the present situation.

To describe this subject in detail, suffice it to be noted that even the Reverend Prophet was not entitled to state anything without permission of Allāh, still less to issue a juristic opinion. As it is stated in Glorious Qur'an about the story of cessation of revelation¹⁷⁶ for forty days there was no revelation and after that period time several verses from sūrah of Al-Kahf was sent down which reads as follows: **“And say not of anything: Lo! I shall do that tomorrow. Except if Allāh will. And remember your Lord when you forget, and say to it may be that my Lord guides me unto a nearer way of truth than this. And recite that which has been revealed unto you of the scripture of your Lord. There is none who can change His words and you will find no refuge beside Him”**.¹⁷⁷

“Juristic preference” is to approve something as being good and admirable, and it is the exclusive right of authorized persons.

¹⁷⁶ Although, some commentators believe that this happening is due to not excepting by “If God will” (أَنْ يَشَاءَ اللَّهُ) but it can be also used in our present discussion. For interpretation of the said verses, see: His Excellency Hajj Sultan Hussein Tabandeh Gonabadi. Glorious Qur'an and Three Mysterious Mystical Stories.

¹⁷⁷ Al-Kahf XVIII, 22, 32 and 27.

وَلَا تَقُولَنَّ لِيْ شَيْءٍ اِيَّيَّ فَاعِلٌ ذٰلِكَ غَدًا. اِلَّا اَنْ يَشَاءَ اللّٰهُ وَ اذْكُرْ رَبَّكَ اِذَا نَسِيتَ وَ قُلْ عَسَى اَنْ يَهْدِيَنِّيْ رَّبِّيْ لِاَقْرَبَ مِنْ هٰذَا رَشْدًا... وَ اتْلُ مَا اُوْحِيَ اِلَيْكَ مِنْ كِتٰبِ رَبِّكَ لَا مُبَدِّلَ لِكَلِمٰتِهٖ وَ لَنْ نَجِدَ مِنْ دُوْنِهٖ مُلْتَحَدًا.

16- Principle of: “Reasoning through exigency” in international relations

Islamic law rules are based on virtue and vice (goodness and corruption). “Istislah” (reasoning through exigency) as an Islamic jurisprudence expression has the meaning of “free virtues” (comparing with controlled virtues). According to this expression, while considering different issues of “The principles”, “Islamic jurisprudence” and “Law” the policy is that decisions taken should be based on free virtues, because there is no specific evidence to their obligatory observance and/or their prohibition.¹⁷⁸ On this occasion, the rule of “Istislah” (reasoning through exigency) orders the performance of actions, which are to the interests of humankind. With respect to the most important objectives of religious law, the interests of humankind are summarized into “five goals”, of religion, soul, reason, generation, and property. Therefore, on this basis, the rule of "reasoning through exigency" on the international scene is engaged in issuance of decisions and adoption of policies, which are to the interest of two, or more states engaged consequently and in all, the interest of mankind are taken into consideration with respect to the aforementioned “five goals”. Although, the rule of “reasoning through exigency” covers nearly a small amount of decisions in traditional Islamic jurisprudence, but on the international scene and international law shall have a vast range of applications, and Islamic international law rules shall gain a global acceptability, because they will be issued according to the rule of “reasoning through exigency” rather than the basis of their religious jurisprudence in Islamic jurisprudence. That is to say, acceptability of Islamic law rules by other nations and states are not due to their belief in

¹⁷⁸ Muhammadi, Abulhassan (1977) “Principles of inference in Islamic law”, Tehran University Publications, pp. 104-170.

Islam rather to taking their own interests into consideration, the Islamic rules shall be desirable and acceptable.¹⁷⁹

The aforementioned rule just the same as principle of “juristic preference” is restricted to some limitations, which the most important one is “Authorization”. This limitation is for this very reason that by application of the said rule, the virtuous rules not to be changed to the vicious rules and vice versa.

Issuance of decisions and adoption of policies should benefit all of the states engaged and consequently the material and transcendence of mankind are taken into consideration.

17- Principle of: Observing “International status quo ante” “providing the right is lawful”

The literal meaning of *status quo ante* (Istis'hab as an Arabic term) is to have with oneself and to accompany with. In Sheikh Ansari Treatise “*status quo ante*” is mentioned as “retaining what has been before” which means to assume the existence of what has been previously known to be existed. Therefore, if we are certain that something has been existed previously and now we are in doubt about its existence, on the basis of our previous certainty we will assume it to be in existence. To describe it in legal terms, it should be noted when it was proved that there existed a debt

¹⁷⁹ For example, there was no legal institution of divorce in Christianity, and Roman Government always refused to accept it but the said legal institution was finally taken from Islamic law and consequently it was ratified. Due to the newly accepted law, at the same day nearly fourteen thousands Italian couples were divorced.

or right on somebody, so that, on the basis of this principle its existence should be assumed unless it is proved to the contrary. The elements of “*stats quo ante*”, validity, kinds, conflict with other evidences such as acquittal, precaution (indebtedness), right of choice, principle of correctness in acts, principle of irrevocability of contracts, presumption of possession, confession, and/or other kind of “*status quo ante*” they are all important discussions about the said principle that we are not going to consider them in this section.¹⁸⁰

This principle has its special place in Islamic international law. Because introducing the Islamic international law a new set of rules enter to the world's scene and these rules will introduce new approaches to all problems. It is obvious that new approaches cast doubt on most earlier orders, which are under execution. Principle of “*status quo ante*” in case of existing an established right will authorize the existence of what there has been once existed providing that the right is lawful.

In case of existing an established right, existence of what once has been existed will go on, provided that the right is lawful.

18- Principle of: Non-retroactivity of statutes

Legal expression of “non-retroactivity of statutes” signifies that effect of a statute cannot be extended to the previous rights of individuals, organs and states, which have been acquired prior to the enactment of law in

¹⁸⁰ Those who are interested in the subject matter look at: Muhammadi, Abulhassan (1977). “Principles of inference in Islamic law”, Tehran University Publication, pp. 229-245.

question. By non-acceptance of the said principle, the private life and social life of people would be in jeopardy, because it is likely that, at any time, a new law be enacted and consequently people rights being called into question. Therefore, observance of this principle constitutes one of the based and pillars of the legal systems of civilized nations. This principle has also been taken into consideration by Islamic legal system. In the book of “Religious standpoints on Universal Declaration of Human Rights,” it is mentioned that:¹⁸¹“Article 11(2) of the U.D.H.R reflects almost natural, because there is no nation in the world to deny the observance of the said rule. The Holy religion of Islam also orders the observance of the same rule. For example, although the usury is considered to be one of the greatest sins and its perpetration means to wage war against Allāh and His messenger, nevertheless, all those usuries, which have been committed prior to the announcement of the said rule, are pardoned. As it is mentioned in Islamic jurisprudence, if a person being unaware of its unlawfulness and commits usury and later on be informed of its unlawfulness, his previous action shall be pardoned and whatever he has gained through usury shall be his own property, but if he is aware of the law and at the same time commits usury, whatever he receives as usury shall not become his property and even by repentance of what he has done before, due to being under obligation, he has to return to the debtor whatever he has received, that is to say, decisions taken on the subject differs on the occasions of awareness or unawareness of the perpetrator”. In Qur'an, it is stated that: **“Allāh permits trading and forbids usury. He unto whom an admonition from his Lord comes, and (he) refrains (in obedience thereto), he shall keep (the profit of) that which is past, and his affair**

¹⁸¹ His Excellency Hajj Sultan Hussein Tabandeh “Religious standpoints on Universal Declaration of Human Rights” pp. 54-55.

(henceforth) is with Allāh....”.¹⁸² There are some other Qur'an verses on this subject matter which discusses about several other social affairs, such as: **“And (it is forbidden unto you) that should have two sisters together, except what has already happened (of that nature) in the past”**.¹⁸³ The social affairs based on previous laws and individual rights are not canceled. There is another Qur'an verse which says: **“And marry not those women whom your father married, except what has already happened (of the nature) in the past”**.¹⁸⁴ Which is stipulation of the latter subject. In sūrah of Al-Mā'idah, the same concept can be understood concerning hunting while on the pilgrimage. **“... Allāh forgives whoever (of this kind) may have happened in the past, but who so relapses Allāh will take retribution from him”**.¹⁸⁵

The application of this rule to the international relationship results in the stability and security of legislation in the global scene. And this stability would be an effective means of social and economic growth and development of all nations in the world.

Effect of a statute is not extended to the previous rights of individuals, organs and states which have been acquired prior to the enactment of law in question.

¹⁸² Al-Baqarah II, 275.

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ.

¹⁸³ Al-Nisā IV, 23.

وَأَنْ تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ.

¹⁸⁴ Al-Nisā IV, 22.

وَلَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ إِلَّا مَا قَدْ سَلَفَ.

¹⁸⁵ Al-Mā'idah V, 95.

عَفَا اللَّهُ عَمَّا سَلَفَ وَمَنْ عَادَ فَيَنْتَقِمُ اللَّهُ.

19- Principle of: Continuity of uncontested possession

This principle shall establish the right of sovereignty. For example, when a country has in its possession a special part of a territory for a long period of time and there is no other state to have an allegation over the said territory, this long time uncontested possession establishes the sovereignty of the said country over the possessed territory. This principle is in a way the same as “acquired rights” and/or “*status quo ante*” which leads to the lawfulness of maintaining what is existing. As it was mentioned earlier, lawfulness of the “continuity of uncontested possession” being similar to the principle of “acquired rights” and “*status quo ante*” is based on lawfulness of the rights as well as not to be usurpative possession. In this case, it would be confirmed by Islam.

This principle is an illustrative of this particular subject that Islam's government will recognize the unusurpative sovereignty of the states within their territory. Exceptions of this rule will be discussed in the principle of recognition of the states.

Long time uncontested possession establishes the sovereignty of a country over the possessed territory and recognizes the unusurpative sovereignty of the states within their territory. Exceptions will be cited in the principle of recognition of the states.

20- Principle of: Remunerating the rightful attorney and punishing untruthful attorney

Attorneyship is one of the most important subject matters and

effective means for recovering one's rights or even perversion of the truth. Having a pessimistic view of attorneyship, it is a profession which an attorney in law by receiving the attorney's fees from his client tries to introduce him as rightful and entitled to the case in front of the court, whether his client be in rightful position or having no right at all. This attitude towards attorneyship is most regrettable and Glorious Qur'an rejects this kind of attorneyship. Glorious Qur'an enjoins being helpful and giving assistance in benevolence and pious duty and prohibits assistance in commission of sin and transgression and says: “...**but help you another unto righteousness and pious duty. Help not one another unto sin and transgression, but keep your duty to Allāh. Lo! Allāh transgression, but keep your duty to Allāh. Lo! Allāh is severe in punishment**”.¹⁸⁶ Untruthful attorneyship, which means an attempt for predominance of untruthfulness over, righteousness, is similar to accessory of a crime (aider and abettor), therefore to bring the legal proceedings towards its righteous path, the accessory should be assumed as partner in the punishment imposed on criminal. We believe that an attorney should not only defend his client's case but he should do his best to cover the rights of the one who is entitled to it. Of course, there are some exceptions to this matter. Because most of disputes arise from various interpretation of law by parties to the dispute and their attorneys.

In Glorious Qur'an is written: “**Who so intervenes in a good cause will have the reward thereof, and whoso intervenes in an evil cause will bear the consequence thereof. Allāh observes all things**”.¹⁸⁷

¹⁸⁶ Al-Mā'idah V, 2.

تَعَاوَنُوا عَلَى الْبِرِّ وَ التَّقْوَىٰ وَ لَا تَعَاوَنُوا عَلَى الْإِثْمِ وَ الْعُدْوَانِ وَ اتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ .

¹⁸⁷ Al-Nisā IV, 85.

مَنْ يَشْفَعْ شَفَاعَةً حَسَنَةً يَكُنْ لَهُ نَصِيبٌ مِنْهَا وَ مَنْ يَشْفَعْ شَفَاعَةً سَيِّئَةً يَكُنْ لَهُ كِفْلٌ مِنْهَا وَ كَانَ اللَّهُ عَلَىٰ كُلِّ شَيْءٍ

Attorneyship which is a type of intercession and mediation, comes under the concepts of this Quran's verse, therefore if an attorney attempts to recover the rights of a righteous person, he would be entitled to receive attorney's fees, but if his efforts concentrated towards winning the untruthfulness, then he has to be punished as an accessory to the crime. It is obvious that, enforcing this procedure will lead the attorneyship to a just adjudication and honestly assistance of the attorney to the court, consequently reducing the corruption in this profession.

Discussion about this subject matter with some exceptions can be extended to international law. But in the international scene, the attorneys are representatives of their related government and punishment of accessory to the crime cannot be easily imposed on them. Because the punishment is so great that an attorney cannot bear it. Anyhow, for leading the international attorneyship towards honesty we have to innovate new ideas in international law. Consequently, the humankind would be secured from the opportunistic behavior of criminals who by taking advantage of services of attorneys try to infringe the rights of others.

Untruthful attorneyship means an attempt for predominance of untruthfulness over righteousness, is similar to accessory of a crime (aider and abettor); to bring the legal proceedings toward its righteous path, the accessory should be assumed as partner in the punishment imposed on the criminal.

21- Principle of: Ignorance of statute law is a good excuse but ignorance of natural law is no excuse

The legal expression of “Ignorance of law is no excuse” has a vast application in domestic law. On this basis if a criminal claims that his criminal acts are due to ignorance of law, his negligence to get acquainted with law shall not remove his culpability. This principle is adopted to bar criminals abusing “the ignorance of law” as means to their ends, and also to encourage other people to get acquainted with the statute law of the land as well. On the other hand, it results the infringement of rights of those who have really been unaware of the statute laws. For this reason, we have to draw distinctions between statute law and natural law. Natural laws concern all those crimes, which the conscience of any person will admit them as being a crime, such as, oppression and cruelty, infringement of other's rights, theft, transgression, and so many other cases, which everybody knows them as a fault, or crime. There are many people who do not know that to build a storeroom in the parking area of their houses need to obtain a license from municipality. Or there may be some people who are not aware that in some days of the week they are not allowed to take their cars into a special area of the town. All these regulations are the examples of statute laws. And too many other examples of these two groups of law can be named here. Natural laws are based on general rational rules and do not belong to any especial religion, legal system or state. Time and/or place do have little effect on them. They will be approved by conscience and are enforced in all places. Therefore, a criminal, to exonerate from criminal liability, cannot resort to his ignorance of law and also he cannot recourse to the rule of “shamefulness of punishment without declaration of law”. For instance, he cannot claim that he did not know theft, oppression or transgression were vicious acts. But,

with respect to the statute law, it is somehow different. The delinquent may argue that he is a stranger in the city and was not aware that traveling into city center by car, during a specific time is prohibited. Therefore, he resorts to the rule of “shamefulness of punishment without declaration of law” as a self-defense. The latter rule is a rational one and rational rules are the basis of distinction between right and wrong. Negation of the said rules results to the negation of rights and/or basically negation of adjudication. So that, it is not rational that a person who is not aware of a crime to be punished accordingly. The order of Glorious Qur'an about natural law is clear and definite. It can be construed that ignorance of natural law is no excuse, but ignorance of statute law is no excuse if the law is not communicated to the criminal. Prohibition of usury is one of the clear examples of the case, which is stated in sūrah of Al-Baqarah: “...**Allāh permits trading and forbids usury. He unto whom an admonition from his Lord comes and (he) refrains (in obedience thereto) he shall keep (the profit of) that which is past, and his affair (henceforth) is with Allāh. As for him who returns (to usury). Such are rightful people of the Fire. They will abide therein**”.¹⁸⁸ According to this verse, the punishment is imposed on those people who are notified of the rule and are made understand its meaning. That is to say if they have not received the message of Allāh they would not be guilty of a crime.

This principle is also extendable to the fields of international law. Because the subjects and nationals of various countries are not fully familiar with the statute law of the other countries. Therefore, by non-observing the statute laws they are entitled to mitigation of punishment. For

¹⁸⁸ Al-Baqarah II, 275.

وَ أَحَلَّ اللَّهُ الْبَيْعَ وَ حَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَ أَمْرُهُ إِلَى اللَّهِ وَ مَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ.

instance, the main parts of the administrative and civil law of the countries are included in this category which these foreigners who enter a country are not familiar with them, perhaps it is necessary to inform entrants, foreigners and tourists who enter the country. Of course, we have to find a suitable method for explaining these laws to them. Otherwise, most of entrants might be prosecuted for their acts and omission, which are crimes according to the statute laws, whereas they have not really been aware of the said laws and reasonably, they are not liable to punishment. International law has been silent on this subject matter so far. Therefore, to maintain the rights of the persons who are not the native in the place, the case should be open to discussion until governments think it over and make new solutions for their benefit.

*Ignorance of natural law is no excuse but ignorance of
statute law is a good excuse.*

22- Principle of: Respecting acquired rights

“Acquired rights”¹⁸⁹ are those which is not naturally bestowed to man, but it is acquired through his own efforts. For example, sovereignty right is among the cases of this principle. According to Article 38 of statute of International Court of Justice, the said principle is considered as one of the sources of International law for settlement of disputes. Rights and privileges gained by lapse of time is one of the cases of "acquired rights" which is resulted from this principle. Principle of “*status quo ante*” in Islamic jurisprudence as per definition given by Sheikh Morteza Ansari in his Treatise is “retaining what has been before” which means to believe the

¹⁸⁹ Acquired or verted rights.

existence for what has been existed in a previous time. This definition opens discussion about the “acquired rights”. Although the aforementioned definition reveals some differences between “*status quo ante*” and “acquired rights” but since both of them consider the previous privileges liable to be existed, they are in this case similar with one another. The same as “*status quo ante*” which there has been raised doubts about its validity; there are also some doubts about approving “acquired rights”. In Islamic jurisprudence, these doubts are cast with respect to the unlawfulness of the right and/or usurpative possession of right, which in case of removing all doubts, the said principles will be valid. Anyhow, in the realm of public international law, acquired rights relates to the various problems of sovereignty right, which is the main issue in the international law.

There are several examples on this subject matter in Glorious Qur'an such as: **"And (it is forbidden unto you) that you should have two sisters together, except what has already happened (of the nature) in the past".**¹⁹⁰ As we see, marriage with two sisters is prohibited but if this marriage has been happened prior to the revelation of the verse, the legal effects of this marriage (rights) will not be cancelled, however, when people are informed of the order, this kind of marriage is null and void. Another example is that **"And marry not those women whom your fathers married, except what has already happened (of the nature) in the past".**¹⁹¹ Which is a clear explanation about “acquired rights” in regard to those marriages prior to the enactment of new law of “prohibition of marriage with wives of fathers.” Another example is concerning usury that says: **“...Allāh permits trading and forbids usury. He unto whom an**

¹⁹⁰ Al-Nisā IV, 23.

وَأَنْ تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ.

¹⁹¹ Al-Nisā IV, 22.

وَلَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ إِلَّا مَا قَدْ سَلَفَ.

admonition from his Lord comes and (he) refrains (in obedience thereto) he shall keep (the profit of) that which is past, and his affair (henceforth) is with Allāh”.¹⁹² And in sūrah of Al-Mā'idah similar to this subject matter can be seen which is about hunting while on pilgrimage. “Allāh forgives whatever (of this kind) may have happened in the past. But whoso relapses, Allāh will take retribution from him”.¹⁹³

Rights and privileges that were legitimate in time of acquisition and by lapse of time are of the cases of "acquired rights" shall be respectable.

23- Principle of: Authority of res judicata

The meaning of this principle is that while a matter of dispute is adjudged by competent jurisdiction and final decision is announced, this judgment is final for parties to the dispute, therefore there should not be another prosecution for the same allegations. This principle has also an assured and suitable position in international law. In Islamic legal procedure, examples of the said principle can be found. In sūrah of Ale-Imran says: "And be you not as those who separated and disputed after the clear proofs had come unto them. For such there is an awful doom".¹⁹⁴

It is a rule in domestic legal proceedings that when new evidences are

¹⁹² Al-Baqarah II, 275.

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ.

¹⁹³ Al-Mā'idah V, 95.

عَفَا اللَّهُ عَمَّا سَلَفَ وَمَنْ عَادَ فَيَنْتَقِمُ اللَّهُ.

¹⁹⁴ Ale-Imran III, 105.

وَلَا تَكُونُوا كَالَّذِينَ تَفَرَّقُوا وَاحْتَلَفُوا مِنْ بَعْدِ مَا جَاءَهُمُ الْبَيِّنَاتُ وَأُولَئِكَ لَهُمْ عَذَابٌ عَظِيمٌ.

acquired indicating discovery of truth, then it will be a ground for rehearing the case. This rule can also be used in international law.

While a dispute is adjudged by a competent jurisdiction and the final decision is announced, the judgment is final for parties to the dispute, and there is no another prosecution for the same allegations except that new evidences are acquired indicating discovery of truth.

24- Principle of: International responsibility

One of the clearest cases in international law discussions is international responsibility. That is to say, when damage is caused by actions of a state, it has the liability to compensate it. This subject matter is also extended from public international law to private international law; therefore, liability will be extended to the nationals (citizens) of state. In this case, it will be one of the topics of diplomatic protection, which in regard to present discussion is very important. The range of topics of diplomatic protection develops up to capitulation, which defines other aspects of responsibility in international relations. This kind of responsibility is related to the importance of protection issues, and as a rule, it is different from definition of international responsibility, but because diplomatic protection is within the scope of responsibility's subject matters, therefore this subject is placed under this topic. The topics of international trusteeship are also next to the scopes of these discussions.

The topic of international responsibility within international relations is so developed that if a state authority be contemptuous of or shows lack

of respect towards another state he is bound to apologize in public and openly. Even his removal from his position is predictable. The details of these issues are mentioned in international law and the statute of International Court of Justice.

Discussion about the state of responsibility has been ranged from the scope of fault to the domain of culpability. But since, proof of liability within the scope of culpability is very difficult and it is capable of being misused, therefore it is facing some limitations. On the other hand, there are several topics on lawfulness and/or unlawfulness of the actions with respect to the municipal law, injured party's law and international law, which all of them have their own particularities in various subjects.

Sometimes, laws of liability are not capable of being introduced in serious international issues, and even if they be introduced, there would be too many doubts about their sanctions. Too many issues, which are related to the war of aggression, especially those caused by aggression of super powers, are included in this category. On the one hand, the perpetrators of these actions and aggressions are those who are political or military authorities of states. And even if they stand trial for their war crimes at the end of war, they would have only one life to be retaliated. Whereas they might have caused too many people being killed. On the other hand, in cases where damaging state is not prepared to compensate the damages caused, the injured party has no right to resort to force or war for retaliation. We have to mention again that all these occasions depend on the powers of the parties to the dispute.

Crystallization of this principle can be observed in Islamic law under the topic of “blood money”. In Islamic jurisprudence, blood money is used for compensation of damage caused to infringe the others’ rights. Since,

political borders in Islam have not been so defined to separate human beings from each other, therefore infringement of rights of individuals and peoples of other nations, are the same as infringement of rights of individuals and peoples of Islamic nations, and blood money can be imposed on them. The vast range of blood money, which covers various infractions and wrong doings, including faults and culpabilities as well. On the basis of Islamic regulations even if the actions of a person frightens another person there exist a blood money for it. And if the frightening of the other persons causes material, spiritual and/or corporeal damages, the blood money changes as the case might be.

If the person adjudged to pay damage (losing party) is not able to pay the imposed blood money, then, Islam's government is bound to recover the rights of both parties, and pay the blood money to the injured party out of public treasury. Topic of “Third party guarantee” which is the promise of a person to accept the damage caused by another one is not included in this subject, because “third party guarantee” is based on optional responsibility, whereas "blood money" is based on obligatory responsibility.

The rule of retaliation is by itself a clear explanation of accepting the responsibility whether national or international. It is stated that: **“O you who believe! Retaliation is prescribed for you in the matter of the murdered; the freeman for the freeman, and the slave for the slave, and the female for the female. And for him who is forgiven somewhat by his (injured) brother, prosecution according to usage and payment unto him in kindness. This is an alleviation and a mercy from your Lord. He who transgresses after this will have a painful doom”.**¹⁹⁵ This

¹⁹⁵ Al-Baqarah II,178.

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ الْحُرُّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ وَالْأُنثَى بِالْأُنثَى فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ

verse does not indicate that murdered ones should be from amongst those who are addressed to or strangers. That is to say, the rule should be observed by believers and non-believers altogether. As it was cited before, because in Islam the borders and frontiers do not differentiate the rights of people, therefore all individuals of human societies from the standpoint of race, nationality and domicile are considered equal. Therefore, principle of responsibility in international law is confirmed by the said rule.

In another verse it is stated that: **“It is not for a believer to kill a believer unless (it be) by mistake. He who has killed a believer by mistake, must set free a believing slave, and pay the blood money to the family of the slain, unless they remit it as a charity. If he (the victim) be of people hostile unto you, and he is a believer, then (the penance is) to set free a believing slave. And if he comes of folk between whom and you there is a covenant, then the blood money must be paid unto his folk and (also) a believing slave must be set free. And whoso has not the wherewithal must fast two consecutive months. A penance from Allāh. Allāh is knower, Wise. Whoso slays a believer of set purpose, his reward is Hell forever. Allāh is wrath against him and He has cursed him and prepared for him an awful doom. O! You who believe! When you go forth (to fight) in the way of Allāh, be careful to discriminate, and say not unto one who offers you peace: you are not a believer”**.¹⁹⁶

شَيْءٌ فَاتَّبَاعٌ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ ذَلِكَ تَخْفِيفٌ مِّن رَّبِّكُمْ وَرَحْمَةٌ مِّن رَّبِّكُمْ فَاعْتَدُوا بِعَدَدِ ذَلِكُمْ فَالَهُ عَذَابٌ أَلِيمٌ.
¹⁹⁶ Al-Nisā IV, 92-94.

وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَاً وَمَنْ قَتَلَ مُؤْمِنًا خَطَاً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَهُوَ مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فَدِيَةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِنَ اللَّهِ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا. وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا. يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا ضَرَبْتُمْ فِي سَبِيلِ اللَّهِ فَتَبَيَّنُوا وَلَا تَقُولُوا لِمَنْ أَلْقَى إِلَيْكُمُ السَّلَامَ لَسْتَ مُؤْمِنًا.

The said verses specify “**the believer**” in relation to our discussion, namely, whoso sends greetings, he/she is a believer, whether this salutation be by words in Arabic, Hebrew, Persian, Latin or be by signs like bowing, nodding, or any form of greetings. All of them would be salutation.

In another verse says: “**The recompense of an ill-deed the like thereof. But whoso even pardons and amends, his reward is from Allāh. Lo! He loves not wrongdoers. And whoso defends himself after has suffered wrong, for such, there is no way (of blame) against him. The way (of blame) is only against those who oppress humankind, and wrongfully rebel in the earth. For such there is a painful doom**”.¹⁹⁷ As it is noticed these verses are not particularized for a special nation whether Muslim or non-Muslim. Whosoever commits cruelty and oppression shall have responsibility and should recompense the damage sustained. Generalization of this topic extends to the subject of international responsibility of individuals, which is one of the most important topics in international law. Before World War II, the international crimes, on the basis of international subsidiary rules and treaties were, on the one hand, those crimes which had a general aspect such as piracy, slave trading, Traffic in Woman and Children, Traffic in illicit drugs, publishing obscene publications, printing forged bank notes, and mintage of counterfeit coins, and on the other side, were those crimes related to violations of laws and customs of war. After World War II, some other crimes, such as crimes against Humanity, crimes against peace and Genocide were added to the list of international crimes. Therefore, international criminal law gained a significant role, and at the same time, special courts such as Nürenberg

¹⁹⁷ Al-Shura XLII, 40-42.

وَ جَزَاءُ سَيِّئَةٍ سَيِّئَةٌ مِّثْلُهَا فَمَنْ عَفَا وَأَصْلَحَ فَأَجْرُهُ عَلَى اللَّهِ إِنَّهُ لَا يُحِبُّ الظَّالِمِينَ. وَ لِمَنْ انْتَصَرَ بَعْدَ ظُلْمِهِ فَأُولَئِكَ مَا عَلَيْهِمْ مِنْ سَبِيلٍ. إِنَّمَا السَّبِيلُ عَلَى الَّذِينَ يَظْلِمُونَ النَّاسَ وَ يَبْغُونَ فِي الْأَرْضِ بِغَيْرِ الْحَقِّ أُولَئِكَ هُمْ عَذَابُ أَلِيمٍ.

Tribunal and Tokyo Tribunal were established for trial of the war criminals. This was unprecedented in the history of international law.

According to the international laws, customs, and conventional rules, the armed forces of belligerent states are justified to use regular arms and weapons to fight against the enemy but they are not authorized to use all kinds of weapons and/or employ all kinds of measures against the enemy. For example plunder of public and private property and killing the unarmed persons are not authorized, those kinds of actions, at the time of war, which in their specific meaning and according to the international customs are not considered as war operations, are called war crimes. Each one of the belligerent states are authorized to punish the perpetrator of the said crimes, according to their municipal criminal law, as they exercise it for their own citizens. According to an old accepted rule in international relations, it is the right of the states to punish the enemy's personnel who are as prisoner of war under their control, on the basis of their criminal law.

In World War II, the subject of international crimes of individuals found a wider concept and meaning. So that, those persons who violated the international conventions and initiated the war of aggression were found guilty as a war criminal and were liable to punishment. For this reason, the Agreement for Establishment of an International Military Tribunal was concluded at London, August 8, 1949, for the trial and punishment of war criminals of European countries. According to the Article 1 of London Agreement, the said Tribunal was established in Germany for the trial of war criminals whose offenses had no particular geographical location. According to the Article 6 of the charter of the Nuremberg Tribunal, the Tribunal shall have the power to try and punish persons who acting in the interests of European countries, whether as individuals or as members of organizations, committed crimes against

peace, war crimes and crimes against Humanity.

Crimes against peace are of those offenses, which had no precedent in international law and quite new legal institution. So that, after the World War II new principles were set up as to the international responsibility of individuals apart from their ranks and positions. According to the Article 6(a) of the charter of Nürenberg Military Tribunal, crimes against peace are: "Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements, assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing".¹⁹⁸

According to the Article 6(b) of the charter of the Nürenberg Military Tribunal, war crimes are: "violations of the laws and customs of war. Such violation shall include, but not limited to, murder, ill-treatment or deportation to slave labor or for any other purposes of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, town or villages, or devastation not justified by military necessity". Therefore, war crimes as to their specific meaning are violations of rules and regulations that according to the text of international treaties the belligerent states and their respective army

¹⁹⁸ Although the war of aggression and war in violation of treaties are not defined by the charter of the Nürenberg Tribunal, however from the text of indictment presented to the Tribunal and statements of the representatives of Allied states which requested the punishment of the heads of aggressor states and also the text of judgment of the Tribunal, it can be understood that war of aggression and war in violation of Briand-Kellogg pact (pact of Paris, pact of renunciation of war) -which have prohibited war as an instrument of national policy- and also in violation of other treaties such as Versailles and Locarno treaties; the government of Germany in violation of the said treaties waged war against European countries.

personnel have to observe at the course of hostilities.¹⁹⁹

Crimes against Humanity are also the offenses, which had no precedent or specific title before establishment of Nürenberg Military Tribunal. These offenses according to the Article 6(c) of the charter of the Nürenberg Military Tribunal are: "murder, extermination, enslavement, deportation and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated. Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan".²⁰⁰

In addition to the offenses mentioned in the charter of the Nürenberg and Tokyo Tribunals and their judgments, the crime of genocide, whether committed in time of peace or in time of war, is considered as an

¹⁹⁹ These treaties which are invoked by Nürenberg Tribunal primarily are the Hague conventions of 1899 and 1907 concerning the rules and customs to be observed on Land Warfare, and 1927 convention about prisoners of War, and London Naval Treaty 1930 and 1936 concerning submarine and Navel Warfare. Secondly, the customs and usages observed in international relations. Although according to the conventions and treaties and on the basis of international customs, the observance of rules and customs of war by belligerent states is a recognized principle but, firstly their violation and non-observance is not clearly recognized as international crime, secondly, since, before establishment of Nürenberg Tribunal the states had no criminal responsibility in international relations, therefore, non-observance of the said rules brought only tortuous liability against them. This subject is mentioned in Articles 3 of the Hague convention that violators should make reparation of such loss and damage caused by their citizens.

²⁰⁰ Crime against humanity is not considered as an independent crime in the charter of Tribunal by the authors of the chapter. It is only a subordinate crime, therefore the perpetrators of crimes mentioned in Article 6(a,b) if during commission of those crimes, commit the crimes against Humanity then they will also be responsible for them. In Draft Convention concerning crimes against Humanity and security of Mankind, which was drawn up by International Law Commission, the crimes mentioned in Article 6(c) of the charter of the Nürenberg Tribunal was recognized as an independent crime.

international crime by Convention on Genocide, December 11, 1948, and the perpetrators, whether ordinary people, officials (statesmen) and/or members of the government shall be punished according to the said convention. Article II of the convention defines Genocide as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such:

- A) Killing members of group;
- B) Causing serious bodily or mental harm to members of the group;
- C) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- D) Imposing measures intended to prevent births within the group;
- E) Forcibly transferring children of the group to another group.

The judgment of Nürenberg International Tribunal contained a new and unprecedented subject, namely, the responsibility and punishment of individuals concerning the violation of international undertakings of the state. It was explicitly stipulated in the judgment of the Tribunal, that it is a long time where international law has imposed duties and liabilities upon natural (unofficial) individuals and the protection of international law in favor of the representative of a state, cannot be applied to the acts, which are condemned as criminal. The authors of these acts cannot shelter themselves behind their official positions, in order to be freed from the punishment in appropriate proceeding.

The principle of individual responsibility due to violation of international treaties is also mentioned and recognized in convention of Genocide. In Article 1 of the “draft convention on crimes against peace and security of mankind” which was prepared on the basis of precedents of charter and judgment of Nürenberg Military Tribunal, and ratified on the

sixth session of International Law Commission in 1954, the reference is made to the responsibility and punishment of individuals as follows: "crimes against peace and security of mankind which is defined in this statute is considered as an international crime, and the individuals who are responsible shall be punished". In Article 2 of the said Draft Convention, which has 13 paragraphs, the acts, which are called as crimes against peace and security of humankind, are enumerated. These acts are briefly as follows: "any act of invasion and aggression, planning and preparation for resort to the armed forces, constitution and instigation of armed groups for aggression, all measures taken for initiation of civil war in country, terroristic operations, violation of treaties, intervention with the affairs of other countries, genocide, acts against humanity, acts against laws and customs of war, conspiracy, instigation, assistance, and participating in the foregoing crimes".²⁰¹

In section of "honouring the treaties", it is discussed that all covenants and treaties are binding and obligatory, and impose liability. In sūrah of Al-Isra, it is said: "**... and keep the covenant. Lo! Of the covenant it will be asked**".²⁰² This liability pertains to any kind of covenant whether with God or the people of God. In sūrah of Al-Ahzab, it is said: "**... a covenant to Allāh must be answered**".²⁰³ Concerning the subject in question, it should be noted that by conversion to Islam and content of covenants, Islamic actions and behaviors, implicitly or explicitly, become the requirements of taking oath of allegiance -whether general or special- and consequently they would be obligatory to observe. That is to say, the Islam's country,

²⁰¹ These explanations and remarks are taken from the book of "public international law" written by Safdari Muhammad, Third volume, Tehran University Publication.

²⁰² Al-Isra XVII, 34.

وَأَوْفُوا بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا.

²⁰³ Al-Ahzab XXXIII, 15.

وَكَانَ عَهْدُ اللَّهِ مَسْئُولًا.

whether to be one of the parties to the international treaties or not to be, it is bound to observe the Islamic-humanitarian instructions in relation to other nations and states.

When some damage is caused by action of a person or a state to another, s/he is responsible.

25- Principle of: Compensation for unjustified damage

Principle of compensation for unjustified damage or principle of reparation²⁰⁴ is an accepted legal rule in various legal systems, and rules of procedure and method of redress is also determined in their laws and regulations. According to the general definition of the said legal term, if a person through an action or omission causes damage and injury to another person, he is bound to make compensation for all such losses and damages. Concerning the international law, the reparation is, taking all measures to the interests of a state or an international organization for making reparation for loss and damage done. This principle is mentioned in the Article 37 of the Hague Convention 1907 as a general principle recognized by civilized nations.

As to the Islamic law, the said principle is also discussed and accepted in the section of “civil liability” of Islamic jurisprudence. All injuries and damage caused by an individual or a state, whether in a private action or a public action, require restoration to the conditions as were before causing loss and damage. It should be done in a way that makes reparation of the injuries and damage in question. In private international law, as long as the

²⁰⁴ Reparation.

parties are natural persons, the authenticity (originality) of the said principle is less doubtful than public international law where the parties to the disputes are states. In the latter case, a claim for making reparation of loss and damage from the states needs much more discussion in regard to the quality and quantity. Anyhow, this general principle in public international law (without taking the issues in regard to the proof of the correctness of the right into consideration) is also recognized in Islamic law.

In Glorious Qur'an, there are many verses about the penalties. In these verses, the sanction is equal to the committed offense.²⁰⁵ As a general rule Glorious Qur'an states: **“Every soul is a pledge for its own deeds”**.²⁰⁶ The concept of this verse is extended to the folk and people in sūrah of Al-Jathiyah that says: **“... in order that folks shall be requited what they used to earn”**.²⁰⁷ This verse might to be an evidence for national, ethnical, and common liability, which its effects are extendable to international issues.

²⁰⁵ Al-Safat XXXVII, 39 **“You are requited naught save what you did”**

وَمَا تُجْزَوْنَ إِلَّا مَا كُنتُمْ تَعْمَلُونَ

Al-Zūmar XXXIX, 70 **“And each soul is paid for what it did”**.

وَأُوفِيَتْ كُلُّ نَفْسٍ مَا عَمِلَتْ

Ya-Sin XXXVI, 54 **“Nor are you requited aught save what you used to do”**.

وَلَا تُجْزَوْنَ إِلَّا مَا كُنتُمْ تَعْمَلُونَ

Al-Tahrim LXVI, 67 and Al-Tur, 16 **“You are only being paid for what you used to do”**.

إِنَّمَا تُجْزَوْنَ مَا كُنتُمْ تَعْمَلُونَ

Al-Waqi'ah LVI, 24 **“Reward for what they used to do”**

جِزَاءً بِمَا كَانُوا يَعْمَلُونَ

²⁰⁶ Al-Muddaththir, LXXIV, 38.

كُلُّ نَفْسٍ بِمَا كَسَبَتْ رَهِينَةٌ

²⁰⁷ Al-Jathiyah XLV, 14.

لِيَجْزِيَ قَوْمًا بِمَا كَانُوا يَكْسِبُونَ

In sūrah of Al-Qasas, it is clearly stated that reward of a good deed is much better than that, but the sanction of an ill deed is just equal to it. It says, **“Whoso brings a good deed, he will have better than the same; while as for him who brings an ill deed, those who do ill deeds will be requited only what they did”**.²⁰⁸ And in sūrah of Al-Shura says: **“The recompense of an ill-deed is an ill the like thereof. But whosoever pardons and amends, his wage is the affair of Allāh...”**²⁰⁹

If a person or a state causes damage or injury to others through an action or omission, s/he is bound to making compensation for all losses and damages.

26- Principle of: Preserving the life in retaliation

One of the most important ordinances in Glorious Qur’an is “retaliation” which has a deterrent effect to prevent humankind from violence and killing each other. Nowadays, some countries in the world hardly accept and do not insert death penalty in their municipal law. That is why the crime of murder is increased so much in most societies. Glorious Qur’an says: **“O you who believe! Retaliation is prescribed for you in the matter of the murder; the freeman for freeman, and the slave for the slave, and the female for the female. And for him who is forgiven somewhat by his (injured) brother, prosecution according to usage and payment unto him in kindness. This is alleviation and a mercy from**

²⁰⁸ Al-Qasas XXVIII, 84.

مَنْ جَاءَ بِالْحَسَنَةِ فَلَهُ خَيْرٌ مِنْهَا وَ مَنْ جَاءَ بِالسَّيِّئَةِ فَلَا يُجْزَى الَّذِينَ عَمِلُوا السَّيِّئَاتِ إِلَّا مَا كَانُوا يَعْمَلُونَ

²⁰⁹ Al-Shura XLII, 40.

وَ جَزَاءُ سَيِّئَةٍ سَيِّئَةٌ مِثْلُهَا فَمَنْ عَفَا وَأَصْلَحَ فَأَجْرُهُ عَلَى اللَّهِ

your Lord. He who transgresses after this will have a painful doom. And there is a life for you in retaliation, O men of understanding that you may ward off (evil)".²¹⁰ In the exegesis of Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah²¹¹ there is a comment on the foregoing verse which says: **"O you who believe"** is addressed to those who have believed a general belief and accepted the apparent aspect of invitation and general oath of allegiance of prophet. **"Is prescribed for you"** in "the preserved table" or in the heart of the Prophet (S) it is written for you, namely it is obligatory. For this reasons to point out the harm, which is threatening them, the verb is used in transitive form (in regard to the Arabic grammar). **"The Retaliation"**, retaliation means to treat the criminal as he/she has treated the victim. Obligation of judges to retaliate -after the request of avengers of blood (blood-wits)- is not contradictory to this issue. Because the blood-wit has a choice between retaliation, blood money, or forgiveness. **"In the matter of murdered"** (grammatically concerning to **"prescribed"**). **"The freeman for freeman"** if a freeman is killed so a freeman will be killed in retaliation. **"For freeman"** is a prepositional phrase and relates to the verb of "killing" or passive participial of **"the murdered"**. This ordinance is applicable where there is an intentional killing (murder), but when the action is proved to be unintentional or through fault, the rule shall be inapplicable. Meanwhile, this verse, the same as other verses is in brief and needs description. Therefore, it should not be criticized that the issue, on the contrary to the meaning, has been

²¹⁰ Al-Baqarah II, 178-179.

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ الْحُرُّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ وَالْأُنثَى بِالْأُنثَى فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبِعْ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ ذَلِكَ تَخْفِيفٌ مِنْ رَبِّكُمْ وَرَحْمَةٌ فَمَنْ اعْتَدَى بِعَدَاةٍ فَلَهُ عَذَابٌ أَلِيمٌ. وَ لَكُمْ فِي الْقِصَاصِ حَيَاةٌ يَا أُولِي الْأَلْبَابِ لَعَلَّكُمْ تَتَّقُونَ

²¹¹ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", volume 2, translation, pp. 350-355.

used with an adverse adverb²¹², because the concept of adverb has no validity in the place. The details of the case are discussed in Islamic jurisprudence. “**And the slave for the slave, and the female for the female**”, it is narrated that there were two Arab tribes, which one of them was more powerful than the other one. There was a covenant between them that in case of murder, the powerful tribe has the right to retaliate, the freeman for the slave, the male for the female and two men for one man. After the advent of Islam, they went to Messenger of God (S) for adjudication. Then the forgoing verse was revealed and they were ordered to act according to the text of the verse. “**And for him who is forgiven**” namely the criminal who has been forgiven. “**By his brother**” his religious brother who is the blood-wit or from the blood of his brother who has been killed. This phrase contains the word "**brother**" to denote this matter that the requirements of forgiveness and pardon are kindness and affection. As the kindness and affection is a necessity for pardon. Therefore, it would be suitable to bring a word to be relevant to kindness and kindness be relevant to it. “**Somewhat**”, something from forgiveness of retaliation, not from the blood money. Or something from forgiveness, namely when one of the heir pardons his rights. “**Prosecution**” (to carry out, continue with), that is to say, the one who forgives should adhere to good deeds and good affairs. Or

²¹² The concept (purport) is opposite to enunciation, Enunciation is the apparent meaning that the words convey by itself. There are two kinds of concept. Compatible with the apparent meaning of the words. Such as the words of Almighty God: “**Never tell them (the parents) even fie**”. (وَلَا تَقُلْ لَهُمَا أُفٍّ) Which its purport denotes prohibition of beating and insulting or everything, which is harsher than contempt and molestation of parents. From the apparent meaning of the words.

The adverse concept is where the understand meaning (purport) is contrary to the apparent meaning of the words. Adverse concept can be divided to: conditional concept, descriptive concept, objective concept, numeric concept, restricted concept and stipulated concept. The adverse concept of “**The slave for the slave**” (الْحُرُّ بِالْحُرِّ) apparently is that a slave cannot be retaliated for a freeman. Namely if a slave kills a freeman, according to the stipulated concept of the words, he should not be retaliated. Whereas this concept is not what the verse conveys.

the order of the one who pardons is to be observed. Or observance of forgiveness of blood money is obligatory. **“According to usage”** in manner that the wise will admire it and recognize it as goodness and kindness. That is to say, demanding blood money should be neither forcible and harmful nor more than that which is prescribed by law. And as to the criminal, the **“payment”** of blood money should be **“unto him”** who has pardoned the retaliation **“in kindness”**. Namely to be known as a kind of benevolence. As a matter of fact, this is an advice to the one who forgives, that he should act moderately and avoid extravagance and use of force. And also, it is an advice to the criminal that he should avoid deception, fraud, ignorance, avarice, and duress while he is performing his undertakings. **“This is an alleviation”** namely, permission of pardon to be changed into blood money or without blood money, that is to say, to have a choice between three things forgiveness with accepting blood money, forgiveness without blood money, and/or retaliation. (Because, forgiveness of blood money surely can be inferred from the forgiveness of retaliation and forgiveness of retaliation from the words of Almighty God: **“And for him who is forgiven somewhat by his brother”** up to the end of the verse) which is an alleviation in what we had made it obligatory to you, and it is calling to account with respect to the criminal’s acts. **“And a mercy from your Lord”**, namely, this is a mercy from Allāh that authorized forgiveness, which is the requirement of survival of the souls. In addition He has not obliged the guardian of the murdered and blood-wit to forgive without demanding blood money (consideration). It is narrated that people of Torah had only the right of retaliation or forgiveness and people of Gospel had the right of forgiveness and blood money, but Islamic community had the option to choose between three things. It is attributed to the tradition that in religion of Moses there was retaliation, in religion of Jesus there was blood money but by advent of simple and convenient religion of Islam, both laws

were authorized. **“He who transgresses”** it means everybody, whether blood-wits or criminals who transgress from his limits (rights given to him), **“after this”** when their limits from retaliation, forgiveness and/or blood money which were mentioned, **“will have a painful doom”** that we already mentioned the descriptive aspect of doom in regard to the painfulness. Because there might have been an illusion that by Divine legislation of retaliation –as some nations and void religions are of the opinion- it would cause the destruction of mankind’s souls. And annihilation of humankind's souls is against Divine Wisdom. Therefore, Almighty God removed this illusion and revealed that retaliation would be the cause of survival of souls and not their annihilation. Because lawfulness of retaliation will deter all people to insist on killing the others. So retaliation would result to destruction of few people consequently many people remain alive. On the contrary, abandonment of retaliation would bring an opposite result. So that stated: **“And there is a life for you in retaliation”**. The Arabs have another saying, which gives the same meaning. This sentence is as follows: “The killing will negate other killings”.²¹³ The commentators have reminded some aspects of Qur'an's definition, which is preferred to the above-mentioned saying. **“O men of understanding”**; the reason why the wisemen are addressed to in this verse is for their respect and glorification. On the other hand, it will denote that the only ones, who understand that there is a life in retaliation, are the wisemen. They are the people that prescription (legislation) of ordinances is particularly for them and while the things are created, they are taken into consideration. They are the only ones whose existence are important rather than the others. **“That you may”** O men of understanding **“ward off evil”**. Hopefulness results from mentioning the “retaliation” or placing and

²¹³ It means that killing (due to retaliation) is the best deterrent factor to prevent subsequent murders.

connecting life with retaliation, or from mentioning “life”. So if the first two out of three is taken into consideration, then meaning of the verse would be “Allāh prescribed (legislated) retaliation for you or placed and connected life with retaliation that you may avoid killing or avoid committing sinful acts, or being endowed with piety”. If the third meaning were the objective of the text, the meaning of the verse would be “Allāh prescribed (legislated) retaliation for your survival, may be you avoid sinful acts and being qualified with piety”. It is not right to ascribe hopefulness to Allāh, because there would be no state of hopefulness unless for an ignoramus who is waiting for the result of something that is out of his control and is desirous of acquiring it. But Almighty God is not in such a position. So, ascribing hopefulness to Almighty God means to describe the reason behind something. In this case, it might be said that Almighty God has spoken like kings and those in authority of the nation, since they promise to do something with "if, may, and hope". Therefore, those who are promised to not to trust or depend on the promise and be remained between fear and hope. Or He just considered the situation of bondmen. And the states of bondmen are always to be hopeful, and be eager to the mercy of their owner, so that hopefulness is based on the state of one who is addressed to."

As it was already mentioned, the ordinance of retaliation was also prescribed for previous religions and it has also been mentioned in Torah. In Glorious Qur'an in sūrah of Al-Mā'idah, it is said: **"And We prescribed for them therein: The life for the life, and the eye for the eye, and the nose for the nose, and the ear for the ear, and the tooth for the tooth, and for wounds retaliation. But whoso forgets (in the way of charity) it shall be expiation for him. Whoso judges not by that which has**

revealed, such are wrong-doers".²¹⁴ In a comment on this verse, it is said:²¹⁵ **“And we prescribed for them therein”**, We have prescribed this ordinance in Torah. This statement denotes that they were not satisfied with the ordinance of Allāh. That is why they came to His Reverend Muhammad (S) for adjudication to avoid the ordinance written in Torah. **“The life for the life”**. This is said in brief and needs description. It means that male for the male, and the slave for the slave, and the female for the female, or it might be said the ordinance in Torah is general (namely anybody who kills should be killed without distinction). **“The eye for the eye, and the nose for the nose, and the ear for the ear, and the tooth for the tooth, and for wounds retaliation”**. It means the retaliation is a must. Of course, each item considered with counterpart. That is to say, a person would be killed for a person, the eye should be taken out for the eye and so on. **“But whoso forgets (in the way of charity)”**. If somebody forgets the retaliation and satisfies with blood money. **“It shall be expiation for him”**. The blood money will be an expiation for his sin. **“Whoso judges not by that which has revealed, such are wrong-doers”**. This subject matter has been repeated for three times, to show its utmost importance. Because as you have noticed the ordinances revealed by God is the criterion of all movements and gestures, and is corrector of all expressions and policies. The Livelihood and resurrection shall be based on them. The repetition is also for this reason that, first sentence is for Islamic community of Muhammad (S). Because the words of Allāh: **“So fear not mankind”** up to the end of the verse,²¹⁶ is addressed to the Islamic community of

²¹⁴ Al-Mā'idah V, 45.

وَكُتِبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصٌ فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ

²¹⁵ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 4, pp 339-340.

²¹⁶ Al-Mā'idah XV, 44 **“Lo! We did reveal the Torah, wherein is guidance and light, by which the prophets who surrendered (unto Allāh) judged the Jews and the**

Muhammad (S). Second sentence is about Torah's ordinances and its people (Jews) and third sentence is about Gospel's ordinances and its people (Christians)."

In sūrah of Al-Baqarah says: **"The forbidden month,²¹⁷ for the forbidden month, and forbidden things has retaliation. And one who attacks you, attack him in like manner, as he attacked you. Observe your duty to Allāh, and know that Allāh is with those who ward off (evil)".²¹⁸** In a comment on this verse, it is said:²¹⁹ **"The forbidden month, for the forbidden month"**. The reason for calling the month as forbidden, is that fighting and war was prohibited during that month. Even if a man saw the murderer of his father or brother, he should not bother him. There were four months as forbidden months. Three consecutive months namely" Zilqa'dah, Zilhajjah, and Muharram" another month with the name of Rajab which is separate from them. The reason for calling the month Zilqa'dah is that the literal meaning of the word denotes to sitting down and not to fight. So, they did not fight during this month. And because in the year of belated accomplishment of lesser pilgrimage (which was after Truce of Hdaybiyah in 7 A.H) the Muslims were prohibited to fight in Zilqa'dah, as the idolaters in previous year (in 6 A.H the time of the Truce

rabbis and the priests (judged) by such of Allāh's scripture as they were bidden to observe, and thereunto were they witnesses. So fear not mankind, but fear Me. And barter not my revelations for a little gain. Whoso judges not by that which Allāh has revealed; such are disbelievers."

إِنَّا أَنْزَلْنَا التَّوْرَةَ فِيهَا هُدًى وَ نُورٌ يَحْكُمُ بِهَا النَّبِيُّونَ الَّذِينَ أَسْلَمُوا لِلَّذِينَ هَادُوا وَ الرِّبَّانِيُّونَ وَ الْأَحْبَارُ بِمَا اسْتُخْفِطُوا مِنْ كِتَابِ اللَّهِ وَ كَانُوا عَلَيْهِ شُهَدَاءَ فَلَا تَخْشَوُا النَّاسَ وَ اخْشَوُا اللَّهَ وَ لا تَشْتَرُوا بِآيَاتِي ثَمَنًا قَلِيلًا وَ مَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ

²¹⁷ The months of Muharram, Rajab, Zelqa'adah and Zelhajjah of Lonal Hijri calendar are called forbidden months.

²¹⁸ Al- Baqarah II, 194.

الشَّهْرُ الْحَرَامُ بِالشَّهْرِ الْحَرَامِ وَ الْحُرُمَاتِ قِصَاصٌ فَمَنْ اعْتَدَى عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اعْتَدَى عَلَيْكُمْ وَ اتَّقُوا اللَّهَ وَ اعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ

²¹⁹ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation volume 2, pp. 396-399.

of Hodaybiyeh) had objected to fight with them. So that this impediment was removed, in this way that “fighting with idolaters in forbidden month, for their fighting in forbidden month”. It might also be said that it was a congratulation and giving comfort to believers due to their entrance into the city of Mecca in the month of Zilqa’dah against the prevention of idolaters in previous year. So that the meaning of the verse is: "fighting in forbidden month for fighting in forbidden month, and entrance into the city of Mecca for their prevention in forbidden month". **“And forbidden things”**; this expression in Arabic has different meanings as reverence, sanctity, majesty, and prohibition, but its general meaning is everything that its desecration is not authorized. **“In retaliation”** it is attributed to Imam Baqer (A) that in the year of Hodaybiyeh the idolaters barred Messenger of God (S) to enter into the city of Mecca and were proud of doing so. Then Almighty God to reprimand them said: **“And forbidden things in retaliation”**. Some people are of the opinion that, the purpose of this verse was to remove the impediment from the Muslims in the year of belated accomplishment of lesser pilgrimage and to mention that protection of sanctities are obligatory and desecration of them is not authorized, but retaliation is authorized. The said expression is grammatically in plural form, on the account of the sanctity of month, the sanctity of pilgrim’s garment and the sanctity of the sacred premises of Mecca. And these words of Almighty God that **“And one who attacks you”** confirms this aspect of the words. The word of “Attack” in Arabic in reality means to oppress or to commit cruelty, so **“Attack him”** refers to forbidden month and in sacred premises of the Mecca or in any other places; and in this case which there has been no oppression from the Muslims, the use of the word “oppression” or “attack” is due to resemblance of words, by taking the aesthetics rules into consideration as it was described earlier about the word “hostility”.²²⁰ **“In**

²²⁰ It is pointed to the word “hostility” in previous verse (Al-Baqarah II, 193) **“And**

like manner as he attacked you and observe your duty to Allāh”, it means that in the course of retaliation you should fear of God if your attack goes in excess of what they have done. Since the souls are not aware of the amount of retaliation and they like to retaliate more than what the criminal has committed. Because they are afraid that the criminal and other people dare to commit it again for extinguishing their wrath. On this basis, Almighty God by these words "**and know that Allāh is with those who ward off (evil)**" removed their fear and the flame of wrath. It means, do not be afraid of transgression and calm yourselves by Allāh’s remembrance rather confirming the wrath. You should know that human beings are different, concerning to their degrees of submission and obedience. Some of them never submit themselves and never obey God. They never accept the instructions (enjoining and forbidding) of God. They always attempt oppress the others, and retaliate against criminals as they wish. They do not obey any scripture and commandments. Their affairs rest on time of their death. Some other people have the ability of accepting divine instructions, but they do not have the ability to abandon the retaliation. So that Almighty God has authorized retaliation in the manner that crime has been committed, but forbade retaliation in excess of the crime, and through His kindness and mercy, for this kind of cases said: If you persevere, it would be much better for you. Some people have the ability to abandon the retaliation but they do not have the ability to forgive the criminal by heart and forget their deep hatred toward the criminal. Therefore, Almighty God has enjoined suppression of anger and forgiveness of the criminal. Some people are able to forgive the criminal by heart but they are not able to be

fight them until persecution is no more, and religion is for Allāh. But if they desist, then let there be no hostility except against wrong-doers". The word "odwan" which is translated to "hostility" has the literal meaning of oppression and punishment but as it is explained in the text, it is used in the sentence due to the resemblance of the words.

وَ قَاتِلُوهُمْ حَتَّى لَا تَكُونَ فِتْنَةً وَ يَكُونَ الدِّينُ لِلَّهِ فَإِنْ انْتَهَوْا فَلَا عُدْوَانَ إِلَّا عَلَى الظَّالِمِينَ.

benevolent unto criminal. So, that God has enjoined them forgiveness by heart. The highest degree of ability is being benevolent unto criminal because **"Allāh loves those who do well"**. Therefore, Almighty God would impose duty on people just to the extent of their capacity, which says: **"Allāh does not impose upon any soul a duty but to the extent of its ability."**²²¹ It is expressly stipulated by the impeccable (A) that the faith (belief) has several degrees, so if we impose the duties of those in the first rank upon those who are in the second rank and/or impose the duties of the second rank upon those who are in the third rank and so on... all of them will be ruined. That is why every soul has its duty imposed by God. Therefore, jurisconsults should take the ability of the persons into consideration while giving their rulings."

In sūrah of Al-Nahl says: **"If you punish, then punish with the like of that wherewith you were afflicted. But if you endure patiently, verily it is better for the patient"**.²²² In sūrah of Al-Shura says: **"The punishment of an ill-deed is an ill the like thereof. But whosoever pardons and amends, his wage is the affair of Allāh. Lo! He loves not wrongdoers. And whoso defends himself after has suffered wrong- for such there is no way (of blame) against them. The way (of blame) is only against those who oppress humankind, and wrongfully rebel in**

²²¹ Al-A'araf VII, 42. Al-Mu'minun XXIII, 62. Al-An'am VI, 152: **"We do not impose on any soul a duty except to the extent of its ability"**.

لا تُكَلِّفُ نَفْسًا إِلَّا وُسْعَهَا

Al-Baqarah II, 286, **"Allāh does not impose upon any soul a duty but to the extent of its ability."**

لا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا

Al-Baqarah II, 233, **"No soul have impose upon it a duty but to the extent of its capacity."**

لا تُكَلِّفُ نَفْسٌ إِلَّا وُسْعَهَا

²²² Al-Nahl XVI, 126.

وَإِنْ عَاقَبْتُمْ فَعَاقِبُوا بِمِثْلِ مَا عُوقِبْتُمْ بِهِ وَلَئِنْ صَبَرْتُمْ لَهُوَ خَيْرٌ لِلصَّابِرِينَ

the earth. For such there is a painful doom. And verily whoso is patient and forgives- Lo! That verily is (of) good deeds, the steadfast heart of things”.²²³

The existence and acceptance of an international law concerning retaliation, and obligation of the states to its enforcement is one of the most important factors to prevent violation and transgression. Legislation of the said law and its enforcement by the states would be a warning to transgressors, to forget about violence and transgression. The retaliation and taking reprisal for those who have been killed during wars is not the subject matter of this section. We have discussed it in the section of international responsibility.

Legislation of retaliation and obligation of the states to its enforcement is to prevent violation and transgression. Retaliation and taking reprisal for those who have been killed during wars is the subject matter of principle of international responsibility.

27- Principle of: Prohibition from excessive retaliation

On the basis of this principle, whenever a crime is committed by a foreign national against a citizen of Islam's country, the right of retaliation would be restricted to the limit of prescribed punishment imposed for the said crime. Of course, in the sight of Allāh, it would be much better, the

²²³ Al-Shura XLII, 40-43.

وَجَزَاءُ سَيِّئَةٍ سَيِّئَةٌ مِثْلُهَا فَمَنْ عَفَا وَأَصْلَحَ فَأَجْرُهُ عَلَى اللَّهِ إِنَّهُ لَا يُحِبُّ الظَّالِمِينَ. وَ لَمَنْ انتَصَرَ بَعْدَ ظُلْمِهِ فَأُولَئِكَ مَا عَلَيْهِمْ مِنْ سَبِيلٍ. إِنَّمَا السَّبِيلُ عَلَى الَّذِينَ يَظْلِمُونَ النَّاسَ وَيَبْغُونَ فِي الْأَرْضِ بِغَيْرِ الْحَقِّ أُولَئِكَ لَهُمْ عَذَابٌ أَلِيمٌ. وَ لَمَنْ صَبَرَ وَ غَفَرَ إِنَّ ذَلِكَ لَمِنْ عَزْمِ الْأُمُورِ.

criminal be forgiven. The reprisal and reciprocity is on the most inferior level of moral conduct and is at the low grade of humanity. In sūrah of Al-Baqarah it is said: **"O you who believe: Retaliation is prescribed for you in the matter of murdered; the freeman for the freeman, and the slave for the slave, and the female for the female. And for him who is forgiven somewhat by his (injured) brother, prosecution according to usage and payment unto him in kindness".**²²⁴ And in sūrah of Al-Nahl says: **"If you punish, then punish with the like of that wherewith you were afflicted. But if you endure patiently, verily it is better for the patient. Endure you patiently (O Muhammad). Your endurance is only by (the help of) Allāh. Grieve not for them, and be not in distress because of that which they devise. Lo! Allāh is with those who keep their duty unto him, and those who are doers of good".**²²⁵ On a comment on this verse, it is said:²²⁶ **"If you punish, then punish with the like of that wherewith you were afflicted"**. It means that, if on the basis of the rule of retaliation you are going to punish the criminal, you should punish him the same as you were injured. The use of the word **"if"** in this sentence denotes that it is not suitable for a believer to retaliate. The dignity of a believer demands forgiveness. So that retaliation seems to be doubtful. Retaliation is prescribed for those persons who are still stationed in the stage of **"Self"** loving. According to the words of Almighty God: **"Forgiveness and pardon"**,²²⁷ is for those persons who have ascended

²²⁴ Al-Baqarah II, 178.

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ الْحُرُّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ وَالْأُنثَى بِالْأُنثَى فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبِعْ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ

²²⁵ Al-Nahl XVI, 126-128.

وَإِنْ عَاقَبْتُمْ فَعَاقِبُوا بِمِثْلِ مَا عُوقِبْتُمْ بِهِ وَلَئِنْ صَبَرْتُمْ لَهُوَ خَيْرٌ لِلصَّابِرِينَ وَاصْبِرْ وَمَا صَبْرُكَ إِلَّا بِاللَّهِ وَلَا تَحْزَنْ عَلَيْهِمْ وَلَا تَكُ فِي ضَيْقٍ مِمَّا يَمْكُرُونَ إِنَّ اللَّهَ مَعَ الَّذِينَ اتَّقَوْا وَالَّذِينَ هُمْ مُحْسِنُونَ.

²²⁶ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 8, pp. 214-218.

²²⁷ Al-Nur XXIV, 22.

from the stage of “self” to the stage of “heart”. And the words of Allāh that: **“Allāh loves the doers of good (to others)”**²²⁸ is for those persons who are endowed with the qualities of the “spirit”. In another word, the first one is about a person who has accepted the messengership, and the second one is about a person who has accepted the prophethood, and the third one is about a person who has accepted the divine guardianship. **“But if you endure patiently, verily it is better for the patient.”** The meaning of patience is forgiveness and suppression of anger, which are also mentioned in other verses as well. As, to be satisfied is similar to pardoning. And benevolence towards those persons who have done ill deeds is above all the said stages. As it is narrated, the revelation of the above-mentioned verse is about battle of Ohud. The idolaters mutilated the Muslims who were killed in the battle. Then Muslims said, if God helps us to dominate over them we would mutilate their bests. It is also said that when the messenger of God came on dead body of Hamzeh (his uncle) and saw what the enemy had done to him, he cried and said: “If God helps me to dominate over Quraish tribe I would mutilate seventy of them. So Gabriel (A) descended and revealed this verse: **“If you punish...”**. This verse has a general concept. **“Endure you patiently”** because those believers who have not left the prison of the “self” they are not able to endure and suffer the hardship that is why they try to retaliate. Therefore, Almighty God in the manner of moderateness said: **“If you endure patiently”**. But the Reverend Muhammad (S) was explicitly enjoined to endure patiently. Moreover, the word “you” denotes that the ability of endurance is a favour bestowed by Allāh, because the human nature is

وَلَا يَأْتَلِ أُولُوا الْفَضْلِ مِنْكُمْ وَالسَّعَةِ أَنْ يُؤْتُوا أُولِي الْقُرْبَىٰ وَالْمَسَاكِينَ وَالْمُهَاجِرِينَ فِي سَبِيلِ اللَّهِ وَ لِيَعْفُوا وَ لِيَصْفَحُوا أَلَا تُحِبُّونَ أَنْ يَغْفِرَ اللَّهُ لَكُمْ وَ اللَّهُ غَفُورٌ رَحِيمٌ.

²²⁸ Ale-Imran III,134.

الَّذِينَ يُنْفِقُونَ فِي السَّرَّاءِ وَالضَّرَّاءِ وَ الْكَاطِمِينَ الْغَيْظَ وَ الْعَافِينَ عَنِ النَّاسِ وَ اللَّهُ يُحِبُّ الْمُحْسِنِينَ.

inclined towards revenge and retaliation. **“Your endurance is only by (the help of) Allāh. Grieve not for them”**. Therefore, do not feel aggrieved that your friends are killed and mutilated, or- do not be aggrieved about what the deceitful misguided people have done against you, Ali and other believers. **“And be not in distress because of that which they devise”**. And do not feel great sorrow at their devising against you, your friends, and/or Ali (A). This is a clear remark for forgiveness and forgetting with all one’s heart the hatred for wrongdoers. **“Lo! Allāh is with those who keep their duty unto him”**. And these persons are your friends, or -you and your followers, or- Ali (A) and his followers. So do not feel aggrieved and distressed because of their wrongdoing against you and your companion. Since you all, as pious men have valuable position in proximity to Allāh, or- do not be in distress of their tricks, because they are not able to harm you and Ali and his followers. This sentence might be in position of causal interpretation of the previous sentence. In this case, the meaning of the verse would be “Allāh is with those persons who avoid causing distress and great sorrow to, or feel hatred for the wrongdoers. Or- it is alluded to the last stage of servitude (devotions) and real piety, which is complete annihilation unto God and journeying “From The Right towards The Right”. As we have already mentioned for several times, Almighty God has two kinds of accompaniment to His servitudes and creatures: One of them is divine attribute of compassion, which is a general (all-inclusive) mercy. The other one is divine attribute of Mercifulness, which is a particular attribute. Concerning the aforementioned positions, the latter attribute has been taken into consideration. **“And those who are doers of good”** which is divine guardianship or those persons who do good to those who have ill-treated them. As we have commented under the said verse’s revelation, it indicates the stages and grades of human beings from the beginning of conversion to Islam, up to the last stage, namely, human perfection. The

words of Allāh: **“If you punish, then punish with like of that wherewith you were afflicted”**. Indicates the first grade in Islam, and: **“But if you endure patiently, verily it is better for the patient. Endure you patiently (O Muhammad). Your endurance is only (by help of) Allāh”**. Indicates the second grade such as forgiveness, suppression of anger and... And: **“Grieve not for them, and be not in distress because of that which they devise”**. Alludes to the third stage, which is forgetting with all one’s heart and removing all hatred against wrongdoers from the heart. And word of Allāh: **“Lo! Allāh is with those who keep their duty unto him.”** Indicates the last position of piety, which is the position of complete annihilation, and it is to be lost even of annihilation. And **“and those who are doers of good”**. Indicates the highest position of human beings, which is the position of survival after the annihilation. If you remember what we had stated about “Four journeys” in the previous section to the devotees concerning the meaning of the expression of “pure sufi disciple”, you would have the possibility to use your intelligence and understand the concept of this verse, and then you would find out that the said verse precisely indicates the “Four journeys”. **“Allāh is the Guardian of divine grace”**."

It is also emphasized that “when the punishment of a criminal is the subject of judgment, no punishment in excess of what is prescribed by law should be imposed, otherwise it would be called a cruelty. This subject matter is fully discussed in jurisprudence books of punishments (Hodood and Blood money). When the Leader of the Believers Ali (A) was injured by the sword, he said if I were killed to the effect of this stroke of sword and you wanted to retaliate against the murderer, never persecute or torture him. Just kill him by one stroke of the sword. Because he hit me just by one

stroke of the sword”.²²⁹

Therefore, Islam's country has no right to retaliate or punish in excess of harms sustained while performing reprisal measures. Certainly treating the transgressors with kindness and mercy and forgiveness would be more praised by Allāh. In sūrah of Al-Baqarah, it is said: “... **and one who attacked you, attack him in like manner he attacked you**”.²³⁰ In sūrah of Al-Shura says: “**The punishment of an ill-deed is an ill, the like thereof. But whoso ever pardons and amends, his wage is the affair of Allāh**”.²³¹ In sūrah of Al-Mā'idah says: “**And let not your hatred of a folk who (once) stopped your going to the Inviolable Place of Worship seduce you to transgress**”.²³² In the same sūrah says: “**And let not hatred of any people seduce you deal not justly**”.²³³ And also says: “**Whoso brings a good deed will receive tenfold the like thereof, while whoso brings an ill-deed will be awarded but the like thereof, and they will not be wronged**”.²³⁴ And in another place says: “**And those who earn ill-deeds (for them) requital of each ill-deed by the like thereof**”.²³⁵ And in another place says: “**Are you rewarded aught save what you did?**”²³⁶

²²⁹ His Excellency Hajj Sultan Hussein Tabandeh “Religious standpoints on Universal Declaration of Human Rights” p. 55.

²³⁰ Al-Baqarah II, 194.

فَمَنْ اعْتَدَىٰ عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اعْتَدَىٰ عَلَيْكُمْ.

²³¹ Al-Shura XLII, 40.

وَ جَزَاءُ سَيِّئَةٍ سَيِّئَةٌ مِّثْلُهَا فَمَنْ عَفَا وَأَصْلَحَ فَأَجْرُهُ عَلَى اللَّهِ.

²³² Al-Mā'idah V, 2.

لَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ أَنْ صَدُّوكُمْ عَنِ الْمَسْجِدِ الْحَرَامِ أَنْ تَعْتَدُوا.

²³³ Al-Mā'idah, V, 8.

لَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا.

²³⁴ Al-An'am VI, 160.

مَنْ جَاءَ بِالْحَسَنَةِ فَلَهُ عَشْرُ أَمْثَالِهَا وَمَنْ جَاءَ بِالسَّيِّئَةِ فَلَا يُجْزَىٰ إِلَّا مِثْلَهَا وَ هُمْ لَا يُظْلَمُونَ.

²³⁵ Yunus X, 27.

وَ الَّذِينَ كَسَبُوا السَّيِّئَاتِ جَزَاءُ سَيِّئَةٍ مِّثْلُهَا.

²³⁶ Al-Naml XXVII, 90.

And said: “While as for him who brings an ill-deed, those who do ill-deeds will be requited only what they did”.²³⁷ And also says: “whoso does an ill-deed, he will be repaid the like thereof”.²³⁸

Concerning the aforementioned subject it is said that if the one who has been oppressed tries to retaliate with the like thereof, and at the same time some other persons help the first oppressor, then God will help him. “And whoso has retaliated with the like of that which he was made to suffer and then has (again) been wronged Allāh will succour him”.²³⁹ The said verse indicates that, retaliation and reprisal is an indisputable right of people and nobody should interfere with their reactions.

This principle plays an important role in international relations, which its least effect is prohibition of transgression in excess of harms sustained by the injured party. If the international community recognizes this

هَلْ تُجْزَوْنَ إِلَّا مَا كُنْتُمْ تَعْمَلُونَ.

Yūnus X, 52.

هَلْ تُجْزَوْنَ إِلَّا بِمَا كُنْتُمْ تَكْسِبُونَ.

Yasin XXXVI, 54, “This day no soul is wronged in aught, nor are you requited aught save what you used to do”.

فَالْيَوْمَ لَا تَظْلَمُ نَفْسٌ شَيْئًا وَ لَا تُجْزَوْنَ إِلَّا مَا كُنْتُمْ تَعْمَلُونَ.

Al-Safat XXXVII, 39, “You are requited naught save what you did”.

وَ مَا تُجْزَوْنَ إِلَّا مَا كُنْتُمْ تَعْمَلُونَ.

Al-Jathiyah XLV, 28, “This day you are requited what you used to do”.

الْيَوْمَ تُجْزَوْنَ مَا كُنْتُمْ تَعْمَلُونَ.

Al-Tur, LII, 16/ Al-Tahrim LXVI, 7, “You are only being paid for what you used to do”.

إِنَّمَا تُجْزَوْنَ مَا كُنْتُمْ تَعْمَلُونَ.

²³⁷ Al-Qasas XXVIII, 84.

مَنْ جَاءَ بِالْحَسَنَةِ فَلَهُ خَيْرٌ مِنْهَا وَ مَنْ جَاءَ بِالسَّيِّئَةِ فَلَا يُجْزَى الَّذِينَ عَمِلُوا السَّيِّئَاتِ إِلَّا مَا كَانُوا يَعْمَلُونَ.

²³⁸ Al-Mu'min XL, 40.

مَنْ عَمِلَ سَيِّئَةً فَلَا يُجْزَى إِلَّا مِثْلَهَا.

²³⁹ Al-Hajj XXII, 60.

مَنْ عَاقَبَ بِمِثْلِ مَا عُوقِبَ بِهِ ثُمَّ بُغِيَ عَلَيْهِ لِيَنْصُرَنَّهُ اللَّهُ.

principle, even at this very level, too many transgressions would be prevented. The contemporary history of international relations reveals that reactions against terroristic operations performed by some groups which were thought to be related to some states, resulted to international transgressions and waging a complete war against those states. If the teachings of the “rule of retaliation” becomes the basis of the reprisal measures in international law and be recognized by international community, the international transgressions and aggressions would decrease gradually.

Whenever a crime is committed by an ordinary or governmental citizen against the citizen of another country, the right of maximum retaliation would be equal to the said crime.

28- Principle of: Facilitation in Force Majeure (distress and constriction)

The necessary consideration in Force Majeure circumstances and/or state of exigency and of necessity is one of the terms predicted and mentioned in most contracts and treaties. The concept of Force Majeure is existence of some unusual circumstances, which endanger the performance of a treaty or make its performance impracticable. Islam has a thorough attention on this issue and in case of exigency accepts to facilitate the rigidity of rules and regulations. Essentially the said facilitation is decreasing the Rights of Allāh and increasing the Rights of Man. In other words, where there are circumstances which protecting the life of humankind requires violation of divine limits (rules), then Almighty God

has authorized to protect the life of human beings through least violation of divine rules. This flexibility might be construed from the verses revealed about food items. Certainly, one of the limitations concerning violations of divine rules, during period of exigency, is to observe having no intention of violation and/or carrying to extremes. In sūrah of Al-Baqarah, it is said: **“But he who is driven by necessity, neither craving nor exceeding the limit, it is no sin for him. Lo! Allāh is Forgiving, Merciful”**.²⁴⁰ On a comment on this verse, it is said:²⁴¹ **“But he who is driven by necessity”**. It means those who are compelled to use the forbidden things. **“Neither craving nor exceeding the limit”**. The Arabic word “bagh'yea” which is used in the verse and translated as “craving” has different meanings according to its root, such as “desiring” or “debauchery” and “adultery” or “haughtiness”. It is also narrated that the subject of word, namely, “bagh'yea” is attributed to someone who goes hunting just as an amusement, or one who disobeys, and revolts against divine religious leader. This word is also used to call someone who transgresses his rights and limits, whether this transgression concerns divine leadership, that is to say, to follow a fake religious leader, or associate a fake religious leader with a true religious leader or exaggerate about divine leader, for example to say something about divine leader or believe in something which the leader has not said such a things. There might be that transgression concerns divine rights or humankind rights, or transgression concerns all actions, which emanate from perception and power of functionality. Because to go to extremes in all abovementioned, is called transgression from limit. There exist all aforementioned meanings of the word “bagh'yea” in interpretation of traditions received. **“It is no sin for him”**

²⁴⁰ Al-Baqarah II, 173 and Al-Nahl XVI, 115.

فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَ لَا عَادٍ فَلَا إِثْمَ عَلَيْهِ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ.

This verse is also revealed in sūrah of Al-An'ām VI, 145.

²⁴¹ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", volume 2, translation, pp. 339-340.

namely, because of eating of what is mentioned in the verse there would be no sin for him. **“Lo! Allāh is Forgiving”** it means God will conceal your faults and flaws. **“Merciful”**, treats you kindly and while you are in trouble, authorized you to act in a way which otherwise would be forbidden. Imam Sadiq (A) says²⁴²: “If a person is in circumstances which without having the carrion, or blood or swine flesh would surely die, and refrains to do so until he dies, he is a disbeliever”.

In sūrah of Al-Mā'idah says: **“Whoso is forced by hunger, not by will, to sin: (for him) Lo! Allāh is Forgiving, Merciful”**.²⁴³ Although the trouble, which mentioned in the verse concerns the famine and hunger but we can interpret the rule to be extendable on similar cases. In another verse says: **“And He has explained unto you that which is forbidden unto you, unless you are compelled thereto”**.²⁴⁴ In sūrah of Al-Nahl says: **“or, Who answers the distressed one when he calls upon Him and removes the evil”**.²⁴⁵ There are several mystical interpretations regarding the said verse, which concerns the showing of divine guide to the distressed one. But concerning our discussion we may present this interpretation that Islam surely understands and recognizes the circumstances of Force Majeure and state of exigency and of necessity, consequently removes evils resulting from the circumstances in question. To sum up briefly we can say that legal pragmatism of Islam, to strengthen and protect the human life, facilitates the severity, rigidity and hard treatment of previous religions while there

²⁴² Al-Sāfi (الصافي) volume I, p. 159 reiterated from Al-Faqih (الفقيه) and Nur Al-thaqalain (نورالثقلين) volume I, p. 130.

²⁴³ Al-Mā'idah VI, 3.

فَمَنِ اضْطُرَّ فِي مَخْمَصَةٍ غَيْرِ مُتَجَانِفٍ لِإِثْمٍ فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ.

²⁴⁴ Al-An'am VI, 119.

وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ إِلَّا مَا اضْطُرِرْتُمْ إِلَيْهِ.

²⁴⁵ Al-Naml XXVII, 62.

أَمَّنْ يُجِيبُ الْمُضْطَرَّ إِذَا دَعَاهُ وَ يَكْشِفُ السُّوءَ.

exits state of exigency. Certainly, prohibition of transgressing the limits and disinclination to transgression is the main requirements of this violation of rules. The rule of “distress and contractions” which is used in Islamic jurisprudence could also be invoked in this case. In the noble verse, it is said: “... **and has not laid upon you in religion, any hardship**”.²⁴⁶ And in sūrah of Al-Baqarah says: “**Allāh desires for you ease; He desires not hardship for you**”.²⁴⁷ In other words, where there are some unusual hardships in performance of one’s duties or enforcement of rules, the said duties or rules shall not be operative until the impediments of hardships are removed.²⁴⁸ In Glorious Qur’an, it is said: “**Not unto the weak nor unto the sick, nor unto those who can find naught to spend is any fault**”.²⁴⁹ And in another verse, it is said: “**No blame is there upon the blind nor any blame upon the lame nor any blame upon the sick...**”²⁵⁰

Therefore, the international rule about Force Majeure, which is recognized by international community at this age, could be said as to be in direction of Islamic Laws.

Facilitation is acceptable in case of exigency in rigidity of rules and regulations that unusual circumstances endanger the performance of a treaty or make its performance impracticable.

²⁴⁶ Al-Hajj XXII, 78.

وَمَا جَعَلْ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ.

²⁴⁷ Al-Baqarah II, 185.

يُرِيدُ اللَّهُ بِكُمْ الْيُسْرَ وَلَا يُرِيدُ بِكُمْ الْعُسْرَ.

²⁴⁸ See: Gorgi, Abolqasem (2001) Ayat-ol-Ahkam (civil and criminal). Mizan Publication pp. 57- 60.

²⁴⁹ Al-Taubah IX, 91.

لَيْسَ عَلَى الضُّعْفَاءِ وَلَا عَلَى الْمَرْضَى وَلَا عَلَى الَّذِينَ لَا يَجِدُونَ مَا يُنْفِقُونَ حَرَجٌ.

²⁵⁰ Al-Nur XXIV, 61 and Al-Fat'h XLVIII, 17.

لَيْسَ عَلَى الْأَعْمَى حَرَجٌ وَلَا عَلَى الْأَعْرَجِ حَرَجٌ وَلَا عَلَى الْمَرِيضِ حَرَجٌ.

29- Principle of: Freedom of trade in international commercial law

One of the main issues in international law is commercial affairs between countries. Certainly, this topic is more pertinent to private international law than public international law, which the former has been paid little attention to it in this book. But since international trade is one of the bases of relationship between countries and Islam's attitudes toward this subject seems to be important, therefore, we are going to have a glance at it briefly.

Contrary to the practices of all different governments, which existed under the name of Islamic government from the early Islam up to the present time, there is no indication that subject to economic policy of our beloved Messenger of God's Government he has imposed barriers or tariffs over import of goods. Undoubtedly, there have been tithes and customs duties as tariffs on importation during sucessionship of Orthodox (*Rashiden*) caliphs and Omayyad's and Abbasids' governments, which seems have been adopted from Iranian and Roman governments of that time rather rules of Islamic Laws.²⁵¹ In Glorious Qur'an, it is said: **"O children of Adam! (take) your adornment at every place of worship, and eat and drink, but not prodigal. Lo! He loves not the prodigals. (O Muhammad) say: Who has forbidden the adornment of Allāh, which He has brought forth for His bondmen, and the good things of His providing? Say: These are for the believers in the life of this world,**

²⁵¹ See: Bidabad, Bijan and Harsini, Abdol-Reza (2003) Tax rate and tax base in financial law of Islam and establishment of wisdom in dynamic jurisprudence principles of Imamiah. Also, Bidabad, Bijan (2004) Tithes in financial law of Islam. Monetary and Banking Research Academy. Central Bank of Iran, Tehran. <http://www.bidabad.ir/>

purely (theirs) on the resurrection day; thus do we make the communication clear for a people who know. Say: My Lord has only prohibited indecencies, those of them that are apparent as well as those that are concealed, and sin and rebellion without justice".²⁵² The economic interpretation of this verse is, that import prohibition, namely, import barriers and/or its partial banning by establishing tariffs and non-tariffs barriers are not in conformity with Islamic laws and regulations. The said circumstances also correspond with the export of goods, because the purchasers of the exporting goods are those who import them and consequently are subject to the imports section. The said interpretation could also be construed from this verse, which says: **“O you who believe! Forbid not the good things, which Allāh has made lawful for you, and transgress not. Lo! Allāh loves not transgressors. Eat of that which Allāh has bestowed on you as food lawful and good”**.²⁵³ In this verse the word “eat” can be easily extended to the word “consume” and the word “transgress not” refers to the action of “banning”. That is to say, if you forbid the use of good things then you would have exceeded the limits and transgressed the rules. So do not do that and consume those goods, which Allāh has made it lawful and good for you. In other words, enactment of commercial laws for the purpose of making barriers to trade among countries is considered to be infringement of the rights of human beings, and on the basis of this verse is forbidden.

²⁵² Al-A'rāf VII, 31-33.

يَا بَنِي آدَمَ خُذُوا زِينَتَكُمْ عِنْدَ كُلِّ مَسْجِدٍ وَكُلُوا وَاشْرَبُوا وَلَا تُسْرِفُوا إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ. قُلْ مَنْ حَرَّمَ زِينَةَ اللَّهِ الَّتِي أَخْرَجَ لِعِبَادِهِ وَالطَّيِّبَاتِ مِنَ الرِّزْقِ قُلْ هِيَ لِلَّذِينَ آمَنُوا فِي الْحَيَاةِ الدُّنْيَا خَالِصَةً يَوْمَ الْقِيَامَةِ كَذَلِكَ نَفَصَّلُ الْآيَاتِ لِقَوْمٍ يَعْلَمُونَ. قُلْ إِنَّمَا حَرَّمَ رَبِّي الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَ مَا بَطَّنَ وَ الْإِثْمَ وَ الْبَغْيَ بَعِيرَ الْحَقِّ.

²⁵³ Al-Mā'idah V, 87,88.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تُحَرِّمُوا طَيِّبَاتِ مَا أَحَلَّ اللَّهُ لَكُمْ وَ لَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ وَ كُلُوا مِمَّا رَزَقَكُمُ اللَّهُ حَلَالًا طَيِّبًا.

At present time, the sections of international trade within commercial rules and regulations of the World Trade Organization (WTO), are all so designed to get close to the said Islamic rule, namely elimination of tariffs and non-tariffs barriers in international trade, for removing economic problems in today's world in relation to optimum allocation of resources and attaining efficiency. We hope to discuss about this important subject in a separate book. But we should refer to this principle that it is about fourteen centuries which Islam is trying to setup a world without barriers in international trade and in this connection the legal concepts taken by Islam into consideration is complete freedom of lawful trade in international scene.

Lawful trade in the international scene is free.

30- Principle of: Freedom of seas and space

The section of freedom of seas in international maritime law is one of the important sections of international law which was introduced and propounded as Doctrine of Grotius (from Holland) in 1609 and rapidly drew the attention of the people and was recognized very soon.²⁵⁴ As a general rule when statutory law is not in contradiction with Islamic Laws, it is considered to be lawful. The principle of freedom of seas is one of the statutory laws and is recognized as acceptable rule by world's states. Although this is an agreement contracted by human beings, nevertheless since it is not contradictory to Islamic laws therefore it can be acceptable.

If there be circumstances, which definition of ownership could be

²⁵⁴ See: The Law of the sea (Melland Schill Studies in international law), Robin Churchill, Vaughan Lowe (1988). Translated by Bahman Aqa'ee, Bureau of International and Political studies, Ministry of Foreign Affairs, Tehran, Iran.

extended on surface of the sea and seabed; and seabed or surface and depth of the sea just the same as surface of the land or standing properties could be purchased and sold thorough ownership, then the principle of freedom of the seas might be reviewed. Because on that time the conditions of ownership of seas (would be the same as barren and improved lands). So the users would be obliged to observe the rules of ownership, possession, and usurpation, which are parts of Islamic laws. Anyhow, the principles and rules concerning public roads and highways, which are recognized by Islamic civil Law, on the basis of international conventions, can also be respected and recognized to be used on seas and atmosphere around the earth and outer space.²⁵⁵

The laws and regulations concerning public overland, marine and airways are recognized about the outer atmosphere space around the earth through public international conventions.

31- Principle of: Recognition, on the bases of human beings' dignity rather than government

The topic of “recognition” and its effects on relations among states is one of the important sections of public international law. According to the texts of international law, “recognition” is an act by which a state recognizes another state as a juristic person. The effect of this recognition is establishment of legal and formal relations between both parties. There are other definitions that define recognition as acknowledgment of a

²⁵⁵ See: Ignaz Seidl-Hohenveldern. International economic law. Translated by Qasem Zamani, Institute of Research and Study of Law. Shahre Danesh. (1999), chapter five.

political entity to be capable of observing and enforcing the international law within a determined territory.²⁵⁶ The practice of granting “recognition” came into practice in eighteenth century. It is nothing but confession of a state of recognizing the legal personality of another state. Certainly, this action shall produce some legal effects. There are several requisite conditions of statehood for granting recognition to the states, namely constituent elements of the state and/or government such as populations, territory, and sovereignty. And the fact that the new born state should not have come into existence on the basis of war of aggression (according to the rules of Kellogg Briand, Pact of Paris 1928) and also the government should be backed by its people and have sovereignty over the claimed territory, and have capability to perform its international obligations and so on. The latter cases have been always propounded in international disputes but they are not necessary and sufficient qualifications for granting recognition.

There are two types of recognition, *de facto*²⁵⁷ or imperfect and *de jure*²⁵⁸ or perfect. At present time and in international diplomacy, granting recognition is used as a weapon for giving some privileges or making some restrictions. In international sphere, the type of recognition depends on advantages received by recognizing state in relation to recognized state.

Before beginning to deal with Islam’s viewpoints on the issue of recognition, we should consider this question that, what is the Islam’s standpoint on juristic personality of states. According to Islamic rules, although the agreements and treaties are respected by Islamic government, but the borders and frontiers established on the earth are artificial and Islam

²⁵⁶ Safdari, Muhammad, (1961). Public international law, Tehran University Publication, volume 2. The latter definition is presented by International Law Institute.

²⁵⁷ *De facto*

²⁵⁸ *De jure*

does not believe in their genuineness. The Reverend Messenger (S) says: "The Lands are God's Lands and bondmen are God's bondmen".²⁵⁹ Another meaning of this tradition is that, the kings, rulers have no right of ownership and/or sovereignty, and there is no originality for the borders. Contracts of attributing ownership are based on tacit agreement and mutual respect for the borders and frontiers, which makes the states to be distinct from one another. Contrary to the proverb, which indicated, "the sovereignty belongs to one who has dominated",²⁶⁰ originally the

²⁵⁹ Aphorisms from The Reverend Messenger of God (S) known as "Nahj-ol-Fesahah", Abol-Qasem Payandeh, volume one, p. 223, Tehran (1958).

²⁶⁰ Al-Kāfi, 8, 206, the story of the Folk of Salih (A) p. 185.

الكافي، ٨، ٢٠٦، حديث قوم صالح ع.... ص: ١٨٥، ٢٥١ - سَهْلٌ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ عَنْ مُحَمَّدِ بْنِ حَفْصِ التَّمِيمِيِّ قَالَ حَدَّثَنِي أَبُو جَعْفَرٍ الْخُنَعَمِيُّ قَالَ قَالَ لَمَّا سَيَّرَ عُثْمَانُ أَبَا ذَرٍّ إِلَى الرَّبَذَةِ شِيعَهُ أَمِيرُ الْمُؤْمِنِينَ وَ عَقِيلٌ وَ الْحَسَنُ وَ الْحُسَيْنُ ع وَ عَمَّارُ بْنُ يَاسِرٍ رَضِيَ اللَّهُ عَنْهُ فَلَمَّا كَانَ عِنْدَ الْوَدَاعِ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع يَا أَبَا ذَرٍّ إِنَّكَ إِنَّمَا غَضِبْتَ لِلَّهِ عَزَّ وَ جَلَّ فَارْجُ مَنْ غَضِبْتَ لَهُ إِنَّ الْقَوْمَ خَافُوكَ عَلَى دُنْيَاهُمْ وَ خِفْتَهُمْ عَلَى دِينِكَ فَارْجُوكَ عَنِ الْفَنَاءِ وَ امْتَحِنُوكَ بِالْبَلَاءِ وَ وَ اللَّهِ لَوْ كَانَتِ السَّمَاوَاتُ وَ الْأَرْضُ عَلَى عَبْدٍ رَتَقًا ثُمَّ اتَّقَى اللَّهُ عَزَّ وَ جَلَّ جَعَلَ لَهُ مِنْهَا مَخْرَجًا فَلَا يُؤْنِسُكَ إِلَّا الْحَقُّ وَ لَا يُوحِشُكَ إِلَّا الْبَاطِلُ ثُمَّ تَكَلَّمَ عَقِيلٌ فَقَالَ يَا أَبَا ذَرٍّ أَنْتَ تَعْلَمُ أَنَا نُحِبُّكَ وَ نَحْنُ نَعْلَمُ أَنَّكَ تُحِبُّنَا وَ أَنْتَ قَدْ حَفِظْتَ فِينَا مَا صَبَّحَ النَّاسُ إِلَّا الْقَلِيلَ فَتَوَابِكَ عَلَى اللَّهِ عَزَّ وَ جَلَّ وَ لَذَلِكَ أَخْرَجَكَ الْمُخْرَجُونَ وَ سَيَّرَكَ الْمُسَيَّرُونَ فَتَوَابِكَ عَلَى اللَّهِ عَزَّ وَ جَلَّ فَاتَّقِ اللَّهَ وَ اعْلَمْ أَنَّ اسْتِعْفَاءَكَ الْبَلَاءَ مِنَ الْجَزَعِ وَ اسْتِيطَاعَكَ الْعَافِيَةَ مِنَ الْيَأْسِ فَدَعِ الْيَأْسَ وَ الْجَزَعَ وَ قُلْ حَسْبِيَ اللَّهُ وَ نِعْمَ الْوَكِيلُ ثُمَّ تَكَلَّمَ الْحَسَنُ ع فَقَالَ يَا عَمَّاهُ إِنَّ الْقَوْمَ قَدْ آتَوْا إِلَيْكَ مَا قَدْ تَرَى وَ إِنَّ اللَّهَ عَزَّ وَ جَلَّ بِالْمَنْظَرِ الْأَعْلَى فَدَعِ عَنْكَ ذِكْرَ الدُّنْيَا بِذِكْرِ فِرَاقِهَا وَ شِدَّةَ مَا يَرِدُ عَلَيْكَ لِرَحَاءِ مَا بَعْدَهَا وَ اصْبِرْ حَتَّى تَلْقَى نَبِيَّكَ صَلَّى اللَّهُ عَلَيْهِ وَ آلِهِ وَ هُوَ عَنْكَ رَاضٍ إِنْ شَاءَ اللَّهُ ثُمَّ تَكَلَّمَ الْحُسَيْنُ ع فَقَالَ يَا عَمَّاهُ إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى قَادِرٌ أَنْ يُغَيِّرَ مَا تَرَى وَ هُوَ كُلَّ يَوْمٍ فِي شَأْنِ إِنْ الْقَوْمَ مَنَعُوكَ دُنْيَاهُمْ وَ مَنَعْتَهُمْ دِينَكَ فَمَا أَغْنَاكَ عَمَّا مَنَعُوكَ وَ مَا أَحْوَجَهُمْ إِلَى مَا مَنَعْتَهُمْ فَعَلَيْكَ بِالصَّبْرِ فَإِنَّ الْحَبِيرَ فِي الصَّبْرِ وَ الصَّبْرَ مِنَ الْكِرَمِ وَ دَعِ الْجَزَعَ فَإِنَّ الْجَزَعَ لَا يُغْنِيكَ ثُمَّ تَكَلَّمَ عَمَّارُ رَضِيَ اللَّهُ عَنْهُ فَقَالَ يَا أَبَا ذَرٍّ أَوْحَشَ اللَّهُ مَنْ أَوْحَشَكَ وَ أَخَافَ مَنْ أَخَافَكَ إِنَّهُ وَ اللَّهِ مَا مَنَعَ النَّاسَ أَنْ يَقُولُوا الْحَقَّ إِلَّا الرُّكُونُ إِلَى الدُّنْيَا وَ الْحُبُّ لَهَا أَلَا إِنَّمَا الطَّاعَةَ مَعَ الْجَمَاعَةِ وَ الْمُلْكَ لِمَنْ غَلَبَ عَلَيْهِ وَ إِنَّ هَؤُلَاءِ الْقَوْمَ دَعَا النَّاسَ إِلَى دُنْيَاهُمْ فَأَجَابُوهُمْ إِلَيْهَا وَ وَهَبُوا لَهُمْ دِينَهُمْ فَحَسِرُوا الدُّنْيَا وَ الْآخِرَةَ وَ ذَلِكَ هُوَ الْحُسْرَانُ الْمُبِينُ ثُمَّ تَكَلَّمَ أَبُو ذَرٍّ رَضِيَ اللَّهُ عَنْهُ فَقَالَ عَلَيْكُمْ السَّلَامُ وَ رَحْمَةُ اللَّهِ وَ بَرَكَاتُهُ يَا بِي وَ أُمِّي هَذِهِ الْوُجُوهُ فَإِنِّي إِذَا رَأَيْتُكُمْ ذَكَرْتُ رَسُولَ اللَّهِ ص بِكُمْ وَ مَا لِي بِالْمَدِينَةِ شَجْنٌ لِأَسْكَنْ غَيْرَكُمْ وَ إِنَّهُ ثَقُلَ عَلَى عُثْمَانَ جَوَارِي بِالْمَدِينَةِ كَمَا ثَقُلَ عَلَى مُعَاوِيَةَ بِالشَّامِ فَأَلَى أَنْ يُسَيِّرَنِي إِلَى بَلَدَةٍ فَطَلَبْتُ إِلَيْهِ أَنْ يَكُونَ ذَلِكَ إِلَى الْكُوفَةِ فَرَعِمَ أَنَّهُ يَخَافُ أَنْ أُفْسِدَ عَلَى أَخِيهِ النَّاسَ بِالْكُوفَةِ وَ آلِي بِاللَّهِ لَيْسَ يَرِي إِلَى بَلَدَةٍ لَا أَرَى فِيهَا أُنَيْسًا وَ لَا أَسْمَعُ بِهَا حَسِيْسًا وَ إِنِّي وَ اللَّهِ

sovereignty belongs to God. In other words, the governments bring territories and their populations under their own domination and sovereignty.

If this viewpoint is approved, then we should say that according to the said rule, nobody has the right to compel other people to leave their homeland. In glorious Qur'an, it is said: **“Why should we not fight in Allāh’s way when we have been driven from our homeland and away from our children? So fighting was prescribed for them....”**²⁶¹ It means territory belongs to people. Therefore, as a general rule, Islam does not agree that the territory which is in possession of a special state to be as a criterion for granting recognition. On the other hand, Islam respects dwelling of individuals in any place they prefer to live.²⁶² For this reason and with respect to Islam’s viewpoint, the existence of other states that are established through the agreement of their people should be respected which aid: "people souls are sanctified by God". If some people are inclined to live in a special way it would be respected by Islam. Basically, Islam is the religion of freedom. This freedom is only restricted while, in special occasions, the other’s rights are going to be infringed. This is why it is said: **“There is no compulsion in religion”**.²⁶³ If the word "Religion" is

مَا أُرِيدُ إِلَّا اللَّهَ عَزَّ وَجَلَّ صَاحِبًا وَمَا لِي مَعَ اللَّهِ وَحِشَّةً حَسْبِيَ اللَّهُ لَا إِلَهَ إِلَّا هُوَ عَلَيْهِ تَوَكَّلْتُ وَهُوَ رَبُّ الْعَرْشِ الْعَظِيمِ وَ صَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَ آلِهِ الطَّيِّبِينَ.

²⁶¹ Al-Baqarah II, 246.

قَالُوا وَمَا لَنَا أَلَّا نُقَاتِلَ فِي سَبِيلِ اللَّهِ وَقَدْ أَخْرَجْنَا مِنْ دِيَارِنَا وَأَبْنَائِنَا فَلَمَّا كُتِبَ عَلَيْهِمُ الْقِتَالُ.

²⁶² It is narrated from The Reverend Messenger of God (S) who said: "loving homeland results from faith" (حب الوطن من الايمان). If this tradition be a true one -which is doubtful- it does not seem that the meaning of the “homeland” be the same as country or the place of birth. Molavi (God bless him) says:

The homeland which we are talking about is neither Egypt nor Iraq and nor Syria, This homeland is a place, where, there is no name for it.

²⁶³ Al-Baqarah II, 256.

لا إكراه في الدين.

taken to mean “methods or manners” then the interpretation of the said verse would be: “people have the right to live in any manner that they like to live”. Certainly, it should be emphasized that the freedom in question is freedom of one’s own special life; therefore it should not lead to the encroachment to the rights of society.

In Islam, ethnicity, nationality, race, colour, language, culture, civilization, and other cultural and social particularities shall not be the grounds for political distinction and/or one of the constituent elements of a state. Moreover, citizenship as it is in practice at present time and establishes legal and political relationship between people of different states has no authenticity in Islam and is not the basis of their distinction. In Islam, the parties to be addressed to are human beings rather than governments. There is only one occasion when governments are taken as an opponent party to Islam. That is when a group of human beings who are protectors of government stand at the opposite side and as opponent to Islam. Otherwise, the method and manner of recognition is based on human beings. In Islam, every person possesses humanitarian rights that should be respected, and since Almighty God has honoured children of Adam,²⁶⁴ therefore Islam also honours human beings and recognizes their rights one by one. With respect to individual recognition, it would be de jure recognition.

As it has already been stated, if a government which is established through coalition of individuals, starts challenging with Islam, then it would be subject to the rules of fighting. Even in this case, the Muslims are advised and are under obligation to treat the people of the said government with humanitarian behaviors. In Glorious Qur’an it is said: “**Allāh does not**

²⁶⁴ Al-Isra XVII, 70 “**Verily we have honored the children of Adam**”.

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ.

forbid you, with respect to those who have not made war against you on account of (your) religion, and have not driven you forth from your homes, that you show them kindness and deal with them justly; surely Allāh loves the doers of justice. Allāh only forbids you, with, respect to those who made war upon you on account of (your) religion and drove you forth from your homes and backed up (others) in your expulsion, that you make friends with them, and whoever makes friends with them, these are the wrongdoers”.²⁶⁵

With respect to aforementioned statements, we have to admit that Islam believes that human beings are bondmen of Allāh; therefore, protection of the true rights of God’s creatures is one of the main tasks of Islam as well as those who are converted to Islam. It so emphasizes on the protection of individuals’ rights that makes equal the good deeds with altruism and serving these creatures.

Never mind if they be from Bagdad, Herat, or Rey
All of them are, certainly, the descendants of Adam.

If a group of human beings believed in a government and were satisfied with its policy, Islam would respect the said government because it is respected by its own people. On the contrary, where some people are under oppression of government, then it would be the task of Islam to protect the oppressed ones -we will consider this subject in another section. We may conclude that “recognition” in Islam is an accidental rather than essential phenomenon and as it is discussed in present international law, it

²⁶⁵ Al-Mumtahanah LX, 8, 9.

لا يَنْهَاكُمْ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَ لَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ وَ تُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ. إِنَّمَا يَنْهَاكُمْ اللَّهُ عَنِ الَّذِينَ قَاتَلُوكُمْ فِي الدِّينِ وَ أَخْرَجُوكُمْ مِنْ دِيَارِكُمْ وَ ظَاهَرُوا عَلَى إِخْرَاجِكُمْ أَنْ تَوَلَّوهُمْ وَ مَنْ يَتَوَلَّهُمْ فَأُولَئِكَ هُمُ الظَّالِمُونَ.

is not under consideration by Islam.

“Recognition” is an accidental phenomenon rather than an essential one and it is not acceptable as it is discussed in the existing international law. The territory which is in possession of a state is not a criterion for granting recognition and dwelling of individuals in any place they prefer to live is respectable.

32- Principle of: Full recognition of individuals’ rights of ownership and de facto recognition of governments’ sovereignty

The right of ownership has an important and strong position within Islamic rules. The limits and framework of this right is so firm and definite that forgiveness of people’s rights, as far as concerns Almighty God, rests on the consent of the holder of the rights. The said issue has an important role in general diplomacy and foreign policy in such a manner that expropriation of individuals and/or societies without their consent is unlawful and prohibited. In the book of “religious standpoints on Universal Declaration of Human Rights”, it is written: ²⁶⁶ Article 17 of this Declaration reads as follows:

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

²⁶⁶ His Excellency Hajj Sultan Hussein Tabandeh. Religious standpoints on Universal Declaration of Human Rights”, pp. 100-102.

This rule in the best and perfect manner exists in sacred religion of Islam. In sūrah of Al-Nisā of Glorious Qur'an, it is stated: **“Do not devour your property among yourselves falsely, except that it be trading by your mutual consent”**. It means that you should not take possession of the others' property and assets unjustly, unless it be by trading or sale or consent. Because taking possession of others' property without the consent and permission of their owners is legally forbidden and considered as usurpation. Grammatically, using the word **"property"** with the pronoun **“your”** in genitive case and in plural form is a tacit confirmation of the right of ownership, which is mentioned in paragraph «1» of the said Article, and the whole verse indicates the concept of paragraph «2» of the Article. In Islamic jurisprudence, usurpation is defined as forcible possession of others' property. This subject is so important that even passing through the usurped land, where there is no exigency, is not authorized. One of the conditions for validity of one's prayers is that water used for minor ablution, and the place used for prayers and clothes of one who performs prayers should not be usurped or illegitimate, otherwise the prayers and minor ablution are both null and void. Nobody has the right to compel other people to sell their own property and/or confiscate others' property unless through a legal authorization. In sūrah of Al-Baqarah says: **“Do not devour your property among yourselves by false means, neither seek to gain access thereby to the judges (governors), so that you may devour a part of the property of men wrongfully while you know”**. It means that, do not take possession of the property, which has been deposited among you and given to you by Allāh, in unlawful ways and illegitimate cause. These unlawful ways are forcible possession or gaining them through gambling, bribery, usury and so on. Because these actions shall not be considered as causes of ownership. Do not devour property while you install it into your judges (governors), or do not instill

devouring it into the judges (governors) so that to be able to take the property into your possession by way of trial and false claims, and subsequently taking oath which are void and considered as a sin, such as deposits which have been given to you and then you have denied them and then by resorting to the judge (governors), wrongfully swearing for their possession. In both of the said noble verses, different types of taking into ones' possession which are contradictory to the correct ways of legal ownership are mentioned and made forbidden, such as theft, usurpation and taking possession through gambling, bribery, and usury. In other cases, the consent of the owner is one of the requirements of transaction; otherwise, it would be against the rules of sacred religion of Islam. But regretfully we, as Muslims, do not differentiate between lawful (permitted) and unlawful (forbidden) things and we are not bound to perform the said rules as well as other Islamic rules. For instance, it might happen that, the same property that has been acquired contrary to the rules of sacred religion of Islam to be used on pilgrimages or even on pilgrimage to Mecca, and/or spent on charity works. The sacred religion of Islam is so scrupulous about observing the rules of permitted and forbidden things that if someone slightly defrauds while weighing the goods to be sold, or knowingly gets more than what has been sold without knowledge of the seller, it would be called forbidden, defrauding, and short-change. For this reason said: **“Woe unto the defrauders”**. Concerning the business and labour says: If a man is hired for one day to do a special job, but refrains to do his best during the day and does his job carelessly, then the wages he gets would be unlawful (forbidden). It is also the same for the employer who does not pay the wages on time or pays less than what he owes then he would be indebted and responsible for his actions. Staying awake at nights and performing night prayers is one of the most praised qualifications of the believers, but if a labourer who is hired by others, due to his keeping a vigil and staying

awake at night, being tired and unable to do his job, then he should not stay awake to worship, because it would cause damage to the employer, so the wage received for that day would not be lawful for him and it would be the same as devouring others' property unlawfully. And if observing recommendable fasting causes weakness and feebleness and makes one to feel sluggish in his daily hired works, the said recommendable fasting would not be admissible. And if the employer makes the labourer work more than what he is generally supposed to do, for instance make him work nine hours instead of eight hours, and give him the wage of eight hours it would be against religious laws and considered as cruelty to the labourer. Now considering these scrupulous laws and regulations, let us adjudge fairly, which one of the laws of ownership or law of labours and labourers in the world is better and more admissible than Islamic laws and regulations that make us to abandon these valid and firm laws and refer to the said laws.”

The principle under consideration - which condemns and negates the authorization for expropriation or infringement of individuals or nations' ownership - within the rules of Islamic laws, whether in the smallest level, namely, individuals' rights or the highest form, namely public international law, has the most firm (stable) base, comparing with domestic anarchistic-revolutionistic standpoints and international aggressive policies. It is necessary to mention that as to the Islamic laws and regulation the individuals rights of ownership is a definite right whereas the right of sovereignty over the territories is not considered as the right of ownership, and has less firmness. For example, the right of ownership of an individual over a piece of land cannot be diverted just by changing the sovereignty of the government over the territory where the land is located. In other words, the sovereignty cannot be the cause of dispossession but it will be the cause

of the continuity of ownership.

In Islam the absolute ownership and sovereignty belongs to Almighty God. God has bestowed his ownership as a deposit to the humankind but sovereignty is a usurped right by humankind. He says: **“O Allāh. Owner of sovereignty! You give sovereignty unto whom you will, and you withdraw sovereignty from whom you will”**.²⁶⁷ The kingdom and sovereignty belongs to Him who said: **“He it is Who created the heavens and the earth in truth. In that day when He says: Be! Then it is. His word is the truth, and His, will be the sovereignty”**.²⁶⁸ And He has no partner in His sovereignty that says: **“And say: praise be to Allāh, Who has not taken unto Himself a son, and Who has no partner in the sovereignty”**.²⁶⁹ And by stipulating the word “earth”, says: **“He unto whom belongs the sovereignty of the heavens and the earth He has chosen no son nor has He any partner in the sovereignty”**.²⁷⁰ And in this sovereignty is unique and says: **“Such is Allāh, your Lord; His is the sovereignty and those unto whom you pray instead of him, own not so much as the white spot on a date-stone”**.²⁷¹

²⁶⁷ Āle-Imran III, 26.

قُلِ اللَّهُمَّ مَالِكُ الْمُلْكِ تُؤْتِي الْمُلْكَ مَنْ تَشَاءُ وَتَنْزِعُ الْمُلْكَ مِمَّنْ تَشَاءُ.

²⁶⁸ Al-An'ām VI, 73.

وَ هُوَ الَّذِي خَلَقَ السَّمَاوَاتِ وَالْأَرْضَ بِالْحَقِّ وَ يَوْمَ يَقُولُ كُنْ فَيَكُونُ قَوْلُهُ الْحَقُّ وَ لَهُ الْمُلْكُ.

²⁶⁹ Al-Isra XVII, 111.

وَ قُلِ الْحَمْدُ لِلَّهِ الَّذِي لَمْ يَتَّخِذْ وَلَدًا وَ لَمْ يَكُنْ لَهُ شَرِيكٌ فِي الْمُلْكِ.

²⁷⁰ Al-Furqan XXV, 2.

الَّذِي لَهُ مُلْكُ السَّمَاوَاتِ وَالْأَرْضِ وَ لَمْ يَتَّخِذْ وَلَدًا وَ لَمْ يَكُنْ لَهُ شَرِيكٌ فِي الْمُلْكِ.

²⁷¹ Al-Fātir XXXV, 13.

ذَلِكُمْ اللَّهُ رَبُّكُمْ لَهُ الْمُلْكُ وَ الَّذِينَ تَدْعُونَ مِنْ دُونِهِ مَا يَمْلِكُونَ مِنْ قِطْمِيرٍ.

Al-Zūmar XXXIX, 6. “Such is Allāh, your Lord; He is the sovereignty. There is no God save Him”.

ذَلِكُمْ اللَّهُ رَبُّكُمْ لَهُ الْمُلْكُ لَا إِلَهَ إِلَّا هُوَ.

Al-Mulk LXVII, 1. “Blessed is He in Whose hand is sovereignty”.

It is clearly understood that sovereignty is peculiar to Almighty God, but this subject requires special theosophical explanations, which is not within the main objects of this book, for this reason we just give a hint on the subject. Those who are interested to get more information may refer to the Gnostic's works on the subject.²⁷² The Holiest Essence of the Oneness is devoid of any qualifications. The qualifications are dependencies of the concrete nouns and the noun is what which denotes something named. All the beings are His names and the greatest name amongst divine names is the most transcendental being who is the Honourable Prophet (S) and the impeccable (A) and their divine successors (executors/masters) of these Honourables.²⁷³ They are God's successors in the earth that said: "Lo! I am

تَبَارَكَ الَّذِي بِيَدِهِ الْمُلْكُ.

²⁷² It is not exaggerated if we say that the basis of discussions of theosophy and theology on religion is nearly within the concept of this subject matter. There are two many valuable books on this subject that the following may be recommended;

1. His Excellency, Noor Alishah, the second, Salihyeh, 2nd edition, Tehran University printing house, (1967) Third edition (1972).

صالحية

2. Seyyed Jalal-o-din Ashtiani, Commentary on Qaisarieh, Introduction to Fousol-Hikam, Sheikh-ol-Akbar, Muhy-ed-din-ibn-Arabi, AmirKabir Publications. (1991).

شرح مقدمة قيصري بر فصوص الحكم شيخ اكبر محيي الدين ابن عربي.

3. Ayatollah Seyyed Ruhollah Musavi Khomeini, Dependencies on commentary of Fousol-Hikam and Misbah-ol-Ons. The Bureau of Islamic propagation, Qom seminary, (1988), Pasdar Islam Publication.

تعليقات علي شرح فصوص الحكم محي الدين بن عربي و مصباح الانس.

4. Ayatollah Seyyed RuhAllāh Musavi Khomeini, Mesbah-ol-Hidayah. Translated by Seyyed Ahmad Fahri, printed by Payam-e-Azadi. Tehran, (1981).

مصباح الهداية الي الخلافة و الولاية،

5. Ayatollah Seyyed RuhAllāh Musavi Khomeini, An essay on "meeting Lord", reprimanding those who deny gnosticism, by Imam Khomeini, by the care of Seyyed Ahmad Fahri. Printed by Tolu'a-e-Azadi, Tehran (1993).

مقاله اي در لقاء الله، توبيخ امام خميني منكران معارف را

6. Ayatollah Seyyed RuhAllāh Musavi Khomeini, Education from the viewpoints of Shahid Thani and Imam Khomeini, Seyyed Ahmad Fahri, Raja Center Cultural Publications, Tehran (1988).

تعليم و تعلم از دیدگاه شهيد ثاني و امام خميني.

²⁷³ Al-Kāfi, 1, 223.

about to place a viceroy in the earth".²⁷⁴ And this viceroy, on behalf of God, has the God's sovereignty in the earth in a missionary manner; and not in a genesis way, because all human beings are in charge of this viceroy in genesis way.

As to the qualification of this viceroy, Ayatollah Khomeini has a detail description, which reads as follows²⁷⁵: "There are three types of scholars. The first group includes those scholars whose knowledge is in relation to the gnosis of Almighty God and the qualifications of His Majesty. But they have no knowledge about the commandments of the Truth Most High. These are the persons whom the gnosis of Almighty God has been dominated unto their hearts and are drowned unto witnessing the Rays of the Majesty of Greatness, and manifestation of Divine Beauty. They have no free time to study the science of rules and regulations. They learn from the science of rules and regulations as much as they need and spend the remaining time for the presence and witnessing. These groups are called

الكافي، ١، ٢٢٣، باب أن الأئمة ورثوا علم النبي و...١ - عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَبْدِ الْعَزِيزِ بْنِ الْمُهْتَدِيِّ عَنْ عَبْدِ اللَّهِ بْنِ جُنْدَبٍ أَنَّهُ كَتَبَ إِلَيْهِ الرِّضَا عَ أَمَا بَعْدُ فَإِنَّ مُحَمَّدًا ص كَانَ أَمِينِ اللَّهِ فِي خَلْقِهِ فَلَمَّا قُبِضَ ص كُنَّا أَهْلَ الْبَيْتِ وَرَثَتُهُ فَنَحْنُ أُمَّنَاءُ اللَّهِ فِي أَرْضِهِ عِنْدَنَا عِلْمُ الْبَلَايَا وَالْمَنَائِيَا وَأَنْسَابُ الْعَرَبِ وَمَوْلِدُ الْإِسْلَامِ وَإِنَّا لَنَعْرِفُ الرَّجُلَ إِذَا رَأَيْنَاهُ بِحَقِيقَةِ الْإِيمَانِ وَحَقِيقَةِ التَّفَاقِ وَإِنَّ شِبَعَنَا لَمَكْتُوبُونَ بِأَسْمَائِهِمْ وَأَسْمَاءُ آبَائِهِمْ أَخَذَ اللَّهُ عَلَيْنَا وَعَلَيْهِمُ الْمِيثَاقَ يَرُدُّونَ مَوْرَدَنَا وَيَدْخُلُونَ مَدْخَلَنَا لَيْسَ عَلَيْنَا مِلَّةُ الْإِسْلَامِ غَيْرُنَا وَعَايِرُهُمْ نَحْنُ النَّجْبَاءُ النَّجَاةُ وَنَحْنُ أَفْرَاطُ الْأَنْبِيَاءِ وَنَحْنُ أَبْنَاءُ الْأَوْصِيَاءِ وَنَحْنُ الْمَخْصُوصُونَ فِي كِتَابِ اللَّهِ عَزَّ وَجَلَّ وَنَحْنُ أَوْلَى النَّاسِ بِكِتَابِ اللَّهِ وَنَحْنُ أَوْلَى النَّاسِ بِرَسُولِ اللَّهِ ص وَنَحْنُ الَّذِينَ شَرَعَ اللَّهُ لَنَا دِينَهُ فَقَالَ فِي كِتَابِهِ شَرَعَ لَكُمْ يَا آلَ مُحَمَّدٍ مِنَ الدِّينِ مَا وَصَّى بِهِ نُوحًا قَدْ وَصَّانَا بِمَا وَصَّى بِهِ نُوحًا وَالَّذِي أَوْحَيْنَا إِلَيْكَ يَا مُحَمَّدُ وَمَا وَصَّيْنَا بِهِ إِبْرَاهِيمَ وَمُوسَى وَعِيسَى فَقَدْ عَلَّمْنَا وَبَلَّغْنَا عِلْمَ مَا عَلَّمْنَا وَاسْتَوْدَعْنَا عِلْمَهُمْ نَحْنُ وَرَثَةُ أَوْلِي الْعِزْمِ مِنَ الرُّسُلِ أَنْ أَقِيمُوا الدِّينَ يَا آلَ مُحَمَّدٍ وَ لَا تَتَفَرَّقُوا فِيهِ وَ كُونُوا عَلَى جَمَاعَةٍ كَبُرَ عَلَى الْمُشْرِكِينَ مَنْ أَشْرَكَ بِوَلَايَةِ عَلِيِّ مَا تَدْعُوهُمْ إِلَيْهِ مِنْ وِلَايَةِ عَلِيِّ إِنَّ اللَّهَ يَا مُحَمَّدُ يَهْدِي إِلَيْهِ مَنْ يُبِيبُ مَنْ يُجِيبُكَ إِلَى وِلَايَةِ عَلِيِّ ع.

²⁷⁴ Al-Baqarah II, 30.

إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً.

²⁷⁵ Education from the standpoint of Shahid Thani and Imam Khomeini, translated by Ahmad Fahri, Center of Cultural Publication of Raja, 3rd ed., (Oct. 1984), p.17.

“The knower of Allāh” and also they are not “the knower of commandments of Allāh”. The second group includes those persons who have learned the divine ordinances, orders, and prohibitions in the best way. They know the religious lawful (permitted) and unlawful (forbidden) things and the minutes and subtleties of the rules but they are unaware of the secrets of Divine Glory and the Rays of Divine Beauty and manifestation of Divine Names and Qualifications. They do not know what is God. This group is called “The knower of commandments of Allāh” and they are not “the knower of Allāh”. The third group includes those scholars who have benefited from both knowledges. They are stationed at the borderline of intellectual world and perceptual world. They are sometimes, through trance of love (divine charisma) inclined towards other side of the borderline and unto His Lordship, being witnessing His glory and Beauty. And sometimes through kindness and mercy will associate with humankind in this side of the borderline and give the extraterritorial messages to the human beings. These people are sometimes called God’s providence, when they are back from divine presence and stay among mankind, they would associate with them in a manner that it seems they know no God but while they are in private communion with God or recall Him and are at His service it seems that has forgotten the whole world and its people, and know nobody at all. This is the path of messengers and justmen. There is a tradition narrated from messenger of God, which enumerates three groups of people as “the beggar of scholars”, “the associate with theosophists” and “the companion of the great ones”. Each one of these three groups has their own special signs, which can be known by them. The group who is called “The knower of the commandments of Allāh”, although his tongue is chanting the “remembrance of Allāh” but his heart is neglectful and ignorant. He fears from the creature of God (humankind) but he does not fear from God. Outwardly, he seems to be shy and ashamed from people,

but inwardly and while in private, he has no shame from God. The other one who is called “the knower of God” is praiser of God, but while his tongue is praising Allāh, his heart also accompanies the tongue and remember Him. It is not just his tongue to be praising Allāh and his heart being ignorant. He fears from Allāh, but his fear is lest his hopes to be changed into desperation. He never thinks of fearing to perpetrate a sin or rebellion. “The knower of Allāh” is ashamed, but not ashamed of what he has done apparently. He is ashamed of faults that he might have ever thought of them in his heart. “The knower of Allāh” is in fear all the times. The third one who is called “The knower of Allāh and His commandments” possesses six signs. Three of them are the same as we mentioned while speaking about “The knower of Allāh”. That is to say, “The praise of God”, “fearing from God” and “shyness”. The other three are particularly his own. The first one is that, he is stationed at the borderline of the Hidden World and Visible World. The second one is that he will be the instructor of Muslims. The third one is that the other two groups need him. So, that he is like a sun and “the knower of Allāh” is like the moon, which is sometimes as full moon and sometimes as crescent. As the Gnostic of Shiraz (Hafiz) says:

I am the servant of the spiritual guide of tavern whose mercy and grace is continuous and without interruption

Because the mercy and grace of the mullah and the ascetics, although there exists, but with interruption.

The knower of Allāh is like a lantern that due to his burning, others shall benefit from his light."

According to the words and terms used by Ayatollah Khomeini, “the

knower of Allāh and His commandments” is the person who is successor of Allāh in the earth. He is The Greatest Name (of God) and the perfect human beings. The absolute sovereignty belongs to him because he is manifestation of essence into the Name. The Kingdom belongs to him. So that, the sovereignty should be with successor of God who has successorship of Almighty God in the earth.²⁷⁶ Therefore, it could be said

²⁷⁶ Bahar-el-Anvar, volume 26, p. 1.

بحار الأنوار ج: ٢٦ ص: ١ الجزء السادس والعشرون. تنمة كتاب الإمامة، تنمة أبواب علامات الإمام و صفاته و شرائطه و ينبغي أن ينسب إليه و ما لا ينبغي. باب ١٤- نادر في معرفتهم صلوات الله عليهم بالنورانية و فيه ذكر جمل من فضائلهم ع. ١- أقول ذكر والدي رحمه الله أنه رأى في كتاب عتيق، جمعه بعض محدثي أصحابنا في فضائل أمير المؤمنين ع هذا الخبر و وجدته أيضا في كتاب عتيق مشتمل على أخبار كثيرة قال روي عن محمد بن صدقة أنه قال سأل أبو ذر الغفاري سلمان الفارسي رضي الله عنهما يا أبا عبد الله ما معرفة الإمام أمير المؤمنين ع بالنورانية قال يا جنذب فامض بنا حتى نسأله عن ذلك قال فأتيناه فلم نجده قال فانتظرناه حتى جاء قال صلوات الله عليه ما جاء بكما قالوا جنذاك يا أمير المؤمنين نسألك عن معرفتك بالنورانية قال صلوات الله عليه مرحبا بكما من ولين متعاهدين لدينه لستما بمقصرين لعمري إن ذلك الواجب على كل مؤمن و مؤمنة ثم قال صلوات الله عليه يا سلمان و يا جنذب قالوا لبيك يا أمير المؤمنين قال ع إنه لا يستكمل أحد الإيمان حتى يعرفني بكنه معرفتي بالنورانية فإذا عرفني بهذه المعرفة فقد امتحن الله قلبه للإيمان و شرح صدره للإسلام و صار عارفا مستبصرا و من قصر عن معرفة ذلك فهو شاك و مرتاب يا سلمان و يا جنذب قالوا لبيك يا أمير المؤمنين قال ع معرفتي بالنورانية معرفة الله عز و جل (بحار الأنوار ج: ٢٦ ص: ٢) و معرفة الله عز و جل معرفتي بالنورانية و هو الدين الخالص الذي قال الله تعالى وَ مَا أُمُّرُوا إِلَّا لِيَعْبُدُوا اللَّهَ مُخْلِصِينَ لَهُ الدِّينَ خُنْفَاءَ وَ يُقِيمُوا الصَّلَاةَ وَ يُؤْتُوا الزَّكَاةَ وَ ذَلِكَ دِينُ الْقِيَمَةِ يقول ما أمروا إلا بنبوة محمد ص و هو الدين الحنيفية الحممدية السمحة و قوله يُقِيمُونَ الصَّلَاةَ فمن أقام ولا يتي فقد أقام الصلاة و إقامة ولا يتي صعب مستصعب لا يحتمله إلا ملك مقرب أو نبي مرسل أو عبد مؤمن امتحن الله قلبه للإيمان فالملك إذا لم يكن مقربا لم يحتمله و النبي إذا لم يكن مرسلا لم يحتمله و المؤمن إذا لم يكن ممتحنا لم يحتمله قلت يا أمير المؤمنين من المؤمن و ما نهايته و ما حده حتى أعرفه قال ع يا أبا عبد الله قلت لبيك يا أبا رسول الله قال المؤمن الممتحن هو الذي لا يرد من أمرنا إليه شيء إلا شرح صدره لقبوله و لم يشك و لم يرتب اعلم يا أبا ذر أنا عبد الله عز و جل و خليفته على عباده لا تجعلونا أربابا و قولوا في فضلنا ما شئتم فإنكم لا تبلغون كنه ما فينا و لا نهايته فإن الله عز و جل قد أعطانا أكبر و أعظم مما يصفه و أصفكم أو يخطر على قلب أحدكم فإذا عرفتمونا هكذا فأنتم المؤمنون قال سلمان قلت يا أبا رسول الله و من أقام الصلاة أقام ولايتك قال نعم يا سلمان تصديق ذلك قوله تعالى في الكتاب العزيز وَ اسْتَعِينُوا بِالصَّبْرِ وَ الصَّلَاةِ وَ إِنَّهَا لَكَبِيرَةٌ إِلَّا عَلَى الْخَاشِعِينَ فالصبر رسول الله ص و الصلاة إقامة ولايتي فمنها قال الله تعالى وَ إِنَّهَا لَكَبِيرَةٌ و لم يقل و إنها لكبيرة لأن الولاية كبيرة حملها إلا على الخاشعين و الخاشعون هم الشيعة المستبصرون و ذلك لأن (بحار الأنوار ج: ٢٦ ص: ٣) أهل الأقبول من المرجئة و

القدرية و الخوارج و غيرهم من الناصبية يقرون لمحمد ص ليس بينهم خلاف و هم مختلفون في ولايتي منكرون لذلك جاحدون بما إلا القليل و هم الذين وصفهم الله في كتابه العزيز فقال **إِنَّمَا لَكِبِيرَةٌ إِلَّا عَلَى الْخَاشِعِينَ** و قال الله تعالى في موضع آخر في كتابه العزيز في نبوة محمد ص و في ولايتي فقال عز و جل **وَ بِنُرٍ مُّعْطَلَةٍ وَ قَصْرٍ مَّشِيدٍ** فالقصر محمد و البئر المعطلة ولايتي عطلوها و جحدوها و من لم يقر بولايتي لم ينفعه الإقرار بنبوة محمد ص إلا أنهما مقرونان و ذلك أن النبي ص نبي مرسل و هو إمام الخلق و علي من بعده إمام الخلق و وصي محمد ص كما قال له النبي ص أنت مني بمنزلة هارون من موسى إلا أنه لا نبي بعدي و أولنا محمد و أوسطنا محمد و آخرنا محمد فمن استكمل معرفتي فهو على الدين القيم كما قال الله تعالى **وَ ذَلِكَ دِينُ الْقَيِّمَةِ** و سابين ذلك بعون الله و توفيقه يا سلمان و يا جندب قالوا لبيك يا أمير المؤمنين صلوات الله عليك قال كنت أنا و محمد نورا واحدا من نور الله عز و جل فأمر الله تبارك و تعالى ذلك النور أن يشق فقال للنصف كن محمدا و قال للنصف كن عليا فمئنا قال رسول الله ص علي مني و أنا من علي و لا يؤدي عني إلا علي و قد وجه أبا بكر براءة إلى مكة فنزل جبرئيل ع فقال يا محمد قال لبيك قال إن الله يأمرك أن تؤديها أنت أو رجل عنك فوجهني في استرداد أبي بكر فرددته فوجد في نفسه و قال يا رسول الله أنزل في القرآن قال لا و لكن لا يؤدي إلا أنا أو علي يا سلمان و يا جندب قالوا لبيك يا أخا رسول الله قال ع من لا يصلح حمل (بحار الأنوار ج: ٢٦ ص: ٤) صحيفة يؤديها عن رسول الله ص كيف يصلح للإمامة يا سلمان و يا جندب فأنا و رسول الله ص كنا نورا واحدا صار رسول الله ص محمد المصطفى و صرت أنا وصيه المرتضى و صار محمد الناطق و صرت أنا الصامت و إنه لا بد في كل عصر من الأعصار أن يكون فيه ناطق و صامت يا سلمان صار محمد المنذر و صرت أنا الهادي و ذلك قوله عز و جل **إِنَّمَا أَنْتَ مُنذِرٌ وَ لِكُلِّ قَوْمٍ هَادٍ** فرسول الله ص المنذر و أنا الهادي **اللَّهُ يَعْلَمُ مَا تَحْمِلُ كُلُّ أُنْثَى وَ مَا تَعْبِضُ الْأَرْحَامُ وَ مَا تَزْدَادُ وَ كُلُّ شَيْءٍ عِنْدَهُ بِمِقْدَارٍ** عالم الغيب و الشهادة **الْكَبِيرُ الْمُتَعَالِ سِوَاءَ مَنْكُم مِّنْ أَسْرَرِ الْقَوْلِ وَ مَنْ جَهَرَ بِهِ وَ مَنْ هُوَ مُسْتَخْفٍ بِاللَّيْلِ وَ سَارٍ بِالنَّهَارِ لَهُ مُعَقِّبَاتٌ مِّنْ بَيْنِ يَدَيْهِ وَ مِنْ خَلْفِهِ يَحْفَظُونَهُ** من أمر الله قال فضرب ع بيده على أخرى و قال صار محمد صاحب الجمع و صرت أنا صاحب النشر و صار محمد صاحب الجنة و صرت أنا صاحب النار أقول لها خذي هذا و ذري هذا و صار محمد ص صاحب الرجفة و صرت أنا صاحب الهدة و أنا صاحب اللوح المحفوظ ألهمني الله عز و جل علم ما فيه نعم يا سلمان و يا جندب و صار محمد يس و القرآن الحكيم و صار محمد ن و القلم و صار محمد طه ما أنزلنا عليك القرآن لتشقى و صار محمد صاحب الدلالات و صرت أنا صاحب المعجزات و الآيات و صار محمد خاتم النبيين و صرت (بحار الأنوار ج: ٢٦ ص: ٥) أنا خاتم الوصيين و أنا الصراط المستقيم و أنا النبا العظيم الذي هم فيه مختلفون و لا أحد يختلف إلا في ولايتي و صار محمد صاحب الدعوة و صرت أنا صاحب السيف و صار محمد نبيا مرسلا و صرت أنا صاحب أمر النبي ص قال الله عز و جل **يُلْقِي الرُّوحَ مِنْ أَمْرِهِ عَلَى مَنْ يَشَاءُ مِنْ عِبَادِهِ وَ هُوَ رُوحُ اللَّهِ لَا يَعْطِيهِ وَ لَا يُلْقِي هَذَا الرُّوحَ إِلَّا عَلَى مَلِكٍ مُّقْرَبٍ أَوْ نَبِيٍّ** مرسل أو وصي منتجب فمن أعطاه الله هذا الروح فقد أبانه من الناس و فوض إليه القدرة و أحيا الموتى و علم بما كان و ما يكون و سار من المشرق إلى المغرب و من المغرب إلى المشرق في لحظة عين و علم ما في الضمائر و القلوب و علم ما في السماوات و الأرض يا سلمان و يا جندب و صار محمد الذكر الذي قال الله عز و جل **قَدْ أَنْزَلَ اللَّهُ إِلَيْكُمْ ذِكْرًا رَسُولًا** يتلوا عليكم آيات الله إني أعطيت علم المنيا و البلايا و فصل الخطاب و استودعت علم القرآن و ما

هو كائن إلى يوم القيامة و محمد ص أقام الحجة حجة للناس و صرت أنا حجة الله عز و جل جعل الله لي ما لم يجعل لأحد من الأولين و الآخرين لا لنبي مرسل و لا لملك مقرب يا سلمان و يا جندب قالاً لبيك يا أمير المؤمنين قال ع أنا الذي حملت نوحاً في السفينة بأمر ربي و أنا الذي أخرجت يونس من بطن الحوت بإذن ربي و أنا الذي أجريت أنهارها و فجرت عيونها و غرست أشجارها بإذن ربي و أنا عذاب يوم الظلة و أنا المنادي من مكان قريب قد سمعه الثقلان الجن و الإنس و فهمه قوم (بحار الأنوار ج: ٢٦ ص: ٦) إني لأسمع كل قوم الجبارين و المنافقين بلغاتهم و أنا الخضر عالم موسى و أنا معلم سليمان بن داود و أنا ذو القرنين و أنا قدرة الله عز و جل يا سلمان و يا جندب أنا محمد و أنا من محمد و محمد مني قال الله تعالى مَرَجَ الْبَحْرَيْنِ يَلْتَقِيَانِ بَيْنَهُمَا بَرْزَخٌ لَا يَبْغِيَانِ يا سلمان و يا جندب قالاً لبيك يا أمير المؤمنين قال إن ميتنا لم يمّت و غائبنا لم يغيب و إن قتلتنا لن يقتلوا يا سلمان و يا جندب قالاً لبيك صلوات الله عليك قال ع أنا أمير كل مؤمن و مؤمنة ممن مضى و ممن بقي و أيدت بروح العظمة و إنما أنا عبد من عبيد الله لا تسمونا أرباباً و قولوا في فضلنا ما شئتم فإنكم لن تبلغوا من فضلنا كنه ما جعله الله لنا و لا معشار العشر لأننا آيات الله و دلائله و حجج الله و خلفاؤه و أمناؤه و أئمته و وجه الله و عين الله و لسان الله بنا يعذب الله عباده و بنا يثيب و من بين خلقه طهرنا و اختارنا و اصطفانا و لو قال قائل لم و كيف و فيم لكفر و أشرك لأنه لا يسأل عما يفعل و هم يسألون يا سلمان و يا جندب قالاً لبيك يا أمير المؤمنين صلوات الله عليك قال ع من آمن بما قلت و صدق بما بينت و فسرت و شرحت و أوضحت و نورت و برهنت فهو مؤمن ممتحن امتحن الله قلبه للإيمان و شرح صدره للإسلام و هو عارف مستبصر قد انتهى و بلغ و كمل و من شك و عند و جحد و وقف و تحير و ارتاب فهو مقصر و ناصب يا سلمان و يا جندب قالاً لبيك يا أمير المؤمنين صلوات الله عليك قال ع أنا أحيي و أميت بإذن ربي و أنا أنبئكم بما تأكلون و ما تدخرون في بيوتكم بإذن ربي و أنا عالم بضمائر قلوبكم و الأئمة من أولادي ع يعلمون و يفعلون هذا إذا أحبوا و أرادوا لأننا كلنا واحد أولنا محمد و آخرنا محمد و أوسطنا محمد و كلنا محمد (بحار الأنوار ج: ٢٦ ص: ٧) فلا تفرقوا بيننا و نحن إذا شئنا شاء الله و إذا كرهنا كره الله الويل كل الويل لمن أنكر فضلنا و خصوصيتنا و ما أعطانا الله ربنا لأن من أنكر شيئاً مما أعطانا الله فقد أنكر قدرة الله عز و جل و مشيئته فينا يا سلمان و يا جندب قالاً لبيك يا أمير المؤمنين صلوات الله عليك قال ع لقد أعطانا الله ربنا ما هو أجل و أعظم و أعلى و أكبر من هذا كله قلنا يا أمير المؤمنين ما الذي أعطاكم ما هو أعظم و أجل من هذا كله قال قد أعطانا ربنا عز و جل علمنا للاسم الأعظم الذي لو شئنا خرقت السماوات و الأرض و الجنة و النار و نخرج به إلى السماء و نهبط به الأرض و نغرب و نشرق و ننتهي به إلى العرش فنجلس عليه بين يدي الله عز و جل و يطيعنا كل شيء حتى السماوات و الأرض و الشمس و القمر و النجوم و الجبال و الشجر و الدواب و البحار و الجنة و النار أعطانا الله ذلك كله بالاسم الأعظم الذي علمنا و خصنا به و مع هذا كله نأكل و نشرب و نمشي في الأسواق و نعمل هذه الأشياء بأمر ربنا و نحن عباد الله المكرمون الذين لا يسبقونهم بالقول و هم بأمره يعملون و جعلنا معصومين مطهرين و فضلنا على كثير من عباده المؤمنين فنحن نقول الحمد لله الذي هدانا لهذا و ما كنا لنهتدي لولا أن هدانا الله و حَقَّتْ كَلِمَةُ الْعَذَابِ عَلَى الْكَافِرِينَ أعني الجاحدين بكل ما أعطانا الله من الفضل و الإحسان يا سلمان و يا جندب فهذا معرفتي بالنورانية فتمسك بما راشدا فإنه لا يبلغ أحد

that governments in the world are all usurped governments. That is why Islam is called an internationalistic religion rather than nationalistic one. Therefore, the interest of the whole humankind is the concern of Islam rather than the interests of Muslims.

Islam is not the only religion who has propounded this very subject. All divine religions follow the same philosophy, and in all religions adherence to the successor of God in the earth is obligatory. In all times and continuously; there has always been a successor of God (caliph) in the earth, which also there exists at present time and will exist in the future. For a time Adam (A) was as successor of God and then consecutively the successorship was bestowed to Seth, Noah, Shem, Abraham, Ishmael, Isaac, Jacob, Joseph, Moses, Joshua, Zachariah, John, Jesus, Peter, Abde-Manaf, Hashim, Abdol-Mottalib, Abu-Talib, Muhammad (S) and his True Twelve successors. After the occult of the twelfth Imam, his deputies that Joneid was as the first one, all have been the successors, which have been continued up to this time and will continue one after one. We are now waiting for the Advent of the age Imam from occult to take his apparent and formal successorship in the world – although this caliph always has the uninterrupted spiritual successorship. By minutely scrutinizing the Qur'an, Torah, Gospel, Avesta, the Books of Abraham, the Psalms of David and other divine and narration's books, the aforementioned subject is clearly understood.

It is written that²⁷⁷: "We are now facing this question that, what is the

من شيعتنا حد الاستبصار حتى يعرفني بالنورانية فإذا عرفني بما كان مستبصرا بالغا كاملا قد خاض بحرا من العلم و ارتقى درجة من الفضل و اطلع على سر من سر الله و مكنون خزائنه بيان قوله أنا الذي حملت نوحا أقول لو صح صدور الخبر عنه ع (بحار الأنوار ج: ٢٦ ص: ٨) لاحتمل أن يكون المراد به و بأمثاله أن الأنبياء ع بالاستشفاع بنا و التوسل بأنوارنا رفعت عنهم المكاره و الفتن كما دلت عليه الأخبار الصحيحة.

²⁷⁷ His Excellency Hajj Dr. NoorAli Tabandeh "His Excellency Seyyed Noor-ed-Din

duty of Muslims and especially the Shiites at this time which they have no access to their Imam? For instance, the spiritual oath of allegiance or devotional oath of allegiance has been one of the pillars of purified religion of Islam. It was prescribed at the time of Messenger of God and there has been no verse or any order to its abrogation. All Imams also used to take oath of allegiance and even the cruel caliphs used to take oath of allegiance. So that, what is the duty of Muslims at the period time of occultation? The successors of prophet, namely, the purified Imams have been always under pressure and repression. There are too many stories about suppression of beliefs at the time of Imams and especially after the time of Imam Riza (A), which are mentioned in the historical books Although the oath of allegiance taken by Imams were not governmental oath of allegiance and/or for gathering the followers, nevertheless, if caliphs knew that Imam would take oath of allegiance, the life of Imam as well as all Shiites would have been in danger. That is why the caliphs were always keeping watchful eyes on Imams. For this reason most of times Imams introduced several delegates and representatives to take oath of allegiance for them. The said representatives were also authorized to appoint new representatives. This sequence and following of authorization of Sheikhs (spiritual leader) and Gnostic instructors is called "Order" in mysticism. The true mystical orders, which were numerous at old times, all connected their chain of authorization to Imam Ali (A). Because the basic rule in mysticism is that, each person should have obtained his authorization from the hand of previous authorized person. According to the belief of true followers of mysticism, this chain and order of Sheikhs (spiritual leaders) shall be continued up to the day of resurrection. But only those mystical orders, which have kept their connection with one of Imams,

Shah Nematollah Vali”, Iran Gnosticism (Journal), No. 15, pp. 20. Haqiqat Publication, (2003) Tehran.

are considered to be valid. The orders, which have their connection with one of Imams, certainly, shall have their connection with Imam Ali (A). All mystical orders are originated from Ali (A) and Imam Ali has obtained his authorization from the Prophet (S)....”

Individual right of ownership is a definite right whereas the right of sovereignty over the territories is not considered as the right of ownership. Expropriation or infringement of individuals or nations' ownership is condemned.

33- Principle of: Granting nationality (naturalization) to applicants

On the basis of this principle, naturalization will be granted to anybody who applies for political and social citizenship of Islam. If the applicant were willing to convert to Islam, then he would enjoy all rights and privileges of Muslims. But if he wants to remain in his religion, namely one of divine religions, then he would be subject to the rules and regulations of poll tax. This principle has an extensive range of application, in a manner that if a person being in fight with Islamic forces, but converts to Islam, he will be granted naturalization. Conversion to Islam will be ascertained just by saying and testifying to the oneness of God and admitting the prophet as His messenger. The principle in question will also include the idolaters who are at the lowest stage of human thinking (cognition). In sūrah of Al-Taubah, the Honourable Prophet is enjoined that: **"And if anyone of the idolaters seeks your protection (o**

Muhammad) then protect him".²⁷⁸ Whereas in the first verse of the said sūrah, God and His messenger proclaim their immunity from the idolaters and say: **“Freedom from obligation (is proclaimed) from Allāh and His messenger toward those of the idolaters with whom you made a treaty”.**²⁷⁹ And in this sūrah it is said that **"The idolaters are nothing but unclean".**²⁸⁰ The word **"unclean"** is used only for idolaters in Glorious Qur'an, but as it is said when they apply for citizenship, the messenger of God is bound to accept it. From the mentioned verse, which bounds the Honourable Prophet to give refuge to the idolaters, it can be construed that, Islam's country is a safe place and whoever enters into Islam's country he will be secure from the foreign forces. And the foreign states and nations are not permitted to reach or attack him. He will be under the protection of Islam. If he receives permanent residency and is granted naturalization, then he will also be subject to the domestic laws of Islam. But if he ends his residency, he will be only under protections of Islam, as long as he is staying in the country. Therefore, on the basis of the said verse, extradition of refugees to states and nations, which are following them, is not authorized. There is an exception to this rule. It is when there is an infringement of the rights of people in other nations, which is one of the sections of private international law. So that we are not going to comment on it.

²⁷⁸ Al-Taubah IX, 6.

وَ إِنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ.

²⁷⁹ Al-Taubah IX, 1.

بِرَاءةٍ مِنَ اللَّهِ وَ رَسُولِهِ إِلَى الَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ.

In the verse 3 of the said sūrah says: **"Allāh is free from obligation to the idolaters, and (so is) His messenger.**

أَنَّ اللَّهَ بَرِيءٌ مِنَ الْمُشْرِكِينَ وَ رَسُولُهُ.

²⁸⁰ Al-Taubah IX, 28.

إِنَّمَا الْمُشْرِكُونَ نَجَسٌ.

As for the people who live in this age, it seems it, would be several decades early yet, if it be suggested that the “law of citizenship” is an uncivilized legal institution, which human beings have to observe it under the yoke of governments. “Citizenship” is defined as political and legal relationship between an individual and a determined state within a specified territory. On the basis of this definition, if a state through legislation disregards and violates the natural rights of an individual, he is bound to relinquish and dispense with his rights. Whereas no government has the right to violate the rights of people. Therefore, natural law should be excluded from domestic statute laws, and just special regulations of the region should be made as legal obligations by government and/or political entities. In other words, humankind is not under obligations of states and governments. Human beings are born free and are entitled to enforce their natural rights whether black or white, red or yellow and the governments have no right of sovereignty over natural laws and making distinction between them. Furthermore, the states by drawing some artificial lines on the ground as borderlines have made distinction between people and have defined human beings differently, which reveals the imperfection of the contemporary mankind. It is certain that in future, the perfect mankind would get rid of these kinds of superstitions and would reside in any place in the world that he wishes, in accordance with his nature, desires, and preferences. Consequently, the nationalism superstitions, which are bothersome to humankind, would disappear.

As it was already mentioned, ownership and sovereignty are quite two different subjects. Sovereignty would never be the cause of ownership. It is only the cause of spreading the governmental ordinances throughout the realm of the state. In other words, no government has the right of ownership over the lands of territory under its dominion. Any person in a

territory should be entitled to acquire the ownership of the land. This statement is based on the principle that declares ownership just belongs to God. It has been bestowed to humankind to gain benefit out of it.

“Citizenship” is political and legal relationship between an individual and a determined established state within a specified territory. Natural laws have superiority over domestic statute laws and only special legal and regional obligations are abrogating. Drawing borderline does not distinct peoples, and one who settles in any place he wishes subject to observing special legal and regional obligations; and nationality would not waste human beings’ natural laws and political and social citizenship naturalization. Extradition of refugee to the state which is following him is not authorized. Exception is when there is infringement of the rights of people in other nations.

34- Principle of: Binding to testify truly and/or acknowledgment of faults and prohibition of concealment of truth and/or committing perjury

The task of Islamic diplomacy in international disputes and adjudications is to strengthen the testifying in equity (justice). In Glorious Qur’an, it is said: **“O you who believe! Be steadfast witnesses for Allāh in equity, and let not hatred of any people seduce you that you deal not justly. Deal justly, that is nearer to your pious duty. Observe your duty**

to Allāh. Lo! Allāh is informed of what you do”.²⁸¹ In another verse it is said: “O you who believe; be you staunch in justice, witnesses for Allāh, even though it be against yourselves or (your) parents or (your) kindred, whether (the case be of) a richman or a poorman, for Allāh is nearer unto both (than you are). So follow not passion lest you lapse (from truth). And if you prevaricate or fall away, then lo! Allāh is ever informed of what you do”.²⁸² In a comment on the said verse, it is said²⁸³: “O you who believe” is addressed to those who have taken a general oath of allegiance by the hands of Muhammad and have accepted the apparent invitation of Islam. “Be you staunch” you should be steadfast on this qualification. Because the word “be” denotes continuity and stability and “staunch” is qualification of one who is free from deviation and he can take out himself and his power and also other persons from deviation. Because from the exaggerated form of the word which is used in this sentence the “other persons” can be understood. And it may be taken from another phrase, which means, “he rectified and amended it”. “In justice”, since the parties to the disputes are equal in front of his self, therefore, it would be possible in others’ disputes to be free from deviation. And it might be attached to the words of Allāh, namely “witnesses”, which means, when you bear witness or you are testifying. Grammatically a predicate after another predicate is considered to be as interpretation of the first predicate, or it is a participial phrase. “For Allāh” means that for acquiring Allāh’s satisfaction, or - for those testimonies which result His

²⁸¹ Al-Mā'idah V, 8.

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ.

²⁸² Al-Nisā IV, 135.

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ أَنْفُسِكُمْ أَوِ الْوَالِدِينَ وَالْأَقْرَبِينَ إِنْ يَكُنْ غَنِيًّا أَوْ فَقِيرًا فَاللَّهُ أَوْلَىٰ بِهِمَا فَلَا تَتَّبِعُوا الْهَوَىٰ أَنْ تَعْدِلُوا وَإِنْ تَلَوُّوا أَوْ تَعْرِضُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا.

²⁸³ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", volume 4 translation, pp 224-226.

satisfaction, because the owner of the right in them is Almighty God, or - for the sake of His manifestations and successors, specially the most perfect manifestation of God after Honourable Prophet namely, Imam Ali (A). Although the verse possesses a general rule but the real objective of the verse is what we mentioned before, because it presents a recommendation and preliminaries for bearing witness for Imam Ali (A). There is an occasion where the Prophet (S) requested them and said: “God bless him who heard and kept it”. And to testify for Imam Ali (A) the Prophet (S) requested and said: “Those who are present and witnessing should tell those who are absent”. But after demise of Prophet (S), when Ali (A) requested them to testify what they had heard, they did not execute the will of Prophet (S) and refused to testify. **“Even though it be against yourselves”**. Because your own “selves” are loveliest things as you think about them. **“Or (your) parents and or (your) kindred”**, certainly next to the “selves” they are lovelier than other persons are. **“Whether (the case be of)”**, namely both parties. **“A richman or a poorman”**. So be steadfast in such a way that not to deviate from righteousness. Because you might think that poorman is entitled to be helped and without due cause testify in favour of him to prevent him from being damaged. Or testify against richman even by committing perjury just for this very reason that he would not be harmed if other people take advantage from his property. There are also occasions that you want to make profit from the richman or you do not want to be harmed by him, so you pay no attention to the poorman, **“Allāh is nearer unto both (than you are)”**. Therefore, you should obey Allāh’s decree and not to think about the fact that the poorman would be damaged or the richman shall receive no harm because of your testimony. **“So follow not your passion lest you lapse (from truth)”**. “It means that never follow your passion just due to deviation from righteousness or because you do not prefer to give evidence in equity. **“And if you prevaricate”**. If while

you are giving evidence you try mislead others and avoid revealing the truth so that change the reality - The word used in the verse namely “Talvu” - in Arabic taken from "Vali" - also means to pay attention **“Or fall away”** or due to concealment of evidence to avoid to appear as a witness. Almighty God shall punish you for this action. **“Allāh is ever informed of what you do”**. In this verse, “apodosis” is replaced by the “cause”.

Prohibition of concealment of truth while giving evidence could be construed from this verse, which says: **“And who is more unjust than he who hides a testimony which he has received from Allāh? Allāh is not unaware of what you do”**.²⁸⁴ The said concept is also stated in another form in the following verse: **“Those who hide the proofs and the guidance which We revealed, after We had made it clear in the scripture. Such are accursed of Allāh and accursed of those who have the power to curse. Except such of them as repent, amend, and make manifest (the truth). These are the persons whom I relent. I am the Relenting the Merciful”**.²⁸⁵ Moghaddas Ardebili with reference to the aforementioned verse prohibits concealment of religious knowledges, whether principles of religion or secondary-rules of religion. He also forbids concealment of all other kinds of sciences, which other people are in need of them.²⁸⁶ This subject shall propound important and new ideas in commercial law, especially international trade laws. Therefore, Vienna convention on copyright intellectual rights and trade of services, which is

²⁸⁴ Al-Baqarah II, 140.

وَمَنْ أَظْلَمُ مِمَّنْ كَتَمَ شَهَادَةً عِنْدَهُ مِنَ اللَّهِ وَمَا اللَّهُ بِغَافِلٍ عَمَّا تَعْمَلُونَ.

²⁸⁵ Al-Baqarah II, 159-60.

إِنَّ الَّذِينَ يَكْتُمُونَ مَا أَنْزَلْنَا مِنَ الْبَيِّنَاتِ وَالْهُدَىٰ مِنْ بَعْدِ مَا بَيَّنَّاهُ لِلنَّاسِ فِي الْكِتَابِ أُولَٰئِكَ يَلْعَنُهُمُ اللَّهُ وَيَلْعَنُهُمُ
اللَّاعِنُونَ. إِلَّا الَّذِينَ تَابُوا وَأَصْلَحُوا وَبَيَّنُّوا فَأُولَٰئِكَ أَتُوبُ عَلَيْهِمْ وَأَنَا التَّوَّابُ الرَّحِيمُ.

²⁸⁶ Shahabi, Mahmood, Periods of jurisprudence volume 2, Printing and Publication’s Organization of Ministry of Culture and Islamic Guidance, pp 256-257.

one of the important agreements of World Trade Organization (WTO) would be open to criticism. I hope to discuss about this subject matter in a separate book. The following verse is also an indication for presenting the sciences and technologies to those people who need them, which says: "**O you who believe! If you help (the cause of) Allāh, He will help you and will make your feet hold firm**".²⁸⁷ In another place says: "**Hide not testimony. He who hides it verily his heart is sinful. Allāh is Aware of what you do**".²⁸⁸ And also says: "**And if you give your word, do justice thereunto, even though it be (against) a kinsman**".²⁸⁹ One of the qualifications of transcendental human being is rising and upholding the testimony, and in sūrah of Al-Ma'arij says: "**And those who stand by their testimony**".²⁹⁰ And also in sūrah of Al-Furqan says: "**And those who do not bear witness to what is false**"²⁹¹ and "**Avoid false words (testimony)**".²⁹²

Several verses have been revealed about acknowledgment of faults just the same as it was about "testifying truly". In sūrah of Al-Mulk says: "**So they shall acknowledge their sins, but far will be (forgiveness) from the inmates of the burning fire**".²⁹³ And in sūrah of Āle-Imran says: "**He**

²⁸⁷ Muhammad XLVII, 7.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِن تَنصُرُوا اللَّهَ يَنصُرْكُمْ وَ يَثِّبْ أقدامَكُمْ.

²⁸⁸ Al-Baqarah II, 283.

و لَا تَكْتُمُوا الشَّهَادَةَ وَ مَنْ يَكْتُمْهَا فَإِنَّهُ آثِمٌ قَلْبُهُ وَ اللَّهُ بِمَا تَعْمَلُونَ عَلِيمٌ.

²⁸⁹ Al-An'am VI, 152.

وَ إِذَا قُلْتُمْ فَاعْدِلُوا وَ لَوْ كَانَ ذَا قُرْبَى.

²⁹⁰ Al-Ma'arij LXX, 33.

وَ الَّذِينَ هُمْ بِشَهَادَاتِهِمْ قَائِمُونَ.

²⁹¹ Al-Furqan XXV, 72.

وَ الَّذِينَ لَا يَشْهَدُونَ الزُّورَ.

²⁹² Al-Hajj XXII, 30.

وَ اجْتَنِبُوا قَوْلَ الزُّورِ.

²⁹³ Al- Mulk LXVII, 11.

said: Do you affirm and accept My covenant in this (matter)? They said we do affirm. He said: “Then you bear witness, and I (too) am of the bearers of witness with you.”²⁹⁴

Being bound on these principles in international relation shall confirm the truthfulness of statements and good deeds of Islamic government, and it will establish the necessary grounds for attracting other nations towards Islam. Besides, we are not created to get benefit from other’s property by infringement of their rights. All people who live on this planet are the children of one father. In fact, we are all brothers. None of us is superior to other one. The superiority and sovereignty just belongs to the creator who says: **“He created you from one being, then from that (being) He made its mate; and He provided for you of cattle eight kinds. He created you in the wombs of your mothers, creation after creation, in three-fold gloom. Such is Allāh, your Lord. His is the sovereignty. There is no God save him. How then are you turned away”**.²⁹⁵

Prohibition of committing perjury or giving false evidence is one of the topics to be mentioned in this section.²⁹⁶

فَاعْتَرَفُوا بِذَنبِهِمْ فَسُحِقًا لِأَصْحَابِ السَّعِيرِ.

²⁹⁴ Āle-Imran III, 81.

قَالَ أَ أَفْرَرْتُمْ وَأَخَذْتُمْ عَلَىٰ ذَلِكُمْ إِصْرِي قَالُوا أَفَرَرْنَا قَالَ فَاشْهَدُوا وَأَنَا مَعَكُمْ مِنَ الشَّاهِدِينَ.

²⁹⁵ Al-Zūmar XXXIX, 6.

خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ ثُمَّ جَعَلَ مِنْهَا زَوْجَهَا وَ أَنْزَلَ لَكُمْ مِنَ الْأَنْعَامِ ثَمَانِيَةَ أَزْوَاجٍ يَخْلُقْكُمْ فِي بُطُونِ أُمَّهَاتِكُمْ خَلْقًا مِنْ بَعْدِ خَلْقٍ فِي ظُلُمَاتٍ ثَلَاثٍ ذَلِكُمْ اللَّهُ رَبُّكُمْ لَهُ الْمُلْكُ لَا إِلَهَ إِلَّا هُوَ فَأَنَّى تُصْرَفُونَ.

²⁹⁶ Bahar-el-Anvar, 101, 310, second chapter.

بحار الأنوار، ١٠١، ٣١٠، باب ٢ - شهادة الزور و كتمان الشهادة، ٣ - أعلام الدين، عن النبي ص قال من شهد شهادة زور على رجل مسلم أو ذمي أو من كان من الناس علق بلسانه يوم القيامة و هو مع المنافقين في الدرك الأسفل من النار.

The task of diplomacy in international disputes and adjudications is to strengthen the testifying in equity (justice). Prohibitions of concealment of truth and committing perjury or giving false evidence are of the topics included in this principle.

35- Principle of: Acceptance of inquiry for pacific settlement of international disputes

The process of “inquiry” is one of the well-known methods for pacific settlement of international disputes. In this method, through investigation and careful consideration of the facts, which have been the origin of the differences, and after proving the faults committed by a state or states, some required measures will be taken to settle the disputes between the parties. Consequently, the war and aggression or hostile actions would be prevented. This method in contemporary international law was introduced and recommended by Russia at Hague Peace Conference I. Subsequently at Hague Peace Conference II of 1907, the provision concerning the International Commission of Inquiry was drafted.

The process of “inquiry” is exactly confirmed by Islamic international law. The essential aspects of this method in establishment of international justice and settlement of disputes among states can be understood from the concept of several Qur'an's verses. In Islam, there are several instructions for inquiry and investigation before taking any decision or committing any action. In sūrah of Al-Nisā says: **“O you who believe! When you go to war in Allāh’s way, make investigation, and do not say to anyone who offers you peace: you are not a believer. Do you seek goods of this**

world's life! But with Allāh there are abundant gains; you too were such before, then Allāh conferred a benefit on you; therefore make investigations; surely Allāh is aware of what you do”.²⁹⁷ There is a general instruction in this verse for making inquiry in all affairs happening in the life of the believers. This concept is construed from the interpretation of the phrase “**Allāh’s way**”.

There are also instructions about conducting investigation into received tidings and new allegations, because without making inquiry no proper reactions could be made. In sūrah of Al-Hujurāt says: “**O you who believe! If an evil-doer comes to you with a report, look carefully into it, lest you harm a people in ignorance, then be sorry for what you have done**”.²⁹⁸ And while the result of a thorough investigation is received, it should be accepted, which said: “**And be not as those who separated and disputed after the clear proofs has come unto them. For such there is an awful doom**”.²⁹⁹ Reference made to the said verses shall suffice us to accept the process of inquiry for pacific settlement of international disputes.

The process of “inquiry” for pacific settlement of international disputes is of high priority.

²⁹⁷ Al-Nisā IV, 94.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا ضَرَبْتُمْ فِي سَبِيلِ اللَّهِ فَتَبَيَّنُوا وَلَا تَقُولُوا لِمَنْ أَلْقَى إِلَيْكُمُ السَّلَامَ لَسْتَ مُؤْمِنًا تَبْتَغُونَ عَرَضَ الْحَيَاةِ الدُّنْيَا فَعِنْدَ اللَّهِ مَغَامٌ كَثِيرٌ كَذَلِكَ كُنْتُمْ مِنْ قَبْلُ فَمَنْ اللَّهُ عَلَيْكُمْ فَتَبَيَّنُوا إِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا.

²⁹⁸ Al-Hujurāt XLIX, 6.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنْ جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا أَنْ تُصِيبُوا قَوْمًا بِجَهَالَةٍ فَتُصْحَبُوا عَلَيَّ مَا فَعَلْتُمْ نَادِمِينَ.

²⁹⁹ Āle-Imran III, 105.

وَلَا تَكُونُوا كَالَّذِينَ تَفَرَّقُوا وَاحْتَلَفُوا مِنْ بَعْدِ مَا جَاءَهُمُ الْبَيِّنَاتُ وَأُولَئِكَ لَهُمْ عَذَابٌ عَظِيمٌ.

36- Principle of: Negotiation in settlement of disputes and acceptance of arbitration in international conflicts

With regard to careful consideration of various issues, the best way chosen by Islam is the method of consultation and resort to councils. The exception to this rule is where there is an assignment. The appointments are made upon direct views of the holder of authority. The appointments of divine authorities are specifically done by the authorization of prophets, Divine Guardians and Divine Executors. Under this procedures the authorized person would be regarded as holder of authority and consequently eligible to be obeyed. Which said: **“O you who believe! Obey Allāh, and obey the Messenger and those of you (who has been appointed) as holder of authority”**.³⁰⁰ Glorious Qur’an in sūrah of Al-Shura, as to the other issues says: **“And whose affairs are carried out through consultation amongst themselves”**.³⁰¹

There are several qualities in consultation, which psychologically the differences and hostilities would end up to unionship and amendment. In a comment on the verse of **“And consult with them”**³⁰² it is said that: “It means that you would better consult with them, especially about war and/or every other issue which seems proper to be consulted upon. The process of consulting is for removing doubts and purifying their “selves” and reconciling their hearts with yours. As well as taking advantage from their viewpoints and making the process of consultation as a standing procedure

³⁰⁰ Al-Nisā IV, 59.

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَ أَطِيعُوا الرَّسُولَ وَ أُولِي الْأَمْرِ مِنْكُمْ.

³⁰¹ Al- Shura XLII, 38.

وَ أَمْرُهُمْ شُورَى بَيْنَهُمْ.

³⁰² Āle-Imran III, 159.

وَ شَاوِرْهُمْ فِي الْأَمْرِ

between your people. Consultation has the capacity of removing blame and remorse and attracting divine grace, because there are positive effects in unionship of people whereas separation of people lacks the said effects. We are of the opinion that even if there be no goodness in what we have consulted upon and come into unanimity, Almighty God, certainly, would bestow His blessing unto it. Therefore it is not meritorious to abandon consultation” in the affairs.³⁰³

As it was observed, that consultation is effective to create the required grounds for people’s unity. Taking the said subject into consideration, we can conclude that, with regard to the principle of unity and Islam’s concern about the unanimity and/or unity of the word, the settlement of differences and disputes through the council is acceptable by Islam. In other words, the method of negotiation is an accepted method in Islam for obtaining different views and opinions, but it should be noted that negotiation does not mean to infringe the rights of opposite or third party by dominion, oppression, or conspiracy. On the contrary, the negotiation is for creating uniformity and accordance for attainment of truth. Therefore, this negotiation and counseling should never impair the equity and justice or eliminate other’s rights. There are clear and various verses on this subject, which reprimand those people who follow their passion in doing justice and equity.³⁰⁴

Arbitration is the extension of rules of consultation to the settlement of disputes, which has a vast range of applications in public international law. One of the most important problems in public international law is the inadequacy of sanctions, namely compelling the states to accept the

³⁰³ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation volume 3, p 436.

³⁰⁴ Al-Nisā IV, 135.

فَلَا تَتَّبِعُوا الْهَوَىٰ أَنْ تَعْدِلُوا.

International Court's judgments. In other words the states, backed by their powers and strengths, in one way or another, refrain to execute the international judgments and cast doubts on the judge's opinions. The process of arbitration is somewhat different from recourse to the judges. The arbitrators are appointed by both parties to the dispute, which collectively take necessary actions to settle the differences. Moreover, because the arbitrators are chosen by the parties, so that their awards would be more acceptable by their respected states.

The process of Islamic International arbitration could be taken from the civil law and Islamic rules of procedure on marriage disputes. Glorious Qur'an has stipulated recourse to awards of arbitrators in settlement of disputes between husbands and wives. In sūrah of Al-Nisā says: **"If you fear a breach between them (the husband and wife) appoint an arbitrator from his folk and an arbitrator from her folk. If they desire amendment, Allāh will make them of one mind. Lo! Allāh is ever knower, Aware"**.³⁰⁵

It is too important to adapt the said process in civil procedure with problems engaged in international procedure, concerning the circumstances of making agreements and adherence of the parties to the terms of agreements. In marriage contracts, if one of the parties desires not to continue the contract then it would be automatically suspended. Moreover, none of the parties could be again compelled to perform his marriage obligations. Therefore, there would be no sanctions on this case. Similar conditions also exist in international treaties among the states. Because if one of the parties to the dispute refrains to fulfill its international

³⁰⁵ Al-Nisā IV,35.

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَحَكَمًا مِنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا.

obligations there would be no dominant sanction to compel the violating state to observe the terms of the treaty. With regard to this similarity, we can use the same arbitration procedure for both issues. In contemporary international law and in various states, arbitration is accepted as a legal institution. Although, there are some differences in statute laws and customary international law on this case. There is also propounded the rules of procedure for arbitration and requirements and qualifications of arbitrators in various legal sources.³⁰⁶ It should be noted that historical precedents of arbitration goes back to the city-states in ancient Greece.

In the Hague conference II of 1907 the subject of arbitration was introduced and officially accepted through the endeavors of several states and from that time onwards it was enforced as mandatory arbitration.

The best way in international settlement of disputes is the method of consultation and resort to councils and its extension, to arbitration.

37- Principle of: Obligation for mediation and making peace (voluntary mediation)

Mediation and making peace between the nations and folks, is one of the basic tasks of Islamic government, and in this connection, it even retains the right of suppression for itself in cases where after making peace between two parties, one of them again performs act of aggression against other one. Concerning this subject it is mentioned in sūrah of Al-Hujurāt that: **“And if two parties of believers fall into fighting, then make peace**

³⁰⁶ For more information about this subject, see: Qaem-Maqam Farahani, Abdiol-Majid, (1988) International law of nationalization.

between them. And if one party of them does wrong to the other, fight you that which does wrong till it return unto the ordinance of Allāh; then if it return, make peace between them justly, and act equitably. Lo! Allāh loves the equitable”.³⁰⁷ This policy is contrary to the current international policy, which, whenever there is a war, all states adopt the policy of “wait and see”, and even sometimes, they get benefit from the fighting, they start to sell equipment and armaments to both hostile parties. Whereas, contrary to the current policy, the Islamic government is bound to mediate and make peace between the parties. And even use military force, to the limited conditions set forth in the above said verse. It should be noted that the word “**believer**” in the cited verse encompasses the lowest degree of belief. Therefore, by this interpretation the whole mankind would be included in the concept of this verse, and according to the subject in question, we are all equal and brothers and are subject to the next verse which says: “**The believers are naught else than brothers. Therefore make peace between your brethren**”.³⁰⁸

“Mediation” is one of the various policies proposed by the Hague convention of 1907 concerning pacific settlement of disputes. On the basis of the said convention a third state, as mediator, has the right to interfere for extinguishing the conflagration of war between two other states and settle their disputes pacifically. The parties to the dispute should not take the said measures, against the principles of friendship and good relations among themselves. Prior to mentioning this subject in the Hague convention, the states would take the measures taken by other states,

³⁰⁷ Al-Hujurāt XLIX, 9.

وَإِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلِحُوا بَيْنَهُمَا فَإِنْ بَغَت إِحْدَاهُمَا عَلَى الْأُخْرَى فَقَاتِلُوا الَّتِي تَبْغِي حَتَّى تَفِيءَ إِلَى أَمْرِ اللَّهِ فَإِنْ فَاءَتْ فَأَصْلِحُوا بَيْنَهُمَا بِالْعَدْلِ وَأَقْسِطُوا إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ.

³⁰⁸ Al-Hujurāt XLIX, 10.

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ.

concerning mediation in the settlement of disputes, contrary to the principle of sovereignty and considered it as and hostile measures and even would fight against the mediating state.³⁰⁹

“Conciliation” the same as “mediation” is another policy concerning pacific settlement of international disputes. The difference between these two policies is that, in “conciliation” the subject of dispute is referred to a commission composed of experts, lawyers and diplomats whereas in mediation the third state directly would act as a mediator to settle the disputes. The method of conciliation was proposed in Bryan pacts³¹⁰ and it was also recommended to the members in General Assembly of League of Nations in 1922 and it is also mentioned in article 33 of the Charter of United Nations but regrettably it is not used in settlement of international disputes.

Mediation and making peace between the nations, folks and states is one of the duties of governments, and if a party of war starts aggression against the other after establishing peace between the two, the mediator has the right for suppression of the aggressor to force it to peace. This is contrary to the current international policy that whenever there is a war; other states adopt the policy of “wait and see”, or get benefits from the fighting or sell armaments to the hostile parties.

³⁰⁹ There are several evidences to this subject in the history of diplomacy and international relations. See, Safari, Muhammad (1963) volume 3, pp 128-131.

³¹⁰ Bryan Pact

38- Principle of: Conciliation and interference in international wars (compulsory mediation)

According to the abovementioned principle, the basic task of Islamic government in the international scene is interference to bring about reconciliation between the hostile parties. As it was already mentioned, Glorious Qur'an says: **“And if two parties of believers fall into fighting then make peace between them. And if one party of them does wrong to the other, fight you that which does wrong till it return unto the ordinance of Allāh, then if it return, make peace between them justly, and act equitably. Lo! Allāh loves the equitable. The believers are naught else than brothers. Therefore, make peace between your brethren. And observe your duty to Allāh that haply you may obtain mercy”**.³¹¹ To interpret this verse it should be noted that the word **“the believers”** extends its meaning to the existing faith and the lowest stages of belief namely submission and acknowledgment of Islam. Therefore the meaning of the verse would be: "if there happens a fighting between two groups of people or nations, then the task of Islamic government is to bring about reconciliation between them and if a state was the aggressor it must be prevented by fighting until it returns to the ordinance of Allāh". In a comment on the said verse, it is said³¹²: **“And if two parties of believers fall into fighting, then make peace between them. And if one party of them does wrong to the other, fight you that which does wrong till it return to the ordinance of Allāh”**. You should endeavor to make peace between them and if one of them continues aggression, then fight it until by

³¹¹ Al-Hujurāt XLIX, 9, 10.

وَ إِن طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ ائْتَلُوا فَأَصْلِحُوا بَيْنَهُمَا فَإِن بَغَتْ إِحْدَاهُمَا عَلَى الْأُخْرَى فَقَاتِلُوا الَّتِي تَبْغِي حَتَّى تَفِيءَ إِلَى أَمْرِ اللَّهِ فَإِن فَاءَتْ فَأَصْلِحُوا بَيْنَهُمَا بِالْعَدْلِ وَأَقْسِطُوا إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ. إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ وَ اتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ.

³¹² "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 13, pp 342,345.

resorting to the messenger and by his decree it return to the ordinance of Allāh. **“Then if it return, make peace between them justly”**. Since, establishment of peace after giving instruction for fighting with rebels, was suspected to lead to misappropriation of properties, therefore, it was restricted to justice (to prevent unjust behaviors) - or it might be said that, although “justice” would be ascertained by attainment of both parties' rights, but it would also be ascertained by wavering a part of the right as well as ignoring other part thereof. Therefore, stipulation of “justice” in this place refers to this point that making peace and conciliation is more meritorious than attainment of all rights in one way or another. **“And act equitably”**. Be moderate in all affairs even in your prayer, and do not be hard and strict on yourself. **“Lo! Allāh loves the equitable”**. Because Allāh loves those people who are justmen. Some narrators have said: this verse was revealed while there was a fighting between Ous and Khazraj, at the time of Messenger of God regarding branch of palm tree and shoe. It is narrated from Imam Sadiq (A): When this verse was revealed, Messenger of God said: after my time, there will be some of you who will fight by interpretation of this verse, just the same as, I fought by its revelation. Then he was asked: Who is that person? He said: The shoe mending one, namely Ali (A) the leader of the believers, then Ammar said: I have fought three times in companion with Messenger of God on the basis of this verse and this is the fourth fighting (in the war of Seffain in companion with Ali (A)). I swear to God if they fight against us so hard making us retreat back to the Hajre gardens of palm trees, we know that we are right and they are wrong. The policy of Ali (A) is the same as policy of Messenger of God amongst the people of Mecca who did not take the children as captives and said: Whosoever whose house door is closed he would be secure, whosoever puts his weapon down he would be secure, whosoever enters the house of Abu-Sofyan he would be secure. Ali (A) the leader of the believers also on

the day of Basrah did the same. He cried: Do not take children as captive, do not kill the injured persons. Do not follow those who are running away. Whosoever puts his weapons down and closes the door of his house is secure.³¹³ **“The believers are naught else than brothers”**. The different aspects of brotherhood of believers were discussed in sūrahs of Al-Baqarah and Al-Nisā while we were commenting on the phrase **“Treat with kindness your parents”**. And the sentence: **“The believers are naught else than brothers”** is mentioned as preliminaries, rationalization, and burden removal of obligation for reconciliation. And subsequently said: **“make peace between your brethren”**. The latter reconciliation has more general meaning than the former one, which said: **“make peace between them”**. In this place, it means whenever there exists any dispute between the believers establish peace between them whether the conflicts lead to war or the measures are short of war. **“Observe your pious duty to Allāh”**. You should avoid the wrath of Almighty God and not to destruct and misappropriate the properties of one of the parties to the dispute. **“That haply you may obtain mercy”**. May it be that due to your impartiality in dispute you be under the grace and mercy of Allāh - or it might be said, “O you who are parties to the dispute and you who are conciliators haply you may obtain grace”.

In another verse, there is an order for conciliation, which says: **“So keep your pious duty to Allāh, and adjust the matter of your differences”**,³¹⁴ which emphasizes on “compulsory mediation” and in another verse says: **“Do not make Allāh’s (Name) an excuse in your oaths for not doing good and acting piously or making peace among**

³¹³ Exegesis of Noor-ol-Theqalain, volume 5, p 84. تفسير نورالثقلين ج ٥ ص ٨٤.

³¹⁴ Al-Anfāl VIII, 1.

فَاتَّقُوا اللَّهَ وَاصْلِحُوا ذَاتَ بَيْنِكُمْ.

mankind. Verily Allāh is Hearer, Knower”.³¹⁵ One of the interpretations of this verse is, for justification of the issues, using Allāh’s Name for one’s advantage. It will be performed in this manner that one’s indolence and laziness for not doing good and acting piously or making peace among humankind is to be justified through fabricated quasi-legal evidences.

Negotiation even performed secretly, for the purpose of making peace between different peoples and nations is admired and approved by Islam. In sūrah of Al-Nisā says: **“No good is in most of their whisperings and secret talks: it is good if by this a person bids charity or righteous deeds or conciliation among people, and he who does this, seeking Allāh’s pleasure, We shall soon give him a great reward”.**³¹⁶

In cotemporary international law, the covenants are not as progressive as the principle of “compulsory intervention” as it is propounded in Islam. According to the texts of some multilateral treaties, the innovation of “compulsory mediation” could be observed. In this kind of mediation two or more states agree that in case of coming into existence of any dispute and discord among them, resort to a third state which has been chosen as mediating state, for settlement of their disputes. According to Article 8 of Hague convention of 1907, the state may come into an agreement, that in case of discords and disputes, the mediators, which have already been chosen by them, start their negotiation for settlement of disputes. In this particular case and according to a prior agreement the parties to the dispute shall waive a part of their power and sovereignty and bestow it to mediator.

³¹⁵ Al-Baqarah II, 224.

وَلَا تَجْعَلُوا اللَّهَ عُرْضَةً لِأَيْمَانِكُمْ أَنْ تَبَرُّوا وَتَتَّقُوا وَتُصْلِحُوا بَيْنَ النَّاسِ وَاللَّهُ سَمِيعٌ عَلِيمٌ.

³¹⁶ Al-Baqarah II, 114.

لَا خَيْرَ فِي كَثِيرٍ مِنْ نَجْوَاهُمْ إِلَّا مَنْ أَمَرَ بِصَدَقَةٍ أَوْ مَعْرُوفٍ أَوْ إِصْلَاحٍ بَيْنَ النَّاسِ وَمَنْ يَفْعَلْ ذَلِكَ ابْتِغَاءَ مَرْضَاتِ اللَّهِ فَسَوْفَ نُؤْتِيهِ أَجْرًا عَظِيمًا.

Practically this kind of compulsory mediation has not been paid much attention.

As it has been observed, in Islamic international law the compulsory mediation has been propounded in an advanced form and procedure. That is to say, if there be a war among two or more states, other states must fight with the aggressor until it seeks the armistice and then by negotiation, make an equitable peace among them. This principle could have an important role in public international law, to prevent transgression of states towards each other.

“Conciliation” is another policy concerning pacific settlement of international disputes and the subject of dispute is referred to a commission composed of experts, lawyers and diplomats; and is preferred to the voluntary mediation.

CHAPTER TWO

ISLAMIC FOREIGN POLICY

Preface

States' foreign policy usually specifies the attitudes and confrontations of a state towards other states. At today's world, the foreign policy-making of states is based on their interest necessitations, whereas, the attitude of Islam in this regard, is quite different. The main objective of Islam is humankind's transcendence rather than transcendence of Islam's country. As a matter of fact, Islam has not come into existence just for Arab ethnics or Persians of Middle East countries. Islam has come, just as a father, to extend its mercy and grace over all human beings. On the other hand, the benefits emanating from humankind's transcendence is so great that Islam's country would automatically get benefit from it. Moreover, this benefit is more than that time which just Islam's country enjoys her maximum interests solely. This theory (viewpoint) has a delicate discussion, which is based on mathematical reasoning, but we are not going to deal with in this book. We hope to describe this subject in a separate book in the future. Anyhow, maximizing the interests of just one state is less than maximizing the interests of the same state that is emanated from maximizing the interests of humankind. Nearly most politicians of the world are making the same mistake and follow just obtaining the interests of their own party or group. Anyhow, in this chapter we are going to deal with principles of Islamic foreign policy, which in connection with previous and subsequent chapters, the spirit of Islam's attitude towards other nations and states could be construed.

39- Principle of: Coinciding the Islam's expediency with the humankind's expediency

It has been frequently observed that, while discussing about Islamic foreign policy, the Islam's country is defined just the same as conventional states in the world, as if she is seeking to safeguard its own national interests. The conventional states in the world always make their foreign policy in such a way that in contrast to the other nations' interests could maximize their own national interests. In Islam, the terms of nationality and ethnicity as well as national and ethnic interests do not conform to the conventional definitions. Islam follows that kind of policy which secures the expediencies and interests of the whole humankind, and as we will mention it later on, Islam belongs to all humankind rather than Muslims alone. Islam is divine Mercy, sent down in the earth, to cover all creatures and especially all human beings around the world.

On this basis, the expediency of Islam and Islam's country coincide with expediency of humankind. There is only one exception to the said rule and it is while other states intend to transgress the inviolable border of Islam through practical war operations. That is to say, if they take aggressive measures, then the Islam's expediency would be superior to the aggressor's expediency of aggressive state, and Islam shall as hard as possible, confront with the aggressor. As it will be mentioned later on, the confrontation would be so hard that never permits another rebellion being carried out by the aggressor. With the exception of the said issue, the expediency of Islam coincides with the expediency of every one of human beings. Since Islam has been sent down for all human beings and all creatures are regarded from unique point of view, and all of them are believed to be creatures of the One who has sent down Islam, therefore all

human beings are dearest, beloved creatures of the Unique Nurturer. And if they have not endeavored to obey Almighty God, the messenger of Allāh (S) and the Holder of Authority from among themselves, and are abandoned and forlorn, it would not mean that they are of lower classes in creation. On the contrary, their abandonment would be a good cause, that Islam should have shown more compassion and affection toward them. For example if a child does not obey his father, then the father would have more trouble, hardship to protecting, and taking care of his child. In Islam, taking care of the said forlorn is the obligation of viceroy of God in the earth, the prophet (S), divine guardian, or divine executor, who have the position of paternity over the creatures of God. Which said: **“I am about placing a viceroy in the earth.”**³¹⁷ This verse (as to the Arabic grammar) is a noun based sentence and the word **“placing”** is a constant adjective which both of these points indicate continuity of “placing viceroy” in the earth. This viceroy is the prophet or Holder of authority (Divine Master of Affairs) who are viceroy of the whole world. The abovementioned verse is addressed to the angels for introducing Adam (A) who was the only viceroy in the earth at the time. The authorization issued by Adam (A) to other persons, created several chains of authorizations and the Holders of authority in the earth, consequently divine viceroys are dispersed throughout the world and for each nation and folk there exist a guide and a messenger, which said: **“And for every folk there is a guide.”**³¹⁸ And: **“And for every nation there is a messenger.”**³¹⁹ And the most

³¹⁷ Al-Baqarah II, 30.

إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً.

³¹⁸ Al-Ra’ad XIII, 7.

وَ لِكُلِّ قَوْمٍ هَادٍ.

³¹⁹ Yūnus X, 47.

وَ لِكُلِّ أُمَّةٍ رَسُولٌ.

meritorious ³²⁰ and ornament of the said viceroy is the Honorable Messenger of Islam (S) and the successors of the chain of authorization from Adam (A) up to Muhammad (S) and from Muhammad (S) to the Upholder, Lord of our age who is alive at any time and stationed at the throne of divine successorship and will exist also in future.³²¹ In addition, this successorship cannot be usurped and/or be changed. It will be constituted just by Almighty God and the Holder of authorization.

³²⁰ Al-An'ām VI, 165. It is addressed to Honorable Messenger "Say (from the previous verse): **He it is who has placed you as viceroys in the earth and has exalted some of you in rank above others.**"

وَهُوَ الَّذِي جَعَلَكُمْ خَلَائِفَ الْأَرْضِ وَرَفَعَ بَعْضَكُمْ فَوْقَ بَعْضٍ دَرَجَاتٍ.

³²¹ This successorship certainly means the obligatory and divine appointing successorship, which is against created successorship that covers all humankind. In a comment on the verse 165 of sūrah Al-An'ām (previous footnote) on "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", volume 5, we can read: "**He it is who has placed you viceroys in the earth**" is a reference to the words of Allāh "**He is the Lord of every thing**" which is grammatically, the new words coming after previous sentences for more emphasis and explanation and another argumentation which in this place means to negate choosing another Lord besides Allāh. And it is a statement to describe the quality of His Lordship, which is exclusively highest grade of blessings. It means "It is He, and nobody else, who appointed you as viceroys in the earth. He appointed you as His successor in the land of macrocosm by bestowing you distinguishing faculty and power of domination to act in any manner that you wish. Therefore, its manipulation is permitted. He has also appointed you as his successor in the land of microcosm and has made you to be domiciled therein, he has bestowed you the same army and attendants as He has for Himself and has given you power for their domination. This is the utmost blessings that He has created you to His resemblance."

In sūrah of Yūnus, verse 14 says: "**Then we made you their successors in the earth after them, to see how you would act.**" ثُمَّ جَعَلْنَاكُمْ خَلَائِفَ فِي الْأَرْضِ مِنْ بَعْدِهِمْ لِنَنْظُرَ كَيْفَ تَعْمَلُونَ. In this verse "**successor**" means the next one and has the "created successorship" conception. The same concept has come in verse 73 of aforementioned sūrah that says: "**So we saved him and those with him in the ship, and made them viceroys.**" فَجَئِينَاهُ وَ أَنْجَيْنَاهُ وَ جَعَلْنَاكُمْ خَلَائِفَ فِي الْأَرْضِ مِنْ بَعْدِهِ لِنَنْظُرَ كَيْفَ تَعْمَلُونَ. And said: "**He, it is who has made you regents in the earth**"; هُوَ الَّذِي جَعَلَكُمْ خَلَائِفَ فِي الْأَرْضِ (sūrah of Al-Fātir, verse 39). And said: "**Remember how He made you viceroy after Noah's folk**"; وَ اذْكُرُوا إِذْ جَعَلَكُمْ خُلَفَاءَ مِنْ بَعْدِ نُوحٍ (sūrah of Al-Arāf, verse 69). "**And remember how He made you viceroys after Aād**"; وَ اذْكُرُوا إِذْ جَعَلَكُمْ خُلَفَاءَ مِنْ بَعْدِ عَادٍ (sūrah of Al-Arāf, verse 74). This created successorship is along with continuity of obligatory successorship, which said: "**And has made you viceroys of the earth**"; وَ يَجْعَلُكُمْ خُلَفَاءَ الْأَرْضِ (sūrah of Al-Naml, verse 62).

In a comment on the verse: **“Then Moses returned unto his folk angry and distressed”**³²² it is written³²³: “The prophets are all just as kind fathers for their community and the people of community are their beloved children. Their belief is regarded as their perfect health and deficiencies in belief or lack of faith indicate their illness or death. The mood and status of a prophet as to the health, illness, or death of his community is the same as mood and status of an affectionate father towards his children. Certainly the kindness and affection of prophet is much excessive than a father.”

Anyhow, the said viceroy who is representative, governor, and obligatory successor of Almighty God in the earth is appointed for all people in the world. In sūrah of Sād, which is addressed to David (A), it is said: **“O David! Lo! We have appointed you as viceroy in the earth; therefore judge (rule) among men according to justice.”**³²⁴ In this verse, David (A) is instructed “to judge (rule)” which has the meaning of governorship and also arbitration, and object of the verb is humankind so that it is not specified for Muslims or the followers of David (A). It means that O David we have appointed you as governor in the earth and the people in the world are under your governorship. So, you should rule and make decisions and judgments according to justice. So that, with regard to the meaning of the said verse, which sets people of the world under the paternity and governorship of divine viceroy in the earth, we may conclude that Muslim’s expediency coincides with human beings’ expediency, therefore Islam following this approach, should make its foreign policy. This principle is regarded as one of the most important principles in foreign

³²² Tā-Hā XX, 86.

فَرَجَعَ مُوسَى إِلَى قَوْمِهِ غَضْبَانَ أَسِفًا.

³²³ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", volume 9 p. 248.

³²⁴ Sād XXXVIII, 26.

يَا دَاوُدُ إِنَّا جَعَلْنَاكَ خَلِيفَةً فِي الْأَرْضِ فَاحْكُم بَيْنَ النَّاسِ بِالْحَقِّ.

policy of Islam's government. On this basis, the expediency of human beings is the same as Islam and Islamic government's expediency.

Probably the believers of other religions might raise an objection that, the said subject could also be applied to all religions, because the religions belong to whole humankind and this subject is not an exclusive issue for Islam. We admit that it is certainly a correct statement to say that all true religions have been sent down for this purpose and the prophets are also appointed to achieve these objectives. But with respect to this objection, we have to mention that each one of the prophets is successively more perfect than the previous one. This is a standing rule that the Existence (The world) is moving towards progression and perfection, so that prophet, who is appointed, by taking the time of appointment into consideration, should be more perfect than or at least equal to previous prophet. On the other hand, all prophets are trained by previous prophet and divine guardian or divine executor, and the trainee possesses both the rank of the instructor and his own altogether. In Glorious Qur'an, it is said: **“None of our Decrees do We abrogate or cause to be forgotten, unless We substitute something better or similar, (O, man) do you not know that Allāh is powerful over all things?”**³²⁵ That is the reason why Shiites believe in the Messenger of End of the Time.

The above said reasoning indicates that there is no difference between the prophets as to their main objective. But any of the prophets, with regard to their ranks and the requirements of place and time and also the talents of human beings, have brought laws and regulations, which are suitable for that age. That is the reason why religious law of Moses (A) was ratified by Jesus (A) who said: **“Never think that I have come to abrogate Torah**

³²⁵ Al-Baqarah II, 106.

ما نُنسَخُ مِنْ آيَةٍ أَوْ نُنسِهَا نَأْتِ بِخَيْرٍ مِنْهَا أَوْ مِثْلَهَا أَمْ لَمْ تَعْلَمْ أَنَّ اللَّهَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ.

and written work of other prophets. I am not here for abrogation. I am for perfection.”³²⁶ Jesus (A) was one of the trainees of prophets who were subsequent to prophethood of Moses (A). Jesus obtained religious laws, mystic path and the truth of Moses from John (A) and the latter from Zachariah (A), hand-to-hand back to Moses. Muhammad (S) who reached this position was under training of the latest prophets of Christ’s religion. He was trained by Baradeh (A) (Abu-Talib) and the latter was trained by Abdol-Mottaleb (A). He was trained by Hashim (A) and the latter was trained by Abde-Manaf (A) back to Peter (A) who was trained by Jesus (A). Therefore, there is no difference between religions, and they are all appointed for a unique word, which said: **“Say (O, Messenger) O people of the scripture: come to the Word of (monotheism) which is common between us and you.”**³²⁷

The religions are at a subsequential direction; therefore, to be stationed in a previous religion would be because of fanaticism. I hope to discuss about this important subject in another book.

³²⁶ New Testament, Mathew, chapter 5, 17.

³²⁷ Āle-Imran III, 64.

فُلْ يَا أَهْلَ الْكِتَابِ تَعَالَوْا إِلَى كَلِمَةٍ سَوَاءٍ بَيْنَنَا وَبَيْنَكُمْ.

In Islam, the terms of nationality and ethnicity as well as national and ethnic interests do not conform to the conventional definitions. Islam follows that kind of policy which secures the expediencies and interests of all humankind. The expediency of Islam and Islam's country coincide with the expediency of humankind. The same characteristic also exists in the other true divine religions. There is only one exception and it is when other states intend to transgress the inviolable border of Islam through practical war operations.

40- Principle of: Islam appertains to humankind

Some lawyers are of the opinion that the origin of “the right” is based on the concepts of natural laws, which are emanated from the rules and laws governing the nature and the Being. Therefore, the theory of natural law has been shaped in this fashion. The sources of these thoughts and reflections could be clearly observed in true religions and divine scriptures. The maturity and growth of this course of thinking could be traced back to ancient Greece. Surveying the said course of thinking and comparing it with religious instructions and teachings, reveals that each subsequent prophet has been more perfect than the previous one, consequently by careful consideration of the requirements of a special period of time and qualifications of human beings within the nature's container and its laws, the prophets have instituted or ratified certain decrees and rules and have caused the maturity of religious laws. That is to say, the religious commandments have been legislated in accordance with the nature and

talents of human beings. That is the reason why the religion's precepts, due to their conformity with the nature and being based on wisdom, are suitable for all humankind. Specially the religion that possesses the comprehensive laws and regulations.

According to the abovementioned reasoning, religion of Islam does not pertain exclusively for Muslims. On the contrary, it belongs to all humankind. Islamic instructions are also for those people who are inclined to follow Islam and taking advantage of its instructions. In sūrah of Saba says: **“(O Messenger) We did not send you but as a guide to all mankind in order to give glad-tidings to the believers and to warn those who have gone astray, but the majority of the people are ignorant.”**³²⁸ And in another verse, it is ordered the Honorable Messenger that: **“Say (O Messenger) O men! I am sent to you all, as the Messenger of Allāh.”**³²⁹ To sum up this discussion we can conclude that, bountiful table of Islam is at hand and it is not specifically for Muslims or the believers. It is a general invitation to take advantage of this vast divine blessing. Through this standpoint, all humankind are honored by Islam. The cause and objective of advent of Islam is for all humankind. Therefore, Muslims have no right to consider themselves superior than other folks or nations. That is nothing to boast about. They should not guide others just by putting them under pressure. Due to this principle, it is said: **“We sent you not save as mercy for the people.”**³³⁰ That is to say, the purpose of appointing Honorable Messenger was a mercy for all humankind rather

³²⁸ Saba XXXIV, 28.

وَمَا أَرْسَلْنَاكَ إِلَّا كَافَّةً لِّلنَّاسِ بَشِيرًا وَنَذِيرًا وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ.

³²⁹ Al-A'rāf VII, 158.

قُلْ يَا أَيُّهَا النَّاسُ إِنِّي رَسُولُ اللَّهِ إِلَيْكُمْ جَمِيعًا.

³³⁰ Al-Anbiā XXI, 107.

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ.

than making trouble for them.

Religion of Islam does not exclusively belong to Muslims. On the contrary, it belongs to all mankind. All humankind is honored by Islam. The cause and objective of advent of Islam is for mercy for all humankind. Muslims have no right to consider themselves superior to other folks or nations. There is nothing to boast about. They should not guide others just by putting them under pressure. The same characteristic exists in other true divine religions.

41- Principle of: Human being's dignity

In Glorious Qur'an, it is stated: “**Verily, We have honored the children of Adam.**”³³¹ While Almighty God honors the children of Adam, certainly every one of us as Muslims should also observe this dignity. No one has the right to degrade the children of Adam's dignity and/or humiliate them or treat them disrespectfully. On the basis of this principle, every individual of human community is taken as being honorable, and Islamic government is bound to respect the humankind, whether individually or collectively.

In a comment on Articles 22-25 of Universal Declaration of Human Rights, it is written³³²: “According to Article 22 everyone, as a member of society has the right to enjoy social security ... and so.” The rules

³³¹ Al-Isra XVII, 70.

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ.

³³² His Excellency Hajj Sultan Hussein Tabandeh “Religious standpoints on Universal Declaration of Human Rights” pp 108-113.

prescribed in this Article have rigorously been observed in Islamic instructions. And the social rights and obligations of individuals towards each other and duties of government towards individuals and vice versa, have been clearly described and ordered. The tradition of “there is no detriment and detrimental act in Islam” confirms the subject in question. This tradition that is narrated from Imam Baqir (A) is about a man called Samarat-ibn-Jandab who owned a palm tree, planted in one of (Ansar) Helpers’ house. Jandab, for reaching the palm tree, always annoyed the landlord, so the Honorable Messenger (S) asked him to stop bothering and observe the landlord’s rights. But Jandab refrained to accept so. The Prophet (S) proposed to give him another palm tree belonging to himself, in another place, but he did not accept it. The Prophet (S) added to the proposal up to ten palm trees, but Jandab refused to accept. The Prophet (S) said you will be given a palm tree in Paradise instead, but he refused to accept it. Then His Reverend ordered to uproot the tree, because nobody has right to make loss against others. There are too many traditions and narrations concerning the rights of individuals towards each other and rights of governors against people and people against governors, which could be found in the books of “narrations”. There is a tradition from Abi-Hamzah Thamali narrated from Imam Sajjad (A) in relation to the different rights, which should be observed by every individual, such as the rights that Almighty God has against him and also rights of other people towards him. These rights are clearly described, and due to clarity of the subject, there is no need for their description. The story of Jewish woman whose earrings were taken out by Mo’avia’s guerrillas in the realm of Imam Ali’s governance, which made him (Ali) ill due to the deep sorrow when he informed from the harm done to a protected woman in his realm is a well-known story which reveals the utmost observance of the Islamic governor for protecting peoples in the society. Article 23 is about the right to accept

the work, to free choice of employment, the right to equal pay and the right to just and favorable remuneration. In this connection, the Islamic instructions have also been described the related rules in detail. And even the magnanimous persons of Islam have emphasized on payment of laborer's wages as soon as possible. As it is narrated from Imam Sadiq (A), the wage of a porter and a person hired for service should be paid before their perspiration gets dried to protect them against disablement. And it is also narrated from His Excellency that whenever you hire a person for service you should determine his wage beforehand. In practice, the magnanimous persons of Islam have been always as exemplary in the society in everything. The perfect example and absolute epitome of the truth of Islam is Ali-ibn-Abitalib (A) that his behaviors, moral conducts, and qualifications were at the highest point of humanity and an exemplary for the humankind. With regard to the above said discussion, he had the same policy. It is written that Qarazat-ibn-Ka'ab who was one of the companion of the Messenger (S) and the one who had fought in the war of Ohud, was also accompanying Imam Ali (A) in his fighting. The said person was appointed as governor of Fars by Ali (A). He wrote a letter to Imam Ali (A) to take his advice about reconstruction of subterranean water canals, which were old and destroyed. The nobles and grandees had requested summoning the people and making them work in canals until stream of water flows into canals, as a result the lands would be cultivated and become habitable, and then by imposing taxes the revenues of public treasury would increase. Imam Ali (A) responded, "I never make a person work against his will. If the subterranean water canals were in such a condition that you have explained, then you would better invite people and encourage them to rebuild the canals. When the canals were rebuilt, then the water will belong to those persons who have worked rather than those who have refrained to do the job". This is the best evidence that Imam Ali

(A) has never been contended to make people work as forced laborers, but meanwhile, he liked people being employed in a certain job for strengthening their wealth revenues. At the end of the said letter, he adds: "To me, cultivation, development, and progress are preferable to being poor and weak" who has practically declared the teachings of Islam in the said subject. In Islam, due to showing favor to workers, it is not recommended to stipulate conditions for compensation of tools and means of work such as spades and pickaxes, which are given to them if they are broken or destroyed during the work, unless it is proved the worker has not intentionally damaged the tools. There are some reciprocal regulations as well which prevent the workers causing any harm to the employers. For example if somebody is hired to do a specific job within a determined time, he has no right to do another job during the said time, because he is at the service of the employer during the determined time, unless the second job is done out of that time. For instance, if a person is hired to do a determined job on a specific day, he cannot perform any other works during that very day, but during the night which he has no obligation towards the employer, he can accept to do other works, unless continuing the work during the night causes him to be so tired and worn out that makes him unable to do his daily job in perfect manner which he is hired for. As we have said earlier the night prayer and keeping a vigil, is emphatically recommended, but if be the cause of weakness in the next day working time, in this case it would cancel the said recommendable prayer, unless there has been no specific time for doing the job. Islam has also several rules and regulations in regard to the proposals mentioned in Article 24. That is to say, part of time should be set aside for worldly works. It is also narrated that twenty-four hours of day and night should be divided into three parts. Namely, eight hours for working, eight hours for worship and leisure time and having food, and eight hours for sleeping and tranquility. Even it is

emphasized that nobody should make the hired persons to work on Fridays. It is narrated from Imam Sadiq (A) that everybody who makes a hired person to work on Fridays and prevents him to perform Friday prayer, he has borne the worker's sin, because the Fridays are pertained exclusively to worship of Allāh, rest, and leisure. In 1954 when I, the author, was in Geneva I saw a special law for house servants which was stipulated in one of its articles that they should be free to go to the churches on Sundays, and the employers should not prevent them from going to church and worshipping Almighty God. Article 25 is about the right of a person to standard of living adequate for the health and well-being of himself and of his family. If a person has no other means of living (such as revenues acquired from personal property) then working as means for supporting himself and his family is a must in Islam. Moreover, making efforts to gain more properties with the intention of betterment of living conditions of his family and removing their needs is recommended, which is the purport of Article 25. The grandees of religion of Islam had the same policy. As it is narrated from Imam Sadiq (A), The Leader of Believer Imam Ali (A) would plough and would develop the land and cultivated himself, and the Prophet (S) would make wet the date stone with his mouth and cultivated and grew them. And Ali (A) by his own property, which had been acquired through great effort and hard work, could ransom one thousand slaves. And it is narrated from Imam Sadiq ³³³ who said: "There is no goodness in a person who does not like to gather property by which he can safeguarded his prestige and reputation and payback his debts and perform the meeting of his kindred and strengthening the family ties". And also said "Messenger

³³³ Al-Kāfi, 5, 72

الكافي، ٥، ٧٢، باب الاستعانة بالدنيا على الآخرة، عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ أَبِي عَبْدِ اللَّهِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ مُحَمَّدٍ عَنِ الْحَارِثِ بْنِ بَهْرَامَ عَنْ عَمْرٍو بْنِ جَمِيْعٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ لَا خَيْرَ فِي مَنْ لَا يُحِبُّ جَمْعَ الْمَالِ مِنْ حَالَالٍ يَكْفُ بِهِ وَجْهَهُ وَ يَقْضِي بِهِ دَيْنَهُ وَ يَصِلُ بِهِ رَحْمَةً.

of Allāh personally milked his goat”, which indicates that he always helped others in their works. And it is narrated from Imam Riza (A) that³³⁴: “He who seeks his sustenance from God’s bounteousness, to support his wife and family, his reward would be more than one who fights in the way of Allāh”. The reason is that he would be the cause of living and tranquility of a believer or several bondmen of God. Davood-ibn-Sarhan says that “I saw Imam Sadiq (A) was weighing the dates. I told him I wish you would call some of your children or servants to do the weighing. He responded there are three things, which are praiseworthy for a Muslim. The first one is patience while in affliction. The second one is knowledge in religion. The third one is good policy during the lifetime”, which indicates that a person should be quite careful with the affairs and way of living. There are too many traditions about the subject matter in question that we just mentioned one of them in each part as an example.”

On the basis of the said principle all humankind in the world are taken to be honorable by Islam and Islamic government, without taking their color, race, and/or nationality into consideration. This principle shall not permit to degrade and humiliate human beings in different ways and without due cause or legal permission. At present time and in current international relations, the great powers would degrade and humiliate undeveloped or hostile states and their citizen or would make a great show of reluctance towards them. These kinds of actions are rejected and forbidden in foreign policy of Islam's government. If there be any hostility with a foreign state, this hostility should not be extended to their citizens

³³⁴ Al-Kāfi, 5, 88.

الكافي، ٥، ٨٨، باب من كد على عياله...، عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ إِسْمَاعِيلَ بْنِ مِهْرَانَ عَنْ زَكْرِيَّا بْنِ آدَمَ عَنْ أَبِي الْحَسَنِ الرِّضَا ع قَالَ الَّذِي يَطْلُبُ مِنْ فَضْلِ اللَّهِ عَزَّ وَ جَلَّ مَا يَكْفُ بِهِ عِيَالَهُ أَعْظَمُ أَجْرًا مِنَ الْمُجَاهِدِ فِي سَبِيلِ اللَّهِ عَزَّ وَ جَلَّ.

and/or take hostile confrontation with them, because they are the same children of Adam.

All humankind in the world shall be considered honorable, aside from the colors of their skins, race, and/or nationality. There is no permission to degrade and humiliate human beings in different ways and without due legal permission. If there is hostility against a foreign state, this hostility should not be extended to their citizens and/or hostile measures should not be taken against them because they are the same children of Adam.

42- Principle of: Unity

Contrary to the standpoints of narrow-minded persons such as Machiavelli³³⁵ who established the foundation of government on the basis of discord and disunion, the principle of unity is one of the most indisputable principles of all true divine religions. It is the constituent element of religious and Islamic foreign policy and diplomacy. On the basis of the said principle, all humankind are placed in the impregnable fortress of the goodly saying (word) of “**There is no God but Allāh**”. They are all brethren and are entitled to equal and brotherly rights. Obtaining these rights is not based on religions, ideologies, and creeds of the people. Islam's government is bound to grant equal rights to all individuals and groups having different faiths, opinions, and religions. There is only one exception to this principle, which is applicable for restricting the aggressors

³³⁵ Niccolo Machiavelli (1469-1529) from Florence the author of the book: “The prince” introduces a new policy for obtaining political aims namely to use cheating and deception and disunion as the means to the ends.

from infringement of others' rights.

In Glorious Qur'an, apart from several verses in sūrah of Al-Taubah and other sūrahs, which are sent down about fighting against the aggressors to the limits of Islam, the tasks of Honorable Messenger (S) and Muslims towards non-belligerent disbelievers are generosity and respect. In the noble verse, which is addressed to Honorable Messenger (S), it is said: **“Say: O people of the scripture come to the word of (monotheism) which is common between us and you”**.³³⁶ It is ordered to His Reverend, to invite and summon everybody for unity under the aegis of the words **“There is no God but Allāh”**. According to the noble verse: **“At the beginning, people were one nation; Allāh sent the Messengers as givers of glad-tidings and warners; and sent down (with them) the scripture with the truth to judge between men in whatever they differed”**.³³⁷ One of the aims of appointing the prophets is adjustment of disputes among people. In other words, the objective of appointing the prophets is establishment of unity between all people rather than the believers of a religion. The word **"people"** in the said verse indicates all humankind without any particularization. With regard to the Islamic foreign policy, it means that any kind of differences among human societies is considered to be disagreeable. The aim of great legislator is also settlement of disputes and establishment of **“one nation”** because at the beginning of the verse it is said: **“people were one nation”** and the prophets are appointed for revival of this unity.

³³⁶ Āle-Imran III, 64.

قُلْ يَا أَهْلَ الْكِتَابِ تَعَالَوْا إِلَى كَلِمَةٍ سَوَاءٍ بَيْنَنَا وَبَيْنَكُمْ.

³³⁷ Al-Baqarah II, 213.

كَانَ النَّاسُ أُمَّةً وَاحِدَةً فَبَعَثَ اللَّهُ النَّبِيِّينَ مُبَشِّرِينَ وَنَذِيرِينَ وَأَنْزَلَ مَعَهُمُ الْكِتَابَ بِالْحَقِّ لِيُحْكَمَ بَيْنَ النَّاسِ فِي مَا اخْتَلَفُوا فِيهِ.

Seyyid Haidar Amoli in a comment on the latter verse says that the purpose of the first unity indicates the unity at the time of Adam (A), his one religion, and one path. He says the differences are originated from humankind devils and genie devils (hidden devils).³³⁸

In the inaugural message addressed to the “Conference on peace between religions”, it is stated³³⁹: “... Religion is a specific matter that belief in it cannot be imposed by force. On the contrary, every one of us has chosen our religion knowingly and consciously. We, as Muslims have chosen Islam and we believe that Islam is the last divine religion and the most perfect of all religions. But this belief cannot be imposed on another person by force, because he/she should also do the inquiry and research until he/she definitely arrives at the same conclusion. Therefore, as long as the followers of different religions have not arrived at the same conclusion, for establishment of universal peace, all religions should be respected and considered to be important. And to achieve the desired end of unity of religions, the necessary facilities should be prepared for them to be able to continue their own inquiry. But at the present time, as it was mentioned earlier, without respecting others’ creeds and beliefs we cannot speak about the unity of religions. So that, for this reason, although I believe that Islamic mysticism, among mystical paths of different religions, is the most advanced mysticism, but I never impose my belief on other persons, at the same time I hope the others arrive at the same conclusion that I have

³³⁸ Seyyid Haidar Amoli, the exegesis, volume 1, pp. 397-426. The Printing and Publication Institution of Ministry of Islamic Guidance, Tehran (1993).

³³⁹ The text of inaugural message of his Excellency Hajj Dr. Noor-Ali Tabandeh, MajzoobAlishah, to the Conference of Peace among Religions. (Foundation for Religious Harmony and Universal peace) (18-20, April 2005) New Delhi, India. Collection of essays on “peace among religions. Mysticism in Iran (journal), compiled and edited by Dr. Seyyid Mostafa Azmayesh, No 22, Haqiqat Publication, 2004, pp 5-9. A brief description of the said conference is printed in the same number, in an essay with the title “The conference of foundation for religious harmony and universal peace” by Hussein-Ali Kashani, pp. 125-136.

already arrived at. At recent period, many high-ranking authorities and leaders in the world have noticed the importance of this subject matter. For instance, the late pope, John Paul the second, who was a wiseman and had noticed these critical points, after so many years of differences between Christian sects, in a journey to Jerusalem visited also the Orthodox authorities. While no one of the followers of religions should desist from their religious beliefs, at the same time they must respect the religious beliefs of other persons. They should also continue their social cooperation without leaving their creeds off, or even be less severe in their beliefs. All believers should take this subject in their mind. Fortunately, the said subject has always been taken into consideration in Islamic mysticism, and Islamic mystics would respect followers of other religions and would socialize with them. The mystic books confirm the truth of this allegation. Islamic mysticism attaches a separate personality to each person and gives the human beings this opportunity to do their inquiry and after full understanding the subject, to chose their religious beliefs, just as we may witness this process on the event of entrance of Islam to Iran. It is true to say that Arabs when converted to Islam, started to conquer the Islamic countries, but it is not true to say that Arabs conquered Iran. Because, although the entrance of Islam to Iran was at first by fighting which continued to the province of Rey, but afterwards people, they themselves accepted the teachings of Islam and acted upon it. How people came to choose Islam as their religion? There were several teachings in Islam, such as respecting human beings and their rights, freedom of speech (expression), freedom of thought (conscience) which were agreeable to Iranians, so they converted to Islam. Unfortunately, in today's world, the process of politics is so predominant that has taken the invaluable teachings of religions under its supremacy. Just the same as supporting and backing a political faction or opposing to it, defending the peace is also accompanied

by political motives. The authorities of religions should make special effort to keep religious beliefs away from political supremacy and avoid being the puppet of different political ideologies. Of course, people are free to choose social and political system, which they prefer best, as well as being the true follower of one of divine religions. But the instances where some people achieve their goals by inciting the religious feeling of folks and nations - as it is common in today's world of politics - is a very dangerous issue. Because it will destroy the people's beliefs, moreover it is impossible for them to choose the most advisable beliefs. Consequently, the fighting between the followers of religions would intensify..."

In sūrah of Al-Mumtahanah, concerning the way of behavior and friendship with ex-enemies says: **“It may be that Allāh will cause friendship between you and those whom you hold as enemies. Allāh is the Absolute Power, and Allāh is Forgiving, Merciful. Allāh forbids you not, those who warred not against you on account of religion and drove you not out from your homes, that you should show them kindness and deal justly with them. Lo! Allāh loves the justdealers. Allāh forbids you only those who warred against you on account of religion and have driven you out from your homes, and helped to drive you out, that you make friends of them. Whosoever makes friends of them- (all) such are wrongdoers”**.³⁴⁰ In a comment on the verse, it is said:³⁴¹ **“It may be that Allāh will cause friendship between you and those whom you hold as enemies”**. It is a hope that Allāh makes

³⁴⁰ Al-Mumtahanah LX, 7-9.

عَسَى اللَّهُ أَنْ يَجْعَلَ بَيْنَكُمْ وَ بَيْنَ الَّذِينَ عَادَيْتُمْ مِنْهُمْ مَوَدَّةً وَ اللَّهُ قَدِيرٌ وَ اللَّهُ غَفُورٌ رَحِيمٌ. لَا يَنْهَاكُمْ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَ لَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ وَ تُنْفِسُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ. إِنَّمَا يَنْهَاكُمْ اللَّهُ عَنِ الَّذِينَ قَاتَلُوكُمْ فِي الدِّينِ وَ أَخْرَجُوكُمْ مِنْ دِيَارِكُمْ وَ ظَاهَرُوا عَلَىٰ إِخْرَاجِكُمْ أَنْ تَوَلَّوهُمْ وَ مَنْ يَتَوَلَّهُمْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ.

³⁴¹ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", volume 14, translation pp. 144-146.

friendship between you and your enemies who are disbelievers. This is a response to presumed question. **“Allāh is The Absolute Power”**. Allāh has the power to change the enemies and dislike to love and kindness. **“Allāh is Forgiving”**, Allāh shall forgive whatever has been done due to ignorance, such as enmity towards you and whatever you have done due to ignorance, such as friendship of them. **“Merciful”** Allāh in addition to forgiving you shall show mercy to you and them all. It is narrated from Imam Baqir (A) that: Allāh interrupted friendship between the believers and their relatives from Mecca, and people from Mecca had enmity towards the believers, then said there is hope that God make friendship between you and those you have enmity with. When people from Mecca converted to Islam, companions of Messenger of God established relationship with them and some married the opposite side. And the Messenger of God also married Habibah, Abu-Sofyan’s daughter.³⁴² **“Allāh forbids you not, those who warred not against you on account of religion and drove you not out from your homes, that you should show them kindness”**. In this sentence the words **“that you should show them kindness”** is a substitute for **“those who warred not against you”**. **“And deal justly with them”**. The concept of “bounty and favor” can also be implicitly understood from the words **“deal justly”**. **“Lo! Allāh loves the justdealers. But forbids you only those who warred against you on account of religion and have driven you out from your homes, and helped to drive you out, that you make friends of them”**. The phrase **“that you make friends of them”** is the substitute for the phrase **“those who warred against you”** or to show dislike **“that you make friends of them”**. **“And whosoever makes friends of them- (all) such are wrongdoers”**. Because they have used friendship in a wrong place namely they used it in place of enmity”.

³⁴² Ali-ibn-Ibrahim Qomi, Noor-o-Thaqalain.

The Reverend Messenger (S) in the “Farewell address (sermon)” says: “O people, be aware that your Lord is just “The One” and your father is just one. There is no superiority of Arabs to non-Arabs and Non-Arabs to Arabs, blacks to reds and reds to blacks. The superiority and excellence is just through piety”.³⁴³ The principle of unity can be clearly understood from this verse, which says: **“O people! Be careful of your duty to your Lord, who created you of a single soul and from him created his mate and from the two of them created many men and women scattered all about; be careful of your duty toward Allāh that by swearing to His Name you claim (your right) of one another, and be mindful to interrupt from your relatives”**. Surely Allāh is the Ever-Watcher over your deeds”³⁴⁴ From the first part of this verse it can be inferred that all humankind due to the oneness of their father are all relatives. In the second part, by stating that **“not interrupt you’re your relatives”** emphasizes that on the basis of the first part of the verse, all individuals in the earth - from the past up to present time - are relatives. In other words, the emphasis of this verse is on the principle of unity of all humankind in all times and places.

In another verse that is addressed to all people in the earth it is said: **“And hold fast, all of you together, to the cable of Allāh, and do not separate, and remember Allāh’s favor unto you. How you were**

³⁴³ The exegesis of Al-Mizan, Allamah Tabataba’i, volume 18, p 334. and Ma’dan Al-Javahir, 21.

تفسير الميزان، علامة طباطبائي، جلد ١٨، ص ٣٣٤. معدن الجواهر، ٢١، باب ما جاء في واحد... ص: ٢١، قال سيدنا رسول الله ص أيها الناس إن ربكم واحد و إن أباكم واحد لا فضل لعربي على عجمي و لا لعجمي على عربي و لا لأحمر على أسود و لا لأسود على أحمر إلا بالتقوى قال الله تعالى إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ.

³⁴⁴ Al-Nisā IV, 1.

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَ خَلَقَ مِنْهَا زَوْجَهَا وَ بَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَ نِسَاءً وَ اتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَ الْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا.

enemies and He made friendship between your hearts so that you became as brothers by His grace, and (how) you were on the brink of the pit of the Hell-Fire and He saved you from it”.³⁴⁵ In a comment on this verse says³⁴⁶: “**And hold fast to the cable of Allāh**”. “**Cable of Allāh**” is attributed to Qur’an, because it is just like a strong sensible rope that is stretched from Allāh towards humankind. At one end, there is divine providence and divine guardianship of Ali (A) in the Hands of Allāh, and other end is in the hands of people, and the said Qur’an is the designs, writings, words, and phrases of it. And cable is also ascribed to perfect man such as prophet or divine guardian (A), because he is as a strong rope stretched from God towards humankind, who from one dimension he is in the status of divine providence - just the same as Qur’an - and from another dimension is his human status. And “**cable**” is also ascribed to “**created guardianship**” and “**obligatory guardianship**”, because they are strong ropes stretched. One side of them is “**The providence**” because all of them as high authorities are unique - separation only happens in the world of difference - and other side is a perfect man having that kind of chest being capable of obtaining divine and human guardianship. It is also in the prophethood, messengership; and religious laws, which is legislated by prophets and messengers. And the words of Almighty God subsequent to the said verse, which says: “**Disgrace is branded on them wherever they are found unless they grasp a rope from Allāh (to appeal to Allāh) and a rope from men (or to people for help)**”³⁴⁷ indicates two kinds of guardianship. Or it indicates to Qur’an and obligatory guardianship as it is

³⁴⁵ Āle-Imran III, 103.

وَ اعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا وَ اذْكُرُوا نِعْمَتَ اللَّهِ عَلَيْكُمْ إِذْ كُنْتُمْ اَعْدَاءً فَأَلَّفَ بَيْنَ قُلُوبِكُمْ فَأَصْبَحْتُمْ بِنِعْمَتِهِ اِخْوَانًا وَ كُنْتُمْ عَلَى شَفَا حُفْرَةٍ مِنَ النَّارِ فَأَنْقَذَكُمْ مِنْهَا.

³⁴⁶ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", volume 3, translation, pp, 347-350.

³⁴⁷ Āle-Imran III, 112.

صُرِّبَتْ عَلَيْهِمُ الدَّلِيلَةُ اَيْنَ مَا تُقِفُوا اِلَّا بِحَبْلِ مِنَ اللَّهِ وَ حَبْلِ مِنَ النَّاسِ.

narrated that “**the cable of Allāh**” is Qur'an and “**rope from men**” is Al-ibn-Abi-Talib (A). It is attributed to the Messenger of God (S) that while describing the qualifications of Qur'an and “the Family (successors)” said: “There are two ropes which are stretched. One end is in the Hands of Allāh and the other end is in your hands. They would never separate from each other”. As it was surveyed in the first part of sūrah of Al-Baqarah, about the meaning of the “**scripture**” and extension of its purport to other concepts, it can be said that “created guardianship” is also a scripture from Allāh the same as "obligatory guardianship" which is also a scripture from Allāh and the purpose of it, is Muhammad (S) while being in the status of his prophethood or messengership or divine guardianship. Or the purpose is the religious laws and his religion, that is to say Islam. Or the purpose is Ali (A) in his divine guardianship. Because the said verses purport the figurative meaning of “community” in adherence to guardianship. Pursuant to the generalization of the order to the phrase of “**holding fast**”; namely “**holding fast**” to all different meaning of “cable” in relation to the grades and status of human beings are under consideration. Then it seems that it is said “O you Muslims! Hold fast to Muhammad (S) and his religious laws and his scripture” and “O you who believe! Hold fast to Ali (A) and his divine guardianship”. “**All of you together**” and “**do not separate**”. Namely while doing so, be not divided among yourselves, is such a way that some of you resort to the cable of Allāh and some others to the cable of Satan such as abrogated or invalid religions, like hypocrites guardianship. It is attributed to Imam Baqir (A) that, the said verse indicates the status of Islamic community and their differences in divine guardianship after demise of their Prophet (S). He said: “Almighty God was fully aware that Muhammad's (S) folk would separate and dispute after their prophet (S). That is why He forbade them from being divided among themselves, as He had forbidden the previous nations, and enjoined to get together on divine

guardianship of the progeny of Muhammad and be not divided. **“And remember Allāh’s favor unto you. How you were enemies and (then because of Islam) He made friendship between your hearts. So that you became as brothers by His grace”**. It means that by His grace, you became religious brethren, that is why you love each other and you are a united community. Because one of the worst calamities between people is enmity and the best grace in the world is friendship, which cause favor in the Hereafter. Therefore, Almighty God from among all favors, which have bestowed them, has mentioned removing this calamity and bestowing this grace. It is narrated that there were two stepbrothers with the name of Ous and Khazraj whose children were in enmity and dispute. The war between them continued for a hundred and twenty years until Almighty God, because of Islam extinguished the flame of war, and made friendship between them. It is said two persons from Ous and Khazraj were boasting about their tribes. The man from the tribe of Ous by naming several persons from his tribe proudly said: “Khazimat-ibn-Sabit the Testifier is of us, Hanzalah the one who was bathed by the angels is of us, Asim-ibn-Sabit the protector of religion is of us and Sa’ad-ibn-Ma’az for whom the Throne of the Compassionate trembled for him and Almighty God accepted him as arbitrator in Bani-Qorayzah is of us. The man from tribe of Khazraj said there are four persons from my tribe who strengthened Qur’an, such as Obay-ben-Ka’ab, Ma’az-ibn-Jabal, Zaid-ibn-Sabit and Abu-Zaid moreover Sa’ad-ibn-Ebadah who is speaker and chief of the Helpers (Ansar) is from us. This conversation continued until they got angry and called their friends, consequently the people of each tribe got together while they all were carrying arms. This incident was communicated to prophet (S), so he rode his donkey and went to visit those people. Then Almighty God sent down the said verse and the Prophet (S) recited the verse; consequently, peace was established between those people. **“And (how) you were on the**

brink of the pit of the Hell-Fire and He saved you from it". Another blessing is mentioned which is removing the calamity of stationing in the fire and saving from it. It means that blessing of Islam caused the enmity to be changed to friendship."

In subsequent verses of this sūrah by forbidding discord and division says: **"And you do not be as those who were divided and disagreed with one another after clear signs came to them, it is they whom there is a grievous chastisement"**.³⁴⁸ And in sūrah of Al-An'ām says: **"Verily, those who divide religion and became sects (schismatics) you should have no concern in them; their affair is only with Allāh Who then (on the Resurrection Day) will inform them about what they used to do"**.³⁴⁹ In a comment on the said verse, it is said³⁵⁰: **"Verily, those who divide religion"**. (In Arabic language) different ways of life and traditions are called religion. As it is said, "people follow the traditions of their kings".³⁵¹ This term is also applied to divine religious traditions such as: **"Today, I completed your religion"**. It is also used for rewards and judgment, as: **"The absolute sovereign of the Day of Judgment"**. The term of religion is also applied to the followings: Islam, worship and usages, devotion, disgrace, reckoning, wrath, exaltation, domination, judgment, policy, divine unity and everything by which God is worshipped, and service and benevolence and so on. In reality, the truth of religion lies in path from heart to God and journeying towards this path or in this path, which is

³⁴⁸ Āle-Imran III, 105.

وَلَا تَكُونُوا كَالَّذِينَ تَفَرَّقُوا وَارْتَفَعُوا مِنْ بَعْدِ مَا جَاءَهُمُ الْبَيِّنَاتُ.

³⁴⁹ Al-An'ām VI, 159.

إِنَّ الَّذِينَ فَرَّقُوا دِينَهُمْ وَكَانُوا شِيَعًا لَسْتَ مِنْهُمْ فِي شَيْءٍ إِنَّمَا أَمْرُهُمْ إِلَى اللَّهِ ثُمَّ يُنَبِّئُهُمْ بِمَا كَانُوا يَفْعَلُونَ.

³⁵⁰ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", volume 5, translation, pp 219-222

³⁵¹ Kashf-ol-Ghamah, 2, 21.

و الناس على دين ملوكهم كما ورد في الحديث و المثل. كشف الغمة، ٢، ٢١، السادس في علمه و شجاعته و شرف نفسه.

called mystic path; these two different issues are respectively the “created guardianship” which is referred to as “cable from Allāh” and “obligatory guardianship” which is referred to as “cable from humankind”. By “created guardianship”, the entrance to this path is opened. And the holder of Absolute divine guardianship is Imam Ali (A), which is united with the Absolute Guardianship. The restricted guardianships are shadows of the said divine guardianship. Therefore, Ali (A) became ornament of divine guardianship; and prophets (A) and divine guardians (A) are all under the aegis of his Excellency. All divine religions that are specifically called as “religion” are due to the connection to the divine guardianship as well as being related to the truth of religion. And other "unrevealed religions" which are so-called as “religion” is just due to their resemblance to the “revealed religions”. Therefore, by taking the concept of the words "**who divide religion**" into consideration, the meaning of the said verse would be: Those who have obtained their religion through the heart to the created guardianship which is originated from blessing of wisdom but subsequently interrupt it by corrupted motives or objectives; or interrupt by the beliefs which have been entered into their hearts through obligatory guardianship by corrupted objectives”. Because if one resort to desires of self and worldly pleasures, then he disperses whatever he gains from the Hereafter (other world) on the basis of his desires.

Since the garden of your existence is dried and needs water,
 so that do not waste the water namely "**keep silent**"³⁵²,
 while the grace of Allāh (through reciting of Quran) is being bestowed
 upon you.

³⁵² Al-A'rāf VII, 204. "**And when the Holy Qur'an is recited give you ear to it and keep silent, so that you may receive Mercy (from your Lord)**".

وَ إِذَا قُرِئَ الْقُرْآنُ فَاسْتَمِعُوا لَهُ وَ أَنْصِتُوا لَعَلَّكُمْ تُرْحَمُونَ.

There might be another meaning for **“who divide religion”** that is to say, those who believe in some part of religion and deny the other part, or they divided in their religion and everyone chose a religion different from the other. As it is said the Islamic community will be divided into seventy-three different sects. Some have also recited the words as: **“who separated from religion”**. It means that due to their complete ignorance of the path of heart, they separated from their created guardianship, or because of carelessness and avoiding of remembrance of Allāh, which had been entered into their hearts; they separated from their obligatory guardianship, or they separated from Ali (A) as it has already been described. And it is narrated that the purpose of the verse, which says: **“who separated from religion”** is separation from Ali (A). **“And become sects”** it means they were divided into several groups; each one at them followed void or invalid desires, objectives and/or leaders. Or each one followed several desires, objectives and/or leaders, which it seemed to be several groups. As Almighty God says: **“Allāh incites a similitude about a man who is a slave belonging to many partners who dispute”**.³⁵³ And as it is said in Persian:

I gave you just one heart to choose only one sweetheart,
 you ought not to tear up your heart into a hundred parts
 and sending away the miserable ones wandering about, looking for
 important ones.

“You should have no concern in them” you should have no concern in any of the following “inhabitations”, because your inhabitations is either due to your heavenly face of inhabitations in their hearts, or is due to inhabitations of remembrance (of Allāh) along with obligatory

³⁵³ Al-Zūmar XXXIX, 29.

صَرَبَ اللَّهُ مَثَلًا رَجُلًا فِيهِ شُرَكَاءُ مُتَشَاكِسُونَ وَ رَجُلًا سَلَمًا لِرَجُلٍ هَلْ يَسْتَوِيَانِ .

guardianship, which they have obtained from you, in their hearts, or is due to submissive inhabitations which have obtained through general oath of allegiance, in their chests. And all of the said issues are taken from the status of your inferior (sent down) ranks. Or it means that you cannot intercede on behalf of them. Or you can do nothing in their questioning, reckoning and chastisement. Or you are not in harmony with them. And the origin of all these issues is based on this concept that the prophet by way of the said manners has no place in their hearts. (As to the Arabic grammatical rules), the word “**in them**” is predicate of “**you should no**” or it is participial phrase of “**concern**” which has come before it. And the word “**in**” may be demonstrative or beginner or distinctive preposition. “**Their affair is only with Allāh**”. Because due to their deviation from you, you are no more their master of affair, so that their affair and judgment goes back to Allāh. “**Who then will inform them about what they used to do**”. Then Almighty God will inform them about their schismatic activities. And on the basis of their actions they would be punished.”

In sūrah of Al-Anfāl it is said: “**And obey Allāh and Allāh’s Messenger and do not quarrel with one another, lest you may get weak-hearted and your spiritual power may go away; and be patient in Allāh’s way, surely Allāh accompanies the patient**”.³⁵⁴ Interpretation of this verse at the international level would lead us to this point that war among nations would cause, the capabilities and economic resources to be destroyed, which would result to the weakness of humankind, and would harm all people in the world. Whereas unity, with regard to the optimum allocation of resources from the economic aspects, will increase social welfare among all nations. Moreover, the additional inertia of this unity

³⁵⁴ Al-Anfāl VIII, 46.

وَ أَطِيعُوا اللَّهَ وَ رَسُولَهُ وَ لَا تَنَازَعُوا فَتَفْشَلُوا وَ تَذْهَبَ رِجَالُكُمْ وَ اصْبِرُوا إِنَّ اللَّهَ مَعَ الصَّابِرِينَ.

will result to extra productivity, compared with previous conditions, which means taking advantage of “economies of scale”.³⁵⁵ And this will be to the benefit of the whole humankind. Nations and people cannot get the real meaning of the said inertia. They are not aware that unity of nations and elimination of war would result to their exaltation. They are content with their illusion and cannot understand the concept of glad-tiding and warning of messenger of God, which is said: **“And do not be of those who divided their religion and became sects, and also were happy and content with what they had received from the past”**.³⁵⁶

The principle of unity is one of the most indisputable principles of all true divine religions. It is the constituent element of foreign policy and diplomacy. All humankind are placed in the impregnable fortress of the heavenly saying (word) of “There is no God but Allāh”. They are all brethren and are entitled to equally brotherly rights.

Obtaining these rights is not based on religions, ideologies, and creeds of people. Governments are bound to grant equal rights to all individuals and groups of different faiths, opinions, and religions. The only exception is applicable for restricting the aggressors from infringement of others’ rights.

³⁵⁵ Economies of scale.

³⁵⁶ Al-Rum XXX, 32.

مِنَ الَّذِينَ فَرَّقُوا دِينَهُمْ وَكَانُوا شِيعًا كُلُّ حِزْبٍ بِمَا لَدَيْهِمْ فَرِحُونَ.

43- Principle of: Prohibition of racial discrimination

The principle of prohibition of racial discrimination could be easily inferred from the other principles, but due to the importance of the subject, we are going to discuss it under this topic and in a separate section. In the noble verse in sūrah of Al-Hujurāt it is said: **“O mankind! Verily, We created you all from a male and female and appointed for you nations and tribes until you may know. Verily the most honorable of you, in the sight of Allāh, is the most pious of you”**.³⁵⁷ From the said verse, it is clearly known that the nations and tribes, which are the origin of races and differences between them, cannot be the main factor for supremacy and superiority of the races. The only factor for honorability and excellence in the sight of Allāh is piety. The Honorable Messenger (S) says: **“O people! Your Lord is just one; the father of you all is Adam (A). Adam is created from clay, and the most honorable of you in the sight of Allāh, is the most pious of you. The Arab has no superiority over non-Arab save in piety”**.³⁵⁸

³⁵⁷ Al-Hujurāt XLIX, 13.

يا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ.

³⁵⁸ Behar-ol-Anvar, 73, 348, chapter 67.

بحار الأنوار، ٧٣، ٣٤٨، باب ٦٧ - جوامع مناهي النبي ص و متفرق ١٣ - ف، [تحف العقول] خطبة النبي ص في حجة الوداع الحمد لله نعمده و نستعينه و نستغفره و نتوب إليه و نعوذ بالله من شرور أنفسنا و من سيئات أعمالنا من يهده الله فلا مضل له و من يضلل فلا هادي له و أشهد أن لا إله إلا الله وحده لا شريك له و أشهد أن محمدا عبده و رسوله أوصيكم عباد الله بتقوى الله و أحثكم على العمل بطاعته و أستفتح الله بالذي هو خير أما بعد أيها الناس اسمعوا مني أدين لكم فإني لا أدري لعلي لا ألقاكم بعد عامي هذا في موقفي هذا أيها الناس إن دماءكم و أعراضكم عليكم حرام إلى أن تلقوا ربكم كحرمة يومكم هذا في شهركم هذا في بلدكم هذا ألا هل بلغت اللهم اشهد فمن كانت عنده أمانة فليؤدها إلى من ائتمنه عليها و إن ربا الجاهلية موضوع و إن أول ربا أبدأ به ربا العباس بن عبد المطلب و إن دماء الجاهلية موضوعة و إن أول دم أبدأ به دم عامر بن ربيعة بن الحارث بن عبد المطلب و إن مآثر الجاهلية موضوعة غير السدانة و السقاية و العمدة قود و شبه العمدة ما قتل بالعصا و الحجر و فيه مائة بعير فمن زاد فهو من الجاهلية أيها الناس إن الشيطان قد أيس أن يعبد بأرضكم هذه و لكنه قد رضي بأن يطاع فيما سوى ذلك فيما تحقرون من أعمالكم أيها الناس إنما النسيء زيادة في الكفر يضل به الذين كفروا يحلونهم عاما و

There are too many traditions and narrations on this subject, but we are not going to mention all of them in this place.

The results and effects of the said principle on foreign policy of Islam's government is that no privileges and/or restrictions should be considered for different races. One of the most notable cases, with respect to the said principle is measures taken by governments through formulating special allocations and selection of people from different races in process of immigration. The aims of this kind of discriminatory regulations are sometimes to prevent the integration of races resulting from immigration of different races and protecting the nobility of the race in the immigrant country. These kinds of allocations and other similar privileges and/or restrictions are prohibited in the foreign policy of Islam's government.

يُحرمونه عاما ليواطنوا عدة ما حرم الله و إن الزّمان قد استدار كهيئته يوم خلق الله السماوات و الأرض و إن عدة الشهور عند الله اثنا عشر شهرا في كتاب الله يوم خلق السماوات و الأرض منها أربعة حرم ثلاثة متواليه و واحد فرد ذو القعدة و ذو الحجة و المحرم و رجب بين جمادى و شعبان ألا هل بلغت اللهم اشهد أيها الناس إن لنسائكم عليكم حقا و لكم عليهن حقا حقا حقكم عليهن أن لا يوطئن فرشكم و لا يدخلن أحدا تكروهن بيوتكم إلا بإذنكم و أن لا يأتين بفاحشة فإن فعلن فإن الله قد أذن لكم أن تعضلوهن و تمجروهن في المضاجع و تضربوهن ضربا غير مبرح فإذا انتهين و أطعنكم فعليكم رزقهن و كسوتهن بالمعروف أخذتموهن بأمانة الله و استحلتتم فروجهن بكتاب الله فاتقوا الله في النساء و استوصوا بهن خيرا أيها الناس إنما المؤمنون إخوة و لا يحل لمؤمن مال أخيه إلا من طيب نفس منه ألا هل بلغت اللهم اشهد فلا ترجعن بعدي كفارا يضرب بعضكم رقاب بعض فإني قد تركت فيكم ما إن أخذتم به لن تضلوا كتاب الله و عترتي أهل بيتي ألا هل بلغت اللهم اشهد أيها الناس إن ربكم واحد و إن أباكم واحد كلكم لآدم و آدم من تراب إن أكرمكم عند الله أتقاكم و ليس لعربي على عجمي فضل إلا بالتقوى ألا هل بلغت قالوا نعم قال فليلغ الشاهد الغائب أيها الناس إن الله قد قسم لكل وارث نصيبه من الميراث و لا يجوز لمورث وصية أكثر من الثلث و الولد للفراش و للعاهر الحجر من ادعى إلى غير أبيه و من تولى غير مواليه فعليه لعنة الله و الملائكة و الناس أجمعين و لا يقبل الله منه صرفا و لا عدلا و السلام عليكم و رحمة الله.

No privileges and/or restrictions should be considered for different races. One of the notable cases is the measures taken by governments through formulating special allocations and selecting people of different races in the process of immigration with the aim of preventing races integration resulting from immigration of different races and protecting the nobility of the race in the host country. These kinds of allocations and other similar privileges and/or restrictions are prohibited.

44- Principle of: Disdainful of idolaters

In Islam, the criterion of human dignity is piety, and it is on the said basis, which is said: **“Verily the most honorable of you, in the sight of Allāh, is the most pious of you”**.³⁵⁹ Perhaps the reason behind this subject, which piety is the basis of human dignity is that human knowledge and comprehension can only be acquired through piety. That is to say, humanity and superiority of human beings are the very knowledge that results from piety. In Glorious Qur’an it is stated: **“Observe your pious duty to Allāh, and (then) Allāh will teach you”**.³⁶⁰ In a comment on this verse it is said³⁶¹: **“Observe your pious duty to Allāh”** means that fear of doing harm (it is about transactions which is described in this verse), or of disobedience of Allāh’s commands. **“And (then) Allāh will teach you”**.

³⁵⁹ Al-Hujurāt XLIX, 13.

إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ اتَّقَاهُ.

³⁶⁰ Al-Baqarah II, 282.

وَ اتَّقُوا اللَّهَ وَ يُعَلِّمَكُمُ اللَّهُ.

³⁶¹ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", volume 3 pp. 164-165.

(The following discussion concerns the Arabic grammatical rules about the latter sentences). We cannot accept that the preposition “**and**” is used to connect two parts of the sentence, because there is no sentence to be connected by a conjunction. Moreover, it is not used as conjunction. This word, namely “**and**” is not also used to suggest the meaning of the word “with” because the future tense after it, is not in accusative case. Therefore, “**and**” is in a position that the sentence after it, has no connection with the previous one. (In Arabic, it is called wāw-e-Mosta’nefeh) such as the following sentence “do not eat fish **and** do not drink milk,” which the word “drink” is in nominative case. The meaning of the second phrase is disconnected from the first phrase so that the whole meaning is that one should not drink milk while eating fish. Whether the word “drink” be in accusative or nominative case, the said meaning could be understood if “and” is taken to mean “with”. The same rule applies to the above-mentioned verse because this phrase states the priority of knowledge to piety; whether it is said: **Observe your pious duty to Allāh, and (then) Allāh will teach you** or it is said: **And Allāh will teach you** (with suitable Arabic conjugational arrangements). Thus “**and**” can be understood to mean “accompanying”, in a shape of accompanying of objective with the subject of objective. Since the word after “**and**” in Arabic grammatical rules is not in a case to mean “accompany”, then it has been observed as “and” for disconnection. In fact in this case it is similar to “even” which applies for nominative future and in that case it is said “even” is for disconnection despite of its relation with previous phrase. And since “piety” means within all its stages, avoiding desires of self, which is the origin of ignorance, and following the instruction of wisdom, which is the main entrance of knowledge, therefore, “piety” is the requirement of knowledge and its advancement. As it is in the words of Almighty God: **“O, you who believe! If you fear Allāh by regarding piety. He will**

grant you a power of distinction (to distinguish between right and wrong)”.³⁶² Or the words of Allāh: **“And he who regards piety in Allāh’s way, He will make way for him to get out of the hard situation. And Allāh for a believer provides sustenance from where he could not even imagine”.**³⁶³

Therefore, as it is noticed, in the sight of Allāh, the human superiority and supremacy in preference among human beings, is distinguished with the measure of piety because, he who is the most pious, he is the most knowledgeable. It is likely that there be a non-Muslim who due to his piety would be considered as a real Muslim and there be a Muslim who due to having no piety not to be considered as a Muslim. On the other hand “piety” cannot be acquired unless through deep thinking about his self and other beings. When, one through deep thinking finds out that the existing order in the universe is not baseless and causeless and everything is situated in its right place and follows its relevant rules, then he would be afraid of his own actions and behaviors and attempts to make some changes and reform in them, consequently he would acquire the “piety”. So that, thinking, piety and knowledge are inter-related and religions are sent down for humankind's enlightenment. And the attempts of prophets, divine guardians and divine executors have been and still are just to enlighten the people’s mind.

Some people are of the opinion that establishment of rules of distinction and believing in superiority of Muslims to the idolaters is somehow an oppression and humiliation of non-Muslims. In this respect it

³⁶² Al-Anfāl VIII, 29.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِن تَتَّقُوا اللَّهَ يَجْعَلْ لَكُمْ فُرْقَانًا.

³⁶³ Al-Talaq LXV, 2-3.

وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ.

should be mentioned that the above said statements are resulting from a wrong inference of the whole discussion. Because whoever says “**there is no God but Allāh**” even though he lies, he should be called a Muslim and should be entitled to all rights, which a Muslim has in Islamic society. The severity concerning some rules of fixed punishments (Hodood) and blood money (Diyat) against idolaters are legislated to make pagans think about their narrow-mindedness, and at least by encouraging them through their interests to worldly affairs and fear from punishment, to avoid worshipping statues, which are made of stones, woods, metals and/or Jewels as their God. And then by thinking about the book of creation and creator have new motives to study about this world. Perhaps, this is the best method to reform the antiquated and old-fashioned people to thoughtful persons; otherwise, they would remain at the same stage of antiquated conditions. Therefore, Islam on the one hand, by way of opposition and threatening would endanger this kind of narrow-mindedness and on the other hand by way of accepting them easily just by uttering the words of “monotheism” even though it be a lie invites the idolaters to accept the oneness (of God). This method, namely using both repulsion as threatening and attraction as encouragement follows this end that one is placed between two forces of repulsion and attraction to make him move towards salvation as soon as possible. This is the best nurturing and training method the holy Prophet of Islam (S) has had in his mind.

In the book of religious standpoints on Universal Declaration of Human Rights, in relation to the abovementioned discussion and while giving explanation to Article one of the said Declaration it is said³⁶⁴: “In Article one of this Declaration the freedom of human beings and equality in

³⁶⁴ His Excellency Hajj Sultan Hussein Tabandeh. Religious standpoints on Universal Declaration of Human Rights, pp 38-44.

rights and brotherhood is mentioned which are very useful instructions and rules. Islam has also ordered these issues in the most perfect and complete manner. The verse of: **“And do not some of us take others as the God other than Allāh”**.³⁶⁵ and the verse: **“O, mankind! Verily We created you all from a male and female”**³⁶⁶ indicate that class and racial distinctions are completely abrogated and cancelled. There is no difference between white and black. The only distinction that is approved is difference between religions and ideologies. Privileges, dignity, and superiority are attributed to the believers of the unique God and followers of divine commands. For this reason those persons who do not follow the instructions of wisdom, and worship their own handmade things which are made of gold, silver, stone or wood and/or resort to them, or those people who do not believe in God, since in reality they are unwise and irrational, so they had been set aside from humanity. They have been treated to be the same as gangrenous member of the body, which their sedition should be suppressed. But in peaceful time, other people are considered at the same level and it is ordered to serve and help them. It is said that killing a person, equals to killing all human beings: **“If anyone killed a person, unless it be for retaliation of murder, or because of making mischief in the land, it would be regarded as if he killed mankind as a whole, and he who saves a man’s life shall be considered as one who has saved the life of mankind as a whole”**.³⁶⁷ Islam has established brotherhood in the Islamic community as declares: **“The Muslims are considered brothers, so make**

³⁶⁵ Āle-Imran III, 64.

و لَا يَتَّخِذَ بَعْضُنَا بَعْضًا أَرْبَابًا مِنْ دُونِ اللَّهِ.

³⁶⁶ Al-Hujurāt XLIX, 13.

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَى.

³⁶⁷ Al-Mā'idah V, 32.

مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا

peace among your brothers”.³⁶⁸ Generally, Muslims are brothers and there is no difference between them as to the humanly appearances. The honorability of each one to others is just to his piety and decent moral qualifications. The magnanimous Sa’adi (Iranian poet) who is one of the followers of Islam's ideology, after six centuries from the advent of Islam and strict adherence to the statements of holy Prophet of Islam and his successors says:

The children of Adam are members of a body formation,
who are originated from one essence in the creation.
when, it is harmed and in pain, by the world, one of the members,
there remains no tranquility and rest for other members.

Article two of Declaration follows the same pattern as Article one. It indicates all humankind's equality in rights, in all affairs and positions, which is very useful and valuable for-human society. It has also prohibited the approved discriminations in some legislations. The holy religion of Islam has also a comprehensive instructions and rules on this subject, such as: **“Verily! Allāh commands you to establish justice and goodness ...”**³⁶⁹. “Justice” means to be moderate, which is the requirement of establishing equality between both parties. In the rules of retaliation, it is said if only one person is killed you should kill only one person in retaliation. If one eye is harmed, only one eye and if one nose is harmed, you should retaliate the equal amount. That is to say, if the slain person is from a respectful or stronger family, you cannot kill several persons in retaliation, on the contrary only the criminal should be killed in retaliation

³⁶⁸ Al-Hujurāt XLIX, 10.

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ.

³⁶⁹ Al-Nahl XVI, 90.

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ.

of the slain person. Ali-ibn-Abitalib (A) in regard to the measures to be taken about his murderer said: "If I regain my health I will myself decide to forgive or retaliate, but if I died and you wanted to retaliate, lest you kill more than one person other than murderer, and because he gave me just one stroke of sword you should kill him only by one stroke of sword". As it is noticed, it is the utmost justice and equality of individuals in front of divine laws and regulations. Some people may criticize that, there are several occasions in some rules of fixed punishment (Hodood) and blood money, which contain different regulations on the grounds of personality of perpetrators. For example, where unmarried Muslim commits adultery, his punishment would be a hundred lashes plus shaving the hairs of head and banishment for one year, but if the perpetrator be a non-Muslim and commits adultery with a female Muslim, then his punishment would be death penalty. If the adulterer and adulteress were male and female slaves then their punishment will be fifty lashes. And in retaliation rules if a Muslim deliberately kills another Muslim, the blood-wit may retaliate and kill the murderer. But if a non-Muslim is killed by a Muslim and the latter is not a habitual-offender the rule of death penalty will not be applicable and the perpetrator should pay blood money and also be punished by whipping. These kinds of differences, which are mentioned in the Shiites canonical works of punishments (Hodood and Diyat), may seem to be discriminatory. But it may not prove problematic. Because Islam has never established racial discrimination and/or class distinctions. As we have already mentioned the basis of honor, dignity and superiority is just correct belief and ideology and moral virtues. Therefore, those people who are not supported by faith and belief and are not duty bound to the genesis or do not believe in occult unique God, they are in reality considered by Islam as to be out of the circle of humanity. Their presence in human community is known to be harmful. So that Islam has tried to suppress these kinds of

ideologies. It is the same as what is done in some countries against political parties, which their existence is believed to be against national interests. Therefore, these political parties are dissolved and severe measures are taken against their followers partisans. Sometimes they are prosecuted in the courts and convicted to severe punishments even death penalty. According to this standpoint, those persons who believe in unseen genesis such as Jews, Christians and Zoroastrians, their dignity and honors are respectful and are to be protected in Islam's country in all their states and reputation unless they be in belligerent position (war condition) with Islam. But because their faith in religion has not reached to perfect stages and they are still duty bound to the rules and regulations that we believe are abrogated and replaced by new laws, and in other words, because they have not been under the governance of subsequent governor and Prophet of Islam, therefore in some religious laws and regulations they will be treated differently, and they are not at the same level as Muslims. In Islam also those who strive and fight and those who sit at home are not at the same rank, which is said: **“Allāh has raised the grade of those who strive with their wealth their lives, above those sitting at home. To each one Allāh has promised the best”**.³⁷⁰ Allāh has promised those who strive and fight by a great reward, above those who sit at home and hold back. At first part of the verse, only one grade has been mentioned. It is for those persons who have taken part in the Holy war and then have come back enjoying good health. They will have a share from the spoils of war. At the second part of the verse those persons are mentioned who have lost their wealth and life in the way of Allāh and have been martyred. Since, as to the Islam's standpoint the beliefs and faiths of non-Muslim is considered to be

³⁷⁰ Al-Nisā IV, 95.

فَضَّلَ اللَّهُ الْمُجَاهِدِينَ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ عَلَى الْقَاعِدِينَ دَرَجَةً وَكُلًّا وَعَدَ اللَّهُ الْحُسْنَى وَفَضَّلَ اللَّهُ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ أَجْرًا عَظِيمًا.

inferior to a Muslim, therefore if a Muslim kills a non-Muslim, and he has not been used to do this kind of actions (namely he has not been a habitual offender in regard to the non-Muslims) he should not be killed for retaliation. Because his beliefs and faiths are more honorable than slain person. They must take blood money. But since the perpetrator has acted against the current Islamic rules and has killed a respectful soul so that in addition to the payment of blood money for satisfaction of the blood-wit, he should be punished by whipping to protect the public exigencies. If the perpetrator is used to do this kind of actions, then the difference between the blood money of a Muslim and a tributary (a free non-Muslim) shall be given to the heirs of Muslim by the blood-wit and then the perpetrator will be killed in retaliation. If a free person kills a slave, he will not be retaliated against. He has to pay only the price of the slave because free is superior to slave as we shall describe later in this book, those persons who, according to religious laws, are considered as slaves, namely those persons who due to their inferiority of belief, and faiths and enmity towards the believers have been arrested as captives in (holy) war, and have become slaves and/or those persons whose fathers have been in this conditions and have inherited slavery, they shall be subject to the same rules. Anyhow, legal differences between the two persons are, because of differences of beliefs and faiths. Now, concerning the punishment of a non-Muslim who commits adultery with a female Muslim, it should be said that, in addition to the fact that his action has been against moral, social tasks and religious laws, and he has committed a religiously forbidden act, he has also humiliated a Muslim. In reality, he has insulted the Muslims. Therefore, he should be killed. If a slave commits adultery with a female slave, because both of them are inferior to a free man, which is due to their defect in belief, therefore their criminal act in regard to the Islamic rules is not equal to a freeman, so that there will be mitigation in their punishment which is fifty

lashes. All different cases, which were discussed above, are based on the difference between faiths and beliefs, and they are still remaining in Islamic laws. So that there is no difference between humankind, and all of them from the viewpoint of humanity are equal, as Ali (A) says:

Humankind, as far as their image is concerned look like each other,
Adam was their father and Eve was their mother.³⁷¹

Therefore, differences and privileges concerning the body and worldly accidents, such as race differences, class distinctions, parentage distinctions and the like are cancelled in Islam, but those privileges concerning the soul and/or imperfection and perfection of reason (intellect) is retained and accepted in Islam. Because if the latter differences be cancelled there would remain nothing to develop the virtues and merits of humankind. So that it is necessary to keep whatever relates to the soul. That is why Islam has attributed the virtues and merits to the differences of grades of the soul. Of course, one who owns more perfect faiths would be more honorable than one who owns low-grade faiths. Certainly, it is the command of reason that removing all privileges would be impossible; that is why a knowledgeable man is preferred to layman, which is also related to the soul”.

Taking severe measures and disdainful of idolaters and threatening them to leave their inadmissible and antiquated beliefs is easily shown in the first verses of sūrah of Al-Taubah. The rough words and verses in this regard, in one hand is a grave threat and in another hand show a firm hope. From the educational psychology viewpoints, this kind of confrontation is considered to be one of the most important methods for reforming the thoughts and deeds of criminals. As long as severe measures are not taken,

³⁷¹ Complete poetical works of Ali-ibn-Abitalib, (A) p. 23.

النّاس من جهة التمثال أكفاء ابوهم آدم والام حواء

the criminals would never think and would never change their way of living. The foundation of Islam is based on thinking, and Glorious Qur'an in all parts of it, invites humankind to thinking. From the beginning, the Holy Qur'an commands to recite the "Name". This recitation is nothing but thinking. "Name" is everything, which indicates what is named, that is to say, the Essence of Almighty God. On this basis the noble verse of "In the name of Allāh the Beneficent the Merciful", is repeatedly revealed and sent down. By deep thinking about the "Name" and seeking assistance of "Great Name" who is the perfect human being and God's viceroy in the earth, one can acquire the grades of humanity. Anyhow in this regard³⁷² it is said in sūrah of Al-Taubah that³⁷³: "Disdain and freedom from obligation (is proclaimed) from Allāh and His Messenger towards those of the idolaters with whom you (Muslims) have made a covenant. Travel freely in the land for four months³⁷⁴, and know that you are not able to escape Allāh, and that Allāh will confound the disbelievers. And this is a proclamation from Allāh and His Messenger to all people on the Day of the Greater pilgrimage that Allāh is free from obligation to the idolaters and (so is)His Messenger. So, if you repent, it will be

³⁷² This sūrah is also called "Bara'at" its meaning is "disdain" which is mentioned in the first verse.

³⁷³ Al-Taubah IX, 1-8.

بِرَاءةٍ مِنَ اللَّهِ وَرَسُولِهِ إِلَى الَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ. فَسِيحُوا فِي الْأَرْضِ أَرْبَعَةَ أَشْهُرٍ وَاعْلَمُوا أَنَّكُمْ غَيْرُ مُعْجِزِي اللَّهِ وَ أَنَّ اللَّهَ مُحْزِي الْكَافِرِينَ. وَ أَذَانٌ مِنَ اللَّهِ وَرَسُولِهِ إِلَى النَّاسِ يَوْمَ الْحَجِّ الْأَكْبَرِ أَنَّ اللَّهَ بَرِيءٌ مِنَ الْمُشْرِكِينَ وَرَسُولُهُ فَإِنْ تُبْتُمْ فَهُوَ خَيْرٌ لَكُمْ وَ إِنْ تَوَلَّيْتُمْ فَأَعْلَمُوا أَنَّكُمْ غَيْرُ مُعْجِزِي اللَّهِ وَ بَشِّرِ الَّذِينَ كَفَرُوا بِعَذَابٍ أَلِيمٍ. إِلَّا الَّذِينَ عَاهَدْتُمْ مِنَ الْمُشْرِكِينَ ثُمَّ لَمْ يَنْفُصُواكُمْ شَيْئاً وَ لَمْ يُظَاهَرُوا عَلَيْكُمْ أَوْ أَحَدٌ فَأَتُوا إِلَيْهِمْ عَهْدَهُمْ إِلَى مُدَّتِهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُتَّقِينَ. فَإِذَا انْسَلَخَ الْأَشْهُرُ الْحُرْمُ فَاقْتُلُوا الْمُشْرِكِينَ حَيْثُ وَجَدْتُمُوهُمْ وَ خُذُوهُمْ وَ احْصُرُوهُمْ وَ اقْعُدُوا لَهُمْ كُلَّ مَرْصَدٍ فَإِنْ تَابُوا وَ أَقَامُوا الصَّلَاةَ وَ آتَوْا الزَّكَاةَ فَخَلُّوا سَبِيلَهُمْ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ. وَ إِنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّى يَسْمَعَ كَلَامَ اللَّهِ ثُمَّ أَبْلِغْهُ مَأْمَنَهُ ذَلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَعْلَمُونَ. كَيْفَ يَكُونُ لِلْمُشْرِكِينَ عَهْدٌ عِنْدَ اللَّهِ وَ عِنْدَ رَسُولِهِ إِلَّا الَّذِينَ عَاهَدْتُمْ عِنْدَ الْمَسْجِدِ الْحَرَامِ فَمَا اسْتَقَامُوا لَكُمْ فَاسْتَقِيمُوا لَهُمْ إِنَّ اللَّهَ يُحِبُّ الْمُتَّقِينَ. كَيْفَ وَ إِنْ يَظْهَرُوا عَلَيْكُمْ لَا يَرْقُبُوا فِيكُمْ إِلَّا وَا لا ذِمَّةً يُرْضُونَكُمْ بِأَفْوَهِهِمْ وَ تَأْتِي قُلُوبُهُمْ وَ أَكْثَرُهُمْ فَاسِقُونَ.

³⁷⁴ It is addressed to the idolaters, which had violated their promise.

better for you but if you are averse, then know that you are not able to escape Allāh. Give tidings (O Muhammad) of painful chastisement to those who disbelieve. Excepting those of the idolaters with whom you (Muslim) have a treaty, and who since abated nothing of your right nor have supported anyone against you. (As for these), fulfill their treaty to them till their term. Verily, Allāh loves those who keep their pious duty (unto Him). So when the sacred months are passed,³⁷⁵ then slay the idolaters wherever you find them and seize them, and besiege them, and wait for them to capture them in every corner. But if they repent and establish prayer and pay the poor-due, then leave their way free. Verily Allāh is Forgiving, Merciful. And if anyone of the idolaters seeks refuge in you (O, Muhammad) grant him, so that he may hear the word of Allāh, then escort him to where he can be secured. That is because they are a people who lack knowledge. How can there be a covenant with Allāh and His Messenger for the idolaters? Except those with whom you made a covenant near the Sacred Mosque (The Inviolable Place of Worship). So long as they are faithful to their covenant, you too be faithful to your covenant. Verily Allāh loves those who keep their pious duty. How (can there be a covenant with them) whereas when you are over powered by them, they do not regard the ties, either of kinship or of covenant with you? They please you with nice words with their mouths, but their hearts are averted from you; and most of them are rebellious and corrupt”.

Interpretation of the said verses in the noble book of Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah reads as follows:³⁷⁶ ““Disdain and freedom from obligation (is proclaimed) from Allāh and His Messenger towards

³⁷⁵ The four months of Rajab, Zilqa'dah, Zilhajjah, and Muharram were those months for idolaters as the respite.

³⁷⁶ Volume 3, translation, pp. 89-96.

those idolaters with whom you (Muslims) have made a covenant". (The following discussion is based on Arabic grammatical rules, which basically does not correspond with English grammar.) The Arabic term of "bara'at" (which has several meanings such as acquittal, clearance from obligation and disdain) belongs to that group of infinitives which takes the place of their equivalent verb. The main sentence had been "Allāh and His Messenger emphatically show disdain for, and regard themselves being cleared from obligation of those persons whom you made covenant with. Then in the latter sentence the verb has been omitted and replaced by its infinitive, that is why the subject of the verb is connected to preposition, to become its adjective, and it is similar to this case as: "from them thought and toward them opposed" which means "they thought and they opposed". And the word "from" is replaced by "towards" to indicate the inclusion of the meaning of "to get to" or the said meaning be understood impliedly. And then "bara'ah" instead of being in accusative case has been changed to the position of nominative case, just for emphasis. But its main position is to be in accusative case. Therefore, it is the "subject" which has been particularized by an "adjective" and its predicate is "**towards those with whom you made a covenant**". It might also be that it is a predicate for an omitted subject and "**from Allāh**" and "**towards those with whom you made a covenant with**" are both its adjectives. That is to say, the clearance from obligation, which is originated from Almighty God, concerns those people that you have made covenant with or this clearance from obligation, which has been revealed, is from Allāh in relation to those people that you have made a covenant with. The covenant in question is attributed to the Muslims, whereas it was made by the Messenger of God (S). The reason that, the covenant was made to the interests of the Muslims, as if they themselves had made it. And the clearance of obligation is ascribed to Allāh and His Messenger, whereas it is addressed to all Muslims. This is

done to indicate that its performance is obligatory for Muslims and those who have made the covenant. Although it is a general rule but due to some subsequent exception it relates to those people who has violated the covenant. Therefore, to propound this question that, how the Messenger of God (S) is authorized to break a promise, is basically incorrect and rejected. **“Travel freely in the land for four months”**. To proclaim the subject matter and granting respite is a matter of justice and hoping for their repent. The said four months starts from twentieth of Zilhajjah up to tenth of Rabi’oththani. It is said that the conquest of Mecca happened in 8 AH (629 AD) and revelation of sūrah of Al-Taubah was in 9 AH (630 AD) and the Farewell pilgrimage happened to be in 10 AH (631 AD). The commentators and interpreters from both sects (Sonnies and Shiites) are unanimous that the Messenger of God (S) appointed Abu-Bakr as the leader of pilgrims during the pilgrimage time. The Shiites say: Abu-Bakr was sent while having the sūrah of Al-Taubah with him. Afterwards it was revealed to the Messenger of God (S) that, this message should not be proclaimed unto people unless by a person from yourself. Then the Messenger of God (S) sent Ali (A) who when visited Abu-Bakr took back the sūrah of Al-Taubah from him. The Sonnies say: when Abu-Bakr was appointed as leader of pilgrims, then sūrah of Al-Taubah was revealed, therefore Ali (A) was sent after him. This statement is from the Messenger of God (S) who said: **“This sūrah shall not be announced unless by a man from me”**. The full description of this story has been mentioned in the books of the great sects of Islam (The Sonnies and Shiites - Farighayn). **“And know that you are not able to escape Allāh”**. It means that you are not able to prevent the chastisement of Allāh. It is somehow a threat that giving respite has no use for them. **“And that Allāh will confound the disbelievers. And this is a proclamation from Allāh and His Messenger”**. God will degrade and humiliate the disbelievers; this is a

decree from Allāh and His Messenger. The term “Azānon” which means to proclaim from the grammatical point of view is the same as “Bara’at” which we discussed earlier in this chapter. It is as infinitive, which is placed instead of its verb, and is in nominative case. **“to all people”**. This phrase, which its repetition is desirable, is by way of threat and wrath. **“on the Day of the Great Pilgrimage”**. The day when a camel is sacrificed, is called “The Great Pilgrimage” opposite to “lesser pilgrimage”. Or the most important pilgrimage rites shall be done on the day of the Great Pilgrimage. Or it is the special year while Muslims and idolaters performed the pilgrimage rites all together. **“That Allāh shows disdain for and is free from obligation to the idolaters and (so is) His Messenger”**. The first part of the sentence is in apposition to the implied and understood pronoun in **“disdain”**. It is also recited in accusative case to be in opposition to the noun, which is related to **“that”**. **“So, if you repent, it will be better for you: but if you averse, then know that you are not able to escape Allāh”**. This is also a repetition, which is desired by the way of threatening. **“Give tidings (O Muhammad) of a painful chastisement to those who disbelieve”**. This kind of statement is, such as using opposite against opposite by way of mockery. **“Excepting those of the idolaters with whom you (Muslim) have a treaty”**. This is an exception to the idolaters, which states that, the covenant for non-violators of promise is still valid. **“And who since abated nothing of your right nor have supported anyone against you”**. Because violation of the terms of covenant and supporting the enemies would be considered as a practical breach and violation. **“(As for those) fulfill their treaty to them till their term. Verily, Allāh loves those who keep their pious duty (unto Him)”**. Anyone who breaks the covenant without due cause, **“so when the sacred months are passed”** namely those months which have been named for traveling and God has forbidden the fighting during those months, as a

result the idolaters be safe and secured. **“Then slay the idolaters wherever you find them”**. Even if they were inside the sanctuary and sacred zone. **“And seize them”** as captives **“and besiege them”** in the sacred Mosque. **“And wait for them to capture them in every corner”**. Not to be able to disperse in the land. **“But if they repent”** with prophetic repentance **“and establish prayer and pay poor-due, then leave their way free.”** Because in this case they will be the same as you. Consequently, whatever is to their benefit, it would also be to your benefit, and whatever is to their detriment, it would also be to your detriment. **“Verily! Allāh is Forgiving”**. And just by their repentance will forgive what they had done before. **“Merciful”** and due to performing the religious commands they will be under His grace. **“And if anyone of the idolaters seeks refuge in you (O Muhammad).** If one of the idolaters seeks refuge in you because of believers' or disbelievers' malevolence and asks security in worldly affairs **“grant him”** because resorting to you, even if be about worldly affairs is respectful which should not be violated or desecrated as it is regarded for the Islamic folk, then it would also be respectful because of its resemblance to Islam and obeying its rules and commands and the aim of giving refuge to idolaters is hearing the words of Allāh, by which the whole objective of appointing you as Messenger of God would be achieved. **“So that he may hear the word of Allāh”**. Because hearing the words of Allāh causes to break the severity of their enmity and may appease their anger and incline them towards the truth. Certainly, your fighting is not for other than this end. **“Then escort him where he can be secured”**. And then, when he wishes to go back to his homeland, no Muslim should disturb him until with the help of your safe conduct and/or in case of need with keeping him protected from Muslims, he gets to his homeland or a secure place. **“That is”**. Because giving him refuge, when he seeks for, and taking him back to a safe place, is for keeping your honor protected, even if his aim being

worldly affairs or hearing the word of Allāh. **“Because they are people who lack knowledge”**. They are persons, whose ignorance is so great that covers their natural knowledge, and by hearing the word of Allāh their ignorance would decrease, and their knowledge would increase. There is a hope that by increasing their knowledge to accept your words”.

This subject matter is also worthy of attention that difference between idolatry and monotheism is that idolatry the things and for generally the Names are independently worshipped and obeyed, whereas in monotheism the worshipping and obeying is performed through a mediator. That is to say, in monotheism all things are considered as to be the manifestation and position of advent of God. On this basis it is said”

If the believer knew what is the idol really
He would be certain the truth is in idolatry

That is why in most religions there are several things and animals incarnated in their temples, but they are worshipped as the manifestation of God, which is quite different from pagan Arabs who worshipped the idols as real God. In this connection in Glorious Qur’an is said: **“O people! Listen with care to the parable, which suits you best. Those whom you worship besides Allāh cannot even create a fly if they all support each other for this mean creation; and even if the fly snatches away something from them, they cannot take it back from it, both are feeble, the worshipers and the worshipped”**.³⁷⁷

Anyhow, those people who deny Almighty God and/or mock and deny divine signs are not suitable for friendship, and says: **“When you hear that**

³⁷⁷ Al-Hajj XXII, 73.

يَا أَيُّهَا النَّاسُ ضَرْبَ مَثَلٍ فَاسْتَمِعُوا لَهُ إِنَّ الَّذِينَ تَدْعُونَ مِنْ دُونِ اللَّهِ لَنْ يَخْلُقُوا ذُبَابًا وَلَوْ اجْتَمَعُوا لَهُ وَإِنْ يَسْلُبْهُمُ الذُّبَابُ شَيْئًا لَا يَسْتَنْفِذُوهُ مِنْهُ ضَعُفَ الطَّالِبُ وَالْمَطْلُوبُ.

Allāh’s Words of Revelation are being denied and mocked at, then do not sit with them unless they engage in another talk than that, (but if you stayed with them) you would certainly be regarded like them”.³⁷⁸ And in sūrah of Al- An’am it is said: “And when in a meeting you see men who engage in a false conversation about Our Words of Revelation, then keep away from them until they turn to another discourse. And if Satan cause you to forget, then after recollection, do not sit with the disbelievers and wrongdoing people”.³⁷⁹ And on the contrary says: “And do not drive away those who invoke upon their Lord in the morning and in the evening seeking Allāh’s pleasure; nothing of their account falls upon you and nothing of your account falls upon them, so if you drive them away, you will be regarded as one of the oppressors”.³⁸⁰

³⁷⁸ Al-Nisā IV, 140.

أَنْ إِذَا سَمِعْتُمْ آيَاتِ اللَّهِ يُكْفَرُ بِهَا وَ يُسْتَهْزَأُ بِهَا فَلَا تَقْعُدُوا مَعَهُمْ حَتَّى يَخُوضُوا فِي حَدِيثِ غَيْرِهِ إِنَّكُمْ إِذًا مِثْلُهُمْ.

³⁷⁹ Al-An'am VI, 68.

وَ إِذَا رَأَيْتَ الَّذِينَ يَخُوضُونَ فِي آيَاتِنَا فَأَعْرِضْ عَنْهُمْ حَتَّى يَخُوضُوا فِي حَدِيثِ غَيْرِهِ وَ إِمَّا يُنْسِيَنَّكَ الشَّيْطَانُ فَلَا تَقْعُدْ بَعْدَ الذِّكْرِى مَعَ الْقَوْمِ الظَّالِمِينَ.

³⁸⁰ Al-An'am VI, 52.

وَ لَا تَطْرُدِ الَّذِينَ يَدْعُونَ رَبَّهُمْ بِالْغَدَاةِ وَ الْعِشِيِّ يُرِيدُونَ وَجْهَهُ مَا عَلَيْكَ مِنْ حِسَابِهِمْ مِنْ شَيْءٍ وَ مَا مِنْ حِسَابِكَ عَلَيْهِمْ مِنْ شَيْءٍ فَتَطْرُدَهُمْ فَتَكُونَ مِنَ الظَّالِمِينَ.

Thinking, piety and knowledge are triply inter-related and surely religions are sent down for humankind's enlightenment. Whoever says "there is no God but Allāh" even though s/he lies, s/he must be called a Muslim and should be entitled to all rights, which a Muslim has in Islamic society. The restrictions against idolaters are to make pagans think about their narrow-mindedness, by thinking about the book of creation and creator to avoid worshipping statues which are made of stones, woods, metals and/or jewels as their God.

45- Principle of: Islamic Internationalism versus states'

Nationalism

Nationalism is regarded as a term, which is employed for strengthening the national and cultural unity and historical identity of nations.³⁸¹ This standpoint is so prevalent that all nations in the world believe it to be self-explanatory.³⁸² As to the political aspects of nationalism, it has become a desired means for justification of states' actions/politics in the world. The political nationalism in authoritarian and totalitarian regimes has made them able to impose themselves on neighboring countries as well as on their own people. Islam by weakening the concept of nationalism and racial, ethnical, and cultural differences attempts to incline people towards principle of equality and omission of

³⁸¹ Sariā-ol-Qalam, Mahmoud (1992) "Development, Third world and international system", Sefid Publication, 2nd ed. p. 15.

³⁸² Moqtader, Hooshang (1991) "International policy and foreign policy", Tehran Mafhoos Publication p. 56.

superstitions originated from so-called differences between ethnics, races, groups and tribes. Glorious Qur'an calls all human beings as brothers and say: **“O mankind! Verily, We created you all from a male and female and appointed for you nations and tribes. (But this is not a factor of your superiority over others. It is a factor to make you think and get better understanding). Verily the most honorable of you in the sight of Allāh is the most pious of you”**.³⁸³ Since all humankind are brothers, therefore the illusory borderlines which are established by governments to protect their own benefits, and superiority over other nations, is worthless and barriers in the path of human brotherhood. It is worthy to mention that elevating the illusory nationalistic feelings, is a common trick played by government to continue their governance over the nations. National anthems, military marches, national glories, historical superiority, ethnical distinctions, cultural excellences and other similar issues are all different methods applied by governments to play tricks and fool the nations, as a result to strengthen the illusory distinctions between their people and other nations to be able to rule longer and easier. Otherwise, what is the difference between two persons that one of them is born in this side of the borderline and has obtained the nationality of certain country and another one who is born, in a short distance away, in the other side of the borderline and has obtained another state's nationality. These two persons may take part in a war between the two countries and try to kill their brothers who think they are from another country. All these happenings occur just for this very reason that they are born in different places, which are situated in a short distance away from each other. Islam and all true religions are sent down to eliminate these kinds of superstitions, which are common between

³⁸³ Al-Hujurāt XLIX, 13.

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاهُمْ.

people.³⁸⁴ Delusions, which have been the cause of establishment of political borderlines and national and ethnical differences, are all of this kind of superstitions. MacIver in his well-known book of “The web of government”³⁸⁵ after giving full and detailed description about this subject matter that no person has more strength than another one, declares that the basis of statesmen’s power is to create differences and ethnical distinctions between their nation and other nations and also creating differences among their own people just through different customs and traditions and ceremonies resulting discord among different groups and rule over them easily.

Islam does not approve this kind of ambition and hegemonism. In Glorious Qur’an, it is addressed to holy Messenger (S) that: **“You are not a compeller over them”**.³⁸⁶ Islamic internationalism is not established for domination and hegemony over humankind. Because domination and ruling over human beings is one of the most worthless and even most unpleasant things in Islam. It is just applicable in Islam for transcendence of humankind and humanity. Therefore, endurance of difficult situations and sufferings of a governor is not due to enthusiasm for ruling, but because there is an order in this regard which said: **“So stand on the straight path as you are commanded and so do the ones who turn to Allāh with you, and transgress not (that is to say do not get tired and never leave your mission)”**.³⁸⁷ The honorable Messenger (S) repeatedly

³⁸⁴ Dr. Hajj Noor Ali Tabandeh, (2000). “Cultural Iran, political Iran”, an essay, Iran mysticism (Irfan Iran), journal. No. 3 pp. 8-14, Haqiqat Publication, Tehran.

³⁸⁵ R.M. MacIver, The web of government, (rev. ed. 1965); translated to Farsi by Ali Kani, printed by Institute of Translation and Publication of Book, 1975T Tehran.

³⁸⁶ Al-Ghashiah LXXXVIII, 22.

لَسْتَ عَلَيْهِمْ بِمُصِطِرٍ.

³⁸⁷ Hūd XI, 112.

فَاسْتَقِمْ كَمَا أُمِرْتَ وَ مَنِ تَابَ مَعَكَ وَ لَا تَطْغَوْا.

would say that “this command in sūrah of Hūd has acted as a heavy burden on me”.³⁸⁸

Nationalism should not become a desired means for justification of states' powers to impose themselves on neighboring countries as well as on their own people. By weakening the concept of nationalism and racial, ethnical, and cultural differences and attempting to incline people towards principles of equality, the superstitions originated from so-called differences between ethnics, races, groups and tribes should be omitted. We, all human beings, are siblings and equal, therefore the political borderlines established by governments to protect their own benefits, and superiority over the other nations should not be barriers to human brotherhood.

46- Principle of: Prohibition of national boasting and seeking national superiority

The political and cultural issue of national glorification and/or seeking national superiority is one of the most prevalent and important controversial topics among the nations. A survey of the social and political behaviors of the states shows that, there are various forms of this kind of boasting among different nations, which by enhancement of economic power and domination over smaller countries it is going to be increased

³⁸⁸ Al-Shura XLII, 15, “And so you invite them (to this religion of Islam) and be firm and steadfast about it, as you have been commanded”.

فَلِذَلِكَ فَادُعْ وَاسْتَقِمْ كَمَا أُمِرْتَ.

accordingly. The said national boasting and considering that one's nationality to be superior than the other nations, is so dangerous that some people argue that the first and second world wars originated from this kind of seeking ethnical-national superiority. For example, the United Forces and especially Germany by invoking the issue of ethnical superiority of German's Arian race started invasion against the whole world. Other wars, which have taken place in the earth, more or less and in one way or another have originated from this kind of boastings and seeking superiority.

The illusion of superiority emanates from ignorance and unawareness. Because, if we think it over attentively, we will understand that all of us are the creatures of one creator and no one has superiority over the others. We are all brothers and the existence of tribes, nations, countries, nationality and other characteristics and peculiarities would not be the cause of superiority and boasting. We are all equal in the sight of Allāh and the most honorable ones in the sight of Allāh, are the most pious ones.³⁸⁹ Glorious Qur'an says: **“(O men) Worship Allāh and ascribe nothing as partner unto Him, and show kindness unto your parents, relative, orphans, the needy, the neighbour who is a near relative, the neighbour who is a stranger, the very close friend, the wayfarers and those slaves whom you own. Verily, Allāh does not like the boastful and arrogants”**.³⁹⁰ The definition of the term **“boastful”** in the said verse is described as follows: **“boastful is the one who thinks of himself as great and distinguished person and the others as inferior and object persons”**.³⁹¹ From theosophical

³⁸⁹ Al-Hujurāt XLIX, 13.

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ.

³⁹⁰ Al-Nisā IV, 36.

وَاعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجَارِ الْجُنُبِ وَالصَّاحِبِ بِالْجُنُبِ وَابْنِ السَّبِيلِ وَمَا مَلَكَتْ أَيْمَانُكُمْ إِنَّ اللَّهَ لَا يُحِبُّ مَنْ كَانَ مُخْتَالًا فَخُورًا.

³⁹¹ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", volume 4 translation, p 66.

standpoints, generalizing the concept of this noble verse to the nations, leads to no difficulty. Its purport could be accepted as a principle to treat other nations in international relations.

Arrogance and egotism is one of the most blameworthy and reprehensible sins. In different occasions and in various ways, several verses have been expressly sent down about it in Glorious Qur'an. This arrogance is introduced through blameworthy manifestation of Iblis egotism, who by seeking superiority over Adam (A) refrained obeying divine commands. Arrogance, in various stages means to believe oneself is superior to other creatures, which is reprimanded in Glorious Qur'an and says: **“On the Day when the disbelievers are exposed to the fire they will be told: “You benefited from good things of the world and you enjoyed your life fully. So this day you will be recompensed with a disgracing chastisement because you without due cause behaved arrogantly and made mischief and corruption in the earth”.**³⁹² The term **“earth”** which is used in this verse means that no country or special zone is excluded, therefore, the people throughout the world are treated equally. And in sūrah of Al-Mu'min, it is said: **“This chastisement is because you had been busy merry-making and exulting in the earth uprightly. Now enter the gates of Hell to abide there in forever, and it is the worst abode of the arrogant”.**³⁹³ The Glorious Qur'an ascribes arrogance,

³⁹² Al-Ahqāf XLVI, 20.

وَيَوْمَ يُعْرَضُ الَّذِينَ كَفَرُوا عَلَى النَّارِ أَدْهَبْتُمْ طَيِّبَاتِكُمْ فِي حَيَاتِكُمُ الدُّنْيَا وَاسْتَمْتَعْتُمْ بِهَا فَالْيَوْمَ تُجْزَوْنَ عَذَابَ الْهُونِ بِمَا كُنْتُمْ تَسْتَكْبِرُونَ فِي الْأَرْضِ بِغَيْرِ الْحَقِّ وَبِمَا كُنْتُمْ تَفْسُقُونَ.

³⁹³ Al-Mu'min XL, 75-76.

ذَلِكَ بِمَا كُنْتُمْ تَفْرَحُونَ فِي الْأَرْضِ بِغَيْرِ الْحَقِّ وَبِمَا كُنْتُمْ تَمْرَحُونَ. ادْخُلُوا أَبْوَابَ جَهَنَّمَ خَالِدِينَ فِيهَا فَبِئْسَ مَثْوَى الْمُتَكَبِّرِينَ.

Al-Zūmar XXXIX, 72, **“Then it will be said to them: Enter you through the gates of hell to abide therein forever, and evil is this abode for the arrogant”.**

قِيلَ ادْخُلُوا أَبْوَابَ جَهَنَّمَ خَالِدِينَ فِيهَا فَبِئْسَ مَثْوَى الْمُتَكَبِّرِينَ.

egotism, and haughtiness to those people who do not believe in the Hereafter. And says: **“Those who do not believe in the Hereafter, their hearts refuse to know the truth (of Allāh’s Unity) and they are rebellious and arrogant. Assuredly Allāh knows that which they keep hidden and that which they proclaim. However He does not like rebellious arrogant”**.³⁹⁴ And says: **“And know that Allāh does not like the arrogant boasters”**.³⁹⁵ And it is Luqman’s advice to his son in Glorious Qur’an which says: **“And (O my son) do not turn your face away from people out of the arrogance: not walk in the land exultingly; verily! Allāh does not like any self-conceited boaster”**.³⁹⁶ And in sūrah of Al-Isra says: **“And do not walk in the earth arrogantly; verily you can neither tunnel through the earth nor reach the heights of the mountains. All of those which are mentioned are bad and therefore hateful in the sight of your Lord”**.³⁹⁷ And on the contrary says: **“The (faithful) bondmen of the Beneficent (Al-Rahman) are they who walk upon the earth modestly and when the foolish ones address them answer: peace.**³⁹⁸ And says:

Al-Zūmar XXXIX, 60, **“Is not hell the right abode for the disobedient and the arrogant”**.

أَلَيْسَ فِي جَهَنَّمَ مَثْوًى لِّلْمُتَكَبِّرِينَ.

Al-Nahl XVI, 29, **“So enter the gate of hell to stay therein forever; and indeed what an evil abode it will be for those who turned away from the truth out of arrogant”**.

فَادْخُلُوا أَبْوَابَ جَهَنَّمَ خَالِدِينَ فِيهَا فَلَيْسَ مَثْوًى لِّلْمُتَكَبِّرِينَ.

³⁹⁴ Al-Nahl XVI, 22-23.

فَالَّذِينَ لَا يُؤْمِنُونَ بِالْآخِرَةِ فُلُوبُهُمْ مُنْكَرَةٌ وَهُمْ مُسْتَكْبِرُونَ. لَا جَرَمَ أَنَّ اللَّهَ يَعْلَمُ مَا يُسْرُونَ وَ مَا يُعْلِنُونَ إِنَّهُ لَا يُحِبُّ الْمُسْتَكْبِرِينَ.

³⁹⁵ Al-Hadid LVII, 23. And also Al-Nisa IV, 36.

وَ اللَّهُ لَا يُحِبُّ كُلَّ مُخْتَالٍ فَخُورٍ.

³⁹⁶ Luqman XXXI, 18.

وَ لَا تُصَعِّرْ خَدَّكَ لِلنَّاسِ وَ لَا تَمَسَّ فِي الْأَرْضِ مَرَحًا إِنَّ اللَّهَ لَا يُحِبُّ كُلَّ مُخْتَالٍ فَخُورٍ.

³⁹⁷ Al-Isra XVII, 37-38.

وَ لَا تَمَسَّ فِي الْأَرْضِ مَرَحًا إِنَّكَ لَن تَخْرِقَ الْأَرْضَ وَ لَن تَبْلُغَ الْجِبَالَ طُولًا. كُلُّ ذَلِكَ كَانَ سَيِّئُهُ عِنْدَ رَبِّكَ مَكْرُوهًا.

³⁹⁸ Al-Furqan.

وَ عِبَادُ الرَّحْمَنِ الَّذِينَ يَمْشُونَ عَلَى الْأَرْضِ هَوْنًا وَ إِذَا خَاطَبَهُمُ الْجَاهِلُونَ قَالُوا سَلَامًا.

“We have appointed paradise as the Last Home for those who did not intend oppression and corruption in the earth, and therefore the best end belong to the pious.”³⁹⁹ And also says: “Give good news to the humble worshippers”.⁴⁰⁰ As it is observed in most aforesaid verses, the term “earth” is mentioned. Therefore, on the basis of our previous description, the protection of equality and brotherhood in relation to other nations in the world is the practical instructions of Islamic community and Islamic government. In sūrah of Al-Fātir without any exception, it is addressed to all men that: “O, men! You are all in need of Allāh, and Allāh is praiseworthy, self- sufficient”.⁴⁰¹ It means that all people in this planet should know that they are all in need of Allāh, and Allāh is the one who has no need at all. He is praiseworthy and you are not deserved to be praised. So that do not be boastful. While one is in need, so how can there be any room for boasting, praiseworthy, and seeking superiority.

The illusion of superiority emanates from ignorance and unawareness; and all of us are the creatures of The One Creator and no one has superiority over the others. We are all siblings and the existence of tribes, nations, countries, nationality and other characteristics and peculiarities would not be the cause of superiority and boasting.

³⁹⁹ Al-Qasas XXVIII, 83.

تِلْكَ الدَّارُ الْآخِرَةُ نَجْعَلُهَا لِلَّذِينَ لَا يُرِيدُونَ عُلُوًّا فِي الْأَرْضِ وَلَا فَسَادًا وَالْعَاقِبَةُ لِلْمُتَّقِينَ.

⁴⁰⁰ Al-Hajj XXII, 34.

وَأَبَشِّرِ الْمُخْبِتِينَ.

⁴⁰¹ Al-Fātir XXXV, 15.

يَا أَيُّهَا النَّاسُ أَنْتُمُ الْفُقَرَاءُ إِلَى اللَّهِ وَاللَّهُ هُوَ الْغَنِيُّ الْحَمِيدُ.

47- Principle of: Peaceful coexistence

One of the most important principles, concerning the relationship of Islam and Muslims with other people, is the principle of peaceful coexistence. This principle applies to the smallest unit of the society namely, the family and neighbors and then foreign neighbors and lastly to all countries throughout the world. Nearly most Islamic jurisprudential rules, with reference to the neighbors could be extended to the international relations. In sūrah of Al-Nisā, it is said: **"Show kindness unto your parents, relatives, orphans, the needy, the neighbor who is a near relative, the neighbor who is a stranger, the very close friend, the wayfarers, and those salves whom you own. Verily! Allāh does not like the boastful and arrogant"**.⁴⁰²

The principle of peaceful coexistence with other states is the basis of "relationshipness" expansion of Islam. In other words, this principle is the basic grounds for subsequent expansions of Islam. Because there should exist necessary means for association of nations with one another until the people of the world, become acquainted with the virtue of Islamic rules and then sincerely convert to Islam. Some people are of the opinion that Islam is a religion of fighting, invasion, and transgression⁴⁰³, which is not a true

⁴⁰² Al-Nisā IV, 13.

وَاعْبُدُوا اللَّهَ وَ لَا تُشْرِكُوا بِهِ شَيْئًا وَ بِالْوَالِدَيْنِ إِحْسَانًا وَ بِذِي الْقُرْبَىٰ وَ الْيَتَامَىٰ وَ الْمَسَاكِينِ وَ الْجَارِ ذِي الْقُرْبَىٰ وَ الْجَارِ الْجُنُبِ وَ الصَّاحِبِ بِالْجَنبِ وَ ابْنِ السَّبِيلِ وَ مَا مَلَكَتْ أَيْمَانُكُمْ إِنَّ اللَّهَ لَا يُحِبُّ مَنْ كَانَ مُخْتَالًا فَخُورًا.

⁴⁰³ Khadoori, Majid (1956) "Peace and war in Islam", translated to Farsi by Saeedi, Tehran, Eqbal Publication. Also Charles de Montesquieu (1752), The spirits of Laws, Translated by Thomas Nugent, revised by J. V. Prichard. Based on edition published in 1914 by G. Bell & Sons, Ltd., London. Rendered into HTML and text by Jon Roland of the Constitution Society, where the full text of this document may be found. Translated to Farsi by Ali-Akbar Mashadi, pp. 670-1 (1945). In comparison of Islam and Christianity, he was of the opinion that religion of Islam was imposed on people just by force of sword, and because its foundation was based on force therefore, it has caused severity so that the spirit and moral of the people is tough. This doubt and confusion is

conviction. In some periods of Islam’s history and especially at the time of the honorable Messenger (S), which has been practically the period of materialization of Islam,⁴⁰⁴ all fighting have taken place as defensive measures or recovering and vindication of rights. These fightings have never happened for aggression or infringement of others’ rights. Having this standpoint in mind, namely, preparation of some grounds for expansion of Islam, the following verse that is addressed to honorable Messenger (S) would find its real application, which said: **“Can you (O Muhammad) compel people against their wishes to become believers?”**⁴⁰⁵

In the following verse, the concept of peaceful coexistence, even in its idealistic form, is mentioned as says: **“Perhaps Allāh will (in future) cause friendship between you and whom you hold as enemies”**.⁴⁰⁶ From the said verse, this rule could be construed that all Muslims should attempt to remove the barriers of enmity established between them and their enemies, which is a major hindrance of friendship.

The principle is to remove hindrance of friendship among ourselves and enemies.

generally resulted from the point that they think the real Islam is what they know about the era of the first Three Caliphs or other cruel (tyrant) caliphs. Whereas it is a paralogism and false reasoning.

⁴⁰⁴ At those periods of times when the Muslims’ territories were under ruling of elected Three Caliphs and cruel caliphs the situation was not the same. The said governments cannot be included in category of Islamic government. In other words in a territory the government and nation might be Muslim and the Islamic laws be enforced, but this could not be called Islamic government. There might also the government, people, and laws be Christian or Jewish but it should not be called a Christian or Jewish government. We may call a government really a religious government when the viceroy of God be placed as the head of the government and the Divine Holder of Authority, which is determined by Almighty God, take the governmentship.

⁴⁰⁵ Yūnus X, 99.

أَفَأَنْتَ تُكْرِهُ النَّاسَ حَتَّىٰ يَكُونُوا مُؤْمِنِينَ.

⁴⁰⁶ Al-Mumtahanah LX, 7.

عَسَىٰ اللَّهُ أَنْ يَجْعَلَ بَيْنَكُمْ وَبَيْنَ الَّذِينَ عَادَيْتُمْ مِنْهُمْ مَوْدَّةً.

48- Principle of: Friendship with nations and folks

Religion is founded on love and amity, which is said: "Is it not religion other than love and friendship?"⁴⁰⁷ Friendship has different stages, and on various grounds shows its special representation. The believers' friendship with people and different groups, after love unto Allāh, prophet, divine guardians and divine executors, takes the following sequence as to their importance:

1. The believers (those persons who have taken special or general oath of allegiance (*Bay'at*), whether in the order of honorable Prophet (S) or in the order of other divine religions).
2. Muslims (those persons who have taken a general oath of allegiance (*Bay'at*)).
3. Muslims who are stationed within Islamic nations (those persons who without taking oath of allegiance (*Bay'at*) live within Muslim's societies or due to their parents who are Muslims or the society where they live are called Muslims).
4. The people of scripture (Jews, Christians, Mandaeans, Zoroastrians,

⁴⁰⁷ Al-Kāfi 8,79.

الكافي، ٨٠٧٩، وصية النبي صلى الله عليه و آله لأمي، ٣٥- عَنْهُمْ عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ فَضَّالٍ عَنْ عَلِيِّ بْنِ عُقْبَةَ وَ ثَعْلَبَةَ بْنِ مَيْمُونٍ وَ غَالِبِ بْنِ عُثْمَانَ وَ هَارُونَ بْنِ مُسْلِمٍ عَنْ بُرَيْدِ بْنِ مُعَاوِيَةَ قَالَ كُنْتُ عِنْدَ أَبِي جَعْفَرٍ ع فِي فُسْطَاطٍ لَهُ بِمَيِّ فَنظَرَ إِلَى زِيَادِ الْأَسْوَدِ مُنْقَلِعِ الرَّجْلِ فَرَأَى لَهُ فَقَالَ لَهُ مَا لِرَجْلِكَ هَكَذَا قَالَ جِئْتُ عَلَى بَكْرٍ لِي نِضْوٍ فَكُنْتُ أَمْشِي عَنْهُ غَامَّةَ الطَّرِيقِ فَرَأَى لَهُ وَ قَالَ لَهُ عِنْدَ ذَلِكَ زِيَادٌ إِنِّي أُلِمُّ بِالذُّنُوبِ حَتَّى إِذَا ظَنَنْتُ أَنِّي قَدْ هَلَكْتُ ذَكَرْتُ حُبُّكُمْ فَرَجَوْتُ النِّجَاةَ وَ تَجَلَّى عَنِّي فَقَالَ أَبُو جَعْفَرٍ ع وَ هَلِ الدِّينُ إِلَّا الْحُبُّ قَالَ اللَّهُ تَعَالَى حَبَّبَ إِلَيْكُمْ الْإِيمَانَ وَ زَيَّنَهُ فِي قُلُوبِكُمْ وَ قَالَ إِنْ كُنْتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي يُحْبِبْكُمُ اللَّهُ وَ قَالَ يُحِبُّونَ مَنْ هَاجَرَ إِلَيْهِمْ إِنْ رَجَلًا أَتَى النَّبِيَّ ص فَقَالَ يَا رَسُولَ اللَّهِ أَحِبُّ الْمُصَلِّينَ وَ لَا أَصَلِّي وَ أَحِبُّ الصَّوَامِينَ وَ لَا أَصُومُ فَقَالَ لَهُ رَسُولُ اللَّهِ أَنْتَ مَعَ مَنْ أَحْبَبْتَ وَ لَكَ مَا اكْتَسَبْتَ وَ قَالَ مَا تَبْعُونَ وَ مَا تُرِيدُونَ أَمَا إِنَّهَا لَوْ كَانَ فِرْعَوْنُ مِنَ السَّمَاءِ فَرَعَ كُلَّ قَوْمٍ إِلَى مَأْمَنِهِمْ وَ فَرَعْنَا إِلَى نَبِيِّنَا وَ فَرَعْتُمْ إِلَيْنَا.

and other orders of divine religions).

5. The people of scripture who are the mockers.
6. Idolaters (those persons who take other things as partner to Almighty God, and worship them as their Lords such as things, human beings, and animals).
7. Disbelievers (Those persons who do not believe in Almighty God).

In sūrah of Al-Mā'idah says: **"O. you who believe! Do not take for friends those who take your religion as a mockery and fun, whether they be the people of the scripture or the disbelievers, and fear from the disobedience of Allāh; if you are true believers. And when you proclaim the call to prayer, they take it but a mockery and fun; that is because they are people who do not use their reason".**⁴⁰⁸ This verse is about Jews and Christians, which have been mentioned in previous verses, as it says: **"O, you who believe! Do not take the Jews and the Christians as friends, they are friends only to one another; and if any among you takes them as friends, then surely, he is regarded as one of them. Verily, Allāh does not guide the wrong doers".**⁴⁰⁹ With regard to the educational points of view-for the believers - this kind of friendship is detrimental and harmful to expediencies of society. Therefore, it is said: **"Believers should not take friends from the disbelievers, rather than the believers; anyone who does so, there will be no help from Allāh for him in anyway, unless one fears indeed a danger from them".**⁴¹⁰ And

⁴⁰⁸ Al-Mā'idah V, 57-58.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الَّذِينَ اتَّخَذُوا دِينَكُمْ هُزُوراً وَ لَعِباً مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ وَ الْكُفَّارَ أَوْلِيَاءَ وَ اتَّقُوا اللَّهَ إِنَّ كُنْتُمْ مُؤْمِنِينَ. وَ إِذَا نَادَيْتُمْ إِلَى الصَّلَاةِ اتَّخَذُوهَا هُزُوراً وَ لَعِباً ذَلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَعْقِلُونَ.

⁴⁰⁹ Al-Mā'idah V, 51.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْيَهُودَ وَ النَّصَارَى أَوْلِيَاءَ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ وَ مَنْ يَتَوَلَّهُمْ مِنْكُمْ فَإِنَّهُ مِنْهُمْ إِنَّ اللَّهَ لَا يَهْدِي الْقَوْمَ الظَّالِمِينَ.

⁴¹⁰ Āle-Imran III, 28.

with reference to disbelievers says: "O, you who believe! Do not take as your intimate friends those who are outside your religion (disbelievers), since they will not fail to their best to betray you".⁴¹¹ And also says: "O, you who believe! Do not take My enemies and your enemies as your friends by establishing intimate relationship with them whereas they disbelieve in what has come to you of the truth".⁴¹² And continues that: "If they gain any chance against you, they will treat you with hostility and will stretch out their hands and their tongues against you; and they are eager to turn you to disbelief".⁴¹³ Because: "Many of the people of the scripture after the truth has become clear to them, wish that they out of their inner envy, could turn you back to disbelief after you have believed".⁴¹⁴

And says: "And the believers, men and women are supporters and helpers of one another, they enjoin good and forbid evil; and they perform regular prayer and pay poor-dues and obey Allāh and His Messenger".⁴¹⁵ In sūrah of Al-Mumtahanah, it is said: "Perhaps Allāh will

لا يَتَّخِذِ الْمُؤْمِنُونَ الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ وَمَنْ يَفْعَلْ ذَلِكَ فَلَيْسَ مِنَ اللَّهِ فِي شَيْءٍ إِلَّا أَنْ تَتَّقُوا مِنْهُمْ وَ
آيه ١٤٤ سورة نساء: يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ.

⁴¹¹ Āle-Imran III, 118.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا بَطَانَةَ مَنْ دُونِكُمْ لَا يَأْلُونَكُمْ خَبَالًا وَدُؤًا مَا عَنِتُّمْ.

⁴¹² Al-Mumtahanah LX, 1.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا عَدُوِّي وَعَدُوَّكُمْ أَوْلِيَاءَ ثُلُقُونَ إِلَيْهِمْ بِالْمَوَدَّةِ وَقَدْ كَفَرُوا بِمَا جَاءَكُمْ مِنَ الْحَقِّ.

⁴¹³ Al-Mumtahanah LX, 2.

إِنْ يَتَّقُواكُمْ يَكُونُوا لَكُمْ أَعْدَاءً وَيَسْطُوا إِلَيْكُمْ أَيْدِيَهُمْ وَأَلْسِنَتُهُمْ بِالسُّوءِ وَدُؤًا لَوْ تَكْفُرُونَ.

⁴¹⁴ Al-Baqarah II, 109.

وَدَّ كَثِيرٌ مِنْ أَهْلِ الْكِتَابِ لَوْ يَرُدُّونَكُمْ مِنْ بَعْدِ إِيمَانِكُمْ كُفَّارًا حَسَدًا مِنْ عِنْدِ أَنْفُسِهِمْ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُمُ الْحَقُّ.

And in Āle-Imran III, 69: "Some of the people of the scripture wish turn you to disbelief".

وَدَّتْ طَائِفَةٌ مِنْ أَهْلِ الْكِتَابِ لَوْ يُضِلُّوكُمْ.

⁴¹⁵ Al-Taubah IX, 71.

وَ الْمُؤْمِنُونَ وَ الْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَ يَنْهَوْنَ عَنِ الْمُنْكَرِ وَ يُقِيمُونَ الصَّلَاةَ وَ يُؤْتُونَ

(in future) cause friendship between you and those whom you hold as enemies, since Allāh is Absolute power and Allāh is also the Merciful Forgiving. Allāh does not forbid you establishing relationship and to do justice to those who have not fought you on the account of the religion and have not driven you out of your homeland: verily, Allāh likes those who consider justice towards other people. But Allāh forbids you from having friendship with those who fought you on the account of religion and drove you out of your homeland and helped one another in driving you out. You are forbidden to have friendly relations with them and whoever among you does so, then he is regarded as one of the disbelievers".⁴¹⁶ All aforementioned verses denote that Muslims should be remarkably alert while having relationship with others, so that the Islamic compassion, kindness, and friendship do not create a situation for malevolence of foreign states and countries. The full description and noticeable confessions of Hempher, the English spy in Islamic countries, and his endeavors and the his recite of summary of two volume books of 2000 and 1200 pages of Ministry of British Commonwealth of Nations in 300 years ago under the title of "How to destroy Islam" lead to validity of the abovementioned statements.⁴¹⁷

Anyhow, if there exist some words about refraining from being friends with the people of scripture it would be about those groups which have

الزَّكَاةَ وَ يُطِيعُونَ اللَّهَ وَ رَسُولَهُ.

⁴¹⁶ Al-Mumtahanah LX, 7-9.

عَسَى اللَّهُ أَنْ يَجْعَلَ بَيْنَكُمْ وَ بَيْنَ الَّذِينَ عَادَيْتُمْ مِنْهُمْ مَوَدَّةً وَ اللَّهُ قَدِيرٌ وَ اللَّهُ غَفُورٌ رَحِيمٌ. لَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُفَاتِلُوكُمْ فِي الدِّينِ وَ لَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ وَ تُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ. إِنَّمَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ قَاتَلُوكُمْ فِي الدِّينِ وَ أَخْرَجُوكُمْ مِنْ دِيَارِكُمْ وَ ظَاهَرُوا عَلَى إِخْرَاجِكُمْ أَنْ تَوَلَّوْهُمْ وَ مَنْ يَتَوَلَّهُمْ فَأُولَئِكَ هُمُ الظَّالِمُونَ.

⁴¹⁷ Confessions of a British spy and British enmity against Islam, Hempher's memoirs, 17th ed., 1998. <http://www.hakikatkitabevi.com>. Translated to Farsi by Mohsen Mu'ayyadi Amir Kabir Publication 1998.

hypocritical and mocking behaviors towards Muslims, otherwise in sūrah of Āle-Imran it is said: "Yet they are not all alike; part of the people of the scripture stand for the right and recite Allāh's words of revelation in the watches of the night and they prostrate in adoration. And they (also) believe in Allāh and in the Last Day, and enjoin goodness and forbid evil and they compete to do good deeds and they are among the righteous".⁴¹⁸ And in the same sūrah says: "And there are certainly among the people of the scripture those who believe in Allāh and what has been sent down to you, and what has been sent down to them. Men humble to Allāh, they would not sell Allāh's words of revelation for a mean price; for them there is a reward with their Lord".⁴¹⁹ And with reference to the Jews it is said: "But those among them who are firmly rooted in the divine knowledge and believe in what has been sent down to you and what was sent down before you; and those who perform prayers regularly and pay poor-dues and believe in the Day of Resurrection, to all of them, We shall surely give a great reward".⁴²⁰ And as a general rule it is said: "Surely, those who believe (in Islam) and those who are the Jews and the Sabians and the Christians and whoever believes in Allāh and the Last Day and do good, no fear shall be upon them and nor shall they grieve".⁴²¹ Moreover, it is said: "Verily,

⁴¹⁸ Āle-Imran III, 113-114.

لَيْسُوا سَوَاءً مِنْ أَهْلِ الْكِتَابِ أُمَّةٌ قَائِمَةٌ يَتْلُونَ آيَاتِ اللَّهِ آنَاءَ اللَّيْلِ وَهُمْ يَسْجُدُونَ. يُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَ يُؤْمِنُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَ يُسَارِعُونَ فِي الْخَيْرَاتِ وَأُولَئِكَ مِنَ الصَّالِحِينَ.

⁴¹⁹ Āle-Imran III, 199.

وَ إِنَّ مِنْ أَهْلِ الْكِتَابِ لَمَنْ يُؤْمِنُ بِاللَّهِ وَ مَا أُنزِلَ إِلَيْكُمْ وَ مَا أُنزِلَ إِلَيْهِمْ خَاشِعِينَ لِلَّهِ لَا يَشْتَرُونَ بآيَاتِ اللَّهِ ثَمَنًا قَلِيلًا أُولَئِكَ هُمْ أَجْرُهُمْ عِنْدَ رَبِّهِمْ.

⁴²⁰ Al-Nisā IV, 162.

لَكِنَّ الرَّاْسِخُونَ فِي الْعِلْمِ مِنْهُمْ وَ الْمُؤْمِنُونَ يُؤْمِنُونَ بِمَا أُنزِلَ إِلَيْكَ وَ مَا أُنزِلَ مِنْ قَبْلِكَ وَ الْمُقِيمِينَ الصَّلَاةَ وَ الْمُؤْتُونَ الزَّكَاةَ وَ الْمُؤْمِنُونَ بِاللَّهِ وَ الْيَوْمِ الْآخِرِ أُولَئِكَ سَنُؤْتِيهِمْ أَجْرًا عَظِيمًا.

⁴²¹ Al-Māidah V, 69. This subject is repeated in sūrah of Al-Baqarah II, verse 62.

those who said: "Allāh, the One is our creator" and remained steadfast about their Faith, on them shall be no fear nor shall they grieve".⁴²²

Religion is founded based on love; and amity has different ranks. The believers' friendship with people and different groups, after love unto Allāh, prophet, divine guardians and divine executors, shall be prioritized as follows:

- 1. The believers (those who have taken special or general oath of allegiance (Bay'at), whether in the order of the honorable Prophet (S) or in the order of other divine religions).*
- 2. Muslims (those persons who have taken a general oath of allegiance (Bay'at)).*
- 3. Those Muslims who are stationed within Islamic nations (those who live within Muslim's societies without taking oath of allegiance (Bay'at) or are born to parents who were Muslims).*
- 4. The people of scripture (Jews, Christians, Mandaeans, Zoroastrians, and other orders of divine religions).*
- 5. The people of scripture who are the mockers.*
- 6. Idolaters (those who take other things as partner to the Almighty God, and worship them as their Lords such as things, human beings, and animals).*
- 7. Disbelievers (Those who do not believe in the Almighty God).*

إِنَّ الَّذِينَ آمَنُوا وَالَّذِينَ هَادُوا وَالصَّابِقُونَ وَالنَّصَارَى مَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَعَمِلَ صَالِحًا فَلَا خَوْفٌ عَلَيْهِمْ
وَلَا هُمْ يَحْزَنُونَ.

⁴²² Al-Ahqāf XLVI, 13.

إِنَّ الَّذِينَ قَالُوا رَبُّنَا اللَّهُ ثُمَّ اسْتَقَامُوا فَلَا خَوْفٌ عَلَيْهِمْ وَلَا هُمْ يَحْزَنُونَ.

49- Principle of: Protection of all nations' and states' interests whether in their presence or absence

Islam's Government is the protector of the interests of all nations and states in the world. Such a protection of interests is performed apparently or secretly, whether in the presence or in the absence of them. Refraining to protect others' rights is considered as betraying them. In sūrah of Yusof, it is said: **"I did not betray him in his absence, verily; Allāh does not give way to the guile of the traitors"**.⁴²³ The said verse clearly stipulates prohibition of betraying the others' interest in their absence. Therefore, while protecting others' interests in their absence is obligatory, it is obvious that it would be obligatory in their presence.

The said concept could be construed from the following verse which says: **"And do not approach the property of an orphan unless it is in the best manner till he attains his maturity, and give full measure and full weigh with justice; We do not task any soul beyond his ability, and when you speak, be just, though it may be against your relatives' benefit. And fulfill Allāh's covenant. Thus does Allāh enjoin you by those decrees (about your duties). So that you may be mindful"**.⁴²⁴ According to this verse, Almighty God enjoins that: Do not approach the property of an orphan in the absence of his maturity and while he/she lacks required perception. And in the absence of the purchaser, do not give him

⁴²³ Yusof XII, 52.

أَيُّ لَمْ أَخُنَّهُ بِالْغَيْبِ وَ أَنَّ اللَّهَ لَا يَهْدِي كَيْدَ الْخَائِنِينَ.

⁴²⁴ Al-An'am VI, 152.

و لَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ وَ أَوْفُوا الْكَيْلَ وَ الْمِيزَانَ بِالْقِسْطِ لَا تُكَلِّفُ نَفْسًا إِلَّا وُسْعَهَا وَ إِذَا قُلْتُمْ فَاعْدُوا وَ لَوْ كَانَ ذَا قُرْبَىٰ وَ بَعْدَ اللَّهِ أَوْفُوا ذَلِكُمْ وَ صَاتُوا بِهِ لَعَلَّكُمْ تَذَكَّرُونَ.

less than what is due, in measurement and weight. Do justice whether he be present or absent. The said obligation should be performed to the extent of Muslims' abilities. When you are speaking or judging, you should not act in a manner to acquire unjustified benefits for yourselves or your relatives. Including the said commands in the foreign policy of Islamic government and extending the subject to the international relations, seems to be clear and obvious. Since non-Muslim states and nations have not yet acquired the guardianship of the Holder of Authority, and are separated from spiritual father and divine guardian, therefore they are considered to be as orphans. So that different non-Muslim nations are also covered by the concepts of the said verse. Moreover, concerning the Islamic government, the term "**relative**" mentioned in the said verse corresponds with the Islamic community, whose people are relatives of Muslims whether they live in their homeland or other places. Thus, Islamic government is bound to protect the interests of all states and nations throughout the world – even non-Muslims –, in their presence, or in their absence. The Islamic government has no right to infringe others' right just for protecting the interests of its own nation.

There are exceptions to the said principle. Defense against the aggression of other nations is an exception. Another exception is where there is an oppression and cruelty which the oppressed has the right of objection through shouting. In Glorious Qur'an, it is said: "**Allāh does not like the shouting of evil words except by one who has been oppressed**".⁴²⁵ In this case protecting the interests of oppressed and confrontation with the oppressor is one of the tasks of Islamic government, which is said: "**And what is it with you that do not fight in the path of**

⁴²⁵ Al-Nisā IV, 148.

لا يُحِبُّ اللَّهُ الْجَهْرَ بِالسُّوءِ مِنَ الْقَوْلِ إِلَّا مَنْ ظَلِمَ.

Allāh and for those who being weak and oppressed among men, women and children who cry "O, our Lord, rescue us from this town whose people are evildoers and tyrant and appoint for us from your presence a guardian and a protector"⁴²⁶. Seeking help in the matter of religion is included to the said exception, which said: "And if they seek your help in the matter of religion, it is your responsibility to help them."⁴²⁷

Every government is responsible to protect the interests of all nations and states in the world publicly or secretly, in the presence or the absence of them; and has no right to infringe others' rights just for protecting the interests of its own nation. Refraining to protect others' rights is considered as betraying them. There are some exceptions such as standing against the aggression of other nations, and where there is an event of oppression and cruelty. Protecting the interests of the oppressed and confrontation with the oppressor are of the tasks of other governments.

50- Principle of: Trustworthiness

Principle of trustworthiness is one of the special issues of public and private international law at present times. During wartimes, some countries deposit their properties and even their military equipment such as airplanes

⁴²⁶ Al-Nisā IV, 75.

وَمَا لَكُمْ لَا تُقَاتِلُونَ فِي سَبِيلِ اللَّهِ وَالْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانِ الَّذِينَ يَقُولُونَ رَبَّنَا أَخْرِجْنَا مِنْ هَذِهِ الْقَرْيَةِ الظَّالِمِ أَهْلُهَا وَاجْعَلْ لَنَا مِنْ لَدُنْكَ وَلِيًّا وَاجْعَلْ لَنَا مِنْ لَدُنْكَ نَصِيرًا.

⁴²⁷ Al-Anfāl VIII., 72.

وَإِنْ اسْتَنْصَرُوكُمْ فِي الدِّينِ فَعَلَيْكُمْ النَّصْرُ.

in some other states. In peacetimes also properties of many states as financial assets are deposited in their own banking accounts in other countries. The said properties belong both to the individuals as well as to the states, therefore, their being as a trust and restoration to their owners are confirmed. In Glorious Qur'an and in the following verse the restoration of deposits are commanded, as it is said: **"Verily, Allāh does command you that restore deposits to their owners, and when you judge among people you should judge with justice"**.⁴²⁸ The meaning of the verse is that whenever there is a special right with a person, it is considered to be as a "deposit" which should be delivered back to the society or individual who is its owner. Having this subject in mind, it should be investigated justly to find the right owner and restore the right. In a comment on this verse, it is said⁴²⁹: **"Verily, Allāh does command you"**. Almighty God commands you people who are envied by others. God has bestowed you the scripture, wisdom and great sovereignty out of his grace. **"That you restore deposits to their owners"**. To express your gratitude for blessings which Almighty God has bestowed you. Do not give deposits to other (one who is not owner) which is an evildoing, and do not interfere with the owner to receive his deposits, which is an evildoing. Although the commands are addressed to the trustees but it is considered as a general command and includes also other peoples. Since other peoples are bound to follow them, therefore, the rule is extended to other situations in traditions. A deposit is something, which is deposited with a trustee to keep it securely, and increase its amount in case of its capability of enlargement. There are so many kinds of deposits, which Allāh has entrusted in humankind, from among them; there is a special deposit that Allāh presented to the earth and

⁴²⁸ Al-Nisā IV, 58.

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ.

⁴²⁹ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 4, pp. 108-111.

heaven. It is the foundation, the base, the most dignified and the most developing deposit. It is the subtle evolutionary movement of humanity, which there is nothing more, dignified than it in Almighty God's treasury, and while Almighty God wanted to take the said deposit out of His Treasury, due to its preciousness, it found too many enemies (who wanted to destroy it). That is why Almighty God asked Heavens of Spirits a secure place for it but there were no secure place to deposit it. Then it was presented to Ghost Lands from both the high and the low kingdoms, and all world of nature, but no secure place was found. Then it was presented to three kingdoms of inanimate bodies, vegetations and animals, but they lacked capacity of its keeping. Then it was presented to the human world, which was found to be capable, therefore, it was deposited with human beings and the man accepted it. As the man accepted the deposit, due to its preciousness and dignity, the covetous and thieves from the low kingdom were increased. The situation was so critical (hard) that without the help of the Owner of the deposit it was impossible to protect it. So that Almighty God appointed an army from the highest kingdom to be in support of the man. They were commanded to protect the deposit and help its development so that whenever Almighty God demanded the deposit, to be returned in pure, safe and developed conditions. Therefore, whosoever does obey Almighty God's command and for its protection fight with the covetous and thieves, and keep it pure and attempt for its development, he would be entitled to the precious Robe of Honour of the high position of divine guardianship, prophethood, messengership, divine successorship and to be stationed in the place of Truth and in the presence of the Omnipotent Sovereign.⁴³⁰ And whosoever be neglectful in its protection and let the thieves to steal it, he would be entitled to punishment and

⁴³⁰ A remark from sūrah of Al-Qamar LIV, 55.

فِي مَقْعَدِ صِدْقٍ عِنْدَ مَلِيكٍ مُّقْتَدِرٍ .

prison. Besides the said deposit there are other ones that Almighty God has deposited with the man for supporting to protect the main deposit. The latter are other than the army from the highest kingdom. They are available to help the man, protecting the main deposit. The deposits in question are perceptions, powers, and apparent as well as inner members that are also commanded to be protected against the covetous and the thieves from the low kingdom and it is commanded to be returned to their owner, which is reason. Then there is the power of undertaking duties and obligations, which is also commanded to be returned to its owner that in human manifestation would be the reason. Therefore, it was presented to the man and it has been made under control of the man. And then there are formal prophetic duties and obligations, which can be acquired through general oath of allegiance. It is commanded after its development and its protection to be returned to the one who has capacity namely, the owner of hearty duties; of course, it should be in a developed and healthy position. And there are esoteric hearty obligations and duties, which are acquired by accepting the special invitation and through special devotional oath of allegiance from the owner of esoteric invitation. It is commanded to be returned to the one who has the capacity, who is the owner of perfect invitation and absolute divine guardianship namely Ali (A). As long as the said deposits are completely granted to the man and he has returned them to their owner after they have been protected and developed, and the owners are content by accepting them and he is also satisfied, then other precious and dignified deposits would be deposited with him which is divine successorship in macrocosm which are in positions of prophethood, messengership, viceroy, and/or divine guardianship. After the first deposit, the latter are the most dignified deposits, and they are in various types. One type of them is regarded as obligations that their owners are ready to undertake and act accordingly. Another type is viceregal which has its own

special owner who has the capacity of reforming people and propagation. Such as religious grandees (Masha'ikh) and religious representatives (Nowab) who have been successors of prophets and divine guardians. Another type is the main divine viceroy that after demise of prophet and divine guardians stands as their successors. As to the deposits of people, which are parts of worldly accidents, the term "deposit" also is applicable. And the owners of them are capable to receive them. **"And when you judge among people you should judge with justice"**. It means that judging among people is not obligatory for you and you are free to choose it but if you choose to judge, so Almighty God Commands you to judge with justice. That is to say, you have several means of doing justice at your disposal, such as punishments that have been revealed to Muhammad (S) and/or by means of justice which are divine punishments for judging. Or while you are dressed as judge to settle disputes between two rivals, you should be away from crookedness, which is emanated from interference of Satan. And if you are aware that your decision would be based on justice and equity then you are allowed to judge. Doing justice between two opponents requires establishment of equality between them. That is to say you should treat them equally in their place of sitting, in talking to them, addressing them, paying attention, good humour and even in hearty inclinations towards them, because if both of them be Muslims then equality in the said subjects means being away from crookedness, and in latter case if you do not establish equality then you will be considered as an oppressor and if through hearty inclinations you treated them differently then you would have been crooked person under control of Satan."

In another verse as to the qualifications of believers, it is said: **"And the believers are those who return their deposits and observe their**

covenants".⁴³¹ The Islamic instructions are based on this principle that various properties, which belong to the states and individuals and are deposited with Islamic government and Muslims should be returned to their owners. To refrain from returning the deposits whether being guidance and leadership of people or interference with the affairs of people, Muslims and believers, from the lowest religious missions up to the highest positions that is the position of great divine successorship are among these kinds of deposits. At the time of advent of Islamic government, all said positions should be placed at the control of prophet, divine guardian and/or divine executor. If anybody acts according to his own preference would be subject to the rule of breach of trust. That is why it is said: "**O you who believe! Do not betray Allāh and Allāh's Messenger, nor misuse knowingly properties entrusted to you**".⁴³²

Every kind of property and asset of individuals and government of a country in another country is considered as a deposit and the host state should observe trustworthiness and restoring them to their owners.

51- Principle of: Prohibition of impeding the benevolence

The said principle is one of the kinds that does not authorize the Islamic government's officials withhold charitable affairs in the international scene, or make hindrances to charitable measures of the other states. The following noble verse is an indication for reprimanding the

⁴³¹ Al-Mū'minūn XXIII, 8.

وَالَّذِينَ هُمْ لِأَمَانَاتِهِمْ وَعَهْدِهِمْ رَاعُونَ.

⁴³² Al-Anfāl VIII, 27.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَخُونُوا اللَّهَ وَالرَّسُولَ وَتَخُونُوا أَمَانَاتِكُمْ.

"impeding the benevolence" which says: **"Cast into the Hell any rebellious disbeliever. The one who hindered others from doing charity and was transgressor"**.⁴³³

The said principle should be taken into consideration during international negotiation and decision-making process, where the representatives of different states are deliberating to make decisions and take actions against a state or states. The prevailing method used by states, usually is that, by considering their own definite and/or probable benefits at present time or in the future, attempt to apply all available bargaining and negotiating power, to restrict other states benefits in favour of their own advantages. Regretfully this international avarice and stinginess is very common among politicians of different states who believe that, if other nations be kept underdeveloped then it would be to their advantage, that is why they become a hindered of good. Whereas, this is basically a wrong idea, since development and economic growth of states is at stake and interdependent with development and economic growth of other states. In this case, the international policy of Islamic government concerning all nations and states in the world is to remove all quantitative and qualitative impediments and barriers regarding their economic, political, cultural and social growths and developments.

⁴³³ Qāf L, 24-25.

أَلْقِيَا فِي جَهَنَّمَ كُلَّ كَفَّارٍ عَنِيدٍ مَنَّاعٍ لِلْخَيْرِ مُعْتَدٍ مُّرِيبٍ.

Development and economic growth of countries depends on interaction in development and economic growth of the others. In this regard, the international policy of all governments concerning all the other nations and states in the world should be arranged so that it leads to removing the quantitative and qualitative impediments and barriers of economic, political, cultural and social growth and development of all countries around the world.

52- Principle of: Imperfect political neutrality

Neutrality could be defined as, not to interfere with international relations among two or more states, or not to set out official position for or against one or more states. This definition corresponds, nearly with the term of "non-alignment" which is common in the international scene nowadays.⁴³⁴

In Islam, position of neutrality is subject to special regulations. In this way that Islam, just the same as a father and/or guardian, possesses divine guardianship over the earth. This guardianship is extended on everyone of the human beings and all humankind are considered as the children of prophets, divine guardians and divine executors. Therefore, whenever they are under oppression and/or in need of protection, they will be protected and whenever they attempt to oppress other people, they will be confronted and fought against. So that Islam adopts the position of neutrality but in the form of being "potentially active". That is to say, whenever oppression gets

⁴³⁴ For more information about principle of neutrality and non-alignment, which is a kind of neutrality, see: Abdul-Ali Qavām (2002). "Principles of foreign policy and international policy", SAMT organization, Tehran.

to its extent that requires interference, then Islam will take the position of active. When there are many people under oppression then it would not be acceptable for Islam to remain neutral towards the oppressed and the oppressor. Of course, it should be noted that when we are speaking about Islamic government it means that the Government is under the control of The Lord of the Age (A) or his representatives who are authorized by him to take this position, not those who are elected by vote of people or councils. On the contrary, the Leader must have received the clear and authentic command issued by the impeccable in a serial manner (that is one authorized by previous person and the latter be authorized by his precedent up to impeccable).

Neutrality in war means to be in the position of a third party or supervisory member in the war, which would not be one of the belligerents. The defensive regulations in war is another subject, which will be discussed in another chapter. The peace covenants concluded at the time of Honourable Messenger of God (S) have been the same as a non-aggression covenant. They did not mean to take the position of a third party.

Governments are responsible to human beings whether domicile citizens or foreigners; whenever they are under oppression and/or in need of protection, they shall be protected and the aggressor shall be confronted against. It would not be acceptable for other states to remain neutral towards the oppressed and the oppressor while there are many people under oppression.

53- Principle of: Negation of protectorship and authorization of protection

On the basis of the said principle, the Islam's Government would never be under trusteeship or protectorship of another state. With regard to the international laws and regulations, a state is called a protected state⁴³⁵ where by virtue of the terms of an international agreement, she establishes a political and legal relationships with a powerful state, consequently the protected state while maintaining her international status and personality, in some aspects will be under the control of the another state which is called protecting state. The administration of foreign affairs and supervision on parts of her internal affairs will be handed over to the protecting state. The individual international agreement concluded between two states shall determine the limits of authorities and powers of the protecting state concerning the administration of foreign affairs and internal affairs of protected state.⁴³⁶

The Islam's Government shall never be under control and protectorship of any other states. On the contrary, it is the Islam's Government, which stands as a protecting state in relation to other states. This issue is so important that while Yazid was on the position of power and had without any justification called himself as so-called caliph of the Muslims, compelled the Master of both Worlds, His Reverend Abi-Abdollah Al-Hussein (A) to take oath of allegiance until give him, his protectorship. But His Reverend refrained to do so and at last by sacrificing his most beloved friends and family and himself never accepted to swear allegiance unjustly unto the cruel caliph of Muslims. The universal guardianship in Islam that is occasioned by the expressly stated

⁴³⁵ Protectorate.

⁴³⁶ See: Safdari, Public international law. Volume 3, Tehran University, pp. 549-552.

authorization is considered to be the guardian and protector of all humankind and takes all human beings under his protectorship. He is the viceroy of Allāh who is God's remainder on the earth. He is the Lord of the Age and successor of Honourable Messenger of God (S) and mediator of divine blessings to human beings. He is domiciled at the borderline the "World of inevitable existence" and the "World of possible existence". He attains the Almighty God's blessings with one hand and gives them to the human beings with other hand. This divine guardianship is quite different from the "jurisconsult guardianship", which is discussed in nowadays. In relation to this viceroy of Allāh, the human beings are stationed in different stages as disbelief, paganism, islam (obedience), faith, and benevolence. Whosoever does not know him, is in the position of disbelief or the one who is under the veil of disbeliefment. Whosoever obeys him along with another one or himself is in the position of paganism. Whosoever is under his command is a Muslim. Whosoever really knows him is in the position of faithfulness. And whosoever kills his selfishness and is drowned into his deity, is in the position of benevolence.⁴³⁷

The true Islam's Government shall never be under control and protectorship of any other states, while protects the others.

54- Principle of: Non-intervention in other states' affairs

The principle of non-intervention in the affairs of other states is one of

⁴³⁷ For more information about this personality see: "Instruction and education from the standpoints of Shahid Thani and Imam Khomeini (1984). Translated by Ahmad Fahri, Rejā Cultural Publication Center. Volume 3, Oct. 1984. Offset printing, Allamah Tabātabāie, pp. 17.

the requirements of constitutional law, which is based on independence of the states. All states have the right of self-determination and nobody has the right to determine and/or design her affairs. On the basis of unquestionable principles of public international law, no state has the right to intervene, directly or indirectly, in the internal affairs of another state. The constitutional rights of the state consist of safeguarding and protection, independence, equality, mutual actions and world trading, which nearly most jurists (lawyers) confirm the said principles and consider them as definite and indisputable rights of the states.⁴³⁸ There are some exceptions to the said general rules which the states, under the pretext of these exceptions intervene in the internal affairs of another state such as: where a state disregards the principles of international law, or puts pressure on foreign nationals resulting to their detriment and harm, or lacking the required rules of procedure for safeguarding the rights of foreign nationals. These kinds of intervention normally take place by drawing the attention of international public opinions to the subject, and even in some occasions, it may take place through launching international military.

The basic rule in Islam is mutual action and non-intervention in the affairs of states, but with regard to some other principles, the abovementioned rule bears several exceptions. For example, where there is a group of people who are under the cruelties and oppressions, Islam is bound to protect them, without taking into consideration that the said group is domiciled in another state. This general principle in Islam, namely protecting the oppressed ones, could be contradictory and in violations of many common principles in international relations. Even if deprived or weakened groups, which are not considered as oppressed people, demand

⁴³⁸ See, Arsanjāni, Hassan (1963) *The Sovereignty of states*, Jibi Publications, Tehran. And also Safdari, Muhammad (1961), *Public international law*, Tehran University Publications.

the assistance of Islam's Government, they will not be unresponded. It is addressed to Honourable Messenger of God (S) that: "**Therefore do not refuse helping the orphans and do not repulse the beggar**".⁴³⁹ Certainly, the aforesaid exceptions could be enforceable where numerous conditions are ascertained. These requirements are enumerated and explained in Islamic jurisprudence.

Any state has the right of self-determination and nobody has right for determination or drawing her destiny. No state has the right to intervene, directly or indirectly, in the internal affairs of another state. The mutual action and non-intervention in the states' affairs are of principles, except where there is a group of people under cruelties and oppressions.

55- Principle of: Obligation for liberalization of oppressed people

As to Islam's point of view, all individuals are personally responsible. The Honourable Messenger of God (S) said: "All of you are to observe and all of you are responsible as well".⁴⁴⁰ When groups of people are under

⁴³⁹ Al-Duha XCIII, 9-10.

فَأَمَّا الْيَتِيمَ فَلَا تَقْهَرْ وَأَمَّا السَّائِلَ فَلَا تَنْهَرْ.

⁴⁴⁰ Behar-ol-Anwar, 72, 38, chapter 35.

بحار الأنوار، ٧٢، ٣٨، باب ٣٥- الإنصاف و العدل... و روي عن النبي ص كلكم راع و كلكم مسئول عن رعيته. عوالي الآلي، ١، ١٢٩، الفصل الثامن في ذكر أحاديث تشتمل... ٣- و قال ص كلكم راع و كلكم مسئول عن رعيته فالإمام راع و هو المسئول عن رعيته و الرجل في أهله راع و هو مسئول عن رعيته و المرأة في بيت زوجها راعية و هي مسئولة عن رعيته و الخادم في مال سيده راع و هو مسئول عن رعيته و الرجل في مال أبيه راع و هو مسئول عن رعيته و كلكم راع و كلكم مسئول عن رعيته.

oppression, then the Islam's Government is bound to protect the aggrieved and oppressed people. Islam's Government has responsibility to remove the cruelties imposed on those people who are weak, even by fighting. Glorious Qur'an says: **"And what is it with you that you do not fight in the path of Allāh? And for those who being weak and oppressed among men, women, and children who cry: our Lord! Rescue us from this town whose people are evildoer and tyrant, and appoint for us from your presence, a guardian and a protector"**.⁴⁴¹ There is a surprising question in this verse about the stop of fighting instead of uprising and removing the oppression from the people who are under the oppression of the governor of a town (or a country). There is no indication about the religion of the aggrieved in this verse; therefore, it includes all humankind. This verse is concerned about those people who demand the oppression be removed from themselves. Whether they know their Lord or not know him. Whether their Lord be addressed as present addressee or as absent one.

As a general rule it is obligatory to assist, where there is a demand of seeking help in the matter of religion, which says: **"But if they seek your help in the matter of religion, it is your responsibility to help them"**.⁴⁴² Exceptions to this verse are about those covenants, which have already been concluded. We will discuss about them in another section. At present time the same assistance is produced in launching international military campaign under the pretext of liberalization of nations, which should follow a rational order and on the basis of international laws and

⁴⁴¹ Al-Nisā IV, 75.

وَمَا لَكُمْ لَا تُقَاتِلُونَ فِي سَبِيلِ اللَّهِ وَالْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانِ الَّذِينَ يَقُولُونَ رَبَّنَا أَخْرِجْنَا مِنْ هَذِهِ الْقَرْيَةِ الظَّالِمِ أَهْلُهَا وَاجْعَلْ لَنَا مِنْ لَدُنْكَ وَلِيًّا وَاجْعَلْ لَنَا مِنْ لَدُنْكَ نَصِيرًا.

⁴⁴² Al-Anfāl VIII, 72.

وَإِنِ اسْتَنْصَرُوكُمْ فِي الدِّينِ فَعَلَيْكُمْ النَّصِيرُ.

international agreements, otherwise the said principle would act as an excuse by powerful states to invade the small states under the pretext of liberalization of nations. The similar case has taken place after the collapse of former Union of Soviet Socialist Republic (USSR) and alteration of bipolar power system into monopole system of power at the international political scene. Anyhow, Islamic government has its own standpoint on the subject that is to say, protection of the rights of the oppressed people.

Governments have responsibility to remove the cruelties imposed on those people who are weak, even by fighting. This assistance is provided on the basis of international laws and agreements and should not be done as an excuse by other states to invade the smaller states under the pretext of liberalization of nations. Exception is for those covenants which have already been concluded.

56- Principle of: International protection of minorities

The phenomenon of minority segregation and distinction has mostly had religious aspects and objectives throughout the history. These kinds of pressures have always been brought by groups of ignoramuses and religious formalists against other religious sects or other religions. And there still exists this problem more or less, among all nations and societies of the world. Some groups of common people, instigated by so-called-clergymen, who are secretly guided and controlled by political and economic powers, continue to persecute the (religious or ethnical) minorities.

The issue of freedom of religion had been taken into consideration in conventions of Vestfalia and Vienna in 17, 18, and 19 centuries. After Crimea war and in pact of Paris (1856) it was stipulated that there should be no discrimination against citizens of a nation with regard to their religions as well as their races. In Berlin convention (1878), freedom of religion of citizens is expressly recognized. In third conference of League of Nations (1922), the religious, lingual and ethnical minorities were all recognized and protected and it was stipulated that the minorities have the right of exercising their religious services as long as they are not against public order and good character quality. The minorities should have the right of enjoying political and civil rights as other citizens of state and should have right to use their own language, other than the official language of the state, in their private, commercial, religious, journalistic and judicial relations. They should have the right of establishing and managing charitable, religious and social institutes and establishment of schools, training and educational institutes to educate their own language in the said institutes and schools. They should have the right of having citizenship and nationality of the state, where they are stationed and domiciled. Mutually, the minorities are under obligation to be loyal to and cooperate with their respective government.

After World War I, it was prescribed in all conventions that to guarantee the respect and observance of minorities' rights, the states should stipulate the protection of minorities' rights in their constitution, and League of Nations would observe the performance of these obligations. Therefore, the member states of the League of Nations were specifically bound to take special attention for observing the regulations of conventions concerning minorities. In any case, each one of the member states and the members of minorities had the right to draw the attention of the Assembly

of the League of Nations to the breach of covenants concerning minorities, and by submitting their written complaints to the Secretary General; he would have been bound to send them to the Assembly of the League of Nations. The permanent International Court of Justice had the duty of adjustment and settlement of disputes between concerned states and the members of the Assembly of the League of Nations regarding the regulations of covenants concerning minorities.⁴⁴³

After World War II, the General Assembly of United Nations in its first session announcement declared: "It is to the best interest of the human society to put an end to the persecution of humankind and racial and religious discriminations". Based on the said recommendation, the Commission on Human Rights and sub-commission on protection of minorities' rights and prevention of discrimination commenced its work in 1947. The Universal Declaration of Human Rights is the achievements of this commission.

In Islam, the minorities' rights are propounded through a special viewpoint. This viewpoint is based on promotion of human thoughts. In Islam, the minorities are divided into several groups:

1. The first group is idolaters who worship the statues and idols as their creator. Islam disdain for this group. This would be an encouraging factor to make them leave their antiquated thoughts. Whenever they stop worshipping the idols then they would become the same as other groups. In the section of "showing disdain for idolaters", we discussed thoroughly about this subject matter.
2. The "people of the scripture" take part in all social, political and economic affairs of the society, but because the Islamic government

⁴⁴³ See: Safdari, Muhammad, (1963).Volume 3, pp. 223-238.

shall protect their life, property, chastity and reputation therefore they have to pay pool-tax which is the charges of their protection and during the war they will be excused from military services and taking part in fighting. This group just by "Islamic confession of faith", even if lying or by way of hypocrisy, would be considered as Muslims and never would be treated as the members of minorities. Because one becomes a Muslim just by confession that there is Allāh and Muhammad is the Messenger of Allāh. Islam is quite different from the belief. Islam will secure the social, political and economic rights but "faith and belief" is a spiritual and hearty matter, which shall be attained just through truthfulness and purity of heart. ⁴⁴⁴

3. The third groups are the slaves which Islam through its encouraging regulations has attempted to reduce the numbers of this group and remove the cruelties imposed on them. A thorough discussion on abolition of slavery is found on its concerned section.

Apart from the aforementioned cases no other forms of minority is known by Islam and Islamic law. This seeming discrimination is just for encouragement of ethnics and minorities to move them toward thoughts' promotion. However, as conform with minorities' rights in Universal Declaration of Human Rights and also the resolutions taken in the second

⁴⁴⁴ In sūrah of Al-Hujurāt XLIX, 14-15 it is said: "**The desert dweller Arabs say: "We believe". Say (O, Messenger): "You have no faith, so you only say: "We are submitted to Islam", since faith has not yet entered into your hearts, but if you obey Allāh and His messenger, He will not decrease anything from the reward of your deeds; verily, Allāh is the Merciful Forgiving. The true believers are those only who believe in Allāh and His messenger and afterwards doubt not, but strive with their wealth and their lives, for the cause of Allāh. Such are the sincere"**

قَالَتِ الْأَعْرَابُ آمَنَّا قُلْ لَمْ تُؤْمِنُوا وَ لَكِنْ قُولُوا أَسْلَمْنَا وَ لَمَّا يَدْخُلِ الْإِيمَانُ فِي قُلُوبِكُمْ وَ إِنْ تُطِيعُوا اللَّهَ وَ رَسُولَهُ لَا يَلْتَنِكُمْ مِنْ أَعْمَالِكُمْ شَيْئاً إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ. إِنَّمَا الْمُؤْمِنُونَ الَّذِينَ آمَنُوا بِاللَّهِ وَ رَسُولِهِ ثُمَّ لَمْ يَرْتَابُوا وَ جَاهَدُوا بِأَمْوَالِهِمْ وَ أَنْفُسِهِمْ فِي سَبِيلِ اللَّهِ أُولَئِكَ هُمُ الصَّادِقُونَ.

Universal Conference of Human Rights⁴⁴⁵ (in June 1993) Islam is in agreement with removal of racial discrimination, anti-foreigners actions and other forms of inequalities concerning national, ethnical, religious and lingual minorities as well as giving them equal social, political and economic conditions. The freedom of the said groups in their beliefs, conscience (opinions), traditions, customs, religions, languages, ethnicities and nationalities upon their own viewpoints and wills is definitely ascertained. The only restriction is, overtly committing sinful conducts and infringement of others' rights.

International protection of minorities with regard to defense and protection of oppressed people is one of the obligations of Islamic government, which is discussed in the concerned section.

Governments are bound to removing racial discrimination, anti-foreigners actions and other forms of inequalities concerning national, ethnical, religious and lingual minorities as well as giving them equal social, political and economic conditions and the freedom of them in their beliefs, conscience, traditions, rituals, religions, languages, ethnicities and nationalities upon their own viewpoints and wills. The exception is about overtly committing sinful conducts and infringement of others' rights.

⁴⁴⁵ M. Jalal-ed-Din (1995). Public international law and the principles of international relations. Volume 1, pp. 406-442.

57- Principle of: Inapplicability of slavery and slave trade at this age

Slavery is a highly publicized issue against Islam, which the opponents and adversaries mostly invoke to show Islam's inclination in preference of freeman to slaves. His Excellency Hajj Sultan Hussein Tabandeh in a comment on religious standpoints on Universal Declaration of Human Rights, have explained this special subject that due to its importance it is quoted here⁴⁴⁶: "Article 4 of the Declaration says: No one shall be held in slavery or servitude; slavery and the slave-trade shall be prohibited in all their forms". This Article needs some more explanation because it appears to be in conflict with Islamic laws, whereas by analyzing the issue, the so-called problems would be removed. The reason why it seems to be in contradiction to the appearance of Islamic law is that the sacred religion of Islam has not prohibited the slavery, but it should be noted that the legal institution of slavery has been established on specified requirements, that is to say, it will be authorized just where certain requirements are met, otherwise the slavery is not applicable and is prohibited. And since, at this time, the said requirements and conditions are impossible to come into existence, therefore, we may claim that slavery is consequently prohibited. As to the Islamic law, a person is called a slave, where he has been taken as a captive during the Islamic war and in the battle area, provided that he has not been converted to Islam before division of the spoils of war. But if a person during the fighting and/or before division of the spoils of war covert to Islam, even if he has been in the battle area, he cannot be enslaved, unless that person is a woman who has taken part in the fighting and has her minor child with her. In this case, if

⁴⁴⁶ Religious standpoints on Universal Declaration of Human Rights; 2nd impression 1975, Tehran, Salih Publication, pp. 45-51.

they were taken as captives, they would be enslaved. As to the belligerent-disbelievers, if they are taken captive during the war, they will be killed unless they be converted to Islam. In the latter case, the leader of Muslims has the option to release them or enslave them, or ask them to pay ransom. According to the aforementioned requirements and conditions, if the war between the parties, not to be an Islamic war, that is to say, it be not for protection of interests and development of Islam, even if it be between Muslims and disbelievers - let alone the both parties be Muslims - then the captives taken during the fighting are not slaves. The same rule shall be applied where there is no war or the opposite side is not a belligerent-disbeliever, such as the cases where according to old common customs in some previous ages and centuries or in some places which by force or through transactions, the children or others were taken as captives. In this case, the captives shall not be considered as slaves and the actions taken are definitely forbidden. If we get to the depth of Islamic instructions and pay more attention to the requirements and conditions of slavery, we will find out that at this time there could be no real slavery regarding Islamic law, and those persons who are sold and purchased as male or female slaves shall not be considered as slaves according to the Islamic law. Selling and purchasing the said persons are against Islamic law and the legal effects of slavery cannot be applied to them. Taking the requirements and conditions prescribed for slavery in Islam into consideration and comparing it with the situations of the case in pre-Islamic period (paganism) will reveal this fact that the purpose and aim of Islam has been to restrict the issue of slavery, because the pagan Arabs as well as other nations and folks, in that period were free to be engaged in selling and purchasing human beings. Most parents while being poor, and out of desperation used to offer their children for sale to get money for their livings and reduce their expenses. This kind of business has been a common custom among African tribes up to recent

times and there might still be common between the uncivilized tribes of Africa. On the other hands, the fightings that occurred between two groups or tribes, the victorious group enslaved everybody, which could take as captives from the defeated tribes, and would sell them as slaves. Sometimes when there was an enmity between two tribes, one of them without previous warning attacked the other one and used to plunder their properties, and enslaved the captives. These incidents were extremely a prevailing custom among Arabs, and Arab tribes who were continuously in fighting with one another. Since they never had a peaceful and tranquil life, therefore, got tired of the situation and an agreement was made and ratified by all tribes, to quit fighting during four months of each year. The said four months were Ziqah, Zilhajah, Muharram and Rajab. These months are called forbidden months because during these months all tribes were immune from being attacked; they could easily and freely go on journey and do their commercial activities. But during other months of the year there was no security and peace in the roads. The tribes which were victorious in fighting or in surprising attacks, used to take the people whether men or women and specially children as captives, and in addition to plundering their properties sold the captives as slaves in the markets. And there was a state of extended chaos and lawlessness governing them as well as in many other social and moral aspects. There was also another common custom between Arabs, that is to say, where a loan was given to somebody and the debtor could not pay the loan back on due date, then creditor took the debtor as his slave and made him to work or sold him in the slave-trade market then formally he became slave and servitude. Thus, the magnanimous leader of Islam decided that according to the commands of Almighty God carry out reforms in this affair and bring it under a specific law and order, consequently it would restrict the slavery, or perhaps slavery would be ruined gradually or at least it would be decreased

to its minimum. As it was already mentioned, in Islamic law and according to the Quran's verses and religious legal decisions and traditions, slavery is valid just when it takes place during a Holy war. That is to say, the war must be on the basis of the orders of Messenger of Allāh or his successors and according to the religious laws and regulations and also by taking all measures into consideration which make fighting between Muslims and disbelievers a real and correct Holy War. Then if during the fighting some of the disbelievers were taken as captives, they will be killed, unless they be converted to Islam. In the latter case, Imam or Muslims' leader who is the successor of Messenger of Allāh has the option to enslave them as a part of the spoils of war and to be divided, or to be demanded ransom, or set them free. But if they were taken as captives after the victory, none of them is to be killed, even they be still in the state of disbelief and Imam is authorized to choose any of the three-abovementioned options. That is in all cases the authorization has been devoted to Imam to enslave or make them free. In other cases, the captives cannot be called slaves. Since in the above case, Imam has the option so that most of times there might be occasions, which are advisable to set them free. The children of those persons, who have become slave, will become slave, provided that both parents had been enslaved. Therefore, due to the prescribed regulations by Islam, the previous common pre-Islam arrangements, which was the real cause of increasing slavery in the society, was totally ruined, and restricted to its lower limit. Certainly, by scrutinizing this subject matter carefully, we will find out that the said regulations are not contradictory to the common military, political, and social principles, of today's civilized world; on the contrary, they are much better and more acceptable. Because at present time the victorious states send the prisoners of war to places, where the living conditions are very hard and force them work under harsh conditions as forced labour. Although the prisoners are not called as slaves

but their living condition is harsher and more difficult. Even though the states do not divide the prisoners of war as spoils of war but in reality, they are held as slaves and sometimes they are tortured and persecuted, and generally, prisoners of war mostly complain of their conditions. Moreover, the victorious nations do not treat them on the basis of observing moral and social principles. Their living conditions often are so harsh and severe that slavery seems to be much better and more comfortable. Although Islam has called them "slaves" but has commanded to treat them with utmost kindness and affability and not to be severe about their food, clothing and other means of living. And they should do their best for tranquility of the slaves. The Honourable Messenger (S) and his successors followed this kind of behaviour and treated their slaves with utmost kindness and compassion. In addition to the said restrictions for enslavement, too many merits have also been enacted for liberation of slaves, which is considered as an Islamic worship. And liberation of slave is also prescribed as one of the forms of atonement. There are other legal institutions which results to liberation of slave, such as "Umme Walad" (mother of [his] child), "Tadbir" (liberation after the death of the owner) and "Mokatebah" (contracted liberation). A female slave who has borne her master a child is called "Umme Walad". When her master dies, she would be a part of deceased estate, and her child would inherit her, consequently she will be free. If anyone says to his slave: "When I die you shall be free" this is called "Tadbir" liberation. "Mukatab" is a slave who has made a contract with his master to do something or pay some specified amount of money, so that when the contract is performed he will be free. One of the great worship in Islam is liberation of slave and many merits have been bestowed for this action. All these show that slavery has not been desirable to the Messenger of Allāh (S) and he has attempted, in one way or another, to restrict the slavery until gradually be cancelled. If there be few slaves at

this time, we have to make sure that their ancestors have been legally slaves and had not been liberated, otherwise their enslavement is not correct and according to the principle of "*Status quo ante*", they should be considered as freemen. Since there has been no Holy War at present time to be based on Islamic rules and regulations and we are not sure that the ancestors of those who are slaves at this period of time, have been also slaves up to the time of infallible Imams (A), and on the contrary, it is almost more certain that they have not been slaves, hence we can conclude that there is no slave at present time. Above all, everybody knows that most male and female slaves at recent times are those black ones who have been sold by their parents, which is against religious law. On the other hand, the humankind is principally borne free unless it is proved to the contrary. Therefore, we may cast doubt on the correctness of their slavery and reject it. Of course, there might be some people who predicate the action of Moslem to correctness or using Moslem market principle and the like which are of "fundamental rules" might try to change the aforementioned reasoning, but it seems that the so-called rule of precaution of the fundamentalist shall govern on this case and the principle of "freedom" is better to be enforced. And since the requirements of correct Islamic slavery, for the time being do not exist therefore, it would be advisable to be cautious and say: "there is no religious slavery at this time". And keeping slaves until the advent of His Honourable Hojjat-ibn-el-Hassan (May God hasten his glad advent) seems religiously to be problematic. Unless the Islam's country is invaded by strangers and be compelled to defend. In that case, we can say, those who are taken as captives, could be reduced to slavery. Otherwise, while in the present situation, giving the ruling for slavery could be criticized and said to be against Islamic law. For this reason our Honourable grandfather, His Excellency Hajj Molla Ali Noor-Alishah who has been one of the Greats of Ne'mat-o-llahi Order and

treatise holder religious jurist, issued a proclamation, in Rabi-ol-Awal of 1332 (lunar year, A.H.) which was about 36 years before issuance of Universal Declaration of Human Rights that reads as follows: "selling and purchasing (transaction) of human beings at this period of time is against religious faith and civilization. Therefore, those males and females who are formally held as slaves should be liberated and shall be equal to the other citizen of the country". His Excellency's standpoint on the subject in question, according to what we have already discussed about, has been on the Islamic non-applicability base of slavery on existing situation, and he has emphatically stated that enslavement of males and females at this time are not in accordance with the Islamic regulations, and the commands of sacred law (of Islam) would not apply to the slaves at present time, and they are not true subjects of what the sacred legislator (of Islam) has commanded, and the requirements of Islamic slavery do not conform with them, and their enslavement is against the commands of Islam. Therefore, all of them are free. But if the Islamic requirements be established, then the commands of the sacred law (of Islam) should be enforced. As it is noticed, His Excellency's proclamation contains no new rules to be considered as innovation or forbidden decision. It is just a statement and explanation of the commands of sacred law (of Islam)".

His Excellency Hajj Dr. Noor-Ali Tabandeh has also given an explication of the said subject in response to an inquiry of a professor of York University of Canada. In his essay, the issue of "slavery in Islam" has been explained and analyzed with regard to the social evolution of Islam. Since the subject matter is interesting, therefore some parts of it are quoted here:⁴⁴⁷ "The issue of slavery was in existence at the time of the advent of

⁴⁴⁷ The complete text of this essay is printed in the journal of Iran's Mysticism. Collected and compiled by Dr. Seyyed Mostafā Azemayesh, No. 19, Haqiqat Publication, 2004, under the title of "Slavery in Islam" pp. 10-18.

Islam. From among several aspects of "slavery" the humanitarian aspect was the main concern of Islam to intervene. In Glorious Qur'an, it is said: **"O, mankind! Verily, We created you all from a male and female, and appointed for you tribes and nations to know".**⁴⁴⁸ That is this classification is mentioned just for **"to know"**. And continues: **"Verily, in Allāh's sight the most honourable of you is the most pious of you"**. These words are addressed to humankind, which are all equal. In another place, the Glorious Qur'an says: **"Indeed, We honoured the children of Adam"**.⁴⁴⁹ Although several evidences of the said **"We honour"** is mentioned but the general rule is **"indeed, We honoured the children of Adam"**. One of the most clear and obvious evidence of **"We honour"** (for human beings) is freedom and liberation. Therefore, "freedom" has been regarded as a main principle in Islam. Moreover, at that period of time, when freedom was absent Islam had commanded to the those dates' non-Moslems that the slaves should receive fair and human treatment rather than brutal behavior, consequently slaves not to feel they were captives and certainly the Muslims would observe the said rules and commands. But if, all of a sudden, Islam had announced that all slaves were free, firstly a deluge of slaves who had escaped from their masters would have come towards Islam and certainly most of them without having true belief in Islam would have been converted and assuredly lack of belief at the beginning of advent of Islam would entail a great damage, whereas the strong belief which the early Muslims had in Islam, who were ready to sacrifice themselves in the path of Allāh, was the main cause of the Islam's

⁴⁴⁸ Al-Hujurāt XLIX, 13: **"O, mankind! Verily, We created you all from a male and female and appointed for you tribes and nations to know. Verily in Allāh's sight the most honorable of you is the most pious of you"**.

إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا

⁴⁴⁹ Al-Isrā XVII, 70. **"Indeed We honored the children of Adam"**.

لَقَدْ كَرَّمْنَا بَنِي آدَمَ

victories; secondly, apart from the humanitarian aspect of slavery, it had also an economic aspect, that is to say, if all at once they liberated the slaves, firstly most economic affairs would stop and the society would be crippled by this policy. Secondly, in addition, the liberated slaves were not able to obtain their needs for living, because they had no food to eat because nobody was to donate them from his wealth. So that the said condition would result to a revolution which would ruin the foundation of society. That is why Islam decided that the slaves being liberated gradually. In some cases, liberating a slave, not only was the atonement of the faults and sins, but it was also considered as a charitable act by itself. And when a slave converted to Islam the companions of the Prophet used to buy him and set him free. For example, Salmān the Persian or Salmān Muhammadi who was one of the grandees of Islam was a slave, whom Abu-Bakr bought and set him free. Bilāl was a slave. Zeid, the foster child of the Reverend Muhammad was a captive, who was bought by His Reverend. Thus, many of companions of the Prophet and grandees of Islam had been slaves, who have been bought and set free. The manner, which was established by Messenger of Islam that slaves being gradually liberated and to be dissolved in free human environment, is very interesting. Let us think that a great number of people, for instance five thousand of persons, without having any food supplies with them enter the city all at once. Now let us suppose they want to enter the ancient Mecca with the population of five to ten thousand. Even if the entrants decide to remain there for one or two days, the city would break up in disorder and if they decide to stay a little longer or to reside there, for sure disorders and disturbances occur in the city. The number of slaves at that time was not so different from their masters' number. Every master had several slaves. Therefore, if the slaves were all of a sudden liberated, then the social and economic conditions would be interrupted. "Under no circumstances we are allowed to presume

a man as a slave", this was the command of Almighty God. As to the status of a human being "freedom" is ordained as principle and main rule, unless through religious procedures it is proved that he/she is enslaved. Concerning the methods and religious procedures of enslavement, it should be noted that there has been several religious wars at the time of Messenger of God. These wars occurred neither in Mecca, nor –for few years– in Medina. When the command of Holy War was issued, if the captives –just during the Holy War– converted to Islam, they would have not been considered as slaves. But if they did not convert, then they would have been treated as slaves. It was only at the time of Prophet that Islamic wars were considered as Holy Wars. And according to Shiites, because in the time of Orthodox caliphs were approved by Ali (A), their ordinances were also taken as valid. But, as the Sunnites also confirm, from the Umayyads onward, which the caliphate was replaced by monarchy there has been no Islamic war and the fighting which have been occurred at that time, were not considered as Holy wars (Islamic Wars) unless it has been approved by Imam (A). The Shiites were and still are of the opinion that after the occultation of the twelfth Imam, namely from latter part of the third century (AH) [ninth century AD] since there has been no infallible Imam to authorize the Holy War, therefore, none of the wars, waged by kings who were named as caliphs, could be called as Holy War. So, the captives, by virtue of the religious regulations were free. As it is noticed, Almighty God has made the entrance gate to the slavery so narrow that only a few people could really enter through it. And on the other hand, the liberation exit has been made large and wide. If we pay attention to the Quran's verses and Islamic laws and regulations concerning the "atonement" among all Islamic sects, we will find out that the atonement for many faults, mistakes and sins are prescribed to be the liberation of slave. So that all slaves would be liberated gradually. And when the slaves, just one by one, be liberated, they

would be dissolved and be absorbed by the society and no economic problem would appear. Apart from the atonement, there have been other ways of liberating the slaves. For instance, when a female slave was pregnant because of intercourse with her master and gave birth to a baby, then the borne child would be a free person and also would set his mother free. That is to say, the freedom of the child extended to the mother. In this case, the mother was called Umme Walad. Therefore, the ways of liberating the slaves was just a gateway, which a person could step out from the realm of slavery, and enter the realm of liberation. There is another method of liberation, which is mentioned in Islamic jurisprudence, namely, if a slave possessed abilities and arts, who could make money out of them, then he could suggest and make a contract with his master to work for him for a specific amount, so that the value of his arts would have been the ransom for his freedom. Of course, during that period he was working, he was still the slave and his master was in charge for his living. So that he was not worried about his living charges and could buy himself. There is another way for liberating the slaves, which is mentioned as "chapter of emancipation of slaves" in the jurisprudence texts. One of the recommended religious precepts and charitable acts for a Muslims is to set a slave free. However, there are several conditions to be observed concerning those slaves who are supposed to be liberated. For instance, they should not be disabled and/or worn-out. They must be able to work and be familiar with an art or profession as craftsman. Since, in the past, the masters took their slaves as their cattle, therefore to explain the said requirement, they were compared with a sheep, which was going to be sacrificed. This comparison was made for this reason that the slave should have ability to work and make his living at the time of liberation and not the case that to liberate a disabled slave or one who could not render his master the necessary services. Therefore, by taking the foregoing

description into consideration we will find out that those persons who were kept as slaves up to two centuries ago, with regard to the Islamic laws and regulations, could not be considered as slaves, because one or two centuries after the advent of Islam no more persons had been left as slaves and all of them would have been liberated. Regrettably, the Islamic laws were only enforced when the caliphs (or so – called the kings) thought they were to their advantage and in other cases they fell into oblivion. Studying Islamic history shall reveal this fact that most taken decisions had been contrary to Islamic laws. I am not a historian I have not done a comprehensive study on the history of Islam but, except what I have already mentioned; I do not remember there has ever been a single discussion about liberation of the slaves. The jurisconsults have mentioned the regulations concerning "the slavery" in their books, which is based on the verses of Glorious Qur'an. The only occasion that I remember is that of well-known mystic and jurisconsult, the late Hajj Molla Ali known as "Nūr-Ali Shah the second", which in a declaration of 1332 (lunar year AH) addressing his followers said: "There is doubt on the correctness of slavery imposed on those female and male who are as slaves at present time. Therefore on the basis of the principle of freedom they are all considered as freemen". I have not seen any other decisions on this very subject. All those decisions, taken in the world, which are proclaimed as a sudden and on the spot declarations, apart from their advantages contain some disadvantages as well, because the said decisions taken by great powers follow their political goals rather than humanitarian concerns. Above all, as we have mentioned, according to Quran's verses the slaves are human beings, that is to say with respect to their relationships with other persons the following verses: **"Verily We created you all from a male and female...."** and **"Indeed, We honoured the children of Adam"** shall be applicable to them. Therefore, it is not authorized to persecute them, and their punishment should be the same

mild punishment as exercised by a father while punishing his own children and exceeding from this limit is not permissible. By paying attention to the lifetime of great persons in early Islam and especially the successors of Messenger of God (S), the Imams (A) we will find out that they treated both freemen and slaves humanely. For instance, they used to have their meals with their slaves and did not discriminate. It is mentioned in the history that Jerusalem was captured at the time of Omar the second caliph. The citizens of Jerusalem who were used to respect and pay tribute to the rulers came out of the city to welcome the new ruler, but they saw only a man who was riding a donkey and another one accompanying him on foot. The citizens ignored them and continued their way until they got to the place where the army of Islam, which had captured the city, was stationed and asked where the caliph was. They were told that the caliph had entered the city. They said we saw nobody entering the city save a man who was riding a donkey and another one accompanying him on foot. They were told the one who was on foot was the caliph of Islam and the man who was riding the donkey was his slave. They were all very astonished by hearing the story. Because during the journey whenever the slave was tired, Omar, the caliph would get down, the slave would ride the donkey, and there was no difference between them in this respect. So that when there is no difference between a slave and a freeman, consequently there would be no difference between them while being punished. Of course, on the basis of the rules of jurisprudence the blood money of slave is lesser than a freeman. Since the blood money is a financial subject, therefore there are some differences between the slave and freeman from this aspect of the issue. Moreover, we should bear in mind that principally there exist no applicability for "slavery" and "slave" at this period of time."

Anyhow, the Islam's standpoint on the issue of "slavery" could be

categorized into two main subjects. The first one is about captives (prisoners of war) who have fought against Islam, therefore they would be considered as slaves. The second one is the encouragement of all Muslims to liberate the said slaves. Concerning the first part, it should be noted that the living conditions of captives were an important issue in early Islam. Because it was impossible to send back the said captives who had fought against Islam to their homeland prior to the settlement of all disputes. Because they were able to take arms and make another invasion. On the other hand, they could not be left without any subsistence. However, there had been no penitentiary or prison to keep them and supply their necessities of life. Therefore, the most desirable method was to put them at the Muslims disposal, so that they would have a job, secondly their food and place of living would be provided, and thirdly they would be under constant surveillance, not to make any trouble again. The social rights of captives were sometimes half of the others, for this reason their punishments (Hodood) were also halved in return. In this connection it is said: **"And whosoever of you who has not the means to marry free-believing women, may marry believing girls from among those (captives and slaves) whom you own and Allāh is the knower of your faith; you are fellow-creatures; then wed them with the permission of their own masters and give them their marriage-portion according to what is reasonable, provided that they are chaste, not adulterous nor taking boyfriends; and after they have been taken in wedlock, if they commit adultery, their punishment is half of that for a free woman. This (type of marriage) is for those men among you who are afraid of committing sin of adultery, but it is better for you to practice self-restraint, and Allāh is the Merciful Forgiving".**⁴⁵⁰ This standpoint is

⁴⁵⁰ Al-Nisā IV, 25.

quite different from the invasions and night-attacks of Arabs against other tribes to take possession of their properties and make their individuals as slaves. Islam has used this phenomenon and the custom of slavery to protect the life of both friends and enemies.

As it was already mentioned, the other part of the said category was encouraging the Muslims to liberate the slaves. That is to say to cancel the guardianship of their masters and give them social rights the same as other citizens of the society. Encouragement of Muslims to liberate the slaves and declaring liberation of slaves as an atonement of several sins could be understood from the following verses. In sūrah of Al-Baqarah it is said: **"It is not (the only symbol of) righteousness that you turn your faces towards the east or to the west but true righteousness is to believe in Allāh, and the Day of Judgment, and the angels and the book and the messengers and also spend one's wealth, despite of love for it, (by giving it) to the kinsmen, to the orphans, and to the needy, and to the wayfarers, and to the poor who beg, and to ransom the slaves, and to perform prayers, to pay alms; and those who fulfill their promises when they make them and those who are patient in extreme poverty and ailment and at the time of war, such are the people who are truthful and they are indeed the pious"**.⁴⁵¹

وَمَنْ لَمْ يَسْتَطِعْ مِنْكُمْ طَوْلًا أَنْ يَنْكَحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمِنْ مَا مَلَكَتْ أَيْمَانُكُمْ مِنْ فَتَيَاتِكُمُ الْمُؤْمِنَاتِ وَاللَّهُ
أَعْلَمُ بِإِيمَانِكُمْ بَعْضُكُمْ مِنْ بَعْضٍ فَانْكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ وَآتُوهُنَّ أُجُورَهُنَّ بِالْمَعْرُوفِ مُحْصَنَاتٍ غَيْرَ مُسَافِحَاتٍ وَلَا
مُتَّخِذَاتِ أَخْدَانٍ فَإِذَا أُحْصِنَ فَإِنَّهُنَّ بَفَاحِشَةٍ فَعَلَيْهِنَّ نِصْفُ مَا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ ذَلِكَ لِمَنْ خَشِيَ
الْعَنَتَ مِنْكُمْ وَأَنْ تَصْبِرُوا خَيْرٌ لَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ.

⁴⁵¹ Al-Baqarah II, 177.

لَيْسَ الْبِرُّ أَنْ تُولُوا وَجُوهَكُمْ قِبَلَ الْمَشْرِقِ وَالْمَغْرِبِ وَلَكِنَّ الْبِرَّ مَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَالْمَلَائِكَةِ وَالْكِتَابِ
وَالنَّبِيِّينَ وَآتَى الْمَالَ عَلَى حُبِّهِ ذَوِي الْقُرْبَى وَالْيَتَامَى وَالْمَسَاكِينَ وَابْنَ السَّبِيلِ وَالسَّائِلِينَ وَفِي الرِّقَابِ وَأَقَامَ
الصَّلَاةَ وَآتَى الزَّكَاةَ وَالْمُوفُونَ بِعَهْدِهِمْ إِذَا عَاهَدُوا وَالصَّابِرِينَ فِي الْبَأْسَاءِ وَالصَّرَاءِ وَحِينَ الْبَأْسِ أُولَئِكَ الَّذِينَ

In sūrah of Al-Mā'idah says: "Allāh will not punish you for what is unintentional in your oaths, but He will punish you for your deliberate oaths: Expiation is feeding to poor persons on a scale of average of that with which you feed your own family or clothing them or freeing of a slave; but whosoever cannot afford (none of these) then he should fast for three days successively. That is the expiation for the oaths you have sworn, so keep to your oaths. Thus Allāh makes clear to you His words of revelation, so that you may be grateful".⁴⁵² In sūrah of Al-Taubah says: "Verily, alms are only for the poor and the needy and those who collect them, and those whose hearts are to be reconciled, and the ransoming of the slaves and for those in debt and in the way of Allāh and for the wayfarers; it is a duty decreed by Allāh. Allāh is Knower, Wise".⁴⁵³ In sūrah of Al-Mūjādilah says: "And those who do Zehār their wives but then change their mind about what they uttered by their tongue, they are liable to expiation of freeing a slave before they approach the wife physically; this is a religious admonition to you and Allāh is well informed about what you do. And a person who cannot find a slave to set free, must go on fast two months successively before they touch each other, but if a person is sick and cannot fast, he should feed sixty of the poor; this is in order that you may find faith for Allāh and His messenger".⁴⁵⁴ It was customary among Arabs that if a man

صَدَقُوا وَ أُولَئِكَ هُمُ الْمُتَّقُونَ.

⁴⁵² Al-Mā'idah V, 89.

لَا يُؤَاخِذُكُمُ اللَّهُ بِاللَّغْوِ فِي أَيْمَانِكُمْ وَ لَكِنْ يُؤَاخِذُكُمْ بِمَا عَقَّدْتُمُ الْأَيْمَانَ فَكَفَّارَتُهُ إِطْعَامُ عَشْرَةِ مَسَاكِينَ مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ أَوْ كِسْوَتُهُمْ أَوْ تَحْرِيرُ رَقَبَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ ذَلِكَ كَفَّارَةُ أَيْمَانِكُمْ إِذَا حَلَفْتُمْ وَ احْفَظُوا أَيْمَانَكُمْ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ لَعَلَّكُمْ تَشْكُرُونَ.

⁴⁵³ Al-Taubah IX, 60.

إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَ الْمَسْكِينِ وَ الْعَامِلِينَ عَلَيْهَا وَ الْمُؤَلَّفَةِ قُلُوبُهُمْ وَ فِي الرِّقَابِ وَ الْغَارِمِينَ وَ فِي سَبِيلِ اللَّهِ وَ ابْنِ السَّبِيلِ فَرِيضَةً مِنَ اللَّهِ وَ اللَّهُ عَلِيمٌ حَكِيمٌ.

⁴⁵⁴ Al-Mujadilah LVIII, 3-4.

addressing his wife said: "you are like my mother" the marriage intercourse between them would become forbidden and prohibited. This custom was called "Zehār". Islam while negating this superstition in pervious verse declares: **"Those men who do Zehār with their wives, should know that those women are never their mothers; none can be their mothers except those who gave birth to them. And indeed they utter an evil and a lie. And verily Allāh is Forgiving, Merciful"**.⁴⁵⁵ Islam has endeavored to instruct those people who do Zehār with their wives that not to pay attention to this kind of superstition, which makes trouble for them and their family as well. Moreover, has made them to pay atonement which shall be used for improvement of the slaves' conditions and poor people, that is to say the atonement is used to liberate a slave and/or to feed the needy. In sūrah of Al-Balad says: **"What would make you know what is "Al-Aghabah". It is to free a slave"**.⁴⁵⁶ And in sūrah of Al-Nisā says: **"A believer should never kill a believer unless it is by mistake; and whosoever kills a believer by mistake must set free a believing slave and blood-wit should be paid to the family of the killed person unless they remit it as a free-will offering. If the killed persons belongs to a people at war with you and he is a believer, then setting free a believing slave is a duty. And if the killed person belongs to a people with whom you have treaty, then the blood-wit is to be paid to his family and the slayer shall set free a believing slave. And whoso finds this beyond his**

وَالَّذِينَ يُظَاهِرُونَ مِنْ نِسَائِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا فَتَحْرِيرُ رَقَبَةٍ مِنْ قَبْلِ أَنْ يَتَمَاسَا ذَلِكَ تَوَعَّظُونَ بِهِ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ. فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ مِنْ قَبْلِ أَنْ يَتَمَاسَا فَمَنْ لَمْ يَسْتَطِعْ فِإِطْعَامُ سِتِّينَ مِسْكِينًا ذَلِكَ لِتُؤْمِنُوا بِاللَّهِ وَرَسُولِهِ.

⁴⁵⁵Al-Mujadalah LVIII, 2.

الَّذِينَ يُظَاهِرُونَ مِنْكُمْ مِنْ نِسَائِهِمْ مَا هُنَّ أُمَّهَاتِهِمْ إِنْ أُمَّهَاتُهُمْ إِلَّا اللَّائِي وَلَدْنَهُمْ وَإِنَّهُمْ لَيَقُولُونَ مُنْكَرًا مِنَ الْقَوْلِ وَ زُورًا وَإِنَّ اللَّهَ لَعَفُوفٌ غَفُورٌ.

⁴⁵⁶Al-Balad XC, 12-13.

وَمَا أَدْرَاكَ مَا الْعُقْبَةُ. فَكُ رَقَبَةً.

ability, two month fasting successively by way of repentance to Allāh (is ordained) for Allāh is Knower, Wise".⁴⁵⁷ In the same sūrah says: "... And do good to your parents, relatives, orphans, the needy, the neighbor who is near relative, the neighbor who is a stranger, the very close friend, the wayfarers and to those slaves whom you own. Verily Allāh does not like the conceited arrogants".⁴⁵⁸ In sūrah of Al-Nahl says: "Allāh has preferred some of you above others in sustenance, but those preferred ones do not share their provision to those slaves they own, so that they be equal in that respect. Is it the bounty of Allāh that they deny?"⁴⁵⁹ In sūrah of Al-Nūr has ordained: "Make the single or unmarried people of the family marry and also the male or female servants (slaves); if they are poor Allāh will bestow them the means in abundance, since Allāh is the knowing Bounty-Bestowed. Those who cannot find the wealth and means for marriage they are enjoined to keep themselves chaste until Allāh grants them bounty out of His grace. And those of your slaves who ask for a written contract for their freedom, provide it for them if they are nice and reliable and also give them out of the means, which Allāh has bestowed upon you. Also do not force your maids to prostitution when they are chaste just in order to benefit from the perishable goods of this worldly life; and if the

⁴⁵⁷ Al-Nisā IV, 92.

وَ مَا كَانَ لِمُؤْمِنٍ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَأً وَ مَنْ قَتَلَ مُؤْمِنًا خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَ دِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَ هُوَ مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَ إِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَ بَيْنَهُمْ مِيثَاقٌ فَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ وَ تَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامٌ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِنَ اللَّهِ وَ كَانَ اللَّهُ عَلِيمًا حَكِيمًا.

⁴⁵⁸ Al-Nisā IV, 36.

وَ بِالْوَالِدَيْنِ إِحْسَانًا وَ بِذِي الْقُرْبَىٰ وَ الْيَتَامَىٰ وَ الْمَسَاكِينِ وَ الْجَارِ ذِي الْقُرْبَىٰ وَ الْجَارِ الْجُنُبِ وَ الصَّاحِبِ بِالْجَنبِ وَ ابْنِ السَّبِيلِ وَ مَا مَلَكَتْ أَيْمَانُكُمْ إِنَّ اللَّهَ لَا يُحِبُّ مَنْ كَانَ مُخْتَالًا فَجُورًا.

⁴⁵⁹ Al-Nahl XVI, 71.

وَ اللَّهُ فَضَّلَ بَعْضَكُمْ عَلَىٰ بَعْضٍ فِي الرِّزْقِ فَمَا الَّذِيْنَ فَضَّلُوا بَرَادِي رِزْقِهِمْ عَلَىٰ مَا مَلَكَتْ أَيْمَانُهُمْ فَهُمْ فِيهِ سَوَاءٌ أ فَبِعِزَّةِ اللَّهِ يَجْحَدُونَ.

slave-girls do such filthy act under compulsion, Allāh is the Merciful, Forgiving".⁴⁶⁰

There are doubts on the correctness of slavery imposed on those women and men who are treated as slaves at the present time; and they are all freemen and freewomen.

58- Principle of: Unity for the truth

The said principle indicates an important issue in foreign policy of the state and international relations during the history of humankind. It has always been observed that different unions established among groups of states, whether military, political, economic, and commercial, are based on and follow two general goals. The first goal is increase of efficiency of gaining benefits among member states of the union and the second goal is increasing the benefits or preventing the losses caused by non-member states. Most of these unions are established on a geopolitics morphology basis, which the neighboring factors have been the main causes of homogeneity and enjoyment of common interests, culture, manner, race, language, customs, and traditions and so on.

The various unions, which are established on the basis of the said two goals, are always attempting to maximize the collective interests of

⁴⁶⁰ Al-Nūr XXIV, 32-33.

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَاسِعٌ عَلِيمٌ. وَلَيْسَتُغْفَبَ الَّذِينَ لَا يَجِدُونَ نِكَاحًا حَتَّىٰ يُغْنِيَهُمُ اللَّهُ مِنْ فَضْلِهِ وَالَّذِينَ يَبْتِغُونَ الْكِتَابَ بِمَا مَلَكَتْ أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا وَآتُوهُمْ مِنْ مَالِ اللَّهِ الَّذِي آتَاكُمْ وَلَا تُكْرَهُوا فَتِيَاتِكُمْ عَلَى الْبِغَاءِ إِنْ أَرَدْنَ تَحَصُّنًا لِتَبْتَغُوا عَرَضَ الْحَيَاةِ الدُّنْيَا وَمَنْ يُكْرِهِنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ إِكْرَاهِهِنَّ غَفُورٌ رَحِيمٌ.

member states. According to the Islam's standpoints, the establishment of these unions shall be only acceptable when the rights of other states are not to be violated. Entering in a treaty or being a member of a union for exercising cruelty and oppression against another weak state is not authorized. Islamic government is supporter of its friends and non-belligerent enemies' interests, whether being present or absent. And also if the belligerent enemies set aside their arms of fighting, and by uttering the words of: "There is no God but Allāh" they would be liable to be under shelter of Islam, even if they perform it hypocritically. It should be mentioned that although the life, property, family, and honour of the latter are under protection of Islamic government but they shall not be considered as friends of the believers, unless by gaining faith which is another stage after accepting Islam as their religion, which happens by swearing special oath of allegiance. If the aforementioned weak state being among the groups of the believers, then according to the following verse God will be their supporter: **"Verily, Allāh will defend the believers against⁴⁶¹ their enemies; verily, Allāh does not like the ungrateful traitors"**.⁴⁶² And also says: **"It is not for any messenger to betray his followers"**.⁴⁶³ And the

⁴⁶¹ Al-Taubah IX, 71. **"And the believers, men and women are supporters and helpers of one another"**.

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ.

Al-Taubah IX, 23. **"O, you who believe! Do not take for supports, your father, and your brothers if they prefer disbelief to belief; if any of you does so, then he is also regarded as one of the disbelievers"**.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا آبَاءَكُمْ وَإِخْوَانَكُمْ أَوْلِيَاءَ إِنِ اسْتَحَبُّوا الْكُفْرَ عَلَى الْإِيمَانِ وَمَنْ يَتَوَلَّهُمْ مِنْكُمْ فَأُولَئِكَ هُمُ الظَّالِمُونَ.

⁴⁶² Al-Hajj XXII, 38.

إِنَّ اللَّهَ يُدَافِعُ عَنِ الَّذِينَ آمَنُوا إِنَّ اللَّهَ لَا يُحِبُّ كُلَّ خَوَّانٍ كَفُورٍ.

And in sūrah of Al-Nisā verse 107 says: **"Verily, Allāh does not like any sinful traitor"**.

إِنَّ اللَّهَ لَا يُحِبُّ مَنْ كَانَ خَوَّانًا أَثِيمًا.

⁴⁶³ Āle-Imran III, 161.

believers are ordained: **"O, you who believe! Do not betray Allāh and Allāh's messenger nor misuse knowingly properties entrusted to you".** ⁴⁶⁴ That is to say, when the Islamic union is established nobody should betray it. In sūrah of Yusof, it is said: **"I did not betray him in his absence; verily Allāh does not give way to the guile of the traitors".** ⁴⁶⁵ Extending the concept of this verse to international level will prohibit unity and/or any betrayal activity against others. Almighty God prohibits the honorable Messenger (S) showing hostility in favour of the traitors. In Glorious Qur'an, it is said: **"Do not be a pleader for the treacherous ones".** ⁴⁶⁶ That is to say, you should not show enmity towards others just by untruthfully establishing union with traitors. If a state by establishment of treacherous union acts against Islam's government, then taking mutual actions (reprisals) would be the command of Allāh. It is said: **"And if you fear treachery from any people, throw back their covenant to them on terms of mutuality, for Allāh does not like the treacherous people".** ⁴⁶⁷ And to betray messenger of God means to betray God and it is said: **"But if they intend to betray you, no wonder, since they have betrayed Allāh too".** ⁴⁶⁸

The command of Glorious Qur'an for being in co-existence and unity

وَمَا كَانَ لِنَبِيٍّ أَنْ يَغُلَّ.

⁴⁶⁴ Al-Anfāl VIII, 27.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَخُونُوا اللَّهَ وَالرَّسُولَ وَتَخُونُوا أَمَانَاتِكُمْ وَأَنْتُمْ تَعْلَمُونَ.

⁴⁶⁵ Yusof XII, 52.

أَيُّ لَمْ أَحْنَهُ بِالْغَيْبِ وَأَنَّ اللَّهَ لَا يَهْدِي كَيْدَ الْخَائِنِينَ.

⁴⁶⁶ Al-Nisā IV, 105.

وَلَا تَكُنْ لِلْخَائِنِينَ خَصِيمًا.

⁴⁶⁷ Al-Anfāl VIII, 58.

وَأِمَّا تَخَافَنَّ مِنْ قَوْمٍ خِيَانَةً فَانْبِذْ إِلَيْهِمْ عَلَى سَوَاءٍ إِنَّ اللَّهَ لَا يُحِبُّ الْخَائِنِينَ.

⁴⁶⁸ Al-Anfāl VIII, 71.

وَإِنْ يُرِيدُوا خِيَانَتَكَ فَقَدْ خَانُوا اللَّهَ مِنْ قَبْلُ.

with the right, could be understood from the following verse: "**O, you who believe! Fear from Allāh and be with the truthful**".⁴⁶⁹ That is to say, in case of necessity of any supporting, backing and unity, this co-operation and accompanying should be with the truthful.

Extending this principle to international level shall lead to establishment of a universal unity which would be able to stand against the wrong doing states and be a guarantee for enforcement of international law. This unity is to put the concept of the following verse into action, which says: "**Say (O, Messenger): O, people of the book! Come to the word (of monotheism) which is common between us and you**".⁴⁷⁰

Different unions among groups of states, whether military, political, economic, and commercial, and follow general goals of increase of efficiency of gaining benefits among member states of the union and increasing the benefits or preventing the losses caused by non-member states to maximize the collective interests of member states can be established when the rights of the other states are not to be violated; and entering into a treaty or being a member of a union for exercising cruelty and oppression against another weak state is not authorized. Extending this principle to an international integrated treaty shall lead to establishment of a universal unity that would be a guarantee for enforcement of international law.

⁴⁶⁹ Al-Taubah IX, 119.

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَكُونُوا مَعَ الصَّادِقِينَ.

⁴⁷⁰ Ale-Imran III, 64.

قُلْ يَا أَهْلَ الْكِتَابِ تَعَالَوْا إِلَى كَلِمَةٍ سَوَاءٍ بَيْنَنَا وَبَيْنَكُمْ.

59- Principle of: Prohibition of committing injustice and its aiding and abetting

The said principle is one of the fundamental principles in Islam. The literal meaning of injustice (atrociousness, oppression) is "to place a thing in a position other than its main place".⁴⁷¹ For having a comprehensive definition of the word "injustice", it is said:⁴⁷² "injustice means to place a thing in a position other than the locus where it must be placed and preventing the thing to be placed in the position where it must be placed. Therefore, it is interpreted as granting the "right" to someone who is not entitled, and barring the right from the person who is originally entitled to have it. In Arabic, the word "injustice" is called "Zulm". This word is derived from the word "Zulmat" which means "darkness", therefore "Zulm" (injustice) is originated from the darkness of the soul. That is to say, in this case soul is not enlightened by the light of wisdom and reason. Because a person who has darkened his soul by not taking the advantage of brightness of wisdom's light and not being obedient to Master of Affairs, would not be able to distinguish "the right" as well as the person who is entitled to it. And a man who is not able to discern the right and the one who is entitled to it, consequently is not able to grant the right to the entitled person, so that he will grant the right to an ineligible person. And he will, within his microcosm, deprive the eligible ones of their rights, because each one of

⁴⁷¹ Ragheb-Isfahani, "Placing the thing in other than its position", Beirut, Lebanon. p. 326.

راغب اصفهاني، معجم مفردات الفاظ القرآن، دارالفكر للطباعة و النشر و التوزيع، بيروت، لبنان. ص ٣٢٦، «وضع الشيء من غير موضعه».

⁴⁷² "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 2, pp. 228-229.

his mental faculties and powers of perception and organs have a special right. So that it is appropriate to grant the rights to that which is entitled to, namely the obedient reason to Master of Affairs. So when he becomes an oppressor in his microcosm, consequently he will act as an oppressor towards his subordinates and inferiors. The least amount of injustice is to deprive oneself of the entitled one, namely Master of Affairs. He will continue his doing injustice until he prevents the entitled one who is the ultimate goal, namely Master of Affairs whether being a prophet or a Divine Executor, from the right, which is the greatest degree of the right and highest point of religious devotion, that is to say, recitation of God's Names before, unto and for Him. As Almighty God said: **"Then evil was the consequence to those who dealt in evil, because they denied the revelations of Allāh and made a mock of them"**.⁴⁷³ but a person who is obedient to Master of Affairs and takes the orders from him and does what he enjoins and refrains from doing what he prohibits to do, then he would be a justman who is enlightened by the light of Master of Affairs even if he has no light by himself."

The aforementioned description gives a comprehensive definition of the subject in question, which embraces several significations. Considering the new terminologies, the phrase of "position of a thing" corresponds with the meaning of following words such as, "optimal", "most efficient", "most applicable", "most desirable", "most transcendental" and "with the highest productivity" utilizing the thing. The term "optimal" has a special meaning in mathematics, namely maximum and full exploitation of resources subject to existing restrictions and limitations. This definition is used as a paradigm of several branches of applied mathematics, which constitutes the

⁴⁷³ Al-Rūm XXX, 10.

ثُمَّ كَانَ عَاقِبَةُ الَّذِينَ أَسَاءُوا السُّوْأَى أَنْ كَذَّبُوا بِآيَاتِ اللَّهِ وَكَانُوا بِهَا يَسْتَهْزِئُونَ.

basis of some humanities (sciences) such as economics, management, and operational research. Anyhow, the term "right" from the comparative lexicology's viewpoints corresponds with the term "optimal" in mathematical programming, and "injustice" (oppression) means not to use the resources in optimal condition. The term "resources" has also a vast signification. All potentialities and powers inherent in the nature of human beings and/or in a society are included in resources, which are called "endowment" in economic texts. According to definitions and rules of mathematical analysis and topology, if a smallest amount of something (epsilon) is added to or subtracted from an optimal place or point it shall take it out of optimality. This definition, which has a tremendous use in mathematical analysis and mathematical topology, is mentioned in sūrah of Al-Nisā. Almighty God says: **"Verily, Allāh does not do injustice in the least".**⁴⁷⁴ It means that "the absolute right" is nothing but "optimal" and Almighty God is "The Absolute Right" which never violates an epsilon from the "optimal". This concept is also stipulated in the following verse: **"We shall set the scales of justice on the Day of Resurrection: So no one will be dealt with unjustly at all; and even the weight of a mustard seed of good or evil deed will be calculated; and We are sufficient as a recknoer".**⁴⁷⁵

To sum up the concepts of "right" and "injustice" it should be noted that the maximum and full exploitation of resources is called "right", and productivity under the capacity of resources would be regarded as "injustice". According to Qur'an's definitions, the criterion of "full

⁴⁷⁴ Al-Nisā IV, 40.

إِنَّ اللَّهَ لَا يَظْلِمُ مِثْقَالَ ذَرَّةٍ.

⁴⁷⁵ Al-Anbiā' XXI 47.

وَنَضَعُ الْمَوَازِينَ الْقِسْطَ لِيَوْمِ الْقِيَامَةِ فَلَا تُظْلَمُ نَفْسٌ شَيْئًا وَإِنْ كَانَ مِثْقَالَ حَبَّةٍ مِنْ خَرْدَلٍ أَتَيْنَا بِهَا وَكَفَىٰ بِنَا حَاسِبِينَ.

exploitation" is called divine limits. The scale of "divine limits" is social explanation of "full exploitation". In Glorious Qur'an, it is said: "**And those who exceed and transgress the limits, ordained by Allāh, then such are indeed the transgressors and oppressors**".⁴⁷⁶ The optimal social behaviour in Islam is correspondence of acts and behaviours with divine limits. Explaining divine limits needs a full description, which is out of our present discussion, but to give a hint it should be said that Prophet (S) and Divine Executors (A) are scales and divine limits, and descending of Prophet (S) is Glorious Qur'ān, which is explanatory compilation of divine limits.

"Injustice" is a sin in Islam. In other words, loafing (work slowdown), low performance, and non-utilization of maximum yield from potentialities and power are regarded as transgression. For expressing gratitude unto Allāh because of His endowment, which has bestowed us, the maximum yield should be exploited from them, and to refrain from obtaining this maximum yield would be regarded as "injustice". In the noble verse of sūrah of Hūd says: "**And those who were unjust went after enjoinder of good things of the life, and they were corrupt and guilty**".⁴⁷⁷ (According to the said definition) the unjust pace in a wrong path, which says: "**Nay, the unjust are in manifest error**".⁴⁷⁸ And says it is due to this

⁴⁷⁶ Al-Baqarah II, 229.

وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَأُولَئِكَ هُمُ الظَّالِمُونَ

In sūrah of Al-Talaq, LXV, 1 says: "**And anyone who transgresses the limits has done wrong to himself**".

وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ.

⁴⁷⁷ Hūd XI, 116.

وَ اتَّبَعَ الَّذِينَ ظَلَمُوا مَا أُتْرِفُوا فِيهِ وَ كَانُوا مُجْرِمِينَ.

⁴⁷⁸ Lūqmān XXXI, 11

بَلِ الظَّالِمُونَ فِي ضَلَالٍ مُبِينٍ.

Maryam XIX, 38. "**But the unjust this day are in manifest error**".

injustice that: **"And it does not add to the unjust but loss after loss"**.⁴⁷⁹

Therefore, "injustice" shall be placed among the crimes and offences and refraining to do justice will be called injustice and deserving punishment. It is said: **"The way (of blame) is only against those who oppress mankind, and wrongfully rebel in the earth"**.⁴⁸⁰ And in another verse while addressing the unjust harshly says: **"So, woe to those who were unjust"**.⁴⁸¹ And in another verse says: **"And the unjust shall have no helper"**.⁴⁸² The latter verse admits the interpretation, which claims that there should be no assistance to the unjust.

These statements have apparent applicability in international relations and foreign policy of Islamic government. That is to say, the Islam's government shall perpetrate no acts against other nations or people, which is far from the "right" and close to the "injustice". In this case, it shall never assist those nations or people who are unjust towards other nations and individuals.

Military unions in recent centuries are apparent examples of the said problem, which several states had been united to transgress and violate other nations' rights. At the early of the century and the late of the last century, military campaigns of some states against different countries are all examples of the subject in question.

لَكِنَّ الظَّالِمُونَ الْيَوْمَ فِي ضَلَالٍ مُّبِينٍ.

⁴⁷⁹ Al-Isrā XVII, 82.

وَلَا يَزِيدُ الظَّالِمِينَ إِلَّا خَسَارًا.

⁴⁸⁰ Al-Shurā XLII 42.

إِنَّمَا السَّبِيلُ عَلَى الَّذِينَ يَظْلِمُونَ النَّاسَ وَ يَبْغُونَ فِي الْأَرْضِ بِغَيْرِ الْحَقِّ.

⁴⁸¹ Al-Zukhruf XLIII, 65.

فَوَيْلٌ لِلَّذِينَ ظَلَمُوا.

⁴⁸² Al-Baqarah II, 270.

وَمَا لِلظَّالِمِينَ مِنْ أَنْصَارٍ.

Injustice means to place or prevent a thing to be placed in a position other than the locus where it must be placed, and is interpreted as granting the "right" to someone who is not entitled and barring the right from the person who is originally entitled to have it. Refraining to do justice is called injustice and is considered among the crimes.

Governments shall perpetrate no acts against other nations or people, which is far from the "right" and close to the "injustice" and even shall never assist those states or people who are unjust towards other nations and individuals.

60- Principle of: Unauthorization of hegemony and rebellion

"Hegemony" in all its various forms is not authorized in Islam. That is why the honorable Messenger (S) is also prohibited from hegemony. In Noble sūrah of Ghashiyah, it is said: **"So, (O, Messenger) remind them since you are one to admonish. But you are not a governor (compeller) over them".**⁴⁸³ And in another verse says: **"you are only a warner and to every nation there is a guide".**⁴⁸⁴ These two verses are the sources of finding various subjects to discuss the matter. The main topic that could be propounded on this subject would be that, when the tasks of the Messenger of God is nothing but reminding and admonition and while the Messenger of God is not authorized to rule over the creatures of God, therefore the

⁴⁸³ Al-Ghashiah LXXXVIII, 21, 22.

فَذَكِّرْ إِنَّمَا أَنْتَ مُذَكِّرٌ لَسْتَ عَلَيْهِمْ بِمُصَيِّرٍ.

⁴⁸⁴ Al-Ra'ad XIII, 7.

إِنَّمَا أَنْتَ مُنذِرٌ وَ لِكُلِّ قَوْمٍ هَادٍ.

competency of other persons whether being scholars, jurisconsults, sultans, kings and so on for ruling over people would be surely obsolete and cancelled. According to the said verses, it is certain that nobody has the right to give a simple order on the basis of religious laws, during the period of occultation. Surely, no one has the right to allege the enforcement of Islamic laws and execution of Hodood and Islamic punishments or religious laws during the period of occultation. This kind of dominatory (legendary) guardianship is not authorized for anybody until the advent of the Upholder (May God hasten his glad advent). This is only the right of the Upholder of the progeny of Muhammad, and anybody who takes this position, by his own choice, to enforce the religious laws, shall have nothing but its evil consequences. In sūrah of Al-Qasas, it is said: **"We have appointed paradise as the Last Home for those who did not intend rebellion and corruption in the life of this world; and therefore the best end belongs to the pious"**.⁴⁸⁵

On the basis of the said principle, the Islamic government is not authorized to seek hegemony over the Muslims or non-Muslims communities, in the scene of international relations whether in the peacetime or during the war. The story of conquest of Mecca is a good example to explain this subject matter. In this story⁴⁸⁶ the Islamic behaviors towards a defeated enemy, which had fought against the honorable Prophet and his companions and had martyred many of beloved companions of His Reverend, during the fighting and/or while torturing them would be known and understood. Sa'ad-ibn-Ebadah, the commander of army of honorable Messenger (S) accompanied by a division of Islamic army, while entering

⁴⁸⁵ Al-Qasas XXVIII, 83.

تِلْكَ الدَّارُ الْآخِرَةُ نَجْعَلُهَا لِلَّذِينَ لَا يُرِيدُونَ عُلُوًّا فِي الْأَرْضِ وَلَا فُسَادًا وَالْعَاقِبَةُ لِلْمُتَّقِينَ.

⁴⁸⁶ Look at, Moghazi Vaqedi, volume 2, pp. 821-2, and also Ja'far Sobhani. The principles of Islamic government pp. 597-8.

Mecca started boasting and bragging that: "Now, it is the day of revenge. Today their women shall become our captives. It is the day that Almighty God abjected the tribe of Quraish". The honorable Prophet discharged Sa'ad-ibn-Ebadah from service, appointed his son, Qais-ibn-Sa'ad-ibn-Ebadah as commander in chief, and ordered him to announce that: "It is the day of mercy. A day which God has honored the tribe of Quraish". And then the honorable Prophet made the house of Abu-Sofyan, which was the origin of all persecutions and disturbances against His Reverend, as a secure place and said "whosoever takes refuge in the house of Abu-Sofyan will be secure".⁴⁸⁷ Now to have a thorough description of this matter, we

⁴⁸⁷ Amin-ol-Islam Tabarsi, 108, p. 106, Publication of Dar-ol-Kotob Islamiah, Qom.

امين الإسلام طبرسي، إعلام الوری بأعلام الهدی، ۱۰۸، ص: ۱۰۶، انتشارات دارالکتب الإسلامية قم، قاموا إلي فإذا رأوني قالوا هذا عم رسول الله خلوا سبيله حتى انتهيت إلى باب عمر فعرف أبا سفيان فقال عدو الله الحمد لله الذي أمكن منك فركضت البغلة حتى اجتمعنا على باب القبة و دخل على رسول الله فقال هذا أبو سفيان قد أمكنتك الله منه بغير عهد و لا عقد فدعني أضرب عنقه قال العباس فجلست عند رأس رسول الله ص فقلت بأبي أنت و أمي أبو سفيان و قد أجزته قال أدخله فدخل فقام بين يديه فقال يا أبا سفيان أ ما آن لك أن تشهد أن لا إله إلا الله و أني رسول الله قال بأبي أنت و أمي ما أكرمك و أوصلك و أحلمك أما و الله لو كان معه إله لأغنى يوم أحد و يوم بدر و أما أنك رسول الله فو الله إن في نفسي منها لشيئا قال العباس يضرب و الله عنقك في هذه الساعة أو تشهد أن لا إله إلا الله و أنه رسول الله قال فإني أشهد أن لا إله إلا الله و أنك لرسول الله تلجلج بما فوه فقال أبو سفيان للعباس فما نصنع باللات و العزى فقال عمر اسلح عليهما فقال أبو سفيان أف لك ما أفحشك ما يدخلك يا عمر في كلامي و كلام ابن عمي فقال له رسول الله عند من تكون الليلة قال عند أبي الفضل قال فاذهب به يا أبا الفضل فأبته عندك الليلة و اغد به علي فلما أصبح سمع بلالا يؤذن قال ما هذا المنادي يا أبا الفضل قال هذا مؤذن رسول الله قم فتوضأ و صل قال كيف أتوضأ فعلمه قال و نظر أبو سفيان إلى النبي و هو يتوضأ و أيدي المسلمين تحت شعره فليس قطرة تصيب رجلا منهم إلا مسح بها وجهه فقال يا أبا الفضل بالله إن رأيت كالיום قط كسرى و لا قيصر فلما صلى غدا به إلى رسول الله فقال يا رسول الله إني أحب أن تأذن لي إلى قومك فأنذرهم و أدعوهم إلى الله و رسوله فأذن له فقال للعباس كيف أقول لهم بين لي من ذلك أمرا يطمنون إليه فقال ص تقول لهم من قال لا إله إلا الله وحده لا شريك له و أن محمدا رسول الله و كف يده فهو آمن و من جلس عند الكعبة و وضع سلاحه فهو آمن فقال العباس يا رسول الله إن أبا سفيان رجل يحب الفخر فلو خصصته بمعروف فقال ص من دخل دار أبي سفيان فهو آمن قال أبو سفيان داري قال دارك ثم قال من أغلق بابه فهو آمن و لما مضى أبو سفيان قال العباس يا رسول الله إن أبا سفيان رجل من شأنه الغدر و قد رأى من المسلمين تفرقا قال فأدركه و احبسه في مضايق الوادي حتى يمر به جنود الله قال فلحقه العباس فقال يا أبا حنظلة قال أ غدرا يا بني

will refer to the interpretation of the first verse of sūrah of Al-Fat'h⁴⁸⁸: **"Verily, We ordained for you (O, Messenger) a manifest victory"**. (The following discussion is about various meanings of the term "fat'h" in Arabic language which is translated as "victory" in the said verse). The term "fat'h" as it is opposite to the word "ghalq" (to close) means "to open" and is similar to the word "fattah" from the origin of "eftah". And also "fat'h" has the meaning of "victory" such as the word "alfatāhah". From this origin are also the words "esteftāh" and "eftetāh" (conquest) of enemy's territory, and also "fetāheh" and "fotāheh" and "fotooh" which mean ruling between two enemies. The word "fat'h" with the meaning of "knowledge" is used in dilation of heart and connection to the world of the Realm (Angelic world) and its corresponding witness and it is also used for everything, which is bestowed from God's grace to human beings whether inwardly or outwardly. All these meanings are suitable for the said verse. They are all mentioned implicitly or explicitly in different occasions. Some people said that the meaning of the phrase: **"We ordained for you"** is "We commanded you" - some others take it as: "We have made it easy for you" - some said it means: "We announced or guided you" - some said: "We conquered the cities for you" - some said it means: "We have made you victorious over your enemies through reason and miracle in a way that no

هاشم قال ستعلم أن الغدر ليس من شأننا و لكن أصبح حتى تنظر إلى جنود الله. قال العباس فمر خالد بن الوليد فقال أبو سفيان هذا رسول الله قال لا و لكن هذا خالد بن الوليد في المقدمة ثم مر الزبير في جهينة و أشجع فقال أبو سفيان يا عباس هذا محمد قال لا هذا الزبير فجعلت الجنود تمر به حتى مر رسول الله ص في الأنصار ثم انتهى إليه سعد بن عباد و بيده راية رسول الله ص فقال يا أبا حنظلة اليوم يوم الملحمة اليوم تسمى الحرمة يا معشر الأوس و الخزرج تاركهم يوم الجبل. فلما سمعها من سعد خلى العباس و سعى إلى رسول الله و زاحم الناس حتى مر تحت الرماح فأخذ غرزه فقبلها ثم قال بأبي أنت و أمي أ ما تسمع ما يقول سعد و ذكر القول فقال ليس مما قال سعد شيء ثم قال لعلي ع أدرك سعدا فخذ الراية منه و أدخلها إدخالا رفيقا فأخذها علي منه و أدخلها كما أمر. قال و أسلم يومئذ حكيم بن حزام و بيدل بن ورقاء و جبير بن مطعم و أقبل أبو سفيان يركض حتى دخل مكة و قد سطع الغبار من فوق الجبال و قريش لا تعلم و أقبل أبوسفيان من أسفل الوادي يركض فاستقبله.

⁴⁸⁸ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", volume 13, pp. 279-290, translation.

opponent would remain against Islam - some believe that it is about the conquest of Mecca for His Reverend. And some of them say it is about the Truce of Hudaibiyeh. Some people believe that there has been no victory greater than the Truce of Hudaibiyeh. The details of the latter case is as follows: When the idolaters socialized with the Muslims and heard their words, found Islam pleasant and agreeable to their hearts and within three years a lot of them converted to Islam. Some people say that in Hudaibiyeh many people swore oath of allegiance to Muhammad (S) and called it Rizwan oath of allegiance, then palm trees of KHeibar bore fruits and Rome was victorious over Pars and Muslims were happy that Romans who were people of the Book were victorious over Persians who were Magians, because the words of Allāh came true while said: **"But they will after this defeat become triumphant; it will be seen, within a few years"**.⁴⁸⁹ It is narrated from Imam Sadiq (A) that the reason for descending and revelation of this sūrah and this great victory is that Almighty God commanded the Messenger (S), in his dream, to enter the Sacred Mosque (The Inviolable Place of Worship) and circumambulate round Ka'abah and also shave close his head as the others. The Messenger of God (S) explained his dream to his companions and ordered them to move towards Mecca. When they got to Zilhalifah, they put on their garbs for lesser pilgrimage and took many camels for sacrificial offerings. The Messenger of God (S) sent sixty-six camels to be sacrificed and at the time of putting garbs on announced all to put on the grab from Zilhalifah. They begun saying labbeik (here I am at your service) for lesser pilgrimage, while in pilgrimage garb, and every one of them tried to send the best camels to be sacrificed. When the Quraish heard about this happening, they sent Khalid-ibn-Walid with a cavalry group of two hundred persons to set up an

⁴⁸⁹ Al-Rūm XXX, 3.

وَهُمْ مِنْ بَعْدِ عَلَيْهِمْ سَيِّغَلِبُونَ.

ambush to trap the Messenger of God (S). They had Messenger of God (S) under their surveillance while he was traveling in the mountains. At the time of noon prayer Bilal started calling to prayer and Messenger of God recited prayer with the people traveling with him. Khalid-ibn-Walid said: "If we had attacked the Muslims during their prayer we have had defeated them because they would not break their prayers. But there is another prayer ahead they like it the most. So when they are busy in reciting their prayer we will attack them. At this time, Gabriel descended unto Messenger of God (S) and presented the "prayer of fear". At the second day, Messenger of God (S) got to Hudaibiyeh, which is located next to the Sacred Place. The Messenger of God (S) while on the way to Mecca repeatedly ordered the Arabs to leave the place, but they paid no attention to his command. They would say: "Although the Quraish had attacked the home of Messenger of God (S) and his companion and had killed their families but they are intending to enter the Sacred Place and will never go back to Medina". When the Messenger of God (S) got to Hudaibiyeh the Quraish came out, while swearing by Lāt and Ūzzā (the two idols, goddess) that they would fight up to the last person and never allow the Messenger of God to enter Mecca. Messenger of God (S) sent them a message that: "I am not here to fight. I am here to practice the sacred rites of pilgrimage, and sacrifice my camels, and give you their meats". The Quraish sent Ūrwaht-ibn-Thaqafi as their representative to Muhammad. He was a wiseman and the following verse was revealed about him: **"And they say: Why was not this Qur'an revealed to a man of importance in the two towns?"**⁴⁹⁰ When he faced Muhammad (S) glorified him and said: "O, Muhammad, you have left your folk while the Quraish have sent out their strongest and youngest camels to fight against you. They have sworn by

⁴⁹⁰ Al-Zukhruf XLIII, 31.

وَقَالُوا لَوْلَا نَزَّلَ هَذَا الْقُرْآنُ عَلَى رَجُلٍ مِّنَ الْقُرَيْبِينَ عَظِيمٍ

Lāt and Ūzzā not let you enter Mecca and Sacred Place as long as one of them is alive. O Muhammad, do you intend to destroy your family and your folk? The Messenger of God (S) responded: "I am not here to fight. I am only here to practice sacred rites of pilgrimage and sacrifice my camels and give their meats to you". Ūrwah said: "I have not seen so for anybody being forbidden to enter the Sacred Place as you are forbidden right now". Then he returned to Quraish and told them the whole story. The Quraish said: swear to God that if Muhammad be entered in Mecca and the Arabs hear about it we will become abjected and degraded and they shall revolt against us. Then the Quraish sent Hafs-ibn-Ahnaf and Sohail-ibn-'Amr as their representatives. When the Messenger of God (S) looked at them said: "Woe to the Quraish, what has happened to them? Fighting has weakened and destroyed you. Why do they prevent me to bring to an end this case, which exists between the Arabs and me. If I be right, then I shall bring the Kingdom and prophethood for the Arabs, and if I be wrong then the brave men of Arabs shall suffice. If everyone from the Quraish is asking me for doing something I will respond them positively, except those accompanying the wrath of Allāh". The two representatives said: "O, Muhammad, you would better dispense with practicing the sacred rites of lesser pilgrimage this year, until the case between you and the Arabs be clarified. Because all Arabs are aware that you have come to this place. So that if you enter our city and our Sacred Place, then we shall be degraded, and they will revolt against us. We shall put at your disposal the House of God for three days, next year in this month. So you will be able to practice the sacred rites and return to your city. The Messenger of God (S) accepted the suggestion. The Quraish said: In case each one of our men came to you, then you have to send him back and if your men came to us, we would send them back to you. The Messenger of God (S) said: If some of our men came to you, then we do not need them anymore, but if the Muslims

revealed their faith in Mecca do not be so hard on them, and while they are practicing Islamic laws do not bother them. The Quraish accepted this condition. When the Messenger of God (S) accepted the Truce with the said special conditions, most of his companions opposed to it. Omar was the one who showed his strongest opposition and said: Aren't we right? And isn't our enemy wrong? The Messenger of God (S) said: "That is true". Then Omar said: Therefore, we shall be degraded on this occasion. His Reverend said: Almighty God has promised me and He will not break His promise. Omar said: If I had forty men in my side, I would oppose him. Sohail-ibn-'Amr and Hafs-ibn-Ahnaf returned to the Quraish and told them the news of the Truce. Omar said: O, Messenger of Allāh, didn't you tell us that we shall enter the Sacred Mosque and shave close our head with the others? His Reverend said: Did I tell you that we should do it in this very year? I told you that, almighty God have promised me that I shall conquer Mecca and shall do the sacred rites of circumambulation and Running as well as shaving close my head with the others. When they insisted on their decision, the Prophet (S) said: If you are not ready to accept the Truce, then you may go and fight. The said persons (opponents) went towards the Quraish while the latter were ready to fight. Therefore, the opponents attacked them and consequently the companions of Messenger of God suffered a severe defeat and returned to the Messenger of God (S). Then the Messenger of God (S) smiled and said: "O, Ali, take your sword and go to welcome the Quraish. Then the Leader of the Believers (Ali (A)) took his sword and attacked the Quraish. When the Quraish saw him, retreated and said: "O, Ali has there been any change in what Muhammad had promised us? Ali (A) said: No; and the companions of Messenger of God were ashamed while returning and apologizing to Messenger of God (S). The Messenger of God (S) said: "Were you not my companions during the day of Badr (fighting) which Almighty God revealed the following verse

about you: **"And (remember) when you invoked to your Lord for help, so Allāh answered you (declaring): "Verily, I will help you with a thousand of Angels following one another".**⁴⁹¹ Were you not my companions on the day of Ohud (fighting) which it was revealed: **"(And remember) When you ran away (leaving the battle field) climbing up the hillside without even casting a glance at anyone: and the Messenger was calling you from your rear".**⁴⁹² Were you not my companions on such and such days?... ? So, they apologized to the Messenger of God (S) and declared their remorse for what they had done and said: Allah and the Messenger of God (S) know better than anyone, so do as you wish. Hafsa-ibn-Ahnaf and Sohail-ibn-'Amr came back to the Messenger of God (S) as the representatives of the Quraish and said: O, Muhammad, that which was your condition about assertion of Islam with regard to this point that nobody should be compelled on his religion was accepted by the Quraish. Therefore, the Messenger of God (S) decided the Truce contract to be written, and called the Leader of the Believers (Ali (A)) and told him, write down: "In the Name of God the Compassionate, the Merciful". Sohail-ibn-'Amr said: "We do not know the Compassionate", you better write down: "In the name of you, O, Allāh", as your fathers used to write. The Messenger of God (S) said: Allright, write down: "In the name of you, O, Allāh" which is one name of the names of God. And continued: "This is a contract between Muhammad the Messenger of God and some people from Quraish who agreed upon". Sohail-ibn-'Amr said: "If we knew that you were the Messenger of God, we would never fought against you". You would write: "This is what Muhammad-ibn-Abdollah wants to be agreed

⁴⁹¹ Al-Anfāl VIII, 9.

إِذْ تَسْتَعِينُونَ رَبِّكُمْ فَاسْتَجَابْ لَكُمْ أَنِّي مُمِدُّكُمْ بِالْفِ مِنْ الْمَلَائِكَةِ مُرَدِّفِينَ.

⁴⁹² Al-e-Imrān III, 153.

إِذْ تُصْعِدُونَ وَلَا تَلْوُونَ عَلَى أَحَدٍ وَ الرَّسُولُ يَدْعُوكُمْ فِي أُحْرَاكُمْ.

upon. O Muhammad, are you ashamed of your parentage? The Messenger of God said: "I am the Messenger of God, even if you do not believe and do not confess it". Then said: O, Ali, erase that which was written and write down: Muhammad-ibn-Abdollah. Then Ali (A) said: "I never erase: "The Messenger of God", which has been added to your name". Then the Messenger of God erased the said words with his own hands. So that, Ali wrote: "This is what Muhammad-ibn-Abdollah and a group of people from Quraish and Sohaib have agreed upon: "During ten years there should be no war and the parties should desist from fighting with each other. There should be no theft and treachery, and they should stop bothering each other. All persons are free to swear oath of allegiance with Muhammad and/or remain in their allegiance with Quraish. Anybody who goes to Muhammad while having no permission from his guardian should be returned to his guardian, and if one of the companions of Muhammad goes to Quraish, there would be no need to send him back to Muhammad. Islam would be an open and apparent religion in Mecca and nobody should be compelled, persecuted and/or blamed because of his religion. Muhammad and his companions shall return (to their city) in this year and they will come back and enter Mecca next year, and will remain there for three days, and nobody should carry arms while entering Mecca. They may have ordinary weapons of a traveler and their swords must be sheathed. The said Truce was written by Ali-ibn-Abitalib and the Emigrants (Muhājerin) and Helpers (Ansar) were witnesses of the Truce. Then the Messenger of God (S) said: Ali, you did not want to omit the word of "prophethood" from my name, but I swear to Allāh, the One who has appointed me rightly as his prophet, there will happen the same case for you in future that you shall respond positively to the children of this group of people, while you are treated unjustly and you are depressed and bothered. Then on the day of Seffain (fighting) when it was agreed upon to choose two arbitrators, Ali (A)

wrote: This is a contract between the Leader of the Believers Ali-ibn-Abitalib and Mo'āwiyah-ibn-Abisofyan. 'Amr-Ās said: If we believed that you are the Leader of the believers, we would never fought against you. You should write: This is a contract between Ali-ibn-Abitalib and Mo'āwiyah-ibn-Abisofyān. Then the Leader of the Believers (Ali (A)) said: It was true the statements of God and the Messenger of God (S). The Messenger of God (S) had already made me aware of this happening. Anyhow, when the contract was written (between the Messenger of God (S) and the Quraish) KHazā'eh stood up and said: We are following our oath of allegiance unto Muhammad. Then the children of Bakr stood up and said: we swear allegiance to Quraish and adhere to them. The aforesaid contract was written in two copies. One copy remained with the Messenger of God (S) and another one was given to Sohail-ibn-'Amr; and Sohail-ibn-'Amr and Hafs-ibn-Ahnaf returned to the Quraish and made them aware of the case. The Messenger of God (S) told his companions to sacrifice their camels and shave close their heads. They refused to do it and said: How do we have to sacrifice our camels and shave close our heads while we have not practiced the sacred rites of circumambulation around the House of God and we have not done the Running between Safā and Marweh? The Messenger of God became sad of this happening and confided the matter to Ommeh Salameh. She said: O, Messenger of God, you would better to sacrifice and shave close your head. So that the Messenger of God (S) did the sacrifice and shaved close his head. The folks while being between doubt and certainty did the same. Then the Messenger of God (S) for veneration of the sacrifices said: God bless those persons who shaved close their heads. A group of persons who had not sent the camels to be sacrificed said: O, Messenger of God, those persons who had been at fault be also blessed (please). Because the one who has not sent a camel to be sacrificed, is not obliged to shave close one's head. Then the Messenger of

God (S) for the second time said: God bless those persons who shaved close their heads and those who did not send camels to be sacrificed. Then they said again: O, Messenger of God, what about those at faults (please). Then he said: God bless those persons at faults. Then the Messenger of God (S) left for Medina and returned Tan'eem and descended under the tree. Those companions, who had opposed to the Truce, came and apologized and expressed their regrets because of what they had already done. They requested the Messenger of God (S) to seek God's forgiveness for them. So the Rezwān verse was revealed. Be known that contrary to the traditions (statements) and narrations which are explaining this victory and their causal interpretation as forgiveness of the past and future sins and also reiterating the statements of the Messenger of God (S), after revelation of the said verse and sūrah, who said: "There is a verse which has been descended to me, that is more desirable than the whole world and all the materials therein"; and following his forgiveness with regard to completeness of the blessing guidance, succor and descending tranquility, all denote that the purpose of the "**conquest**" is not the conquest of Mecca or KHeibar or other cities. But its purpose is a conquest, which is the principle of all conquests. That is to say, the opening of the gate for soul to go towards Magnificence (domination) and Divine Realm. By this victory all aforementioned victories such as conquest of cities, obtaining material and spiritual graces, overcoming the enemies, ruling between him and his enemies, the manner of governorship over the people and getting the knowledge on the essence of the things can be ascertained. This kind of victory shall be the cause of forgiveness of all sins committed by a person who has been connected to the prophet and has entered under his banner, no matter who he is and how great are his sins. Even if his sins are as many as the drops of the water in the oceans and equal the number of the sands (of the deserts). That is why Ali (A) said: Be grateful for your religion,

because the sins shall be forgiven therein and the rewards shall not be accepted while out of it. This victory is the one whose owner shall suffer no defect or fault and this is the victory, which its owner shall be the seal of the whole unto whole. This victory is the one which is more desirable than all things".

Another meaning of hegemony can be understood from the verses, which are revealed about rebellion. For giving a definition about "rebellion" it is said: "The meaning of rebellion "Bagh'y" is absolute expansion of domination, sovereignty and presidency. Almighty God has confined it as unjust rebellion. The word "Bagh'y" in Arabic language is a derivative of the word Bagha-Baghyan, which means, "getting empowered".⁴⁹³ In the following verse it is said: **"Say (O, Messenger): The things that my Lord has forbidden are: "Shameful deeds, whether committed openly or secretly, and sins and unjust rebellion".**⁴⁹⁴ In sūrah of Yūnus it is said: **"They rebel and disobey Allāh in the land wrongfully. O, mankind! Your transgression and hegemony (rebellion) is only against yourselves".**⁴⁹⁵ The reason why the effects of this kind of hegemony and transgression is against that very same people, is that according to the principles of microeconomics and through mathematical reasoning it could be proved that any kind of transgression or restriction shall cause the welfare of humankind society to be decreased. This subject needs a long discussion and is not proper to follow in this place. But the main theories on this matter could be found and studied under the titles of

⁴⁹³ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", volume 5, Farsi translation, under the verse 33, sūrah of Al-A'araf, p. 280.

⁴⁹⁴ Al-A'araf VII, 33.

قُلْ إِنَّمَا حَرَّمَ رَبِّي الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَ مَا بَطَّنَ وَ الْإِثْمَ وَ الْبَغْيَ بِغَيْرِ الْحَقِّ.

⁴⁹⁵ Yūnus X, 23.

يَبْغُونَ فِي الْأَرْضِ بِغَيْرِ الْحَقِّ يَا أَيُّهَا النَّاسُ إِنَّمَا بَغَيْتُمْ عَلَى أَنْفُسِكُمْ.

"Pareto optimality"⁴⁹⁶, and "Le Chatelier principle"⁴⁹⁷ and its effect on decreasing the efficiency and theory of trade and welfare of Hecksher & Ohlin.⁴⁹⁸ Therefore, in sūrah of Al-Nahl it is said: **"Verily, Allāh commands you to establish justice and goodness (in the community) and generosity to your relatives, and He forbids all evil and dishonor deeds and rebellion against the Truth".**⁴⁹⁹ In sūrah of AL-Shurā says: **"Blame is on those who do wrong to the people and make mischief and rebellion through the land, for such people will be severe chastisement".**⁵⁰⁰

Governments are not authorized to seek hegemony, expansion of domination, sovereignty and presidency over communities whether in the peacetime or during the war.

61- Principle of: Disinclination to engage in hostilities

Contrary to most interpretations, Islam could not be called "the religion of war" as some people have propounded in their discussions. And if in some specific times, Islam had been obliged to be engaged in fighting, it would have been due to some special conditions, which we have mentioned them in various sections. In sūrah of Al-Baqarah while giving explanation over this viewpoint says: **"And remember when we took your covenant (stating): "Shed no blood of your people nor expel one**

⁴⁹⁶ Pareto optimality.

⁴⁹⁷ Le Chatelier principle.

⁴⁹⁸ Hecksher and Ohlin.

⁴⁹⁹ Al-Nahl XVI, 90.

⁵⁰⁰ Al-Shurā XLII, 42.

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ.

إِنَّمَا السَّبِيلُ عَلَى الَّذِينَ يَظْلِمُونَ النَّاسَ وَيَبْغُونَ فِي الْأَرْضِ بِغَيْرِ الْحَقِّ أُولَٰئِكَ لَهُمْ عَذَابٌ أَلِيمٌ.

another from your homeland". And this you solemnly ratified, and to this you bore witness. But after that, it is you who kill one another, and expel a party of your people from their homes; and assist each other in sin and transgression against them, and if they are brought to you as captives you free them taking ransom, although their expulsion was forbidden to you. Do you believe in part of Scripture and disbelieve in the other part? So what shall be the recompense of those among you who behave like this except disgrace in this life and the Hereafter? They shall be consigned to the most grievous chastisement, for Allāh is not heedless of what you do".⁵⁰¹ And again in another place says: "Fighting is ordained upon you, though it is resented by you, but (it happens that) you resent a thing whereas it is good for you, and perhaps you like something whereas it is evil for you, and verily Allāh knows (what is best) while you do not know. They ask you (O, Messenger) concerning fighting in the Sacred Month. Say: fighting therein, is a grave sin, but it is a graver sin in Allāh's sight to prevent mankind from following the path of Allāh; to disbelieve Him; to prevent access to the Sacred Mosque; and drive out its inhabitants. And polytheism is worse than killing. And disbelievers will never cease fighting you, until they turn you back from your religion, if they can".⁵⁰²

⁵⁰¹ Al-Baqarah II, 84-85.

وَ إِذْ أَخَذْنَا مِيثَاقَكُمْ لَا تَسْفِكُونَ دِمَاءَكُمْ وَلَا تُخْرِجُونَ أَنْفُسَكُمْ مِنْ دِيَارِكُمْ ثُمَّ أَقْرَضْتُمْ وَ أَنْتُمْ تَشْهَدُونَ. ثُمَّ أَنْتُمْ هَؤُلَاءِ تَقْتُلُونَ أَنْفُسَكُمْ وَ تُخْرِجُونَ فَرِيقًا مِنْكُمْ مِنْ دِيَارِهِمْ تَظَاهَرُونَ عَلَيْهِم بِالْإِثْمِ وَ الْعُدْوَانِ وَ إِنْ يَأْتُواكُمْ أُسَارَى فَفَادُوهُمْ وَ هُوَ مُحَرَّمٌ عَلَيْكُمْ إِخْرَاجُهُمْ أَ فَتُؤْمِنُونَ بِبَعْضِ الْكِتَابِ وَ تَكْفُرُونَ بِبَعْضٍ فَمَا جَزَاءُ مَنْ يَفْعَلُ ذَلِكَ مِنْكُمْ إِلَّا خِزْيٌ فِي الْحَيَاةِ الدُّنْيَا وَ يَوْمَ الْقِيَامَةِ يُرَدُّونَ إِلَى أَشَدِّ الْعَذَابِ وَ مَا اللَّهُ بِعَافٍ لِمَا تَعْمَلُونَ.

⁵⁰² Al-Baqarah II, 216-217.

كُتِبَ عَلَيْكُمُ الْقِتَالُ وَ هُوَ كُرْهُ لَكُمْ وَ عَسَى أَنْ تَكْرَهُوا شَيْئًا وَ هُوَ خَيْرٌ لَكُمْ وَ عَسَى أَنْ تُحِبُّوا شَيْئًا وَ هُوَ شَرٌّ لَكُمْ وَ اللَّهُ يَعْلَمُ وَ أَنْتُمْ لَا تَعْلَمُونَ. يَسْئَلُونَكَ عَنِ الشَّهْرِ الْحَرَامِ قِتَالٍ فِيهِ قُلْ قِتَالٌ فِيهِ كَبِيرٌ وَ صَدَّقْتُ عَنْ سَبِيلِ اللَّهِ وَ كُفِّرُ بِهِ وَ

In spite of hideousness and ugliness of war, its necessity to prevent the corruption cannot be denied. In sūrah of Al-Baqarah it is said: **"And if Allāh did not repel some people by others, the earth would have been full of mischief"**.⁵⁰³ And in another verse in sūrah of Al-Hajj says: **"They were expelled from their home unjustly because they said: "Allāh is our Lord". Had not Allāh to stop the aggression of some people by other persons, they would have destroyed monasteries, synagogues, churches and the mosques where Allāh's remembrance is commemorated abundantly"**.⁵⁰⁴

As a general rule, the wars are divided into four different types such as, Islamic Holy Wars, defensive wars against aggressions, helping the oppressed, and seeking succor for religious purposes. Declaring Holy Wars and responding to those who seek succor for religious purposes are peculiar to the prophet and the Upholder of the family (successor) of Muhammad (S) (The Master of Affairs), and no other person has such a right. The second and third types namely defensive actions against the aggressors and helping the oppressed are obligatory to all persons. In other cases, no one may, under any pretexts, to transgress other ones, no matter what their religions and/or ideologies are. It is even forbidden to excommunicate⁵⁰⁵

الْمَسْجِدِ الْحَرَامِ وَ إِخْرَاجِ أَهْلِهِ مِنْهُ أَكْبَرُ عِنْدَ اللَّهِ وَ الْفِتْنَةُ أَكْبَرُ مِنَ الْقَتْلِ وَ لَا يَرَالُونَ يُقَاتِلُونَكُمْ حَتَّى يَرُدُّوكُمْ عَنْ دِينِكُمْ إِنِ اسْتَطَاعُوا.

⁵⁰³ Al-Baqarah II, 251.

وَ لَوْ لَا دَفَعُ اللَّهُ النَّاسَ بَعْضَهُمْ بِبَعْضٍ لَفَسَدَتِ الْأَرْضُ وَ لَكِنَّ اللَّهَ ذُو فَضْلٍ عَلَى الْعَالَمِينَ.

⁵⁰⁴ Al-Hajj XXII, 40.

الَّذِينَ أُخْرِجُوا مِنْ دِيَارِهِمْ بِغَيْرِ حَقٍّ إِلَّا أَنْ يَقُولُوا رَبُّنَا اللَّهُ وَ لَوْ لَا دَفَعُ اللَّهُ النَّاسَ بَعْضَهُمْ بِبَعْضٍ هَدَمَتِ صَوَامِعُ وَ بِيَعٌ وَ صَلَوَاتٌ وَ مَسَاجِدٌ يُذَكَّرُ فِيهَا اسْمُ اللَّهِ كَثِيرًا.

⁵⁰⁵ In the book of "Dictionary of poetical works of Imam Khomeini" 2nd edition, 1994, pp. 101-103, under the terms "excommunicate" and "disbelief" in a comment on the following poem it is said:

Do kiss the hands of that mullah
Who gave ruling of my excommunication

the people let alone attacking or transgression.

Defensive wars against aggressions, helping the oppressed and seeking succor are obligatory to all; and in other cases, under any pretexts, no one may transgress, excommunicate or attack the other ones, no matter what their religions or ideologies are.

62- Principle of: Prohibition of aggression and permission of defense

The instruction of Glorious Qur'ān is reconciliation and peace amongst the nations. A close study on wars, which have been occurred in the early Islam, reveals that the honorable Messenger (S) and his companions had fought just to recover their rights. There has been no war at the time of the honorable Messengers (S) (whether he has been the commander of the army, or not to be present at the scene of the battle) without taking this aspect of the issue, namely, the aim and objective of fighting has been recovering and restoring the rights of Muslims into consideration, which

Do applaud the investigator

Who put me in chain (jail)

Originally excommunication (as to the Arabic word) means to cover something; and if it is ascribed to Almighty God means to forgive a sin or clearing the sin of somebody. As to Islamic jurisprudence and theology means to ascribe the state of disbelief to somebody and calling somebody as disbeliever. And (nearly longtime ago) it was to drive out somebody from religious community. In the past, when the people were sensitive about religious matters "excommunication" was in fact severance of relations with the society. "Excommunication" has been misused abundantly in the past. It is likely that so many innocent people have been killed in this way. Most of times political excommunications have been enforced under the veil of religious excommunication. One of the cases of excommunication (in two centuries ago) which has been the main cause of a murder, is the story of slaying of Mushtaq (His Highness Mushtaq Ali Shah Kermani one of the Sheikhs of Ne'matollahi Order) in Kerman.

have been infringed through the oppression. Campaign against oppression is authorized in Islam. On this basis the Glorious Qur'ān says: **"Permission is given unto those who fight because they have been wronged; and Allāh is indeed able to give them victory"**.⁵⁰⁶ On a comment on this verse it is said:⁵⁰⁷ **"permission is given"** is the answer of a presumed question. It seems that it has been said: If God defends the believers; there would be no need for believers to fight. So that Almighty God said: **"unto those who fight"** that is to say, those believers who fight have permission to do it. As a grammatical point of view (in Arabic) the phrase **"permission is given"** have been pronounced as an object or subject of the sentence. Therefore, the phrase **"those who fight"** has been pronounced accordingly. **"Because they have been wronged"**. About the cause of revelation of the said verse, it is said that the idolaters used to bother the Muslims. And when they were beaten and humiliated, they came to the Messenger of God (S) to complain about the circumstances. The Messenger of God (S) used to say: You should be patient. I am not ordained to fight yet. When he emigrated the aforementioned verse was revealed and this is the first verse which has been revealed about fighting".

In sūrah of Al-Baqarah says: **"And fight in the way of Allāh (against) those who fight you, but do not exceed the limits; for verily, Allāh does not like the transgressors"**.⁵⁰⁸ This verse is an instruction for defending against those who do the fighting. This verse does not permit "transgression". Because transgression at the beginning of the fighting means waging war against others, and transgression at the middle of the

⁵⁰⁶ Al-Hajj XXII, 39.

أُذِنَ لِلَّذِينَ يُقَاتِلُونَ بِأَنَّهُمْ ظَلِمُوا وَإِنَّ اللَّهَ عَلَىٰ نَصْرِهِمْ لَقَدِيرٌ.

⁵⁰⁷ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 10, pp. 104-105.

⁵⁰⁸ Al-Baqarah II, 190.

وَ قَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ.

war means to exceed the limits and to harm the enemy, more than what is needed, and/or continuing fighting while the enemy has been surrendered, and/or doing harm against the captives or civilians. The command for defense has been mentioned in the following verse: "**And fight against the disbelievers collectively, as they fight against you collectively**".⁵⁰⁹ The following noble verse gives also permission for defense and confrontation, which says: "**The Sacred Month for the Sacred Month, and for the prohibited things there is a law of retaliation. Then whoever commits aggression against you, react you likewise against him, and fear from Allāh, and know that Allāh is the supporter of the pious**".⁵¹⁰ From the said verse it could be understood that if one's property is usurped he would be able to take it back or react mutually which is called reprisal. This verse also includes revenging and reaction against criminals and is applicable in defensive operations at war and also includes reprisals".⁵¹¹

There is a letter from Imam Ali (A) in Nahj-ol-Balagheh addressed to M'aqel-ibn-Qais Riyahi while he was appointed as the commander in chief of a three thousands personnel army dispatched towards Syria which reads as follows: Fear from the God that you shall meet Him inevitably, and there would be no place at the end but His sublime court. Do not fight unless with those persons who fight you Their hatred should never motivate you start fighting with them, save you had already called them to the right

⁵⁰⁹ Al-Taubah IX, 36.

وَ قَاتِلُوا الْمُشْرِكِينَ كَافَّةً كَمَا يُقَاتِلُونَكُمْ كَافَّةً.

⁵¹⁰ Al-Baqarah II, 194.

الشَّهْرُ الْحَرَامُ بِالشَّهْرِ الْحَرَامِ وَالْحُرُمَاتُ قِصَاصٌ فَمَنِ اعْتَدَى عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اعْتَدَى عَلَيْكُمْ وَ اتَّقُوا اللَّهَ وَ اعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ.

⁵¹¹ See: Abolqasem Gorgi (2001) Legal provision verses (civil and criminal) Mizān Publication, pp. 10-73.

path of Allāh and there had remained no excuse for them".⁵¹²

This principle shall diminish the ambitions of waging war against others. For this reason, its observance in the international scene would be

⁵¹² Naj-ol-Balaghah, Letter No. 12, Translated by Ja'afar Shahidi Elmi-va-Farhangi Publications, 15th edition, p. 279.

شرح نهج البلاغة، ١٥، ٩٢، ١٢- و من وصية له ع وصى بها معقل بن قيس. معقل بن قيس كان من رجال الكوفة و أبطالها و له رئاسة و قدم أوفده عمّار بن ياسر إلى عمر بن الخطاب مع الهرمزان لفتح تستر و كان من شيعة علي ع وجهه إلى بني ساقفة فقتل منهم و سبي و حارب المستورد بن علفة الخارجي من تميم الرباب فقتل كل واحد منهما صاحبه بدجلة و قد ذكرنا خبرهما فيما سبق و معقل بن قيس رياحي من ولد رياح بن يربوع بن حنظلة بن مالك بن زيد مناة بن تميم. قوله ع و لا تقاتلن إلا من قاتلك نهي عن البغي. و سر البردين هما الغداة و العشي و هما الأبردان أيضا. و وصاه أن يرفق بالناس و لا يكلفهم السير في الحر. قوله ع و غور بالناس انزل بهم القائلة و المصدر التغوير و يقال للقائلة الغائرة. قوله ع و رفه في السير أي دع الإبل ترد رفها و هو أن ترد الماء كل يوم متى شاءت و لا ترهقها و تجشمها السير و يجوز أن يكون قوله و رفه في السير من قولك رفهت عن الغريم أي نفست عنه. قوله ع و لا تسر أول الليل قد ورد في ذلك خبر مرفوع و في الخبر أنه حين تنشر الشياطين و قد علل أمير المؤمنين ع النهي بقوله فإن الله تعالى جعله سكنا و قدره مقاما لا ظعنا يقول لما امتن الله تعالى على عباده بأن جعل لهم الليل ليسكنوا فيه كره أن يخالفوا ذلك و لكن لقائل أن يقول فكيف لم يكره السير و الحركة في آخره و هو من جملة الليل أيضا و يمكن أن يكون فهم من رسول الله ص أن الليل الذي جعل سكنا للبشر إنما هو من أوله إلى وقت السحر. ثم أمره ع بأن يريح في الليل بدنه و ظهره و هي الإبل و بنو فلان مظهرون أي لهم ظهر ينقلون عليه كما تقول منجبون أي لهم نجائب. قال الراوندي الظهر الخيول و ليس بصحيح و الصحيح ما ذكرناه. قوله ع فإذا وقفت أي فإذا وقفت ثقلك و رحلك لتسير فليكن ذلك حين ينبطح السحر. قال الراوندي فإذا وقفت ثم قال و قد روي فإذا واقفت قال يعني إذا وقفت تجارب العدو و إذا واقفته و ما ذكره ليس بصحيح و لا روي و إنما هو تصحيف أ لا تراه كيف قال بعده بقليل فإذا لقيت العدو و إنما مراده هاهنا الوصاة بأن يكون السير وقت السحر و وقت الفجر. قوله ع حين ينبطح السحر أي حين يتسع و يمتد أي لا يكون السحر الأول أي ما بين السحر الأول و بين الفجر الأول و أصل الانبطاح السعة و منه الأبطح بمكة و منه البطيحة و تبطح السيل أي اتسع في البطحاء و الفجر انفجر انشق. ثم أمره ع إذا لقي العدو أن يقف بين أصحابه وسطا لأنه الرئيس و الواجب أن يكون الرئيس في قلب الجيش كما أن قلب الإنسان في وسط جسده و لأنه إذا كان وسطا كانت نسبته إلى كل الجوانب واحدة و إذا كان في أحد الطرفين بعد من الطرف الآخر فرما يختل نظامه و يضطرب. ثم نهاه ع أن يدنو من العدو دنو من يريد أن ينشب الحرب و نهاه أن يبعد منهم بعد من يهاب الحرب و هي البأس قال الله تعالى وَ حِينَ الْبَأْسِ أَي حِينَ الْحَرْبِ بَلْ يَكُونُ عَلَى حَالٍ مُتَوَسِّطَةٍ بَيْنَ هَذَيْنِ حَتَّى يَأْتِيَهُ الْأَمْرُ مِنْ أَمِيرِ الْمُؤْمِنِينَ ع لِأَنَّهُ أَعْرَفَ بِمَا تَقْتَضِيهِ الْمَصْلُحَةُ. ثم قال له لا يحملنكم بغضكم لهم على أن تبدءوهم بالقتال قبل أن تدعوهم إلى الطاعة و تعذروا إليهم أي تصيروا ذوي عذر في حربهم. و الشنئان البغض بسكون النون و تحريكها.

accepted, as international customary laws in the world community would have desirable effects on bringing about a detente (de-escalation).

Reconciliation and peace amongst the nations is principle.

"Transgression" of any kind is forbidden, whether transgression at the beginning means waging war on others, and transgression at the middle means to exceed the limits and to harm the enemy more than what is needed, and/or continuing the fight while the enemy has surrendered, and/or doing harm against the captives or civilians.

63- Principle of: Severe fighting with the belligerent aggressors

There are many verses, which have been revealed about the tasks and duties of the prophet (S) and the believers concerning the wars. In the following verse which is revealed to warn and caution the belligerents for waging war against Allāh and His Messenger (S) says: **"The punishment of those who raise war against Allāh and His Messenger and do mischief in the land is that they shall be killed or crucified or their hands and their feet be cut off from the opposite sides or (they) be banished from the land. This is their disgrace in this world and a grave torment for them will be in the Hereafter."**⁵¹³ In spite of this severity, an easy way to escape from it has been taken into consideration in the next

⁵¹³ Al-Māidah V, 33.

إِنَّمَا جَزَاءُ الَّذِينَ يُجَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ هُمْ خِزْيٌ فِي الدُّنْيَا وَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ.

verse, which says: **"Except those who repent, before you gain power over them. You should know that Allāh is the Merciful Forgiving"**.⁵¹⁴

These two consecutive verses bear this message to the transgressors that they should not commit the transgression and if they do, the only way to get rid its consequence is to convert to Islam. In a comment on the said two verses, it is said:⁵¹⁵ **"The punishment of those who raise war against Allāh"** means the punishment of fighting with divine guardians and the believers **"And His Messenger"** is the same as punishment of those people who fight against the Messenger and his successor or the believers. And it would be ascertained just by cutting their way (committing robbery) or robbing the one who is looking for the Messenger or Imam (A). The least action perpetrated is to draw one's sword for threatening the believers or carrying a sword during the night; unless he be not one of the people of skepticism. **"And do mischief in the land"** in this sentence **"mischief"** (grammatically) is the object of verb **"do"** or is a presumed infinitive of **"try"** (to make endeavor). And **"mischief in the land"** can be ascertained by robbery, plundering and murder. **"That they shall be killed or crucified or their hands and their feet be cut off from the opposite sides, or (they) be banished from the land"** (these are the punishment for belligerency). There are differences in the manner choosing one of the said punishments. Some say that, it is up to Imam to choose one of them and enforce the rule as he wishes. Some people say that it is up to the perpetrator, but he should choose one of them which best correspond with grave consequences of his crime. There is also difference in the meaning and process of **"banishment"**. Some believe that, it means to send away a person from the city (where he lives) to another city. Some others say, in

⁵¹⁴ Al-Māidah V, 34.

إِلَّا الَّذِينَ تَابُوا مِنْ قَبْلِ أَنْ تَقْدِرُوا عَلَيْهِمْ فَاعْلَمُوا أَنَّ اللَّهَ غَفُورٌ رَحِيمٌ.

⁵¹⁵ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", volume 4, Farsi translation, p. 323.

addition to that, a letter should be written to the authorities of the new place that nobody is authorized to contact with the said person. There should be no transaction, no marriage and no socialization with him. Some people claim the aim of banishment is that the said person should be drowned in the sea or kept in the jail. **"This is their disgrace in this world and a grave torment for them will be in the Hereafter. Except those who repent before you gain power over them. You should know that Allāh is the Merciful Forgiving"**. The meaning of "repentance" mentioned in the said verse is not the one, which is ascertained between God and the bondman, while he is filled with regret for his sins and would state the word of "repentance" with his tongue. This kind of "repentance" shall not be known unless by confession of the penitent person. But one cannot confess in favour of himself, on the contrary the confession against himself is credible. The criterion of repentance in this position is Islam and faith, that is to say, accepting outward and inward invitation to Islam. This is not an issue between God and the bondman. The Messenger (S) or the Imam (A) must accept his repentance and ask God for his forgiving, and take promise from him. Anybody whose repentance is accepted and the Messenger or Imam has requested Almighty God for his forgiving, then his sins would be forgiven and his repentance is accepted and he has witness thereof. Because Islam shall cover all which had been in before".

In sūrah of Al-Anfāl it is said: **"They are those with whom you made a covenant, but they broke the covenant every time, and there is no piety in them. So, if you could get hold of them in the battlefield, punish them severely in order to disperse those groups behind them and that may learn a lesson. And if you fear treachery from any people, throw back their covenant to them on terms of mutuality, for Allāh does not like the treacherous people. And those who disbelieve**

should not think that they can overcome you. Verily, they will never be able to frustrate Allāh's power. And prepare against them to the utmost, such as armed forces, and strong horses and provisions for fighting, in order to fighting the enemy of Allāh as well as your own enemy and others besides them, whom you do not know them but Allāh knows them; and whatever you spend in Allāh's way will be repaid to you and you shall not be dealt with unjustly. But if the enemy shows tendency towards peace, you also tend to it and put your trust in Allāh; verily Allāh is the Knowing, Hearer. And if they intend to deceive you Allāh will suffice you from their harm; Allāh is the One Who strengthened you with His aid as well as with the help of the believers. And Allāh is the One Who caused unity between the hearts of the believers; and had you spent all that is on the earth you could not have caused that union between their hearts, but Allāh caused union between them; verily, Allāh is Mighty, Wise. O, Prophet! Allāh is sufficient for you and such of the believers as follow you. O, Messenger! Urge the believers to fight: If there are twenty steadfast among you, they will overcome two hundred, and if there are a hundred steadfast believers, they will overcome a thousand disbelievers, because the disbelievers are a people who have no power of understanding. For the present situation, Allāh has lightened your burden of task knowing that in your troop there is some weakness: If there are of you a hundred steadfast believers they shall overcome two hundred, and if there are of you a thousand, they shall overcome two thousand by Allāh's leave; and verily, Allāh is the supporter of the patients the steadfasts. It is not fit for the prophet that he should take captives instead of fighting and killing the enemy in the land; you desire the temporal profit of this world, while Allāh desires (for you) the Hereafter, and Allāh is Mighty, Wise. (It denotes this point that there

should not be any carelessness in fighting, just to take captives from the enemy and then taking ransom or selling them as slaves, but you should fight as hard as possible and kill the enemy. Because all those persons who were taken as captives in the Badr (war), and then they were liberated by accepting ransom, at the subsequent year took part in the war of Uhud and killed the believers.) **Were it not for a previous ordained word of Allāh, a severe torment would have afflicted you for that ransom you took. Eat of what you have acquired as war booty, lawful and good, but fear from Allāh. Verily, Allāh is the Merciful Forgiving. O, prophet! Say to the captives who are in your hands: If Allāh finds good intention in your hearts, He will give you something better than what has been taken from you, and He will forgive you; for Allāh is the Merciful Forgiving. But if the disbelievers intend to betray you, no wonder, since they have betrayed Allāh too, but Allāh granted you power over them. And Allāh is Knowing, Wise".**⁵¹⁶ In a comment on the said verses,

⁵¹⁶ Al-Anfāl VIII, 56-71.

الَّذِينَ عَاهَدْتَ مِنْهُمْ ثُمَّ يَنْقُضُونَ عَهْدَهُمْ فِي كُلِّ مَرَّةٍ وَ هُمْ لَا يَتَّقُونَ. فَإِنَّمَا تَتَّفَقَتَهُمْ فِي الْحَرْبِ فَشَرِدَ بِهِنَّ مَنْ خَلَفَهُمْ لَعَلَّهُمْ يَذَّكَّرُونَ. وَإِنَّمَا تَخَافَنَ مِنْ قَوْمٍ خِيَانَةً فَانْبِذْ إِلَيْهِمْ عَلَى سَوَاءٍ إِنَّ اللَّهَ لَا يُحِبُّ الْخَائِنِينَ. وَلَا يَحْسَبَنَّ الَّذِينَ كَفَرُوا سَبَقُوا إِنَّهُمْ لَا يُعْجِزُونَ. وَأَعِدُّوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ وَمِنْ رِبَاطِ الْخَيْلِ تُرْهَبُونَ بِهِ عَدُوَّ اللَّهِ وَعَدُوَّكُمْ وَآخَرِينَ مِنْ دُونِهِمْ لَا تَعْلَمُونَهُمُ اللَّهُ يَعْلَمُهُمْ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فِي سَبِيلِ اللَّهِ يُوَفَّ إِلَيْكُمْ وَأَنْتُمْ لَا تُظْلَمُونَ. وَإِنْ جَنَحُوا لِلسَّلْمِ فَاجْنَحْ لَهَا وَتَوَكَّلْ عَلَى اللَّهِ إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ. وَإِنْ يُرِيدُوا أَنْ يَخْدَعُوكَ فَإِنَّ حَسْبَكَ اللَّهُ هُوَ الَّذِي أَيْدَكَ بِبَصْرِهِ وَبِالْمُؤْمِنِينَ. وَالْأَلْفَ بَيْنَ قُلُوبِهِمْ لَوْ أَنْفَقْتَ مَا فِي الْأَرْضِ جَمِيعًا مَا أَلْفَتَ بَيْنَ قُلُوبِهِمْ وَلَكِنَّ اللَّهَ أَلْفَ بَيْنَهُمْ إِنَّهُ عَزِيزٌ حَكِيمٌ. يَا أَيُّهَا النَّبِيُّ حَسْبُكَ اللَّهُ وَمَنِ اتَّبَعَكَ مِنَ الْمُؤْمِنِينَ. يَا أَيُّهَا النَّبِيُّ حَرِّضِ الْمُؤْمِنِينَ عَلَى الْقِتَالِ إِنْ يَكُنْ مِنْكُمْ عَشْرُونَ صَابِرُونَ يَغْلِبُوا مِائَتِينَ وَإِنْ يَكُنْ مِنْكُمْ مِائَةٌ يَغْلِبُوا أَلْفًا مِنَ الَّذِينَ كَفَرُوا بِأَنَّهُمْ قَوْمٌ لَا يَفْقَهُونَ. الْآنَ خَفَّفَ اللَّهُ عَنْكُمْ وَعَلِمَ أَنَّ فِيكُمْ ضَعْفًا فَإِنْ يَكُنْ مِنْكُمْ مِائَةٌ صَابِرَةٌ يَغْلِبُوا مِائَتِينَ وَإِنْ يَكُنْ مِنْكُمْ أَلْفٌ يَغْلِبُوا أَلْفِينَ بِإِذْنِ اللَّهِ وَاللَّهُ مَعَ الصَّابِرِينَ. مَا كَانَ لِنَبِيِّ أَنْ يَكُونَ لَهُ أُسْرَى حَتَّى يُنْجِنَ فِي الْأَرْضِ تُرِيدُونَ عَرَصَ الدُّنْيَا وَاللَّهُ يُرِيدُ الْآخِرَةَ وَاللَّهُ عَزِيزٌ حَكِيمٌ. لَوْ لَا كِتَابٌ مِنَ اللَّهِ سَبَقَ لَمَسَّكُمْ فِي مَا أَحَذْتُمْ عَذَابٌ عَظِيمٌ. فَكُلُوا مِمَّا غَنِمْتُمْ حَلَالًا طَيِّبًا وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ. يَا أَيُّهَا النَّبِيُّ قُلْ لِمَنْ فِي أَيْدِيكُمْ مِنَ الْأُسْرَى إِنْ يَعْلَمِ اللَّهُ فِي قُلُوبِكُمْ خَيْرًا يُؤْتِكُمْ خَيْرًا مِمَّا أُخِذَ مِنْكُمْ وَيَغْفِرَ لَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ. وَإِنْ يُرِيدُوا خِيَانَتَكَ فَقَدْ خَانُوا اللَّهَ مِنْ قَبْلُ فَأَمَكَنَّ مِنْهُمْ وَاللَّهُ عَلِيمٌ حَكِيمٌ.

it is said⁵¹⁷: "**They are those with whom you made a covenant**" has been interpreted to Bani-Quraizah and the covenant is the pact of armistice and also it was interpreted to the hypocrites of companions of prophet and the mentioned pact is the oath of allegiance. It seems better to be extended to both cases. "**But they broke the covenant everytime, and there is no piety in them**". They are not afraid of God's displeasure or your torment and the believer's torment. "**So, if you could get hold them in the battlefield**". If you found them prepared for fighting - if the hypocrites of the community is taken into consideration then Imam Ali (A) would take care of the situation. "**Punish them severely in order to disperse those groups behinds them**". You should kill and injure them; therefore, those people who back them would be dispersed. Because when other disbelievers be informed of your severe fighting and know that you would kill them in the battlefield, consequently they would never think of fighting with you. This means that fighting with disbelievers should be at its highest degree. "**That they may learn a lesson**". It might be that those people who are behind the disbelievers learn about the truth of your prophethood and the severity of your fighting. "**And if you fear treachery from any people**". There is a grammatical point in Arabic sentence, namely adding a conjunction to conditional particle and putting emphasis in two previous phrases are for exaggerating the necessity of performing the main clause. That is to say, if you fear that a group of persons who have a covenant with you betray you through breaking their covenant, and their intention is revealed by their opposing and breaking covenant -it has been quoted that the said verse is revealed about Mo'āwiyah and the occasion when he betrayed Imam Ali (A) and its instances are those actions performed by Ali (A). "**Throw back their covenant to them on term of mutuality**". So, do not observe their covenant but it should be done in equal basis, or in a

⁵¹⁷ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 6, pp. 67-80.

status equal to the status of those who broke the covenant. Because your breach of covenant could not be considered as blamable if it happens after their breach. **"For Allāh does not like the treacherous people"**. This is the reasoning for breach of covenant; it means that the treacherous people are not deserving of sympathy and kindness, so that you are authorized to break their covenant. **"And those who disbelieve should not think that they can overcome you"**. Placing an apparent name instead of a pronoun is to specify clearly their disbelief and their disgrace. So that the disbelievers should not consider that they are ahead of us and have overcome; may be the second meaning is more suitable to the case; which is for removing any fearfulness from their breach of covenant. **"Verily, they will never be able to frustrate Allāh's power"**. It means that they cannot surpass or overcome. The corresponding term in Arabic to the word "overcome" is "yo'jezuna" and it is taken from the word "a'jazahu" which means "he outstripped or surpassed him", or "he made him unable". **"They should not think that"** has been pronounced in Arabic to denote the "absent person" and those who are familiar with Arabic grammar know that difference in pronunciation makes different meanings. **"And prepare against them to the utmost such as armed forces and strong horses and provisions for fighting"**. Prepare all those things, which make you stronger such as different weapons and bring you grandeur and majesty such as boasting in the battlefield, because self-glorification during the fighting is laudable. It is narrated that hair colouring in black would be a means to this end. **"And strong horses"** is naming an especial subject from a general issue. Because "rabāt" in Arabic is an infinitive, which means, "to be related" or it is the plural of "rabit" which means, "fastened" but it is used for those horses, which are fastened for fighting. **"In order to frighten them"** and also prepare armed forces to your utmost ability. **"The enemy of Allāh as well as your own enemy"**, those persons whom you are afraid of their treachery

are the enemy of Allāh and your enemy. Bringing the apparent name is to mention the causes and stating another characteristic of them out of their exceedingly obscene qualifications. **"And others besides them"**. There are others whom you are not afraid of their treachery. They are those disbelievers, which there is no covenant between you and them, Or you are not afraid that they might break their covenant. **"Whom you do not know them"**. You do not know that they are treacherous people such as the hypocrites. Outwardly, they act as they have been converted to Islam but they hide their hypocrisy - or it means that, because you have not seen them, you do not know them, such as Persians, Romans and Syrians. **"But Allāh knows them; and whatever you spend in Allāh's way will be repaid to you and you shall not be dealt with unjustly."** Therefore, do not be afraid of poverty, and be prepared for Allāh's way to the utmost of your ability. And you shall not be dealt with unjustly because whatever you spend in the way of Allāh will be repaid to you. **"But if the enemy shows tendency towards peace"** and/or gaining entrance to Islam/religions -it is narrated from Imam Sādiq (A) that it means to be one of our followers- **"you also tend to it"**. Because your fighting is nothing but a prelude to peace. The term "salm" in Arabic is a feminine word which its meaning is founded on usage and custom and equals the meaning of "peace". **"And put your trust in Allāh"** and do not be afraid of their cunning stratagem in making peace. Because Allāh shall protect you. **"Verily, Allāh is the Hearer"**. He is able to hear everything, which has been said about you. Therefore, He shall plan and devise whatever which is in favour of you. **"The knower"**, Allāh is aware of their intentions and knows what will be your situation and theirs at the end. Nothing is out of His sight and nothing shall outstrip and surpass Him. **"And if they intend to deceive you"**, and if they decide to make peace temporarily and deceive you until to get prepared for fighting and your companions leave aside their weapons, then

do not be afraid of it. **"Allāh will suffice you from their harm; Allāh is the One Who strengthened you with his aid as well as with the help of the believers"**. This is a disconnected explanatory sentence in the position of reasoning, which means that he will be helped by the angels and the believers. **"And Allāh is the One Who caused unity between the hearts of the believers"**. So that if they intend to deceive you in making the peace, Almighty God shall cause unity and friendship between their hearts and the hearts of the believers. Because He is the One Who can cause unity between you and the treacherous people. **"And had you spent, all that is on the earth you could not have caused that union between their hearts"**. Because changing the hearts is only at His discretion. It is not the authority of any human being or you as a prophet. **"But Allāh cause union between them"**. Some people have said, this verse has been revealed about the Helpers (Ansār), because there has always been war and fighting between Ous and KHazraj (tribes) which unionship and friendship was established between them due to Islam. **"Verily, Allāh is Mighty"** because He is the Omnipotent and nothing will prevent his aim be materialized. **"Wise"**, through His wisdom shall do whatever is advisable to His creatures. **"O, prophet! Allāh is sufficient for you and such of the believers as follow you"**. This sentence is repeated to be a prelude for encouragement and instigation of the believers to fight. And is a good action to repeat something to express one's thanks and kindness. **"O, Messenger! Urge the believers to fight. If there are twenty steadfast among you, they will overcome two hundred, and if there are a hundred steadfast believers, they will overcome a thousand disbelievers, because the disbelievers are a people who have no power of understanding"**. Because they are not as steadfast as the believers unto God and they are not those persons who know that helping and aid is in the hands of Allāh and victory comes just through Him. **"For the present**

situation, **Allāh has lightened your burden of task knowing that in your troop there is some weakness**". This verse has been revealed while the population of the believers has been increased. Therefore, it is said that this verse has abrogated the previous one." **If there are of you a hundred steadfast believers they shall overcome two hundred, and if there are of you a thousand, they shall overcome two thousand by Allāh's leave; and verily Allāh is the supporter of the patient and the steadfast**". What is meant by weakness it is weakness in the hearts rather than the bodies, therefore it is not contradictory to the abundance of their numbers. **"It is not fit for the prophet that he should take captives instead of fighting and killing the enemy in the land"**. This is an answer to the companions of the prophet who requested not to kill the captives for obtaining the ransom. And the meaning of "ithkhān" (in Arabic) is to make lots of enemies to be killed and wounded while has overcome the enemy. **"You desire temporal profit of this world, while Allāh desires (for you) the Hereafter"**. By obtaining the ransom, you desire the temporal profit of this world. Whereas it is your obligation that your holy war not to be contaminated with worldly motives. It should be pure and just for the sake of Hereafter. **"And Allāh is the Mighty"**. Allāh is triumphant and will not be afraid of degradation of His prophet through taking ransom from the captives. Therefore, this verse causes realization of illusory apprehension of weakness and defeat. **"Wise"**. As He knows advisability of the case, He command the killing. **"Were it not for a previous Ordained Word of Allāh"**. Or if there was no permission in the previous Table for taking ransom, and honouring the believers or keeping the captives until a determined time for honouring the God's religion; the said threatening was for what the believers had done in the battle of Badr where they insisted on taking ransom for freeing the captives, whereas the Messenger of God (S) was against this action; consequently next year during the battle of Ohud as

many as the captives who were freed by taking ransom were killed in the fighting, **"a severe torment would have afflicted you for that ransom you took"**. Due to your insistence on taking ransom, a severe torment afflicted you. Or if there was no permission on taking ransom and your honouring, written on the Table, you would have been afflicted a severe torment. **"Eat of what you have acquired as booty of war"**. You would better take the advantage of the booty of war. Or it may be a permission for what they had refrained to do because they had doubted about its permissibility. Or there has been no rule of granting permission before, and honouring you, so that take the advantage of the booty of war and do not bother yourself about it. **"Lawful and good, but fear from Allāh"**. But do not be extravagant in their consumption and do not be in opposition to the Messenger of God with regard to the booty of war. You should be content of receiving whatever the Messenger of God gives you. **"Verily, Allāh is Forgiving"**. God shall forgive your insistence on obtaining the ransom. **"The Merciful"**, He shall be compassion to you with regard to the permission of booty of war and ransom. **"O, prophet! Say to the captives who are in your hands"**. It means the captives of the battle of Badr. Or say to Abbās and Aqil-ibn-Abitalib and Nufel-ibn-Hāris. It is narrated that this verse has been revealed about the aforementioned persons whose story and that of the battle of Badr is mentioned in detail in the book of Al-Sāfi⁵¹⁸, **"If Allāh finds good intention in your hearts"**. If God finds eagerness and inclination towards faith. **"He will give you something better than what has been taken from you"**. Such as booty of war and ransom after captivity, **"And He will forgive you. Allāh is the Forgiving"** And your hostility towards the Messenger of God shall be forgiven. **"The Merciful"**. Then will give you something better than what has been taken from you.

⁵¹⁸ Al-Sāfi Exegesis, Mullāh Mohsen Faiz Kashani. الصّافي

Therefore, it is better to say: God shall forgive you and will give you something better than that. Because forgiveness, which is covering the sins, is prior to mercy and granting a favour; but in this place, since it is the position of giving something in exchange of what, which has already been missed, therefore it has been mentioned prior to it. **"But if the disbelievers intend to betray you"**. By considering the meaning of the sentence and the persons who are the subject of the story, it is an answer from Allāh to the statements of the Messenger of God. Apart from its being the story, we can abundantly find similar cases such as: If God finds good intentions in their hearts, He will give them something better than what has been taken from them, and if they intend to betray you then there is no wonder about it, **"since they have betrayed Allāh too"**. That is to say, before they intend to betray you they have acted against the wisdom (reason), because "wisdom" has been their inward messenger. That is why Allāh has dominated the believers over them. So they should be afraid of being dominated. Sometimes it has been interpreted that: If they intend to betray you and Ali (A), no wonder because they have already betrayed God about you, **"but Allāh granted you power over them"**. Do not be sad, because God will dominate Ali (A) and his companions over them. **"And Allāh is Knowing"**. Allāh knows the will of everybody who intends to do something. **"Wise"**, He is wise and He will plan and manage your affairs and that of the treacherous people in accordance to His wisdom".

In other verses in sūrah of Al-Baqarah it is said: **"And fight in the way of Allāh (against) those who fight you, but do not exceed the limits; for verily, Allāh does not like the transgressors. And kill them wherever you get hold of them and drive them out from where they have driven you out; since the evil of mischief making is more grievous than killing; but do not fight them at the Sacred Mosque unless they**

fight you therein, so if they fight with you there, kill them; such is the recompense of the disbelievers. But if they stop, then (forgive them) verily, Allāh is the Merciful Forgiving and fight them until the evil of mischief making is rooted up and Allāh's religion governs over all, but if they desist, then there should be no aggression, save against the aggressors".⁵¹⁹ In a comment on the said verses it is said⁵²⁰: "**And fight in the way of Allāh**". The way of Allāh is the divine guardianship and since all religious actions are originated from the divine guardianship or connection to divine guardianship, therefore are considered as the way of Allāh, because they are the guide of the way of Allāh. And the road towards ka'abah due to the sacred rites of pilgrimage and religious prayers are the way of Allāh, and because it is a manifestation unto the heart of one who in reality is the way of Allāh, so it could be called the way of Allāh. "**In the way of Allāh**" is literally and figuratively the adverb of "**fight**" or it is literally or figuratively the participial phrase from the subject of the "**fight**". So that the meaning of the said verse will be: "And fight for protection of the way of Allāh or its promotion and exaltation or in its commission and characterization or in the way of ka'abah" "**against those who fight you**". As it is narrated that this verse -with regard to the concept of that part which states "**do not exceed the limits**" against those who stop fighting- is abrogated by the subsequent verse which says: "**And kill them wherever you get hold of them**", and also by virtue of the word of Almighty God: "**Do not conform to the caprices of the disbelievers and**

⁵¹⁹ Al-Baqarah II, 190-193.

وَ قَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَ لَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ. وَ أَقْتُلُوهُمْ حَيْثُ تَقْتُلُوهُمْ وَ أَخْرِجُوهُمْ مِنْ حَيْثُ أَخْرَجْتُمْ وَ الْفِتْنَةُ أَشَدُّ مِنَ الْقَتْلِ وَ لَا تَقَاتِلُوهُمْ عِنْدَ الْمَسْجِدِ الْحَرَامِ حَتَّى يُقَاتِلَكُمْ فِيهِ فَإِنْ قَاتَلَكُمْ فَاقْتُلُوهُمْ كَذَلِكَ جَزَاءُ الْكَافِرِينَ. فَإِنْ انْتَهَوْا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ. وَ قَاتِلُوهُمْ حَتَّى لَا تَكُونَ فِتْنَةٌ وَ يَكُونَ الدِّينُ لِلَّهِ فَإِنْ انْتَهَوْا فَلَا عُدْوَانَ إِلَّا عَلَى الظَّالِمِينَ.

⁵²⁰ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation volume 2, pp. 391-395.

the hypocrites; and disregard their annoying word".⁵²¹ And also the verse "**Restrain your hands (from war)**"⁵²². The Prophet (S) did not fight against anybody prior to the revelation of this verse. It is also narrated that the said verse has been revealed after the armistice of Hudaibiyah. That is to say, when the Messenger of God (S) and his companions decided to go to a lesser pilgrimage, they left Medina and stopped at a place named Hudaibiyah, but disbelievers prevented them to enter the Sacred Place. Therefore, they sacrificed the camels at Hudaibiyah and made a peace contract with the disbelievers. According to the terms of the said contract, they had to go back to Medina and return subsequent year, which during a period of three days while Mecca would be depopulated, the prophet could perform the sacred rites of circumambulation and other prayers and go back to Medina immediately. Next year when the Prophet (S) and his companions were prepared to fulfill the belated lesser pilgrimage, they were afraid, if the Quraish would break their covenant and fight with them. And the Honourable Prophet also was reluctant to fight with them during the Sacred Month and in the Sacred Place. Then the Almighty God revealed this verse that: "**Do not exceed the limits**" namely, when you start fighting or when you are fighting with a person do not extract his eyes or

⁵²¹ Al-Ahzāb XXXIII, 48.

وَلَا تُطْعِ الْكَافِرِينَ وَالْمُنَافِقِينَ وَدَعِ أَذَاهُمْ

⁵²² Al-Nisā IV, 77. "Have you not regarded those to whom, it was said: "**Restrain your hands (from war) and perform prayer and pay alms**". But they insisted on fighting. Then as soon as fighting was ordained for them, a section of them who feared men as they should fear Allāh or even more, said: "O, our Lord. Why have you ordained for us fighting? Why did you not grant us respite for short period of natural term?" Say (O, Messenger): "The enjoyment of this world is scant; and the Hereafter is far better for him who is pious; and you shall not be wronged the least".

أَلَمْ تَرَ إِلَى الَّذِينَ قِيلَ لَهُمْ كُفُّوا أَيْدِيَكُمْ وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ فَلَمَّا كُتِبَ عَلَيْهِمُ الْقِتَالُ إِذَا فَرِيقٌ مِنْهُمْ يَخْشَوْنَ النَّاسَ كَخَشْيَةِ اللَّهِ أَوْ أَشَدَّ خَشْيَةً وَقَالُوا رَبَّنَا لِمَ كَتَبْتَ عَلَيْنَا الْقِتَالَ لَوْ لَا أَخَّرْتَنَا إِلَىٰ أَجَلٍ قَرِيبٍ قُلْ مَتَاعُ الدُّنْيَا قَلِيلٌ وَالْآخِرَةُ خَيْرٌ لِمَنِ اتَّقَىٰ وَلَا تُظَلَّمُونَ فِتْيَالًا.

do not mutilate him. **"For verily, Allāh does not like the transgressors"**. Although "dislike" also covers the meaning of "hatred" but in such a situation it has exactly the meaning of "hatred". **"And kill them wherever you get hold them"**. As it was mentioned earlier, this verse abrogates the first verse and its revelation time should be after that and with a delay. **"And drive them out from where they have driven you out"**. It means that you should drive them out of Mecca as they have driven you out of there. Those persons who did not convert to Islam were driven out of Mecca. **"Since the evil of mischief-making is more grievous than killing"**. One of the believers criticized a man from the companions of the Prophet because the latter had killed a disbeliever during the Sacred Month. Fighting during the Sacred Month and belated lesser pilgrimage was considered a disagreeable action. So this verse was revealed. Almighty God said: Mischief-making namely disbelief to God and corruption on the earth, which the disbelievers commit, is worse and more grievous than killing. That is to say, fighting for removing a vicious and grievous obstacle is laudable. It should not be the cause of criticism or punishment. At the same time the Sacred Month and Sacred Place should be respected. **"But do not fight them at the Sacred Mosque unless they fight you therein, so if they fight with you there, kill them"**. The fighting should be regarded a defensive action, therefore defensive operations means to respect the Sacred Place and not disrespecting it. **"Such is the recompense of the disbelievers"**. Killing after the war is the punishment of those persons who had disbelief in God or the Sacred Place. **"But if they stop"** fighting in the Sacred Place then forgive them. **"Allāh is the Forgiving"**. Almighty God shall veil their exceeding the limits. **"Merciful"** Almighty God shows compassion to them by leaving aside their punishment concerning their actions in the Sacred Place. The phrase of **"and fight them"** is referring to **"kill them"** which means, if they stated fighting in the Sacred Place then

you should fight and kill them -or it is referring to **"do not fight them at the Sacred Mosque"**. That is to say, do not fight with them at the Sacred Mosque unless they had started to fight therein. In this case you are absolutely free to fight them whether it be in the Sacred Place or other places. This is understood from the context of comparison. **"Until the evil of mischief making is rooted up"**. And polytheism and corruption to be removed from the earth. **"And Allāh's Religion governs over all"**. Religion (Al-Din) in Arabic means behavior and morals of the human beings or their worship and obedience to be only for God. **"But if they desist"** from fighting in the Sacred Place or completely stop from their disbelief it means that they have stopped fighting. **"Then there should be no aggression"**. Therefore, there should be no punishment for them. The term "Odwan" in Arabic is the infinitive of "ada'a", "ya'adu" and "odowan" which means punishment and cruelty without "justification". But in this place it is free from "without justification" and is used as an abstract word. And because of similarity is used in this meaning. **"Save against the aggressors"**, unless against the oppressors which are disbelievers and fighting men.

Taking punishment of the aggressors as a policy, not only would be correctional and punitive action for them, but it would also be a warning to others to refrain from aggression. Severe confrontation of this kind, shall establish the survival of the human society, just the same as the legal institution of retaliation which would do it. If the international community confront rigorously with the belligerent aggressors on the basis of the said instructions, certainly the human society shall continue to live in peace.

Punishment of the aggressor would not only be a correctional and punitive action for him, but also it would be a warning to others to refrain from aggression. Severe confrontation of this kind, shall establish the survival of the human community, just the same as the legal institution of retaliation.

64- Principle of: Having duty to assist in goodness and prohibition to assist in transgression

The basis of the said principle is the noble verse of sūrah of Al-Ma'aidah, which says: **"You should help one another in righteousness and piety, but not help one another in sin and transgression. Keep your duty to Allāh. Verily Allāh is the Severe-Retributing"**.⁵²³ In a comment on the said verse it is said: **"sin"**⁵²⁴ (which in Arabic is called "ithm") is a kind of evil deed, which does not infringe others' rights but" transgression" (which in Arabic is called "odwān") is an evil deed that infringes the others' rights. Therefore, assistance of all kinds of deeds and behaviors, which is the cause of ill-treatment of oneself or other persons, are prohibited by the said verse.

And says: **"And there shall not be any helpers for the wrong doers"**⁵²⁵, **"and the disbelievers shall have no guardian and no**

⁵²³ Al-Māidah V, 2.

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَ لَا تَعَاوَنُوا عَلَى الْإِثْمِ وَ الْعُدْوَانِ وَ اتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ.

⁵²⁴ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 4, pp. 280-281.

⁵²⁵ Al-e-Imrān III, 13, and Al-Māidah V, 72 **"There shall not be any helper for the wrongdoers"**.

protector".⁵²⁶ To describe the meaning of Guardian and Protector it is written under the said verse: **"Do you not know that to Allāh belongs the dominion of the heavens and the earth and that apart from Allāh you (people) have neither any guardian nor any protector?"**⁵²⁷ and says⁵²⁸: "Guardian is an instructor (nurturer) who provides everything which is to the advantage of the "ward" for the continuance of his being and achievement of his perfection. And Protector (helper) is the one who repels whatever which is to the disadvantage of the "ward". In other words the guardian is one who within the kingdom and the protector (helper) is the one who is out of the realm of the kingdom and acts as his protector". The said verses declare that there should not be any assistance to the oppressors. That is to say, nobody should act contrary to the said issue, namely the believers and Muslims should not commit any action to be contradictory to the said general rule. It means that one should not be an assistant to the oppressors.

This principle has an obvious impression in the function of states' foreign policies and the inauspicious union of some great powers, which are planned to invade the powerless and weak countries. Frequently, it has been observed that many states have given their extensive assistance to one or more parties, which are engaged in war, just for the reason of having some probable present or future interests or because of disliking the

وَمَا لِلظَّالِمِينَ مِنْ أَنْصَارٍ.

Al-Hajj XXII, 71 and Al-Fātir XXXV, 37 **"There is no supporter for the wrongdoers".**

وَمَا لِلظَّالِمِينَ مِنْ نَصِيرٍ.

⁵²⁶ Al-Shurā XLII, 8.

وَالظَّالِمُونَ مَا لَهُمْ مِنْ وَدِيِّ وَلَا نَصِيرٍ.

⁵²⁷ Al-Baqarah II, 107.

أَلَمْ تَعْلَمْ أَنَّ اللَّهَ لَهُ مُلْكُ السَّمَاوَاتِ وَالْأَرْضِ وَمَا لَكُمْ مِنْ دُونِ اللَّهِ مِنْ وُدٍّ وَلَا نَصِيرٍ.

⁵²⁸ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation volume 2, pp. 215-218.

ideologies of the oppressed state. Anyhow, there had been always some groups in the world who have gotten benefit out of the wars, which happens, among different nations. On the basis of Islamic Instructions all interest acquired through this kind of assistance are unlawful. And the Islamic government, not only finds all the benefit acquired through this kind of assistance disagreeable but they are also scared from the God's severe punishment, which shall be imposed because of the said assistance to the aggressors. Islamic government also makes others to be afraid of this forbidden action.

States are not permitted to give assistance to one or more parties engaged in war, just for the reason of having some probable present or future interests or because of disliking the ideologies of the oppressed state.

65- Principle of: Tactics and strategies of wars being at the discretion of the Master of Affairs

Prior to industrial developments of recent centuries, there had been great successes in the subject of international law of war. But the function of political regimes in the past century -especially in the west- and corruption originated from the power of industrial armaments have decreased the importance of most legal criteria of international law. Respecting the said rule was so important in old times that even the bandits and professional thieves also used to observe them. For instance, there was a unanimous agreement among Arab tribes, to stop robbery and transgression during four months of Zilqa'adah, Zilhajjeh, Muharram and Rajab, which were called Sacred (forbidden) Months. Therefore, during the

said four months traveling, trading and communication among tribes were performed freely and in secure circumstances. But during other months of the year they used to fight with each other and by night attacks they robbed the caravans and houses and plundered the others' properties. They even used to take the men and women as their slaves. Respecting the general agreement of international non-aggression during nineteenth, twentieth, and twenty-first centuries cannot be even compared with respecting of bandit of the Pagan Arabs unto the Sacred (forbidden) Months.

War in Islam is based on notions emanated from Islamic Ideology. War and military campaigns, which are for the purpose of transgression and infringement of ownership and others' indisputable rights -called as forcible possession and usurpation-, have no legal position in Islam. War in Islam is based on notions such as defensive war, holy war, war for the purpose of assisting the oppressed people, and responding to those who seek help in the matter of religion. Defense, includes confronting and fighting against an aggression, which in contemporary international law is called legitimate defense (self-defense). Holy war is based on the command of prophet or divine guardian and/or divine executor in each period of time. According to their commands, all believers and Muslims are bound to take part in the holy war. Holy wars could be for the purpose of defense and/or invasion. The Master of the Affairs has the discretion of waging holy war. He is the one who is appointed through the chain of impeccables and he shall be the same as the prophet, divine guardian and/or divine executor of the age. Therefore, no other person -without having the said authorization- has the permission and right of issuing the declaration of holy war. Because only God and/or His representatives -and not anybody else- have authority over human beings. So that, the heads of the governments who under different pretexts, declare war and make their own and the opposite side

peoples to be killed in the battle are all responsible for their commands. They should respond that how and when did they get the permission from Almighty God to make His creatures to kill or to be killed. Did Almighty God enjoin to kill His bondmen or to make them to be killed or they have done it under their own illusion. Dignitary and grandee of the time, by taking the interests of humankind and by the authorization of God - whenever finds it necessary- into consideration shall declare the holy war. Otherwise, other persons who take advantage of the ignorance of the Muslims and declare holy war commit a forbidden act and their deeds would be an interference with the God's Affairs. Declaring holy war is just the same as other rules and divine limits (Hodood) which are at the discretion of the Master of the Affairs who is lawfully appointed and authorized by Almighty God, His messenger and the Imams (right guidance) (A), and whosoever makes decisions other than his command would be disbeliever, unjust and/or evil-doer. As it is said in Glorious Qur'an: **"And whosoever does not judge according to Allāh's decrees, then such are indeed considered as disbelievers"**.⁵²⁹ And in the following verse it is said: **"Such are indeed considered as unjust"**.⁵³⁰ And in another verse it is said: **"Such are indeed considered as evil-doers"**.⁵³¹ As it is noticed due to its importance, Almighty God has repeated it on three consecutive verses in Glorious Qur'an. It is also said in sūrah of Al-Nahl: **"Avoid uttering baseless talks which your tongues spread around such as saying: "This is lawful, and that is forbidden". So that you may ascribe a lie against Allāh, surely those who forge a lie against Allāh**

⁵²⁹ Al-Mā'idah V, 44.

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ.

⁵³⁰ Al-Mā'idah V, 45.

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ.

⁵³¹ Al-Mā'idah V, 47.

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْفَاسِقُونَ.

will not be salvated".⁵³² This group of persons are included in the following verse that says: **"Who is more unjust than the one who invents a lie against Allāh or denies Allāh's revelations?"**⁵³³ Regretfully, contrary to the Shiite's view as we have already mentioned, our Sunnite brethren believe that whenever the Muslims gain sufficient power, then it would be obligatory for them to declare holy war and start Islamic propagations.⁵³⁴ this wrongful standpoint has been the cause of several fighting among Muslim countries in recent years. But these transgressions are considered as forbidden in Islam.

Protecting the oppressed persons or oppressed nations is also one of the tasks of Islam and Muslims. This protection is according to the following noble verse, which says: **"And what it is with you that you do not fight in the path of Allāh? And for those who being weak and oppressed among men, women and children who cry: "O, our Lord! Rescue us from this town whose people are evil doers and tyrants".**⁵³⁵

Responding to those seeking help in the matter of religion could also be propounded within the realm of removing oppression from oppressed persons and/or holy war. It is obligatory for all Muslims to respond to those who seek help in the matter of religion. It is said: **"If they seek your help**

⁵³² Al-Nahl XVI, 116.

وَلَا تَقُولُوا لِمَا تَصِفُ أَلْسِنَتُكُمُ الْكَذِبَ هَذَا حَلَالٌ وَ هَذَا حَرَامٌ لَتَفْتَرُوا عَلَى اللَّهِ الْكَذِبَ إِنَّ الَّذِينَ يَفْتَرُونَ عَلَى اللَّهِ الْكَذِبَ لَا يُفْلِحُونَ.

⁵³³ Al-A'arāf VII, 37.

فَمَنْ أَظْلَمُ مِمَّنِ افْتَرَى عَلَى اللَّهِ كَذِبًا أَوْ كَذَّبَ بِآيَاتِهِ.

⁵³⁴ In this connection see: Majid KHaduri (1356) "Peace and war in Islamic Laws" Printed by Eqbal Publication, pp. 102- 104, narrated by Muhammad Riza Zia'ai Bigdeli (1996) Islam and international law, printed by Ganje Danesh.

⁵³⁵ Al-Nisā IV, 75.

وَمَا لَكُمْ لَا تُقَاتِلُونَ فِي سَبِيلِ اللَّهِ وَالْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانِ الَّذِينَ يَقُولُونَ رَبَّنَا أَخْرِجْنَا مِنْ هَذِهِ الْقَرْيَةِ الظَّالِمِ أَهْلُهَا.

in the matter of religion, it is your responsibility to help them".⁵³⁶ But its legitimacy in the degrees of faiths rests only with the decree of Master of the Affairs. Because it is only within the authority of Divinely authorized persons -and not anybody else- to present the religion to others, which says: **"So whom he guides, he is on the right path, and whom he leaves in his astray, you will not find a guiding guardian for him".**⁵³⁷ It means that responding to those who seek help in matter of religion is the task of divine guardians, because seeking help in the matter of religion by people is to strive to find this divine guardian, therefore, it is said: **"And those who strive in Our straight path sincerely, We will surely guide them to Our ways (divine guardian)".**⁵³⁸

So many topics has been put forward in relation to the Islamic law of war which most of them have no validity and cannot be considered as a reliable inference from the manner and function adopted by honorable Messenger (S). For instance there exist many subjects such as, unity in commandership, resistance and perseverance, retreating and withdrawal, collective duty (sufficient necessity) for taking part in the war, preparedness for fighting and general mobilization, good behaviour towards enemy and observance of human rights issues, war tricks and killing the military personnel and civilian who have been forced to take part in the war, rights of civilians, surrendered persons, deserters (escapees), those converted to Islam, wounded persons and prisoners of war, non-military targets, economic blockade, destroying enemy's

⁵³⁶ Al-Anfāl VIII, 72.

وَإِنِ اسْتَنْصَرُوكُمْ فِي الدِّينِ فَعَلَيْكُمُ النَّصْرُ.

⁵³⁷ Al-Kahf XVIII, 17.

مَنْ يَهْدِي اللَّهُ فَبِهِدَى الْمُهْتَدِ وَ مَنْ يَضَلِّ لَنْ تَجِدَ لَهُ وَلِيًّا مُرْشِدًا.

⁵³⁸ Al-Ankabūt XXIX, the last verse.

وَ الَّذِينَ جَاهَدُوا فِينَا لَنَهْدِيَنَّهُمْ سُبُلَنَا.

properties using war tactics and chemical, biological and radiological warfare, war booties whether movable or immovable, cessation of hostilities, making subsidiary treaties and other subjects related to international law of war which are approved on the basis of Islamic principles and the viewpoints of some Islamic sects and the practical and executive procedures have also been developed and prepared for them.⁵³⁹

With regard to the said subjects, it should be mentioned that most of them, are in accordance with the Islamic humanitarian principles, which their observance are obligatory in time of war. It is certain that the followers of prophet or divine guardian or divine executor are also bound to observe them. For instance prohibition of attacking the residential areas and civilians is one of the obligatory issues, which the common sense will approve its humanitarian aspect, as well as its prohibition. Other cases concern those issues happening in the battle scene, and the prophet or divine guardian or divine executor are supposed to take decision about them. In other words, it is only the Master of the Affairs who is in charge of taking decision. These cases could not be settled through independent judgment of the other people.

⁵³⁹ See: "Islam and international law", Muhammad Riza Zia'ai Bigdeli, pp. 116-172.

The heads of the governments who declare war under different pretexts and get their own and the opposite side's peoples to be killed in the battle are responsible. Many subjects are mandatory such as: unity in commandship, resistance and perseverance, retreating and withdrawal, collective duty (sufficient necessity) for taking part in the war, preparedness for fighting and general mobilization, good behavior towards the enemy and observance of human-right issues, war tricks and killing the military personnel and civilians who have been forced to take part in the war, rights of civilians, surrendered persons, deserters (escapees), those converted to Islam, wounded persons and prisoners of war, non-military targets, economic blockade, destroying enemy's properties using war tactics and chemical, biological and radiological warfare, war booties whether movable or immovable, cessation of hostilities, making subsidiary treaties and prohibition of attacking the residential areas and civilians and other subjects of approved international law of war related to humanitarian aspects and principles.

66- Principle of: Obligation of accepting the peace proposal

It has been always an instruction in Islam to exercise the least confrontation and fighting while engaged in wars. In other words, fighting is authorized up to the time that the aggression is successfully suppressed and the excess fighting is not permitted. This subject is expressly mentioned in the following verse, which says: "**And fight in the Way of**

Allāh (against) those who fight you, but do not exceed the limits; for verily, Allāh does not like the transgressors".⁵⁴⁰ This verse refers to this point that Almighty God says: I like whatever I have created and you (believers) have no right to destroy them, in excess of what seems to be necessary. And in another verse addressed to Honourable Messenger says: **"But if the enemy shows tendency towards peace, you (O, Messenger) also tend to it".**⁵⁴¹ This verse purports that whenever you overcome the enemy, and if they surrender and request for peace between the parties, then do not continue attacking and do not behave unjustly. Make peace with them, because your aim and objective of fighting has been to obtain peace.

As a general rule, the following verse is an order to accept the peace proposals, which says: **"O, you who believe! Enter you all into submission to Allāh (in peace and without dispute)".**⁵⁴² Therefore, making peace is the duty of all believers (and Muslims). Anyhow, if the enemy does not accept the proposal of peace, the rules of following verse will be applicable to them, which says: **"Therefore if they do not withdraw from you and not surrender seeking peace and nor restrain**

⁵⁴⁰ Al-Baqarah II, 190.

و قَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ.

⁵⁴¹ Al-Anfāl VIII, 61.

وَ إِنْ جَنَحُوا لِلسَّلْمِ فَاجْنَحْ لَهَا.

⁵⁴² Al-Baqarah I, 208. **"O, you who believe! Enter you all into submission to Allāh (in peace and without dispute).**

يَا أَيُّهَا الَّذِينَ آمَنُوا ادْخُلُوا فِي السَّلْمِ كَافَّةً.

In "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah" under the term "Kāffatan" it is written: "Kāffatan" in Arabic means "altogether, totally" and it is participial from the subject of the verb "enter" or it is participial from the term "submission" which means to enter into submission with all different grades. It might be gerund of the term "Kaff" with the meaning of prohibition and added "an" at the end is for exaggeration. In this case it is participial from the term submission that is to say, enter you all into submission, and your entrance shall prohibit you to exit and/or you are prohibited from the wrongdoing of violation.

their hands, then seize them and slay them wherever you find them".⁵⁴³

This verse is a threat against those who do not seek peace. That is to say, when somebody transgresses, you should fight against him until he seeks peace and accepts peace, and as to the intervention to the other's affairs takes a neutrality policy.⁵⁴⁴ Prior to the said verse, it is said: **"Then if (they) withdraw from you and do not fight against you and offer you peace, then Allāh has not given you any reason (to fight) against them".**⁵⁴⁵ It means that by offering peace from the enemy, you have no right to continue fighting. Thus, we have to admit that Islamic government is based on peace seeking. Almighty God in sūrah of Al-Nisā says: **"Since making peace is the best".**⁵⁴⁶ Though the said verse has been revealed for the relationship between husband and wife but its concept is extendable to international relations level.⁵⁴⁷

⁵⁴³ Al-Nisā IV, 91.

فَإِنْ لَمْ يَعْتَرِزْ لُوْكُمْ وَ يَلْقُوا إِلَيْكُمْ السَّلَامَ وَ يَكْفُوا أَيْدِيَهُمْ فَحُدُوهُمْ وَ ائْتَلُوهُمْ حَيْثُ تَقَفْتُمْوَهُمْ.

⁵⁴⁴ In sūrah of Muhammad, verse 35, says: **"Do not feel weak and do not appeal for peace from the enemies while you are the uppermost, since Allāh supports you and will not decrease the reward of your efforts and good deeds along His path".**

فَلَا هَبْئُوا وَ تَدْعُوا إِلَى السَّلَامِ وَ أَنْتُمْ الْأَعْلَوْنَ وَ اللَّهُ مَعَكُمْ.

This verse alludes this point that the believers should not appeal for peace due to their weakness. They should overcome the enemy until they request the peace and they should accept it.

⁵⁴⁵ Al-Nisā IV, 90.

فَإِنْ اعْتَرِزْتُمْ فَلَمْ يُقَاتِلُوكُمْ وَ أَلْقُوا إِلَيْكُمْ السَّلَامَ فَمَا جَعَلَ اللَّهُ لَكُمْ عَلَيْهِمْ سَبِيلًا.

⁵⁴⁶ Al-Nisā IV, 128.

وَ الصُّلْحُ خَيْرٌ.

⁵⁴⁷ With regard to the meaning of the "words" in the books of "principles", it is said: The special term does not purport its meaning in general use. But this definition with reference to the definition of "special and general" could be extended to general cases.

شيخ طوسي في عدّه الاصول، فصل عموم و خصوص: «معني قولنا في اللفظ انه عام يفيد انه يستغرق جميع ما يصلح له... و معني قولنا انه خاص يفيد انه يتناول شيئاً مخصوصاً دون غيرها مما كان يصلح ان يتناوله...» و قاضي بياضوي في منهاج الاصول، باب سوم في عموم و خصوص: «العام لفظ يستغرق جميع ما يصلح له بوضع واحد». راوندي في فقه القرآن، ١، ٣٨٥، باب الصلح... توسل علي هذه المعني في تفسير الآية المزبور: «و هو من توابع الدين

Imam Ali (A) in his decree to Mālik Ashtar says: "Do not reject the peace enemy offers you. It should be that kind of peace, which while making it, Allāh's consent, has been taken into consideration When peace treaty is concluded, you should always remain vigilant and alert. Since there is a possibility that the enemy through offering the peace treaty intends to surprise and trap you. Or he may want through this opportunity, make himself prepared, and start another war against you and defeat you. So it is recommended by accepting the peace to be vigilant and alert so that not be deceived. Exercise prudence, attention and foresightedness. Do not take the war issues so simple. Evaluate the consequences of peace treaty meticulously and do not be very optimistic on the case. Because the enemy is the enemy ...".⁵⁴⁸

و غيره فرما يضطر فيه إليه. قال الله تعالى فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ. و هذا على العموم فالصلح جائز بين المسلمين ما لم يؤد إلى تحريم حلال أو تحليل حرام. و قال تعالى لا خَيْرَ فِي كَثِيرٍ مِنْ نَجْوَاهُمْ إِلَّا مَنْ أَمَرَ بِصَدَقَةٍ أَوْ مَعْرُوفٍ أَوْ إِصْلَاحٍ بَيْنَ النَّاسِ. فعلى هذا إذا كان لرجلين لكل واحد عند صاحبه شيء تعين لهما ذلك أو لم يتعين فاصطلحا على أن يتاركا و يتحللا كان جائزا و كذلك من كان له دين على غيره آجل فيقضي عنه شيئا و سأل تعجيل الباقي كان سائغا لقوله تعالى إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا. و الشريكان إذا تقاسما و اصطلحا على أن يكون الربح و الخسران على واحد منهما و يرد على الآخر رأس ماله على الكمال أيضا جائز لقوله تعالى فَأَصْلِحُوا بَيْنَهُمَا. و هذه الآيات كلها بعمومها تدل على كل صلح لا يخالف الشريعة. و الصلح ليس بأصل في نفسه و إنما هو فرع على العين و هو على خمسة أضرب.»

⁵⁴⁸ Decree to Malik Ashtar, Letter No. 53 Nahj-ol-Balaghah, Mostadrak-ol-Wasail, 11, 43, 18.

فرمان به مالك اشتر، نامه ۵۳ نهج البلاغه. مستدرک الوسائل، ۱۱، ۴۳، ۱۸- باب جواز إعطاء الأمان ۱۲۳۸۷-۱-
 نَهَجُ الْبَلَاغَةِ، فِي عَهْدِ أَمِيرِ الْمُؤْمِنِينَ عِ لِلْأَشْتَرِ لَا تَدْفَعَنَّ صُلْحًا دَعَاكَ إِلَيْهِ عَدُوٌّ لَللَّهِ فِيهِ رِضَى فَإِنَّ فِي الصُّلْحِ دَعَاةَ
 جُنُودِكَ وَ رَاحَةً مِنْ هُمُومِكَ وَ أَمْنًا لِبِلَادِكَ وَ لَكِنَّ الْحَدَرَ كُلَّ الْحَدَرِ مِنْ عَدُوِّكَ بَعْدَ صُلْحِهِ فَإِنَّ الْعَدُوَّ رُبَّمَا قَارَبَ
 لِيَتَغَفَّلَ فَخُذْ بِالْحَزْمِ وَ انْهَمَّ فِي ذَلِكَ حُسْنَ الظَّنِّ وَ إِنْ عَقَدْتَ بَيْنَكَ وَ بَيْنَ عَدُوِّكَ عُقْدَةً أَوْ أَلْبَسْتَهُ مِنْكَ ذِمَّةً فَحُطَّ
 عَنْكَ بِالْوَفَاءِ وَ انْزَعِ ذِمَّتَكَ بِالْأَمَانَةِ وَ اجْعَلْ نَفْسَكَ جُنَّةً دُونَ مَا أُعْطِيَتْ فَإِنَّهُ لَيْسَ مِنْ فَرَائِضِ اللَّهِ سُبْحَانَهُ شَيْءٌ
 النَّاسُ عَلَيْهِ أَشَدُّ اجْتِمَاعًا مَعَ تَفْرِيقِ أَهْوَائِهِمْ وَ تَشْتِيبِ آرَائِهِمْ مِنْ تَعْظِيمِ الْوَفَاءِ بِالْعُهُودِ وَ قَدْ لَزِمَ ذَلِكَ الْمُشْرِكُونَ
 فِيمَا بَيْنَهُمْ دُونَ الْمُسْلِمِينَ لَمَّا اسْتَوْبَلُوا عَنْ عَوَاقِبِ الْغَدْرِ فَلَا تَغْدِرَنَّ بِذِمَّتِكَ وَ لَا تَحْسِنَنَّ بِعَهْدِكَ وَ لَا تَخْتَلَنَّ عَدُوَّكَ
 فَإِنَّهُ لَا يَجْتَرِي عَلَى اللَّهِ إِلَّا جَاهِلٌ شَقِيٌّ وَ قَدْ جَعَلَ اللَّهُ عَهْدَهُ وَ ذِمَّتَهُ أَمْنًا أَفْضَاهُ بَيْنَ الْعِبَادِ بِرَحْمَتِهِ وَ حَرِيمًا يَسْكُنُونَ

The abovementioned exception and admonition could be found in Glorious Qur'an. In sūrah of Al-Anfāl it is said: "They are those with whom you made covenant, but they broke the covenant everytime and there is no piety in them. So if you could get hold of them in the battlefield, punish them severely in order to disperse those groups behind them and that they may learn a lesson. And if you fear treachery from any people, throw back their covenant to them on terms of mutuality, for Allāh does not like the treacherous people. And those who disbelieved should not think that they can overcome you. Verily, they will never be able to frustrate Allāh's power. And prepare against them to the utmost, such as armed forces and strong horses and provisions for fighting, in order to frighten the enemy of Allāh as well as your own enemy and others besides them, whom you do not know them but Allāh knows them; and whatever you spend in Allāh's way will be paid to you and you shall not be dealt with unjustly. But if the enemy shows tendency towards peace you also tend to it and put your trust in Allāh; verily, Allāh is Knowing Hearer. And if they intend to deceive you, verily, Allāh will suffice you (from their harm)".⁵⁴⁹

إِلَىٰ مَنَعَتِهِ وَ يَسْتَفِيضُونَ إِلَىٰ جَوَارِهِ فَلَا إِدْغَالَ وَ لَا مَدَالَسَةَ وَ لَا خِدَاعَ فِيهِ وَ لَا تَعَقُّدَ عَقْدًا يَجُوزُ فِيهِ الْعِلَلُ وَ لَا تُعَوَّلَنَّ عَلَىٰ لَحْنِ قَوْلٍ بَعْدَ التَّأَكِيدِ وَ التَّوْتِيقَةِ وَ لَا يَدْعُوكَ صَبِيحُ أَمْرٍ لَزِمَكَ فِيهِ عَهْدُ اللَّهِ إِلَىٰ [طَلَبِ] انْفِسَاخِهِ بِغَيْرِ الْحَقِّ فَإِنَّ صَبْرَكَ عَلَىٰ صَبِيحِ [أَمْرٍ] تَرْجُو انْفِرَاجَهُ وَ فَضْلَ عَاقِبَتِهِ خَيْرٌ مِنْ غَدْرِ تَخَافُ تَبِعْتَهُ وَ أَنْ تُحِيطَ بِكَ (فِيهِ مِنْ اللَّهِ طَلِبَتُهُ لَا تَسْتَقْبِلُ) فِيهَا دُنْيَاكَ وَ لَا آخِرَتَكَ وَ رَوَاهُ الْحَسَنُ بْنُ عَلِيٍّ بْنِ شُعْبَةَ فِي تَخْفِ الْعُقُولِ، وَ فِيهِ لَا تَدْفَعَنَّ صَلْحًا دَعَاكَ إِلَيْهِ عَدُوُّكَ فِيهِ رَضَىٰ فَإِنَّ فِي الصُّلْحِ دَعَاً جُنُودِكَ وَ رَاحَةً مِنْ هُمُومِكَ وَ أَمْنًا لِبِلَادِكَ وَ لَكِنَّ الْحَدَرَ كُلَّ الْحَدْرِ مِنْ مُقَارَبَةِ عَدُوِّكَ فِي طَلَبِ الصُّلْحِ فَإِنَّ الْعَدُوَّ رُبَّمَا قَارَبَ لِيَتَغَفَّلَ فَخُذْ بِالْحَرَمِ وَ تَحْصِينَ كُلِّ مَخُوفٍ تُؤْتِي مِنْهُ وَ بِاللَّهِ التِّيَقَةُ فِي جَمِيعِ الْأُمُورِ وَ إِنْ جِئْتَ بَيْنَكَ وَ بَيْنَ عَدُوِّكَ قَضِيَّةً عَقَدْتَ لَهُ بِهَا صَلْحًا أَوْ أَلْبَسْتَهُ مِنْكَ ذِمَّةً إِلَىٰ آخِرِهِ.

⁵⁴⁹ Al-Anfāl VIII, 62.

الَّذِينَ عَاهَدْتَ مِنْهُمْ ثُمَّ يَنْقُضُونَ عَهْدَهُمْ فِي كُلِّ مَرَّةٍ وَ هُمْ لَا يَتَّقُونَ. فَإِمَّا تَثَقَفْتَهُمْ فِي الْحَرْبِ فَشَرِّدْ بِهِمْ مَنْ خَلَفَهُمْ لَعَلَّهُمْ يَدْكُرُونَ. وَ إِمَّا تَخَافَنَّ مِنْ قَوْمٍ خِيَانَةً فَانْبِذْ إِلَيْهِمْ عَلَىٰ سَوَاءٍ إِنَّ اللَّهَ لَا يُحِبُّ الْخَائِنِينَ. وَ لَا يَحْسَبَنَّ الَّذِينَ كَفَرُوا

As it was already mentioned, war is not the main objective in Islam. Although it is one of the greatest business for producing short term or medium term benefits for great powers and their agents. Islam does not consider war as a necessity unless it is for exaltation of humankind, humanitarian objectives, to restore one's rights, and/or self-defense and defending the oppressed persons. This attitude is quite contrary to the manner of traders and traffickers who benefit from war whether during or after its cessation. On the basis of this principle, whenever the aggressor offers peace without having the intention of deceiving then it would be a must for Islamic government to accept it. Because the advent of Islam is for establishment and development of friendship among humankind, which is said: "Is the religion other than love and friendship?"⁵⁵⁰

Whenever the aggressor offers peace without having the intention of deceiving then it would be a must for belligerent states to accept it.

سَبَقُوا إِلَيْهِمْ لَا يُعْجِزُونَ. وَ أَعْدُوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ وَ مِنْ رِبَاطِ الْحَيْلِ تُرْهِبُونَ بِهِ عَدُوَّ اللَّهِ وَ عَدُوَّكُمْ وَ آخَرِينَ مِنْ دُونِهِمْ لَا تَعْلَمُونَهُمُ اللَّهُ يَعْلَمُهُمْ وَ مَا تُنْفِقُوا مِنْ شَيْءٍ فِي سَبِيلِ اللَّهِ يُوَفَّ إِلَيْكُمْ وَ أَنْتُمْ لَا تُظْلَمُونَ. وَ إِنْ جَنَحُوا لِلسَّلْمِ فَاجْنَحْ لَهَا وَ تَوَكَّلْ عَلَى اللَّهِ إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ. وَ إِنْ يُرِيدُوا أَنْ يَخْدَعُوكَ فَإِنَّ حَسْبَكَ اللَّهُ.

⁵⁵⁰ Al-Kafi 8, 79.

الكافي، ٨، ٧٩، وصية النبي صلى الله عليه و آله لأمي، ٣٥ - عَنْهُمْ عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ الْحَسَنِ بْنِ عَلِيِّ بْنِ فَضَالٍ عَنْ عَلِيِّ بْنِ عَقَبَةَ وَ ثَعْلَبَةَ بْنِ مَيْمُونٍ وَ غَالِبِ بْنِ عَثْمَانَ وَ هَارُونَ بْنِ مُسْلِمٍ عَنْ بُرَيْدِ بْنِ مُعَاوِيَةَ قَالَ كُنْتُ عِنْدَ أَبِي جَعْفَرٍ ع فِي فُسْطَاطٍ لَهُ بِمِئَةِ فَنظَرْتُ إِلَى زِيَادِ الْأَسْوَدِ مُنْقَلِعِ الرَّجُلِ فَرْتَيْ لَهُ فَقَالَ لَهُ مَا لِرَجُلَيْكَ هَكَذَا قَالَ جِئْتُ عَلَى بَكْرِ لِي نَضْوٍ فَكُنْتُ أَمْشِي عَنْهُ عَامَّةَ الطَّرِيقِ فَرْتَيْ لَهُ وَ قَالَ لَهُ عِنْدَ ذَلِكَ زِيَادٌ إِنِّي أُمُّ بِالذُّنُوبِ حَتَّى إِذَا ظَنَنْتُ أَنِّي قَدْ هَلَكْتُ ذَكَرْتُ حُبُّكُمْ فَرَجَوْتُ النِّجَاةَ وَ تَجَلَّى عَنِّي فَقَالَ أَبُو جَعْفَرٍ ع وَ هَلِ الدِّينُ إِلَّا الْحُبُّ قَالَ اللَّهُ تَعَالَى حَبَّبَ إِلَيْكُمْ الْإِيمَانَ وَ زَيَّنَهُ فِي قُلُوبِكُمْ وَ قَالَ إِنْ كُنْتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي يُحْبِبْكُمُ اللَّهُ وَ قَالَ يُحِبُّونَ مَنْ هَاجَرَ إِلَيْهِمْ إِنْ رَجَلًا أَتَى النَّبِيَّ ص فَقَالَ يَا رَسُولَ اللَّهِ أَحِبُّ الْمُصَلِّينَ وَ لَا أُصَلِّي وَ أَحِبُّ الصَّوَامِينَ وَ لَا أَصُومُ فَقَالَ لَهُ رَسُولُ اللَّهِ أَنْتَ مَعَ مَنْ أَحْبَبْتَ وَ لَكَ مَا أَكْتَسَبْتَ وَ قَالَ مَا تَبِعُونُ وَ مَا تُرِيدُونَ أَمَا إِنَّهَا لَوْ كَانَ فِرْعَوْنُ مِنَ السَّمَاءِ فَرَعَ كُلَّ قَوْمٍ إِلَى مَأْمَنِهِمْ وَ فَرَعْنَا إِلَى نَبِيِّنَا وَ فَرَعْتُمْ إِلَيْنَا.

67- Principle of: Unauthorization of keeping prisoners of war after war termination

There are especial regulations in wartime and relevant laws in peacetime that should be observed accordingly. A severe confrontation is a must against the enemy forces while they are in attacking operation, but when the aggression is suppressed and the enemy forces are taken as captives, then there would be no permission to keep the prisoners of war. They should be released or ransom should be taken for their liberation. Glorious Qur'an says: **"When you meet with the disbelievers in the battlefield smite at their neck until when you have overcome them, and then bind the captives together tightly, and afterwards either set them free as a favor or ask for ransom until the war terminates".**⁵⁵¹ Anyhow, the kings are reprimanded by Glorious Qur'an concerning their actions when they overtake the other countries and says: **"Verily, when the kings overtake a land they spoil and plunder it; and cause disgrace and affliction to the noblemen of the community and this is how they act".**⁵⁵² It is from the aphorisms of the Leader of the believers Ali (A) who says: "When you overcome your enemy then for expressing your gratitude for the victory, forgive him".⁵⁵³

It should be mentioned that holy war in Islam is quite different from those wars waged by Islamic governments (which bear only the name of Islam but are not under the control of prophet or divine guardian or divine executor). In early Islam, the government was under the commandership of

⁵⁵¹ Muhammad XLVII, 4.

فَإِذَا لَقِيتُمُ الَّذِينَ كَفَرُوا فَصَرْبَ الرِّقَابِ حَتَّىٰ إِذَا أَتَحْتُمُوهُمْ فَشُدُّوا الْوَتَاقَ فَإِمَّا مَنَّا بَعْدُ وَ إِمَّا فِدَاءً.

⁵⁵² Al-Naml XXVII, 34.

إِنَّ الْمُلُوكَ إِذَا دَخَلُوا قَرْيَةً أَفْسَدُوهَا وَ جَعَلُوا أَعْرََّةَ أَهْلِهَا أَذًى وَ كَذَلِكَ يَفْعَلُونَ.

⁵⁵³ Nahj-ol-Balaghah, translated by Shahidi, p. 362.

the Messenger of God (S) and in other periods of time should be under the control of the Upholder of Muhammad's progeny (may God hasten his glad advent). No other person, save His Holiness, is in the position of declaring a holy war. It is for this reason that holy war in Islam is specifically reserved for the time of the advent of His Holiness the Upholder. In early Islam, the captives were taken as salves in holy wars, which had its own specified social objectives. We have covered these objectives in the section of "non-applicability of slavery at this time".

When the aggression is suppressed and the enemy forces are taken as captives, then there would be no permission to keep the prisoners of war. They should be released freely or be released by taking ransom.

68- Principle of: Prohibition of torturing and molestation of the enemy's captives

As a general rule molestation of enemy's captives and even the criminals are considered as transgression, which its prohibition was discussed in several sections. In sūrah of Al-Baqarah it is said: "**And fight in the way of Allāh (against) those who fight you, but do not exceed the limits; for verily, Allāh does not like the transgressors**".⁵⁵⁴ And addressing the honorable Messenger (S) says: "**Don't conform to the caprices of the disbelievers and the hypocrites; and disregard their annoying words, and put all your trust in Allāh, and Allāh is sufficient**

⁵⁵⁴ Al-Baqarah II, 190.

وَ قَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَ لَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ.

as a protector".⁵⁵⁵

In Islamic criminal law, there exist determined punishment for each crime, but torturing and molestation of enemies have never been authorized. On the contrary, the torturers and molesters are all liable to be punished. There are two groups of punishment in Islamic criminal law, the first group are those whose penalties are predetermined, and the second group which are called "ta'zir" are those whose range of penalties are not stated definitely.⁵⁵⁶ Imprisonment is considered as secondary punishment. Islamic imprisonment has been established to prevent the freedom of movement and domicile as well as restricting the individuals in their affairs. It is obligatory that the imposition of the said punishment to be free from any kind of molestation.⁵⁵⁷

To murder the divine guardians is one of the most serious crimes in Islam. The way Imam Ali (A) treats his own murderer would be a clear example for us to learn how to treat the captives and/or the criminals. His Honorable said: "Put this captive into jail. Give him enough food and treat him in good manner."⁵⁵⁸ In Islamic criminal law, those cases whose penalties are imprisonment as "Ta'zir" will not exceed from thirteen

⁵⁵⁵ Al-Ahzab XXXIII, 48.

وَ لَا تُطْعِ الْكَافِرِينَ وَ الْمُنافِقِينَ وَ دَعْ أَذَاهُمْ وَ تَوَكَّلْ عَلَى اللَّهِ وَ كَفَى بِاللَّهِ وَكِيلاً.

⁵⁵⁶ Ja'far Sobhani (1983) "The principles of Islamic government", volume 2, p. 430, Tohid Publication, Qom.

⁵⁵⁷ Mawardi, "Al-ahkam soltaniah wa al-wilayat al-diniyyeh". الاحكام السلطانية و الولايات

الدينية، ماوردي.

⁵⁵⁸ Al-Mustadrak Al-wisa'il, 11, 78, 30-12467-1.

مستدرک الوسائل، ۱۱، ۷۸، ۳۰ - ۱۲۴۶۷-۱ - عَبْدُ اللَّهِ بْنُ جَعْفَرِ الْحَمِيرِيِّ فِي قُرْبِ الْإِسْنَادِ، عَنْ أَبِي الْبَحْتَرِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ عَخْرَجَ يُوقِظُ النَّاسَ لِصَلَاةِ الصُّبْحِ فَضَرَبَهُ عَبْدُ الرَّحْمَنِ بْنُ مُلْجَمٍ لَعْنَهُ اللَّهُ بِالسَّيْفِ عَلَى أُمَّ رَأْسِهِ فَوَقَعَ عَلَى رُكْبَتَيْهِ وَ أَخَذَهُ فَالْتَزَمَهُ حَتَّى أَخَذَهُ النَّاسُ وَ حَمَلَ عَلِيٌّ عَ حَتَّى أَفَاقَ ثُمَّ قَالَ لِلْحَسَنِ وَ الْحُسَيْنِ عَ احْبِسُوا هَذَا الْأَسِيرَ وَ أَطْعِمُوهُ وَ اسْقُوهُ وَ أَحْسِنُوا إِسَارَةَ الْخَبْرِ.

items.⁵⁵⁹ In sūrah of Al-Borūj it is said: **"Verily, those who tortured the believing men and women and then did not repent, for them shall be the chastisement of the Hell. And for them will be the chastisement of the Fire"**.⁵⁶⁰ The Glorious Qur'an encourages us to give the captives whatever we use as our own food. In sūrah of Al-Insān concerning the benevolent persons⁵⁶¹ it is stated that: **"And for Allāh's pleasure they feed the needy, the orphans, and the captives. Though themselves go hungry"**.⁵⁶² It means that while keeping and guarding the captives, the latter are to be preferred to themselves and they even give them their own favorite foods.

Imam Ali (A) in Seffain Battle before getting to the enemy, advises his military men that: "Do not fight them unless they begin fighting. Because, thanks to God, you are right and have the valid evidence, and leaving them until they begin fighting would give you another evidence against them. If with the God's will they be defeated and runaway, do not kill those who are retreating and do not harm those persons who are not able to defend themselves. Do not kill the wounded persons. Do not provoke the women even if they insult you and your commanders, because they have little strength and they are weak in their body and defective in their reasoning. When the women were in disbelieving conditions we were bound not to bother them. In the Age of Ignorance (paganism) if a man attacked a woman with a stick or a stone, he and all his children who

⁵⁵⁹ Ja'far Sobhani (1983), "The principles of Islamic government", volume 2, p. 431, Tohid Publication, Qom.

⁵⁶⁰ Al-Borūj, LXXXV, 10.

إِنَّ الَّذِينَ فَتَنُوا الْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ ثُمَّ لَمْ يَتُوبُوا فَلَهُمْ عَذَابُ جَهَنَّمَ وَهُمْ عَذَابُ الْحَرِيقِ.

⁵⁶¹ In exegeses, the occasion of revelation of the said verse is ascribed to Imam Ali (A), Fatimah (A), Hassan (A), Hussain (A) and their maid Fizzah.

⁵⁶² Al-Insan LXXVI, 8.

وَيُطْعَمُونَ الطَّعَامَ عَلَىٰ حُبِّهِ مِسْكِينًا وَيَتِيمًا وَأَسِيرًا.

helped him would have been reprimanded for their deeds".⁵⁶³ In narrations and traditions books such as "Osūl-al-Kāfi"⁵⁶⁴ and "Al-Wasāil-e-Shiāh"⁵⁶⁵

⁵⁶³ Nahj-ol-Balaghah, translated by Shahidi, letter no. 14, p. 280.

نُجِحَ الْبَلَاغَةَ، تَرْجَمَهُ شَهِيدِي، نَامَةٌ ١٢، ص ٢٨٠، بَحَارُ الْأَنْوَارِ، ٣٣، ٤٥٨، بَاب ٢٨ - ٢٧٤ - نُجِحَ، [نُجِحَ الْبَلَاغَةَ] مِنْ وَصِيَّتِهِ عَ لِعَسْكَرِهِ قَبْلَ لِقَاءِ الْعَدُوِّ بِصَفِيْنٍ لَا تَقَاتِلُوهُمْ حَتَّى يَبْدُوَكُمْ فَإِنَّكُمْ بِحَمْدِ اللَّهِ عَلَى حِجَّةٍ وَ تَرْكُكُمْ إِيَّاهُمْ حَتَّى يَبْدُوَكُمْ حِجَّةٌ أُخْرَى لَكُمْ عَلَيْهِمْ فَإِذَا كَانَتِ الْهَزِيمَةُ بِإِذْنِ اللَّهِ فَلَا تَقْتُلُوا مَدْبِرًا وَ لَا تَصِيْبُوا مَعْرُورًا وَ لَا تَجْهَرُوا عَلَى جَرِيحٍ وَ لَا تَهَيِّجُوا النِّسَاءَ بِأَذَى وَ إِنْ شَتَمْتُمْ أَعْرَاضَكُمْ وَ سَبَبْتُمْ أَمْرَاءَكُمْ فَإِنَّهُنَّ ضَعِيفَاتُ الْقُوَى وَ الْأَنْفُسُ وَ الْعُقُولُ إِنْ كُنَّا لِنُؤْمِرُ بِالْكَفِّ عَنْهُنَّ وَ إِنْ كَانَ الرَّجُلُ لِيَتَنَاوَلَ الْمَرْأَةَ فِي الْجَاهِلِيَّةِ بِالْفَهْرِ أَوْ الْهَرَاوَةِ فَيُعِيرُ بِهَا وَ عَقِبَهُ مِنْ بَعْدِهِ.

⁵⁶⁴ Al-Kāfi, volume 5, p. 35.

الْكَافِي ج: ٥ ص: ٣٥، بَابُ الرِّفْقِ بِالْأَسِيرِ وَ إِطْعَامِهِ: ١ - عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنِ الْمُنْقَرِيِّ عَنْ عِمْسَى بْنِ يُونُسَ عَنِ الْأَوْزَاعِيِّ عَنِ الزُّهْرِيِّ عَنِ عَلِيِّ بْنِ الْحُسَيْنِ ص قَالَ إِذَا أَخَذْتَ أَسِيرًا فَعَجَزَ عَنِ الْمَشْيِ وَ لَيْسَ مَعَكَ مَحْمَلٌ فَأَرْسَلْهُ وَ لَا تَقْتُلْهُ فَإِنَّكَ لَا تَدْرِي مَا حُكْمُ الْإِمَامِ فِيهِ قَالَ وَ قَالَ الْأَسِيرُ إِذَا أَسْلَمَ فَقَدْ حُصِنَ دَمُهُ وَ صَارَ فَيْئًا. ٢ - عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ حَمَّادٍ عَنْ حَرِيزٍ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ إِطْعَامُ الْأَسِيرِ حَقٌّ عَلَى مَنْ أَسْرَهُ وَ إِنْ كَانَ يُرَادُ مِنَ الْعَدُوِّ قَتْلُهُ فَإِنَّهُ يَنْبَغِي أَنْ يُطْعَمَ وَ يُسْقَى وَ [يُظَلَّ] وَ يُرْفَقَ بِهِ كَافِرًا كَانَ أَوْ غَيْرَهُ. ٣ - أَحْمَدُ بْنُ مُحَمَّدٍ الْكُوفِيُّ عَنْ حَمْدَانَ الْقَلَانِسِيِّ عَنْ مُحَمَّدِ بْنِ الْوَلِيدِ عَنْ أَبِي بَانَ بْنِ عُثْمَانَ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ الْأَسِيرُ طَعَامُهُ عَلَى مَنْ أَسْرَهُ حَقٌّ عَلَيْهِ وَ إِنْ كَانَ كَافِرًا يُقْتَلُ مِنَ الْعَدُوِّ فَإِنَّهُ يَنْبَغِي لَهُ أَنْ يُرْوَفَهُ وَ يُطْعَمَهُ وَ يُسْقَى. ٤ - عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّضْرِ بْنِ سُؤَيْدٍ عَنِ الْقَاسِمِ بْنِ سُلَيْمَانَ عَنْ جَرَّاحِ الْمَدَائِنِيِّ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع فِي طَعَامِ الْأَسِيرِ فَقَالَ إِطْعَامُهُ حَقٌّ عَلَى مَنْ أَسْرَهُ وَ إِنْ كَانَ يُرِيدُ قَتْلَهُ مِنَ الْعَدُوِّ فَإِنَّهُ يَنْبَغِي أَنْ يُطْعَمَ وَ يُسْقَى وَ يُظَلَّ وَ يُرْفَقَ بِهِ كَافِرًا كَانَ أَوْ غَيْرَهُ.

⁵⁶⁵ Wasail-al-Shi'ah, volume 15, p. 32-91.

وسائل الشيعة ج: ١٥ ص: ٣٢٩١ - بَابُ اسْتِحْبَابِ الرِّفْقِ بِالْأَسِيرِ وَ إِطْعَامِهِ وَ سَقْيِهِ وَ إِنْ كَانَ كَافِرًا يُرَادُ قَتْلُهُ مِنَ الْعَدُوِّ وَ أَنَّ إِطْعَامَهُ عَلَى مَنْ أَسْرَهُ وَ يُطْعَمُ مَنْ فِي السِّجْنِ مِنْ بَيْتِ الْمَالِ: ٢٠٠٥٠ - مُحَمَّدُ بْنُ يَعْقُوبَ عَنْ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ حَمَّادٍ عَنْ حَرِيزٍ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ إِطْعَامُ الْأَسِيرِ حَقٌّ عَلَى مَنْ أَسْرَهُ وَ إِنْ كَانَ يُرَادُ مِنَ الْعَدُوِّ قَتْلُهُ فَإِنَّهُ يَنْبَغِي أَنْ يُطْعَمَ وَ يُسْقَى وَ يُرْفَقَ بِهِ كَافِرًا كَانَ أَوْ غَيْرَهُ وَ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ الْكُوفِيِّ عَنِ حَمْدَانَ الْقَلَانِسِيِّ عَنْ مُحَمَّدِ بْنِ الْوَلِيدِ عَنْ أَبِي بَانَ بْنِ عُثْمَانَ عَنْ مَنْصُورِ بْنِ حَازِمٍ عَنْ أَبِي عَبْدِ اللَّهِ ع نَحْوَهُ وَ عَنْ عَلِيِّ بْنِ أَبِيهِ عَنِ النَّضْرِ بْنِ سُؤَيْدٍ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنِ جَرَّاحِ الْمَدَائِنِيِّ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ ع وَ ذَكَرَ نَحْوَهُ. مُحَمَّدُ بْنُ الْحَسَنِ بِإِسْنَادِهِ عَنِ الصَّقَّارِ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجُبَّارِ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ بْنِ بَرِيْعٍ عَنْ عَلِيِّ بْنِ التُّعْمَانِ عَنْ عَبْدِ اللَّهِ بْنِ مُسْكَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَأَلْتُهُ عَنِ الْأَسِيرِ فَقَالَ وَ ذَكَرَ نَحْوَهُ. ج: ١٥ ص: ٢٠٠٥١٩٢ - وَ عَنْهُ عَنِ مُحَمَّدِ بْنِ الْحُسَيْنِ بْنِ أَبِي الْخَطَّابِ عَنْ وَهَيْبِ بْنِ حَفْصِ بْنِ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ وَ يُطْعَمُونَ الطَّعَامَ عَلَى حُبِّهِ مَسْكِينًا وَ يَتِيمًا وَ أَسِيرًا قَالَ هُوَ الْأَسِيرُ وَ قَالَ الْأَسِيرُ يُطْعَمُ وَ إِنْ كَانَ يُقَدَّمُ لِلْقَتْلِ وَ قَالَ إِنَّ عَلِيًّا ع كَانَ يُطْعَمُ مَنْ حُلِدَ فِي السِّجْنِ مِنْ بَيْتِ مَالِ الْمُسْلِمِينَ.

and "Mustadrak-al-Wasilah"⁵⁶⁶ there are special chapters concerning the goodness of feeding prisoners and friendship with the captives; and lots of narrations on this subject could be found in the said books.

It has been frequently observed that some governments in wartime for putting the opponent forces under pressure make use of the captives as means to their ends. For instance, they ill-treat the captives and torture or even kill them. As it was already mentioned, on the basis of this principle molestation of captives is forbidden, so that, it is clear that killing or taking reprisal actions against the captives just because of new invasions of the enemy would also be forbidden. That is to say, because of enemy's attacks and invasions we cannot kill the prisoners of war who had been taken as captives in earlier military operations and retaliate or torture them in revenge of the said attacks. In other words, we cannot make use of the

٢٠٠٥٢- عَبْدُ اللَّهِ بْنُ جَعْفَرِ الْحَمِيرِيِّ فِي قُرْبِ الْإِسْنَادِ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنْ مَسْعَدَةَ بْنِ زِيَادٍ عَنْ جَعْفَرٍ عَنْ أَبِيهِ قَالَ قَالَ عَلِيٌّ عَ إِطْعَامِ الْأَسِيرِ وَالْإِحْسَانِ إِلَيْهِ حَقٌّ وَاجِبٌ وَإِنْ قَتَلْتَهُ مِنَ الْعَدُوِّ

⁵⁶⁶ Al-Mustadrak, volume 11, p. 78.

مستدرک الوسائل ج: ١١ ص: ٧٨ ٣٠- بَابُ اسْتِحْبَابِ الرَّفْقِ بِالْأَسِيرِ وَ إِطْعَامِهِ وَ سَفِيهِهِ وَ إِنْ كَانَ كَافِرًا يُرَادُ قَتْلُهُ وَ أَنَّ إِطْعَامَهُ عَلَى مَنْ أَسْرَهُ وَ يُطْعَمُ مَنْ فِي السِّجْنِ مِنْ بَيْتِ الْمَالِ: ١٢٤٦٧- ١- عَبْدُ اللَّهِ بْنُ جَعْفَرِ الْحَمِيرِيِّ فِي قُرْبِ الْإِسْنَادِ، عَنْ أَبِي الْبَحْتَرِيِّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ عَ خَرَجَ يُوقِظُ النَّاسَ لِصَلَاةِ الصُّبْحِ فَضَرَبَهُ عَبْدُ الرَّحْمَنِ بْنُ مُلْجَمٍ لَعَنَهُ اللَّهُ بِالسَّيْفِ عَلَى أُمِّ رَأْسِهِ فَوَقَعَ عَلَى رُكْبَتَيْهِ وَ أَخَذَهُ فَالْتَزَمَهُ حَتَّى أَخَذَهُ النَّاسُ وَ حُجِّلَ عَلِيٌّ عَ حَتَّى أَفَاقَ ثُمَّ قَالَ لِلْحَسَنِ وَ الْحُسَيْنِ عَ احْسِنُوا هَذَا الْأَسِيرَ وَ أَطْعِمُوهُ وَ اسْقُوهُ وَ أَحْسِنُوا إِسَارَةَ الْحَبِيرِ. ابْنُ شَهْرَآشُوبٍ فِي الْمَنَاقِبِ، فِي سِيَاقِ وَفَاتِهِ عَ وَ رُوِيَ أَنَّهُ عَ قَالَ أَطْعِمُوهُ وَ ذَكَرَ مِثْلَهُ. ١٢٤٦٨- ٢- الْبَحَارُ، عَنِ الشَّيْخِ أَبِي الْحَسَنِ الْبَكْرِيِّ فِي حَدِيثِ وَفَاتِهِ عَ عَنْ لُوطِ بْنِ يَحْيَى عَنْ أَشْيَاحِهِ قَالَ ثُمَّ التَّفَتَّ عَ إِلَى وَلَدِهِ الْحَسَنِ عَ وَ قَالَ ارْفُقُوا يَا وَلَدِي بِأَسِيرِكُمْ وَ أَرْحَمُوهُ وَ أَحْسِنُوا إِلَيْهِ وَ اشْفَقُوا عَلَيْهِ إِلَى أَنْ قَالَ فَلَمَّا أَفَاقَ نَأْوَلَهُ الْحَسَنُ عَ قَعْبًا مِنْ لَبَنٍ وَ شَرِبَ مِنْهُ قَلِيلًا ثُمَّ نَحَاهُ عَنْ فَمِهِ وَ قَالَ احْمَلُوهُ إِلَى أَسِيرِكُمْ ثُمَّ قَالَ لِلْحَسَنِ عَ بِحَقِّي عَلَيْكَ يَا بُنَيَّ إِلَّا مَا طَيَّبْتُمْ مَطْعَمَهُ وَ مَشْرَبَهُ وَ ارْفُقُوا بِهِ إِلَى حِينِ مَوْتِي وَ تَطْعِمُوهُ مِمَّا تَأْكُلُ وَ تَسْقِيهِ مِمَّا تَشْرَبُ حَتَّى تَكُونَ أَكْرَمَ مِنْهُ الْحَبِيرِ. ١٢٤٦٩- ٣- دَعَائِمُ الْإِسْلَامِ، عَنْ أَبِي عَبْدِ اللَّهِ عَ أَنَّهُ قَالَ يَنْبَغِي أَنْ يُطْعَمَ الْأَسِيرُ وَ يُسْقَى وَ يُرْفَقَ بِهِ وَ إِنْ أُرِيدَ بِهِ الْقَتْلُ. ١٢٤٧٠- ٤- الْجَعْفَرِيَّاتُ، أَخْبَرَنَا مُحَمَّدٌ حَدَّثَنِي مُوسَى حَدَّثَنَا أَبِي عَنْ أَبِيهِ عَنْ جَدِّهِ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ أَنَّ عَلِيًّا عَ كَانَ يَخْرُجُ إِلَى صَلَاةِ الصُّبْحِ وَ فِي يَدِهِ دِرَّةٌ فَيُوقِظُ النَّاسَ بِهَا فَضَرَبَهُ ابْنُ مُلْجَمٍ مَسْتَدْرَكُ الْوَسَائِلِ ج: ١١ ص: ٨٠ لَعَنَهُ اللَّهُ فَقَالَ أَطْعِمُوهُ وَ اسْقُوهُ وَ أَحْسِنُوا إِسَارَةَ الْحَبِيرِ.

captives in wartime, because they are also human beings who are defeated by Islamic government and operating procedure of Islamic governments towards those who are defeated is the same procedure that the Muslims are expecting and looking forward the Omnipotent of the world, namely Almighty God takes towards them.

Molestation of enemy's captives and even the criminals are considered as transgression and is prohibited and the torturer and molester are all liable to be punished. Because of enemy's attacks and invasions, it is forbidden that the prisoners of war who had been taken as captives in earlier military operations be retaliated or tortured in revenge.

69- Principle of: Prohibition of illicit trades and measures against humanity and the environment

This principle is one of the most important principles of Islamic foreign policy. The aim of Islam is exaltation of humankind and full height of dignity in humanity. What the "exaltation" is meant by holy Prophet of Islam is qualitative and quantitative improvement of human beings. As a general rule, the ecosystem which human beings are parts of it should be protected so as the said goal be attained. Therefore, the attention of holy Prophet of Islam has also focused on protection of animals and plants as well. By careful attention to, and analyzing the Islamic rules and regulations, even in minor and subsidiary cases, it could be understood that one of the aspects of Islamic rules and regulations is protecting the rights of individuals in their relations with one another. In other words, each person

is a constituent source of rights for other persons. For instance, "man" is the source of sexual pleasure for "woman" and vice versa. So that a man, as a member of ecosystem has no right to refrain from marriage which results to the infringement of the women's rights. Although there is no obligation concerning the religious rules on the subject in question but the subtle hints made by religious rules show that its praiseworthiness is nearly equal to an obligation. It is written that:⁵⁶⁷ "Once Imam Sadiq (A) was asked why the punishment of adultery is a hundred lashes but the punishment of drinking wine is eighty lashes? Why adultery is more serious than drinking wine? His Holiness said: "The reason is because of spoiling the sperms and laying it in a place other than the position that God said "it is your sowing place". It is written in Fegh'h-ol-Riza that the Reverend Messenger of God said: sodomy is prohibited because of its corruption and infringement of the women's rights that Almighty God has encouraged to observe it. So it is obvious that the reason behind the unlawfulness of sodomy is infringement of women's rights and spoiling the generation, and wasting the sperms. That is why, masturbation is also forbidden. And sexual intercourse with the anus of the women and bestiality and lesbianism are also forbidden. Because if men be sufficient for each other and also the women be sufficient for each other the issue of reproduction and generation would be exterminated". From the said religious legal provisions, it could be understood that with regard to the rules of ecosystem, the life of every living creature is a source of rights for other ones; therefore, no one is authorized to infringe the others' rights through his selfishness.

This subject is also extended to plantations and livestock. Therefore, protection of the environment is considered as one of the topics of Islamic

⁵⁶⁷ His Excellency, Hajj Mullah Ali Beidokhti Gonabadi. Zulfiqar, "On the prohibition of opium smoking" volume 4, Haqiqat Publication, (2003) Tehran, pp. 75-76.

foreign policy. In sūrah of Al-Baqarah it is said: "**And when he turns away (from you) his effort in the land (earth) is to make mischief therein and to destroy the crops and the cattle; and Allāh does not like mischief-making**".⁵⁶⁸ That is to say, destroying the plantation and the livestock is considered as corruption which Allāh does not like these kind of actions. Destruction of the plantation and the livestock, whether being directly or indirectly through destruction of the environment, and/or creating imbalance in ecosystem is considered as corruption. In the said verse the ownership of the plantation and the livestock is not restricted and particularized to the Muslims, and by using the term "**land**" (earth), all the lands in the world is taken into consideration. This attitude represents so many rules to be observed by Islamic government. That is to say, Islamic government has no right to commit corruption in the planet of the earth.

According to the said noble verse "corruption in the earth" is composed of a body of activities, which are the cause of destruction of the environment, whether plants, animals and/or human beings. Extending the said subject to the human beings shall propound other issues, which we are going to discuss them in detail. There are so many activities that are the cause of corruption in the earth. The followings are some of them which could be mentioned under the title of this subject, such as; producing and trading the harmful materials and poisonous chemicals for the purpose of killing the human beings and destroying the farms and livestock for damaging the others, offensive and mass-destruction weapons, burying the nuclear wastes in territory of the weak countries through conspiracy with

⁵⁶⁸Al-Baqarah II, 205.

وَ إِذَا تَوَلَّى سَعَى فِي الْأَرْضِ لِيُفْسِدَ فِيهَا وَيُهْلِكَ الْحَرْثَ وَالنَّسْلَ وَاللَّهُ لَا يُحِبُّ الْفُسَادَ.

In sūrah of Al-Qasas, verse 77, says: "**Do not make mischief due to your worldly power and wealth, since Allāh does detest the corrupt**". It is also repeated in sūrah of Al-Maidah, 64.

وَ لَا تَبِعِ الْفُسَادَ فِي الْأَرْضِ إِنَّ اللَّهَ لَا يُحِبُّ الْمُفْسِدِينَ.

their leaders and agents, production, consumption, exportation and importation of all kinds of raw and intermediate materials which are the cause of harm and damage to the plants, livestock and human beings and the like.

The said verse has been interpreted as follows⁵⁶⁹: "**And when he turns away (from you)**", or he is responsible for your affairs or worldly affairs, or is appointed as governor ruling over people. "**His effort**" means his speed will be increased "**in the land (earth)**", in the territory of microcosm or macrocosm or in the territory of Qur'an or traditions or the way of life of previous prophets (A) and their successors (A). "**To make mischief therein**" in land and corruption is to make a change in something which possesses a perfection, or barring it to achieve its perfection. (In Arabic text an "L" is added to the "**making mischief**" which is grammatically is called "final end "L"). Because the hypocrites believe they are peacemakers and reformers: "**And when it is said to them: Do not make mischief in the earth, they say: We are but peace-makers. Now surely they themselves are the mischief makers, but they do not perceive**".⁵⁷⁰ "**And destroy**". They bring the principles and foundations to destruction. "**The crops (tilth)**" is everything that is cultivated whether vegetations in the earth or any kind of plants which Almighty God has made to be grown in the earth. "**And cattle (livestock)**" is the baby of every being which is born in the earth, or humankind's baby. Know that the world of nature, as to its heaven and heavenly creatures, with regard to their essences and attributes are in every moment on the process of renewing and changing. These changes are regarded as annihilation by the creature and are regarded as survival by the creator. The position of the

⁵⁶⁹ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 2, pp. 422, 426.

⁵⁷⁰ Al-Baqarah II, 11, 12.

وَ إِذَا قِيلَ لَهُمْ لَا تُفْسِدُوا فِي الْأَرْضِ قَالُوا إِنَّمَا نَحْنُ مُصْلِحُونَ أَلَا إِنَّهُمْ هُمُ الْمُفْسِدُونَ وَلَكِنْ لَا يَشْعُرُونَ.

creature in relation to the creator is the same as the sunbeams in relation to the sun. Because the sun ray which shines on the surface shall not remain more than a moment. Because if the sun ray shining through a peep-hole, just by closing the peep-hole shall be vanished and shall not remain after closing the peep-hole. That which constantly makes the things to continue their existence - in a manner that their renewal be hidden - is the Providence (creative will) out of the all-inclusive mercy. In fact, there exist a type of potential power and capacity in the universe (generated beings) which on the basis of various capacities shall gradually be brought into effect, whether slowly and/or quickly. The renewal of activities are only materialized through His Providence and out of special mercy. Whatever comes into existence through His Providence and out of the all-inclusive mercy of Muhammad (S) is because of his prophethood and whatever comes into existence out of the special mercy of Muhammad (S) due to his divine guardianship. Therefore, the continuance of existence (survival) of all things are due to prophethood, and their perfection is due to divine guardianship. So, everything which has attained the utmost perfection of its own type, it would acknowledge the divine guardianship of Ali (A), and those which have not attained the perfection thoroughly, then would be relatively defective in their acknowledgment, and those which have not at all attained the perfection of their own type, cannot acknowledge the divine guardianship. As it is narrated from Imams (A): The salty soil, bitter and salty waters and marshes and swamps never acknowledge the divine guardianship of us (the successors of Muhammad (S)). The said statements are based on the principles of creation, namely if the special mercy of creation is disconnected and ruptured, then no one of them would attain the various grades of perfection in their own types. And if the all-inclusive mercy were disconnected then nothing would exist at two moments. It is alluded to the said disconnection when it is stated that: "If the authority and

guidance be removed from the earth, then the earth would swallow the creatures therein".⁵⁷¹ But concerning the duties of people, they are bound to refer and appeal to the divine guardianship, because the divine guardian pays attention to them. Due to the said appeal and attention, cultivation and generation in microcosm shall complete. It would be the kind of cultivation that without acknowledgement of divine guardianship and oath of allegiance and covenant never could have come into existence. And it would be born something that without acknowledgement of divine guardianship never would have been born. As much as the attention of the creatures/people is increased, the attention of the Master of the Affairs would be more increased. Consequently, by increasing the said two attentions, the cultivation and generation would be increased and shall attain their perfection in microcosm. And due to the increase and perfection in the microcosm their existence and perfection in the macrocosm shall become preponderant. Therefore, whosoever attempts to content and please his master, consequently with regard to the amount of his attempts, the attention of the Master of the Affairs and his satisfaction would be increased, and due to the enhancement of attentions and satisfaction of Master of the Affairs, the blessing in cultivation and generation will be increased in microcosm and macrocosm. Almighty God has alluded to this issue while saying: **"And if the people of the towns had believed and tried to be pious, We would have opened upon them (gates of) blessing**

⁵⁷¹ Behar-ol-Anwar, volume 23, H 20, p. 21.

بحار الانوار، ج ٢٣، ح ٢٠ ص ٢١ . ٢٠ - ع، [علل الشرائع] ابن الوليد عن الصفار عن محمد بن عيسى عن محمد بن الفضيل عن أبي حمزة قال قلت لأبي عبد الله ع تبقى الأرض بغير إمام قال لو بقيت الأرض بغير إمام ساعة لساخت. ك، [إكمال الدين] أبي و ابن الوليد معا عن سعد عن اليقطيني و ابن أبي الخطاب معا عن محمد بن الفضيل مثله بيان يقال ساخت قوائمه في الأرض أي دخلت و غابت و لا يبعد أن يكون سوخ الأرض كناية عن رفع نظامها و هلاك أهلها.

from the heavens"⁵⁷² in microcosm and in the earth in macrocosm, - or both blessing in both places. Also Almighty God's statements: **"If they had observed the Torah and the Gospel and that which was revealed unto them from their Lord, they would surely have been nourished from above them and from beneath their feet"**⁵⁷³, namely in microcosm and macrocosm. How beautifully has composed Molavi (may his spirit be sanctified):

Try to please the Qutb (Pole) (the Master of the Affairs), as far as you are able to do.

Until he gets the strength and starts to hunt more ado.

If he were resentful, then the people would be helpless and forlorn.

Since the sustenance of the people is through utilization of wisdom.

People are as the members of the body and he is just as the wisdom.

The policy and management of the body are in control of the wisdom.

The weakness of the Qutb is due to the weakness of the body not the soul.

The weakness is attributed to the Ark of Noah not the person of Noah.

To repair his ark you would better help him.

If you believe that, you have become a special bondman of him.

If you help him, you would get the strength, not him.

Almighty God said: **If you help Allāh's cause He will help you.**⁵⁷⁴

Therefore, we find out that obligatory attention and its accretion

⁵⁷² Al-A'arāf VII, 96.

وَلَوْ أَنَّ أَهْلَ الْقُرَىٰ آمَنُوا وَ اتَّقَوْا لَفَتَحْنَا عَلَيْهِم بَرَكَاتٍ مِّنَ السَّمَاءِ.

⁵⁷³ Al-Mā'idah V, 66.

وَلَوْ أَنَّهُمْ أَقَامُوا التَّوْرَةَ وَ الْإِنْجِيلَ وَ مَا أَنْزَلْنَا إِلَيْهِم مِّن رَّبِّهِمْ لَأَكَلُوا مِن فَوْقِهِمْ وَ مِن تَحْتِ أَرْجُلِهِمْ.

⁵⁷⁴ Muhammad XLVII, 7.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِن تَنْصُرُوا اللَّهَ يَنْصُرْكُمْ وَ يَتَّبِعْ أَفْدَامَكُمْ.

strengthens the creative guardianship and cause an increase in cultivation and generation; and raises their perfection in both microcosm and macrocosm. And ignoring or disregarding the obligatory guardianship causes their corruption and destruction in microcosm and macrocosm. If avoidance raises, then the corruption and destruction raise accordingly. And if the said disregarding results in barring other persons, then corruption and destruction would intensify; and if it results in mockery, then it would entail the highest degree of corruption and destruction. This is the statement of Almighty God, which said: **"Then evil was the consequence to those who dealt in evil, because they denied the revelations of Allāh and made a mock of them"**.⁵⁷⁵ This verse is referring to the said subject. Therefore, it could be said: Whosoever disregards the divine guardianship, although he does his best, but his attempts will result to corruption in the earth and destruction of cultivation and generation and he will not be aware of this happening. **"And Allāh does not like the mischief makers"**. Although this sentence has a general meaning but this method of wording is usually used in cases where "corruption" with regard to its meaning is disliked.

In Glorious Qur'an "corruption" is also attributed to the kings, which says: **"Verily, when the kings overtake a land, they spoil and plunder it"**.⁵⁷⁶ And also says: **"If you were given the power and authority, all you would do is but mischief-making"**.⁵⁷⁷ And also says: **"And when it is said to them: Do not make mischief in the land, they say: We are but**

⁵⁷⁵ Al-Rūm XXX, 10.

ثُمَّ كَانَ عَاقِبَةَ الَّذِينَ أَسَاؤُا السُّوَاىَ أَن كَذَّبُوا بِآيَاتِ اللَّهِ وَكَانُوا بِهَا يَسْتَهْزِئُونَ.

⁵⁷⁶ Al-Naml XXVII, 34.

إِنَّ الْمُلُوكَ إِذَا دَخَلُوا قَرْيَةً أَفْسَدُوهَا.

⁵⁷⁷ Muhammad XLVII, 22.

فَهَلْ عَسَيْتُمْ إِنْ تَوَلَّيْتُمْ أَنْ تُفْسِدُوا فِي الْأَرْضِ.

peace-makers. Now surely they themselves are the mischief-makers, but they do not perceive".⁵⁷⁸ And in another verse it is said: "But those who break the covenant with Allāh after they have made it; and cut off the relations that Allāh has commanded to be joined; and make corruption in the earth, for them shall be the curse and the evil abode".⁵⁷⁹ There is a comment concerning the said verse, for explaining the meaning of "corruption" which says⁵⁸⁰: "And make corruption in the earth". As a grammatical point of view it is connection of the causer to the cause, because corruption in the earth is destroying what has been created in it or destroying their perfection or impeding them to get to their expected perfection and/or perverting the compilation and creative words from their right position. Whosoever cuts off the relations with divine guardianship, he is the one who has destroyed the powers of sagacity and functionality for journeying towards the Hereafter. He is destroyer of something, which has been created through Divine Mercy, such as the seeds of the Hereafter, and their cultivation and reproduction in his land of microcosm as well as the land of macrocosm. Since the putrid substance shall putrefy its adjacent substances, therefore corruption in microcosm shall cause corruption in macrocosm. And it would be the same for heavenly scriptures and religious laws. Because in the same way that he perverts the words of microcosm and macrocosm from their right position, he will pervert the words of heavenly scriptures and religious laws as well".

There are so many infractions, which have been described as

⁵⁷⁸ Al-Baqarah II, 11, 12.

وَ إِذَا قِيلَ لَهُمْ لَا تُفْسِدُوا فِي الْأَرْضِ قَالُوا إِنَّمَا نَحْنُ مُصْلِحُونَ أَلَا إِنَّهُمْ هُمُ الْمُفْسِدُونَ وَلَكِن لَّا يَشْعُرُونَ.

⁵⁷⁹ Al-Ra'ad VIII, 25.

وَ الَّذِينَ يَنْقُضُونَ عَهْدَ اللَّهِ مِنْ بَعْدِ مِيثَاقِهِ وَ يَقْطَعُونَ مَا أَمَرَ اللَّهُ بِهِ أَنْ يُوصَلَ وَ يُفْسِدُونَ فِي الْأَرْضِ أُولَئِكَ هُمُ اللَّعَنَةُ وَ هُمْ سُوءُ الدَّارِ.

⁵⁸⁰ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 2, pp. 422- 426.

corruption in various verses. For instance, according to the following verse which says: **"They said: (O, our Lord) Do you appoint the kind of creature who will make mischief therein and shed blood?"**⁵⁸¹ To shed blood is one of the cases of corruption. In another verse, it is said: **"They: By Allāh! Indeed you know that we did not come here to make mischief in the land, and we are not thieves"**.⁵⁸² It means that theft is one of the cases of corruption. And in another verse, concerning the rebellion it is said: **"Indeed you rebelled before and you were of the mischief-makers"**.⁵⁸³ That is to say, rebellion and disobeying the God's ordinances are considered as corruption. Shortchanging is also considered as corruption, which says: **"O, my people! Give full measure and exact weight; and do not diminish the goods of the people (while selling); and do not make mischief in the land"**.⁵⁸⁴ Injustice, murder and transgression are also considered as corruption, which says: **"Surely PHaraoh considered himself above all and made its people into sects, weakening one party from among them; he slaughtered their sons and let their women live; surely he was one of the mischief makers"**.⁵⁸⁵

To produce, purchase and sale of wine and other intoxicants, for the purpose of being intoxicated are forbidden in Islam. Because drinking wine

⁵⁸¹ Al-Baqarah II, 30.

قَالُوا أَتَجْعَلُ فِيهَا مَنْ يُفْسِدُ فِيهَا وَيَسْفِكُ الدِّمَاءَ.

⁵⁸² Yusuf XII, 73.

قَالُوا تَاللَّهِ لَقَدْ عَلِمْتُمْ مَا جِئْنَا لِنُفْسِدَ فِي الْأَرْضِ وَمَا كُنَّا سَارِقِينَ.

⁵⁸³ Yūnus X, 91.

وَقَدْ عَصَيْتَ قَبْلُ وَكُنْتَ مِنَ الْمُفْسِدِينَ.

⁵⁸⁴ Hūd XI, 85- also sūrah of Al-Shura, 183.

يَا قَوْمِ أَوْفُوا الْمِكْيَالَ وَالْمِيزَانَ بِالْقِسْطِ وَلَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تَعْتُوا فِي الْأَرْضِ مُفْسِدِينَ

⁵⁸⁵ Al-Qasas XXVIII, 4.

إِنَّ فِرْعَوْنَ عَلَا فِي الْأَرْضِ وَجَعَلَ أَهْلَهَا شِيَعًا يَسْتَضَعِفُ طَائِفَةٌ مِنْهُمْ يُذَبِّحُونَ أَبْنَاءَهُمْ وَيَسْتَحْيُونَ نِسَاءَهُمْ إِنَّهُ كَانَ مِنَ الْمُفْسِدِينَ.

will deteriorate the mental and reasoning faculty (power) for a while, consequently the man's virtue namely the awareness of his perception would be weakened or stop working. For this reason, the holy Prophet of Islam has forbidden it. Certainly, the said prohibition shall cover the narcotic drugs, which its usage is common in today's world. The trade of narcotic drugs is one of the largest illicit trades in the world, in such a way that in some years the revenues gained by transaction of narcotic drugs is more than the oil revenue in the world. Islamic government has no permission to be engaged in the transaction of narcotic drugs or even take part in their distribution. Glorious Qur'an says: **"you should help one another in righteousness and piety, but do not help one another in sin and transgression"**.⁵⁸⁶ The term "sin" is also used in the verse that forbids the wine, and in that place, it is called "grave sin". It means that taking part in the said "grave sin" namely, transaction of intoxicants, which also includes the narcotic drugs, is forbidden. In Glorious Qur'an it is said: **"They ask you concerning intoxicant and gambling, say: In both of them is a grave sin, although there is some profit for some men in them, but the sin of them is graver than their profit"**.⁵⁸⁷ In a comment on the said verse, the noble exegesis of Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah, for the first time has forbidden the usage of opium and narcotic drugs as follows⁵⁸⁸: "Because all intoxicants obliterate the mental and reasoning faculty (power), therefore their prohibition should have been the duty of the prophets (A), as it is narrated: There has been religious law, from the time of Adam (A) onwards that the intoxicants had not been forbidden. There are various evils in obliteration of the mental and

⁵⁸⁶ Al-Mā'idah V, 2.

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ.

⁵⁸⁷ Al-Baqarah II, 219.

يَسْتَأْذِنُكَ عَنِ الْخُمْرِ وَالتَّمْيِيزِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَ مَنَافِعُ لِلنَّاسِ وَإِثْمُهُمَا أَكْبَرُ مِنْ نَفْعِهِمَا.

⁵⁸⁸ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation volume 2, pp. 450- 460.

reasoning faculty (power); therefore, the wine is called the mother of all woes. Of course there are some profits in it such as, strengthening the body, helping the digestive process, healing the arteriosclerosis, strengthening the mental capacity, sincere affection of heart, stimulating love and desire, to embolden the user, preventing the stinginess, and so on. But one of the characteristics of opium smoking - which is common at these days - is that gradually obliterates the mental and reasoning faculty (power) in a way that its reconstruction could not be expected. It is contrary to wine drinking that although during drunkenness the mental faculty stops its functioning but when the person regains his consciousness, the mental faculty is in its highest performance and other faculties (powers) are quickly under the control of the mental and reasoning faculty. But opium smoking essentially removes the decision making power from the reasoning faculty; and it impedes the estimation faculty which is created to perceive trivial matters for understanding the pleasures and pains of the hereafter, consequently cause a desire being formed, until by perception of the said trivial matter provide a stimulus for the Hereafter. It also impedes the imaginative faculty, which is created to join the images together for providing the attraction and repulsion needed in the way of living and the hereafter of the individuals. It also destroys the faculty of fantasy, which is created to protect the good management of living and obtaining best conditions for the hereafter and good behavior towards other creatures. It also stops the faculty of desiring, which is the man's mount of journeying towards the hereafter and a factor of helping him in the world's affairs and the motive faculty, which is, mount of the faculty of desiring as well as nervous system. Finally, it should be noted that all the abovementioned faculties would be weakened by opium smoking and too many rights would come to standstill. Moreover, it is harmful to the body and results to the wasting of property. Its harmful effects on the body are noticeable by all persons. It is

so obvious that everybody is able to recognize it from the face of opium smoker and there is no need for further proof. The smoke of the opium, due to its characteristics is an anti-life substance, which is extinguisher of the instinct heat. It dries the moisture of the instinct. It blocks the pores of the body, which are provided to pass the unknown and determined instinct moistures and keep the instinct heat, consequently helping the life and its continuation. The said pores destroy the unknown moisture of the instinct heat. Almighty God, through His wisdom has created the lung as a spongy and porous substance to be able to collect all moistures which are evaporated from stomach, liver and heart and are gathered inside the chest, then empty them to prevent their accumulation which are the cause of infection and contracting illness such as, chest disease, wound, abscess, pleurisy, inflammation of chest, and pneumonia. The smoke of opium makes the lung thick and blocks its spores, so that it would not be able to dry the moistures as it is required, consequently the said illnesses could be contracted. We have seen too many people who have been opium smoker and have died due to contracting the said illnesses. So that, there exist the bad qualities of intoxicants in opium, but instead of their profits some more bad qualities are added to it. Therefore, prohibition of using opium should be more severe than prohibition of intoxicants. So that, May God's curse be put on the opium and the one who uses it. Therefore, "**sin**" (**ithm**) is sometimes used for committing forbidden actions that is called "religious sins", and sometimes is used for that which is defect of soul, and in this position, the latter meaning is taken into consideration. Because the said verse is a prelude to prohibiting something, it is not revealed after the revelation of the verse that forbids the intoxicants and gambling. We have already explained the defects of human soul, which has been originated from the using of the intoxicants and gambling. The occasion of its revelation and all traditions, which have been narrated about, can be found

in detailed books on the subject. Those who want to get more information about it may refer to them.

On the basis of the abovementioned explanations the concept of the said principle could be extended on all sins and even moral issues. But we are not going to describe the issue anymore. It should be only noted that one of the difficulties of today's world is immoral trading which have specifically devoted a large part of the world's commercial transactions, and on the basis of the above-mentioned explanations all of them are considered as corruption which are not authorized by Islamic government. The foreign policy of the Islamic government has taken these principles from the bases of its ideology and is bound to observe them.

Activities which are the cause of damaging the environment, plants, animals and/or human beings such as producing and trading harmful materials and poisonous chemicals for the purpose of killing human beings, destroying farms and livestock to damnify the others, offensive and mass-destructive weapons, burying nuclear wastes in territory of the weak countries through conspiracy with their leaders and agents, production, consumption, exportation and importation of all kinds of raw and intermediate materials which are the cause of harm and damage to the plants, livestock and human beings and the like are forbidden.

70- Principle of: Unauthorization of destroying food sustenance for acquiring material profits

As it was already mentioned, the various concepts of the "corruption in the earth" indicate this point that destruction of farmlands, livestock and human generation are principally prohibited; and protection of the environment is one of the most important issues in the foreign and domestic policies of Islam. Generalization of the said subject, leads us to the following point namely, Islamic government has no right to destroy a part of food substances, in order that their prices being increased. In the past, it has been observed that some countries such as U.S.A carried a part of their wheat products by ship to the sea and emptied them out into the ocean just to prevent the decrease of wheat price, whereas at the same time there were so many people in Africa who were starving to death. There are even uncertainties and doubts originating from Islam's standpoint on the case of imposing prohibition in producing and cultivating grains just to prevent a decrease in their prices, which would be due to the abandonment supply of their products. As to the victuals and means of subsistence of population of the world, we can declare this point of viewpoint that Islam never authorizes any restriction on producing the means of subsistence unless the foods needed by all individuals in the world have been produced. With regard to the following verse which says: "**And when he turns away (from you) his effort in the land (earth) is to make mischief there in and to destroy the crops and the cattle; and Allāh does not love mischief-making**".⁵⁸⁹ Even that kind of "corruption in the earth" which

⁵⁸⁹ Al-Baqarah II, 205.

وَ إِذَا تَوَلَّى سَعَى فِي الْأَرْضِ لِيُفْسِدَ فِيهَا وَ يُهْلِكَ الْحَرْثَ وَ النَّسْلَ وَ اللَّهُ لَا يُحِبُّ الْفُسَادَ.

Al-Qasas XXVIII, 77: "**Do not make mischief due to your worldly power and wealth since Allāh does detest the corrupt**". And also, Al-Mā'idah, 64.

وَ لَا تَبْغِ الْفُسَادَ فِي الْأَرْضِ إِنَّ اللَّهَ لَا يُحِبُّ الْمُفْسِدِينَ.

causes a decrease in productivity of production of farmlands and livestock are also prohibited. In recent century, it has been observed that most governments through progressive tricks - and in earlier centuries through conventional tricks - and by distribution and/or secret exportation of parasites and plant diseases and livestock pests have tried to inflict sufferings upon the other nation's farming and livestock productions. For instance the epidemic factors of the outbreak of disease among livestock, birds and plants such as rice stem-worm, fruit trees stem-worms, potatoes and summer crops' wireworm, fungus infection of the wheat, pathogenic fungus, aphids, and bacteria were secretly distributed by some states in other countries. All of these occasions are within the scope of this section.⁵⁹⁰

All of the above said measures at the international level are considered as prohibited actions in Islam. There has been determined a special portion out of the properties of Islamic government for the poverty-stricken persons and the needy which the dispossessed of other states are also included in the plan. In Glorious Qur'an, it is said: "**And they consider a due portion of their wealth and property for the needy**".⁵⁹¹ The said "**due portion**" which is known and definite in the wealth and property of the believers; for sure it is also known and determined in the public treasury of the Islamic government; and no matter where the needy and deprived persons are stationed, they are all entitled to receive it.

⁵⁹⁰ The eye witnesses have repeatedly stated that in late forties and after world War II American planes while flying over Gilan and Mazandaran provinces unloaded small packs on the rice fields. They said packs contained rice stem-worms.

⁵⁹¹ Al-Dhariyat, LT, 19.

و فِي أَمْوَالِهِمْ حَقٌّ لِّلسَّائِلِ وَالْمَحْرُومِ.

In sūrah of Al-Maārij, 24-25 says: "**And those in whose wealth is an appointed share; for the needy who demands and the one who is deprived**".

و الَّذِينَ فِي أَمْوَالِهِمْ حَقٌّ مَّعْلُومٌ لِّلسَّائِلِ وَالْمَحْرُومِ.

There is a verse in sūrah of Al-Isrā concerning the extravagance and squandering which Almighty God says: **"Give to the relatives their due rights and also spend on the needy and the wayfarer, but do not squander your wealth wastefully. Verily, the squanderers are brothers of devils, and Satan was ungrateful to Allāh".**⁵⁹² In a comment on the said verse and describing the meaning of "squandering", it is said⁵⁹³: **"Do not squander your wealth wastefully"**. What is meant by "squandering" is to donate to one who is not entitled to and/or to donate to somebody much more than what he is entitled to. In the said verse "extravagance" is prohibited which is the same as squandering namely, donating to one who is entitled to or donating to somebody more than what he is entitled to. Because donation without squandering means economy (moderation). Therefore, the term "squandering" has a general meaning and includes the term "extravagance"; although sometimes it is used as its opposite. Since the ruling of "give due rights" in its adverse concept requires refraining from meanness, therefore the ruling is restricted to "give due rights" and "extravagance" is expressly prohibited. "Giving due rights" is not particularly restricted to tangible properties and near relatives. On the contrary, it includes the whole various rights and all relatives in the microcosm and macrocosm. There is a tradition narrated about Prophet (S) that His Reverend was passing and saw Sa'ad who was performing his minor ablution and said: O Sa'ad! What is this extravagance (in using so much water for minor ablution)? Sa'ad asked: Is there any extravagance (in using water) for minor ablution? His Reverend said: Yes, even if it be with the water of a current spring. It is also narrated from Imam Sadiq (A) that

⁵⁹² Al-Isrā XVII, 26-27.

وَ آتِ ذَا الْقُرْبَىٰ حَقَّهُ وَ الْمَسْكِينِ وَ ابْنَ السَّبِيلِ وَ لَا تُبَذِّرْ تَبْذِيرًا. إِنَّ الْمُبْتَدِرِينَ كَانُوا إِخْوَانَ الشَّيَاطِينِ وَ كَانَ الشَّيْطَانُ لِرَبِّهِ كَفُورًا.

⁵⁹³ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 8, pp. 260-263.

somebody asked: Is there any squandering in those things, which are lawful (and not forbidden)? His Excellency answered: Yes, and the delicate point is, even though a person being near a current water-spring, and exercise his powers more than what is obligatory and/or recommended. The use of power and paying attention to the moving powers without any necessity, would be squandering, even though the extravagance and squandering in use of water not to be important. To summarize the narrations concerning the said issue and by taking all differences between them into consideration, it could be understood that, contribution and donation of wealth and property, discourse, science, theosophy, reputation and honor, dignity and rank, energy of the powers, and/or contribution to one's self and its faculties as one wishes, without paying attention to God's instructions and obeying His ordinances -whatever it may be- would be called squandering. At the same time, if all of them are done with regard to the God's instructions and obeying His ordinances, then it would be called economy (moderation). Therefore, it has been mentioned that if you turn the whole world into a morsel and feed a believers, it would not be called squandering. **"Verily, the squanders"** namely those persons who donate through negligence and/or other than obeying the God's instructions, **"are brothers of devils"**. Because if contribution is not done through God's instructions, then it would be under direction of Satan, who is waiting for human beings negligence of God's instruction and consequently dominate his status and takes him under his control just as well as he controls and rules over his devils. **"And Satan was ungrateful to Allāh"**. This is for the purpose of giving the reasons. That is to say, Satan is ungrateful to Allāh and squanders are those who donate without paying attention to God's instructions and they would be ungrateful to their Lord so that with regard to their ungratefulness they are brothers of Satan".

As it was thoroughly explained, "squandering" might be used as an established base for the said principle in international relationships concerning the weak and powerless nations of the world. That is to say, the rights of powerless and disabled persons of other nations should not be ignored. We have no right to acquire profits just to achieve our national interest and refrain to give the due rights of the deprived nations as it is instructed by Almighty God, for the needy and disposed persons, out of the wealth and property of Islamic nation.

Increasing food prices through destroying a part of food substances, or decreasing in the cultivated areas of lands for the purpose of reducing products and market supply that leads to food prices increase is not permitted; and the rights of powerless and disabled persons of other nations should not be ignored in order to acquire profits just to achieve the national interest.

71- Principle of: Prohibition of international hoarding of food and obligation of feeding the world starving people

Starvation is one of the prominent phenomena at the international level in recent centuries. The rate of starvation casualties is much more than the casualties of accidents throughout the world. Hoarding of the public sustenance and/or exercising common methods for preventing decline in price of foodstuffs - such as, destroying the products and declining in cultivated areas of lands for the purpose of reduction of products supply in the market that leads to food prices increase - are not authorized in Islam. And whenever the people are in the state of hunger, then the Islamic judge

is authorized to order, to open the warehouses and people sustenance to be distributed amongst them. By taking the said subject into consideration, it is obvious that Islamic government has no right to hoard the domestic or foreign people's public sustenance, and make the people die due to famine and hunger.

Concerning the said subject, we read in Glorious Qur'an, sūrah of Joseph, that Joseph (A) said: **"For seven consecutive years, you shall sow as usual and you should store the harvest that you reap in its ear, except a little of it which you shall eat. Then after that shall come seven years of hardship of famine that you shall eat what you have stored beforehand except a little that you shall save for sowing seeds".**⁵⁹⁴ ... **"Then his brothers came to him; and he recognized them, but they did not recognize him; and when he provided them with the provisions which they demanded, Joseph said: Bring to me that brother of yours from your father. Do you not see that I fill up the measure and I am the best host"?**⁵⁹⁵ ... **"And Joseph told his servants: Put their money into their bags, so that they might know it after their return to their town and they might come back".**⁵⁹⁶ The above said verses imply that Joseph (A), in time of famine, gave full measure of food supplies to those persons who were from another territory and had exercised a grave injustice to him. Joseph (A) was Aziz (ruler) of Egypt at that time and the entrants had come

⁵⁹⁴ Yusof XII, 47-48.

قَالَ تَزْرَعُونَ سَبْعَ سِنِينَ دَأَبًا فَمَا حَصَدْتُمْ فَذَرُوهُ فِي سُنْبُلِهِ إِلَّا قَلِيلًا مِمَّا تَأْكُلُونَ. ثُمَّ يَأْتِي مِنْ بَعْدِ ذَلِكَ سَبْعٌ شِدَادٌ يَأْكُلْنَ مَا قَدَّمْتُمْ هُنَّ إِلَّا قَلِيلًا مِمَّا تَحْصِنُونَ.

⁵⁹⁵ Yusof XII, 58-59.

وَ جَاءَ إِخْوَةُ يُوسُفَ فَدَخَلُوا عَلَيْهِ فَعَرَفَهُمْ وَ هُمْ لَهُ مُنْكَرُونَ. وَ لَمَّا جَهَّزَهُمْ بِجَهَّازِهِمْ قَالَ ائْتُونِي بِأَخٍ لَكُمْ مِنْ أَبِيكُمْ أَ لَا تَرَوْنَ أَنِّي أُوْفِي الْكَفِيلَ وَ أَنَا خَيْرُ الْمُنْزِلِينَ.

⁵⁹⁶ Yusof XII, 62.

وَ قَالَ لِفَتِيَانِهِ اجْعَلُوا بِضَاعَتَهُمْ فِي رِحَابِهِمْ لَعَلَّهُمْ يَعْرِفُونَهَا إِذَا انْقَلَبُوا إِلَى أَهْلِهِمْ لَعَلَّهُمْ يَرْجِعُونَ.

from another territory, namely from Canaan to Egypt. In other words, Joseph (A) deemed it obligatory to give them foodstuffs on the basis of per capita namely each person's needs to be covered. Because in the following verses when the brothers demand to take Benjamin with themselves they argue that: **"So we shall obtain more food for our family, and we shall surely take care of our brother; and we shall obtain an extra camels load; what we have now is a small amount of food supplies"**.⁵⁹⁷ The said verse show that Joseph (A) used to divide sustenance on the basis of the members of persons in the family, and the last sentence, which says: **"what we have now is small amount of food supplies"** shows that each person's portion would suffice the least amount of food needed for the persons in the family. And since Joseph's brothers had not taken Benjamin with themselves, therefore they said that the acquired grains were less than what they needed to live. In other place, it is said: **"And when they opened their bags they found their money had been returned to them"**.⁵⁹⁸ That is to say, the purchase price of the grains had been returned to them. What we understand from the abovementioned verses is that when the people are in hardship with regard to the foodstuffs - no matter where they live and without paying attention to their nationality and religion - the Islamic government is bound to provide them sufficient sustenance without receiving purchase price or any other consideration.

In sūrah of Al-Nisā it is said: **"Those who are niggardly and enjoy niggardliness on other people and hide away what Allāh out of His bounty has bestowed upon them (should know that) We have prepared**

⁵⁹⁷ Yusuf XII, 65.

وَنَمِيرُ أَهْلَنَا وَنَحْفَظُ أَخَانَا وَنَزِدَادُ كَيْلَ بَعِيرٍ ذَلِكَ كَيْلٌ يَسِيرٌ.

⁵⁹⁸ Yusuf XII, 65.

وَلَمَّا فَتَحُوا مَتَاعَهُمْ وَجَدُوا بِضَاعَتَهُمْ زُدَّتْ إِلَيْهِمْ.

for the disbelievers a humiliating torment".⁵⁹⁹ In a comment on the said verse, it is said⁶⁰⁰: "**Those who are niggardly**". (The term "niggardly" as a grammatical point of view is an attribute or substitute⁶⁰¹ for the term "the conceited arrogant" which is written in pervious verse or it is used as a substitute for "conceited" -or in apposition of one of them (that is the niggardly arrogant) - or a predicate of omitted subject - or its predicate and subject is omitted- or the object of the verb is omitted.) Niggardliness (parsimony) is referred to that characteristic of a man, which prevents him to spend or use what is in his possession. He does not give it away, whether it be from among of the rights of Allāh such as poor-due or one-fifth levy; and/or from among of the people's rights such as obligatory alimony or matured debts which their payments are obligatory; or praiseworthy rights such as alms-giving and recommended charities and/or praiseworthy actions such as recommended expenditure for himself, family, relatives and neighborhoods. It is narrated from the Messenger of Allāh (S): Whosoever pays his obligatory poor-due and hands the property which has been set aside as recommended expenditure to one who is entitled to, then he could not be called "niggardly". Therefore, niggardly is in fact the one who does not pay his obligatory poor-due and does not give the property, which has been set aside, to somebody who is entitled to, whereas he is extravagant in other cases. The wealth, which has been donated, as charity is called "detached" (set aside property). Because the status and characteristics of whatever which is attributed to human beings, even his own self, is due to

⁵⁹⁹ Al-Nisā IV, 37.

الَّذِينَ يَبْخُلُونَ وَيَأْمُرُونَ النَّاسَ بِالْبُخْلِ وَكَتُمُونَ مَا آتَاهُمُ اللَّهُ مِنْ فَضْلِهِ وَأَعْتَدْنَا لِلْكَافِرِينَ عَذَابًا مُهِينًا.

In sūrah of Al-Hadid, 24 says: "**Those who are niggardly and encourage other people to niggardliness, they should know that Allāh is the Praiseworthy Rich.**"

الَّذِينَ يَبْخُلُونَ وَيَأْمُرُونَ النَّاسَ بِالْبُخْلِ وَمَنْ يَتَوَلَّ فَإِنَّ اللَّهَ هُوَ الْغَنِيُّ الْحَمِيدُ ۗ

⁶⁰⁰ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 4, pp. 66-71.

⁶⁰¹ If it is a substitute of "**arrogant**" (in previous verse) then it means "**The arrogant who is niggardly and encourages others to niggardliness**".

separation and detachment, except Allāh's countenance which remains permanently. If the matter in question is from among the world's accident, then it had been separate at the beginning and its connection and relation to human beings shall be disconnected and disengaged by death and legal transference or lapse of time; and if they are such as powers, members of the body, accidents and ranks then they would separate from human beings by voluntary or compulsory death and/or due to the accidents which happen. As a poet has composed:

If collecting wealth and property is just for leaving and departing.
So that, why should one be niggardly on the wealth that he has to leave and
depart.

Be aware that generosity is a duty and an obligatory rule, which is located between two extremes namely, squandering and meanness. There are several grades in meanness which some of them are called niggardliness. That is to say, abstaining from spending what one has in his possession, in a way that he would not be able to spend them, whether they be in obligatory, recommended or permitted occasions. And some grades are called avarice (greed), which is abstaining from spending what one has in his possession and also desirous of taking whatever the other peoples own, into his possession. As it is narrated from Imam Sadiq (A): The niggardly is one who is tight-fisted with what is in his possession, and avaricious one is he who is tight-fisted with what the others have in their possession as well as what he himself has in his possession. This quality is so grave that whatever he sees in the possession of other people, then he desires to own it, no matter the wealth is religiously lawful or forbidden. He is never contented and satisfied with what Almighty God has bestowed him. There are also several grades in squandering, and since the appearance of the deeds, statements, moral qualities, and states of human beings are within

the category of all allegoricals which their interpretations are not known except by Almighty God and those who are firmly rooted in knowledge, therefore distinction between generosity, squandering and meanness and the grades between them - with regard to the recognition and their detail distinguishment while emanating from human beings - is completely hidden even to the donator. Although it might be apparent on the basis of general rules of knowledge, as it is explained by ethicians. So that, charitable donations bear different status and names, with regard to the intention of contributors and their objectives as well as the way which is expended for, and those persons who are the subject of the donation. It is likely that there be an abstention, which is much better than charitable donations, and/or it is likely that donation would cause the contributor to bear its evil consequences. How beautifully is stated by Molavi (may his spirit be sanctified):

The contributor and the niggardly should take the position of their expenditures into consideration.

Because if they select the right position then their deeds would result in right effects.

It is likely that niggardliness be much better than donation.

Never spend the God's wealth unless it is on the basis of God's commands.

If you keep and hold the wealth for the cause of Allāh.

"What a good and purified wealth it is". Said the Messenger of Allāh

It is relevant to mention that: The essence of everything, which is attributed to humankind, is his egotism, namely attributing the existence to himself. And the basis of all charitable donations and their final objectives and causes are contribution out of egotism. And the essence of the aggregate of everything that is donated to him is divine guardianship. Therefore, whosoever contribute his egotism in the way of divine

guardianship, and submit it to his "Master of the Affairs" through special devotional oath of allegiance and accept the inward invitation, it would result to this point that, if he contribute other things, which are attributed to him, to himself, or those persons who are under his domination and control, or other persons - whether due to the obligation, recommendation or permission - this donation would be called generosity; and if he be thrifty because of the abovementioned cases, his thriftiness would be praiseworthy and shall not be considered as niggardliness. And the person who is niggardly with regard to his egotism and does not contribute it in the way of divine guardianship; if he be thrifty, his thriftiness is called niggardliness and if he makes donation, his donation is called squandering, unless his thriftiness and contribution be in the way of demanding divine guardianship which in this case his thriftiness and contribution shall not be considered as niggardliness or squandering. Therefore, it would be true if it were said: The arrogant are those persons who are niggardly as to spend their egotism for Imam Ali (A). **"And enjoin niggardliness on other people"**. And stop them to spend their egotism in the way of divine guardianship and prevent people to perform their duty. It is true to say that, the said verse is an indirect remark on the leaders of hypocrites of the community who after Muhammad (S) disregarded Ali (A) and prevented people to resort to Ali (A). **"And hide away what Allāh out of His bounty has bestowed upon them"**. Namely those persons who offer an excuse for their parsimony and non-contribution and pretend that they have nothing to make a donation; they hide whatever they have such as their outward and inward gracious bounties, strength of their powers, retinue, position, science and knowledge. The noblest inward and outward gracious bounties are those, which appear in man, out of divine morals and status, and at the time of their appearance one would feel the states of comfort, relaxation and pleasure. The essence of the said gracious bounties is the blessing of

divine guardianship and its recognition. The ugliest feature of hiding them is denial of the said states and their recognition from oneself. In a way, that one be ignorant of its recognition or away from taking pleasure of its states, and/or ignoring both of them. This is the best evidence for proving the prophethood of one who is endowed with it and is acting upon it, and also is the best evidence for proving his divine guardianship. Therefore, it would be correct if the said verse be interpreted as follows: "Denial of what Almighty God has bestowed them, whether the evidence concerning Muhammad's prophethood or the evidences concerning Ali's divine guardianship, and whatever they have understood from their own scripture, and the tidings which they have received from their prophets, from Qur'an and Muhammad's traditions, and also those divine heavenly morals which are samples of the morals and characteristics of prophethood and divine guardianship to be found in their own selves". **"We have prepared for the disbelievers"**. It means those persons who have denied the God's blessings and have not been grateful through expressing it. Because to express the blessings is considered as being grateful. As its denial would be a kind of ingratitude. In this verse, bringing the exact name instead of pronoun is to declare that those persons who deny Almighty God's blessings are of disbelievers. **"A humiliating torment"**. Since they have been scornful because of denial and not expressing our blessings, therefore we have prepared a humiliating torment for them. Because when Almighty God bestows something to his bondman, He likes to see that blessing on His bondman. And granting blessings practically is much better than granting them through statements. And whosoever denies the events, Almighty God would control him by a bridle of fire".

In sūrah of Ale-Imran, it is said: **"And those who niggardly withhold of that, which Allāh has bestowed on them of His bounty, should not**

think that it is good for them. Nay, it will be the worst for them; the things, which they covetously withheld, shall be tied to their necks like a collar (of fire) on the Day of Resurrection. Verily, to Allāh belongs the heritage of the heavens and the earth".⁶⁰² And also says: "You are the ones who are asked to spend your wealth on Allāh's way, but among you are some people who are niggardly, and whosoever is miser is against himself. However, Allāh is the Absolute Independent and you are in need of Allāh's favors and bounties. If you turn back from Allāh's way He will substitute another nation instead of you, a people not like you".⁶⁰³ And in sūrah of Al-Taghābun says: "Fear from Allāh as much as you can; listen to His commands and obey; and spend in charity; and you will profit from doing all those. And whosoever is delivered from the greed of his own passionate-self, he is indeed of the salvated ones".⁶⁰⁴

All of the above said verses are emphasizing a special subject, that is to say, whosoever not to be niggardly and contributes in charitable donations; he has done it for his own benefit. Contrary to the common belief and on the basis of microeconomic and international trade theories and by resorting to mathematics, we are able to prove that the interests of humankind are based on exaltation of the whole humankind. It is hoped to cover the said issue in a separate book in the future.

⁶⁰² Ale-Imran III, 180.

وَلَا يَحْسَبَنَّ الَّذِينَ يَبْخُلُونَ بِمَا آتَاهُمُ اللَّهُ مِنْ فَضْلِهِ هُوَ خَيْرًا لَّهُمْ بَلْ هُوَ شَرٌّ لَّهُمْ سَيُطَوَّقُونَ مَا بَخَلُوا بِهِ يَوْمَ الْقِيَامَةِ وَ لِلَّهِ مِيرَاثُ السَّمَاوَاتِ وَالْأَرْضِ.

⁶⁰³ Muhammad XLVII, 38.

هَا أَنْتُمْ هَؤُلَاءِ تُدْعَوْنَ لِتُنْفِقُوا فِي سَبِيلِ اللَّهِ فَمِنْكُمْ مَنْ يَبْخُلُ وَمَنْ يَبْخُلْ فَإِنَّمَا يَبْخُلُ عَنْ نَفْسِهِ وَاللَّهُ الْغَنِيُّ وَأَنْتُمُ الْفُقَرَاءُ وَإِنْ تَتَوَلَّوْا يَسْتَبَدِلْ قَوْمًا غَيْرَكُمْ ثُمَّ لَا يَكُونُوا أَمْثَالِكُمْ.

⁶⁰⁴ Al-Taghabun, LXIV, 16.

فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ وَاسْمِعُوا وَأَطِيعُوا وَأَنْفِقُوا خَيْرًا لِأَنْفُسِكُمْ وَمَنْ يُوقِ شُحَّ نَفْسِهِ فَأُولَئِكَ هُمُ الْمُفْلِحُونَ.

Anyhow, niggardliness is one of the characteristics of human beings, and in Glorious Qur'an those persons who perform their prayer regularly, namely, they are always remembering Allāh, are considered as an exception. In sūrah of Al-Ma'arij, it is said: **"And those who collect money and store it. Verily man is very greedy and impatient creature. When some harm touches him, he is fretful and keeps complaining. And when wealth comes to him, he is miser. Those who perform prayers out of real devotion they are exceptioned. They are the ones who perform their prayers regularly. And those in whose wealth is an appointed share, for the needy who demands and the one who is deprived"**.⁶⁰⁵

Those cases that were mentioned about contribution and niggardliness, in spite of their being for individual persons, could be extended to the government and enforced at the level of nations and states. It is said: **"What Allāh has put at the disposal of His messenger, taken from the people of the townships, belongs to Allāh, to His messenger and his relatives and orphans, and to the poor and to the wayfarer: Since these booties should not fall in the hands of the wealthy men among you; so take what your messenger gives you, and whatever he forbids you, abstain from it; and fear from Allāh. Verily Allāh is the severe retributing. Some of the booties should be given to the needy of the**

⁶⁰⁵ Al-Ma'arij, LXX, 18-25.

وَجَمَعَ فَأَوْعَى إِنَّ الْإِنْسَانَ خُلِقَ هَلُوعًا إِذَا مَسَّهُ الشَّرُّ جَزُوعًا وَإِذَا مَسَّهُ الْخَيْرُ مَنُوعًا إِلَّا الْمُصَلِّينَ الَّذِينَ هُمْ عَلَى صَلَاتِهِمْ دَائِمُونَ وَالَّذِينَ فِي أَمْوَالِهِمْ حَقٌّ مَّعْلُومٌ لِلسَّائِلِ وَالْمَحْرُومِ.

In sūrah of Al-Lail LXLII, 4-11 says: **"Indeed the efforts and aim of you people is diverse. As for him who spends in charity and is obedient to Allāh and confirms the truth of the supreme excellent; We will make for him easy. But he who is niggardly seeking to become rich and self-sufficiency and who also belies the truth of the supreme excellent, We will cause hardship for him, and his wealth is of no benefit when he is being put into the grave and cast into the fire"**.

إِنَّ سَعْيَكُمْ لَشَتَّى فَأَمَّا مَنْ أَعْطَى وَاتَّقَى وَصَدَّقَ بِالْحُسْنَى فَسَنُيَسِّرُهُ لِلْيُسْرَى وَأَمَّا مَنْ بَخِلَ وَاسْتَغْنَى وَكَذَّبَ بِالْحُسْنَى فَسَنُيَسِّرُهُ لِلْعُسْرَى وَمَا يُغْنِي عَنْهُ مَالُهُ إِذَا تَرَدَّى إِنَّ عَلَيْنَا لَلْهُدَى.

Emigrants who are seeking Allāh's grace and pleasure; and they do help Allāh and His messenger in Allāh's path and they are indeed sincere in their deeds. And those who before the emigrants remained at their homeland and became as believers. They love those who came to them as emigrants, and they do not envy them for what they are given and they prefer them over themselves even if they need the same things, and those who are secure from the greed of their own souls, they are indeed the salvated".⁶⁰⁶

Certainly, moderation is ordered in contribution of charitable donations, which says: "Do not keep your hand chained to your neck. Nor be extravagant in spending your earnings so that out of poverty you may become distressed and self-blaming".⁶⁰⁷ And in sūrah of Al-Furqān it is addressed to honorable Messenger (S) and says: "Those who while spending in Allāh's way they are neither extravagant nor niggardly, but they are moderate between the two extremes".⁶⁰⁸

⁶⁰⁶ Al-Hashr, LIX, 7-9.

ما أَفَاءَ اللَّهُ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَى فَلِلَّهِ وَ لِلرَّسُولِ وَ لِذِي الْقُرْبَى وَ الْيَتَامَى وَ الْمَسَاكِينِ وَ ابْنِ السَّبِيلِ كَيْ لَا يَكُونَ ذُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ وَ مَا آتَاكُمْ الرَّسُولُ فَخُذُوهُ وَ مَا نَهَاكُمْ عَنْهُ فَانْتَهُوا وَ اتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ. لِلْفُقَرَاءِ الْمُهَاجِرِينَ الَّذِينَ أُخْرِجُوا مِنْ دِيَارِهِمْ وَ أَمْوَالِهِمْ يَبْتَغُونَ فَضلاً مِنَ اللَّهِ وَ رِضْوَاناً وَ يَنْصُرُونَ اللَّهَ وَ رَسُولَهُ أُولَئِكَ هُمُ الصَّادِقُونَ. وَ الَّذِينَ تَبَوَّأُوا الدَّارَ وَ الْإِيمَانَ مِنْ قَبْلِهِمْ يُحِبُّونَ مَنْ هَاجَرَ إِلَيْهِمْ وَ لَا يَجِدُونَ فِي صُدُورِهِمْ حَاجَةً مِمَّا أُوتُوا وَ يُوَثِّرُونَ عَلَى أَنْفُسِهِمْ وَ لَوْ كَانَ بِهِمْ خَصَاصَةٌ وَ مَنْ يُوقَ شُحَّ نَفْسِهِ فَأُولَئِكَ هُمُ الْمُفْلِحُونَ.

⁶⁰⁷ Al-Isrā XVII, 29.

وَ لَا تَجْعَلْ يَدَكَ مَغْلُولَةً إِلَى عُنُقِكَ وَ لَا تَبْسُطْهَا كُلَّ الْبَسْطِ فَتَقْعُدَ مَلُوماً مَحْسُوراً.

⁶⁰⁸ Al-Furqān XXV, 69.

وَ الَّذِينَ إِذَا أَنْفَقُوا لَمْ يُسْرِفُوا وَ لَمْ يَقْتُرُوا وَ كَانَ بَيْنَ ذَلِكَ قَوَاماً.

Hoarding the public sustenance whether domestic or foreign is not authorized and in case of famine and starvation whenever the people are in the state of hunger, then the legal authorities are authorized to order to open the warehouses and sustenance be distributed amongst the people to prevent them from dying due to starvation and hunger.

CHAPTER THREE

DIPLOMACY IN ISLAM

Preface

Two general meanings are ascribed to the term "diplomacy". Diplomacy, in its first meaning, is the guidelines or policies of a state about international political issues, regarding to foreign states or different regions, and also concerning the treaties whether international or regional. The second meaning of diplomacy is the skill in or art of negotiation for reaching to a common understanding in the international scene. Anyhow, it is, "the conduct of relations and communication", which makes both meanings to become comprehensible⁶⁰⁹. In this chapter, we are going to

⁶⁰⁹ In foreign sources, the meaning of "diplomacy" consists also of the said two meanings. Although the literal meaning of diplomacy is also "hypocrisy".

- Diplomacy is the application of intelligence and tact to the conduct of official relations between the governments of independent states, extending sometimes also to their relations with vassal states; or more briefly still, the conduct of business between states by peaceful means...skill or address in the conduct of international intercourse and negotiations. Ernest Satow, *A Guide to Diplomatic Practice*, London: Longmans, Green, 1957, 1-3.
- Diplomacy is the peaceful conduct of relations amongst political entities, their principals and accredited agents. K. Hamilton and R. Langhorne, *The Practice of Diplomacy-its Evolution, Theory and Administration*, London: Routledge, 1995, 1.
- Diplomacy is essentially a system of communication between governments and classic diplomacy rested almost entirely on linguistic skills. Christer Johnsson and Karin Aggestam, "Diplomatic Signalling," *DSP Discussion Papers No. 27*.
- The term diplomacy means...the set of means and specific activities used by a State to serve its foreign policy. Jacques Chazelle, *La Diplomatie*, Paris: Presses Universitaires de France, 1962, 9.
- Diplomacy is the technical instrument for the implementation of foreign policy. A.Y. Vishinsky and S.A. Lozevsky, eds., *Diplomatichesku Slovar*, Moscow: 1948-1950, vol. I, 570.
- The functions of a minister sent to a foreign country are chiefly two: one is to care for the interests of his Sovereign in that country and the other is to discover the interests of others. M. Callières, *De la manière de negocier avec les souverains, de l'utilité des Negotiations, du choix des ambassadeurs & des Envoyez, & des qualités necessaires pour reussir dans ces emplois*, Bruxelles: Pour la Compagnie, 1716.
- Diplomacy is the execution by the diplomats of the strategy aiming at the realization of national interests in the international field. Morton Kaplan, "Introduction to Diplomatic Strategy", *World Politics*, July 1952, 548.
- Diplomacy is the science or art of negotiation. Charles de Martens, *Le Guide diplomatique*, Leipzig: 1866, 1.

-
- Diplomacy consists of: 1-finding out or guessing intelligently what one power needs to know about another, 2-sifting and collating the information received, 3-determining the options available to a government and submitting them for decision, and 4-communicating and explaining a government's decisions to another government. Adam Watson, *Diplomacy: The Dialogue Between States*, London: Methuen, 1982, 122-4.
 - The primary function of diplomacy is to facilitate communication between the political leaders of states and other entities in world politics. Hedley Bull.
 - Diplomacy is the formation and execution of foreign policy. Hans Morgenthau, *Politics among Nations*, 146.
 - For diplomats have this charming arrogance that they set an example to whom, and of what, the devil himself will never know. John Le Carre, "The Honourable Schoolboy".
 - Diplomacy is "to lie and deny." Talleyrand.
 - A lie always leaves in its wake a drop of poison... The negotiator should recollect that he is likely for the rest of his life to be constantly engaged in diplomatic business and that it is essential for him to establish a reputation for straight and honest dealing. Francois de Callieres, 1716.
 - Diplomacy is the art of not lying, but neither telling the entire truth. Stefan Muscat.
 - Diplomacy is the overall process that is responsible for the interactions and outcomes of state relations. And must not be confused with its instruments of executive and legislative implementation; Negotiations and Foreign Policy respectively. Therefore, Diplomacy is a process that a state undergoes when conducting International Relations. Anna Hanooman.
 - The American Heritage Dictionary of the English Language, 4th Ed. 2004, by Houghton Mifflin Co. *dī-plō'mə-sē* is: 1-The art or practice of conducting international relations, as in negotiating alliances, treaties, and agreements. 2- Tact and skill in dealing with people. See synonyms at tact.
 - Roget's II: The New Thesaurus, 3rd Ed. by the Editors of the American Heritage Dictionary 1995 by Houghton Mifflin Co.: Diplomacy is: The ability to say and do the right thing at the right time.
 - WordNet 1.7.1, 2001 by Princeton University: Diplomacy is: 1-negotiation between nations. 2-subtly skillful handling of a situation. 3-wisdom in the management of public affairs.
 - Translations for diplomacy, WizCom Technologies Ltd. 2005:
 - Nederlands (Dutch): diplomatie, tact
 - Français (French): diplomatie
 - Deutsch (German): Diplomatie
 - Ελληνική (Greek): διπλωματία, διπλωματικότητα, (μτφ.) διακριτικότητα, τακτ
 - Italiano (Italian): diplomazia
 - Português (Portuguese): diplomacia
 - Русский (Russian): дипломатия
 - Español (Spanish): tacto, diplomacia
 - Svenska (Swedish): diplomati
 - 中国话 (Simplified Chinese): 外交, 交际手段, 外交手腕, 策略
 - 中國話 (Traditional Chinese): 外交, 交際手段, 外交手腕, 策略
 - 日本語 (Japanese): 外交, 外交の手腕
 - العربية (Arabic): التفاوض مع الناس, (الاسم) الدبلوماسية, فن أو مهارة
 - עברית (Hebrew): דיפלומטיה, מדינאות - n.

explain the Islamic attitudes towards the said meanings of diplomacy in conduct of international intercourse⁶¹⁰.

In current world's political systems the foundation of diplomacy is based on constituent factors of power such as geographical position, military forces, economical power, social and humanitarian characteristics, political stability and popularity amongst other states, which everyone of them plays special role for a state's interaction in the global system. For instance the size, situation, regional factors, natural conditions as geographical points of view could be the cause of power and dominance of a state in a region. Or the air force, the navy, the ground forces and/or the systems of mobility of forces - which is called "push button age"⁶¹¹ in this period of time - and strategic weapons and their ranges constitute the military component of the power. Firms, production technology, economy, and contribution of state in international and regional trade all conform economic component of the power. The national characteristics, individual's morale in the society, solidarity of and homogeneity of people, ethnical-racial particularities of people, national zeal, patriotism and many other factors are among constituent elements of humanitarian -social components of the power of state. The political stability and other characteristics, which lead to the political stability of the government of a state and international prestige of country in the public opinions of the world and other states, are also considered as other components of the power of a state.

The following references are of classic sources about diplomacy:

- A guide to diplomatic practice by Sir Ernest Satow, (Longmans, Green & Co. London & New York, 1917). Now in its fifth edition (1998).

- The rise of the great powers: 1648-1815 Derek McKay and H.M. Scott (1983).

⁶¹⁰ Aladpoosh, Ali and Ali-Reza Totonchian (1993) Diplomacy and diplomats, Foreign Ministry Publication and Printing Organization. 46 definitions for diplomacy are given which could be categorized into the above said two concepts.

⁶¹¹ Push button age.

The history of human societies shows that whenever there has been a balance of powers in the international scene, infringement of rights of states and nations has seldom been occurred, and international social contract (as it has been propounded by Jan Jack Rousseau - but in its global range) has been observed to a greater degree. But whenever one of the states has acquired a better position with regard to the power, it has started the infringement of rights of the other states and nations. There are too many examples of the said subject in the history of nations, which numerous books are required to mention all of them. The history of humankind is full of this phenomenon.

Our objective in this chapter is to inquire into the general rules of Islamic diplomacy and how Islamic government should behave towards other states and nations. As it has already been mentioned, in the history of Islam, the true Islamic government has only been established at the early Islam and few years of the last part of Imam Ali's life. In other periods, whether in time of Omayyads or Abbasids or other times which several kings have reigned in the Muslim's territories -although they have ruled in the name of Islam- the real objectives and outward forms of their government have been quite different compared with real Islamic government.

In official relations among the states, there are several issues, which could be observed clearly. In other words, the practical diplomacy is based on numerous principles, which the methods of establishment of international relations, leadership of diplomacy, the basic motives and ideologies behind the diplomacy, its aims, and processes and tactics of reaching the objectives are all important factors of diplomacy. The current diplomacy and Islamic diplomacy have some differences in their principles and characteristics, which we are going to discuss the important ones now.

The main objective and motive of diplomacy is principally because of establishment of communication/relation with others in the world. The said motivation has been different due to various ages and world's political systems. For instance, the aims of diplomacy could be different in the following situations, such as: different kinds of international systems, unipolar international power, bipolar or multipolar international balance of powers, the reign of law in the international relations, international feudal system, and so on. But the main common objectives among all forms of diplomacies are, and have been, acquiring security and interests.

Security means survival and self-protection, as defined by theories of political sciences. The following cases could be included in the subjects of security such as: protecting the existing situation against others (status quo), foresight to overtake the others in future, fear of losing the possessions, fear of aggression and many other cases. The acquiring interests and benefits could also be included in the following cases, such as: taking advantages from establishment of communication/relation and economic-political relations, or temptation to invade the other's possessions and/or enhancement of international credibility and reputation, and political or economic stability. Acquiring profits, which results from international trade and economic relations, has a major topic in international economics, which we are not going to discuss about it here.

During the history, the security has been established just by strengthening of the military forces, stationing the populations in safe and secured areas, and construction the protective fortifications. After growth of technology and development of communications and getting access to the long-range weapons, there has been a change in the conditions of acquiring security. Concluding multilateral treaties, using the method of Machiavellism and causing discord and disunion among other states,

struggling for self-sufficiency and relative independence in national technology, and monitoring international or regional economic-political changes, they all have been among the measures and peculiarities of acquiring security in last century, although most of the said methods have also been used as methods of acquiring security in old times. Most of the said methods are considered as the bases of diplomatic procedures in acquiring security, which through establishment of international relations are manifested, in the forms of practical diplomacy.

The objective of diplomacy in Islam is not just restricted to acquiring security and benefit. In spite of paying attention to obtain all components needed for establishing security and acquiring interest for the nation and government, Islam follows a higher objective regarding planning diplomacy and establishment of international relations. In noble verse of: **"O, mankind! Verily, We created you all from a male and female and appointed for you tribes and nations to be known. Verily, in Allāh's sight the most honorable of you is the most pious of you"**.⁶¹² The objective of creation is declared to be, devotion (servitude) and knowledge (gnosis). In another verse, it is said: **"And I have not created the Jinn and men except that they should worship Me"**.⁶¹³ In the latter verse the phrase **"that they should worship Me"** is also reinterpreted as **"that they should know Me"**. That is to say, the objective of creation is knowledge, gnosis, awareness, and devotion (servitude). Some people believe that the term "to be known" is an adverb for nations and tribes, that is to say, the objective of the creation has been knowing each other in the nations and tribes. Anyhow, the said verse propounds the means to the ends of creation

⁶¹² Al-Hujurāt XLIX, 13.

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ.

⁶¹³ Al-Dhariat LI, 56.

وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ.

as similarity of humankind and knowing the others, in other words, establishment of relations amongst tribes and nations.

Multiplicity of nations and tribes is one of the peculiarities of creation. Some people have protested that why Almighty God has not created all human beings in one nation or tribe. In Glorious Qur'ān it is said: **"For each of you, We have given a code of law and an open method and way; and if Allāh had intended, He would have made you one nation. But Allāh's will is to try you in what He has given to each of you. You people should compete one another in goodness. To Allāh is return of you all; and then He shall inform you about what you disputed"**.⁶¹⁴ In a comment on the said verse it is said⁶¹⁵: **"For each of you, We have given a code of law"**. That is to say, there is a relevant law for every sect and community on the basis of their structures. And (in Arabic sentence) placing the term **"of you"** after the verb, indicates this point that, special laws and regulations of each community result from differences of their talents and abilities. **"And an open method"** means that, according to the heart, the way is clear and open. The term **"Sher'atan (way)"** in the Arabic sentence means "waterway" which all humankind would enter it in equal basis and the formal laws and regulations of each community is the true path to the "water of life" (well spring of life) which everyone in the community has an equal share in it. And the term **"Menhāj (method)"** taken from "Nahj-ol-Amr (commanded method)" means "when it is clear", the real meaning is "an open and clear way from heart to the truth". This part of sentence is causal interpretation of what has already been stated.

⁶¹⁴ Al-Mā'idah V, 48, There are several verses similar to the said verse in Glorious Qur'ān.

لِكُلِّ جَعَلْنَا مِنْكُمْ شَرْعَةً وَ مِنْهَا جَاءَ وَ لَوْ شَاءَ اللَّهُ جَعَلَكُمْ أُمَّةً وَاحِدَةً وَ لَكِنْ لِيَبْلُوَكُمْ فِي مَا آتَاكُمْ فَاسْتَبِقُوا الْخَيْرَاتِ إِلَى اللَّهِ مَرْجِعُكُمْ جَمِيعًا فَيُنَبِّئُكُمْ بِمَا كُنْتُمْ فِيهِ تَخْتَلِفُونَ.

⁶¹⁵ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 4, pp, 342-344.

That is to say, do not deviate from your own laws because of the other's laws. Their laws are stipulated just for them and you have your own special laws to observe. **"And if Allāh had intended, He would have made you one nation"**. If Allāh had intended, He could have made a united community with just one set of laws, without any law being abrogated and/or new laws being introduced to them. **"But"** He has made you various communities. **"Allāh's will is to try you in what He has given to each of you"** in order to try you by new laws which has been given to you. Because it is very easy for the soul to accept the things that are used to do them, therefore the truthfulness of faith could not be ascertained just by performance of customary acts. On the contrary, those things, which are not customary for the soul, are difficult to be accepted. Consequently, they would not be accepted unless there exist true faith. **"You people should compete one another in goodness"**. That is to say, when you are informed that differences among communities are for trying you, so that compete one another in goodness, on the basis of what Almighty God has ordained through the statements of His prophet and leave aside the old customs. Namely, by taking control over your souls, perform good things. Because your souls command to perform those things, which you are accustomed to do; or compete your neighbors to locate in a better position. **"To Allāh is return of you all"**. All persons whether previous generations or posterity would return to Allāh no matter if they have acted upon the commands of Allāh or according to their customs. The said phrase is a causal interpretation of God's statement, which **"compete one another"**, is a promise and threat for both groups. **"And then He shall inform you about what you disputed"**, such as the truth, null and void (false) commands and customs. It is also an implicit declaration of divine guardianship and all differences on this subject which occurred after demise of Messenger of Allāh (S)."

In another verse it is said: **"And to every nation, We have appointed ways of worship and rites which the act upon. So they should not dispute with you about the matter, so call them to the way of your Lord, surely you are on the straight path"**.⁶¹⁶ It means that the laws, regulations, and ways of each nation are respectful for themselves. Therefore, let them be on their religious rites and you on your own religious rites, although your religious laws are shorter and more straight way compared with other religious laws.

It would not be too far from the reality if it be argued that the reason for making various nations, and the will of divine providence to create different tribes and communities, had been their disobedience, because it is said: **"Mankind were but one community, then they differed"**.⁶¹⁷ And in another noble verse it is said: **"At the beginning, people were one nation; then Allāh sent Messengers as givers of glad-tidings and warners; and sent down (with them) the book with the truth to judge between men in whatever they differed"**.⁶¹⁸

The objectives of Islamic diplomacy is extension of human exaltation under the divine teaching, which says: **"And if anyone of the idolaters seek refuge in you (O, Messenger) grant him, so that may hear words of Allāh and then escort him to where he can be secured, that is because they are a people who lack knowledge"**.⁶¹⁹ This verse is

⁶¹⁶ Al-Hajj XXII, 67 also look at verse 34 in the same sūrah.

لِكُلِّ أُمَّةٍ جَعَلْنَا مَنْسَكًا هُمْ نَاسِكُوهُ فَلَا يُبَارِعُوكَ فِي الْأَمْرِ وَادْعُ إِلَىٰ رَبِّكَ إِنَّكَ لَعَلَىٰ هُدًى مُّسْتَقِيمٍ.

⁶¹⁷ Yūnus X, 19.

وَ مَا كَانَ النَّاسُ إِلَّا أُمَّةً وَاحِدَةً فَاخْتَلَفُوا.

⁶¹⁸ Al-Baqarah II, 213.

كَانَ النَّاسُ أُمَّةً وَاحِدَةً فَبَعَثَ اللَّهُ النَّبِيِّنَ مُبَشِّرِينَ وَ مُنذِرِينَ وَ أَنْزَلَ مَعَهُمُ الْكِتَابَ بِالْحَقِّ لِيُحْكَمَ بَيْنَ النَّاسِ فِي مَا اخْتَلَفُوا فِيهِ.

⁶¹⁹ Al-Taubah IX, 6.

addressed to the honorable Messenger of Islam. He is told that you should make the idolaters hear the words of Allāh; you should grant them shelter and then escort them to a secured place; you have to suffer the hardship of making them hear the words of Allāh through your statements, therefore they might change their way of living and get closer to the path of Allāh. This kind of confrontation reveals the objective of diplomacy in Islam. It teaches us how there should be the method of conducting relations in Islam. In other words, one of the methods of Allāh to make the people approach nearer to His path is that He makes His messenger to suffer hardship until the idolaters being able to hear the words of Allāh through the statements of the messenger. And these words are neither an authoritative order, nor a command and not a prohibition, but just a conversation like common negotiations. This kind of invitation could be seen with subtlety in sūrah of al-Nahl which says: **"Invite (mankind) to the way of your Lord with divine reasoning and fair preaching and argue with them in the best manner. Truly your Lord is in the supreme position to know who has gone astray from His path and who are the guided ones"**.⁶²⁰ In a comment on this verse it is said⁶²¹: **"Invite (mankind) to the Way of your Lord"**. This verse has no connection with the previous one; therefore, no relative conjunction has been used. The phrase **"way of your Lord"** means religion of Islam or divine guardianship, which is its greatest pillar. **"With divine reasoning and fair preaching and argue with them in the best manner"**. The Arabic term **"Al-hekmah"** which is translated to **"divine reasoning"** in the verse, has been interpreted as "resembling God with

وَإِنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّى يَسْمَعَ كَلَامَ اللَّهِ ثُمَّ أَبْلِغْهُ مَأْمَنَهُ ذَلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَعْلَمُونَ.

⁶²⁰ Al-Nahl XVI, 125.

ادْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحُكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ وَ جَادِلْهُمْ بِالَّتِي هِيَ أَحْسَنُ إِنَّ رَبَّكَ هُوَ أَعْلَمُ بِمَنْ ضَلَّ عَنْ سَبِيلِهِ وَ هُوَ أَعْلَمُ بِالْمُهْتَدِينَ.

⁶²¹ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 8, pp. 212-218.

regard to the knowledge and practice", which means to be aware of the subtleties of sciences when the mankind is unable of knowing them, and having ability over the subtleties of some practices where the like persons are unable of meticulousness and fine workmanship which are the function and status of divine guardianship. What is really meant by "**Al-Hekmah**" is invitation through inward nature of the person or manipulation of the invited person according to his talents; and invitation through outward means according to his feeling's conditions, such as performance of miracles, and by occurrences unto heart and imaginations, which shall make him to return towards Allāh. And "**fair preaching**" is to state those things which are useful to the invited persons, so that he would be eager to hear them and/or stating what is harmful so that causes him to avoid it. It should be done in a manner that the invited person would feel the preacher is acting as a counselor and benevolent person for him. This kind of manners is the function and status of prophets. And "**arguing in the best manner**" means compelling the enemy (to accept the issue) through argument and convincing reasoning and whatever which is certain and unquestionable for him, whether he agrees with the argument or does not agree with it. The said concept could also be found in the narrations while interpreting the term "argument", that is to say "argument" has more general meaning than what the logicians have defined it, and "argument" is the function and status of messengerhood. Because messenger of Allāh is duty-bound to compel the people to accept the religion even if it be by using the sword. That is why the messenger (S) possesses the said three functions and statuses. The people are also categorized in three groups: Those who are prepared to be manipulated by divine guardian; those who are ready to accept the advices of prophet; and those who are the opponents and it is necessary to be compelled. For every person within the said groups there could be imagined a special inward state, therefore Almighty God has

ordered the honorable Prophet to perform the said three different invitations. According to the narrations the "argument in bad manner" is when you deny the alleged rights of the enemy, or consider it as null and void, just for compelling him to accept the issue; and/or when you have no convincing reasoning to confront him, consequently you will be engaged in polemic conversation and due to your own weakness the enemy would be encouraged to stand against your religious brethren and finally would lead to the feebleness of the heart and faith of the Muslims. **"Truly your Lord is in the supreme position to know who has gone astray from His path and who are the guided ones"**. That is to say, O, Messenger, your task is to perform a general invitation, therefore thinking and worrying about usefulness and uselessness of the invitation should not make you feeble in doing your tasks".

The topic of conducting diplomacy returns to the subject, definition and particularities of Islamic government. The Islam's government is principally under the control and sovereignty of the prophet, divine guardian or divine executor, otherwise the government bears only the name of Islam. In Islamic government religious adherence is obligatory, but in those governments which bear only the name of Islam there is no religious obligation to obey them. For instance, there is no religious obligation to obey the tyrant caliphs of Omayyads and Abbasids and/or the like governments. On the contrary, cooperation with them might cause weakness of the impeccables. As it is mentioned in the story of Safwān Jammāl, who was cautioned by His honorable Imām Sadiq (A) not to lease out his camels to the caliph. The story is explained in the narrational books in details. His honorable criticized Safwan on this very point that: "Because you desire your camels return back safely, consequently you desire heartfully that the caliph be also back safely, even this amount of your

hearty inclination is not desirable.

Anyhow, if the authorization of the prophets and divine guardians and divine executors be attached to the government authorities, then the government would be considered as Islamic government, that is to say, in one way or another the sovereignty is under the control of those persons who are religiously authorized or under the control of the holders of the authority, which is said: "**Obey Allāh and obey messenger and those governors among you who have received divine authorities**".⁶²² Otherwise, obedience on the basis of religious laws shall not be applicable but obedience on the basis of statutory laws as well as legal legitimacy is justified. Because it is based on "social contract" among the people of the society which is respectable and binding within the realm of law.

In political systems, the management and conducting diplomacy is under the control of the head of executive power and his executive organizations. This subject has its own special differences in various systems. In Islamic government the prophet, or divine guardian or divine executor are responsible for the management and conducting the diplomacy. As a general rule, the holders of authority have the responsibility of management and conducting diplomacy as well as leadership of the society.⁶²³

The methods of conducting diplomacy are almost alike in political systems, which are performed through negotiations. According to the said methods, the establishment of international relations is influenced by the

⁶²² Al-Nisa IV, 59.

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَ أَطِيعُوا الرَّسُولَ وَ أُولِي الْأَمْرِ مِنْكُمْ.

⁶²³ Bidabad Bijan and Abdulreza Harsini (2003), Religious-economic analysis of insurance and characteristics of Islamic government. Monetary and Banking Research Academy, Central Bank of Iran, 2003.

bargaining conditions and exchanging privileges. In a manner that the governments normally define their relations with other governments just by taking the exchanged privileges into consideration among themselves.

Diplomatic procedures in Islam are superior to material process of exchanging privileges. The Islamic government basically does not take other countries as the sources of acquiring profit. On the contrary, they will be taken as brothers and/or neighbors for establishment of relations. The brotherly and neighborly tasks are quite different from national and international mutual understanding and friendship as defined in today's world that are all based on martial concerns. Of course, the material things and economy are not precluded by Islam but they are not the main goal of relationship. In other words, material things and economy are used as means for spiritual and moral exaltation of the society and they are not used just for the welfare and bodily pleasures, in Islam. Whereas in international relations of global system, the attention is only focused on acquiring material things so that morality and spirituality are trampled down by economic concerns. Therefore, Islamic diplomacy by taking the moral and spiritual exaltation of the society into consideration attempts to establish relationship with other countries; and for achieving the said goals follows significant principles that we are going to enumerate some of them.

72- Principle of: The assignment based on authorization

In Islam, attaining religious, judicial, political and executive assignments are based on authorization. Nobody has the right to interfere and/or make decision using his own discretion, even, in trivial secondary issues. In *Āyat-al-Korsi* (the Throne verse) of Glorious Qur'ān, the

intercession is exclusively based on authorization, which says: **"Who dares to intercede in Allāh's presence without His leave"**.⁶²⁴ According to the said verse, the intercession and consequently the oath of allegiance and connection to God and as a general rule "the religion" are exclusive rights of the holder of authorization. The Leader of the believers, Imām Ali (A) addresses Shoreih (the judge) and says: "O, Shoreih, the position you are holding is the position where only the prophet or divine executor and/or a wretched person shall hold it",⁶²⁵ That is to say, the position of judging and making decisions on ramifications of the religion and trivial religious issues are all exclusive rights of the prophets or their appointed divine executors; and the truth of the said issues are restricted to the holders of authorization. Therefore, at present time, the true religious scholars observe the narrational authorization. They connect their narrational authorization through correct ways/connections to the impeccable. And he who has no authorization for narrating the traditions, shall be even excused and forbidden to narrate or state the narrations and traditions, otherwise their rulings would be the cause of lewdness, injustice and disbelief of the persons who give the rulings. Because it is said in Glorious Qur'an that: **"And whosoever does not judge by Allāh's words of decrees, such are the disbelievers"**.⁶²⁶ And following the said verse says: **"such are the unjust"**.⁶²⁷ And then follows that: **"such are mischief makers"**.⁶²⁸

⁶²⁴ Al-Baqarah II, 255.

مَنْ ذَا الَّذِي يَشْفَعُ عِنْدَهُ إِلَّا بِإِذْنِهِ

⁶²⁵ Al-Kafi 1, 406.

الكافي، ٧، ٤٠٦، باب أن الحكومة إنما هي للإمام ع ٢ - مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ يَعْقُوبَ بْنِ يَزِيدَ عَنْ يَحْيَى بْنِ الْمُبَارَكِ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ أَبِي جَمِيلَةَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ ع لِشُرَيْحٍ يَا شُرَيْحُ قَدْ جَلَسْتَ مَجْلِسًا لَا يَجْلِسُهُ إِلَّا نَبِيٌّ أَوْ وَصِيٌّ نَبِيٍّ أَوْ شَقِيٌّ.

⁶²⁶ Al-Mā'idah V, 44.

وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ.

⁶²⁷ Al-Mā'idah V, 45.

Almighty God due to the importance of the subject has repeated it for three consecutive times in Glorious Qur'an.

In early Islam all official positions were assigned by the Messenger of Allah which was due to the importance of authorization, and obedience of all persons from the holder of the decree. Because Allāh has restricted the obedience to Himself and His messenger and the holders of the authority,⁶²⁹ and this obedience is prerequisite of growth in inward guidance and keeping order in political government of Islam. In other political governments, only the second part of the latter is taken into consideration but in Islam the spiritual growth and human moral transcendence of people is also taken into consideration. The said transcendence and evolution would not take place unless through the guidance of those persons who are assigned to train and educate the people, which said: **"So whom He guides, he is on the right path and whom He leaves in his astray, for whom there has not been any guiding guardian"**.⁶³⁰

So that the official positions of taking oath of allegiance, guidance, proselytizing, directing, narration of the traditions and issuing religious rulings, whether during the occultation and/or at the time of advent are restricted to the Upholder of Muhammad's progeny or his representatives, and judicial, political and emissary positions at the time of rising of his honorable and assuming the control of the government would also be

وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ.

⁶²⁸ Al-Mā'idah V, 47.

وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الفَاسِقُونَ.

⁶²⁹ Al-Nisā IV, 59.

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَ أَطِيعُوا الرَّسُولَ وَ أُولِي الأَمْرِ مِنْكُمْ.

⁶³⁰ Al-Kahf XVIII, 17.

مَنْ يَهْدِ اللَّهُ فَهُوَ الْمُهْتَدِ وَ مَنْ يُضِلِلْ فَلَنْ تَجِدَ لَهُ وَلِيًا مُرْشِدًا.

restricted to him and those representatives who are appointed by him. It should be noted that all official positions, which leads to the governance over the people, belongs also to his honorable; and the kings and rulers have usurped and appropriated them wrongfully and are ruling over the people without having authorization from the Almighty God.

Glorious Qur'an says: "**There is no intercessor, save after Allāh's leave**".⁶³¹ In a comment on the said verse, it is said:⁶³² It is disconnection (with previous sentence) and a response to a question; it seems that someone has asked: "Does anyone have the right of interference in the people's affairs and their spiritual state? Or, does Allāh belong to the world of nature in His actions and commands? Or, is there basically anything with the name of intercession? That is why He said: "**There is no intercession, save after Allah's leave**"; and the interference of the intercessor is just by His Almighty's authorization and policy, not anybody else. Or it is subaltern participial or synonymous, and intercession in this case means asking forgiveness for somebody else, from the one who has the kingdom, or requesting benevolence for somebody else, but its use as "asking forgiveness for others" has been common among the people. As some people have surmised, intercession in presence of Allāh is not restricted just to the Hereafter. On the contrary, the right of intercession has been also ascertained for the prophets and their divine executors in this world as well. Because their seeking forgiveness for repentants who have taken oath of allegiance is intercession and after this occasion asking forgiveness for them at anytime would be intercession. And enjoining them to do good or forbidding them from doing wrong and admonishing them or preaching them are all of the kinds of intercession. Therefore one who dares by giving

⁶³¹ Yūnus X, 3.

مَا مِنْ شَفِيعٍ إِلَّا مِنْ بَعْدِ إِذْنِهِ.

⁶³² "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 6, pp. 304-307.

the rulings (declaring legal opinion) enjoin or forbid the people (of doing something) and/or declares the lawfulness or unlawfulness of the things which God has already commanded, and takes all these actions as profession to earn a living and also adjudicate among people without having Allah's authorization, whether directly or indirectly, this would certainly be considered as an insolence unto God; and insolence unto God is the utmost wretchedness in the world. This would be a great defect of those persons who commit such an action and dare to take the oath of allegiance without being authorized by Allāh; as it was the customs of Omayyads and Abbasids caliphs who did the same. The same rule is applicable to those groups who have wrongfully imitated the Sufism without being authorized by the impeccables' appointees (Mashā'ikh/Sheykhes) consequently are considered as insolents. Therefore, the scholars of the past, without having the permission of the impeccables or their appointees would not narrate the traditions, still less to declare the God's commands and ordinances with conjecture and through personal opinion. Those appointed persons (Mashā'ikh) who are authorized, their letters of authorization are well known and carefully recorded. And true Sufis also did not interfere with enjoining and forbidden the people and declaring the religious rulings and/or seeking forgiveness for the people or taking the oath of allegiance, unless they had been authorized to do so. And their chains of letters of authorization are kept by them. There are too many narrations, which renounce the actions of those persons who without having required capacity enjoin the good and forbid the wrong, and give rulings on religious issues and preach (the word of God). The said renouncement and blame is specially on those persons whose actions are achieved for corrupt objectives such as acquiring wealth and fortune, conquest of the lands, manipulating the people, acquiring fame, to draw other's attention and showing themselves off to be loved by others. I take

refuge to Allāh from these shameful conducts. God may protect us from this malevolence of the wicked. On the characteristics of the court of adjudication, it is said: This is a position, which is the seat of prophet or divine executor and/or the wretched. It is obvious that "executorship" means authorization to manipulate everything, which the prophet possesses in his status of prophethood, and what the prophet possesses to manipulate due to his status of prophethood are divine ordinances to be conveyed to the people. The following tradition, which says: "The scholars are the heir of the prophet"⁶³³ indicates the said concept as we have already mentioned. Because inheritance is not restricted to corporeal and/or spiritual birth; and the corporeal birth is not intended and spiritual birth shall not be achieved just by allegation. On the contrary, the spiritual birth is a special relation and particular connection with the prophet. The amount of inheritance due to the connection with the prophet is based on the range of proximity or remoteness to the prophet who is his estate-leaver. And the spiritual relationship connection shall not be basically obtained unless through apparent practicing and actions as well as priority in proximity which is the result of his obedience. And the amount of succession would be different according to the said priority. So that the one who has the status of a female shall have one share in the succession and the one, who has the status of a male shall have two shares in the succession. It is only the prophet and/or his successor who knows the priorities. Therefore his heredity would not be

⁶³³ Al-Kafi 1,34.

الكافي، ١، ٣٤، باب ثواب العالم و المتعلم: ١- مُحَمَّدُ بْنُ الْحَسَنِ وَ عَلِيُّ بْنُ مُحَمَّدٍ عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ الْأَشْعَرِيِّ عَنْ عَبْدِ اللَّهِ بْنِ مَيْمُونِ الْقَدَّاحِ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَادِ بْنِ عَيْسَى عَنْ الْقَدَّاحِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ سَلَكَ طَرِيقاً يَطْلُبُ فِيهِ عِلْماً سَلَكَ اللَّهُ بِهِ طَرِيقاً إِلَى الْجَنَّةِ وَ إِنَّ الْمَلَائِكَةَ لَتَضَعُ أَجْنِحَتَهَا لَطَالِبِ الْعِلْمِ رِضاً بِهِ وَ إِنَّهُ يَسْتَعْفِرُ لَطَالِبِ الْعِلْمِ مَنْ فِي السَّمَاءِ وَ مَنْ فِي الْأَرْضِ حَتَّى الْخُوتِ فِي الْبَحْرِ وَ فَضْلُ الْعَالِمِ عَلَى الْعَابِدِ كَفَضْلِ الْقَمَرِ عَلَى سَائِرِ النُّجُومِ لَيْلَةَ الْبَدْرِ وَ إِنَّ الْعُلَمَاءَ وَرَثَةُ الْأَنْبِيَاءِ إِنَّ الْأَنْبِيَاءَ لَمْ يُورَثُوا دِينَاراً وَ لَا دِرْهماً وَ لَكِنْ وَرَثُوا الْعِلْمَ فَمَنْ أَخَذَ مِنْهُ أَخَذَ بِحِطِّهِ وَافِرٍ.

ascertained unless through leaving a bequest, and this is what we mean by authorization".

In international diplomacy, similar issues could also be observed. The official representatives who are accredited by the head of a government act as the main mediators. The titles and diplomatic hierarchy in accordance with the conditions of those days had been propounded in Vienna Congress (1815) and Aix la Chapelle (1818).⁶³⁴ The Vienna Convention⁶³⁵ (18 April 1961) on Diplomatic Relations, binds contracting parties to observe the formalities of presenting the credentials of the ambassadors to the officials of receiving state. And if, for any reason, one of the parties (whether sending state or receiving state) loses its legal legitimacy then the ambassador's assignment would also be terminated. For instance after replacement of the king or the president, the ambassadors should present their credentials to the new king. Or whenever the diplomatic rank of a diplomat is changed, his competency should be renewed and when the assignment of an ambassador is terminated his successor should present his credential to the head of receiving state.⁶³⁶ Another instance is when there is a change in the governments. When a government or sovereign is changed in a country, whether legally or through using force, renewing the covenant with other states or governments and with the representatives and ambassadors of new government is necessary. This procedures and formalities are similar to the ceremony of renewing the oath of allegiance in Islam. That is to say, after demise of the viceroy of Allāh in each time, the believers should swear (renew) oath of allegiance with the new viceroy

⁶³⁴ Aix la Chapelle

⁶³⁵ American journal of international law (1961) pp. 1062-1082.

⁶³⁶ For more information about the said subjects and similar issues see: Kazemi Aliasghar (1986), Modern diplomacy in the age of changes in international relations, the Bureau political and international studies, affiliated to Foreign Affairs Ministry, Tehran, Iran.

and/or his representatives again. The story of Qadir-e-KHom (the pond of Qadir) and setting up a tent by Imam Ali (A), which all believers took oath of allegiance with His Excellency even prior to demise of honorable Messenger of Islam is, due to its importance, recorded in the history. Glorious Qur'an says: **"They were a nation who passed away; they shall receive the reward of what they did, and you of what you did; and you shall not be questioned of what they did"**.⁶³⁷ It denotes this very point that subsequent governments and sovereigns should ratify and confirm the past decrees, assignments and treaties again.

Anyhow, for having a full description about "authorizations" and "deputyship" of "prophethood" and "divine guardianship" we are going to reiterate the comments under the verses concerning the story of KHidr (A) and Moses (A) in sūrah of Al-Kahf taken from the noble exegesis of Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah⁶³⁸: "Be aware that the prophets as their relations to the people possess three separate status and positions: The first one is the status of mankind. In this status, they live a life similar to other people. They eat, drink, and have to work to earn a living and to acquire their needs. They need to be helped by other people during their life. That is why the people restrain themselves from accepting their prophethood and obedience. Because they see that, prophets are in need for earning a living, similar to other people and have to work to acquire their necessities. They do not see other positions of the prophets. They cannot understand neither through knowledge and argumentation nor through conscience and intellectual intuition that prophets possess other positions beyond their visible status. People's knowledge is limited to what they have in their mind, as Almighty God says: **"Their knowledge is limited to**

⁶³⁷ Al-Baqarah II, 134.

تِلْكَ أُمَّةٌ قَدْ خَلَتْ لَهَا مَا كَسَبَتْ وَ لَكُمْ مَا كَسَبْتُمْ وَ لَا تُسْأَلُونَ عَمَّا كَانُوا يَعْمَلُونَ.

⁶³⁸ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 8, pp. 437-445.

their worldly means and materials only".⁶³⁹ It is only this small amount of knowledge they have received.

Have started construction work within this small hole.

Therefore, the range of his knowledge was on the basis of the size of the hole.

That is why the attributes and positions of the prophets are limited to those characteristics that are seen; and: "**They said: you are ordinary men like us**".⁶⁴⁰

They believed, similar to themselves, were the prophets.

So that, called themselves, equal to the prophets.

The second one is the position of Messengerhood, which sets up a system for making a living and people's way of living, so that would have a beneficial result to their worldly affairs and Hereafter. In this position, he will make the rules of punishment (Hodood) and ritual formalities of worshipping. It is according to this position that by resorting to kindness, force, voluntaries and compulsion, he invites people unto God, and on the basis of the prescribed regulations, takes oath of allegiance from the people. This invitation is called "public apparent invitation" and the oath of allegiance is called "public prophetic oath of allegiance". After taking the said oath of allegiance, the name of Islam is placed on them. The third one is the position of divine guardianship. According to this position, he shall invite just those persons who have the required talent and capacity, through the way of heart and journeying towards Allāh and mystical path, towards

⁶³⁹ Al-Najm LIII, 30.

⁶⁴⁰ Yā-Sīn XXXVI, 15.

ذَلِكَ مَبْلَغُهُمْ مِنَ الْعِلْمِ

وَ قَالُوا مَا أَنْتُمْ إِلَّا بَشَرٌ مِثْلُنَا

the Hereafter. The said invitation would be done through kindness. No force shall be used as Almighty God said: "**There is no compulsion in accepting religion**".⁶⁴¹ And in the latter invitation there would be no reluctance or force; and basically it is impossible to force people, because journeying in that mystical path is by way of heart which is hidden and could not be seen by others, consequently no using force could be imagined in its performance. That is why they are called the rules of heart and requisites of mystical path; and their teachings are given on the basis of the trainee's stages; and taking oath of allegiance is according to the prescribed regulations. This invitation and oath of allegiance are respectively called "special inward invitation" and "devotional special oath of allegiance". After taking the said oath of allegiance, the name of "faith" is placed on them. The advantages of general oath of allegiance and Islam is entrance into the boundaries of the commandments and protection of life, chastity and correction of marriage and inheritance; and its ultimate goal is acceptance of inward invitation and special oath of allegiance. This could not be acquired unless by being attributed to a religion and obeying the religious laws. After the time of the Prophet (S) the attribution of the name of Islam and enforcement of its rules and regulations was satisfied with, just by submission to the rules without taking any oath of allegiance or swearing oath of allegiance to the unjust and tyrant caliphs. These actions are all contrary to the "faith" which its fruit is inward relation and convention. The seeds of this connection shall not be acquired unless through oath of allegiance, and apparent connection, and pledge to the faith, and promise by tongue, and making a covenant, and to sell one's life and properties. That is why, they are all bound to take oath of allegiance; and just conviction by heart is not considered to be sufficient. Now we will

⁶⁴¹ Al-Baqarah II, 256.

find out one of the secrets of Ali's retirement in his house for twenty-five years and leaving his opponents free to do as they wish. This is the same situations for "divine guardians" and "the Imams of right guidance". The only difference is that their position of messengership is not genuinely but because of successorship. On the other hand, due to their genuine position of divine guardianship, they sometimes would appoint a representative for one or two of the said positions and this chain of representatives has been continuously in action from the major occultation onwards up to the present time. The said representatives while in position of messengership are called "the authorized Sheikhs for narrations". And the representatives who are in position of divine guardianship are called "the authorized Sheikhs for guidance". And those representatives who possess both authorizations would be called by both names. The first two classes of abovementioned representatives are called special representatives. Moreover, other persons who are appointed as prayer leaders and/or responsible to collect the properties are also called as special representatives. But the third class is called general representatives, because their delegations cover all those tasks that are referred to Imam (A). As the chain of authorization for narration concerning the Sheikhs is unbroken and registered from the time of the impeccables onwards up to the present time, the chain of authorization for the guidance from the time of the last Messenger, or even from the time of Adam (A) onwards, up to the present time is also unbroken and registered. Therefore, if somebody, without having authorization from the authorized persons of Imam (A), alleges to have the capacity of rendering religious rulings or having power of guidance, he will be wrong and goes astray and would mislead other persons too. But those persons who possess the authorization for rendering religious ruling (passing judgments) and guide the people, then their pens are more meritorious than the blood of the martyrs. The position of the "Sheikhs of

narration" (may God be pleased with them) is teaching the formal prayers (religious services) and policy making for the countries such as enforcement of law of punishment (Hodood) and rules of inheritance and declaring the regulations of transactions and marriage and so on. Their attitudes are focused on pluralities and their tasks are to grant the rights to their owners whether through favor or force; and granting or making prohibition. Therefore, they are called the scholars, because knowledge is to somehow understanding the stages of pluralities and their rights. The position of the Sheikhs of guidance is to teach the rules of heart and journeying towards Allāh; abstraction from pluralities and disregarding them all; and refinement of morals, and being characterized by the qualities of the clerical class; and suppressing the wrath and ardent desires. That is why they are called the forbearings, because they have suppressed their wrath and have been contented to divine decree. The position of the Sheikhs of both authorizations is to integrate the related two rights and keep the stages of plurality while stationing in the position of unity and inviting to the oneness while remaining in the position of plurality; and manipulating the souls of people through attracting them towards unity while developing it into plurality. To sum up, it is, keeping all stages in a meritorious way. That is the reason why they are called theosophist (sagacious persons / the wise - the sage). There is a narration from Imam Sajjad (A) which has indicated the said three classes of Sheikhs and says: "If the people knew what they would get by seeking the knowledge they would try to obtain even through bloodshed and/or plunging into the seas. Almighty God revealed to Daniel (A) that the most hateful persons to me are those ignoramuses who disregarded the rights of the learned persons and abandon their obedience. And the most beloved ones are those pious persons who are seeking abundant reward; are companions of the scholars; are adherent to the forbearing; and are accepting the theosophists

(sagacious persons).⁶⁴² What is meant by companionship of the scholars is because of their knowledge, and the purpose of adherence to the forbearing persons is due to their forbearance, and the objective of accepting the sagacious persons (theosophist) is because of their wisdom (theosophy), whether all these attributes be integrated in one person or each one be in single persons. Now, after finishing the said introduction we may proceed: The theosophist / sagacious person is the one that Almighty God has, through His knowledge, made him self-contained without being in need of resorting to the knowledge of the others. Those scholars who are "Sheikh of narration" have no need to resort to other persons for acquiring the knowledge of pluralities, but for acquiring the rules of heart and moral refinement and mysterious knowledges he is in need of others because he has no knowledge about them, so that he has to resort to the forbearing persons who are the "Sheikhs of guidance" to get what he lacks. He should not be ashamed of doing so, even if he believes he is a more learned person than the forbearings. Moses (A) who was at the highest stage of messengerhood and one of the Arch-prophets and also in the highest stage of knowledge concerning the pluralities, resorted to KHidr (A), even though KHidr (A) was in a lower rank on the said subjects. Moses with the utmost courtesy and supplication and in a polite manner demanded KHidr (A) as if he wanted to be one of KHidr's followers and being accepted by him; although it seemed that KHidr considered it dishonour to accept him and treated him arrogantly. There is a remark in several narrations that a person who is the protector of the stages of pluralities and their rights is

⁶⁴² Al-Kafi 1,35.

الكافي، ١، ٣٥، باب ثواب العالم و المتعلم... ص ٥ - الحسين بن محمد عن علي بن محمد بن سعد رفعه عن أبي حمزة عن علي بن الحسين ع قال لو يعلم الناس ما في طلب العلم لطلبوه و لو بسفك المهج و خوض اللجج إن الله تبارك و تعالى أوحى إلى دانيال أن أمقت عبيدي إلي الجاهل المستخف بحق أهل العلم التارك للاقتداء بهم و أن أحب عبيدي إلي التقي الطالب للثواب الجزيل اللازم للعلماء التابع للعلماء القابل عن الحكماء.

more meritorious than the person who is absorbed in monotheism and its mysterious; and it is narrated that for this reason, Moses (A) was more meritorious than KHidr (A). It is also deserving that the "Sheikh of guidance" who is not authorized for narration, to resort to the Sheikh of narration and obtain the rules of pluralities from him. He should not be ashamed of resorting to him. On the contrary, he with the utmost courtesy and supplication should ask for the rules of religious laws. It is worthy that each one of the said Sheikhs direct their followers to resort to other Sheikhs as a result the friendship and amity being stationed among the people and quarrel and enmity be removed, consequently to be entitled to the grace and bounty of Almighty God. The said situation continued during the times of Imam (A) and at the beginning of the major occultation, but when the occultation was prolonged, the people of the religious community mingled together and Shiite Sheikhs went into a clandestine status. Therefore, the Shiites were under a wrong impression and resorted to the common knowledge and their Sufis. They used to acquire the knowledge of religious laws and the rites of mystical path just for the objectives of egotism and worldly affairs. They likened themselves to the true Shiite Sheikhs; consequently, jealousy, enmity, fighting and differences occurred among them. Some of them sarcastically commented on other, some of them excommunicated others, and some of them spit on the others. Certainly, the said occasions would not happen unless due to the sensual desires and corrupt objectives, which I wish God protect us and all believers against the evils in this world and their consequences in the Hereafter."

Receiving religious, judicial, political and executive assignments are based on authorization and no one has the right to make decisions on his own, even for trivial secondary issues.

73- Principle of: Obeying the holders of authority

As it has been already mentioned, holding religious positions in Islam and social positions in Islamic government are all based on authorization, and every measure taken without having the permission of the holders of authority would be considered as meddle in the Almighty God's affairs. Therefore, it is only ordered to obey Almighty God, the messenger (S) and the holders of authority, and this obedience is obligatory. The Glorious Qur'an says: **"O, you who believe! Obey Allāh and obey messenger and those from among you who have received divine authorities. If you differ in anything among yourselves, refer it to Allāh and His messenger, if you believe in Allāh and in the Last Day, this is better and more suitable for final conclusion"**.⁶⁴³ In a comment on this verse, it is said:⁶⁴⁴ **"O, you who believe! Obey Allāh"** on those decrees which have been sent down to you. The most important things are especially those which are sent down for your betterment and removing the differences and quarrels among you. That is to say to determine and assign a person, whom you may refer to, in all your worldly and/or other worldly affairs and/or everything, which you are under wrong impression with it. And this is the words of Allāh which says: **"Verily, your true guardian is Allāh, and His messenger and the believers are those who ..."**.⁶⁴⁵ And everybody agrees

⁶⁴³ Al-Nisā IV, 59.

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَ أَطِيعُوا الرَّسُولَ وَ أُولِي الْأَمْرِ مِنْكُمْ فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَ الرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَ الْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَ أَحْسَنُ تَأْوِيلًا.

⁶⁴⁴ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 4, pp. 112-121.

⁶⁴⁵ Al-Mā'idah V, 55. **"Verily, your true guardian is Allāh, and His messenger and the believers are those who set up prayer and give their poor-due and they bow down"**.

إِنَّمَا وَلِيُّكُمُ اللَّهُ وَ رَسُولُهُ وَ الَّذِينَ آمَنُوا الَّذِينَ يُقِيمُونَ الصَّلَاةَ وَ يُؤْتُونَ الزَّكَاةَ وَ هُمْ رَاكِعُونَ.

that the said verse is about Imam Ali (A). "And obey His messenger" on those things which he has brought you and whatever he has forbidden you to do. Therefore, take whatever the messenger has brought you and avoid those things that he has forbidden you to do.⁶⁴⁶ The most important thing that he has brought you, subsequent to his statement which said⁶⁴⁷: "Am I not better for you than yourselves?", is that he added: "You should know

⁶⁴⁶ Al-Hashr LIX, 7.

وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا.

⁶⁴⁷ Al-Kafi, I, 295.

الكافي، ١، ٢٩٥، باب الإشارة و النص على أمير المؤمنين... فَقَالَ قُلْ لَا أَسْأَلُكُمْ عَلَيْهِ أَجْرًا إِلَّا الْمَوَدَّةَ فِي الْقُرْبَىٰ ثُمَّ قَالَ وَ إِذَا الْمَوْدَّةُ سُئِلَتْ بِأَيِّ ذَنْبٍ قُتِلَتْ يَقُولُ أَسْأَلُكُمْ عَنِ الْمَوَدَّةِ الَّتِي أَنْزَلْتُ عَلَيْكُمْ فَضَلَّهَا مَوَدَّةَ الْقُرْبَىٰ بِأَيِّ ذَنْبٍ قَتَلْتُمُوهُمْ وَقَالَ جَلَّ ذِكْرُهُ فَسَأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ قَالَ الْكِتَابُ هُوَ الذِّكْرُ وَ أَهْلُهُ آلُ مُحَمَّدٍ عَ أَمَرَ اللَّهُ عَزَّ وَ جَلَّ بِسُؤَالِهِمْ وَ لَمْ يُؤْمَرُوا بِسُؤَالِ الْجُهَالِ وَ سَمَّى اللَّهُ عَزَّ وَ جَلَّ الْقُرْآنَ ذِكْرًا فَقَالَ تَبَارَكَ وَ تَعَالَىٰ وَ أَنْزَلْنَا إِلَيْكَ الذِّكْرَ لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ وَ لَعَلَّهُمْ يَتَفَكَّرُونَ وَ قَالَ عَزَّ وَ جَلَّ وَ إِنَّهُ لَذِكْرٌ لَكَ وَ لِقَوْمِكَ وَ سَوْفَ تُسْأَلُونَ وَ قَالَ عَزَّ وَ جَلَّ أَطِيعُوا اللَّهَ وَ أَطِيعُوا الرَّسُولَ وَ أُولِي الْأَمْرِ مِنْكُمْ وَ قَالَ عَزَّ وَ جَلَّ وَ لَوْ رَدُّوهُ إِلَى اللَّهِ وَ إِلَى الرَّسُولِ وَ إِلَى أُولِي الْأَمْرِ مِنْهُمْ لَعَلِمَهُ الَّذِينَ يَسْتَنْبِطُونَهُ مِنْهُمْ فَرَدَّ الْأَمْرَ النَّاسِ إِلَى أُولِي الْأَمْرِ مِنْهُمْ الَّذِينَ أَمَرَ بِطَاعَتِهِمْ وَ بِالرَّدِّ إِلَيْهِمْ فَلَمَّا رَجَعَ رَسُولُ اللَّهِ ص مِنْ حَجَّةِ الْوَدَاعِ نَزَلَ عَلَيْهِ جِبْرَائِيلُ ع فَقَالَ يَا أَيُّهَا الرَّسُولُ بَلِّغْ مَا أُنزِلَ إِلَيْكَ مِنْ رَبِّكَ وَ إِنْ لَمْ تَفْعَلْ فَمَا بَلَّغْتَ رِسَالَتَهُ وَ اللَّهُ يَعْصِيكَ مِنَ النَّاسِ إِنْ اللَّهُ لَا يَهْدِي الْقَوْمَ الْكَافِرِينَ فَنَادَى النَّاسَ فَاجْتَمَعُوا وَ أَمَرَ بِسَمْرَاتٍ فَقَمَّ شَوْكُهُنَّ ثُمَّ قَالَ ص يَا أَيُّهَا النَّاسُ مَنْ وَلِيْتُمْكُمْ وَ أَوْلَىٰ بِكُمْ مِنْ أَنْفُسِكُمْ فَقَالُوا اللَّهُ وَ رَسُولُهُ فَقَالَ مَنْ كُنْتُ مَوْلَاهُ فَعَلِيٌّ مَوْلَاهُ اللَّهُمَّ وَالِ مَنْ وَالَاهُ وَ عَادِ مَنْ عَادَاهُ ثَلَاثَ مَرَّاتٍ فَوَقَعَتْ حَسَكَةُ التِّفَاقِ فِي قُلُوبِ الْقَوْمِ وَ قَالُوا مَا أَنْزَلَ اللَّهُ جَلَّ ذِكْرُهُ هَذَا عَلَى مُحَمَّدٍ قَطُّ وَ مَا يُرِيدُ إِلَّا أَنْ يَرْفَعَ بِضَيْعِ ابْنِ عَمِّهِ فَلَمَّا قَدِمَ الْمَدِينَةَ أَتَتْهُ الْأَنْصَارُ فَقَالُوا يَا رَسُولَ اللَّهِ إِنَّ اللَّهَ جَلَّ ذِكْرُهُ قَدْ أَحْسَنَ إِلَيْنَا وَ شَرَّفَنَا بِكَ وَ بَزْوَلِكَ بَيْنَ ظَهْرَانِنَا فَقَدْ فَرحَ اللَّهُ صَدِيقَنَا وَ كَبَّتْ عَدُونَا وَ قَدْ يَأْتِيكَ وَفُودٌ فَلَا تَحْجُدُ مَا تُعْطِيهِمْ فَيَشْمَتُ بِكَ الْعَدُوُّ فَنُحِبُّ أَنْ تَأْخُذَ ثُلُثَ أَمْوَالِنَا حَتَّىٰ إِذَا قَدِمَ عَلَيْكَ وَفَدُ مَكَّةَ وَجَدْتَ مَا تُعْطِيهِمْ فَلَمْ يَرُدَّ رَسُولُ اللَّهِ ص عَلَيْهِمْ شَيْئًا وَ كَانَ يَنْتَظِرُ مَا يَأْتِيهِ مِنْ رَبِّهِ فَنَزَلَ جِبْرَائِيلُ ع وَ قَالَ قُلْ لَا أَسْأَلُكُمْ عَلَيْهِ أَجْرًا إِلَّا الْمَوَدَّةَ فِي الْقُرْبَىٰ وَ لَمْ يَقْبَلْ أَمْوَالَهُمْ فَقَالَ الْمُنَافِقُونَ مَا أَنْزَلَ اللَّهُ هَذَا عَلَى مُحَمَّدٍ وَ مَا يُرِيدُ إِلَّا أَنْ يَرْفَعَ بِضَيْعِ ابْنِ عَمِّهِ وَ يَحْمِلَ عَلَيْنَا أَهْلَ بَيْتِهِ يَقُولُ أَمْسِ مَنْ كُنْتُ مَوْلَاهُ فَعَلِيٌّ مَوْلَاهُ وَ الْيَوْمَ قُلْ لَا أَسْأَلُكُمْ عَلَيْهِ أَجْرًا إِلَّا الْمَوَدَّةَ فِي الْقُرْبَىٰ ثُمَّ نَزَلَ عَلَيْهِ آيَةُ الْخُمُسِ فَقَالُوا يُرِيدُ أَنْ يُعْطِيَهُمْ أَمْوَالَنَا وَ فَيَعْتَنَا ثُمَّ أَتَاهُ جِبْرَائِيلُ فَقَالَ يَا مُحَمَّدُ إِنَّكَ قَدْ قَضَيْتَ نُبُوتَكَ وَ اسْتَكْمَلْتَ أَيَّامَكَ فَاجْعَلِ الْإِسْمَ الْأَكْبَرَ وَ مِيرَاثَ الْعِلْمِ وَ آثَارَ عِلْمِ النُّبُوَّةِ عِنْدَ عَلِيٍّ ع فَإِنِّي لَمْ أَتْرِكِ الْأَرْضَ إِلَّا وَ لِي فِيهَا عَالِمٌ تُعْرَفُ بِهِ طَاعَتِي وَ تُعْرَفُ بِهِ وَ لِيَابَتِي وَ يَكُونُ حُجَّةً لِمَنْ يُوَلَّدُ بَيْنَ قَبْضِ النَّبِيِّ إِلَى خُرُوجِ النَّبِيِّ الْأَخْرَجِ قَالَ فَأَوْصَى إِلَيْهِ بِالْإِسْمِ الْأَكْبَرِ وَ مِيرَاثِ الْعِلْمِ وَ آثَارِ عِلْمِ النُّبُوَّةِ وَ أَوْصَى إِلَيْهِ بِالْفِ كَلِمَةٍ وَ أَلْفِ بَابٍ يَفْتَحُ كُلَّ كَلِمَةٍ وَ كُلُّ بَابٍ أَلْفَ كَلِمَةٍ وَ أَلْفَ بَابٍ.

that whosoever that I have been his guardian then Ali will be his guardian". There is no disagreement among people that the said statement belongs to the Messenger of Allāh⁶⁴⁸: "And those from among you who have received divine authorities". In this part of the verse, the word "obeying" is not repeated to indicate that the holder of authority be

⁶⁴⁸ Al-Kafi, I, 286.

الكافي، ١، ٢٨٦، باب ما نص الله عز وجل ورسوله على... ١ - علي بن إبراهيم عن محمد بن عيسى عن يونس و
علي بن محمد عن سهل بن زياد أبي سعيد عن محمد بن عيسى عن يونس عن ابن مسكان عن أبي بصير قال سألت
أبا عبد الله ع عن قول الله عز وجل وأطيعوا الله وأطيعوا الرسول وأولي الأمر منكم فقال نزلت في علي بن أبي
طالب والحسن والحسين ع فقلت له إن الناس يقولون فما له لم يسم علياً وأهل بيته ع في كتاب الله عز وجل
قال فقال قولوا لهم إن رسول الله ص نزلت عليه الصلاة ولم يسم الله لهم ثلاثاً ولا أربعاً حتى كان رسول الله ص
هو الذي فسّر ذلك لهم ونزلت عليه الزكاة ولم يسم لهم من كل أربعين درهماً حتى كان رسول الله ص هو
الذي فسّر ذلك لهم ونزل الحج فلم يقل لهم طوفوا أسبوعاً حتى كان رسول الله ص هو الذي فسّر ذلك لهم و
نزلت أطيعوا الله وأطيعوا الرسول وأولي الأمر منكم ونزلت في علي والحسن والحسين فقال رسول الله ص في
علي من كنت مولاه فعلي مولاه وقال ص أوصيكم بكتاب الله وأهل بيته فإني سألت الله عز وجل أن لا يفرق
بينهما حتى يوردهما علي الحوض فأعطيني ذلك وقال لا تعلموهم فهم أعلم منكم وقال إنهم لن يخرجوكم من
باب هدى ولن يدخلوكم في باب ضلالة فلو سكّ رسول الله ص فلم يبين من أهل بيته لأدعاهم آل فلان وآل
فلان ولكن الله عز وجل أنزله في كتابه تصديقاً لبيته ص إنما يريد الله ليذهب عنكم الرجس أهل البيت ويطهركم
تطهيراً فكان علي والحسن والحسين وفاطمة ع فأدخلهم رسول الله ص تحت الكساء في بيت أم سلمة ثم قال
اللهم إن لكل نبي أهلاً و ثقلاً وهؤلاء أهل بيته و ثقلي فقالت أم سلمة أ لست من أهلِكَ فقال إنك إلى خير و
لكن هؤلاء أهلي و ثقلي فلما قبض رسول الله ص كان علي أولى الناس بالناس لكثرة ما بلغ فيه رسول الله ص و
إقامته للناس وأخذه بيده فلما مضى علي لم يكن يستطيع علي و لم يكن ليفعل أن يدخل محمد بن علي و لا
العباس بن علي و لا واحداً من ولده إذا لقاه الحسن والحسين إن الله تبارك وتعالى أنزل فينا كما أنزل فيك فأمر
بطاعتنا كما أمر بطاعتك و بلغ فينا رسول الله ص كما بلغ فيك وأذهب عنا الرجس كما أذهب عنك فلما مضى
علي ع كان الحسن ع أولى بها لكبره فلما توفي لم يستطع أن يدخل ولده و لم يكن ليفعل ذلك و الله عز وجل
يقول وأولوا الأرحام بعضهم أولى ببعض في كتاب الله فيجعلها في ولده إذا لقاه الحسين أمر الله بطاعتي كما أمر
بطاعتك وطاعة أبيك و بلغ في رسول الله ص كما بلغ فيك وفي أبيك وأذهب الله عني الرجس كما أذهب عنك
و عن أبيك فلما صارت إلى الحسين ع لم يكن أحد من أهل بيته يستطيع أن يدعي عليه كما كان هو يدعي علي
أخيه و علي أبيه لو أراد أن يصرف الأمر عنه و لم يكونا ليفعلنا ثم صارت حين أفصت إلى الحسين ع فجزى تأويل
هذه الآية وأولوا الأرحام بعضهم أولى ببعض في كتاب الله ثم صارت من بعد الحسين لعلي بن الحسين ثم صارت
من بعد علي بن الحسين إلى محمد بن علي ع وقال الرجس هو الشك و الله لا نشك في ربنا أبداً.

appointed. It means that the holder of authority is one that whose position and dignity should be equal to the Messenger and his commands should be the same as the commands of the Messenger and obeying him is as obedience to the Messenger without taking other persons into consideration. To interpret the term "**holder of authority**" as the commanders of the army and Islamic nominal kings is contradictory to the first part of the verse and/or it creates an obligation to abrogate the first part or creates an obligation to collect the two opposites. There is no opposition obeying them in worldly affairs or while one is in negative practice of secrecy. But we oppose obeying them in religious affairs, when there is no need for negative practice of secrecy. Therefore it would be an obligation to act upon what has been already mentioned. Because the word "**and**" in the latter part of the verse (grammatically) is used to connect two parts of the sentence and some of the kings are highly-wrongdoers whose commands are contrary to the God's commands and His messenger's commands. Consequently, it would be impossible to gather all three kinds of obediences together. Because being under obligation to follow the king's commands might be against the obligation of obeying the messenger or it might abrogate the messenger's commands or it might compel us to collect the opposites. For instance when the unjust and cruel kings order that an innocent person being killed, their command is in contraction with the Almighty God's prohibition of performing such an action. The same situation arises where they command their companions to drink alcoholic beverages, which is contrary to the command of Almighty God. To give more explanation we may say that, if they intend to interpret the term "**holder of authority**" as "the kings" then according to the explicit meaning of the verse, their obedience, without any particularization, would be obligatory in all and every command and prohibition. No objection should be raised just for this reason that "the particularization" is placed at the

beginning of the verse, because the order of obeying God and the messenger prior to obeying the king would be applicable if the commands of the king is obeyed; of course it should not be contrary to the obeying God and the messenger. To respond the said reasoning we may say: In this case the order of obeying the king is to be abrogated, because if the commands of the king be in conformity with the commands of God and the messenger, then the order of obeying God and the messenger would be sufficient and there is no need to obey the king, but if the command of the king be contrary to the command of God and the messenger, then this would lead us to disobey the king. And when conformity or nonconformity of the commands of the king with the commands of God and the Messenger is not known, then, if we are commissioned to distinguish the said conformity or nonconformity, so, we shall be at the same abovesaid two situations. And when we are not commissioned to distinguish the conformity, then in this case, if it is said we are under obligation to presume that the command of the king is similar to the command of God and the messenger and conforms with them, then this would be contrary to the presumption and it is to impose dictatorship sovereignty. And if it is said we are not under obligation (to believe that the command of the king is expressing the command of God and the messenger) then in this case obeying the king results to the encouragement and incitement of the people to do the things which are prohibited by God and goes into a vicious circle. Whenever obedience to the kings, concerning their commands and/or prohibitions, be obligatory, then obeying them would be necessary even if their commands be contrary to the commandments and prohibitions of God. In this case, obeying them (kings) take priority over obedience of God, and obligation to obey God remains unchanged then, there exist a contradiction, or it shall remove the duty of obeying God and declares the end of the duty of obedience of Allah, which leads to abrogation. Or may we believe in

remaining both obediences, which the result would be the collection of two opposites. Because enjoining and/or forbidding on a subject at the same time requires that affirmation and negation of the said subject to be permitted, which leads to contradiction. The outcome of the said discussion is that, if we conclude that the term of "**holder of authority**" means "kings" then this interpretation is in contradiction to the first part of the verse. On the contrary, if the meaning of "**holder of authority**" relates to a person whose position and dignity equals to the Prophet (S) and his commands and deeds be the same as the Prophet's, and be infallible from any wrongdoing, consequently his command agrees with and conforms with the commands of the Messenger (S). If there was no evidence other than the said verse to prove the Shiite's allegation, we would say that the said verse was sufficient to that purpose and there was no need to present other evidences. In spite of many rational and narrational evidences which back the Shiite's allegation and the religious scholar have recorded in their books, and the Sunnis resort to "consensus" and "unanimity" (of the religious scholars) and tradition which says: "My Islamic community never reach a consensus on a wrong and false matter or option" are rebutted by the verse of "**Choice**" and tradition of "**Al-Ghadir**" which the Messenger of Allah has declared in front of many people. The plurality of the narrations about the said subject is so enormous that it can never be denied by them⁶⁴⁹. On the other hand, the consensus (on successorship of

⁶⁴⁹ Al-Kafi, I, 293.

الكافي، ١، ٢٩٣، باب الإشارة و النص على أمير المؤمنين... ٣- مُحَمَّدُ بْنُ الْحُسَيْنِ وَ غَيْرُهُ عَنْ سَهْلِ بْنِ مُحَمَّدِ بْنِ عَيْسَى وَ مُحَمَّدُ بْنُ يَحْيَى وَ مُحَمَّدُ بْنُ الْحُسَيْنِ جَمِيعاً عَنْ مُحَمَّدِ بْنِ سِنَانٍ عَنْ إِسْمَاعِيلَ بْنِ جَابِرٍ وَ عَبْدِ الْكَرِيمِ بْنِ عَمْرٍو عَنْ عَبْدِ الْحَمِيدِ بْنِ أَبِي الدَّيْلَمِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ أَوْصَى مُوسَى ع إِلَى يُوْشَعَ بْنِ نُونٍ وَ أَوْصَى يُوْشَعَ بْنَ نُونٍ إِلَى وَلَدِ هَارُونَ وَ لَمْ يُوصِ إِلَى وَلَدِهِ وَ لَا إِلَى وَلَدِ مُوسَى إِنَّ اللَّهَ تَعَالَى لَهُ الْخِيَرَةُ يَخْتَارُ مَنْ يَشَاءُ مِنْ يَشَاءُ وَ بَشَرَ مُوسَى وَ يُوْشَعَ بِالْمَسِيحِ ع فَلَمَّا أَنْ بَعَثَ اللَّهُ عَزَّ وَ جَلَّ الْمَسِيحَ ع قَالَ الْمَسِيحُ لَهُمْ إِنَّهُ سَوْفَ يَأْتِي مِنْ بَعْدِي نَبِيٌّ اسْمُهُ أَحْمَدُ مِنْ وَوَلَدِ إِسْمَاعِيلَ ع يَحْيَى بِنْتَصِدِيقِي وَ تَصَدِيقِكُمْ وَ عُدْرِي وَ عُدْرِكُمْ وَ جَرَتْ مِنْ بَعْدِهِ فِي الْحَوَارِيِّينَ فِي الْمُسْتَحْفَظِينَ

Abubakr) is only an allegation and slanderous statement, because some of the prophet's companions were removed their oath of allegiance and also some of them did not appear at the "Saqifah" and some of them rejected the successorship of Abubakr. The (Sunnis') resort to another evidence, namely the occasion where Abubakr was acting as prayer leader while the Messenger of Allah was still alive is against them, because when the Prophet (S) recovered from his illness and found out that Abubakr is acting as a prayer leader, despite of his weakness, he went out of his home and

وَ إِنَّمَا سَمَّاهُمْ اللَّهُ تَعَالَى الْمُسْتَحْفِظِينَ لِأَنَّهُمْ اسْتَحْفِظُوا الْإِسْمَ الْأَكْبَرَ وَ هُوَ الْكِتَابُ الَّذِي يُعَلِّمُ بِهِ عِلْمَ كُلِّ شَيْءٍ الَّذِي كَانَ مَعَ الْأَنْبِيَاءِ ص يَقُولُ اللَّهُ تَعَالَى وَ لَقَدْ أَرْسَلْنَا رُسُلًا مِنْ قَبْلِكَ وَ أَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَ الْمِيزَانَ الْكِتَابَ الْإِسْمَ الْأَكْبَرَ وَ إِنَّمَا عُرِفَ بِمَا يُدْعَى الْكِتَابَ التَّوْرَةَ وَ الْإِنْجِيلَ وَ الْفُرْقَانَ فِيهَا كِتَابٌ نُوحٍ وَ فِيهَا كِتَابٌ صَالِحٍ وَ شُعَيْبٍ وَ إِبْرَاهِيمَ ع فَأَخْبَرَ اللَّهُ عَزَّ وَ جَلَّ إِنَّ هَذَا لَفِي الصُّحُفِ الْأُولَى صُحُفِ إِبْرَاهِيمَ وَ مُوسَى فَأَيُّنَ صُحُفِ إِبْرَاهِيمَ إِنَّمَا صُحُفِ إِبْرَاهِيمَ الْإِسْمَ الْأَكْبَرَ وَ صُحُفِ مُوسَى الْإِسْمَ الْأَكْبَرَ فَلَمْ تَزَلِ الْوَصِيَّةُ فِي عَالِمٍ بَعْدَ عَالِمٍ حَتَّى دَفَعُوهَا إِلَى مُحَمَّدٍ ص فَلَمَّا بَعَثَ اللَّهُ عَزَّ وَ جَلَّ مُحَمَّدًا ص أَسْلَمَ لَهُ الْعَقَبُ مِنَ الْمُسْتَحْفِظِينَ وَ كَذَبَهُ بَنُو إِسْرَائِيلَ وَ دَعَا إِلَى اللَّهِ عَزَّ وَ جَلَّ وَ جَاهَدَ فِي سَبِيلِهِ ثُمَّ أَنْزَلَ اللَّهُ جَلَّ ذِكْرُهُ عَلَيْهِ أَنْ أَعْلِنَ فَضْلَ وَصِيكَ فَقَالَ رَبِّ إِنَّ الْعَرَبَ قَوْمٌ جُفَاءَةٌ لَمْ يَكُنْ فِيهِمْ كِتَابٌ وَ لَمْ يَبْعَثْ إِلَيْهِمْ نَبِيًّا وَ لَا يَعْرِفُونَ فَضْلَ نُبُوتِ الْأَنْبِيَاءِ ع وَ لَا شَرَفَهُمْ وَ لَا يُؤْمِنُونَ بِي إِنْ أَنَا أَحْبَبْتُهُمْ بِفَضْلِ أَهْلِ بَيْتِي فَقَالَ اللَّهُ جَلَّ ذِكْرُهُ وَ لَا تَحْزَنْ عَلَيْهِمْ وَ قُلْ سَلَامٌ فَسَوْفَ يَعْلَمُونَ فَذَكَرَ مِنْ فَضْلِ وَصِيهِ ذِكْرًا فَوَقَعَ الْبِتَاقُ فِي قُلُوبِهِمْ فَعَلِمَ رَسُولُ اللَّهِ ص ذَلِكَ وَ مَا يَقُولُونَ فَقَالَ اللَّهُ جَلَّ ذِكْرُهُ يَا مُحَمَّدُ وَ لَقَدْ نَعَلِمُ أَنَّكَ يَضِيقُ صَدْرُكَ بِمَا يَقُولُونَ فَإِنَّهُمْ لَا يُكْذِبُونَكَ وَ لَكِنَّ الظَّالِمِينَ بَيَاتِ اللَّهُ يَجْحَدُونَ وَ لَكِنَّهُمْ يَجْحَدُونَ بِغَيْرِ حُجَّةٍ لَهُمْ وَ كَانَ رَسُولُ اللَّهِ ص يَتَأَلَّهُمْ وَ يَسْتَعِينُ بَعْضُهُمْ عَلَى بَعْضٍ وَ لَا يَزَالُ يُخْرِجُ لَهُمْ شَيْئًا فِي فَضْلِ وَصِيهِ حَتَّى نَزَلَتْ هَذِهِ السُّورَةُ فَاحْتَجَّ عَلَيْهِمْ حِينَ أَعْلِمَ بِمَوْتِهِ وَ نَعِيَتْ إِلَيْهِ نَفْسُهُ فَقَالَ اللَّهُ جَلَّ ذِكْرُهُ فَإِذَا فَرَعْتَ فَانْصَبْ وَ إِلَى رَبِّكَ فَارْجِعْ يَقُولُ إِذَا فَرَعْتَ فَانْصَبْ عَلِمَكَ وَ أَعْلِنَ وَصِيكَ فَأَعْلَمَهُمْ فَضْلَهُ عَلَانِيَةً فَقَالَ ص مَنْ كُنْتُ مَوْلَاهُ فَعَلِيٌّ مَوْلَاهُ اللَّهُمَّ وَالِ مَنْ وَالَاهُ وَ عَادِ مَنْ عَادَاهُ ثَلَاثَ مَرَّاتٍ ثُمَّ قَالَ لِأَبْعَثَنَّ رَجُلًا يُحِبُّ اللَّهَ وَ رَسُولَهُ وَ يُحِبُّهُ اللَّهُ وَ رَسُولُهُ لَيْسَ يَفْرَارُ يَعْزُضُ بِمَنْ رَجَعَ يُجِبُّ أَصْحَابَهُ وَ يُجِبُّونَهُ وَ قَالَ ص عَلِيٌّ سَيِّدُ الْمُؤْمِنِينَ وَ قَالَ عَلِيٌّ عَمُودُ الدِّينِ وَ قَالَ هَذَا هُوَ الَّذِي يَضْرِبُ النَّاسَ بِالسَّيْفِ عَلَى الْحَقِّ بَعْدِي وَ قَالَ الْحَقُّ مَعَ عَلِيٍّ أَيُّنَمَا مَالَ وَ قَالَ إِنِّي تَارِكٌ فِيكُمْ أَمْرَيْنِ إِنْ أَخَذْتُمْ بِهِمَا لَنْ تَضِلُّوا كِتَابَ اللَّهِ عَزَّ وَ جَلَّ وَ أَهْلَ بَيْتِي عَثَرِي أَتَيْهَا النَّاسُ اسْمَعُوا وَ قَدْ بَلَغْتُ إِنَّكُمْ سَتَرْتُمْ عَلَيَّ الْخَوْضَ فَاسْأَلْكُمْ عَمَّا فَعَلْتُمْ فِي الثَّقَلَيْنِ وَ الثَّقَلَانِ كِتَابَ اللَّهِ جَلَّ ذِكْرُهُ وَ أَهْلَ بَيْتِي فَلَا تَسْبِئُوهُمْ فَتَهْلِكُوا وَ لَا تُعْلِمُوهُمْ فَإِنَّهُمْ أَعْلَمُ مِنْكُمْ فَوَقَعَتِ الْحُجَّةُ بِقَوْلِ النَّبِيِّ ص وَ بِالْكِتَابِ الَّذِي يَقْرَأُهُ النَّاسُ فَلَمْ يَزَلْ يُلْقِي فَضْلَ أَهْلِ بَيْتِهِ بِالْكَلامِ وَ يُبَيِّنُ لَهُمْ بِالْقُرْآنِ إِنَّمَا يُرِيدُ اللَّهُ لِيُذْهِبَ عَنْكُمُ الرِّجْسَ أَهْلَ الْبَيْتِ وَ يُطَهِّرَكُمْ تَطْهِيرًا وَ قَالَ عَزَّ ذِكْرُهُ وَ اعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ وَ لِلرَّسُولِ وَ لِذِي الْقُرْبَى ثُمَّ قَالَ وَ آتِ ذَا الْقُرْبَى حَقَّهُ فَكَانَ عَلِيٌّ ع وَ كَانَ حَقُّهُ الْوَصِيَّةَ الَّتِي جَعَلَتْ لَهُ وَ الْإِسْمَ الْأَكْبَرَ وَ مِيرَاثَ الْعِلْمِ وَ آثَارَ عِلْمِ النُّبُوَّةِ.

prior to termination of the prayer dismissed Abubakr and he himself took the position of prayer leader. This means that Abubakr has not been assigned as prayer leader by the Prophet and he has not been entitled to have such a position. Otherwise it was necessary that Abubakr's assignment as prayer leader to be released at the time of the Prophet. The narration which says: "Those two persons are leaders of the old men in Paradise", is neither rationally nor narrationally accepted. Because, people in Paradise live in their most dignified status, namely in their youth status as it is narrated that people of Paradise are all young. And the narration which says: "If I were not appointed as prophet, Omar would be appointed as prophet", rejects the statement of Prophet (S) about those persons who refused to join the Osama's army (the Prophet said: May God's curse rest upon those persons who refused to join the Osama's army). And statements of Omar about Prophet (S) while His Reverend asked for pen and inkpot (to appoint his successor for removing the future disagreement) which Omar said: "This man is ill and in his delirium" shall reject the above said narration. On the other hand, if even Abubakr be the immediate successor (caliph), but this is Ali whom the Prophet has made a brotherhood vows with (not Omar) and also the Messenger has appointed Ali as his executor in his will, and has introduced him as the one who shall perform the Prophet's vows and promises and the Messenger has told Ali that: "You are to me as Aaron to Moses". And Ali under the garment of Kasa (according to the tradition of garment) is similar to the Messenger. All of the said subjects show that the one who is supposed to be appointed (as successor) should be superior than it (therefore, the aforementioned tradition is not correct); and (the tradition) of Gabriel who followed the example of Abubakr used to wear a wool robe and God's seeking the satisfaction of Abubakr (is not correct either). Because, following the example of the Messenger is better and seeking the satisfaction of the Messenger is more

meritorious reject it (the said tradition). Although, Almighty God postpones the pleasing of the Messenger to the future and says: "**And surely soon your Lord will grant you so much of the blessings that you shall be well pleased**".⁶⁵⁰ And (the tradition of) Satan's runaway due to awe inspired by Omar would be rejected by Omar's runaway from the "war of Ohud", and the verse "**It was Satan who caused them backslide, because of some sins they had committed**"⁶⁵¹ was revealed about those persons who had escaped during the war of Ohud. Conclusion is that, there are many discrepancies in the premise, which they have awarenessly and/or unawarenessly, presented. Because they say through their posture or by speaking directly: Abubakr was not infallible, and there is no problem that one who is not infallible to be the successor of the Messenger. So that Abubakr should be the successor of the Messenger. Whosoever whose successorship is possible and the community reach a consensus on this successorship, then he would be the successor (caliph) of the Messenger, so that Abubakr is a caliph. We respond that: The minor premise in the second syllogism which said Abubakr is possible to be a caliph and the community has reached a consensus on his successorship is null and void, and both the possibility of being caliph for Abubakr as it will be explained and the consensus of community are void as you already knew. The major premise is also, due to the verse of "Choice" (that declares the infallible is more meritorious than non-infallible) null and void. The minor premise in the first syllogism is certain, and moreover we may add that Abubakr just the same as Omar disobeyed the Osama's army, let alone to be an infallible. The major premise of the first syllogism is also invalid. Because the

⁶⁵⁰ Al-Duha XCIII, 5.

⁶⁵¹ Ale-Imran III, 155.

وَلَسَوْفَ يُعْطِيكَ رَبُّكَ فَتَرْضَى

إِنَّمَا اسْتَزَلَّهُمُ الشَّيْطَانُ بِبَعْضِ مَا كَسَبُوا.

Messenger (S) possessed a divinely messengership and successorship. This attitude requires that the holder of messengership and successorship, just the same as Almighty God, look at anyone according to his position (and dignity) and give everything those rights that is entitled to, and on the basis of his//its capacity, and to take care of everything with its means of protection, otherwise he cannot be God's successor. He can only act as a king and have dominion over those persons who are under his control. This kind of dominance with regard to the worldly affairs requires exercise manipulation in anyway that he wishes. Therefore, if by the term "successorship of the Messenger" with the possibility of his non-infallibility it is meant just to be a caliph and having kingship and dominion in the world, then it is certain that in this case there would be no need for infallibility and on the contrary his possible wrong-doing is permitted. But our discussion is about successorship of the Messenger and divine policy. The said characteristic requires that their holders be similar to the Messenger, namely being sagacious, critic and informed to the degree and status of each person and his talent and capacity. He should play the role of an intermediary and/or limbo between the people and God, to help each person getting his ultimate goal and perfection; otherwise, he will become a corrupt person in the earth and destroyer of tillage and generation. On the other hand, if the people do not confirm his divine insight which leads to the awareness of the secrecy and apparent status of the beings, as well as having the ability of protecting them in their stages, plus capability of giving them their rights, then the people would not obey him heartfully and never submit to him inwardly. Consequently, they shall not obtain otherworldly advantages from him. Because if they know that caliph is not an infallible person and he might be wrong in what he orders, then how can they submit to him. The issue of infallibility is a special status which requires an express statement (by the one who appoints a successor),

because infallibility and insight and knowledge of inward affairs could not be known through the apparent feature of the human beings, or to be understood by looking at them, so the people being able to recognize them. On the contrary the infallibility is a hidden issue and nobody is able to recognize it unless to be fully conversant with it and aware to its secrecy and mysteries. Therefore, when there is no express statement about somebody's assignment, consequently there would be no possibility for his successorship. And in Qur'an's verses, while speaking about dependence of intercession on Allah's permission, the said dependence is also mentioned. That is why Sufis have said that: Dependency of divine directorship on authorization is one of the necessities of religion or something close to it. The hierarchy/order of their authorizations is recorded hand to hand and person to person until get to the infallible. The jurisconsults (may God be well pleased with them) are also agree with it and the hierarchy of their authorizations are recorded. In early Islam, the procedure of expressing the narrations were in such a manner that if there was no authorization in this regard, then nobody would speak with the opponents or narrate from the infallibles and they would not speak about the religious issues with anybody and would not narrate any tradition from infallibles. And the authorized Sheikhs of narration are also well-known. So that, at present time, just the same as early Islam, whosoever claims the successorship of the Messenger or to be his representatives without having the said authorization, he may not stay out of the Allah's torment. And since the Messenger (S) is the founder of political rules as well as formal regulations of worshipping, and in this connection an oath of allegiance is taken from the people; that is the reason why this kind of oath of allegiance is called Islam. And also the Messenger (S) is a guide and reformer of inner status, with regard to the heart, and is instructor of the ethical injunction concerning the heart and has taken the oath of allegiance on the said issue,

so that this kind of oath of allegiance is called "the Faith". Therefore the successor of the Messenger should have both qualifications, like Imam Ali (A) and his infallible children as well as other persons who have both Islam and Faith and are protector of the both of them; or might be due to the first qualification becomes the successor of the Messenger, like the jurisconsults and religious scholars (Ulama) (may God be well pleased with them) who are in charge of the rules of outward aspects and political procedures; or due to the second qualification they become the successor of the Messenger, like the Sufis of pure intent from the Shiites, which all their efforts are focused on inward status and heart rules. The quarrel between the ignoramuses of both groups which everyone of them denies (the righteousness) of the other group, is due to their ignorance to the truth of messengership and heedlessness to the qualities of representation. Because every one of them who gains the authorization, he shall be a representative in his special aspect of assignment and his tasks would be rewarded and his obedience shall be obligatory and all people are obliged to resort to him and ask for guidance. Every person who has not the required authorization (and act as representative) he shall be a sneaking tempter and he is like whisperer and Satan and would be refused. Therefore, the quarrel is not taken place in its right position. On the contrary, the truth is that the discord should be changed to concord and harmony. Each group should resort to the opposite side and take what they have in their capacity. They should arrive at a compromise and live in peace with one another, because the outwardness is in need of inwardness and inwardness status will not be a complete unit without joining to outwardness. The story of Moses (A) who followed and obeyed KHidr -while he was more meritorious than KHidr- is a clear evidence that when a man is more meritorious, in one aspect of knowledge than other person, he should resort to that person if the latter is more meritorious in another aspect of knowledge. Therefore, the holder of

inwardness should refer to the religious scholar for receiving the literal meaning of the religious rules and regulations and the religious scholars must refer to the scholar of mystical path (mystics/Gnostics/Sufis) for taking the rules of inwardness. So that if they arrived at a compromise and agreed upon the situation, then they must help each other to betray those hypocrites and liars who wrongfully allege to have the ability of giving religious decisions and/or mystical path. They should reveal the invalidity of their allegations and protect the true religion against tumult of the devils and the liars. If some heretics getting dressed up like the Sufis and also those common people who by wearing the garments of Sufis attach themselves to Sufism, should not be cause of blaming the true Shiite Sufis. Because the latter are always careful, not to do anything against religious laws and regulations, whether verbally or through their behaviors. On the contrary, they believe that, setting aside the restrictions means that one should be bound to the religious laws. They always take care that everything they say to be on the basis of the religious laws, let alone their actions and faiths. **"If you differ in anything among yourselves"**. If you differ in small or great issues, especially the grand news of the successorship then **"refer it to Allāh and His messenger"**. In this position, it is not said that you should refer to the **"holder of authority"**. Because the main purpose is that when there exists any difference among you in choosing the **"holder of authority"** then you should **"refer it to Allāh and His messenger"**, and when the **holder of authority** is appointed, you have to resort to him for all your affairs. In some traditions, it has been registered that the verse reads as follows: **"If you differ in anything among yourselves, refer it to Allāh and His messenger and to those from among you who have received divine authority"**. It means that refer to Allāh and His messenger all those things that you are afraid to differ about, because Allāh and His messenger have already expressed all

those things that you are in need of them. That is to say, they have stated them in the Book and traditions. Moreover they have determined and presented the man whom the knowledge of the Book has been given to him. Because the words of Allāh: "**Obey of Allah ... up to the end of the verse**", and also the words of Allāh: "**Verily, your true guardian is Allāh ... up to the end of the verse**", is about Imam Ali (A). And the words of Muhammad (S): "**Whom was his guardian ...up to the end of tradition**", we have already explained the tradition that the man who is the most meritorious of all, and the most eligible of all, and you should refer to him and ask him and submit to him is Ali (A). Therefore, if you resorted to the Book and the Messenger about your general quarrel and you afraid of being in discord about any matter, then you should refer it to Ali (A). And if you had resorted to them about Ali (A), there would have remained no more doubts and differences about anything. If without taking the Book and the statements of the Messenger into consideration you choose the people as arbitrators (judges), you will get out of the guidance and right manner to the status of doubt and astonishment. This occasion is related to macrocosm. But in the world of microcosm, if the "soul" with its desires, and the "nature" with its powers, were in disagreement with you about a matter of matters, present it to the spirit and the reason. Then whatever the reason is satisfied with and the spirit confirms, accept it. But if the reason does not confirm it, abandon it even if the "soul" is satisfied with it. "**If you believe in Allāh and the Last Day**". That is to say, believing in Allāh and the Last Day requires that whatever you are in doubt about, you should refer to the Book and tradition and the one who has knowledge about them. Refraining from resorting to the Book and tradition, shows that you do not believe in both of them. "**This is better and more suitable for final conclusion**" means that, what has been said is better than presenting your void and wrong attitudes as the right ideas, such as distorting the real

meaning of: "**The holder of authority**" to "king" and "**your guardian**" to "one who likes" and "**his guardian**" to "one who loves".

This principle is one of the principles, which has deterrent effect on self-imitated diplomacy, or discretionary judgments, which could be one of the sources of diplomatic corruption in the international scene. Therefore, these kinds of powers are removed from the common people and are granted to the holder of authority who has the merits of establishment of Islamic laws and regulation throughout the world.

Every measure taken without having the permission of the holders of authority would be considered as meddling in affairs and is not permitted. This principle has deterrent effect on self-imitated diplomacy or discretionary judgments.

74- Principle of: Diplomatic responsibility

In common usage of international diplomacy and according to the Article 3 of Vienna Convention on Diplomatic Relations, the political mission/agents and diplomats are sent to perform some special functions. The said functions consist in:

- a- Representing the sending state in the receiving state.
- b- Protecting the interests of the sending state.
- c- Negotiating with the government of the receiving state.
- d- Reporting the conditions and developments in the receiving state to the government of sending state.
- e- Promoting and developing the economic, cultural and scientific

relations between the sending state and the receiving state.

The purport and content of the responsibility of Islamic government's political agent, with regard to all of the abovementioned functions, is much broader than those which are taken into consideration by other governments. As a general rule the Islamic agents are not excused but they are all responsible for their actions.⁶⁵² That is to say, they are under obligation to perform their functions in such a way that leads to establishment of right rather than performance of their nominal functions. In other words the political agent's missionary in Islam is prevalence of the justice (right) against injustice, in the vast meaning of justice and injustice as it has been already explained. "Justice" (right) means optimum of activities and "injustice" means non-optimal activities as it is used in mathematic and economic terminologies. The functions of political agent in Islam are not just protecting national, ethnical and/or individual interests. And when he is sent as representative or negotiator or reporter and/or for promoting relation, he is principally sent to protect the humankind's

⁶⁵² Behar-Alanwar, 72, 38.

بحار الأنوار، ٧٢، ٣٨، باب ٣٥ - الإنصاف و العدل...، جامع الأخبار، ١١٩، الفصل الخامس و السبعون في العدل...، عوالي اللآلي ١، ٣٦٤، المسلك الثاني في أحاديث تتعلق بمصالح، منية المرید ٣٨١، المطلب الثاني في مراتب أحكام العلم: و روي عن النبي ص كلکم راع و كلکم مسئول عن رعيتہ. إرشاد القلوب، ١، ١٨٤: و قال ع كلکم راع و كلکم مسئول عن رعيتہ و الأمير الذي على الناس راع و هو مسئول عن رعيتہ و الرجل راع على أهل بيته و هو مسئول عنهم و المرأة راعية على أهل بيت بعلمها و ولده و هي مسئولة عنهم و العبد راع على مال سيده و هو مسئول عنه ألا فكلکم راع و كلکم مسئول عن رعيتہ. عوالي اللآلي، ١، ١٢٩، الفصل الثامن ٣- و قال ص كلکم راع و كلکم مسئول عن رعيتہ فالإمام راع و هو المسئول عن رعيتہ و الرجل في أهله راع و هو مسئول عن رعيتہ و المرأة في بيت زوجها راعية و هي مسئولة عن رعيتها و الخادم في مال سيده راع و هو مسئول عن رعيتہ و الرجل في مال أبيه راع و هو مسئول عن رعيتہ و كلکم راع و كلکم مسئول عن رعيتہ. مجموعة ورام، ١، ٦، الجزء الأول... ص: ١ و قال ع ألا كلکم راع و كلکم مسئول عن رعيتہ فالأمير على الناس راع و هو مسئول عن رعيتہ و الرجل راع على أهل بيته و هو مسئول عنهم فالمرأة راعية على أهل بيت بعلمها و ولده و هي مسئولة عنهم و العبد راع على مال سيده و هو مسئول عنه ألا فكلکم راع و كلکم مسئول عن رعيتہ.

interests. He is not sent to protect the interests of sending state or his chief and/or his own interests. Because in the said missionary his tasks are protecting and taking care and paying attention to all bondmen of Allah, according to their dignity and position. For this very reason that Allah loves all His creatures. He has created them and all creatures are cherished by Him. So that His agent should also respect them all, otherwise his Lord, namely God would be filled with anger with his actions. On the said subject, the following verse is the words of Allah who says: "**Did you think that We created you in vain and you will not return to us?**"⁶⁵³ In this way, the diplomats or agents are held accountable for their actions. They are all responsible for their actions and related consequences in front of divine court, whether in this world or in the Hereafter. As a general rule, Glorious Qur'an says: "**Everyone is in pledge of his own deeds**".⁶⁵⁴ The Leader of the believers Imam Ali (A) in the decree to Malik Ashtar says: "O, Malik, when you hear the orders of your superior officer, you should compare it with the commandment of Allah. If Almighty God forbids you to do such an action, beware not to sacrifice the creator's decree in the way of the creature's desires. Never say that I am an agent and excused from any responsibility. Never say that I am ordered to do so, and I have to obey unquestioningly. Never be tempted that other peoples should obey you unquestioningly. Never impose your leadership on other people just for this reason that you are backed by the position of caliphate."⁶⁵⁵

⁶⁵³ Al-Mu'minun XXIII, 115.

أَفَحَسِبْتُمْ أَنَّمَا خَلَقْنَاكُمْ عَبَثًا وَأَنَّكُمْ إِلَيْنَا لَا تُرْجَعُونَ.

⁶⁵⁴ Al-Tur LII, 21.

كُلُّ أَمْرٍ بِمَا كَسَبَ رَهِينٌ.

⁶⁵⁵ Decree of Imam Ali (A) addressed to Mālik Ashtar, printed by the Ministry of Economic and Financial Affairs, (1992), p. 14.

As a general rule, the agent is not excused but he is responsible and is under obligation to perform his function in such a way that leads to establishment of right rather than just to conduct his nominal mission. In other words the political agent's mission is to support justice (right) against injustice, in the vast meaning of justice and injustice. The function of political agent is not just to protect national, ethnical and/or individual interests and when he is sent as a representative, negotiator or reporter and/or for promoting relation, he is principally sent to protect the humankind's interests and is not sent just to protect the interests of his state or his chief and/or his own interests. In the said mission, his tasks are to protect and take care of, and paying attention to all bondmen of Allah, according to their dignities and positions.

75- Principle of: Political immunity and social or personal non-immunity for diplomats

From faraway times up to the present time, diplomatic immunity has been of the most important issues of practical diplomacy which various changes as well as ups and downs have been occurred in the range of its validity. Once there was a custom that, to give a serious warning to the sending state, their ambassadors were decapitated and their heads were sent to the king or the ruler of the sending state. On the contrary there have been occasions that by establishment of the rules of capitulation, the non-political attaché of specific governments were excused from being tried in

the courts of domestic governments. In Roman Empire, political immunity was considered as one of the divine rights and/or human rights by Cicero⁶⁵⁶. Montesquieu introduces the ambassador as the tongue of sending ruler and says: "the tongue of the king and/or the ruler should be free (from any restriction)".⁶⁵⁷ Diplomats' immunities consist of two different parts, namely political immunity and personal immunity.

As to the political immunity the Article 3 of the Vienna Convention on Diplomatic Relations declare that "nothing in the present convention shall be construed as preventing the performance of consular functions by a diplomatic mission". And according to Article 29 "the person of diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention".

The political immunity is also respectable and acceptable in Islam; and pervious or newly agreements in this regard are considered to be obligatory. Political immunity covers all diplomatic activities of sending state in the receiving state and vice versa. As it was mentioned, the functions of diplomats within the enumerated cases in Vienna convention are respected and accepted by Islam. Moreover, the Islamic agent is also bound to protect the interests of other nations by taking the glorification of the right and removal of the injustice and exaltation of humankind into consideration. No fundamental discrepancies could be seen between Islam's position and the Vienna convention. Other kinds of immunities of diplomats such as inviolability of their correspondence, premises, and commodities from inspection and seize and seizure, should be observed as they are observed for other individuals in the society. The topic of

⁶⁵⁶ Marcus Tullius Cicero.

⁶⁵⁷ See: Ali Asghar Kazemi (1986). *New diplomacy in the age of change in international relations*, the Bureau of Political and International Studies, affiliated to Foreign Affairs Ministry, Tehran, Iran.

espionage is an important issue that we discuss about it in another section. On the basis of Vienna convention, whenever a diplomatic agent perpetrates an immoral or illegal action, the receiving state has the right to declare that the agent being returned to the sending state. And the delinquent diplomat would be returned to his country with impunity. Although this kind of immunity is an extravagant use of diplomatic immunity but is enacted just to prevent the spitefulness of belligerent states, and it will be acceptable by Islam, because they are enforced within the framework of the rules of covenants and agreements made among societies, unless the said rules contradict with the Islamic laws and regulations. For example, if a diplomat deliberately commits a murder, in Islam's country, the blood-wits have the right to ask for retaliation and execution of divine punishment (Hodood), and the Islam's government is bound to protect the rights of the blood-wits. Therefore, we should say that, if a diplomat infringes the rights of other persons, which requires execution of religious punishment (Hodood) on the basis of Islamic laws and regulations; he will not be exempted from the punishment. But when there is no private complainant and the crime perpetrated is not considered as one of the crimes related to the private right, then by taking the interests of Islam's government into consideration, the diplomat would be pardoned or returned to his country. And since this kind of actions are based on international usages and would be responded mutually therefore measures taken should be on the basis of forgiveness to prevent the enmity amongst nations and states.

The Islam's government is expecting its diplomats to be treated in the same way and on the basis of mutual confrontation, that is to say whenever an Islamic diplomat commits an infraction which is related to the private issues, to be legally prosecuted just the same as Islamic regulations. It

should be noted that in spite of inferences made in political jurisprudence of Islam,⁶⁵⁸ the said subject, on the basis of international usages rests on mutual agreement of the parties, but it is not a certain subject, because it is one of the political issues which is based on international agreements. Of course, it should not be contradictory to Islamic laws and Allāh's commandments. At present time and according to Article 31 of Vienna Convention it is internationally agreed that the political agents shall enjoy immunity from criminal jurisdiction of the receiving state. They shall also enjoy immunity from its civil and administrative jurisdiction. The premises of sending state situated in the territory of the receiving state are also exempted from regular taxes of the receiving state. And political agents while entering the territory of the receiving state are exempted from payment of customs duties. It is believed that most of the said cases are in excess of what should be given as additional rights to the political agent but since they are in accordance with the agreements and accepted by the parties on the basis of statute laws, therefore it cannot be religiously criticized.

As it was already mentioned, before and after the advent of Islam, there was a custom that the ambassadors of state were killed just to punish the sending state. In Glorious Qur'an, the inherent obscenity of those kinds of actions is expressly declared. In sūrah of Ale-Imran, it is said: **"Those who disbelieve in the signs of Allāh and slay the messenger unjustly and slay those who enjoin equity, give them good news of a painful chastisement"**.⁶⁵⁹ Although the said verse relates to the messengers, but the

⁶⁵⁸ For a discussion on this subject, look at Khaduri, Majid (1956) War and peace in Islam, translated by Gholamreza Sa'eedi, Eqbal Publication; and Ahmad Rashid (1974) Islam and public international law; translated by Hussain Seyyedi.

⁶⁵⁹ Ale-Imarn III, 21.

إِنَّ الَّذِينَ يَكْفُرُونَ بِآيَاتِ اللَّهِ وَ يَقْتُلُونَ النَّبِيَّ بِغَيْرِ حَقٍّ وَ يَقْتُلُونَ الَّذِينَ يَأْمُرُونَ بِالْقِسْطِ مِنَ النَّاسِ فَبَشِّرْهُمْ بِعَذَابٍ

ambassadors are, in a way, also a messenger from a government to another one, and by interpreting the said verse (with regard to the subject in question) we can infer that slaying the ambassadors are also an obscene action. On the other hand the term "**unjustly**" which is used in the said verse shows that if the slaying of an ambassador is done justly, that is to say he has committed a crime which is liable to be retaliated, consequently his immunity would be cancelled. To sum up the meaning of the said verse, we can say that, an ambassador enjoys political immunity, but he does not enjoy personal immunity, that is to say, he is immune while acting within the range of his political activities, but while acting within the range of his personal activities he would not enjoy the said immunity.

The functions of diplomats within the enumerated cases in Vienna Convention are respected and accepted. Moreover, the agent is also bound to protecting the interests of other nations by taking the glorification of the right and removal of the injustice and exaltation of humankind into consideration. If a diplomat infringes the rights of other persons, which requires punishment on the basis of laws and regulations; he will not be exempted from the punishment. But when there is no private complainant and the crime perpetrated is not considered as one of the crimes related to the private law, then the diplomat would be pardoned or returned to his country, considering the interests of the receiving state. And since this kind of action is often responded mutually according to the international custom, it should be based on forgiveness to prevent the enmity amongst nations and states. Governments are not permitted to persecute the diplomats of the other countries in order to just take revenge on the other state.

76- Principle of: Propagation by deeds and restriction on verbal enjoining and forbidding

This principle is one of the delicate topics of pedagogical psychology, which is also applicable in the scene of international law. There has always been a contest among the nations - in the past centuries and at the present time - that, which country should take the leadership of Christianity or

Islam in the world. Because of this competition, the states used to send religious missionaries to other countries to introduce their religion or sect or even start propagation through mass media. Performing this kind of propagation is not acceptable by Islam. In some jurisprudential works, there have been several notifications that these forms of propagation and imitation (adherence) are somehow problematic. Because the foundation of a religion is based on proper following (imitation), but this kind of imitation is quite different from the situation where a clergyman writes a practical treatise and to be gifted by a missionary and the people follow the instructions written in that book. The proper imitation happens when the holder of authority is found and adherence to him is fulfilled. A thorough description of the said subject could be found in the mystical works.⁶⁶⁰

If the said method of propagation not be observed, consequently, our imperfect reasoning and statements would make other nations to keep away from Islam, which not only would be of no benefit to Islam, but it would cause harm to it. Therefore, by the way of education, this subject must be made clear to diplomats and Muslims that their propagation should be based on their proper deeds. The verbal propagation is restricted to those persons whose authorizations are hand-to-hand (consecutively) received from the infallibles, otherwise they have no right to enjoin the good and forbid the evil verbally. Ayatollah Hussain Noori enumerates seventy two prerequisites⁶⁶¹ for acting as religious preachers as well as enjoining the good and forbidden the evil. The prerequisites of "authorization", "effectiveness", and "independent judgment" for the preachers, which are

⁶⁶⁰ For more explanation about the said subject, refer to the following books written by His Excellency Hajj Mullah Sultan-Mohammad Sultan-Alishah: *Besharat-ol-Mu'minin*, Haqiqat Publication, 1981, Tehran; *Sa'adat-Namah*, rectification and marginal notes by Hussain-Ali Kashani Beydokhti, Haqiqat Publication, 2000, Tehran; *Valayat-Namah*, Haqiqat Publication, 2000 Tehran; *Majma-o-Sa'adat*, Haqiqat Publication, 1999, Tehran.

⁶⁶¹ Ayatollah Hajj Sheikh Hussain Noori the owner of *Mostadrak-al-Wasileh*, has explained in detail these conditions in the book of *Lo' Lo' and Marjan*.

mentioned in the said book, would suffice us to declare that a few people would have the right to propagate verbally. Moreover the method of preaching must be in accordance with the following verse, which is addressed to honorable Messenger (S) who says: **"(O, Messenger!) Invite mankind to the way of your Lord with divine reasoning and fair preaching and argue with them in the best manner. Truly your Lord is in the supreme position to know who has gone astray from His path and who are the guided ones"**.⁶⁶²

Nevertheless, the preaching should be effective, which Almighty God addresses His Messenger that: **"Those are the ones whom only Allāh knows what is in their hearts; so turn aside from them but admonish them and speak to them with penetrating words to reach their hearts"**.⁶⁶³ Good words are also one of the requirements of "effectiveness" which says: **"Tell my worshippers: To speak only with the best and thoughtful words"**.⁶⁶⁴ And also said: **"Speak nicely to the people"**.⁶⁶⁵ In spite of the emphasis made on "speaking with the best words" nevertheless "to enjoin the good and forbid the evil" as well as propagation of Islam should be based on proper deeds, which says: **"And who is more excellent in speech than he who invites people to Allāh's path and does righteous deeds and say: I am one of the Muslims"**.⁶⁶⁶ That is to say, he invites

⁶⁶² Al-Nahl XVI, 125.

ادْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحُكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ وَجَادِلْهُمْ بِالَّتِي هِيَ أَحْسَنُ إِنَّ رَبَّكَ هُوَ أَعْلَمُ بِمَنْ ضَلَّ عَنْ سَبِيلِهِ وَهُوَ أَعْلَمُ بِالْمُنْتَهِدِينَ.

⁶⁶³ Al-Nisā IV, 63.

أُولَئِكَ الَّذِينَ يَعْلَمُ اللَّهُ مَا فِي قُلُوبِهِمْ فَأَعْرِضْ عَنْهُمْ وَعِظْهُمْ وَقُلْ لَهُمْ فِي أَنْفُسِهِمْ قَوْلًا بَلِيغًا.

⁶⁶⁴ Al-Isrā XVII, 53.

وَقُلْ لِعِبَادِي يَقُولُوا الَّتِي هِيَ أَحْسَنُ.

⁶⁶⁵ Al-Baqarah II, 83.

وَقُولُوا لِلنَّاسِ حُسْنًا.

⁶⁶⁶ Fussilat XLI, 33.

people to Allāh's path by his righteous deeds and introduces himself as a Muslim.

On a study concerning the "enjoining the good and forbidding the evil" and their various cases it is said:⁶⁶⁷ "As a general rule, the command of "enjoining the good and forbidding the evil" is an obligatory decree, but its generality of obligation is not in a manner that to be exercised free from any condition with regard to all people. We should say that: The said two commands are obligatory for those mentally mature adults, with respect to those who are in his own microcosm. Because when a person is entitled to perform the obligation, he will be obliged to enjoin his soul (self) as well as his innermost powers to follow whatever he believes to be good, and avoid whatever he thinks to be evil to his mankind powers, as well as it had been previously done with respect to the animal powers while they were enjoined good and forbidden evil. First of all, he should acquire the knowledge of those aspects of "good and/or evil" which he has not already been aware of them, and then start to enjoin and/or forbid himself and those persons who are under his control such as his wife, children and slaves, except those who work for him and common carriers and servants. He should enjoin and/or forbid on whatever he has acquired the knowledge about "good and/or evil". At the first he should acquire their knowledge then start enjoining and forbidding. Of course, it is not necessary to self-purify and then receive Imam's authorization for "enjoining good and forbidden evil" because those who are under his control, such as his powers and army in the microcosm, are all parts of his being and their enjoining and/or forbidding is absolute and it is not restricted to the purification of soul (self) from all evils and acquiring the holy power which prevents

وَمَنْ أَحْسَنُ قَوْلًا مِمَّنْ دَعَا إِلَى اللَّهِ وَ عَمِلَ صَالِحًا وَقَالَ إِنَّي مِنَ الْمُسْلِمِينَ.

⁶⁶⁷ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 2, pp. 34-39.

commission of the sins. It is trusted at first, he is bound to enjoin and forbid himself, and deter himself from perpetration of wrongdoings, and then enjoin and/or forbid those persons who are under his control, otherwise he would be the same as those persons who enjoin but refrain to do themselves, and/or forbid but commit the action themselves. The point is that, taking the common people into consideration, the said command is not obligatory for all and every person to perform it. On the contrary, enjoining and forbidding are obligatory to those persons who have firstly purified themselves from the sins and wrongdoings and have acquired the holy power which impedes the perpetration of the sins and secondly have gotten the knowledge about the good and/or evil in other persons, because good and evil carry different definitions with regard to various persons, and the tradition which says: "Whatever which is considered as good deeds for the righteous, would be considered as sins with regard to those who are close to God"⁶⁶⁸ indicates the same meaning. There are some disagreements about the said two requirements, (namely, purification of soul from the vices and acquiring the holy power which would impedes the perpetration of the sins), but most of the jurisconsults (may God be pleased with them) have passed judgment in favor of enjoining good to those persons who refrain to do it and forbidding evil to those persons who do it, but there is no difference among them over the -third- requirement of condition in "enjoining good and forbidding evil". On the contrary, there is no difference about the obligation of condition regarding permission to enjoin and forbidding. Some have said that: The latter condition requires that the first two requirements be valid, because knowledge about the good and/or evil of a person requires to have a complete insight (awareness) about his status namely, to know at what stage of faith and Islam (submission) he is,

⁶⁶⁸ Bihar-ol-Anwar, 11, 256.

and to know what level of religious rules are required for this stage. And this kind of insight and awareness shall not be acquired unless by those persons who have been purified from the sins and vices and have acquired the holy power which is one of the requirements of passing religious judgments. Because similar to "enjoining good", all persons are not allowed to pass religious judgments, and only those persons are permitted to do it which have purified themselves and have acquired the said holy power. If God will, there shall be another discussion on the said subject in near future. What has been narrated from Imam Sadiq (A), reveals that, he has expressly unauthorized all persons to have the responsibility of "enjoining good and forbidding evil" for general public. The following words are stated by His Excellency: The one who has not gotten out of his ardent desires, and has not been released from the cankers of the soul (self) as well as its vain desires, and has not caused Satan to escape from him, and has not taken refuge under Allah's attention and has not been placed under His secure protection; surely is not entitled to "enjoin good and forbid evil". Because, when he has not this characteristic, whatever he does is evidence against himself, and will not benefit other persons. Almighty God said: **"Do you enjoin right conduct and piety on the people and forget (to practice it) yourselves?"**⁶⁶⁹ As a matter of fact he has been told: "O, you the traitor, the same as you have betrayed your own soul and made it to do what it wishes; now you want to betray my people?"⁶⁷⁰ The same notion could be found in another narration from Imam Sadiq (A) that when he was asked: Is the command of "enjoining good and forbidding evil" obligatory to all persons in the community? He replied: No. They asked: What for? He said: "A person should assume this responsibility who is able, one who is to

⁶⁶⁹ Al-Baqarah, 11, 44.

أَتَأْمُرُونَ النَّاسَ بِالْبِرِّ وَتَنْسَوْنَ أَنْفُسَكُمْ؟

⁶⁷⁰ The exegesis of Al-Sāfi, volume 1, P. 110.

be obeyed and knowledgeable about good and evil. It is not the responsibility of those weak persons who do not recognize the right path and do not know how to explain the right and/or wrong. The Words of Allāh are good evidence for this subject which said: **"There should be from among you a group who call (humankind) to virtue and enjoin what is good and forbid what is wrong"**.⁶⁷¹ This verse does not convey generality and conveys particularity, as Almighty God says: **"And of the people of Moses there is a party who guides to the truth and do justice according to the truth"**.⁶⁷² In the said verse, Almighty God did not say: "And on the people of Moses", or "on the whole people". Whereas there were several folks in that time; and the word **"Ommah"** (people/nation) is also used for more than one person as Almighty God used it when talking about Abraham who was one person: **"Verily, Abraham was himself a devoted people/nation (Ommah) for Allāh"**.⁶⁷³ It means that Abraham was obedient to God.... up to the end of the narration.⁶⁷⁴ There are some narrations which advise the above said concept, namely, they reprimand those who enjoin good but refrain to do it themselves, and forbid evil but practice the same wrongdoings. As it is attributed to the Lord of the believers, Imam Ali (A) who said: "Forbid evil and refrain to do it yourselves, because you are ordered that, after you have avoided practicing evil, then you are allowed to forbid it".⁶⁷⁵ And he has also said: "May God curse those persons who enjoin good but they refrain to do it, and forbid

⁶⁷¹ Ale-Imran III, 104.

وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ .

⁶⁷² Al-A'rāf VII, 159.

وَمِنْ قَوْمِ مُوسَى أُمَّةٌ يَهْدُونَ بِالْحَقِّ وَبِهِ يَعْدِلُونَ .

⁶⁷³ Al-Nahl XVI, 120.

إِنَّ إِبْرَاهِيمَ كَانَ أُمَّةً قَانِتًا لِلَّهِ .

⁶⁷⁴ The exegesis of Al-Borhān, volume 1, p. 307.

⁶⁷⁵ Noor-al-Seqalain, volume 1, p. 310, tradition No. 319.

evil but they do it".⁶⁷⁶ Similar to the said narration has been narrated to reproach those persons who define and encourage doing justice, but they act contrary to it. The said persons would profoundly regret it in the Hereafter. Therefore, those narrations, which bear obligation for "enjoining good and forbidding evil" as a general rule, would be particularized on the condition that the person who enjoins good and forbids evil should be purified and knowledgeable to the concepts of his commands. Or we would say that the religious purification and acquiring knowledge is a prerequisite to enjoining good and forbidding evil. So that both cases are obligatory but their applicability is contingent on acquiring knowledge and religious purification rather than their obligatoriness (being obligatory). Therefore enjoining both of them requires performing their prerequisites. Moreover, the said prerequisites belong to those persons who are commissioned to perform them. Or we would say that this case as a general rule is obligatory for all persons, but it should be done as a cooperation in righteousness and piety and avoiding to take part in sins and transgression⁶⁷⁷ rather than enjoining good and forbidding evil. If the narration's terms are used for enjoining good and forbidding evil, it is because of frequent uses of some words instead of other words.

Anyhow, argumentation and contending is something that the honorable Prophet has also been forbidden to do it. In glorious Qur'an it is said: **"And for every nation we have appointed ways of worship and rites who they act upon; so they not dispute with you about the matter, and call them to the way of your Lord. Surly you are on the straight path. And if they contend with you, say: Allah is the more knower of what you do. And Allāh will judge between you and them on the Day of**

⁶⁷⁶ Noor-al-Seqalain, volume 1, p. 310, tradition No. 320.

⁶⁷⁷ Al-Mā'idah V, 2.

تَعَاوَنُوا عَلَى الْبِرِّ وَ التَّقْوَىٰ وَ لَا تَعَاوَنُوا عَلَى الْإِثْمِ وَ الْعُدْوَانِ.

Resurrection about what you differed in".⁶⁷⁸ And in the sūrah of Al-Ankabūt says: "Do not dispute with the people of the book, except the wrongdoers of them, but with proper and sound reasoning; so tell them: We believe in the revelation which have been sent down to us and to you; we both worship our only God and to His will all submit our wills".⁶⁷⁹ And about disbelievers it is said: "Say: O, disbelievers. I do not worship what you worship. Nor you worship what I worship. And I shall not worship what you worship. Nor you will worship what I worship. So for you your religion and for me my religion".⁶⁸⁰ Because "there is no compulsion in religion. The guidance is henceforth distinct from error".⁶⁸¹

By the way of education of diplomats and the others effectively, this subject needs to be made clear that their propagation be based on their proper and righteous deeds. The verbal propagation is restricted to those who are authorized for.

⁶⁷⁸ Al-Hajj XXII, 67-69.

لِكُلِّ أُمَّةٍ جَعَلْنَا مَنْسَكًا هُمْ نَاسِكُوهُ فَلَا يُنَازِعَنَّكَ فِي الْأَمْرِ وَادْعُ إِلَى رَبِّكَ إِنَّكَ لَعَلَىٰ هُدًى مُّسْتَقِيمٍ وَإِنْ جَادَلُوكَ فَقُلِ اللَّهُ أَعْلَمُ بِمَا تَعْمَلُونَ اللَّهُ يَحْكُمُ بَيْنَكُمْ يَوْمَ الْقِيَامَةِ فِيمَا كُنْتُمْ فِيهِ تَخْتَلِفُونَ.

⁶⁷⁹ Al-Ankabūt XXIX, 46.

وَ لَا تُجَادِلُوا أَهْلَ الْكِتَابِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ إِلَّا الَّذِينَ ظَلَمُوا مِنْهُمْ وَ قُولُوا آمَنَّا بِالَّذِي أُنزِلَ إِلَيْنَا وَ أُنزِلَ إِلَيْكُمْ وَ إِنْ هُنَا وَ إِنْ هُنَا وَاحِدٌ وَ نَحْنُ لَهُ مُسْلِمُونَ.

⁶⁸⁰ Al-Kafirūn CIX, 1-6.

قُلْ يَا أَيُّهَا الْكَافِرُونَ لَا أَعْبُدُ مَا تَعْبُدُونَ وَ لَا أَنْتُمْ عَابِدُونَ مَا أَعْبُدُ وَ لَا أَنَا عَابِدٌ مَا عَبَدْتُمْ وَ لَا أَنْتُمْ عَابِدُونَ مَا أَعْبُدُ لَكُمْ دِينُكُمْ وَ لِي دِينٌ.

⁶⁸¹ Al-Baqarah II, 256.

لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ.

77- Principle of: Prohibition of imposing opinions

In Islam, it is not authorized to impose one's opinion and ideas on other persons. On the contrary, freedom of (belief) is regarded as a principle. Basically, the faith is a divine bounty (grace of God) and it is not something to be instilled by force and/or imposition in other persons. The Glorious Qur'an says: **"And if your Lord has willed, verily, all those who are on the earth would have believed; do you compel people against their wish to become believers?"**⁶⁸² The disconnected response to the said question is: "No, you should not compel them, and if you compelled them, nobody would have believed you". In another verse, it is said: **"There is no compulsion in religion. The guidance is henceforth distinct from error"**.⁶⁸³ And it is addressed to the honorable Messenger (S) which says: **"Say, This word of truth is from your Lord, so let him who please believe in it, and let him who please disbelieve in it"**.⁶⁸⁴ And in another verse it is said: **"And He has not made the religion something hard on you"**.⁶⁸⁵ On the contrary it is ordered to invite (people) by divine reasoning, fair preaching, and arguing in the best manner, which is addressed to honorable Messenger (S): **"Invite mankind to the way of your Lord with divine reasoning and fair preaching and argue with them in the best manner"**.⁶⁸⁶ In another verse, it is said: **"Repel the wrongdoing of men**

⁶⁸² Yūnus X, 99.

وَلَوْ شَاءَ رَبُّكَ لَأَمَنَّ مِنَ فِي الْأَرْضِ كُلُّهُمْ جَمِيعاً أَ فَأَنْتَ تُكْرَهُ النَّاسَ حَتَّى يَكُونُوا مُؤْمِنِينَ.

⁶⁸³ Al-Baqarah II, 256.

لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ.

⁶⁸⁴ Al-Kahf XVIII, 29.

وَقُلِ الْحَقُّ مِنْ رَبِّكُمْ فَمَنْ شَاءَ فَلْيُؤْمِنْ وَمَنْ شَاءَ فَلْيُكْفُرْ.

⁶⁸⁵ Al-Hajj XXII, 78.

وَمَا جَعَلْ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ.

⁶⁸⁶ Al-Nahl XVI, 125.

ادْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحُكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ وَجَادِلْهُمْ بِالَّتِي هِيَ أَحْسَنُ.

with good treatment instead, then your enemies will turn into intimate friends".⁶⁸⁷ In another verse, it is said: "Do not dispute with the people of the Book, but in the best manner except the wrongdoers of them".⁶⁸⁸ At the same time: "Say, I worship Allāh making my religion pure for Him. So worship what you choose instead of Him".⁶⁸⁹ That is you are free to select the religion you choose and worship whoever you like. "And guidance to the straight path is with Allāh, and there are ways that are perverted from the truth, and had Allāh willed He would have led you all to the right path".⁶⁹⁰ And the task of prophets is only conveying the message, which said: "Is there any responsibility upon the messengers save to clear convey of the message?".⁶⁹¹ The response to this verse can be found in another verse, which is addressed, to the honorable Messenger (S): "You are only a warner and to every nation there is a guide".⁶⁹² It means that the Messenger (S) is bound to warn (people) and he is not even responsible to guide them. As it is stated in Glorious Qur'ān, the words of His Reverend have no effect on the ears of many people, let alone the advice of the missionaries who act upon their own judgments.⁶⁹³ And says:

⁶⁸⁷ Fussilat XLI.34.

ادْفَعِ بِالَّتِي هِيَ أَحْسَنُ فَإِذَا الَّذِي بَيْنَكَ وَبَيْنَهُ عَدَاوَةٌ كَأَنَّهُ وَلِيٌّ حَمِيمٌ.

⁶⁸⁸ Al-Ankabūt XXIX, 46.

وَلَا تُجَادِلُوا أَهْلَ الْكِتَابِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ إِلَّا الَّذِينَ ظَلَمُوا مِنْهُمْ.

⁶⁸⁹ Al-Zūmar XXXIX, 14-15.

قُلِ اللَّهُ أَعْبُدُ مُخْلِصًا لَهُ دِينِي فاعْبُدُوا مَا شِئْتُمْ مِنْ دُونِهِ.

⁶⁹⁰ Al-Nahl XVI, 9.

وَعَلَى اللَّهِ قَصْدُ السَّبِيلِ وَمِنْهَا جَائِزٌ وَلَوْ شَاءَ لَهَدَاكُمْ أَجْمَعِينَ.

⁶⁹¹ Al-Nahl XVI, 35.

فَهَلْ عَلَى الرُّسُلِ إِلَّا الْبَلَاغُ الْمُبِينُ.

⁶⁹² Al-Ra'ad XIII, 7.

إِنَّمَا أَنْتَ مُنذِرٌ وَلِكُلِّ قَوْمٍ هَادٍ.

⁶⁹³ "Men-endeeyeh" من عنديّه are those people who without having any authorization from the prophets or divine guardians or divine executors begin to propagate the rules and regulations of the religion and interfere in the life of the worshippers.

"You cannot invite the dead to listen, and you cannot make them hear, those who are deaf, particularly when they turn away from the Truth in their retrograde. And you cannot guide the blind who have diverted from the straight path. You can only make those hear your voice who believe in our signs and are Muslim (submitted)". ⁶⁹⁴

We may conclude that there never exists any imposition of opinion in Islamic beliefs. On the contrary, liberty and freedom of conscience is the accepted principle in Islam. There are many other verses that we can infer the said subject from them. In the sūrah of Al-Mā'idah it is said: **"The Messenger's duty is but to convey the message"**.⁶⁹⁵ And in sūrah of Al-Baqarah it is said: **"You are not responsible for guiding them; but Allāh guides aright whomsoever He wills"**.⁶⁹⁶ And in another verse in sūrah of Al-Mā'idah says: **"And obey Allāh and obey messenger and keep away (from the disobedience); but if you turn away know that it is for Our messenger only to convey the obvious message"**.⁶⁹⁷

In this connection there is a message sent to the international

⁶⁹⁴ Al-Naml XXVII, 80, 81.

إِنَّكَ لَا تَسْمَعُ الْمَوْتَى وَلَا تَسْمَعُ الصُّمَّ الدُّعَاءَ إِذَا وَلَّوْا مُدْبِرِينَ وَ مَا أَنْتَ بِمَهْدِي الْعُمَى عَنْ صَلَاتِهِمْ إِنَّ تُسْمَعُ إِلَّا مَنْ يُؤْمِنُ بِآيَاتِنَا فَهُمْ مُسْلِمُونَ.

⁶⁹⁵ Al-Mā'idah V, 99: **إِلَّا الْبَلَاغُ** and also Al-Noor, 54 and Al-Ankabūt, 18:

"The responsibility of the messenger is but to convey the obvious message", **وَمَا عَلَى**

الرَّسُولِ إِلَّا الْبَلَاغُ الْمُبِينُ and Ya-Sin XXXVI, 17: **"And our duty is but to deliver the**

obvious message", **وَمَا عَلَيْنَا إِلَّا الْبَلَاغُ الْمُبِينُ**, and also Ale-Imran III, 2 and Al-Nahl XVI,

82: **"Then if they turn away, your duty is only to convey the message"**, **وَإِنْ تَوَلَّوْا فَإِنَّمَا**

إِنْ عَلَيْكَ إِلَّا, and Al-Shurā, 42: **"Your only duty is to convey the message"**, **إِنْ عَلَيْكَ إِلَّا**

الْبَلَاغُ.

⁶⁹⁶ Al-Baqarah II 272.

لَيْسَ عَلَيْكَ هُدَاهُمْ وَ لَكِنَّ اللَّهَ يَهْدِي مَنْ يَشَاءُ.

⁶⁹⁷ Al-Mā'idah V, 92.

وَ أَطِيعُوا اللَّهَ وَ أَطِيعُوا الرَّسُولَ وَ اخْذَرُوا فَإِن تَوَلَّيْتُمْ فَأَعْلَمُوا أَنَّمَا عَلَى رَسُولِنَا الْبَلَاغُ الْمُبِينُ.

Conference of Peace of Religions, which reads as follows:⁶⁹⁸ "... Religious beliefs are totally personal issue, and could not be imposed on other persons. Obviously, the followers of any religion would think that their beliefs are superior to others, that is why they have chosen their own religion from among all existing religions. The common point of all religions is the "faith", namely accepting the beliefs and spiritual teachings, and being bound and submitted to a special social spiritual system. We as Muslims have chosen Islam as our religion, and believe it to be the religion of peace, sincerity and liberty. We are in spiritual cooperation with all honoured beings (children of Adam), because, we believe that **"there is no compulsion in accepting religion"**.⁶⁹⁹ Therefore, we maintain this very right -or even duty- for everybody to look for the better spiritual system of thought, and the requirements for having freely the capability of such a searching is establishment of universal peace throughout the world. Our standpoint on this subject is that all human beings, especially the followers of the religions in the world, are duty bound to protect and establish this peace. The mystical journey is especially needed for all the followers of the religions. Because mysticism which is the real meaning and spirit of all divine religions, is means of communication and common points among them ...".

Certainly, we have to mention that the beliefs are considered as "faith". Therefore not being bound to individual duties of religious rules of

⁶⁹⁸ The text of inauguration message, by His Excellency Hajj Dr. Noor-Ali Tabandeh, Majzoob-Alishah to the Conference of Peace of Religions, Foundation for Religious Harmony and Universal Peace, April, 18-20 2005, India, New Delhi. The said letter is addressed to Mr. Maharishi Kapil Adwait. Peace of Religions, Iran's Mysticism, collection of essay, compiled and edited by Dr. Seyyed Mostafā Azmāyesh, No. 22, Haqiqat Publication, 2005, pp. 5-9. A short excerpt of the said conference is printed in the said book under the article by Hussein-Ali Kashani, Conference of Foundation for Religious Harmony and Universal Peace, pp. 125-136.

⁶⁹⁹ Al-Baqarah II, 256.

لا إِكْرَاهَ فِي الدِّينِ.

Islam, as long as it does not infringe other's rights, could not be opposed to. But since the social rules of Islam, requires observing other's rights, therefore they cannot be ignored and as a general rule the citizens are bound to observe them. So that we should say freedom of conscience and thought and choosing religion bear some restrictions in Islam. The borderline of the said restrictions are nearly those issues that are discussed and mentioned in the principle of today's democracies. That is to say, the range of individual liberties could be extended up to the point where it does not injure other's liberties. In Islam, the range of individual liberties is also authorized to be extended up to the point where they do not injure the liberties and religion of other persons. With regard to the said subject, now we are going to review the description of Articles 18 to 21 of the Universal Declaration of Human Right's which is taken from the book of Religious Standpoints on the Universal Declaration of Human Right's:⁷⁰⁰ "Article 18 of declaration reads as follows: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance". This article is also capable of being described in detail, namely, a part of it could be acceptable but the whole article is not free from criticism. To explain the subject we can say: The freedom of thought, conscience and religion is acceptable as long as they are not contradictory to the constitution of Islam namely Qur'an. For instance, nobody has the right to insult and vilify Almighty God, the Messenger (S) and the grandees of the religion. The perpetrator will be liable to punishment. The religious minorities who believe in God, and a true prophet, such as Jews, Christians and Zoroastrians are free, within the

⁷⁰⁰ Religious Standpoints on Universal Declaration of Human Rights, His Excellency Hajj Sultan Hussein Tabandeh, pp. 102-107.

limits of their religion. They can freely manifest their religion and practice their own laws, but those religions, which are fundamentally against Islam, such as those persons who allege the abrogation of Islam, are not officially recognized in Islamic states and Islamic government and their religion could not be respected. As it has been observed, due to political standpoints, many political parties are dissolved in some countries. Because they are believed to be against the interests of the state. This kind of religions with the allegation of abrogation of Islam, even if they do not deny Almighty God, would be regarded as "unbelievers". They are not considered as the people of the Book, so that the rules of the people of the Book would not be applicable to them. And that group which is organized under the name of the religion but are in fact against the religion of Islam, could not be recognized by Islamic government, because it is against the constitution of Islam. And the said group has no right of exercising religious and propagation activities which in fact are in opposition against Islam. Because an Islamic country has officially an Islamic government and those governments which are not based on Islamic laws and regulations and their religion is other than Islam, cannot govern on an Islamic country. Therefore if one of the members of the cabinet be a non-Muslim, the said cabinet would not be acceptable. So that all members of the government which set up the cabinet should be Muslims, which said: **"And Allāh will by no means give the unbelievers a way against believers"**.⁷⁰¹ There is no separation between religion and politics in Islam, and official religion could not be separated from the government, therefore any kind of propagation campaign launched against Islam is forbidden. And freedom of changing one's religion and belief does also prove problematic, as the Egypt's representative raised his objection to this issue in the session of

⁷⁰¹ Al-Nisā IV, 141.

لَنْ يَجْعَلَ اللَّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلًا.

United Nation General Assembly. What he said as an evidence for his objection is a minor political issue which is correct on its position. Because he said: There are occasions that changing one's religion would happen under the pressure or duress of other persons; and/or other factors such as obtaining the right of divorce and so on might be the real cause of it. These kinds of factors could be observed in some places. As it is happening in Israel that Muslims are facing appalling hardships to compel them change their religion; or when some people find out that they do not have the right of divorce, they might renounce Islam to obtain the said right. But there are more important evidences to reject the aforementioned freedom. Because no wiseman while possessing sound judgment would exchange better for worse. If a person by deep thinking and through insight converts to Islam, he would understand and distinguish Islam's superiority over other religions. So that, if he renounce Islam, it might be whether by deep understanding and real changing which has been renounced whole heartedly but under influences of dubious things. So he should be advised not to utter wrongfully a word; or it might be due to material objectives, such as being suborned or deceived by another religion, or he might think that he has been used and/or his rights have been infringed, and to run away from the said matters is renouncing his religion; or may the sensual affairs be the main cause of it. Anyhow, all of them are disagreeable and allowing them to be free would lead in chaos. That is why the holy religion of Islam has accepted and respected a person who has left his religion and converted to Islam, because the purpose of propagating a religion is getting to this point, but if a Muslim renounces Islam would be regarded as an "apostate" and liable to punishment. In Glorious Qur'an, and in sūrah of Ale-Imran it is said: **"Verily, those who disbelieve after their believing, then insist in increasing their disbelief, never will their repentance be accepted and**

these are they who indeed have gone astray".⁷⁰² And in sūrah of Al-Nesā at the end of fifth section says: **"Verily, these who believed thereafter disbelieved and again believed and then increasing their disbelief, surely Allāh will not forgive them nor will guide them to the right way".**⁷⁰³ The first verse is mentioning those persons who are called "natural apostate" and the second verse indicates the "national apostate". The first group is similar to those persons who are revolting against the constitution of the state or because of enmity towards the head of the state, which is not forgivable, and jurisconsults call them "natural apostate". Because "natural apostate", with regard to the religious terms, is a person whose parents have been Muslims and is born on the nature of Islam, and after reaching the age of puberty, while being a Muslim, then renounces Islam. The repentance of the said person cannot be accepted, because he has renounced his nature, which is Islam. Therefore, he would be regarded as a sick member of the body, which is blackened due to the illness and is incurable and should be cut off. The punishment of this person is to killing. The "national apostate" is one who has not been born on the nature of Islam. He has had a religion other than Islam and has converted to Islam, and then he has renounced Islam. That is why he is called "national apostate". The ruling for this person is to advise him and make him to repent. If after three days, he did not repent and/or they were frustrated of his repentance, then he is to be killed. But if he repented and came back to Islam and again for the second time or third time (as some have said) renounced Islam, he would be the same as "natural apostate" and his repentance is not to be accepted and he is to be killed which its complete explanation can be found in the

⁷⁰² Ale-Imran III, 90.

إِنَّ الَّذِينَ كَفَرُوا بَعْدَ إِيمَانِهِمْ ثُمَّ أَزْدَادُوا كُفْرًا لَنْ تُقْبَلَ تَوْبَتُهُمْ وَأُولَئِكَ هُمُ الضَّالُّونَ

⁷⁰³ Al-Nisā IV, 136.

إِنَّ الَّذِينَ آمَنُوا ثُمَّ كَفَرُوا ثُمَّ آمَنُوا ثُمَّ كَفَرُوا ثُمَّ أَزْدَادُوا كُفْرًا لَمْ يَكُنِ اللَّهُ لِيَغْفِرْ لَهُمْ وَلَا لِيَهْدِيَهُمْ سَبِيلًا.

jurisprudential works. By the aforementioned explanation, the instruction of Islam concerning article 19 is clearly known. Because freedom of expression exists as long as it is not against public order or is not the cause of insulting or acting impertinently towards the grandees of the religion, as it has been shown by the grandees of Islam. When the Khawarij openly opposed to Imam Ali (A) and were protesting against him, some of his companions said: Let us prevent them of doing so. His Excellency said: As long as their actions and statements are not against the public order, they are free. As has been written (in narrational book) once Imam Ali (A) was reciting daily prayer in the mosque and many people were following him in the prayer during the prayer, one of the heads of the Khawarij whose name was Ibn Kowā said: **"This single revelation has been enjoined to you and to every messenger who came before you: If you consider partners for Allāh, indeed your efforts will be perished"**.⁷⁰⁴ As soon as Ibn Kowā started to recite the said verse, His Excellency became silent and when the reciting was finished, he again continued the prayer. Ibn Kowā repeated the verse and His Excellency kept silence but for the third time His Excellency said: **"So you be patient in this situation; surely Allāh's promise is true"**.⁷⁰⁵ Because of reciting the said verse by His Excellency, he became silent. After the advent of Khawarij, most of times when Imam Ali (A) was preaching, the following words were heard loudly from every corner of the mosque that: "O, Ali. There is no command save from Allāh and the command is from Allāh not you".⁷⁰⁶ The companions of Imam Ali (A)

⁷⁰⁴ Al-Nisā IV, 136.

وَلَقَدْ أُوحِيَ إِلَيْكَ وَإِلَى الَّذِينَ مِنْ قَبْلِكَ لَئِنْ أَشْرَكْتَ لَيَحْبَطَنَّ عَمَلُكَ

⁷⁰⁵ Al-Rūm XXX, 60.

فَاصْبِرْ إِنَّ وَعْدَ اللَّهِ حَقٌّ

⁷⁰⁶ Bihar Al-Anwar, 32, 544.

بحار الأنوار، ٣٢، ٥٤٤، باب ١٢- باب جمل ما وقع بصفين من الم...، ٢٥٥- قال نصر هذه رواية محمد بن علي بن الحسين ع و الشعبي و روى جابر عن زيد بن الحسن بن الحسن زيادات علي هذه النسخة أقول و ذكر تلك

الرواية و ساقها إلى أن قال و شهد فيه من أصحاب علي ع عشرة و من أصحاب معاوية عشرة و تاريخ كتابته لليلة بقيت من صفر سنة سبع و ثلاثين قال و لما كتبت الصحيفة دعي لها الأشر ليشهد مع الشهود عليه فقال لا صحبتني يميني و لا نفعني بعدها الشمال إن كتب لي في هذه الصحيفة اسم علي صلح أو موادة أو لست على بينة من أمري و يقين من ضلال عدوي أو لستم قد رأيتم الظفر إن لم تجمعوا على الخور و جرى بينه و بين الأشعث كلام ثم قال و لكني قد رضيت بما يرضى به أمير المؤمنين و دخلت فيما دخل فيه و خرجت مما خرج منه فإنه لا يدخل إلا في الهدى و الصواب قال فلما تم الكتاب خرج الأشعث و معه ناس بنسخة الكتاب يقرأها على الناس و يعرضها عليهم فمر به على صفوف من أهل الشام و هم على راياتهم فأسمعهم إياه فرضوا به ثم مر على صفوف من أهل العراق و هم على راياتهم فأسمعهم إياه فرضوا به حتى مر برايات عنزة و كان معه ع منهم أربعة آلاف فقال فتيان منهم لا حكم إلا لله ثم حملا على أهل الشام بسيوفهما حتى قتلا ثم مر به على مراد فقال صالح بن شقيق و كان من رؤوسهم لا حكم إلا لله و لو كره المشركون ثم مر على رايات بني راسب فقرأ عليهم فقالوا لا حكم إلا لله لا نرضى و لا نحكم الرجال في دين الله ثم مر على رايات تميم فقرأه عليهم فقال رجل منهم لا حكم إلا لله يقضي بالحق و هو خير الفاصلين يشد عليه رجل بسيفه فرجع إلى علي ع فأخبره بما جرى فقال ع هل هي غير راية أو رأيين أو نبذ من الناس قال لا قال فدعهم فظن ع أنهم قليلون فما راعه إلا نداء الناس من كل ناحية لا حكم إلا لله الحكم لله يا علي لا لك لا نرضى بأن نحكم الرجال في دين الله إن الله قد أمضى حكمه في معاوية و أصحابه أن يقتلوا أو يدخلوا تحت حكمنا عليهم و قد كنا زلنا حين رضينا بالحكمين و قد بان لنا زلنا و خطونا فرجعنا إلى الله و تبنا فارجع أنت يا علي كما رجعنا و تب إلى الله كما تبنا و إلا برأنا منك فقال ع ويحكم أ بعد الرضا و الميثاق و العهد نرجع أ ليس الله تعالى قد قال أَوْفُوا بِالْعُقُودِ الْمَائِدَةِ و قال أَوْفُوا بِعَهْدِ اللَّهِ إِذَا عَاهَدْتُمْ و لا تَنْقُضُوا الْأَيْمَانَ بَعْدَ تَوْكِيدِهَا و قَدْ جَعَلْتُمُ اللَّهَ عَلَيْكُمْ كَفِيلًا النَّحْلِ فَابْتِئَانُ يَرْجِعُ و أبت الخوارج إلا تذليل التحكيم و الطعن فيه فبرءوا من علي و برئ منهم علي.

بحار الأنوار، ٣٣، ٣٦٠، باب ٢٣- باب قتال الخوارج و احتجاجات. قال الرضي رحمه الله يعني بالنظفة ماء النهر و هو أفصح كتابة عن الماء و إن كان كثيرا جما. بيان روي أنه كلمهم بهذا الكلام لما اعتزلوه و نادوا من كل ناحية لا حكم إلا لله الحكم لله يا علي لا لك و قالوا بان لنا خطاءنا فرجعنا و تبنا فارجع إليه أنت و تب و قال بعضهم اشهد على نفسك بالكفر ثم تب منه حتى نطيعك و الحاصب الريح الشديدة التي تثير الحصباء و هي صغار الحصى و إصابة الحاصب كناية عن العذاب و قيل أي أصابكم حجارة من السماء و الأوب بالفتح و الإياب بالكسر الرجوع و الأعقاب مؤخر الأقدام و أثرها بالتحريك علامتها و الرجوع على العقب هو القهقري فهو كالتأكيد للسابق قيل هو أمر لهم بالإياب و الرجوع إلى الحق من حيث خرجوا منه قهرا كان القاهر يضرب في وجوههم يردهم على أعقابهم و الرجوع هكذا شر الأنواع و قيل هو دعاء عليهم بالذل و انعكاس الحال. أقول و يحتمل أن يكون الأمر على التهديد كقوله تعالى قُلِ اعْمَلُوا فَسَيَرَى اللَّهُ عَمَلَكُمْ و الأثرة بالتحريك الاسم من قولك فلان يستأثر على أصحابه أي يختار لنفسه أشياء حسنة و يخص نفسه بها و الاستيثار الانفراد بالشيء أو من آثر يؤثر إثارا إذا أعطى أي يفضل الظالمون غيركم عليكم في نصيبكم و يعطوهم دونكم و قيل يجوز أن يكون المراد بالأثرة النمام. و النهروان بفتح النون و الراء و جوز تثليث الراء ثلاث قرى أعلى و أوسط و أسفل بين واسط و بغداد. و الصرع

الطرح على الأرض و المصرع يكون مصدرا و موضعا و المراد هنا مواضع هلاكهم و الإفلات و التفلت و الانفلات التخلص من الشيء فجأة من غير تمكث. و هذا الخبر من معجزاته ع المتواترة و روي أنه لما قتل الخوارج وجدوا المفلت منهم تسعة تفرقوا في البلاد و وجدوا المقتول من أصحابه ع ثمانية. و يمكن أن يكون خفي على القوم مكان واحد من المقتولين أو يكون التعبير بعدم هلاك العشرة للمشاكللة و المناسبة بين القرينتين.

شرح نصح البلاغة، ٢، ٢٣٧، قصة التحكيم ثم ظهور أمر الخوارج ...: لا حكم إلا لله و لو كره المشركون ثم مر على رايات بني راسب فقرأها عليهم فقال رجل منهم لا حكم إلا لله لا نرضى و لا نحكم الرجال في دين الله ثم مر على رايات تميم فقرأها عليهم فقال رجل منهم لا حكم إلا لله يقضي بالحقّ و هو خير الفاصلين فقال رجل منهم لآخر أما هذا فقد طعن طعنة نافذة و خرج عروة بن أدية أخو مرداس بن أدية التميمي فقال أ تحكمون الرجال في أمر الله لا حكم إلا لله فأين قتالنا يا أشعث ثم شد بسيفه ليضرب به الأشعث فأخطأه و ضرب عجز دابته ضربة خفيفة فصاح به الناس أن أملك يدك فكف و رجع الأشعث إلى قومه فمشى الأحنف إليه و معقل بن قيس و مسعر بن فدكي و رجال من بني تميم فتنصلوا و اعتذروا فقبل منهم ذلك و انطلق إلى علي ع فقال يا أمير المؤمنين إني عرضت الحكومة على صفوف أهل الشام و أهل العراق فقالوا جميعا رضينا حتى مررت برايات بني راسب و نبذ من الناس سواهم فقالوا لا نرضى لا حكم إلا لله فمل بأهل العراق و أهل الشام عليهم حتى نقتلهم فقال علي ع هل هي غير راية أو رايتين و نبذ من الناس قال لا قال فدعهم. قال نصر فظن علي ع أنهم قليلون لا يعبا بهم فما راعه إلا نداء الناس من كل جهة و من كل ناحية لا حكم إلا لله الحكم لله يا علي لا لك لا نرضى بأن يحكم الرجال في دين الله إن الله قد أمضى حكمه في معاوية و أصحابه أن يقتلوا أو يدخلوا تحت حكمنا عليهم و قد كنا زلنا و أخطأنا حين رضينا بالحكمين و قد بان لنا زلنا و خطؤنا فرجعنا إلى الله و تبنا فارجع أنت يا علي كما رجعنا و تب إلى الله كما تبنا و إلا برئنا منك فقال علي ع ويحكم أ بعد الرضا و الميثاق و العهد نرجع أ ليس الله تعالى قد قال أَوْفُوا بِالْعُقُودِ وَ قَالَ وَ أَوْفُوا بِعَهْدِ اللَّهِ إِذَا عَاهَدْتُمْ وَ لَا تَنْقُضُوا الْأَيْمَانَ بَعْدَ تَوْكِيدِهَا وَ قَدْ جَعَلْتُمُ اللَّهَ عَلَيْكُمْ كَفِيلًا فَأبِى عَلِي أَنْ يَرْجِعَ وَ أَبَتِ الْخَوَارِجُ إِلَّا تَضْلِيلَ التَّحْكِيمِ وَ الطَّعْنَ فِيهِ فَبُرَّتْ مِنْ عَلِي ع وَ بَرِئَ عَلِي ع مِنْهُمْ.

وقعة صفين، ٥١٣، الخلاف في التحكيم ... ص: ٥١٢. لا حكم إلا لله و لو كره المشركون ثم مر على رايات بني راسب فقرأها عليهم فقالوا لا حكم إلا لله لا نرضى و لا نحكم الرجال في دين الله ثم مر على رايات بني تميم فقرأها عليهم فقال رجل منهم لا حكم إلا لله يقضي بالحقّ و هو خير الفاصلين فقال رجل منهم لآخر أما هذا فقد طعن طعنة نافذة و خرج عروة بن أدية أخو مرداس بن أدية التميمي فقال أ تحكمون الرجال في أمر الله لا حكم إلا لله فأين قتالنا يا أشعث ثم شد بسيفه ليضرب به الأشعث فأخطأه و ضرب به عجز دابته ضربة خفيفة فاندفع به الدابة و صاح به الناس أن أمسك يدك فكف و رجع الأشعث إلى قومه فأتاه ناس كثير من أهل اليمن فمشى إليه الأحنف بن قيس و معقل بن قيس و مسعر بن فدكي و رجال من بني تميم فتنصلوا إليه و اعتذروا فقبل منهم الأشعث فتركهم و انطلق إلى علي فقال يا أمير المؤمنين قد عرضت الحكومة على صفوف أهل الشام و أهل العراق فقالوا جميعا قد رضينا حتى مررت برايات بني راسب و نبذ من الناس سواهم فقالوا لا نرضى لا حكم إلا لله فلنحمل بأهل العراق و أهل الشام عليهم فنقتلهم فقال علي هل هي غير راية أو رايتين و نبذ من الناس قال بلى قال فدعهم قال فظن علي ع أنهم قليلون لا يعبا بهم فما راعه إلا نداء الناس من كل جهة و في كل ناحية لا حكم

wanted to make them keep quiet and prevent them to continue their shouting but His Excellency did not authorize them to do so. There were also some discussions among several companions of the prophet with the second caliph, which resulted to some protests against him and his negotiation with a believing woman, which after that the caliph said: "All of you are more knowledgeable than Omar, even the women".⁷⁰⁷ All of the abovesaid cases are indications of freedom of expression. If the freedom of opinion of conscience is for the purpose of political ideologies, then it would not be our concern and we are not going to discuss about it, but if its purpose is religious one, so we have already explained it. Since the Article 20 to 22 are about social and political issues, so it does not concern our discussion. We only say about these articles that the government, assemblies, elections and all affairs in Islamic countries should be based on the of Islam religion."

Imposing one's opinion and ideas on other persons is not authorized. The range of individual liberties could be extended up to the point where it does not injure other's liberties.

إلا لله الحكم لله يا علي لا لك لا نرضى بأن يحكم الرجال في دين الله إن الله قد أمضى حكمه في معاوية و أصحابه أن يقتلوا أو يدخلوا في حكمنا عليهم و قد كانت منا زلة حين رضينا بالحكمين فرجعنا و تبنا فارجع أنت يا علي كما رجعنا و تب إلى الله كما تبنا و إلا برئنا منك.

⁷⁰⁷ Ain-al-Ebrah, 16, p. 12.

عين العبرة، ١٦، ص: ١٢. و من ذلك نبيه عن المغالاة في المهور حتى نبهته المرأة بقوله تعالى وَ إِن ... آتَيْتُمْ إِخْدَاهُنَّ قِنطَاراً فَلَا تَأْخُذُوا مِنْهُ شَيْئاً فقال كلكم أفقه من عمر حتى النساء. و من الجمع بين الصحيحين من مسند عمّار بن ياسر أنه قال لجنب لا تصل فنبهه عمّار بأتهما كانا في سرية فلم يصل عمر أما أنا فتمعكت في التراب.

78- Principle of: Respecting others' opinion and prohibition of inquisition

In Islam, everybody is free to hold his own opinion and belief and there is no compulsion and/or duress concerning this issue. The most distinguished opinions and ideologies in human societies are religious beliefs, which all persons are free to choose the said beliefs. The following verse: "**For you your religion and for me my religion**"⁷⁰⁸ is a declaration by honorable Messenger addressed to disbelievers, namely everybody shall have his own religion and there should be no opposition and protest against each other's opinion and belief. On the issue of accepting a belief, it is mentioned in sūrah of Al-Zūmar: "**So, give the good news to the obedient, those who listen to different speeches and follow the best among the variety**".⁷⁰⁹

It is very important to respect others' beliefs in the world and at the level of nations, because the variety of states and nations has caused many varieties of beliefs to come into existence among the people and nations throughout the world. Islam holds that the belief of each person is respectful with respect to himself, and as it is mentioned in the principle of "prohibition of insulting and mocking other persons", in Islam there is no permission to mock other persons no matter what kind of beliefs he holds.

There is an exception to this principle in Islam that is about paganism (idolatry). For persuading the idolaters to renounce their antiquated beliefs - which they worship the idols as their God - there is a disrespectful attitude

⁷⁰⁸ Al-Kafirūn CIX, 6.

لَكُمْ دِينُكُمْ وَ لِي دِينِي.

⁷⁰⁹ Al-Zūmar XXXIX, 17,18.

فَبَشِّرْ عِبَادِ الَّذِينَ يَسْتَمِعُونَ الْقَوْلَ فَيَتَّبِعُونَ أَحْسَنَهُ.

towards the said belief. In other cases the beliefs of all people and nations in the world, whether individually or collectively are respectful. This matter was explained by the principles of "disdain from the idolaters" and "prohibition of imposing opinions".

*Everyone is free to hold his own opinion and belief.
Different religious beliefs among people and nations
throughout the world are respectable -idolatry is an
exception- and mocking others' beliefs is forbidden.*

79- Principle of: Harmonization and conformity of words and deeds

This principle propounds a special pragmatism in the unity of knowledge and action in Islam, which could be applicable in all practical fields. Islam takes action on those things which believes; and whatever it does is what is based on its belief. The Islamic teachings are first of all for the Islamic government, the believers and Muslims, and it does not impose any responsibility on other nations. If any method or action is correctly prescribed for a nation, any group of the said nation and/or its government, surely, then it is prescribed for the Islamic government as well. In sūrah of Al-Baqarah it is said: "**Do you enjoin right conduct and piety on the people, and forget (to practice it) yourselves and yet you recite the Scripture**"?⁷¹⁰ This unity of knowledge and action would produce a profound solidarity in the international scene, which is one of the obligations of Islamic government. For instance if terrorism is prohibited in

⁷¹⁰ Al-Baqarah II, 44.

أَتَأْمُرُونَ النَّاسَ بِالْبِرِّ وَ تَنْسَوْنَ أَنْفُسَكُمْ وَأَنْتُمْ تَتْلُونَ الْكِتَابَ.

Islam, then its perpetration is also prohibited in every and all places, whether being secretly or apparently.

On the inconsistency between words and deeds, the Glorified God says in Glorious Qur'ān: **"O, you who believe! Why do you say that which you do not do? It causes Allāh's wrath gravely that you say and promise something that you do not fulfill"**.⁷¹¹ In other verses, it is emphatically said that the statements should be in conformity with the beliefs. In sūrah of Al-Fat'h while blaming some Bedouin Arabs says: **"They say what the do not mean in their hearts"**.⁷¹² And while blaming those persons who act as hypocrites says: **"They were nearer to disbelief than to belief; they speak with their mouths what is not in their hearts"**.⁷¹³

*Governments should put into practice what they believe in;
and whatever they do should be in conformity with what
they say.*

80- Principle of: Disagreeability of political and economic deception

There is a maxim, which says: "salvation is in truthfulness". This motto is one of the origins and fundamental principles in Islam. As it has

⁷¹¹ Al-Saff, LXI, 2, 3.

يَا أَيُّهَا الَّذِينَ آمَنُوا لِمَ تَقُولُونَ مَا لَا تَفْعَلُونَ. كَبُرَ مَقْتًا عِنْدَ اللَّهِ أَنْ تَقُولُوا مَا لَا تَفْعَلُونَ.

⁷¹² Al-Fat'h XLVIII, 11.

يَقُولُونَ بِاللَّسْتِئْتِهِمْ مَا لَيْسَ فِي قُلُوبِهِمْ.

⁷¹³ Ale-Imran III, 167.

هُمْ لِلْكَفْرِ يَوْمَئِذٍ أَقْرَبُ مِنْهُمْ لِلْإِيمَانِ يَقُولُونَ بِأَفْوَاهِهِمْ مَا لَيْسَ فِي قُلُوبِهِمْ.

been already mentioned "principle" is terminologically something on which other things are based or founded.⁷¹⁴ Honesty and truthfulness are also considered as "principles" in Islam and there are too many rulings which are based on the said principles. These rulings can be easily extended from individual life to family, job-related, social and international subjects.

There are several verses about "deception" and the punishment for deceitful person in Glorious Qur'ān which blame this kind of actions and enumerate severe torments for its perpetration. The meaning of stratagem and deception or cunning trick is directly related to the infringement of others' rights to the benefit of oneself. It is done by devising a plot in a way that the holder of the right consciously (knowingly) or unconsciously (unknowingly), voluntarily or involuntarily, with due consent or without consent renounces his legal rights to the benefit of the opposite side, without receiving a fair consideration.

Giving a definition to the term of "deception" it is said: "Deception is to disguise the purpose and expressing something different because of inability to reach the goal openly. Given this definition, it is not authorized to attribute "deception" to God, unless by the way of resemblance".⁷¹⁵ On the basis of this definition it seems that the deeds and behaviours of nearly most of the people in the world are full of deception. As far as the said deception is changed to truthfulness and honesty, the healthiness of the soul will increase accordingly. But this is a burdensome duty which common human beings are not able to perform and change the delicate cunning

⁷¹⁴ Sharhe Amsaleh, Jame-ol-Moghadamat, p. 62, Dar-ol-Fekr Publications, Qom 1998.

شرح امثله، جامع المقدمات ص ٦٢: الاصل ما يبني عليه شئٌ غيره.

⁷¹⁵ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 3, p. 265 under the verse 54: "And they plotted, and Allah also devised a plot and Allah is the Supreme-Deviser".

وَ مَكْرُوا وَ مَكَرَ اللَّهُ وَ اللَّهُ خَيْرُ الْمَاكِرِينَ.

tricks of his soul to the honesty. From both social and political points of view, the consciences of an individual or the society shall themselves understand and distinguish the deceptions and tricks devised for gaining the individual and/or social interests. It is far from the Islam's dignity to practice deception to appropriate others' rights just for protection of its interests and take the rights and interests of others into its possession. Islam, Islamic government, prophet, divine guardian, and divine executor are all considered as guardians of humankind. Their purpose is exaltation of humankind rather than their own interests or groups, folks and or national interests. In the same manner that Islam does not believe in borderline at the international scene, therefore at the position of paternity, it will have a fatherly role over the people of the world. A father of a family would never try to gain benefit from his children through tricks and deception. On the contrary, he attempts that all his children prosper and become affluent.

Anyhow, in Glorious Qur'ān it is said: "**They do not plot unless against themselves, and perceive it not**".⁷¹⁶ That is to say, they shall bear the harms originating from the deception. And says: "**Those who conspire evil plot feel secure that Allāh will not cause them to be swallowed by the earth, or to bring affliction upon them from where they have no idea about?**"⁷¹⁷ In sūrah of Al-Fātir it is said: "**Those who plot evil, for them will be severe chastisement and their plot will be perished**".⁷¹⁸ And in the same sūrah also says: "**They rebelled in the land arrogantly**

⁷¹⁶ Al-An'am VI, 123.

وَمَا يَمْكُرُونَ إِلَّا بِأَنْفُسِهِمْ وَمَا يَشْعُرُونَ.

⁷¹⁷ Al-Nahl XVI, 45.

أَفَأَمِنَ الَّذِينَ مَكَرُوا السَّيِّئَاتِ أَنْ يَخْسِفَ اللَّهُ بِهِمُ الْأَرْضَ أَوْ يَأْتِيَهُمُ الْعَذَابُ مِنْ حَيْثُ لَا يَشْعُرُونَ.

⁷¹⁸ Al-Fātir XXXV, 10.

وَالَّذِينَ يَمْكُرُونَ السَّيِّئَاتِ لَهُمْ عَذَابٌ شَدِيدٌ وَمَكْرُ أُولَئِكَ هُوَ يَبُورُ.

and devised plots, but the evil plots will trap the plotters themselves".⁷¹⁹ This verse could also be interpreted as international rebellion against weak countries and evil plotting to misappropriate their indisputable rights. In other words devising evil plots for national arrogance and selfishness causes their harms go back to themselves. In a comment, it is said: "Deception and cunning trick will destroy nobody save the plotter, because the deceitful person becomes the object of derision by Satan and is surrounded by him and will be under his control. Entering under control and sovereignty of Satan is the immediate chastisement against the humanitarian aspect of the man before his deception affects his victim, namely the deceived person. When deception affects the victim, then the deceived person would be upgraded in this world as well as in the Hereafter, or only in the Hereafter, and the plotter will be degraded in this world as well as in the Hereafter or only in the Hereafter".⁷²⁰

Devising evil plot in commercial affairs is similar to the abovesaid cases. Every step or measure taken to hide the reality in achievement of national interests is among the prohibited issues in Islam. In Glorious Qur'ān it is said: "**Do not devour one another's property unjustly nor use it as a bribe to the judge that you may devour a part of the property of others wrongfully**".⁷²¹ And in another verse says: "**O, you who believe! Do not devour each other's wealth in vanity and illegal way. The profit obtained should be by trading or mutual consent**".⁷²² The said two verses have not been particularized for a determined person as

⁷¹⁹ Al-Fātir XXXV, 43.

اسْتِكْبَارًا فِي الْأَرْضِ وَ مَكْرَ السَّيِّئِ وَ لَا يَحِيقُ الْمَكْرُ السَّيِّئِ إِلَّا بِأَهْلِهِ.

⁷²⁰ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 12, pp. 157-158.

⁷²¹ Al-Baqarah II, 188.

وَ لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَ تَذُلُّوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ.

⁷²² Al-Nisā IV, 29.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ.

the owner of the property, which whose property not to be devoured. The interpretation of the said verses, from public international law aspect would be that, the Islamic government has no right to misappropriate the property of other states or nations through devising plots and tricks - rightfully or wrongfully and/or by bribing or subornation of others - whether collectively or individually. The only way of appropriation of other's property is through mutual consent trading. And while trading, it should act on the basis of just scale, and even its scale must show heavier which says: **"And those whose scale show light weight, they are the ones who have caused loss to themselves and they will be the inhabitants of the hell forever"**.⁷²³ This is the command of Allāh that: **"And give full measure and full weight with justice"**.⁷²⁴ And says: **"Give full measure and do not cause loss to the buyer by diminishing the weight of their things. And weigh with true and correct scales; and do not diminish the things that you sell to the people and do not spread mischief and cheating in the land"**.⁷²⁵ And is sūrah of Al-Mutaffifin the verse of Woe has not revealed for those persons who cause decrease in measure which says: **"Woe to those sellers who cause decrease in measure and weight while selling things to the people. Those who when they buy something they demand full and exact weight, but when they sell something to the people decrease their right and give them less than the due weight and**

⁷²³ Al-Muminun XXIII, 102-103:

فَمَنْ ثَقُلَتْ مَوَازِينُهُ فَأُولَئِكَ هُمُ الْمُفْلِحُونَ وَمَنْ خَفَّتْ مَوَازِينُهُ فَأُولَئِكَ الَّذِينَ خَسِرُوا أَنفُسَهُمْ فِي جَهَنَّمَ خَالِدُونَ.

And also Al-Aarāf VII, 8-9:

فَمَنْ ثَقُلَتْ مَوَازِينُهُ فَأُولَئِكَ هُمُ الْمُفْلِحُونَ وَمَنْ خَفَّتْ مَوَازِينُهُ فَأُولَئِكَ الَّذِينَ خَسِرُوا أَنفُسَهُمْ بِمَا كَانُوا بِآيَاتِنَا يَظْلِمُونَ.

⁷²⁴ Al-An'am VI, 152.

وَأَوْفُوا الْكَيْلَ وَالْمِيزَانَ بِالْقِسْطِ.

⁷²⁵ Al-Shū'arā XXVI, 181-183.

أَوْفُوا الْكَيْلَ وَلَا تَكُونُوا مِنَ الْمُخْسِرِينَ وَزِنُوا بِالْقِسْطِاسِ الْمُسْتَقِيمِ وَلَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تَعْتُوا فِي الْأَرْضِ مُفْسِدِينَ.

measure. So they not think that there will be a judgment day which they will become alive and (this will happen) in a Great Day".⁷²⁶ And also it says: "Do not give short measure and short weight, I see your salvation. I fear for you the chastisement of the surrounding Day. O, people! Give full measure and exact weight, and do not diminish the goods of people; and do not make mischief in the land".⁷²⁷ All of the abovesaid verses indicate the obligation of Islamic government for observing the correctness of international transactions.

To complete this discussion we should make the following remark that "deception" and "Cunning tricks" mentioned in the abovesaid verses are evil plots, but there are many tricks which could be considered as good plots and Almighty God while talking about His plots, is referring to this kind of plans which says: "And they plotted and Allāh also devised a plot and Allāh is the Supreme-Deviser".⁷²⁸ The cunning tricks of Almighty God are whether for punishment and awareness and guidance of the people, or giving reward for humankind's actions. Almighty God's plots will be devised when He wants quicken divine providence to materialize and brought into effect from potentiality faster than development of creative production. One of the said cases is to respond to the tricks of

⁷²⁶ Al-Mutafifin, LXXXIII, 1-5.

وَيْلٌ لِّلْمُطَفِّفِينَ الَّذِينَ إِذَا أَكْتَالُوا عَلَى النَّاسِ يَسْتَوْفُونَ وَإِذَا كَالُوا لَهُمْ أَوْ وَزَنُوا لَهُمْ يُخْسِرُونَ أَلَا يَظُنُّ أُولَئِكَ أَنَّهُمْ مَبْعُوثُونَ لِيَوْمٍ عَظِيمٍ.

⁷²⁷ Hūd XI, 84, 85.

وَلَا تَنْقُصُوا الْمِكْيَالَ وَالْمِيزَانَ إِنِّي أَرَأَيْكُمْ بِخَيْرٍ وَإِنِّي أَخَافُ عَلَيْكُمْ عَذَابَ يَوْمٍ مُّحِيطٍ وَيَا قَوْمِ أَوْفُوا الْمِكْيَالَ وَالْمِيزَانَ بِالْقِسْطِ وَلَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تَعْتُوا فِي الْأَرْضِ مُفْسِدِينَ.

And Al-Aarāf VII, 85:

فَأَوْفُوا الْكَيْلَ وَالْمِيزَانَ وَلَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا ذَلِكُمْ خَيْرٌ لَّكُمْ إِن كُنْتُمْ مُّؤْمِنِينَ.

⁷²⁸ Al-e-Imrān III, 54.

وَمَكَرُوا وَمَكَرَ اللَّهُ وَاللَّهُ خَيْرٌ الْمَاكِرِينَ.

arrogant or unjust plotters. In this case, the Almighty God's tricks are for removing the deceptions practiced by the plotters, which said: **"They plotted a wicked and cunning plot and We made a strong divine plan against their plot. See! What was the end of their cunning plot"**.⁷²⁹ And also says: **"They were plotting and Allāh also was planning (against their plot) and verily Allah is the Supreme-Planner"**.⁷³⁰ And Almighty God says: **"Say Allāh is supreme swift planner"**.⁷³¹ Therefore, on the basis of the said verses we understand that permission for devising a plot is when the unjust plotters are practicing their tricks, so that we shall be able to punish the criminal plotters because of their evil actions. The following verses clearly stipulate that: **"Humiliation and disgrace and a severe torment from Allāh will soon overtake them for that which they cunningly plotted"**.⁷³² And again says: **"Those who plot evil, for them will be a severe chastisement and their plot will be perished"**.⁷³³ All of the above said verses indicate that there should be a response and punishment against evil plots, even by devising a plan.

One of the practical cases of this discussion is devising plots during the fighting, and as it was mentioned in the section of war and its regulations and laws, fights and wars in Islam are based on holy intentions such as defensive wars. Therefore, devising plots against the evil plots of

⁷²⁹ Al-Naml XXVII, 50-51.

وَمَكَرُوا مَكْرًا وَ مَكَرْنَا مَكْرًا وَ هُمْ لَا يَشْعُرُونَ فَانظُرْ كَيْفَ كَانَ عَاقِبَةُ مَكْرِهِمْ.

⁷³⁰ Al-Anfāl VIII, 30.

وَيَمْكُرُونَ وَ يَمْكُرُ اللَّهُ وَ اللَّهُ خَيْرُ الْمَاكِرِينَ.

⁷³¹ Yūnus X, 21.

قُلِ اللَّهُ أَسْرَعُ مَكْرًا.

⁷³² Al-An'ām VI, 124.

سَيُصِيبُ الَّذِينَ أَجْرَمُوا صَغَارٌ عِنْدَ اللَّهِ وَ عَذَابٌ شَدِيدٌ بِمَا كَانُوا يَمْكُرُونَ.

⁷³³ Al-Fātir XXXV, 10.

وَ الَّذِينَ يَمْكُرُونَ السَّيِّئَاتِ لَهُمْ عَذَابٌ شَدِيدٌ وَ مَكْرُ أُولَئِكَ هُوَ يَبُورُ.

aggressors not only is permitted but it is obligatory. This situation has been observed while His Excellency Ali (A) was fighting with Amr-ibn-Abdowod who was a strong and brawny man and one of the well-known warriors among the Arabs. On the contrary His Excellency Ali (A) was short and seemed to be very weak in hand-to-hand combat. So His Excellency - in the battlefield - told him: You are boasting about your bravery, so why have you brought such an army to help you? Amr-ibn-Abdowod proudly turned to take a look at the army and at this very moment His Excellency cut his feet by the sword, and he fell down. When His Excellency sat down on his chest, suddenly he spat on the face of His Excellency, so he stood up and did not kill him and waited until his anger subsided. Amr-ibn-Abdowod asked him: Why did you not kill me promptly? His Excellency answered: When you spat on me, it infuriated me, so that if I had killed you at that time, I would have had done it just to please my "self". That is why I waited until the anger be subsided. Because I am obedient to God and I fight for the truth not to satisfy my "self"...."⁷³⁴

⁷³⁴ Full explanation of the said story could be found in the book of Mathnavi, Mevlana Jalal-e-Din Molavi, in the story of "while the enemy spit on Imam Ali (A) and he throws away his sword" and two other stories.

"Principle" is something on which other things are founded. Honesty and truthfulness are "principles". Deception is to hide the purpose and to express something different because of inability to reach the goal openly. Stratagem and deception or cunning trick is directly related to the infringement of others' rights to self's own advantage. It is done by devising a plot in a way that the holder of the right, consciously (knowingly) or unconsciously (unknowingly), voluntarily or involuntarily, with due consent or without consent renounces his legal right to the benefit of the opposite side, without receiving a fair consideration. It is far from any government's dignity to practice deception to appropriate others' rights just for protection of its own interests and take the rights and interests of others into its possession. So, every step or measure taken to hide the reality in order to achieve national interests is prohibited. The state of war is an exception.

81- Principle of: Honesty in negotiations

During the past history, always the representatives of powerful states, while making contracts with the weak and undeveloped states, have tried through various methods and by practicing deceptions and political tricks, to insert some tricky terms in the contracts which have been against the interests of the deprived nations of the said states; consequently they have misappropriated the national interests of the weak countries to the benefit of their own states. Most of the said contracts were considered as friendly

contracts but practically they have been the cause of taking advantage from the weakness and backwardness of the contracting nations. This kind of actions is prohibited in foreign policy and diplomacy of Islamic government. The task of Islamic government is not just to obtain material benefits for itself. Islamic government has a greater goal, which is exaltation of humankind that goes beyond the specified borders and spreads its grandiose and bountiful patronage over all nations, especially the oppressed ones in the world.

The principle of honesty and justice is of the issues that should be observed by Islamic government during negotiations. The said duty becomes obligatory on the basis of several Qur'an's verses that say: "**When you speak, be just, though it may be against your relatives**".⁷³⁵ In sūrah of Al-Baqarah says: "**And do not cloak truth with falsehood, nor conceal the truth when you know it well**".⁷³⁶ In another verse, it is said: "**O, people of the Book! Why do you dress up the truth with falsehood and conceal the truth while you know it**".⁷³⁷ These words which is addressed to the people of the Book is also addressed to the Muslims at this period of time, because the Muslims are now the same as the people of the Book at the early Islam who do not know the prophet or divine guardian or divine executor of the end of time and deny him because they think he is in occultation. The behaviours of the people of the Book are also applicable to the present day Muslims which said: "**And when Allāh took a covenant from the people of the Book stating: Make the truth known and clear**

⁷³⁵ Al-An'ām VI, 152.

وَ إِذَا قُلْتُمْ فَاعْدِلُوا وَ لَوْ كَانَ ذَا قُرْبَىٰ.

⁷³⁶ Al-Baqarah II, 42.

وَ لَا تَلْبِسُوا الْحَقَّ بِالْبَاطِلِ وَ تَكْتُمُوا الْحَقَّ وَ أَنْتُمْ تَعْلَمُونَ.

⁷³⁷ Ale-Imran III, 71.

يَا أَهْلَ الْكِتَابِ لِمَ تَلْبِسُونَ الْحَقَّ بِالْبَاطِلِ وَ تَكْتُمُونَ الْحَقَّ وَ أَنْتُمْ تَعْلَمُونَ.

to mankind, and do not hide it. They ignored and exchanged with some worthless gain and indeed the worst was the bargain they made".⁷³⁸

And the Muslims at this time are from among those groups who have been given the book.

In sūrah of Maryam says: "**And mention (Ishmael) in this holy Book, verily, he was true to promise and he was our emissary and messenger**".⁷³⁹ In this verse, the term "**true to promise**" is used which means being honest when making promise to other persons. Diplomatic negotiations in the international scene whether in the past or at the present time all have been based on political give-and-take. Therefore, the diplomats always try, by taking the said principle into consideration, to get more privileges in exchange of giving less privilege. This kind of negotiation and bargaining for obtaining benefits is of contemporary diplomatic procedures and customs. In Islam, negotiations are conducted for restoration of rights rather than acquiring benefits. When the right in question belongs to the opposite side, it should be given to him. It should not be taken for himself or his government through dishonesty. Because it will be misappropriation of usurped property that is not authorized in Islam. Therefore the principle of honesty in negotiation is based on this issue that the duty and responsibility of an appointed diplomat in negotiations is to restore the right to its real owner even if it be against the interests of his own nation. In Glorious Qur'ān it is said: "**And do not approach the property of an orphan unless it is in the best manner till he attains his maturity; and give full measure and full weight with**

⁷³⁸ Ale-Imran III, 187.

وَ إِذْ أَخَذَ اللَّهُ مِيثَاقَ الَّذِينَ أُوتُوا الْكِتَابَ لُبِّيْنَهُ لِلنَّاسِ وَ لَا تَكْتُمُوْنَهُ فَنَبَذُوْهُ وَّرَاءَ ظُهُورِهِمْ وَ اشْتَرَوْا بِهِ ثَمَنًا قَلِيْلًا
فَبُئْسَ مَا يَشْتَرُوْنَ.

⁷³⁹ Maryam XIX, 54.

وَ اذْكُرْ فِي الْكِتَابِ اِسْمَاعِيْلَ اِنَّهٗ كَانَ صَادِقَ الْوَعْدِ وَ كَانَ رَسُوْلًا نَبِيًّا.

justice; We do not task any soul beyond his ability, and when you speak be just, though it may be against your relatives. And fulfill Allāh's covenant, thus Allāh does enjoin you by those decrees. So that you may be mindful".⁷⁴⁰ Since in the international relations, the "relatives" can be interpreted to (considered as) Islamic nations and the "orphans" to non-Muslim nations, therefore in the said verse the decree of honouring covenant and performing duty, as far as abilities permit, can be interpreted to the responsibility of Islamic agent or diplomat.

In multilateral negotiations, also they should back and support that side which is honest. In Glorious Qur'ān it is said: "**O, you who believe! Fear from disobedience of Allāh's commands, and be with the truthful**".⁷⁴¹ From this verse, backing and accompanying with the truthful in all individual, social, national and international fields are deducible.

⁷⁴⁰ Al-An'ām VI, 152.

وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ وَ آؤْفُوا الْكَيْلَ وَ الْمِيزَانَ بِالْقِسْطِ لَا تَكْلِفُ نَفْسًا إِلَّا وُسْعَهَا وَ إِذَا قُلْتُمْ فَاعْدُوا وَ لَوْ كَانَ ذَا قُرْبَىٰ وَ بَعْدَ اللَّهِ أَوْفُوا ذَلِكُمْ وَصَاكُم بِهِ لَعَلَّكُمْ تَذَكَّرُونَ.

⁷⁴¹ Al-Toubah IX, 119.

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَ كُونُوا مَعَ الصَّادِقِينَ.

Honesty and justice in negotiations are principles and should be observed by negotiators. The representatives of powerful states, while making contracts with the weak and undeveloped states, should not try to insert some tricky terms in the contracts which are against the interests of the deprived nations of the said states through various methods and by practicing deceptions and playing political/diplomatic tricks; consequently to misappropriate the national interests of the weak countries to the benefit of their own states. Those seemingly amicable contracts that practically are the cause of taking advantage from the weakness and backwardness of the contracting nations are void. In multilateral negotiations, backing and supporting should be done of the honest side.

82- Principle of: Prohibition of fabrication of words and political lies and false accusations

Regretfully, the scene of diplomatic activities and foreign policy in today's world - without due attention to human moral dignity - is not free from false accusation and lying against various states. It is even seen that false accusation and lying have practically taken the common procedure of international relations and international diplomatic activities towards a special direction that it is impossible to be leaved without paying expense. This international custom is relatively different among statesmen of different countries due to their beliefs in the principles of honesty and truthfulness. The said differences are originated from this principle that:

The politicians have been and are always at the service of capital owners around the world and their endeavors and decisions are made just to protect and secure their interests. They are not able and do not want to confess honestly to this issue; that is why the lying process starts at this very point. The election and even appointment of politicians in the world are based on giving promises or threatening to the public and commitments and giving assurances to the owners of wealth and power. It has seldom been observed that the elected or appointed politicians being assigned to the office just due to their practical, moral and scientific eligibilities, capacities and competencies. This introduction indicates the profiteering and presidency seeking of nearly most of the rulers in the world, whether in the past or present or in the future. Therefore we should expect them while in action and confronting the realities, in case of need, fabricate words, lie, make false accusation, and practice untruthfulness and so on.

The said issue is not a new discussion about behaviors of humankind. This kind of deeds have been existed in the past and there exist at present and will exist in the future. However, its severity and/or weakness are different among nations and followers of different religions and in different times and places. In Glorious Qur'ān there are indications of fabrication for words and their falsifications. In various sūrahs by using phrases such as **"deliberately displace words from their original places"**⁷⁴² or **"to change the words"**⁷⁴³ it has been alluded to this kind of fabrication. To tell lies and

⁷⁴² Al-Nisā IV, 46:

يُحَرِّفُونَ الْكَلِمَ عَنْ مَوَاضِعِهِ

and also Al-Mā'idah, 5 and 41:

يُحَرِّفُونَ الْكَلِمَ مِنْ بَعْدِ مَوَاضِعِهِ.

⁷⁴³ Al-Fat'h XLVII, 15 **"They wish to change Allah's Words of Ordainment"**.

يُرِيدُونَ أَنْ يُبَدِّلُوا كَلَامَ

And Al-An'ām 15, 35 and Al-Kah'f, 27 **"And none can alter His Words of Ordainments"**.

attributing them to others and disseminating the faults namely making false accusation, slander or calumny are all prohibited and rejected in Islam. It is said: **"Woe to sinful liar!"**⁷⁴⁴ And said: **"Allāh deprives of His guidance the disbelieving liars"**.⁷⁴⁵ And says: **"Verily, those who forge lies they are those who do not believe in Allāh's signs and revelations and they are indeed the liars"**.⁷⁴⁶ And says: **"And whoever commits a fault or a sin and casts (the blame) upon some innocent person, he indeed burdens himself with a falsehood and flagrant sin"**.⁷⁴⁷ This rule is applicable from smallest unit of human society, namely the family and relations between the spouses up to the international level. It is said: **"But if you intend to substitute your wife by another and you have given the former a large amount of wealth for marriage-portion, do not take a bit of it back, would you take it by slandering her which is an obvious sin"**.⁷⁴⁸

To summarize the discussion, we should say that for approaching political goals one should not resort to fabrication of words, lies, slander, and calumny in the international scene. During the history, many occasions

وَلَا مُبَدَّلَ لِكَلِمَاتِ اللَّهِ.

And Yūnus, 64: "No change can be there in the Words of Allāh".

لَا تَبْدِيلَ لِكَلِمَاتِ اللَّهِ.

⁷⁴⁴ Al-Jathiyah XLV, 7.

وَيَلْ لِكُلِّ أَفَّاكٍ أَثِيمٍ.

⁷⁴⁵ Al-Zūmar XXXIX, 3

إِنَّ اللَّهَ لَا يَهْدِي مَنْ هُوَ كَاذِبٌ كَفَّارٌ

And also Al-Mumin XL 28 "Verily, Allāh does not guide the transgressing liars".

إِنَّ اللَّهَ لَا يَهْدِي مَنْ هُوَ مُسْرِفٌ كَذَّابٌ.

⁷⁴⁶ Al-Nahl XVI, 105.

إِنَّمَا يَفْتَرِي الْكَاذِبُ الَّذِينَ لَا يُؤْمِنُونَ بِآيَاتِ اللَّهِ وَأُولَئِكَ هُمُ الْكَافِرُونَ.

⁷⁴⁷ Al-Nisā IV, 112.

وَمَنْ يَكْسِبْ خَطِيئَةً أَوْ إِثْمًا ثُمَّ يَرْمِ بِهِ بَرِيئًا فَقَدِ احْتَمَلَ بُهْتَانًا وَإِثْمًا مُّبِينًا.

⁷⁴⁸ Al-Nisā IV, 20.

وَإِنْ أَرَدْتُمْ اسْتِبْدَالَ زَوْجٍ مَكَانَ زَوْجٍ وَآتَيْتُمْ إِخْدَاهُنَّ قِنطَارًا فَلَا تَأْخُذُوا مِنْهُ شَيْئًا أَ تَأْخُذُونَهُ بُهْتَانًا وَإِثْمًا مُّبِينًا.

have been observed that the governments have committed wrongdoings and have attributed them to other states or nations. These kinds of actions are prohibited in Islam as well as conscience rules to their sinfulness.

Telling lies and attributing them to others and disseminating faults; namely making false accusation, slander or calumnies are all prohibited and rejected and for approaching political goals one should not resort to fabrication of words, lies, slander, and calumny in the international scene.

83- Principle of: Unauthorization of insulting or mocking

Vilification, insulting and/or mocking are not relevant to the dignity and status of Islam, Islam's diplomats and the Muslims; and are severely prohibited by in Glorious Qur'an. In sūrah of Al-An'ām it is said: "**Reville, not those unto whom they pray besides Allāh**".⁷⁴⁹ And in another place it is said: "**Woe to those persons who expose others' faults and shortcomings through mockery**".⁷⁵⁰ These verses indicate that any kind of defamation, chanting slogans such as death to, down with, drawing caricatures, putting into fire the effigies of the heads of other states, to make faces, to put into fire the national flag of a country or to throw it down on the ground, pacing the national flag of a country or its picture on the ground and under the feet of the people for the purpose of its degradation, showing comedy TV shows or telling jokes or singing obscene

⁷⁴⁹ Al-An'ām VI, 108.

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ.

⁷⁵⁰ Al-Humaza CIV, 1.

وَيَنْبَغُ لِكُلِّ هُمْزَةٍ لَمْزَةٌ.

songs about a country for the purpose of being broadcast from the radio stations and some other actions, they are all against the Islamic instructions, which not only do not bring splendour to Islam, but, on the contrary they would degrade Islam. In sūrah of Al-Hujurāt it is said: **"O, you who believe! Do not let some men of your group or tribe make fun of other group: It may be that the ones whom are laughed at, are better than the ones who make scoff at others. And should not the women of a group make fun of the women of another group: May be those women who are laughed at, are better than the ones who make scoff at them. And do not be sarcastic about one another and do not insult one another by unpleasant nicknames. It is bad to call a newly believer with a name of bad connotation; and those who do not desist, are considered of the wrongdoers"**.⁷⁵¹ As a general rule in sūrah of Al-Baqarah it is said: **"And do not take the signs of Allāh for a mockery"**.⁷⁵² Signs of Allāh consist of all creatures in the world, which are considered as His signs.

In sūrah of Al-Nisā it is said: **"Allāh does not like the shouting of evil words except by one who has been oppressed"**.⁷⁵³ In other words, nobody has the right to contempt, mock, degrade or ridicule other persons in any form or manner. But the oppressed ones have the right to implore justice. He may shout his protests until the oppression is removed.

⁷⁵¹ Al-Hujurāt XLIX, 11.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَرُ قَوْمٌ مِنْ قَوْمٍ عَسَىٰ أَنْ يَكُونُوا خَيْرًا مِنْهُمْ وَلَا نِسَاءٌ مِنْ نِسَاءٍ عَسَىٰ أَنْ يَكُنَّ خَيْرًا مِنْهُنَّ
وَلَا تَلْمِزُوا أَنْفُسَكُمْ وَلَا تَنَابَزُوا بِالْأَلْقَابِ بِئْسَ الْأَسْمُ الْفُسُوقُ بَعْدَ الْإِيمَانِ وَمَنْ لَمْ يَتُبْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ.

⁷⁵² Al-Baqarah II, 231.

وَلَا تَتَّخِذُوا آيَاتِ اللَّهِ هُزُوًا.

⁷⁵³ Al-Nisā IV, 148.

لَا يُحِبُّ اللَّهُ الْجَهْرَ بِالسُّوءِ مِنَ الْقَوْلِ إِلَّا مَنْ ظَلِمَ.

Vilification, insulting and/or mocking are not relevant to the dignity and status of governments, diplomats and people; and are severely prohibited. Any kind of defamation, chanting slogans such as “death to ...”, “down with ...”, drawing caricatures, burning the heads of other states in effigy, making faces, setting fire on the national flag of a country or throwing it down on the ground under the stepping, drawing the national flag of a country or its picture on the ground in order to degrade it, showing comedy TV shows, telling jokes or singing obscene songs about a country in the mass media and many similar actions, are all against humanistic instructions.

84- Principle of: Greeting and responding in fair and giving reward by the best

One of the principles of Islamic ethics is to encounter the people in friendly manner and responding them in a fair way and giving a greater reward than the other party's deed. This is one of the most important social-ethical principles which, regrettably we, as Muslims, pay less attention to it, whereas too many verses have been sent down on this subject in Glorious Qur'ān; and ignoring the said principle have caused other nations and the followers of other religions not to show high tendency towards Islam. Because according to individual and social psychological considerations the humankind is attracted by good tempers and are repelled by bad tempers. There are few people who do not care about the character or

temper, and just focus on the truth or the truthfulness of the subject or assertion. In Glorious Qur'ān it is addressed to the honorable Messenger: **"(O, Messenger). Thus it is a grace of Allāh that you were gentle to them. Had you been severe or hard-hearted, they would surely have dispersed away from around you, therefore, forgive them and seek pardon for them from Allāh; and consult them in the affair, but when you resolve a matter, then put your trust in Allāh alone, for Allah is affectionate to those who put their trust in Him"**.⁷⁵⁴ In sūrah of Al-Qalam it is addressed to His Reverend: **"They desire that you should compromise with them, so that they too compromise with you"**.⁷⁵⁵ In a comment on this verse it is said: "The term **"modahenah"** which means flattery and is translated as **"compromise"** in the verse is to state something contrary to what is in one's mind and it also means dissimulation. They like your dissimulation, hypocrisy and compromise which is stating something contrary to what is in your mind, so that they will be able to compromise with you constantly after that".⁷⁵⁶ In other word, it is explaining the psychological states of the opponent persons. On this basis the honorable Messenger is ordered that: **"Tell My worshippers: To speak only with the best and thoughtful words since Satan provokes dissensions among them"**.⁷⁵⁷

Although retaliation and recompense is stipulated in Glorious Qur'ān but it has made the highest degree of benevolence and kindness more

⁷⁵⁴ Ale-Imran III, 159.

فَبِمَا رَحْمَةٍ مِنَ اللَّهِ لِنْتَ لَهُمْ وَ لَوْ كُنْتَ فَظًّا غَلِيظَ الْقَلْبِ لَانْفَضُّوا مِنْ حَوْلِكَ فَاعْفُ عَنْهُمْ وَ اسْتَغْفِرْ لَهُمْ وَ شَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ.

⁷⁵⁵ Al-Qalam, LXVIII, 9.

وَدُّوا لَوْ تُدْهِنُ فَيُدْهِنُونَ.

⁷⁵⁶ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 14, p. 267.

⁷⁵⁷ Al-Isrā XVII, 53.

وَ قُلْ لِعِبَادِي يَقُولُوا الَّتِي هِيَ أَحْسَنُ إِنَّ الشَّيْطَانَ يَنْزِعُ بَيْنَهُمْ.

meritorious than reciprocity and says: "**And a recompense for any harm is an equal harm, but if one forgives and makes reconciliation, his reward will be with Allāh, since Allāh does not like the oppressors**".⁷⁵⁸ And in sūrah of Fussilat it is said: "**The good and evil are not equal. Repel the wrongdoing of men with good treatment instead, then he, between whom and you there was an enmity (will become) as though he was a bosom friend**".⁷⁵⁹ And says: "**Repel their evil with goodness. And say: O, my Lord! I seek shelter in you from the devil's temptations. And I seek shelter in you from their coming around me**".⁷⁶⁰ In a comment on the latter verse it is said⁷⁶¹: "Be aware that, it seems reasonable to repel the evil doing of a wrongdoer just by mutual evil doing such as killing the murderer, cutting the body members, to cleave the body in two, and beating him as equal or less than what he has done. And/or forgiving him and pardoning which means removing hatred from the heart and being kind to him. Generally, good character means good treatment of the wrongdoer, which results to the kindness, and friendliness, that follows the words of Almighty God: "**Then, he, between whom and you there was an enmity (will become) as though he was a bosom friend**". The decency and obscenity of actions could not be ascertained unless to be attributed to their origins and goals - and in case of transitive verbs - their effects on the person who has been the object of the issue would also be taken into consideration. Sometimes the effects of place, time, tools, those who are present and so on would also be taken into

⁷⁵⁸ Al-Shūrā XLII, 40.

وَ جَزَاءُ سَيِّئَةٍ سَيِّئَةٌ مِثْلُهَا فَمَنْ عَفَا وَأَصْلَحَ فَأَجْرُهُ عَلَى اللَّهِ إِنَّهُ لَا يُحِبُّ الظَّالِمِينَ.

⁷⁵⁹ Fussilat XLI, 34.

وَلَا تَسْتَوِي الْحَسَنَةُ وَلَا السَّيِّئَةُ ادْفَعْ بِالَّتِي هِيَ أَحْسَنُ فَإِذَا الَّذِي بَيْنَكَ وَبَيْنَهُ عَدَاوَةٌ كَأَنَّهُ وَلِيٌّ حَمِيمٌ.

⁷⁶⁰ Al-Mūminun XXIII, 96-98.

ادْفَعْ بِالَّتِي هِيَ أَحْسَنُ السَّيِّئَةَ وَقُلْ رَبِّ أَعُوذُ بِكَ مِنْ هَمَزَاتِ الشَّيَاطِينِ وَأَعُوذُ بِكَ رَبِّ أَنْ يَحْضُرُونِ.

⁷⁶¹ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 10, pp. 230-240.

consideration as well. Therefore, "responding in a fair way" could not be intended absolutely; on the contrary "responding in a fair way" depends on the doer of the action, the object, the place, the time and so on. Because the avenger of blood who is not satisfied save by killing the murderer or punishment of the criminal by several times more than his crime, the "responding in a fair way" would be nothing but retaliation. And he who has the power of suppression of his anger, the "responding in a fair way" is to suppress his anger, and a person who has the ability of forgiveness, so that forgiving is better for him, and a person who is able to show kindness towards the wrongdoer, his kindness would be the best manner. But showing kindness towards a criminal which makes him to commit the crimes more audaciously is not even a proper action but is considered as an obscene act. The case is as well where refraining from counterattack would make a person to continue his enmity and aggression more severely. This case will also be taken into consideration with regard to the place, time, tools, the listeners and the witnesses. Therefore, the meaning of the verse is: Take a look at the wrongdoer, his status, and the time of repelling the evil, and its place, then try to repel by in the best manner. You should pay attention to these things which repelling the evil depends upon them, whether the evil doing were from your own powers/army, or another human being or an animal other than a human being. So that kill a person who is entitled to be killed; cut the body member of a person who is entitled to it; and retaliate against a person who should be retaliated against; beat a person who is entitled to be beaten, and instruct a person just by speaking to him if he is to be instructed through speaking, and show kindness to a person who is entitled to receive kindness. And what is meant by kindness in the words of Allāh **"then, he, between whom and you there was an enmity (will become) as though he was a bosom friend"** is to do something which is in accordance and consistent with the status and

condition of the wrongdoer without taking the state of the doer or state of the wrongdoer into consideration. It might be that the meaning of "kindness", by comparing with the words of Allāh that says: "**We are the Absolute Aware of their irrelevant talks and descriptions which they utter**"⁷⁶² conveys the same concept that is used in this place. Because it means that: We shall not prevent them through chastisement and punishment, because we are well aware of what they are explaining about. And the word "**what**" in the verse is used as an infinitive or relative case. "**And say**" and when the Satan makes you to perpetrate evil against the wrongdoer say: "**I seek shelter in you from devils' temptation**". The term "**Homaza**" which is used in the verse means, to find fault with, to pressurize, to banish, to repel, to beat, to be remorseful and to break. And "**the devils' temptations**" means troubles and pressures made by Satan. "**And I seek shelter in you from their coming around me**". Because their presence shows that there is a relation between me and them, and by their presence another tie will be created. That is to say, offer me a shelter to prevent the ties between me and them and to bar the new relations."

The said verses were all about responding the evil deed rather than the good deeds. In sūrah of Al-Qasas it is addressed to the Honourable Messenger that: "**And be good and generous to the people as Allāh has been good and generous to you**".⁷⁶³ And also says: "**Is there any recompense for goodness other than goodness?**"⁷⁶⁴ And says: "**For those who have done good, there is a goodly reward and more**

⁷⁶² Al-Mūminūn XXIII, 96.

نَحْنُ أَعْلَمُ بِمَا يَصِفُونَ.

⁷⁶³ Al-Qasas XXVIII, 77.

وَ أَحْسِنُ كَمَا أَحْسَنَ اللَّهُ إِلَيْكَ.

⁷⁶⁴ Al-Rahmān, LV, 60.

هَلْ جَزَاءُ الْإِحْسَانِ إِلَّا الْإِحْسَانُ.

achievement".⁷⁶⁵ In sūrah of Al-Nisā it is said: "When you are greeted with a nice greeting, greet in return, with a better one or return it (at least) with equal courtesy".⁷⁶⁶ In a comment on this verse it is said⁷⁶⁷: "The verse of "When you are greeted with a nice greeting, greet in return, with a better one or return it (at least) with equal courtesy" refers to the previous verse: "Whosoever intercedes ...up to the end of the verse"⁷⁶⁸ and it is another response to a previous question that how the believers should treat those persons who have been already advised. Although this subject matter is one of the important civilities in itself and needs more explanation, but it has been stated in a manner to be related to the past issues rather than being an emphasis to the presumed question. The term "greeting" in common usage means "submission", but it has more general meaning than "submission", which is bestowing goodness to others through kindness and glorification, such as submission, to pray for, to praise, reverence and sending gifts. And it includes written papers which contains respect, kindness, visitation, and so on, from among those things which indicate the grandeur and popularity of the one who is greeted in the heart of the one who is greeting. But the said greeting should be only for kindness and love rather than those purposes which have been prevailed among the people of the formalities. Because a man of highly social position is ashamed to greet a common person and considers it being

⁷⁶⁵ Yūnus X, 26.

لِّلَّذِينَ أَحْسَنُوا الْحُسْنَىٰ وَ زِيَادَةٌ.

⁷⁶⁶ Al-Nisā IV, 86.

وَ إِذَا حُيِّتُمْ بِتَحِيَّةٍ فَحَيُّوا بِأَحْسَنَ مِنْهَا أَوْ رُدُّوهَا.

⁷⁶⁷ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 4, pp. 156-158.

⁷⁶⁸ Al-Nisā IV, 85: "Whosoever intercedes for a good cause, will have the reward thereof, and whosoever intercedes for an evil cause, will have a share in its burden. And Allah is the Overseer of everything".

مَنْ يَشْفَعْ شَفَاعَةً حَسَنَةً يَكُنْ لَهُ نَصِيبٌ مِنْهَا وَ مَنْ يَشْفَعْ شَفَاعَةً سَيِّئَةً يَكُنْ لَهُ كِفْلٌ مِنْهَا وَ كَانَ اللَّهُ عَلَىٰ كُلِّ شَيْءٍ مُّقْتَدِرًا.

dishonoured to go for his visitation unless it is for responding a previous visitation and it is the same for other than the two. Therefore, as it is well-known among Persians, it would be correct to say: "Visitation is recommendable but to pay back visit is obligatory", as far as there be no suspicion for corrupt purposes in it. If there be a corrupt purpose, consequently, the visitation would be obscene and paying back visitation in this regard would be obscene as well. For this reason it is narrated that: "He who visits his brethren at his house, without having any motive and reward in his mind, he would be like a man who has visited the God in the Tabernacle".⁷⁶⁹ Of course, it is impossible that the actions of worldly

⁷⁶⁹ Al-Kāfi 2, 175.

الكافي، ٢، ١٧٥، باب زيارة الإخوان ص: ١٧٥، ١ - مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى عَنْ عَلِيِّ بْنِ فَضَالٍ عَنْ عَلِيِّ بْنِ عُقْبَةَ عَنْ أَبِي حَمْزَةَ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ مَنْ زَارَ أَخَاهُ لِلَّهِ لَا لغيرِهِ التماس موعِدِ اللَّهِ وَ تَنْجُزَ مَا عِنْدَ اللَّهِ وَكَلَّ اللَّهُ بِهِ سَبْعِينَ أَلْفَ مَلَكٍ يُنَادُونَهُ أَلَا طِبْتَ وَ طَابَتْ لَكَ الْجَنَّةُ. الكافي، ٢، ١٧٦، ص: ١٧٥، ٤ - عَلِيُّ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَلِيِّ النَّهْدِيِّ عَنِ الْحُصَيْنِ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ مَنْ زَارَ أَخَاهُ فِي اللَّهِ قَالَ اللَّهُ عَزَّ وَ جَلَّ إِيَّايَ زُرْتُمْ وَ ثَوَابُكَ عَلَيَّ وَ لَسْتُ أَرْضَى لَكَ ثَوَاباً دُونَ الْجَنَّةِ. الكافي، ٢، ١٧٦، ص: ١٧٥، ٥ - عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ يَعْقُوبَ بْنِ شَعِيبٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ مَنْ زَارَ أَخَاهُ فِي جَانِبِ الْمِصْرِ ابْتِغَاءَ وَجْهِ اللَّهِ فَهُوَ زَوْرُهُ وَ حَقٌّ عَلَى اللَّهِ أَنْ يُكْرِمَ زَوْرَهُ. الكافي، ٢، ١٧٦، ص: ١٧٥، ٦ - عَنْهُ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ سَيْفِ بْنِ عَمِيرَةَ عَنْ جَابِرِ بْنِ أَبِي جَعْفَرٍ ع قَالَ قَالَ رَسُولُ اللَّهِ ص مَنْ زَارَ أَخَاهُ فِي بَيْتِهِ قَالَ اللَّهُ عَزَّ وَ جَلَّ لَهُ أَنْتَ صَيْفِي وَ زَائِرِي عَلَيَّ قِرَاكُ وَ قَدْ أُوجِبْتُ لَكَ الْجَنَّةَ بِحُكِّكَ إِيَّاهُ. الكافي، ٢، ١٧٧، ص: ١٧٥، ٧ - عَنْهُ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي غُرَّةٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ ع يَقُولُ مَنْ زَارَ أَخَاهُ فِي اللَّهِ فِي مَرَضٍ أَوْ صِحَّةٍ لَا يَأْتِيهِ خِدَاعاً وَ لَا اسْتِبْدَالاً وَكَلَّ اللَّهُ بِهِ سَبْعِينَ أَلْفَ مَلَكٍ يُنَادُونَ فِي قَفَاهُ أَنْ طِبْتَ وَ طَابَتْ لَكَ الْجَنَّةُ فَأَنْتُمْ زُورُوا اللَّهَ وَ أَنْتُمْ وَفَدُ الرَّحْمَنِ حَتَّى يَأْتِي مَنْزِلُهُ فَقَالَ لَهُ يُسَيِّرُ جَعَلْتُ فِدَاكَ وَ إِنْ كَانَ الْمَكَانَ بَعِيداً قَالَ نَعَمْ يَا يُسَيِّرُ وَ إِنْ كَانَ الْمَكَانَ مَسِيرَةَ سَنَةٍ فَإِنَّ اللَّهَ جَوَادٌ وَ الْمَلَائِكَةُ كَثِيرَةٌ يُشِيعُونَهُ حَتَّى يَرْجِعَ إِلَى مَنْزِلِهِ. الكافي، ٢، ١٧٧، ص: ١٧٥، ٨ - عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَلِيِّ بْنِ النَّهْدِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ مَنْ زَارَ أَخَاهُ فِي اللَّهِ وَ لِلَّهِ جَاءَ يَوْمَ الْقِيَامَةِ يَخْطُرُ بَيْنَ قَبَاطِيٍّ مِنْ نُورٍ وَ لَا يَمُرُّ بِشَيْءٍ إِلَّا أَضَاءَ لَهُ حَتَّى يَقِفَ بَيْنَ يَدَيْ اللَّهِ عَزَّ وَ جَلَّ فَيَقُولُ اللَّهُ عَزَّ وَ جَلَّ لَهُ مَرْحَباً وَ إِذَا قَالَ مَرْحَباً أَجَزَلَ اللَّهُ عَزَّ وَ جَلَّ لَهُ الْعَطِيَّةَ. الكافي، ٢، ١٧٨، ص: ١٧٥، ١٥ - عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ أَبِي أَيُّوبَ قَالَ سَمِعْتُ أَبَا حَمْزَةَ يَقُولُ سَمِعْتُ الْعَبْدَ الصَّالِحَ ع يَقُولُ مَنْ زَارَ أَخَاهُ الْمُؤْمِنَ لِلَّهِ لَا لغيرِهِ يَطْلُبُ بِهِ ثَوَابَ اللَّهِ وَ تَنْجُزَ مَا وَعَدَهُ اللَّهُ عَزَّ وَ جَلَّ وَكَلَّ اللَّهُ عَزَّ وَ جَلَّ بِهِ سَبْعِينَ أَلْفَ مَلَكٍ مِنْ حِينِ يُخْرُجُ مِنْ مَنْزِلِهِ حَتَّى يَعُودَ إِلَيْهِ يُنَادُونَهُ أَلَا طِبْتَ وَ طَابَتْ لَكَ الْجَنَّةُ تَبَوَّاتٍ مِنَ الْجَنَّةِ مَنْزِلاً.

people to be free from the corrupt purposes, therefore associating with them would have bad effects on the weak souls. So that it is much better for the "traveler on the spiritual path" to refrain from association with these kind of peoples, as far as possible, to protect himself from being affected (theft) by their corrupt purposes. Unless it is a precautionary dissimulation, to protect his reputation or property or self, and/or showing kindness to reform the status of a person. In this case association with others would be obligatory even if there be the possibility of being affected (theft) by soul. And by term "**greet in return**", if it concerns the worldly motives, it is not to reject it exactly. Because no one but donkey would reject a kindness. On the contrary the equal greeting should be returned to him. For example if somebody said: peace on you (hello to you) and the other one answered: Peace on you (hello to you), then it is greeting in return exactly the like. But if the response was "peace on you and God bless you", then it is greeting in return better than greeting in first. And to better return the greeting is whether to add something to it or changing it into a more agreeable form. As in the case of Abraham (A) when the Angels told him "**peace on you (salaman)**" but he replied the same words with a changing tone namely "**peace ever on you (salamon)**" which indicates the continuity of its meaning. It has accrued in my mind to compile the common usage and recommendable civilities, by divine succour, so that the "travelers on the spiritual path" to be familiar with them rather than doing them through common usage and ignorance. "**Surely, Allāh takes account of everything**". Therefore Allah shall take account of the greeting and their values as well as your motives in them, so that do not mingle the greeting with (private) motives".

At the end of this section, we should point out this subject matter that is said: "**If you do good, you do it for yourselves, and if you do evil, you**

do it against yourselves".⁷⁷⁰ And in sūrah of Fussilat it is said: "Whoever does righteous deeds, it is for his own benefit and whoever does evil, it is against himself; your Lord is never unjust to His human creatures".⁷⁷¹ That is to say, if the behaviours of the Moslems have been the cause of degradation of Islamic societies in the world, it has been the effect of our deeds rather than the result of the God's injustice Who said: "That is so, because Allāh will never change the bounty which has bestowed upon a people unless they change themselves".⁷⁷² And in sūrah of Al-Ra'ad says: "Verily, Allāh will not change the good and the bestowed condition of a people until they change themselves".⁷⁷³

One of the principles of ethics is to treat people amicably, to respond to them well and giving them a greater reward in return for what they have granted beforehand.

85- Principle of: Unsupporting the traitors and authorization for reciprocity

Betrayal (treason) is one of the prohibited and wicked attributes, which Almighty God has forbidden its perpetration by the believers, and in surāh of Al-Anfāl it is said: "O, you who believe! Do not betray Allāh

⁷⁷⁰ Al-Isrā XVII, 7.

إِنْ أَحْسَنْتُمْ أَحْسَنْتُمْ لِأَنْفُسِكُمْ وَإِنْ أَسَأْتُمْ فَلَهَا.

⁷⁷¹ Fussilat XLI, 46 and Al-Jathiyah, 15 "If a man does a righteous deed it is his own benefit and if he does evil, it will be against himself".

مَنْ عَمِلَ صَالِحًا فَلِنَفْسِهِ وَمَنْ أَسَاءَ فَعَلَيْهَا وَمَا رَبُّكَ بِظَلَّامٍ لِلْعَبِيدِ.

⁷⁷² Al-Anfāl VIII, 53.

ذَلِكَ بِأَنَّ اللَّهَ لَمْ يَكُ مُغَيِّرًا نِعْمَةً أَنْعَمَهَا عَلَى قَوْمٍ حَتَّى يُغَيِّرُوا مَا بِأَنْفُسِهِمْ.

⁷⁷³ Al-Raad XIII, 11.

إِنَّ اللَّهَ لَا يُغَيِّرُ مَا بِقَوْمٍ حَتَّى يُغَيِّرُوا مَا بِأَنْفُسِهِمْ.

and Allāh's messenger, nor misuse knowingly properties entrusted to you".⁷⁷⁴ In another verse in the same sūrah, again betraying Allāh's Messenger has been considered as betraying Allāh and says: "If they intend to betray you (O, Messenger), no wonder, since they have betrayed Allāh too".⁷⁷⁵ And also says: "Verily, Allāh does not like the ungrateful traitors".⁷⁷⁶

In the following verses, the honorable Messenger has been forbidden to support the traitors while judging among people: "Verily, We have sent down to you the Book in truth, so you may judge/govern among mankind by means of what Allāh has shown you; so do not be a pleader for the treacherous ones. And seek forgiveness of Allāh, verily, Allāh is the Merciful Forgiving. And do not plead on behalf of those who betray themselves; verily, Allāh does not like any sinful traitor. They hide themselves from people, but they cannot hide from Allāh. For Allāh is with them while they hold nightly discourses which displeases Him, since Allāh's knowledge does encompass all they do. Behold! You are those who may argue for those men in the life of this world, but who will contend with Allāh for them on the Day of Judgment, or who will then be their defender".⁷⁷⁷ In comment on the

⁷⁷⁴ Al-Anfāl VIII, 27.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَخُونُوا اللَّهَ وَالرَّسُولَ وَتَخُونُوا أَمَانَاتِكُمْ.

⁷⁷⁵ Al-Anfāl VIII, 71.

وَإِنْ يُرِيدُوا خِيَانَتَكَ فَقَدْ خَانُوا اللَّهَ مِنْ قَبْلُ.

⁷⁷⁶ Al-Hajj XXII, 38.

إِنَّ اللَّهَ لَا يُحِبُّ كُلَّ خَوَّانٍ كَفُورٍ.

⁷⁷⁷ Al-Nisā IV, 105-109.

إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَاكَ اللَّهُ وَ لَا تَكُنْ لِلْخَائِنِينَ خَصِيمًا. وَ اسْتَغْفِرِ اللَّهُ إِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا. وَ لَا تُجَادِلْ عَنِ الَّذِينَ يَخْتَانُونَ أَنفُسَهُمْ إِنَّ اللَّهَ لَا يُحِبُّ مَنْ كَانَ خَوَّانًا أَثِيمًا. يَسْتَخْفُونَ مِنَ النَّاسِ وَ لَا يَسْتَخْفُونَ مِنَ اللَّهِ وَ هُوَ مَعَهُمْ إِذْ يُبَيِّنُونَ مَا لَا يَرْضَى مِنَ الْقَوْلِ وَ كَانَ اللَّهُ بِمَا يَعْمَلُونَ مُحِيطًا. هَؤُلَاءِ جَادَلْتُمْ عَنْهُمْ فِي الْحَيَاةِ الدُّنْيَا فَمَنْ يُجَادِلِ اللَّهُ عَنْهُمْ يَوْمَ الْقِيَامَةِ أَمْ مَنْ يَكُونُ عَلَيْهِمْ وَكَيْلًا.

said verses it is said:⁷⁷⁸ **"Verily, We have sent down to you the Book"** means, the Book of prophethood, which its manifestation is the Glorious Qur'an. This is a disconnected sentence for corrective training of the religious community through addressing it to Muhammad (S) or it is basically for corrective training of Muhammad (S) and collaterally for corrective training of his community. **"In Truth"**. The absolute Truth is Allah, Glory be to His Majesty, and "the truth" used as a determiner, is Allāh's Providence (Will of God) which is called the creature's right; and that is illuminating determiner and the Muhammadan's Reality (Pure Muhammadan Essence), which is the absolute divine guardianship namely the heavenly body of Ali (A) and fame of Allāh and His manifestation. And when it is said that the creatures have been created by the Providence and the Providence has been created by Himself, is denoting the said meaning. And because the prophethood is the advent of divine guardianship and the collected Book is the advent of prophethood and messengership, and the advent of manifestation is the advent of the First Manifest. And also sending down the Book by the "Determiner Truth" is correct and being dressed up with "Determiner Truth" is also correct. Because it is the same for the reality of any truth and the reality of any truth/right holder. And it is also correct with the Truth. **"So you may judge/govern among mankind"**. What is meant by **"judge/govern"** is making decisions to end the disputes. Or something more general than that which comprises making policies and/or worshipping. Or it includes the said cases and also reforming (educating) the people through giving advices and treating with civilities. Or in addition to all these cases it includes reforming and completing the people's inwards by mysterious language. **"By means of what Allāh has shown you"**. It means to see by eye, because advent of divine guardianship would not be originated from the prophethood unless through opening the

⁷⁷⁸ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 4, pp, 186-191.

gates from the Heavenly Kingdom, so that its holder will see all subtle affairs of the creatures and their secrets by inner eye (clairvoyance) therefore making decisions (judgment) or reforming would be possible for him because of what he sees. Or may be the Arabic term "**Arāka**" (which is used in the verse) is a derivative of the word "opinion" which means, since Almighty God have made you to possess your own opinion, therefore, you find no need to refer to others' opinions, because your inner eyes were also opened because of the revelation of the Book. There is an indication of the said interpretation in some narrations. Moreover, the power of making decisions is especially entrusted to the Messenger (S) and after him it has been entrusted to his successors, and not anybody else. So that if the revelation of the Book is for your judge/govern and through your opinion, then judge/govern among them by your opinion, based on your seeing. **"So do not be a pleader for the treacherous ones"**. You should not show enmity (towards the believers and righteous persons) just by supporting the treacherous ones through accepting others' opinion. **"And seek forgiveness of Allāh"**. Because of your achievements or showing hostility (towards righteous persons) while acting for the treacherous ones. **"Verily Allāh is the Merciful Forgiving"**. It is said that the reason for revelation of this verse is that there were three brothers who were Obairaq's sons. They tunneled to the house of Qatādah-ibn-No'mān's uncle and stole some food, sword and chain-mail. Qatādah complained to the Messenger of God about the case. The sons of Obairaq said it was Lobaid who did the stealing, while Lobaid was a believer man. Then Bani Obairaq went to Osaid-ibn-Orwah who was of their tribes and good orator. Then Osaid came to the Messenger of Allāh and said: Qatādah has allegedly accused commission of robbery to our people who are from dignified and prestigious family descendents. Then the Messenger of Allāh became sad. And when Qatādah came to the Messenger of Allāh, the Messenger told him: Why you have

accused commission of robbery to the people who are from dignified and prestigious family descendents!? And reprimanded him, and Qatādah became sad about this occasion, then Almighty God sent down the said verse. **"Verily, We have sent down to you the Book ... up to the end of the verse"**. So that we say: "If it is accepted that the reason for sending down the said verse is to be related to the said story, though this case is similar to the common subjects happening among the people; we should say that it is an indirect address to the people of society and it namely seems to have been said: O, you the community of Muhammad! Do not be ignorant to what Muhammad (S) has told you, which Almighty God has declared to accept Ali's divine guardianship and other rules. So that whenever you make a decision, it should be in accordance with the decrees of Allāh. And distinguish between treacherous and righteous. Do not show enmity towards the righteous persons to the benefit of treacherous. That is to say, after demise of Muhammad (S), whenever there is a dispute among you, you should judge on the basis of those rules which Allāh and His Messenger have declared. **"And do not plead on behalf of those who betray themselves"**. That is to say, they will betray themselves by committing sins. And if the term **"themselves"** to be interpreted to Ali (A) and Imams (A) is not improbable at all, because the absolute divine guardianship is the truth of every truth holder and egocentricity of every soul owner. **"Verily, Allāh does not like any sinful traitor"**. Both of the words (**sinful** and **traitor**) are used for exaggeration, and the sentence is in the position of reasoning, and negative use of the word "like" (**not like**) in such a position means "hatred" namely hates those persons who are traitor and wrongdoers. **"They hide themselves"** This is a predicate after a predicate, and it is an adjective after an adjective, or it is a disconnected sentence for responding a presumed question, or it is a participial; and using the plural form of a pronoun is due to the meaning of the article

"from" namely **"from people"**. They hide themselves from the people when they say something in the night which Almighty God is not satisfied with them, because they are ashamed or afraid. **"But they cannot hide from Allāh"**. This describes their betrayal and it is sufficient that they betray Allāh, themselves, their powers, and the Messenger (S). **"For Allāh is with them while they hold nightly discourse"** and when they contrive **"which displeases Him"** by obscene statements. And **"discourse"** here includes also "action", because the actions of the limbs are their discourse. As, "speaking of tongue" is its action. That is their contrivance to bar Ali (A) from his right or their contrivance to attribute a theft to the non-thief, as it was said about the revelation of the verse. **"Since Allāh's knowledge does encompass all they do"**. Their final discourse and actions would not be concealed from Allāh and it is threatening them. **"Behold! You are those who may argue for those men"**. In this part of the verse, **"behold"** is an interjection to make them aware of their stupidity, and **"you"** is the subject of the sentence and, **"those who"** is demonstrative pronoun, the predicate or its alternative or it is the heralded one. **"Argue for those men"** it is predicate after predicate or a disconnected sentence or participial for the first and predicate for the latter two possibilities. Or **"those who"** might be a relative pronoun, **"you"** is the predicate and **"argue for those men in the life of this world"** is the relative clause, and addressing in plural is for those persons who support the thieves such as Osaid-ibn-Orwah on the basis of verse is sent down about Bani Obairaq and Osaid-ibn-Orwah has supported them. **"But who will contend with Allāh for them on the Day of Judgment"**. That is to say those who argue for them (or support them), it will be arguing in front of the Prophet (S) and on the Day of Judgment in front of Allāh. **"Or who will then be their defender"**. Who will be their advocate or agent (delegate), because a delegate is a person who takes care of and guards the principal's affairs, and changing the verb to a transitive

one by the proposition "**Alā**" is for guaranteeing the meaning of "taking care". This is an extreme threat to all defenders and those who are defended".

In Glorious Qur'ān, not only the honorable Messenger is instructed to refrain from defending the traitors, but he is also instructed to act mutually. In sūrah of Al-Anfāl the honorable Messenger is commanded that: "**And if you (O, Messenger) fear treachery from any people, throw back their covenant to them on term of mutuality, for Allāh does not like the treacherous people**".⁷⁷⁹ In the subsequent verses necessary instructions are instructed to His Reverend to how to prepare the army and their equipment.

The following cases could be considered as instances of betrayal in the international affairs and diplomatic issues, such as operations of spies which have betrayed their duties, or the governmental agents and delegates who have been neglectful in their tasks, and the foreign states, which have not fulfilled their obligations.

The betrayal of the spies and governmental delegates are considered as one of the most important occasions of treachery. Because, due to their political and executive authorities in various fields of affairs they are able to transgress the rights of people, whether foreigners or national citizens and infringe their rights and as a result, in performing their duties that should be giving service to Islam and exaltation of the religion and Islamic government and the whole humanity commit treachery. The past historical records show that the most treacherous deeds have been committed by the said group against the nations, governments and humankind.

⁷⁷⁹ Al-Anfāl VIII, 58.

وَ إِمَّا تَخَافَنَّ مِنْ قَوْمٍ خِيَانَةً فَانْبِذْ إِلَيْهِمْ عَلَى سَوَاءٍ إِنَّ اللَّهَ لَا يُحِبُّ الْخَائِنِينَ.

Betrayal (treason) is one of the prohibited and wicked attributes and is forbidden; and only defending traitors is not permitted, but also treating him in the same way is allowed. The following cases could be considered as instances of betrayal in the international affairs and diplomatic issues: operations of spies who have betrayed their duty, the governmental agents and delegates who have been neglectful in their tasks, and the foreign states which have not fulfilled their obligations.

86- Principle of: Unauthorization of giving or receiving bribes

Giving and accepting bribes are prohibited in Islam. There is only one exception of giving bribe, which is just for restoration of right. Since the political borders and national community are not considered as first grade issues in Islam, and the borderline of Islam is the whole world and Islamic community covers human community, therefore majority of laws and regulations which are enforceable in small society and concerns individuals could be extended to the international society and beyond the state.

In Glorious Qur'an and on blaming the illicit gains⁷⁸⁰ and bribery it is said: **"And you see many of them hurrying in committing sin and transgression and consuming forbidden things. Evil indeed is what they do! Why do not the learned priests and rabbis forbid them from uttering sinful words and eating forbidden things? Evil indeed is what**

⁷⁸⁰ The Arabic word "Soht" which is translated to illicit gain is another meaning of bribery. See: "Mo'jam Mofradat Alfaz Al-Qur'ān, Ragheb Isfahāni, Dar-ol-Fekr Publication. معجم مفردات الفاظ القرآن، راغب اصفهاني، انتشارات دارالفکر.

they do!"⁷⁸¹ So that from the Islamic international law standpoint, giving any kind of money to the international organization or other states or their agents and/or representatives for concealment or perversion of the truth in favour of own or other countries are forbidden.

Giving or accepting bribes is prohibited. There is only one exception i.e. giving bribe in order to restore the right.

87- Principle of: Prohibition of usurpation and unlawful ownership of other nations' and states' properties

One of the cases which is usually observed among various states is that, under some pretexts, they take it for granted to take possession of, confiscate or lien on the properties, estates banking accounts and tangible or intangible assets/properties of other states and their dependents, and/or take them as a pledge. These kinds of actions are neither acceptable in domestic Islamic law nor in international Islamic law, unless under certain conditions of real war – and not cold war - which is for preventing others to support the hostile parties. In other cases, no permission has been given to perpetrate such transgressions.

On the prohibition of unjust devour (consuming) of other's properties, it is expressly prescribed in Glorious Qur'ān that: "**Do not devour (consume) (Akl) one another's property unjustly nor use it as bribe to the judges that you may consume a part of the property of others**

⁷⁸¹ Al-Māidah V, 62-63.

و تَرَى كَثِيرًا مِنْهُمْ يُسَارِعُونَ فِي الْإِثْمِ وَالْعُدْوَانِ وَأَكْلِهِمُ السُّخْتِ لَبِئْسَ مَا كَانُوا يَفْعَلُونَ. لَوْ لَا يَنْهَاهُمُ الرَّبَّانِيُّونَ وَالْأَحْبَارُ عَنْ قَوْلِهِمُ الْإِثْمَ وَأَكْلِهِمُ السُّخْتِ لَبِئْسَ مَا كَانُوا يَفْعَلُونَ.

wrongfully while you know".⁷⁸² The literal meaning of Arabic word "Akl" which is used in the said verse is "to eat" and "to swallow the morsel", but it does not have the said meaning in the verse. Its real meaning is "to take possession".⁷⁸³ This kind of possession does not imply just real possession of properties, but it also includes constructive and legal possession, namely acquisition and appropriation⁷⁸⁴. In sūrah of Al-Nisā it is said: **"O you who believe! Do not devour each other's properties in vanity and illegal way; except by trading on mutual consent. And do not kill yourself; Allah is highly Merciful towards you"**⁷⁸⁵. In a comment on the said verse it is said:⁷⁸⁶ **"O you who believe! Do not devour each other's wealth in vanity and illegal way"**. It is the observance of decency with regard to the properties and the people. As we have already mentioned, know that the "words" have been conventionally made for the reality of things – even general or partial – with regard to their transmitted titles without taking any of their characteristics of their applicability into consideration. For example the word "Zaid" is made strictly for (a male called) Zaid, without taking any one of his statuses or characteristics into consideration. Because Zaid, while in his childhood is Zaid and when he is in old age, he is still Zaid. It is the same while he is human being or incorporeal being, namely when he is in human form and has his body he is Zaid, and when he is free of material he is also Zaid. When he is powerful he is Zaid and when he is not

⁷⁸² Al-Baqarah II, 188.

وَ لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَ تَدُلُّوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَ أَنْتُمْ تَعْلَمُونَ.

⁷⁸³ Kanz-ol-Irfān exegesis, volume 2, p. 33 and Zobdat-ol-Bayān, p. 427. Printed by Maktab-al-Mortazawiyah. كنزالعرفان و زبدة البيان.

⁷⁸⁴ Gorji, Abolqasim, (2001), Ayat-ol-Ahkām (civil and criminal) Mizān Publication p. 24.

⁷⁸⁵ Al-Nisā IV, 29.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَن تَرَاضٍ مِّنْكُمْ وَ لَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا.

⁷⁸⁶ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 4, pp. 44, 47.

characterized as powerful he is also Zaid. Therefore, no characteristics of the states and/or particularities of the "realms of being" have validity in conventional making or naming of the word. So that those persons whose perception would not go beyond their world of senses and believe that the concepts to be strange, and restrict them within their sensual applicability, it would be relevant for their own reasoning, not for us; because due to their own realm of being they are not able to understand the instances of other realms of being. Therefore, the extension (generalization) of the concepts is not possible for them. There are several hints and clear statements in the narrations concerning what we said. May Almighty God make us clear sighted about them. Therefore, by the word "**Akl**" giving the meaning of "to eat", no characteristic of animal eating characteristics - such as taking something into the mouth, feeling and chewing it by the teeth, swallowing and taking it into stomach- have not been taken into consideration; and also no characteristic of "eating" and "victuals" and/or characteristics of something from other realms of being have not been taken into consideration. Therefore the word "**Akl**" is the name of any action which is the cause of firmness of the doer and increasing his strength, in any manner and in any realm of being who be stationed therein. So that, children's playing with regard to animal imagination of play is "**Akl**" for them. And commercial activities for businessmen, cultivation for farmers, and marriage for those who marry are, due to one power of their powers, considered as "**Akl**". Rather the action of every doer in any realm of being is "**Akl**" for him. "**Properties**" is a name for what is owned and as much as the quality of ownership being stronger then the applicability of the word "property" will be stronger. Therefore the worldly accidents have not quality of "being owned" unless the lawgiver (legislator) and/or usages give them such a quality. For example, everything which is under the control of a person is considered as "property". His possessions and

belongings are "property". The physical faculties which are under the control of the soul and have no relationship except to be owned by the soul are more eligible to be called as "property". Similar to this case are those sciences and arts and crafts which are learnt and mastered or they are not mastered but are stationed in the treasury of wisdom (they are called property as well). And the word "**among yourselves**" is addressed to the male persons (masculine gender), whether in the macrocosm or microcosm of humanity and/or in the nature's realm of being or in the other realms of being. And due to the rule of domination (domination of male names over the female names) it also includes the females. And "**in vanity**" is used for the actions which have no essential goal, and/or have no reasonable and customary goals, and/or those actions which have not achieved their goals, and/or those traditions and methods which have not been based on strong foundation, and/or a tradition which has not been founded on a divinely basis. Anything which is essentially devoid of reality is also called void, such as the non-existences or those things which have no reality in their essence like mirage, and those things which do not exist in themselves (their essence) but their existence are accidental such as quiddity and those things which do not exist unless through causes such as possible beings and those things whose existence are hidden in a way that non-existences are ruling over them such as the lower kingdom that because non-existence rules over it so is null and void, even though other concepts of void be applicable to it. Therefore the said noble verse due to its various instances has various features which some of them stand higher in the rank over the others. The first meanings of the verse which is close to the understanding of common people is regular "eating" which will be achieved through chewing and swallowing and the meaning of the verse is: Do not devour the worldly properties among yourselves by chewing them in vanity which the prophet of Islam has not recommended and has not declared it as his

practical tradition, or when they are originated from a wrongful resource namely soul (self) and Satan. Because the ruler and the instigator of the action is soul and Satan or the reason and The Compassionate. And you have already known that because non-existence is ruling over Satan thence he is void. The second meaning (applicability) of the verse is that: Do not misappropriate your worldly properties among yourselves in accordance with the said two meanings which are also closer to the understanding of the common people. The third one is that: Do not make your actions null and void in accordance with the said two meanings. The fourth one is that: Do not perform the prophetic formal obligatory actions on the basis of void origin or void motivation. The fifth one is that: Do not perform devotional hearty obligatory actions among yourselves due to void cause and in accordance with the said two meanings. The sixth one is that: Do not use your powers among yourselves in wrongful ways. The seventh one is that: Do not acquire your knowledge through wrongful ways and do not use them in wrongful way. The eighth one is that: Do not use your life resources and living materials in vanity. The ninth one is that: Do not acquire your observations and witnessed (things) through wrongful ways. **"Except by trading or mutual consent"**. Unless it be commercial activities, based on your consent, which could be extended to what was said. **"And do not kill yourself (and your fellow creatures)"** is whether related to "what is referred to", because spending the wealth/properties without having criterion leads to slaying the people, and its prohibition is similar to the prohibition of its cause (namely spending the wealth/properties) or it is an independent ruling, and its extension is not concealed. Since **"Allāh is highly Merciful towards you"**. The reason for prohibition of spending properties in vanity and killing the people is that Allāh is Merciful towards you, and because his mercifulness similar to other obligations is a motive for the said prohibition". In the same surāh in

another place it is said: **"Because of their taking usury, though they were forbidden, and for their devouring people's properties wrongfully, We have prepared for the disbelievers a painful torment"**.⁷⁸⁷

Usurpation is also similar to forcible possession of other's property, belongings or rights. On the basis of Islamic instructions the usurper should give back (restitution) the property to its owner and if the usurped property be destroyed the usurper will be responsible to give something identical or its price to the owner. The rule of unauthorization of usurpation could be inferred from the following verse⁷⁸⁸. **"The Sacred Month for the Sacred Month, and for the prohibited things there is a law of retaliation: Then whoever commits aggression against you, react you likewise against him (retaliate in the same manner), and fear from the disobedience of Allāh's commands, and know that Allāh is accompanying the pious"**.⁷⁸⁹ There are other verses which contain the ruling for usurpation, and it is said: **"And a recompense for any harm (ill-deed) is an equal harm, but if one forgives and makes reconciliation, his reward will be with Allāh, since Allāh does not like the oppressors"**.⁷⁹⁰ In the latter verse the first action is usurpation, that is to say the first ill-deed is usurpation and the second harm doing is its recompensation.

The said principle prohibits devouring (consuming) properties, rights

⁷⁸⁷ Al-Nisā IV, 161.

وَ أَخَذِهِمُ الرِّبَا وَ قَدْ نُهِوا عَنْهُ وَ أَكَلِهِمْ أَمْوَالَ النَّاسِ بِالْبَاطِلِ وَ أَعْتَدْنَا لِلْكَافِرِينَ مِنْهُمْ عَذَاباً أَلِيماً.

⁷⁸⁸ See: Gorji, Abolqāsim, Ayāt-ol-Ahkām (civil and criminal), Mizan Publication, pp. 70-73.

⁷⁸⁹ Al-Baqarah II, 194.

الشَّهْرُ الْحَرَامُ بِالشَّهْرِ الْحَرَامِ وَ الْحُرْمَاتُ قِصَاصٌ فَمَنْ اعْتَدَى عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اعْتَدَى عَلَيْكُمْ وَ اتَّقُوا اللَّهَ وَ اعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ.

⁷⁹⁰ Al-Shurā XLII, 40.

وَ جَزَاءُ سَيِّئَةٍ سَيِّئَةٌ مِثْلُهَا فَمَنْ عَفَا وَ أَصْلَحَ فَأَجْرُهُ عَلَى اللَّهِ إِنَّهُ لَا يُحِبُّ الظَّالِمِينَ.

and tangible and intangible assets of other nations or states⁷⁹¹, unless for some exceptions we have already mentioned them.

Devouring (consuming) properties, rights, tangible or intangible assets of other nations or states is prohibited and governments without judicial permission are not permitted, under any pretexts, to confiscate, take possession of, distrain or lien on the properties, estates, banking accounts and tangible or intangible assets/properties of other states and their dependents, and/or take them as a pledge; unless under certain conditions of real war – and not cold war – that will be applied to prevent others from supporting the hostile parties. In other cases, no permission is given to perpetrate such transgressions. Usurpation is also similar to forcible possession of other's property, belongings or rights and the usurper should give the property back (restitution) to its owner and if the usurped property were destroyed or damaged, the usurper would be responsible to give something identical or equal to its price to the owner.

88- Principle of: Prohibition of the acts of terrorism

Glorious Qur'ān after giving an explanation about the story of Abel who was murdered by Cain, which both of them were children of Adam, declares a general rule and says: **"If anyone killed a person, unless it be**

⁷⁹¹ Tangible and intangible assets.

for retaliation of murder or because of making mischief in the land, it would be regarded as if he has killed the mankind as a whole; and he who saves a man's life shall be considered as one who has saved the life of the mankind as a whole".⁷⁹² The Cain's action in killing his brother was clandestinely and was perpetrated as an act of terrorism without having permission for retaliation or authorization for confronting a corruption. In sūrah of Al-Isrā it is said: **"And do not kill anyone whom Allāh has forbidden, except for a just cause, and whoever is killed unjustly We have given to his heir authority (and right of retaliation), so that (he) not exceed the limit in killing"**.⁷⁹³

The said verses are indicating the crime of murder and acts of terrorism. When the criminal intends to kill somebody and the killing is done, the crime committed is called murder (intentionally killing). The punishment for perpetration of murder is prescribed in the following verse which says: **"And whoever kills a believer intentionally, his recompense is the hell fire, therein dwelling forever, and Allāh shall wrath and curse on him, and prepare a grave chastisement for him"**.⁷⁹⁴

As it was mentioned in concerned section, the legal institution of retaliation is prescribed in Islam; therefore the murderer could be killed justly. This kind of killing is not even harmful for the survival of the society; on the contrary it will be beneficial. But the rules of retaliation shall be applicable only when a person intentionally kills another person

⁷⁹² Al-Mā'idah V, 32.

أَنَّهُ مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا.

⁷⁹³ Al-Isrā XVII, 33.

وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَمَنْ قُتِلَ مَظْلُومًا فَقَدْ جَعَلْنَا لَوْلِيهِ سُلْطَانًا فَلَا يَسْرِفُ فِي الْقَتْلِ.

⁷⁹⁴ Al-Nisā IV, 93.

وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا.

which its punishment is retaliation. It does not apply to a person who, without the said justification and only based on his own judgment commits murder or kills another person by acts of terrorism. For example there are some groups of people who just through their own judgment and imagination and by their own thinking and investigation recognize and presume somebody to be a cruel and an unjust person and consequently kill him through acts of terrorism. There is no authorization for such activities, whether the said groups be Islamic groups or non-Islamic groups, to have a religion or being atheists in any case they have no right to commit acts of terrorism. There are certain conditions while enforcing the rules of retaliation, that is to say, the bloodwits have the right of retaliation. Moreover the bloodwits are to be encouraged to forgive the murderer prior to retaliation.

On the other hand, let us assume that a high ranking official has been unjust and has committed several crimes. First of all the question is: Who is the authority to judge his probable crimes and make final decision that he must be killed? Second: Did he have the opportunity to defend himself? Third: Are we authorized to kill the companions of a certain person who is to be killed because of retaliation (for example by explosion)? Forth: While we decide to harm a person or his country, are we allowed to kill his fellow citizens and/or attack the civilians? There are so many questions similar to the said questions which their answers are all negative. Almighty God has only permitted that the murderer to be killed just by observing the rules of retaliation which requires certain conditions and says: "**And do not kill the soul which Allāh has forbidden, save in the course of justice**".⁷⁹⁵ On the

⁷⁹⁵ Al-Anām VI 151.

وَلَا تَقْتُلُوا أَوْلَادَكُمْ مِنْ إِمْلَاقٍ نَحْنُ نَرْزُقُكُمْ وَإِيَّاهُمْ وَلَا تَقْرَبُوا الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَّنَ وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ.

other hand the word "**brother**" is used while indicating the said murderer and says: "**O, you who believe! The law of retaliation in punishment is prescribed for you in cases of murder: The freeman for the freeman, the slave for the slave and the female for the female. But if any remission is made to any one by his (aggrieved) brother, then prosecution should be made according to usage, and payment should be made to him in a good manner. This is an alleviation from your Lord and a mercy; so whoever exceeds the limit after this, he shall have a painful chastisement**".⁷⁹⁶

Act of terrorism and killing the domestic or foreign citizens with any instrument and tool, and by any person or government, with or without mediator, individually or collectively, with or without ideological pretext or justification, secretly or openly in every form and type is forbidden and one who gives accessory and perpetrator in crime is criminal, and the heir authority has the right of retaliation.

And Al-Fūrqān XXV, 68: "**And those who do not take partners for their creator and do not kill a person except in the case of retaliation, and they do not commit adultery and whoever does these receive the due punishment**".

وَ الَّذِينَ لَا يَدْعُونَ مَعَ اللَّهِ إِلَهًا آخَرَ وَ لَا يَقْتُلُونَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَ لَا يَزْنُونَ وَ مَنْ يَفْعَلْ ذَلِكَ يَلْقَ أَثَامًا.

⁷⁹⁶ Al-Baqarah II, 178.

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ الْحُرُّ بِالْحُرِّ وَ الْعَبْدُ بِالْعَبْدِ وَ الْأَنْثَى بِالْأُنْثَى فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتِّبَاعٌ بِالْمَعْرُوفِ وَ آدَاءٌ إِلَيْهِ بِإِحْسَانٍ ذَلِكَ تَخْفِيفٌ مِنْ رَبِّكُمْ وَ رَحْمَةٌ فَمَنْ اعْتَدَى بَعْدَ ذَلِكَ فَلَهُ عَذَابٌ أَلِيمٌ.

89- Principle of: Respecting and generosity towards the guest

Making a careful study of different historical and juridical aspects of former nations reveals that, amongst societies, respecting the guest has always been different with regard to their social knowledge and awareness and general perception (of the world), during the history. Whenever the various aspects of unity have been increased in the viewpoints and perceptions of the members of the society and/or the governments, consequently paying attention to the rights of foreigners have been increased. Referring to historical documents would give us some information about the situations of the foreigners in the ancient countries. Among those nations which their political systems were based on religion, the foreigners' conditions were more severe than those countries which their principles of politics have been based on economic affairs and trading. The general principle in those societies which followed the fanaticism of religion was that the foreigners were unclean and unbeliever, so that were deprived from the given rights of the local individuals. In India the law of Manou⁷⁹⁷ was making a general distinction among Brahmane⁷⁹⁸ and Soutra⁷⁹⁹. Because the Brahmane were victorious and authoritative while the Soutra were captive and subjugated, and they could not have family and/or legal relations with the Brahmane class. There was another lower class than the Soutra class with the name of Paria⁸⁰⁰ which their members had no right even being as the slaves of the Brahmane.

In Egypt, during the period of ruling Pharaoh - namely the government of so-called-clergymen of Noah's religion - while the leaders of the religion and the pharaohs were in power, the foreigners were hated

⁷⁹⁷ Manou.

⁷⁹⁸ Brahmane.

⁷⁹⁹ Soutra.

⁸⁰⁰ Paria.

and ill-treated. The Egypt's religious leaders were of the opinions that the rules of divine wrath must be enforced against foreigners, namely those unclean and unbeliever creatures. The Jews nation who thought they were the preferred and chosen nation by God, were not allowed to associate with the foreigners. The bloody massacre of foreigners in Palestine committed by so-called Jewish in past centuries to prevent contacting with them has been recorded in the history. Of course there are several rules of being compassionate towards the foreigners within the rules brought by Moses (A); and even there has been no difference among the Jews and foreigners with regard to the laws of punishment, and the gates of holy places had never been being closed to let foreigners for taking sanctuary. Nevertheless the superiority of the Bani-Isreal and inferiority of foreigners were a political issue which the so-called-clergymen of Jews have always been emphasizing it.

The Iranian governments whether during the period of the Achaemenian or Sassanid were all mostly hegemonic governments but they also were encouraging trade. In Bābakān Artaxerxes' rites and regulations which was considered as Iran's constitution in the period of Sassanid dynasty, it was expressly prescribed that: "If the foreigners see our hospitality and justice, they will convey our benevolence and justice to other people, therefore other nations shall come to our country with their goods, and merchandise and consequently our country would become prosperous and developed. In the inscriptions and historical documents there could also be observed that the Achaemenian and especially Cyrus the great - who is called Zolqarnain and his story has been explained in the sūrah of Al-Kahf⁸⁰¹ and several evidences have been introduced to prove

⁸⁰¹ His Excellency Hajj Sultan Hussein Tabandeh Gonābadi. The Glorious Qur'ān and three mysterious mystical stories", 3rd edition, 1986, Tehran, Haqiqat Publication.

his messengership - have greatly taken the honorability of human beings into consideration. After the Advent of Jesus Christ (A) the former so-called-clergymen in Rome, used to use the Christians foreigners as food of savage animals, and in Iran those who showed to observe the foreigner's customs were not free of persecution as well. After the advent of Islam, the Muslims were under severe torture and hardship in Christian countries, especially in Spain; and in Muslim countries the non-Muslims were subject to more severe laws, such as the rules of taking usury from non-Muslim which was lawful (allowed) and taking usury from Muslims were forbidden and non-Muslims were also obliged to pay poll-tax.⁸⁰²

The law jurists have introduced different theories on the cases of foreign nationals. Aubry and Rau⁸⁰³, are of the opinion that in all countries, the foreign nationals should enjoy all the rights usually the civilized nations enumerate them as the natural rights of humankind or the laws of the said nations practically have accepted them; and on the contrary, those rights which are especially prescribed for one or several nations and their extension to the foreign nationals are not considered as *prima facie*, or those rights which their establishments are of innovation for a special nation, should not be recognized for foreign nationals. The said theory has been criticized on this very point that the natural laws are not easily distinguished from, those laws which are not known as natural laws. According to Demangeat and Valette⁸⁰⁴, foreign nationals have the same civil rights which the citizens of state are eligible to have them, and also should enjoy those rights which by virtue of the express texts of law are not deprived from them, because divestment of the rights from foreign national is against justice and equity, especially when there is no expressly

⁸⁰² See: Āmeri, Jawād, (1984), pp. 77- 80.

⁸⁰³ Aubry and Rau.

⁸⁰⁴ Demangeat and Valette.

prescribed law for such a deprivation⁸⁰⁵.

On the basis of the principle of respecting the guests, whosoever enters the Islam's country, not only enjoy most of the individual rights as well as his own acquired rights but he also enjoys special rights which are specifically known for the guests. On the basis of the said principle a guest who enters the Islam's country would be honoured and consequently the Islam's government is responsible to secure some of his necessities. For example on the basis of many Quran's verses, the wayfarers are entitled to receive different kinds of alms. The wayfarers are those foreigner and people from other cities and towns who enter the Islam's country or travel from one city to another city but cannot afford the charges of their journey. In sūrah of Al-Baqarah, verse No. 177 defines the righteousness with several qualities which includes the actions such as giving one's wealth to the wayfarers⁸⁰⁶. In another verse it is said: **"They ask you (O, Messenger) concerning what shall we spend (in the way of Allah). Say: "It is good whatever of wealth and properties you spend for parents and relatives or orphans and the poor who beg and the wayfarers. And whatever**

⁸⁰⁵ See: Āmeri, Jawād, (1984), pp. 89-93.

⁸⁰⁶ Al-Baqarah II, 177: **"It is not (the only symbol of) righteousness that you turn your faces towards the east or to the west (in prayer), but true righteousness is to believe in Allāh, and the Day of judgment, and the angel and the book and the Messengers and also to spend one's wealth (in the way of Allāh) despite of love for it, to the kinsmen, to the orphans, and to the needy, and to the wayfarers, and to the poor who beg, and to ransom the slaves, and to perform prayers, to pay alms; and those who fulfill their promises when they make and those who are patient in extreme poverty and ailment and at the time of war, such are the people who are truthful and they are indeed the pious".**

لَيْسَ الْبِرَّ أَنْ تُوَلُّوا وُجُوهَكُمْ قِبَلَ الْمَشْرِقِ وَالْمَغْرِبِ وَلَكِنَّ الْبِرَّ مَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَالْمَلَائِكَةِ وَالْكِتَابِ وَالتَّيْبِينَ وَآتَى الْمَالَ عَلَى حُبِّهِ ذَوِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينَ وَابْنَ السَّبِيلِ وَالسَّائِلِينَ وَفِي الرِّقَابِ وَأَقَامَ الصَّلَاةَ وَآتَى الزَّكَاةَ وَالْمُوفُونَ بِعَهْدِهِمْ إِذَا عَاهَدُوا وَالصَّابِرِينَ فِي الْبَأْسَاءِ وَالضَّرَّاءِ وَحِينَ الْبَأْسِ أُولَئِكَ الَّذِينَ صَدَقُوا وَأُولَئِكَ هُمُ الْمُتَّقُونَ.

you do of good deeds, verily, Allah is the knower of it".⁸⁰⁷ In sūrah of Al-Taubah, verse No. 60 the alms have been allocated to eight groups of persons whom one of them are wayfarers⁸⁰⁸. It is the same in sūrah of Al-Anfāl verse No. 41 which one of the cases for spending the one-fifth (Khoms) of gains - which is also defined as revenues - is to give them to the wayfarers⁸⁰⁹. The said wayfarers are not restricted to the Muslims⁸¹⁰. Having left no money and being exhausted during a journey is one of the special characteristics of the travelers. Whenever a traveler needs other services, he should enjoy the said services, according to his status, just the

⁸⁰⁷ Al-Baqarah II, 215.

يَسْتَأْذِنُكَ مَاذَا يُنْفِقُونَ قُلْ مَا أَنْفَقْتُمْ مِنْ خَيْرٍ فَلِللَّهِ وَاللَّذِينَ فِي الْأَقْرَابِ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ وَمَا تَفْعَلُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ.

⁸⁰⁸ Al-Taubah IX, 60: "Verily, alms are only for the poor and the needy and the workers and those whose hearts should be attracted (to Islam) and the ransoming of the slaves and for those in debt and in the way of Allāh and for the wayfarers; it is a duty decreed by Allāh and Allāh is the Knowing Decree".

إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسَاكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ.

⁸⁰⁹ Al-Anfāl, VIII, 41: "And know that whatever of things that may gain. One fifth of it is assigned to Allāh's way and to the Messenger and to the relatives and to the orphans, and the poor who beg and the wayfarer".

وَاعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ.

⁸¹⁰ Motashabeh-ol-Qur'an, 2, 174.

قوله سبحانه وَ الَّذِينَ يَكْنِزُونَ الذَّهَبَ وَالْفِضَّةَ وَ لَا يُنْفِقُونَهَا فِي سَبِيلِ اللَّهِ لَا يَقَعُ اسْمُ النِّفْقَةِ عَلَى الزَّكَاةِ إِلَّا مجازاً وَ لو سلمنا ظاهر العموم لجاز تخصيصه ببعض الأدلة. قوله سبحانه وَ اتَّوَا الزَّكَاةَ اسْمُ الزَّكَاةِ لفظ شرعي وَ لَا يدل على أن في عروض التجارة زكاة يتناولها الاسم فالدلالة على من ادعى ذلك. قوله سبحانه إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ إِلَى قوله وَ فِي الرِّقَابِ تحمل الآية على المكاتب وَ على من يباع فيعتق لأنه لا تنافي بين الأمرين وَ ظاهر القول يقتضي الكل. قوله سبحانه وَ فِي سَبِيلِ اللَّهِ أي الطريق إلى ثوابه وَ الوصلة وَ التقرب إليه فيدخل فيه تكفين الموتى وَ قضاء الدين عن الميت قوله سبحانه وَ اعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ يدل على أن المعادن كلها يجب فيها الخمس سواء ينطبع أو لا ينطبع لأنه مما يغنم وَ فيه أيضا دليل على أنه ليس يمتنع تخصيص هذه الظواهر لأن ذي القربى عام لقربى النبي ص دون غيره وَ لفظة اليتامى وَ المساكين وَ ابن السبيل عام في المشرك وَ الذمي وَ الغني وَ الفقير وَ قد خصه الجماعة ببعض من له هذه الصفة على أن من أصحابنا من ذهب إلى أن ذوي القربى هو القائم مقام الرسول وَ سمي بذلك لقربه منه نسباً وَ تخصيصاً وَ هو الصحيح لأن قوله ذي القربى لفظة واحدة وَ لو أراد الجمع لقال لذوي القربى.

same as other individuals of the society. In this case the Glorious Qur'an says: **"Give to the relatives their due rights and also spend in needy and the wayfarer; but do not spend your wealth wastefully"**.⁸¹¹ And the criterion for the said issue is described in sūrah of Al-Hashr which depends on the Honorable Messenger (S) decision and says: **"So take what your Messenger gives you, and whatever he forbids you, abstain from it"**.⁸¹²

When His Reverend Joseph (A) prepared the camel loads of his brothers then he told his brother: **"I am the best host"**.⁸¹³ So that, when the Islam's government is under guardianship of prophet, divine guardian and divine executor as it is mentioned in the said verse, has duty to act like the best host towards the entrants. It is certain that the said characteristic of Joseph (A) should be existed with the higher degree in the subsequent prophets and divine guardians.

The aforementioned remarks are applied to those entrants who enter the territories of Islam's government as guest. If they intend to acquire citizenship and/or seek asylum, then it is obligatory for Islam's government

⁸¹¹ Al-Isrā XVII, 26: **"Give what is due to your relatives, and also to the needy and the wayfarers, but do not spend your wealth wastefully"**.

وَ آتِ ذَا الْقُرْبَى حَقَّهُ وَ الْمَسْكِينِ وَ ابْنَ السَّبِيلِ وَ لَا تُبَذِّرْ تَبْذِيرًا.

The same subject is also mentioned in sūrah of Al-Rūm, 38: **"Give what is due to your relatives, and also to the needy and the wayfarers. This will be good for those who seek Allāh's Face and they are successful"**.

فَاتِ ذَا الْقُرْبَى حَقَّهُ وَ الْمَسْكِينِ وَ ابْنَ السَّبِيلِ ذَلِكَ خَيْرٌ لِلَّذِينَ يُرِيدُونَ وَجْهَ اللَّهِ وَ أُولَئِكَ هُمُ الْمُفْلِحُونَ.

⁸¹² Al-Hashr LIX, 7. **"What Allāh has put at the disposal of His Messenger, taken from the people of the townships, belongs to Allāh, to His Messenger and relatives and orphans and to the poor and to the wayfarers; since these booties should not fall in the hands of the wealthy men among you; so take what messenger gives you, and whatever forbids you abstain from it"**.

مَا أَفَاءَ اللَّهُ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَى فَلِلَّهِ وَ لِلرَّسُولِ وَ لِذِي الْقُرْبَى وَ الْيَتَامَى وَ الْمَسَاكِينِ وَ ابْنِ السَّبِيلِ كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ وَ مَا آتَاكُمْ الرَّسُولُ فَخُذُوهُ وَ مَا نَهَاكُمْ عَنْهُ فَانْتَهُوا.

⁸¹³ Yūsuf XII, 59.

أَنَا خَيْرُ الْمُنْزَلِينَ.

to grant them citizenship and/or giving refuge to them - if we say that all human beings are in one way or another the citizens of Islam's government and are under the protection of Islam's government we would not be away from the tasks of Islam's government. Since a person who utters the words of: **"There is no God but Allāh"** he will enjoy the immunity to his life, property, honour, and reputation under the shelter of this **"goodly saying"** and nobody shall have the right to transgress the said person's rights. And if we say again that all mankind are under the shelter of this **goodly saying** our words would not be futile. Certainly this section needs detailed discussions which could be found in other articles.⁸¹⁴

Seeking refuge even by idolaters, in Islam's government is also obligatory to be accepted by Islam's government. In sūrah of Al-Taubah, verse No. 6 it is said: **"If any one of the idolaters seek refuge in you (O, Messenger) grant him, so that he may hear the word of Allah and then escort him to where he can be secured, that is because they are a people who lack knowledge"**.⁸¹⁵ This verse, not only binds the Honorable Messenger to grant asylum, but it has also taken the religion of the applicant into consideration as unimportant and has made His Reverend to take the applicant to a secure place. In a comment on Article 14 of the Universal Declaration of Human Rights, concerning the "right of seeking asylum", in the book of "religious standpoints on Universal Declaration of Human Rights" it is said⁸¹⁶: "In Islam a tough line has been taken regarding

⁸¹⁴ See: Bidabad Bijan and Harsini Abdol-Reza (2003), Non-usury Bank Corporation and contemporary usury and non-usury banking operations. Proceeding of the 3rd Biennial Islamic Economics Conference (Islamic economic theory and Iranian economy), pp. 193-224, Economic Research Institute, Tarbiat Modares University, Tehran, Iran, 24-25 December 2003.

⁸¹⁵ Al-Taubah IX, 6.

وَ إِنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّى يَسْمَعَ كَلَامَ اللَّهِ ثُمَّ أَبْلِغْهُ مَأْمَنَهُ ذَلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَعْلَمُونَ.

⁸¹⁶ His Excellency Hajj Sultan Hussein Tabandeh Gonabadi "Religious viewpoints on Universal Declaration of Human Rights" pp. 58-59.

idolaters, who worship the idols and do not believe in One God and/or associate the other one with Him while worshipping Him, in a way that they have not been authorized to enter the Sacred Mosque or other mosques; and socializing with them is also forbidden. They have been thought to be lower in rank compared with the animals and they have been attributed as unclean. Because when a person respects an idol which he has made it himself, for sure he lacks wisdom, therefore he would be lower in rank compared with the beasts. However (He) has ordered that if one of the idolaters seeks refuge in you, he should not be harshly treated. He should be granted asylum, meanwhile being acquainted with the word of Allah and Quranic verses, perhaps he might find tendency to live among the Muslims and abandon his deviance. Supposedly if he was not eager to live with the Muslims, then take him to his relatives and family and his secure place. And when he is returning to his place, he should not be endangered while in the roads. In sūrah of Al-Taubah it is said: **"It one of the Idolaters seeks refuge in you (O, Messenger) grant him, so that he may hear he word of Allāh and then escort him to where he can be secured, that is because they are a people who lack knowledge"**⁸¹⁷. There is no other countries or other law to attach such an importance to the refugees, namely to escort them to their secure place. If a Muslim leaves the Islam's country and seeks refuge in another place, nobody would prevent him of doing so; like those persons who took asylum in Mo'āwiah and disobeyed Ali. But if there were some persons who had committed a wrongdoing and had gone to other places to evade the punishment and/or they were liable to restore the rights of a Muslim and due to this issue they had run away, then whenever it be possible, the infringed rights should be restored and he should be punished. In other words, if he has run away due to committing

⁸¹⁷ Al-Taubah IX, 6.

وَ إِنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّى يَسْمَعَ كَلَامَ اللَّهِ ثُمَّ أَبْلِغْهُ مَأْمَنَهُ ذَلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَعْلَمُونَ.

civil wrongs or criminal acts or murder and the like, which are the "right of people", then we have to be alert and whenever possible the infringed rights should be restored. But if he has immigrated without committing wrongdoings, then he is free to do immigration and if he has perpetrated political crime, they might grant him asylum".

The acquired nationality which is originated from seeking asylum and/or application for immigration are both the basis of granting citizenship rights of Muslims to the applicant person. The said person principally should not enjoy any of the social rights less than other Muslims in the society. The exception to the said rule is rare and in the case of governance of prophet, divine guardian or divine executor would not happen easily. This issue concerns the political asylum and precautions taken because of hostilities and secret enmities which are taking place under the cover of asylum or seeking nationality and there is no impediment in granting the civil (private) rights. Moreover, on the basis of the "rule of international respect to acquired rights"⁸¹⁸ the acquired rights of refugees or applicants of immigration should be accepted and respected.

⁸¹⁸ Concerning "the acquired rights" see: Ameri, Jawād, private international law, Agāh Publication Institute, 1983, Tehran.

Whosoever enters a country, not only enjoys most of the individual rights as well as his own acquired rights but also enjoys special rights which are specifically known for the guests. Taking refuge even by idolaters is also obligatory to be accepted by the host government. The acquired nationality which is originated from seeking asylum and/or application for immigration are both basis of granting citizenship rights of the host country to the applicant and the said person principally should not enjoy any of the social rights less than other people in the same society. On the basis of the rule of international respect to the acquired rights, the acquired rights of refugees or applicants of immigration are accepted and respected.

90- Principle of: Prohibition of banishment and revoking the nationality

By virtue of the following two verses, it may be argued, as a general rule that Islam's government is not authorized to banish the people, whether in national or international domains (except in certain cases). Therefore it will not be authorized to revoke the nationality of the individuals as well. In Glorious Qur'ān it is said: **"And remember when we took your covenant (stating):"Shed no blood of your people, nor expel one another from your homeland". And this you solemnly ratified, and to this you bore witness. (But) after that it is you who kill one another and expel a party of your people from their homes; and assist each other in sin and transgression against them, and if they are brought to you as**

captives you free them by taking ransom, although their expulsion was forbidden to you. Do you believe in part of the scripture and disbelieve in the other part? So what shall be the recompense of those among you who behave like this, except disgrace in this life and in the Hereafter? They shall be consigned to the most grievous chastisement, for Allāh is not heedless of what you do".⁸¹⁹

The exception of the said rule rebellion against God and His messenger or those persons who do mischief in the earth, which says: "The punishment of those who raise war against Allah and His messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off from the opposite sides or be banished from the land. This is their disgrace in this world and a grave torment for them will be in the Hereafter. Except those who repent before you gain power over them; you should know that Allāh is the Merciful Forgiving".⁸²⁰ Interpretation of the said verses was mentioned in the section of confrontation with the rebellion.

⁸¹⁹ Al-Baqarah II, 84-85.

وَ إِذْ أَخَذْنَا مِيثَاقَكُمْ لَا تَسْفِكُونَ دِمَاءَكُمْ وَلَا تُخْرِجُونَ أَنْفُسَكُمْ مِنْ دِيَارِكُمْ ثُمَّ أَقْرَرْتُمْ وَأَنْتُمْ تَشْهَدُونَ ثُمَّ أَنْتُمْ هَؤُلَاءِ تَقْتُلُونَ أَنْفُسَكُمْ وَ تُخْرِجُونَ فَرِيقًا مِنْكُمْ مِنْ دِيَارِهِمْ تَظَاهَرُونَ عَلَيْهِم بِالْإِثْمِ وَ الْعُدْوَانِ وَ إِنْ يَأْتُوكُمْ أُسَارَى تُفَادُوهُمْ وَ هُوَ مُحَرَّمٌ عَلَيْكُمْ إِخْرَاجُهُمْ أَ فَتُؤْمِنُونَ بِبَعْضِ الْكِتَابِ وَ تَكْفُرُونَ بِبَعْضٍ فَمَا جَزَاءُ مَنْ يَفْعَلُ ذَلِكَ مِنْكُمْ إِلَّا خِزْيٌ فِي الْحَيَاةِ الدُّنْيَا وَ يَوْمَ الْقِيَامَةِ يُرَدُّونَ إِلَى أَشَدِّ الْعَذَابِ وَ مَا اللَّهُ بِغَافِلٍ عَمَّا تَعْمَلُونَ.

⁸²⁰ Al-Mā'idah V, 33-34.

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَ رَسُولَهُ وَ يَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَ أَرْجُلُهُمْ مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا وَ لَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ إِلَّا الَّذِينَ تَابُوا مِنْ قَبْلِ أَنْ تَقْدِرُوا عَلَيْهِمْ فَاعْلَمُوا أَنَّ اللَّهَ غَفُورٌ رَحِيمٌ.

Banishing people, whether in nationally or internationally, and negation of citizenship of individuals except in certain cases of rebellion and doing mischief in the earth is not permitted.

91- Principle of: Freedom of movement and cancellation of visa formalities

The command of Allāh is traveling on the land who says: "**Say (O, Messenger)! Travel on the land and see what was the end of those who belied the divine signs**".⁸²¹ In sūrah of Al-Naml the said action is ordained for seeing the end of the criminals⁸²². In sūrah of Al-Ankabūt the traveling on the land is ordained for observing the beginning of the creation and the end of the last creation, which says: "**Say (O, Messenger)! Travel through the land and observe how He creates the first creation, then Allāh creates the latter creation**".⁸²³ The said subject has been revealed in sūrah of Al-Rūm for taking a lesson from the destiny of idolaters who lived before⁸²⁴. In sūrah of Yūsuf the said issue is propounded as a question for studying the destiny of the past generations⁸²⁵. In sūrah of Al-Hajj it is said:

⁸²¹ Al-An'am VI, 11 and Ale-Imran 137 and Al-Nahl, 36.

قُلْ سِيرُوا فِي الْأَرْضِ ثُمَّ انظُرُوا كَيْفَ كَانَ عَاقِبَةُ الْمُكْذِبِينَ.

⁸²² Al-Naml XXVII, 69.

قُلْ سِيرُوا فِي الْأَرْضِ فَانظُرُوا كَيْفَ كَانَ عَاقِبَةُ الْمُجْرِمِينَ.

⁸²³ Al-Ankabūt XXIX, 20 "**Say: Travel through the land and observe the creation of the creatures of all sorts; and think about the issue that how Allāh has started creation and thus he will create the last creature**".

قُلْ سِيرُوا فِي الْأَرْضِ فَانظُرُوا كَيْفَ بَدَأَ الْخَلْقَ ثُمَّ اللَّهُ يُنشِئُ النَّشْأَةَ الْآخِرَةَ.

⁸²⁴ Al-Rūm XX, 42.

قُلْ سِيرُوا فِي الْأَرْضِ فَانظُرُوا كَيْفَ كَانَ عَاقِبَةُ الَّذِينَ مِنْ قَبْلُ كَانَ أَكْثَرُهُمْ مُشْرِكِينَ.

⁸²⁵ Yūsuf XII, 109.

"Have they not traveled on the land, so that they would have the hearts with which to understand, or ears with which to hear? For surely it is not the eyes that are blind, but blind are the hearts which are in the breasts".⁸²⁶ In sūrah of Sabā it is said: "And between them and the cities which We blessed We set small towns and related to one another. Travel therein securely by night and day".⁸²⁷

As it is understood from the said verses, going on journey and traveling on the land is of divine decrees and the said command should not be prevented by such obstacles like visa formalities and so on. The Islam's government should provide the necessary conditions for carrying out Allāh's command. Moreover it must remove the requirements of acquiring visas for foreign travelers and also ask other states to cancel the formalities of issuing visa. The term "**land**" in the said verses refers to all countries of the world and it is addressed to all people who live in this planet and has not been particularized to the Muslims and/or the believers.

Regretfully the daily political problems of the world's states such as constant fear of terrorism and/or apprehension of espionage and security problems provided some excuses for strengthening the intelligent and security organizations in the states. As a matter of fact the said problems are the main cause of establishment of the said groups in the society and

أَفَلَمْ يَسِيرُوا فِي الْأَرْضِ فَيَنْظُرُوا كَيْفَ كَانَ عَاقِبَةُ الَّذِينَ مِنْ قَبْلِهِمْ.

And the sūrahs of Al-Mū'min XL 82, and Muhammad XLVII 10, and Al-Rūm XXX 9, and Al-Fātir XXXV 44, and Al-mū'min XL 27, have commenced this verse with "**do they not**" (أَوَلَمْ).

⁸²⁶ Al-Hajj XXII, 49.

أَفَلَمْ يَسِيرُوا فِي الْأَرْضِ فَتَكُونَ لَهُمْ قُلُوبٌ يَعْقِلُونَ بِهَا أَوْ آذَانٌ يَسْمَعُونَ بِهَا فَإِنَّهَا لَا تَعْمَى الْأَبْصَارُ وَ لَكِنْ تَعْمَى الْقُلُوبُ الَّتِي فِي الصُّدُورِ.

⁸²⁷ Sabā XXXIV, 18.

وَ جَعَلْنَا بَيْنَهُمْ وَ بَيْنَ الْقُرَى الَّتِي بَارَكْنَا فِيهَا قُورَى ظَاهِرَةً وَ قَدَرْنَا فِيهَا السِّرَّ سِيرُوا فِيهَا لِيَالِي وَ أَيَّامًا آمِنِينَ.

the latters for protecting and strengthening their own social, administrative, and organizational positions are always increasing the fear originated from insecurity and even they perform some operations which lead to insecurity of the society, consequently the necessity of establishment of military, police, intelligence and security forces being reasonable. One of the repercussions of the said problem in international relations concerns the entrance to and exit form a country. It is the intelligence-security control and inspection on this issue which makes the phenomenon of visa to be seemed very important in relations among the states. It is obvious that in the present world, establishing communication need not people's movement. The communication means are so extensive that every person in every place in the world village is able to exchange the information, and there is no need for movement personally. Therefore, restrictions with regard to the movement of people seem to be disturbing rather than being realistic.

Immigration is also one of the subjects which the states argue that visa is necessary to be issued for. This subject needs a detailed discussion, but it will be mentioned in relevant place that immigration⁸²⁸ and emigration⁸²⁹ both are of the rights of the citizen, and the foreigners and/or citizens could not be deprived from the said rights unless in very rare occasions.

Governments should provide the necessary conditions for entrance and exit of tourists to their own countries and remove the requirements of acquiring visa mutually.

⁸²⁸ Immigration.

⁸²⁹ Emigration.

92- Principle of: Freedom of migration and domicile for all human beings in the world

The earth belongs to the Creator of human beings and is the homeland of all humankind. Every person has the right to reside in any country who wishes or immigrate to and/or emigrate from it as well. Migration has been permitted by Almighty God to His bondsmen, and says: "**Was not the land of Allah vast enough for you to migrate therein**"⁸³⁰? The Honorable Messenger also says: "All places are the Towns of Allāh so that wherever pleases you, reside there in"⁸³¹. On the said subject it is said that:⁸³² "During the period of formal (outward) caliphate of the Leader of the Believers, Ali (A) some of his followers migrated to Syria (Shām) and joined Mo'āwiah. His Excellency was requested to prevent their emigration, because of possibility of occurring disturbances. But His Excellency did not accept the proposal and said: "They are free. Sahl-ibn-Honayf who was appointed by Imam Ali (A) as governor of Medinā wrote to His Excellency that the followers of Mo'āwiah were making the people to break their oath of allegiance with him and encouraged them to emigrate to Syria (Shām) and asked permission to prevent their emigration, but he said: Let them be free. And the governor of Imam Ali (A) in Basra wrote a letter nearly with the following wording that: Several well-known persons and heads of tribes are intending to emigrate to Syria (Shām); do I have to give them permission to leave or should I prevent them from doing so? His Excellency responded: Let them go and do not be sorry that their numbers

⁸³⁰ Al-Nisā IV, 97.

أَلَمْ تَكُنْ أَرْضُ اللَّهِ وَسِعَةً فَتُهَاجِرُوا فِيهَا.

⁸³¹ Nahj-ol-Fasāhah.

نَحَجُ النَّصَاحَةَ: الْبِلَادُ بِلَادُ اللَّهِ وَالْعِبَادُ عِبَادُ اللَّهِ فَحَيْثُ مَا أَحْبَبْتَ خَيْرًا فَاقْمِ.

⁸³² His Excellency Hajj Sultan Hossain Tabandeh, Religious standpoints on Universal Declaration of Human Rights"

are decreasing, because they are mammonist (avaricious) and are looking for the vain desire of this world. They are well aware that when we are enforcing the rules of justice, they are as equal as other peoples."

At present international system, entrance and immigration to the states require issuance of visa and residence permit whether permanent or temporary, whereas it is not acceptable by Islamic government. Whosoever applies for immigration to Islam's country, the Islam's government is bound to give him entrance and residence permit, and since the applicant while entering the country is considered as guest, therefore the rules of "respecting the guests" will be applicable to him and most of his lawful necessities should be provided. If the immigrants be the followers of other religions, then they will be free to observe their own rites and religious laws. They are even free to resort to their own courts of justice (for their lawsuits). As to the Islamic jurisprudence a tributary (non-Muslims) is authorized to lodge complaint against a person in the highest position of the Islamic government, in front of Muslim's judge⁸³³. It should be noted that residence of the tributary while residing within the territory of Islam are required to pay poll-tax. The tributary shall be under protection of Islam's government provided that they make covenant that they would not fight against Muslims and would accept the Islamic criminal law about themselves and pay poll-tax. The disabled persons, the insane, children and women are excused of paying the poll-tax. The amount of poll-tax is based on per capita and determined by the Islam's government. That is to say a male person who is of age and healthy should pay each year an amount of money as poll-tax by his own hands. It is said: "**Until they pay tributary tax with their own hands**".⁸³⁴ And this is to show their observance of the

⁸³³ Bihār-ol-Anwār, volume 2, p. 595. بحارالانوار .

⁸³⁴ Al-Taubah IX, 29.

covenant which they have made. Anyhow the tributary are excused to pay other kinds of taxes which the Muslims are bound to pay, and they are also excused from military service and fight. The tributary just by uttering the following words namely "I testify that there is no God besides Allāh" shall be excused from payment of poll-tax. Anyhow whosoever likes to reside in the territory of Islam will be free and shall enjoy all social and security rights of the Muslims. In the book of religious standpoints on Universal Declaration of Human Rights" it is written: "Article 15 also refers to freedom of choosing one's nationality. As it was already mentioned, after the occasion of "Arbitration" and advent of group of Khawarij and their exiting disturbances in the city of Kūfa, Imam Ali (A) was told to prevent their actions or make them leave Kūfa. His Excellency said: They are free, and as long as their opposition is a private one and against my person, they are free in their actions unless their deeds and actions be against the public interest (expediency) and against the security. That is why when they (Khawarij) gathered outside of the city and started their rebellion and murdering and plundering activities, then Ali (A) planned to repel them.⁸³⁵"

The earth belongs to the Creator of human beings and is the homeland of all humankind. Every person has the right to reside in, or to immigrate to or emigrate from any country s/he wishes. Immigration and emigration both are of the individual rights, and the foreigners and/or citizens could not be deprived of the said rights unless in very rare occasions of spoiling the other citizen's rights.

حَتَّى يُعْطُوا الْجِزْيَةَ عَنْ يَدٍ وَهُمْ صَاغِرُونَ.

⁸³⁵ His Excellency Hajj Sultān Hussein Tābandaeh, "Religious standpoints on Universal Declaration of Human Rights", pp. 59-60.

93- Principle of: Obligation to concealment of the secrets

Concealment of the secrets is clearly ordained by Glorious Qur'an which says: "O, you who believe! Do not take as intimate friends, those who are outside your religion, since they will not fail to do their best to betray you. They desire affliction for you; hatred has already been appeared from their mouths (through their words), but what breasts conceal is far worse (than what they say by tongue)".⁸³⁶ In sūrah of Al-Nisā it is said: "When there comes to them news regarding safety or fear, they spread it everywhere, but if they had referred it to messenger and to holder of authority from among them who could draw the truth in it, they would have known the truth".⁸³⁷ In a comment on the said verse it is said⁸³⁸: "When there comes to them news regarding safety or fear, they spread it everywhere" is grammatically connected or referred to whole "when they leave your presence"⁸³⁹ or to its main clause, namely "a section of them ponder all night" and/or it is

⁸³⁶ Ale-Imran III, 118.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا بَطَانَةً مِنْ دُونِكُمْ لَا يَأْلُونَكُمْ خَبَالًا وَدُؤًا مَا عَنَّبْتُمْ فَوَدَّتِ الْبَعْضَاءُ مِنْ أَفْوَاهِهِمْ وَمَا تُخْفِي صُدُورُهُمْ أَكْبَرُ.

⁸³⁷ Al-Nisā IV, 83.

وَ إِذَا جَاءَهُمْ أَمْرٌ مِنَ الْأَمْنِ أَوْ الْخَوْفِ أَدَاعُوا بِهِ وَ لَوْ رَدُّوهُ إِلَى الرَّسُولِ وَ إِلَى أُولِي الْأَمْرِ مِنْهُمْ لَعَلِمَهُ الَّذِينَ يَسْتَنْبِطُونَهُ مِنْهُمْ.

⁸³⁸ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 4, pp. 152-153.

⁸³⁹ Al-Nisā IV, 81-82. "And they say: "We are obedient". But when they leave your presence, a section of them ponder all night planning other than what you have told them; and Allah records their night plots; so turn away from them and put all your trust in Allāh; and Allāh is sufficient as a protector. Do they not ponder about the Qur'an? Had it been from other than Allāh, surely they would have found therein so many contradictions".

وَ يَقُولُونَ طَاعَةٌ فَإِذَا بَرَزُوا مِنْ عِنْدِكَ بَيَّتَ طَائِفَةٌ مِنْهُمْ غَيْرَ الَّذِي تَقُولُ وَ اللَّهُ يَكْتُبُ مَا يُبَيِّنُونَ فَأَعْرَضَ عَنْهُمْ وَ تَوَكَّلْ عَلَى اللَّهِ وَ كَفَى بِاللَّهِ وَكِبَالًا. أ فَلَا يَتَذَكَّرُونَ الْقُرْآنَ وَ لَوْ كَانَ مِنْ عِنْدِ غَيْرِ اللَّهِ لَوَجَدُوا فِيهِ اخْتِلَافًا كَثِيرًا.

referred to "**not ponder about Qur'ān**" or to the whole "**do they not ponder about Qur'ān**" with regard to its objective or its participial phrase. That is to say, whenever they receive news from your Sarāyā⁸⁴⁰, or from the enemy, or from your statement containing promises of future victories, or threats from the enemy, then they would betrayed them because they did not have trust and steadfast in belief. And also when some divine contingencies were bestowed on them through their inward state such as their dreams, status, imaginations or occurrences of thought concerning good tidings and/or bad tidings (warnings), they would betray them. "**But if they had referred it to messenger and to holder of authority from among them**". That is to say, if they had referred to the messenger or holder of authority and never would talk about it or if they have had told them and not to anybody else. "**Who could draw the truth in it; they would have known the truth**". In this case those persons who were able to infer the truth would know the truth. (Using the term "**who** (those persons)") which is as grammatically of the same of using an apparent (noun) instead of pronoun indicates that they are those persons who have the ability of inference, and/or by "**holder of those in authority**" it means the commanders of the army and by "**who could draw the truth**" it means the Messenger and his divine successors."

*The principle is to conceal the secrets except when it
spoils other's rights.*

⁸⁴⁰ The Arabic word "Sarāyā" is the plural; form of "Soryeh" and it is called to those wars which the Honorable Messenger (S) did not take part in the fighting personally and one of his companions was to be appointed as the commander of the army. Those wars which the Honourable Messenger took part in them are called "Ghazwah".

94- Principle of: Prohibition of inquisition into personal and private affairs of people

Basically, inquisition (espionage) is not admirable in Islam, because the faults and shortcomings of people would be revealed by inquisition; and even if the acquired information is not to be accessible others, however the inquirer himself by interference with privacy of a person would become spiritually suspicious about the said person or similar ones in his heart; so, the foundation of brotherhood within social system and consequently political system of a society would become weak. That is why the Glorious Qur'an has prohibited the inquisition into the faults of people, and has called the information acquired through inquisition as suspicion rather than certain fact. The reason is that, there might be only half of the reality of an event being revealed to the inquirer; as a result he might make unfounded accusations. For example, the inquirer might find out that two persons have committed adultery, whereas he has not been aware of the first half of the reality of the said event; that is to say this fact that they have been already married. Concerning this issue the Glorious Qur'an says: **"O, you who believe! Avoid much suspicion, for verily some suspicions are sins; and not make inquisition and do not backbite about one another. Does one of you like to eat the flesh of his dead brother? You would hate it, and be careful of (your duty to) Allāh. Verily, Allāh is the Merciful Repentance Acceptor"**.⁸⁴¹ In a comment on the said verse it is said⁸⁴²: **"O, you who believe!"**. Since the subsequent rule namely (avoiding suspicion) is something difficult to follow, because "suspicion" is an inherent

⁸⁴¹ Al-Hūjrat, XLIX, 12.

يَا أَيُّهَا الَّذِينَ آمَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ وَ لَا تَجَسَّسُوا وَ لَا يَغْتَابَ بَعْضُكُم بَعْضًا أَيُّحِبُّ أَحَدُكُمْ أَنْ يَأْكُلَ لَحْمَ أَخِيهِ مَيْتًا فَكَرِهْتُمُوهُ وَ اتَّقُوا اللَّهَ إِنَّ اللَّهَ تَوَّابٌ رَّحِيمٌ.

⁸⁴² "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 13, pp. 347-356.

characteristic of all humankind, therefore it is addressed through vocative case and said: "**Avoid much suspicion**". The term "**much**" is used ambiguously to make people being cautious about all kinds of "**suspicious**", until it is known what type (of suspicion) it is. "**For verily some suspicious are sins**". Avoiding suspicion is mainly impossible for duty-bound persons, unless the command of avoiding suspicion being the command of avoiding its origins. But avoidance regarding its doing is possible for everybody. And suspicions are different. Some suspicions when aroused, it is obligatory to follow them; and if it is not aroused, getting it is obligatory. This kind of suspicion is while one is in doubt during prayers and suspicion during taking precautions while performing an action, such as having suspicion as favourable opinion (suspicion) towards God or the believers. Some kinds of suspicion when aroused, its following and finding out are recommendable, such as having suspicion that a believer is in need of something or trying to be informed (suspicious) of his living condition, like his needs and so on. And looking for or finding out of some kinds of suspicion is disliked, such as suspicion of uncleanness of something which by its cleaning no heavy harm would be sustained. There are some kinds of suspicion which are forbidden such as being suspicious of faults of the believers and their life's secrets and faults; and permissible suspicion; and some of suspicions are sins which avoiding from them and leaving their following is obligatory. It is narrated from Imam Ali (A) who said: Regard your brother's activities with the best aspect, until you be given better than that. Do not be suspicious about the statement of your brother and try to interpret it into its best meaning as you can. It is also from His Excellency who said: When peace and tranquility is prevalent in a period of time and its people, and a man gets suspicious of a person who has done no wrong then he would have really done unjust. And when corruption is prevalent in a period of time and its people, if a man is

of good opinion on another person, he would have been cheated. **"Not make inquisition"**. Do not be engaged in espionage into the life's secrets of the believers, until you be fallen into bad opinions of them. (In Arabic) the phrase **"Not make inquisition..."** (la tajassessoo) is read with different pronunciation (la tahassessoo) which both are of the same meaning. Imam Sadiq (A) has narrated from the Messenger of God (S) that: Do not look for the wrongdoings actions of the believers, since whosoever looks for the wrongdoings of his brother, then Almighty God would also search for his wrongdoings and whosoever that Almighty God be after his wrongdoings he would be betrayed and disgraced even if he is stationed in his own house. **"And do not backbite about one another"**. One should not mention the fault of other in his absence. "Backbiting" means to expose a believer's fault which Almighty God has covered it, by your tongue or other organs, whether explicitly or sarcastically (allusively) or implicitly. Of course, backbiting is applied in those cases where you expose the faults but for the faults which do not exist in the believer, their attribution to him whether in his presence or absence is called "slander" which is more severe than "backbiting". With regard to what we have already mentioned about the words of Allāh in sūrah of Al-Baqarah **"treat with kindness your parents"**⁸⁴³, it becomes obvious that the prohibition of mocking a believer and giving obscene nicknames to him and having a sneaking suspicion of him and making inquisition into his life's secrets and backbiting about him or slandering him are more severe and worse than committing adultery. And it shall be also obvious that how backbiting is more severe and worse than adultery. There are some cases mentioned in (Islamic) jurisprudence that backbiting is authorized. Imam Sadiq (A) was asked about backbiting. He answered: Backbiting consists of what you say about the religion (way

⁸⁴³ Al-Baqarah, II, 83.

of his living) of your brother concerning those actions he has done. And betray something about him while Almighty God has covered it, and punishment has not been prescribed for it. In another narration it is said that for apparent qualities of a person such as acuteness and haste, it (backbiting) shall not be fault. It has been narrated from Imam Kazim (A) that if in the absence of a person something is said which everybody knows it and it is true about him then this would not be called backbiting. But if in the absence of somebody, something is said which is correct but nobody knows it, then it will be backbiting; and if the said statement be untrue, then this is called slander. In another narration it is said: Whatever you find out about a mischief-maker you are bound to reveal it until the people being aware and avoid from. There are several narrations from the Messenger of God with the following contents: Be careful not to backbite which it is more severe than adultery. And then said: When a man commits adultery and then repents, Almighty God will accept his repentance, but the backbiter shall not be forgiven unless the victim forgives him⁸⁴⁴. Backbiting is absolutely forbidden about a believer and/or a Muslim; and about those persons who have accepted Islam societally (who have followed the religion of the society), whether being a Muslim or believer is forbidden. Some have said: Legal status of the unbelievers is the same as the beasts. Since no backbiting is about the beasts therefore there would be no backbiting about the unbelievers as well; and those persons who are not

⁸⁴⁴ Wasāil-Alshi'ah, 12, 280, 152.

وسائل الشيعة، ١٢، ٢٨٠، ١٥٢ - باب تحريم اغتياب المؤمن و لو ... ١٦٣٠٨ - مُحَمَّدُ بْنُ الْحُسَيْنِ فِي الْمَجَالِسِ وَ الْأَخْبَارِ بِإِسْنَادِهِ الْآتِي عَنْ أَبِي ذَرٍّ عَنِ النَّبِيِّ ص فِي وَصِيَّةٍ لَهُ قَالَ يَا أَبَا ذَرٍّ إِيَّاكَ وَ الْغَيْبَةَ فَإِنَّ الْغَيْبَةَ أَشَدُّ مِنَ الزِّنَا قُلْتُ وَ لَمْ ذَاكَ يَا رَسُولَ اللَّهِ قَالَ لِأَنَّ الرَّجُلَ يَزِي فِي تَيْبُوبٍ إِلَى اللَّهِ فَيَتُوبُ اللَّهُ عَلَيْهِ وَ الْغَيْبَةُ لَا تُغْفَرُ حَتَّى يَغْفِرَهَا صَاحِبُهَا يَا أَبَا ذَرٍّ سَبَابُ الْمُسْلِمِ فُسُوقٌ وَ قِتَالُهُ كُفْرٌ وَ أَكْلُ حَمِيمِهِ مِنْ مَعَاصِي اللَّهِ وَ حُرْمَةُ مَالِهِ كَحُرْمَةِ دَمِهِ قُلْتُ يَا رَسُولَ اللَّهِ وَ مَا الْغَيْبَةُ قَالَ ذِكْرُكَ أَخَاكَ بِمَا يَكْرَهُ قُلْتُ يَا رَسُولَ اللَّهِ فَإِنْ كَانَ فِيهِ الَّذِي يُذَكَّرُ بِهِ قَالَ اعْلَمْ أَنَّكَ إِذَا ذَكَرْتَهُ بِمَا هُوَ فِيهِ فَقَدْ اغْتَبْتَهُ وَ إِذَا ذَكَرْتَهُ بِمَا لَيْسَ فِيهِ فَقَدْ بَهْتَهُ.

really characterized by Islam have no backbiting; and for a person who has attributed himself to Islam similar to the one who has attributed himself to Judaism and Christianity would not be forbidden; and forbiddingness is for a person who, through general or special oath of allegiances, has been connected to the manifestations of Allāh. In fact the reality of the subject is that, finding the faults of human beings but of all creatures of God is not originated only from a bad and inferior view, namely, it is looking (viewing) at the things as different (separated) to the Truth, who is the Upholder and the Creature. This attitude is because heedless of Almighty God and His Creation, and it is to view (look) at himself and his selfishness, or being ignorant of its faults. Whenever Almighty God wants to ill-treat a bondsman, He will make him aware of other persons' evils and makes him blind of seeing his own faults. Naming the things and finding faults with them, is in fact finding faults with the creation, and ignoring the creator and his creatures, while looking at the creatures is disbelief in the creator. Disregarding the self and its faults is blameworthy and self-conceit and selfishness are the origin of all evils. So that viewing (looking at) the evils of not-human-beings is obscene and viewing for evils of human beings is more obscene and more heinous, and doing so against those persons who attributes themselves to Islam is more and more obscene, and its obscenity with regard to the Muslims is severe, and with regard to the believers is also more severe. And talking about one's fault, whether at his presence or absence is so blameworthy that nothing is more blameworthy than that. As it is ascribed to a narration that, the said (backbiting) is more severe than committing incest with his mother in Ka'abah. It has also been ascribed to Jesus (A) that once he was walking with his disciples and they saw a spoiled carcass of a dog. The disciples said: How putrefied and smelly it is Jesus (S) said: How white its teeth backbiting ...! It is narrated that Noah (A) saw an ugly dog and said: How ugly this dog is. The

dog sat on its knee and while he was speaking eloquently said: (O, Noah!) O, messenger of God! If you are not satisfied with the creation of God, so try to change my creation. Noah was astounded and blamed himself. For forty years he was crying on himself until Almighty God addressed him: O, Noah! How longer are you going to cry? I accepted your repentance. And it is narrated from the Messenger of Allāh (S) that: If a believer, without having any excuse, tell a lie, then seventy thousands angels will curse him; and his heart will release bad smell which goes up to the Throne and the carriers of the Throne will curse him, and Almighty God shall write seventy times of adultery for his action which the least one is incestuous relationship with his mother. Telling lie is obscene, no matter who commits it, but this would be certainly obscene if committed by believer, but backbiting against believer is definitely more obscene than that. The following narration is from His Reverend who said: Whosoever annoys a believer, he would have really annoyed me; and whosoever annoys me, he has really annoyed Almighty God; and whosoever annoys Allāh, he would be cursed as mentioned by Torah, Gospel, Psalms, and The Criterion. This is the same subject that we mentioned while we were discussing about in sūrah of Al-Baqarah that backbiting against a believer and citing him as immoral, whether at his presence or absence, and annoying him all goes back to his master. Therefore whoever commits backbiting against a believer and cite him as immoral, then he would be the same as the person who has committed backbiting against his master and cite him as immoral. And committing backbiting against the master of believer who is the greatest signs of Allāh and citing him immoral is the highest and most severe sins and is the extreme and end of them; as Almighty God said: **"The evil was the consequence to those who dealt in evil, that they denied the signs of Allāh and made ridicule of them"**⁸⁴⁵. And he (S) said:

⁸⁴⁵ Al-Rūm XXX, 10.

Whoever commits backbiting against a believer of those things which he (the latter) possesses them, the Almighty God would never associate them together in Paradise, and whoever commits backbiting against a believer of those things which he (the latter) does not possess, then the cord (connection) between them will break up and the backbiter will be in the fire and what an ill-abode it is. So that, backbiting with regard to those things which the believer does not possess them adds the consequences of backbiting and telling lie both together. And he (S) said: In the Day of Resurrection a person is brought to Almighty God while his letter of deeds (in the world) is given to him. He looks at it and sees none of his good deeds in it. Then he says: O, my God, this is not my letter of deeds, because I do not see my obediences in it! He is said: Your Lord shall not be wrong and is not forgetful. Your good deeds have been erased due to your backbiting against the people. Then another person is brought and (they) give his letter of deeds to him who sees much obedience in it. He says: This is not my letter of deeds! Because I have not had such obediences. Then Almighty God says: Such and such person did backbiting against you, so that all his good deeds were written for you. And also he (S) said: A person who thinks he is a legitimate born person - while due to backbiting is eating the flesh of the people - is telling a lie. Avoid backbiting which is the food of dogs of fire. And how beautifully has composed Molavi which reads as follows:

You better find out your own faults rather than the faults of the signs of religion.

How could a man-made clay bird fly as high as the orbit of the religion. So that remain astounded without giving the negative or positive answers.

Until the burdensome duties bring you the relevant excuses.

تَمَّ كَانَ عَاقِبَةُ الَّذِينَ أَسَاؤُا السُّوَاىَ أَنْ كَذَّبُوا بِآيَاتِ اللَّهِ وَ كَانُوا بِهَا يَسْتَهْزِئُونَ

What a pity that a person cannot see except the faults.
How can a purified soul from unseen world view for just faults.
Happy is the one, who his own faults he has found out.
And ascribed to himself all the faults that he has found out.

"Does one of you like to eat the flesh of his dead brother? You would hate it". Grammatically, the said sentence is an interrogative-denial sentence; and the term **"one of you"** was used to include everybody; and by using the phrase **"eating the flesh of one's brother"** as well as emphasizing on the negative concept of the word **"like"** also connecting it to the phrase **"you would hate it"** to exaggerate the case, He wants to prohibit the backbiting through exaggeration. To liken the backbiting to eating the flesh of dead brother is for this reason that all the "names" are containers of named (those things which are called by name), and do not have any rule (existence) independently. A person who cites a believer in wickedness - except empty the believers from his delicate faith - therefore mentioning the characteristics of a believer by tongue and hearing it by ears would be similar to his flesh with no spirit in it which the backbiter is chewing it in his mouth and inserting it into one's stomach. Because inserting something into one's stomach from the way of ears is the same as inserting it into stomach from the throat, so, it is narrated that the hearer of backbiting is an accomplice to the backbiter.⁸⁴⁶ **"And be careful of your duty to Allāh"**. Fear from Allāh and do not backbite, and if you did backbiting, repent immediately, because finding faults with other persons and mentioning them by tongue is a concealed inherent characteristic of human being. On the other hand Almighty God has blamed the backbiting and has forbidding its doing, which has caused most of people to lose their hope for God's grace, therefore (He) said: **"Verily, Allāh is the Merciful**

⁸⁴⁶ نور الثقلين . Nūr-ol-Siqalain, volume 5.

Repentance Acceptor".

The inquisitive activities, apart from its method of performance are called espionage, whether to be performed by means and equipment of espionage or without them. The inquisitor (spy) should not interfere with the privacy of the people. Interference with the privacy of the people is not only prohibited by walking into, looking at or eavesdropping, but it is also prohibited with every other possible means. In sūrah of Al-Nūr it is said: **"O, you who believe! Do not enter the houses other than yours without asking permission and salute the house holder; this is more appropriate for you, and you should be mindful about this advice. And if you did not find anybody therein (and your request for permission was not responded) do not enter the house until permission is given to you; and if it is said to you: "Go back, then go back. This is more appropriate for you; and Allāh is aware of what you do. There is no sin on you if you enter the houses not used for living in, where you have deposited some property of yours; and Allāh has knowledge of what you disclose and what you conceal".**⁸⁴⁷ With regard to the contents of the said verse it may be concluded that interference with the privacy of the people, without asking their permission, and apart from the applied methods, is prohibited. For example, interference with the privacy of the people should not be even performed by using binoculars or microphones or other means of information collecting. Using the said means of information collecting is just the same as entering the house from the back of the houses. In Glorious Qur'ān it is said: **"It is not proper and virtue**

⁸⁴⁷ Al-Nūr, XXIV, 27-29.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّى تَسْتَأْذِنُوا وَتُسَلِّمُوا عَلَى أَهْلِهَا ذَلِكُمْ خَيْرٌ لَكُمْ لَعَلَّكُمْ تَذَكَّرُونَ
فَإِنْ لَمْ تَجِدُوا فِيهَا أَحَدًا فَلَا تَدْخُلُوهَا حَتَّى يُؤْذَنَ لَكُمْ وَإِنْ قِيلَ لَكُمْ ارْجِعُوا فَارْجِعُوا هُوَ أَزْكى لَكُمْ وَاللَّهُ بِمَا تَعْمَلُونَ
عَلِيمٌ لَيْسَ عَلَيْكُمْ جُنَاحٌ أَنْ تَدْخُلُوا بُيُوتًا غَيْرَ مَسْكُونَةٍ فِيهَا مَتَاعٌ لَكُمْ وَاللَّهُ يَعْلَمُ مَا تُبْدُونَ وَمَا تَكْتُمُونَ.

that you should enter your houses through the back, but the righteous is those who enter the houses through the doors".⁸⁴⁸

By taking the contents of the said verses into consideration it may be concluded that interference with the privacy of the people is forbidden and unlawful in Islam. In a comment on Article 12 of the Universal Declaration of Human Rights it is said⁸⁴⁹: "Article 12 which says: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation" has already been instructed and enjoined by Islam. In the previously cited verse of sūrah of Al-Hujurāt (**O, you who believe! Avoid much suspicion**) moreover He says: "**Not make inquisition**", that is to say, do not be curious about the personal and family affairs of other persons. It is narrated from Imam Sadiq (A) that: "Messenger of God said: Do not look for the shortcomings of the believers. Because whoever looks for faults of his religious brethren, then Almighty God would expose his faults and he would be disgraced even if he remains in his own house".⁸⁵⁰ The holy religion of Islam never authorizes interference with the internal (private) and family affairs of the people. The espionage is also forbidden unless during wars and also against those persons who are the suspect of committing espionage. Otherwise during the peace time, even if there be a possibility of perpetration of some infractions inside somebody's house, however there is no permission for inquisition. As (they) write (in

⁸⁴⁸ Al-Baqarah, II, 189.

وَلَيْسَ الْبِرُّ بِأَنْ تَأْتُوا الْبُيُوتَ مِنْ ظُهُورِهَا وَ لَكِنَّ الْبِرَّ مَنِ اتَّقَىٰ وَأَتُوا الْبُيُوتَ مِنْ أَدْوَابِهَا.

⁸⁴⁹ His Excellency Hajj Sultān Husseīn Tābandeh "Religious standpoints on Universal Declaration of Human Rights", pp. 55-57.

⁸⁵⁰ Al-Kāfi 2, 355.

الكافي، ٢، ٣٥٥، باب من طلب عثرات المؤمنين و عوراتهم، ٥ - عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عَمِيرٍ عَنْ عَلِيِّ بْنِ إِسْمَاعِيلَ عَنْ ابْنِ مُسْكَانَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ أَوْ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ ع قَالَ قَالَ رَسُولُ اللَّهِ ص لَا تَطْلُبُوا عَثْرَاتِ الْمُؤْمِنِينَ فَإِنَّ مَنْ تَتَبَعَ عَثْرَاتِ أَخِيهِ تَتَبَعَ اللَّهُ عَثْرَاتِهِ وَ مَنْ تَتَبَعَ اللَّهُ عَثْرَاتِهِ يَفْضَحْهُ وَ لَوْ فِي جُوفِ بَيْتِهِ.

narrational books) the second caliph while passing through a street in Medina at night heard voices denoting diversion and playing, so that he got angry and tried to enter the house. He knocked at the door but there was no answer. He climbed up to the roof and blamed the landlord for his illegitimate actions and committing diversion and playing. (At that period of time) the Muslims had really freedom of speech, so the landlord said: If I have committed one sin, you have committed several infractions; first of all why did you commit inquisitive action while Almighty God has commanded: "**Not make inquisition**".⁸⁵¹ Moreover, why did you not enter through the door, whereas it has been: "**Enter the houses through the doors**".⁸⁵² And also you entered without asking permission, while Almighty God said: "**Do not enter the house until permission is given to you**".⁸⁵³ And why you did not salute when you entered the house, while Almighty God said: "**Do not enter the houses other than yours without asking permission and salute the house holder**".⁸⁵⁴ The Caliph was ashamed and said I forgive you. The landlord said: This is your fifth sin, because you are the executor of Islamic instructions, therefore, how could you forgive something which is called a sin by Almighty God? This story shows the utmost freedom of Muslims, because there is no harassment, intimidation and/or dictatorship in Islam's government; and everybody has the right to supervise the enforcement of Islamic laws. At the beginning of Omar's caliphate, one of the Muslims in the mosque addressed him and

⁸⁵¹ Al-Hūjūrat XLIX, 12 "**Not make inquisition ...**".

لَا تَجَسَّسُوا.

⁸⁵² Al-Baqarah II, 189 "**Enter the houses from the doors**".

وَ أَتُوا الْبُيُوتَ مِنْ أَبْوَابِهَا.

⁸⁵³ Al-Nūr XXIV, 28 "**So, do not enter until you are permitted**".

فَلَا تَدْخُلُوهَا حَتَّى يُؤْذَنَ لَكُمْ.

⁸⁵⁴ Al-Nūr XXIV, 27 "**Do not enter the houses other than yours without asking permission; and salute the house holder**".

لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّى تَسْتَأْذِنُوا وَ تُسَلِّمُوا عَلَى أَهْلِهَا.

said: If we see any diversion in you, we will make you straight (in the right path) with our swords. The Leader of the believers Ali (A), when he used to preach in the mosque, in Kūfa, occasionally some of the Khawarij used foul languages and cursed him. Some of the companions wanted to punish them or kick them out of the mosque, but His Excellency said: Let them be free. And as long as their foul languages did not lead to practical uprising and the expediencies (interests) of the Muslims were not in danger, they were free in their speeches. But when His Excellency was informed that they were gathered out of the city of Kūfa and had started murdering those persons who were loyal to him, then he thought it was necessary to hinder their actions. And also those persons who broke their oath of allegiance, such a Sa'ad-ibn-Abi-Waqqas and Abdollah-ibn-Omar and those persons whose hypocrisy was obvious and certain such as Ash'as-ibn-Qais were all free unless they were acting against public expediencies (interests)".

If a person, in one way or another, was informed about the faults and shortcomings of other persons and desired to spread them, he shall be committing a prohibited action which is forbidden by Glorious Qur'an: **"Those who fancy of spreading rumours against the believers, for them there will be a grave chastisement in this world and in the Hereafter. Allāh knows and you do not know"**.⁸⁵⁵ One of the meanings of the said verse is that, if a fault has been observed from a believer, nobody has the right to reveal it in any place. It is on the basis of this reasoning that the Compassionate God has called **"a spiteful person"** the man who has transmitted the news and says: **"O, you who believe! If a spiteful person comes to you with certain news, try to verify it before making any decision, lest you may unknowingly harm other people and then**

⁸⁵⁵ Al-Nūr XXIV, 19.

إِنَّ الَّذِينَ يُحِبُّونَ أَنْ تَشِيعَ الْفَاحِشَةُ فِي الَّذِينَ آمَنُوا لَهُمْ عَذَابٌ أَلِيمٌ فِي الدُّنْيَا وَالْآخِرَةِ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ.

changing the form of the words, namely adding or omitting some words, as it has been narrated about some verses, or changing its meaning or changing the object of the word which Almighty God or His messenger have made for it. The meaning of the sentence: **"Those who change the words from their original place"** is to change the words after placement in the right position". According to sūrah of Al-Mū'minūn these persons are introduced by Almighty God in Glorious Qur'ān as devils, and addressing the Messenger (S) says: **"And say (O, Messenger!): O, my Lord! I seek shelter in you from evil suggestions of devils"**.⁸⁶⁰ And in sūrah of Al-Qalam in continuation says: **"A fault-finder who goes around with slander"**.⁸⁶¹ And in sūrah of Al-Hūmazah the verse of **"Woe"** has been revealed for the perpetrators of the said action which says: **"Woe to every taunter and ill-will backbiter"**.⁸⁶² In a comment on the said verse it is said⁸⁶³: "In the said verse the Arabic word "Hamaza" means "taunt", fault-finding, to make pressure, to harass, to push, to bite, and to break. And all of the said words are into the verbal mode of "Nasra and Zarba". And Arabic word of "Lamaza" means faults, and to signal by eyes and so on, to beat, to push; and the verbs are in the mode of "Nasra and Zarba". Some people have said that **"Hūmazah"** means "taunter" and **"Lūmazeh"** means "backbiter" and some others have defined them vice versa. Some people say that **"Hūmazah"** is a person who taunts at your presence but **"Lūmazah"** is a person who taunts at your absence, in such a way that their actions have become as their custom or properties. And these two inferior

⁸⁶⁰ Al-Mū'minūn XXIII, 97.

وَقُلْ رَبِّ أَعُوذُ بِكَ مِنْ هَمَزَاتِ الشَّيَاطِينِ.

⁸⁶¹ Al-Qalam LXVIII, 11.

هَمَّازٍ مَشَاءٍ بِنَمِيمٍ.

⁸⁶² Al-Hūmazah CIV, 1.

وَيْلٌ لِّكُلِّ هُمَزَةٍ لُّمَزَةٍ.

⁸⁶³ "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 14, pp. 622-623.

characteristics shall be originated from the compound of wickedness, brutality and beastliness. Because, a person with the said two qualities acts, through his wickedness, arrogantly and degrades other persons, and through his wrath repels the superiority of others who are better than him, and because of his burning ambition, he likes to be one of the people of virtue and popular for them. Whenever the said characteristics do exist in a person, he will backbite, boast and/or speak ironically just to show off himself and behaves arrogantly to degrade others and he desires by showing faults with others and covering his own faults to be popular among people. Therefore the said two characteristics are among the most abject vices and wickednesses."

Due to the above mentioned discussions we may expressly declare that inquisition within people's privacy is forbidden in Islam. This subject-matter could be applied in the international level from this point of view that Islam's government has no right to inquire or interfere with the privacy of political or non-political individuals of the other states in the world. Of course being alert and supervising the hostile measures and movements of the enemies and foreigners are excluded from the said rule, which shall be discussed in its place. As it has been already mentioned, in some cases, inquiry into the activities of those who are the suspect of collaboration with the enemy in war time or those who act as spy for the enemy are authorized.

People's privacy is respected and inquisitive activities, apart from its method of performance whether to be performed by means and equipment of espionage or without them by stepping in, looking at and/or eavesdropping with every other possible means is prohibited. Being on alert and supervising the hostile measures and movements of the enemies and foreigners are excluded from the said rule, and in cases, inquiry into the activities of those who are under suspicion of collaboration with the enemy in war time or those who spy for the enemy is authorized.

95- Principle of: Obligation for inquisition into performance of government officials, foreigners, enemies and crimes detection

As it has already been mentioned inquisition into people's private affairs (privacy) is forbidden. But there are five categories of inquisition which are known to be authorized in Islam:

1. Inquisition into activities and performance of government officials' duties and those persons working in public sector to prevent their wrongdoings.
2. Inquisition in the borderlines to prevent the entrance of harmful goods to the public safety and entrance of enemies as well.
3. Inquisition into the activities and movements of foreigners, whether enemies or others, to establish safe conditions and protect the life of the citizens from others' aggression.

4. Investigation for crime detection and punishment of the criminals and restoration of the rights to their owners.
5. Inquisition into activities and performance of inquisitors (nowadays it is called counter-espionage function)

There are various descriptions and discussions⁸⁶⁴ with regard to the abovesaid subjects which are all based on traditions and narrations, but due to the clear description and analysis mentioned in the noble book of "Wilāyatnāmeḥ", we are going to quote some parts of the said book here exactly⁸⁶⁵. "Know that the beneficent God has granted a favour and has bestowed us the "human rational soul" which is a sample of the macrocosm. And this very soul in addition to his microcosm - which is a concise copy of macrocosm – has been made as mirror to show His whole Existence which is said: **"Almighty God has created Adam similar to His own image"**.⁸⁶⁶ And how beautifully has been stated as a parable the comparison between "human being" and Beneficent the Truth Most High in the following quatrain:

The Truth Most High is the spirit of the universe, and the universe is just
like the body.

Different categories of angels are all, different powers which create
movement in this body.

The heavens, the elements, and (inanimate, vegetation and animal)
kingdoms (beings) are organs.

⁸⁶⁴ "Investigation, information and espionage", Hussein-Ali Montazeri and chapter 7 of the book: "Fundamentals of Islamic government", Ja'afar Sobhāni.

⁸⁶⁵ "Welāyatnāmah", His Excellency Hajj Sultan Mohammad Gonābādi, Haqiqat Publication, 2001, pp. 154-163.

⁸⁶⁶ Bihār-ol-Anwar, 4, 11, chapter 2.

بجاء الأأنوار، ٤، ١١، باب ٢ - تأويل قوله تعالى وَ نَفَخْتُ فِيهِ مِنْ رُوحِي وَرُوحٌ مِنْهُ وَ قوله ص خلق الله آدم على صورته.

This is the Unity; all other things are nothing but artistry.

And by way of a parable it is also said:

You are only "one" but you are thousands and thousands.

You have no clearer evidence than yourself.

Since the human being is the concise copy of the macrocosm and is a mirror to show the whole Existence of His Highness the Oneness; he is also a criterion for taking care of the folks for those who are master of the folks - whether being the master of the folks in microcosm or being the master of the folks in macrocosm. That is to say, the method of taking care of the folks should be learned from the spirit of human being. Look carefully and see how the spirit possesses informers and reporters throughout the country and its great metropolis and in all great and small powers and faculties. There could be no occasion that the reporters being careless or ignorant of performing their tasks. And the spirit would not be either heedless of the reporters' status and shall not ignore to ask and find out the situation of the country and the people who live therein. The said clandestine reporters are the sense of touch which is spread throughout the body, within principle organs as well as subordinate ones, being major or minor ones. They are so attentive and alert that if an aggressor begins its invasion they would promptly inform the king of spirit, the said king would immediately send sufficient trustees to stop the aggression, and if the invasion has already been occurred, then restore it (to its former condition). If the king himself not to be able to restore the situation, he would seek assistance from the minister of reason, and if the latter could not be of any help the king would resort to foreign states, namely the physician, the surgeon and other supporters. Look carefully and see that whether being asleep or awake, when a fly or mosquito - which are the weakest aggressors- sit on the foot

of the person, which is the farthest place in the country from the capital, namely the brain, then the trustworthy reporter which is the sense of touch, that would never postpone the commands of the king and would not betray him a bit and would never tell a lie, shall immediately inform the king. And the king shall right away send sufficient trustworthy agents that are hand or foot in this case, to repel the aggressor and remove the aggression from his citizens. And also look carefully and see how the eyes and ears are appointed as watchmen to guard all around the country, that whenever an aggressor from abroad desires to attack the country, they promptly make the king informed of the event to be able to repel the aggressors and if the king could not repel them by himself, consult with the minister of reason and seek help from foreign kings to repel the aggressor. And look carefully and see how the frontier guards, namely the sense of taste and the sense of smell, are appointed to control those things which are about to enter the country. They should investigate the case and find out whether the said things are beneficial and good, so that grant them permit of entrance, and if they are corrupt and harmful, then give warning of danger until the king prevent it from entering to country. This is the status of this king of microcosm with regard to his citizens and his country which is based on the "intuitive knowledge" and "extended perception". Now let us see what his status with regard to the people of this country is while it is based on "acquired knowledge" and "compound perception". He should take the same method and procedure of statesmanship and taking care of citizens into consideration. He should make his wisdom and reason - which functions as minister for the said king of spirit - to take care and look after his status, morals and activities, at all times. Until the reason with assistance of imagination, which is steward of reason, to be always attentive and alert and evaluate and judge all of his actions, status and morals with regard to the criteria of religious law and mystical discipline,

as a result those which accord with the said criteria, then he shall make his utmost efforts to enhance them, and those which are contrary to the said criteria, then he would avoid their repetition and set them aside. And whenever he desires to commit an action, he should see that the origin and basis of his action is the "self" and "Satan" or the "reason" and "The Beneficent". If he finds out that the origin is the "self and Satan", then he should seek refuge to God from the said origin and avoid doing it, but if he finds out that the origin is "the reason and The Beneficent", he should seek assistance from it and try to enhance the said action. Those persons who exercise self-control are able to distinguish easily between the said two origins. Because the volitional actions could not be without ultimate goals. If the "self" looks for gaining benefits out of an action then the said action would be a satanic action rather than compassionate one, because all activities of a Sufi disciple (a traveler on the mystical path) should be as worshipping and the actions of a devotee could be considered as worship when the benefit of self is not taken into consideration by the Sufi disciple Know that, similar to a person who should learn the statesmanship and taking care of the people from the spirit, with regard to his microcosm, so that the kings, governors and the rulers should also learn the statesmanship and taking care of the citizens in the macrocosm from the spirit in the method of its functioning. That is to say, if the spirit keeps trustworthy reporters throughout its guarded country which immediately report the trivial and important events of the said country, so that the kings also should have trustworthy reporters to report the trivial and important events to the capital. Moreover the reporters should not be known by the common people and nobody must be aware of their duties and clandestine reports. Because it is possible to make them covetous and by giving them bribes, change them into corrupt and treacherous persons, consequently, to ruin the country and spoil the population. And other agents should be also

appointed to supervise the tasks of the said reports and at the same time other secret reporters should be assigned in a way that none of them knowing each other, therefore when the reports are received about an event to compare them with each other and if they accord, then act upon it, but whenever they differed in their text then to investigate the case by their appointees. If one of the reporters deliberately sends wrong information, he should be punished severely but if he has made a mistake, then they should make him aware of his mistakes about the case so that he be more careful in the future, not to harm the others by your mistake. All of the necessities of the said agents should be prepared and available to prevent their wrongdoings and treachery because of their needs. Whenever they were informed that a person's rights have been infringed by the ruler and/or judge and/or of their dependents; the infringed rights should be restored as soon as possible and the wrongdoer should be punished so that the others learn a lesson, or to call the wrongdoer to the capital and to punish him as it is suitable. The kings, governors and the rulers must show great diligence in bringing about welfare for the citizens and the required conditions for every person to be busy on his job, for development of the country, since through development of country the public treasury would get to its best condition. The salary and necessities of the governors and the rulers should be also paid out of public treasury to prevent them to infringe others rights due to their needs. Because whenever they encroach on others' property, they shall not be able to prevent their subordinates and civil servants to do such an action. And if they shall not prevent subordinates and civil servants, consequently the citizens would encroach on each other; consequently the country would be ruined - as we can observe at this period of time. A trustworthy and competent judge should be assigned to each region and the trial proceedings must be in accordance with the purified Islamic laws. The salary and necessities of the judges should be paid out of

public treasury to prevent them to accept bribes because of their needs. If a judge accepts bribes, then the religion and the life of the citizens would be destroyed, which is worse than a corrupt ruler. Because the latter would ruin the worldly life of the people but the corrupt judge would ruin the religion and the life of the people both. There is a narration which says: **"They are more harmful for our poor followers than Yazid's army against Imam Hussein (A) and his companions".**⁸⁶⁷ This narration

⁸⁶⁷ Bihār-ol-Anwar, 2, 88, chapter 12-14.

بحار الأنوار، ٢، ٨٨، باب ١٢-١٤-م، [تفسير الإمام عليه السلام] ج، [الإحتجاج] بالإسناد إلى أبي محمد العسكري ع في قوله تعالى وَ مِنْهُمْ أُمِّيُونَ لَا يَعْلَمُونَ الْكِتَابَ إِلَّا أَمَانِيٌّ قَالَ ع ثُمَّ قَالَ اللَّهُ تَعَالَى يَا مُحَمَّدُ وَ مِنْ هَؤُلَاءِ الْيَهُودَ أُمِّيُونَ لَا يَقْرَءُونَ الْكِتَابَ وَ لَا يَكْتُبُونَ كَالْأُمِّيِّ مَنْسُوبٌ إِلَى أُمِّهِ هُوَ كَمَا خَرَجَ مِنْ بَطْنِ أُمِّهِ لَا يَقْرَأُ وَ لَا يَكْتُبُ لَا يَعْلَمُونَ الْكِتَابَ الْمَنْزِلَ مِنَ السَّمَاءِ وَ لَا الْمُنْتَكَذِبَ بِهِ وَ لَا يَمَيِّزُونَ بَيْنَهُمَا إِلَّا أَمَانِيٌّ أَيُّ إِلَّا أَنْ يَقْرَأَ عَلَيْهِمْ وَ يُقَالُ هَذَا كِتَابُ اللَّهِ وَ كَلَامُهُ لَا يَعْرِفُونَ إِنْ قُرِئَ مِنَ الْكِتَابِ خِلَافَ مَا فِيهِ وَ إِنْ هُمْ إِلَّا يَطْنُونَ أَيُّ مَا يَقْرَأَ عَلَيْهِمْ رُؤْسَاؤُهُمْ مِنْ تَكْذِيبِ مُحَمَّدٍ ص فِي نُبُوَّتِهِ وَ إِمَامَةِ عَلِيِّ ع سَيِّدِ عَرْتَرْتِهِ ع وَ هُمْ يَقْلِدُونَهُمْ مَعَ أَنَّهُ مَحْرَمٌ عَلَيْهِمْ تَقْلِيدَهُمْ فَوَيْلٌ لِلَّذِينَ يَكْتُبُونَ الْكِتَابَ بِأَيْدِيهِمْ ثُمَّ يَقُولُونَ هَذَا مِنْ عِنْدِ اللَّهِ لِيَشْتَرُوا بِهِ ثَمَنًا قَلِيلًا قَالَ ع قَالَ اللَّهُ تَعَالَى هَذَا الْقَوْمُ مِنَ الْيَهُودِ كَتَبُوا صِفَةَ زَعَمُوا أَنَّهَا صِفَةُ مُحَمَّدٍ ص وَ هِيَ خِلَافُ صِفَتِهِ وَ قَالُوا لِلْمُسْتَضْعَفِينَ مِنْهُمْ هَذِهِ صِفَةُ النَّبِيِّ الْمُبْعُوثِ فِي آخِرِ الزَّمَانِ أَنَّهُ طَوِيلٌ عَظِيمُ الْبَدَنِ وَ الْبَطْنِ أَصْهَبُ الشَّعْرِ وَ مُحَمَّدٌ ص بِخِلَافِهِ وَ هُوَ يَجِيءُ بَعْدَ هَذَا الزَّمَانِ بِخَمْسِمِائَةِ سَنَةٍ وَ إِنَّمَا أَرَادُوا بِذَلِكَ لِنَبِيِّهِمْ لَمْ يَكُنْ عَلَيْهِمْ رِئَاسَتُهُمْ وَ تَدْرُجُ لَهُمْ إِيصَابَتُهُمْ وَ يَكْفُوا أَنْفُسَهُمْ مَثْوَى خِدْمَةِ رَسُولِ اللَّهِ ص وَ خِدْمَةِ عَلِيِّ ع وَ أَهْلِ خِصْمَتِهِ فَقَالَ اللَّهُ عَزَّ وَ جَلَّ فَوَيْلٌ لَكُمْ مِمَّا كَتَبْتُمْ أَيْدِيَهُمْ وَ وََيْلٌ لَكُمْ مِمَّا يَكْسِبُونَ مِنْ هَذِهِ الصِّفَاتِ الْخُرْفَاتِ الْمَخَالَفَاتِ لَصِفَةِ مُحَمَّدٍ ص وَ عَلِيِّ ع الشَّدَّةِ لَهُمْ مِنَ الْعَذَابِ فِي أَسْوَأِ بَقَاعِ جَهَنَّمَ وَ وََيْلٌ لَكُمْ مِنَ الشَّدَّةِ مِنَ الْعَذَابِ ثَانِيَةً مِضَافَةً إِلَى الْأُولَى مِمَّا يَكْسِبُونَهُ مِنَ الْأَمْوَالِ الَّتِي يَأْخُذُونَهَا إِذَا ثَبَتُوا أَعْوَامَهُمْ عَلَى الْكُفْرِ بِمُحَمَّدٍ رَسُولِ اللَّهِ ص وَ الْجُحْدِ لَوْصِيَةِ أَخِيهِ عَلِيِّ بْنِ أَبِي طَالِبٍ وَ لِي اللَّهِ ثُمَّ قَالَ ع قَالَ رَجُلٌ لِلصَّادِقِ ع فَإِذَا كَانَ هَؤُلَاءِ الْقَوْمُ مِنَ الْيَهُودِ لَا يَعْرِفُونَ الْكِتَابَ إِلَّا بِمَا يَسْمَعُونَهُ مِنْ عِلْمَانِهِمْ لَا سَبِيلَ لَهُمْ إِلَى غَيْرِهِ فَكَيْفَ ذَمُّهُمْ بِتَقْلِيدِهِمْ وَ الْقَبُولِ مِنْ عِلْمَانِهِمْ وَ هَلْ عَوَامُ الْيَهُودِ إِلَّا كَعَوَامِنَا يَقْلِدُونَ عِلْمَاءَهُمْ فَإِنْ لَمْ يَجِزْ لِأَوْلَئِكَ الْقَبُولِ مِنْ عِلْمَانِهِمْ لَمْ يَجِزْ لِهَؤُلَاءِ الْقَبُولِ مِنْ عِلْمَانِهِمْ فَقَالَ ع بَيْنَ عَوَامِنَا وَ عِلْمَانِنَا وَ بَيْنَ عَوَامِ الْيَهُودِ وَ عِلْمَانِهِمْ فَرَقٌ مِنْ جِهَةٍ وَ تَسْوِيَةٌ مِنْ جِهَةٍ أَمَا مِنْ حَيْثُ اسْتَوُوا فَإِنَّ اللَّهَ قَدْ ذَمَّ عَوَامِنَا بِتَقْلِيدِهِمْ عِلْمَاءَهُمْ كَمَا ذَمَّ عَوَامَهُمْ وَ أَمَا مِنْ حَيْثُ افْتَرَقُوا فَلَا قَالَ بَيْنَ لِي يَا ابْنَ رَسُولِ اللَّهِ قَالَ ع إِنْ عَوَامُ الْيَهُودِ كَانُوا قَدْ عَرَفُوا عِلْمَانَهُمْ بِالْكَذِبِ الصَّرِيحِ وَ بِأَكْلِ الْحَرَامِ وَ الرِّشَاءِ وَ بِتَغْيِيرِ الْأَحْكَامِ عَنْ وَاجِبِهَا بِالشَّفَاعَاتِ وَ الْعِنَايَاتِ وَ الْمُصَانَعَاتِ وَ عَرَفُوهُمْ بِالتَّعَصُّبِ الشَّدِيدِ الَّذِي يَفَارِقُونَ بِهِ أَدْيَانَهُمْ وَ أَنَّهُمْ إِذَا تَعَصَّبُوا أَرَالُوا حَقُوقَ مَنْ تَعَصَّبُوا عَلَيْهِ وَ أَعْطَوْا مَا لَا يَسْتَحِقُّهُ مَنْ تَعَصَّبُوا لَهُ مِنْ أَمْوَالِ غَيْرِهِمْ وَ ظَلَمُوهُمْ مِنْ أَجْلِهِمْ وَ عَرَفُوهُمْ بِقَارْفُونَ الْحَرَمَاتِ وَ اضْطَرُّوا بِمَعَارِفِ قُلُوبِهِمْ إِلَى أَنْ مِنْ فَعَلٍ مَا يَفْعَلُونَهُ فَهُوَ فَاسِقٌ لَا يَجُوزُ أَنْ يَصْدُقَ عَلَى اللَّهِ وَ لَا عَلَى الْوَسَائِطِ بَيْنَ الْخَلْقِ وَ بَيْنَ اللَّهِ فَلِذَلِكَ ذَمُّهُمْ لَمَّا قَلَدُوا مِنْ قَدْ عَرَفُوا وَ مِنْ قَدْ

علموا أنه لا يجوز قبول خبره و لا تصديقه في حكاياته و لا العمل بما يؤديه إليهم عنم لم يشاهدوه و وجب عليهم النظر بأنفسهم في أمر رسول الله ص إذ كانت دلالة أوضح من أن تخفى و أشهر من أن لا تظهر لهم و كذلك عوام أمتنا إذا عرفوا من فقهاءهم الفسق الظاهر و العصبية الشديدة و التكالب على حطام الدنيا و حرامها و إهلاك من يتعصبون عليه و إن كان لإصلاح أمره مستحقا و الترفرف بالبر و الإحسان على من تعصبوا له و إن كان للإذلال و الإهانة مستحقا فمن قلد من عوامنا مثل هؤلاء الفقهاء فهم مثل اليهود الذين ذمهم الله تعالى بالتقليد لفسقة فقهاءهم فأما من كان من الفقهاء صائنا لنفسه حافظا لدينه مخالفا على هواه مطيعا لأمر مولاه فللعوام أن يقلدوه و ذلك لا يكون إلا بعض فقهاء الشيعة لا جميعهم فأما من ركب من القبائح و الفواحش مراكب فسقة فقهاء العامة فلا تقبلوا منهم عنا شيئا و لا كرامة و إنما كثر التخليط فيما يتحمل عنا أهل البيت لذلك لأن الفسقة يتحملون عنا فيحرفونه بأسره لجهلهم و يضعون الأشياء على غير وجوها لقلّة معرفتهم و آخريّن يتعمدون الكذب علينا ليجروا من عرض الدنيا ما هو زادهم إلى نار جهنّم و منهم قوم نصاب لا يقدرّون على القدح فينا فيتعلمون بعض علومنا الصحيحة فيتوجهون به عند شيعتنا و ينتقصون بنا عند نصابنا ثم يضيفون إليه أضعافه و أضعاف أضعافه من الأكاذيب علينا التي نحن برآء منها فيقبله المستسلمون من شيعتنا على أنه من علومنا فضلوا و أضلوا و هم أضر على ضعفاء شيعتنا من جيش يزيد عليه اللعنة على الحسين بن علي ع و أصحابه فإنهم يسلبونهم الأرواح و الأموال و هؤلاء علماء السوء الناصبون المتشبهون بأنهم لنا موالون و لأعدائنا معادون يدخلون الشك و الشبهة على ضعفاء شيعتنا فيضلّونهم و يمنعونهم عن قصد الحقّ المصيب لا جرم أن من علم الله من قلبه من هؤلاء العوام أنه لا يريد إلا صيانة دينه و تعظيم وليه لم يتركه في يد هذا المتلبس الكافر و لكنه يقيض له مؤمنا يقف به على الصواب ثم يوفقه الله للقبول منه فيجمع الله له بذلك خير الدنيا و الآخرة و يجمع على من أضله لعن الدنيا و عذاب الآخرة ثم قال قال رسول الله ص شرار علماء أمتنا المضلون عنا القاطعون للطرق إلينا المسمون أضدادنا بأسمائنا الملقبون أندادنا بألقابنا يصلون عليهم و هم للعن مستحقون و يلعنونا و نحن بكرامات الله مغمورون و بصلوات الله و صلوات ملائكته المقربين علينا عن صلواتهم علينا مستغنون ثم قال قيل لأمر المؤمنين ع من خير خلق الله بعد أئمة الهدى و مصاييح الدجى قال العلماء إذا صلحوا قيل و من شر خلق الله بعد إبليس و فرعون و نمرود و بعد المتسمين بأسمائكم و بعد المتلقين بألقابكم و الآخذين لأمكنتمكم و المتأمرين في ممالككم قال العلماء إذا فسدوا هم المظهرون للأباطيل الكاثمون للحقائق و فيهم قال الله عز و جل **أُولَئِكَ يَلْعَنُهُمُ اللَّهُ وَيَلْعَنُهُمُ اللَّاعِنُونَ إِلَّا الَّذِينَ** تابوا الآية إيضاح قوله ع أي إلا أن يقرأ عليهم قال البيضاوي استثناء منقطع و الأماي جمع أمنية و هي في الأصل ما يقدره الإنسان في نفسه من منى إذا قدر و لذلك تطلق على الكذب و على كل ما يتمنى و ما يقرأ و المعنى و لكن يعتقدون أكاذيب أخذوها تقليدا من المحرفين أو مواعيد فازعة سمعوا منها من أن الجنة لا يدخلها إلا من كان هودا و أن النار لن تمسهم إلا أياما معدودة و قيل إلا ما يقرءون قراءة عارية عن معرفة المعنى و تدبره من قوله تمنى كتاب الله أول ليلة. تمنى داود الزبور على رسل. و هو لا يناسب وصفهم بأنهم أميون. أقول على تفسيره ع لا يرد ما أورده فإن المراد حينئذ القراءة عليهم لا قراءتهم و هو أظهر التفسير لفظا و معنا قوله أصهب الشعر قال الجوهري الصهبة الشقرة في شعر الرأس قوله ع و أهل خاصته أي أهل سره أو الإضافة بيانية قوله ع و التكالب قال الفيروزآبادي المكالبة المشاركة و المضايقة. و التكالب التواثب قوله و الترفرف هو بسط الطائر جناحيه و هو

alludes to aforementioned judges and the corrupt Ūlamā (jurisconsults). The king should be attentive and cautious, that whenever he is informed by the trustworthy reporters that one of the governors, rulers and/or judges have infringed others' rights or have rendered wrongful judgments or have accepted bribes, then to punish him severely and make it well-publicized to be a lesson for others. The decisions taken by the kings, governors and the judges must be in accordance with the luminous religious laws. If the trustworthy reporters inform the kings that the decisions are against (religious laws), then the decision makers should be punished, but the final judgment should not be changed. That is to say, there is a principle in religious laws that whenever an ecclesiastical judge (Islamic judge) renders a judgment (when he says: my decision is such and such), his decision should not be changed, so that the property should be taken from the respondent and given to the plaintiff. If subsequently it is proved that the decision of the judge has been based on the testimony of the witnesses which have deliberately told a lie or have been mistaken in their testimony, then the witnesses should be reprimanded and the respondent's property must be taken from the witnesses or given out of public treasury, namely, the judgment rendered by the judge should not be broken. Therefore decision taken by the religious judges and/or governors should not be changed consequently citizens would trust in their rulings. And if the said decisions were proved to be unjust then to compensate the losses from another source and not to change the previous decisions. But nowadays, it seems that the public officials and judges take the principles of religious laws as an innovation. There are few of them who follow the said principles. Like the issue of usury as it is common recently but nobody

كناية عن اللطف و في بعض النسخ الرفوف يقال رف فلانا أي أحسن إليه فيتوجهون أي يصيرون ذوي جاه و وجه معروف قوله و ينتقصون بنا أي يعيبوننا قوله ع يقبض له أي يسب له.

cares in doing it. Trustworthy guards and patrols should be kept at the frontiers and borders of the country to send required information about the movements of the enemies to prevent the sudden attacks of the enemies and their dominance. At the entrance and exit gates of the cities the gate keepers should be stationed to investigate the status of the entrants to prevent them of bringing clandestinely those things which seems to be harmful for the government, citizens and the country. They should be well aware of the entrance and the exit of the entrants. Nowadays that public post offices and telegraph offices are established in many places, it would be too easy to perform such duties. If the management of state affairs to be based on the said procedures, then the superiors and subordinates as well as the friends and foes shall be all busy on their jobs to make their livings in this world and being prepared for the Day of Judgment, consequently the country would be developed and the government would be rich. As I understand most of the governors take gifts from the rulers and subsequently the rulers take gifts from their representatives (deputies)! I have heard that, they have called the said issue "the representation fees" which the representative should pay for holding his position. And the representatives receive (money and property) from the village headmen and later on the village headmen shall infringe the rights of citizens as far as they can which is contrary to reason, religious laws and custom. Because receiving something from a governor means that I sold the province as well as its population to you so do what you wish. Consequently the governor, inevitably while looking for excuse shall take everything he can from the rulers and citizens, and the rulers, representatives and the village headmen shall follow the same. This kind of actions would prevent the citizens to continue their works namely to fulfill their function, and even their last dime would be taken; until those poor people who live in abject poverty would not be able to set up any kind of occupation, consequently the

country gradually will be ruined, and the bad conditions of the citizens and destruction of the country would create bad conditions for representatives, rulers, governors and the king and the public treasury as well. The prudence and foresight require that the king be well-aware that how the governors and rulers fulfill their functions. If the king desires to receive something from the governors, it would be better to take it directly from the citizens, consequently the citizens would not be under obligation to pay to several officials. The budget and the expenditures of the governors and rulers should be paid out of the public treasury. And whenever one of the public officials encroaches on others' property, punish him. The governors and the rulers should be prevented to live a luxurious life being always in need of extra budget to spend. In this regard the Islam's caliphs should be taken as paragon, concerning their way of living. If it is considered that they have lived in old time then the leaders of France (foreign countries) can be an example for them. Because the latter do not conduct luxurious life and try to develop country and prosperous people. Moreover they have a public treasury with enough savings. Whenever they appoint a person as governor in a certain place he should have full authority and be independent and without being interfered with his tasks. If a complainant who resides in one of the provinces sends his complaint to the capital, then in case the complaint be against another citizen, it should be sent back to the governor of the place where the complainant lives but if the complaint be against the governor, no action shall be taken against the governor until the investigation is done and the true information is received from the clandestine reporters. If the complainant, had raised a wrong complaint then he would be one of the wrongdoers who must be punished, but if the investigation of the reporters show that the governor has perpetrated an unjust action then the governor must be punished. But the execution of the punishment should not be in a manner to make citizens to be audacious

against other governors...."

The following categories of inquisition are known to be authorized:

- 1. Inquisition into activities and performance of government officials' duties and those persons working in public sector to prevent their wrongdoings.*
- 2. Inquisition in the borderlines to prevent the entrance of harmful goods to the public safety and entrance of enemies as well.*
- 3. Inquisition into the activities and movements of foreigners, whether enemies or others, to establish safe conditions and to protect the life of the citizens from others' aggression.*
- 4. Investigation for crime detection and punishment of the criminal and restoration of the rights to the owner.*
- 5. Inquisition into activities and performance of inquisitors (counter-espionage function).*

APPENDICES

REFERENCES AND RESOURCES

Persian References

- حضرت حاج دکتر نورعلی تابنده، مجموعه مقالات فقهی-اجتماعی، انتشارات حقیقت،

تهران، ۱۳۸۰، ^{۸۶۸} <http://www.sufism.ir>

- حضرت حاج دکتر نورعلی تابنده، «حضرت سید نورالدین شاه نعمت الله ولی» عرفان

ایران، گردآوری و تدوین دکتر سید مصطفی آزمایش، شماره ۱۵، صص ۲۰-۵،

انتشارات حقیقت، ۱۳۸۲، تهران. ^{۸۶۹} <http://www.sufism.ir>

- حضرت حاج دکتر نورعلی تابنده، برده‌داری در اسلام، عرفان ایران، گردآوری و تدوین

دکتر سید مصطفی آزمایش، شماره ۱۹ انتشارات حقیقت، ۱۳۸۳، تهران. ^{۸۷۰}

<http://www.sufism.ir>

- حضرت حاج دکتر نورعلی تابنده مجذوب‌علیشاه، صلح ادیان، متن پیام افتتاحیه به کنفرانس

صلح ادیان، بنیاد هماهنگی ادیان و صلح جهانی (Foundation for Religious

Harmony and Universal Peace)، ۲۹-۳۱ فروردین ۱۳۸۴، (۲۰-۱۸ آوریل ۲۰۰۵)،

⁸⁶⁸ His Excellency Hājj Dr. Nūr-Ali Tābandeh, "A collection of social-jurisprudential articles", Haqiqat Publication, 2001, Tehran.

⁸⁶⁹ His Excellency Hājj Dr. Nūr-Ali Tābandeh. "His Excellency Seyyid Nūr-ed-Din Shāh Ne'matollah Wali". Iran's Mysticism (Journal), compiled and edited by Dr. Seyyid Mostafā Azmāyesh, No. 15, Haqiqat Publication, pp. 5-20, 2003, Tehran and Paris.

⁸⁷⁰ His Excellency Hājj Dr. Nūr-Ali Tābandeh. "Slavery in Islam", Iran's Mysticism (Journal), compiled and edited by Dr. Seyyid Mostafā Azmāyesh, No. 19, Haqiqat Publication, 2004, Tehran and Paris.

هندوستان، دهلی نو. عرفان ایران، مجموعه مقالات، گردآوری و تدوین دکتر سید

مصطفی آزمایش، شماره ۲۲، انتشارات حقیقت، صص ۹-۵، ۱۳۸۴، تهران.^{۸۷۱}

<http://www.sufism.ir>

▪ حضرت حاج دکتر نورعلی تابنده، ایران فرهنگی، ایران سیاسی، عرفان ایران، گردآوری

و تدوین دکتر سید مصطفی آزمایش، شماره ۳، صص ۱۴-۸، انتشارات حقیقت، ۱۳۷۹،

تهران.^{۸۷۲} <http://www.sufism.ir>

▪ حضرت حاج دکتر نورعلی تابنده، حقوق تطبیقی، مدرسه عالی قضایی و اداری قم،

۱۳۵۶، قم.^{۸۷۳} <http://www.sufism.ir>

▪ حضرت حاج سلطانحسین تابنده، رهنمای سعادت، ترجمه مقدمه تفسیر بیان السعاده فی

مقامات العباده با هفت سوره، انتشارات حقیقت، ۱۳۴۲.^{۸۷۴} <http://www.sufism.ir>

▪ حضرت حاج سلطانحسین تابنده، نظر مذهبی به اعلامیه حقوق بشر، انتشارات صالح،

چاپ دوم، ۱۳۵۴، تهران.^{۸۷۵} <http://www.sufism.ir>

⁸⁷¹ His Excellency Hājj Dr. Nūr-Ali Tābandeh, Majzūb Ali Shah, "Religions peace", text of inauguration message to the peace conference, Foundation for Religious Harmony and Universal Peace, 18-20 April 2005 New Delhi, India, Iran's Mysticism (Journal). Collection of Articles, compiled and edited by Dr. Seyyid Mostafā Azmāyesh, No. 22, Haqiqat Publication, 2005, pp. 5-9, Tehran and Paris.

⁸⁷² His Excellency Hājj Dr. Nūr-Ali Tābandeh, "Cultural Iran - Political Iran". Iran's Mysticism (Journal), compiled and edited by Dr. Seyyid Mostafā Azmāyesh, No. 3, pp.8-14, Haqiqat Publication, 2000, Tehran and Paris.

⁸⁷³ His Excellency Hājj Dr. Nūr-Ali Tābandeh, "Comparative law", Judicial and Management Institute of Qom, 1977.

⁸⁷⁴ His Excellency Hājj Sultān Hussein Tābandeh, "A Guide to prosperity", translation of the introduction to exegesis of Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah with seven sūrahs, Haqiqat Publication, 1963.

⁸⁷⁵ His Excellency Hājj Sultān Hussein Tābandeh, "Religious standpoints on Universal Declaration of Human Rights". Salih Publication, 2nd ed., 1975.

- حضرت حاج سلطانحسین تابنده، قرآن مجید و سه داستان اسرار آمیز عرفانی، چاپ سوم،

انتشارات حقیقت، ۱۳۶۵، تهران.^{۸۷۶} <http://www.sufism.ir>

- حضرت حاج سلطانحسین تابنده، نابغه علم و عرفان، شرح حال حضرت حاج ملا

سلطانمحمد بیدختی گنابادی سلطانعلیشاه، چاپ دوم، انتشارات حقیقت، ۱۳۵۰، تهران.^{۸۷۷}

<http://www.sufism.ir>

- حضرت حاج سلطانحسین تابنده، چهل گوهر تابنده، منتخبی از سخنرانی‌های حضرت

حاج سلطانحسین تابنده گنابادی، انتشارات آشنا، ۱۳۸۳، تهران.^{۸۷۸}

<http://www.sufism.ir>

- حضرت حاج ملا علی بیدختی گنابادی، صالحیه، چاپ دوم، چاپخانه دانشگاه تهران،

۱۳۴۶. چاپ سوم ۱۳۵۱، تهران.^{۸۷۹} <http://www.sufism.ir>

- حضرت حاج ملا علی بیدختی گنابادی، ذوالفقار، در حرمت کشیدن تریاک، چاپ

چهارم، انتشارات حقیقت، ۱۳۸۲، تهران.^{۸۸۰} <http://www.sufism.ir>

- حضرت حاج ملا سلطانمحمد بیدختی گنابادی، بشارت المؤمنین، انتشارات حقیقت،

⁸⁷⁶ His Excellency Hājī Sultān Hussein Tābandeh, "Glorious Qur'ān and three mysterious mystical stories", 3rd ed., Tehran, Haqiqat Publication, 1986.

⁸⁷⁷ His Excellency Hājī Sultān Hussein Tābandeh. "The scientific and mystical genius" The Biography of His Excellency Hajj Sultān-Muhammad Beydokhti Gonābādi Sultān-Ali Shah, 2nd ed., Haqiqat Publication, 1971, Tehran.

⁸⁷⁸ His Excellency Hājī Sultān Hussein Tābandeh. "Forty Radiant Jewels", A Selection of His Excellency's Lectures. Āshnā Publication, 2004, Isfahan, Iran.

⁸⁷⁹ His Excellency Hājī Sultān-Muhammad Beydokhti Gonābādi. "Salihiyeh", 2nd ed., Tehran University Publication, 1967, 3rd ed. 1972. Tehran.

⁸⁸⁰ His Excellency Hājī Sultān-Muhammad Beydokhti Gonābādi. "Dhulfiqār, in prohibition of opium smoking". 4th ed., Haqiqat Publication, 2003, Tehran.

تهران، ۱۳۶۰، ^{۸۸۱} <http://www.sufism.ir>

- حضرت حاج ملا سلطان محمد بیدختی گنابادی، بیان السعادة في مقامات العبادۃ. ترجمه حشمت الله ریاضی و محمد آقا رضاخانی، سازمان چاپ و انتشارات وزارت فرهنگ و

ارشاد اسلامی، ۱۳۷۷، تهران، ^{۸۸۲} <http://www.sufism.ir>

- حضرت حاج ملا سلطان محمد بیدختی گنابادی، سعادتنامه، تصحیح و تعلیقات حسینعلی

کاشانی بیدختی، انتشارات حقیقت، ۱۳۷۹، تهران، ^{۸۸۳} <http://www.sufism.ir>

- حضرت حاج ملا سلطان محمد بیدختی گنابادی، مجمع السعادات، انتشارات حقیقت،

تهران، ۱۳۷۸، ^{۸۸۴} <http://www.sufism.ir>

- حضرت حاج ملا سلطان محمد بیدختی گنابادی، ولایت نامه، انتشارات حقیقت، ۱۳۸۰، ^{۸۸۵}

<http://www.sufism.ir>

- اُتفریه هوفه، درباره عدالت، برداشتهای فلسفی. ترجمه امیر طبری، نشر اختران، ۱۳۸۳،

تهران، ^{۸۸۶}

⁸⁸¹ His Excellency Hājj Sultān-Muhammad Beydokhti Gonābādi. "Bisharat-el-Mu'minin", Haqiqat Publication, 1981, Tehran.

⁸⁸² His Excellency Hājj Sultān-Muhammad Beydokhti Gonābādi, "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah". Translated to Farsi by Heshmatollāh Riyazi and Muhammad Aga Reza Khāni. The Organization of Publication and Printing of the Ministry of Culture and Islamic Guidance, 1998, Tehran.

⁸⁸³ His Excellency Hājj Sultān-Muhammad Beydokhti Gonābādi, "Sa'ādatnāmeḥ". Rectification and marginal notes by Hussein-Ali Kāshāni Beydokhti, Haqiqat Publication, 2000, Tehran.

⁸⁸⁴ His Excellency Hājj Sultān-Muhammad Beydokhti Gonābādi, "Majmā-o-Sa'ādah" Haqiqat Publication, 1999, Tehran.

⁸⁸⁵ His Excellency Hājj Sultān-Muhammad Beydokhti Gonābādi, "Wilāyat Nāmah" Haqiqat Publication, 2001.

⁸⁸⁶ Otfried Höffe, Politische Gerechtigkeit, Political Justice ..., 1995. Translated by

- احمد رشيد، اسلام و حقوق بين الملل عمومى، ترجمه حسين سيدى، ۱۳۵۳. ^{۸۸۷}
- ارسنجانى، حسن، حاکمیت دولتها، چاپ جیبی، ۱۳۴۲، تهران. ^{۸۸۸}
- آشتیانی، استاد سید جلال الدین، شرح مقدمه قیصری بر فصوص الحکم شیخ اکبر
محيى الدين ابن عربى، انتشارات امیر کبیر، ۱۳۷۰، تهران. ^{۸۸۹}
- آلاپوش، علی، علیرضا توتوتچیان، دیپلمات و دیپلماسی، مؤسسه چاپ و انتشارات
وزارت امور خارجه، ۱۳۷۲، تهران. ^{۸۹۰}
- اوستا، جلیل دوستخواه، انتشارات مروارید، چاپ سوم، ۱۳۶۱، تهران. ^{۸۹۱}
- آیت الله حسینعلی منتظرى، تجسس، اطلاعات و استخبارات، چاپ کمیته انقلاب
اسلامی. ^{۸۹۲}
- آیت الله سید روح الله موسوی خمینی، تعلیم و تعلم از دیدگاه شهید ثانی و امام خمینی،
سید احمد فهري، مرکز نشر فرهنگى رجاء، ۱۳۶۷، تهران. ^{۸۹۳}
- آیت الله سید روح الله موسوی خمینی، تفسیر سوره حمد، مؤسسه تنظیم و نشر آثار امام

Amir Tabari, Akhtaran Publication, 2004.

⁸⁸⁷ Ahmad Rashid. "Islam and public international law". Translated by Hussein Seyyidi, 1974.

⁸⁸⁸ Arsanjāni, Hassan. "The Sovereignty of the states", Pocket Book (Publication), 1963, Tehran.

⁸⁸⁹ Āshtiyani, Ostād Seyyid Jalal-ed-Din. A description to Qaissari's introduction on fosūs-ol-hekam of Sheik Akbar Mūhy-ed-Din Ibn-Arabi. Amir Kabir Publication, 1991.

⁸⁹⁰ Ālādpūsh, Ali and Ali-Reza Tūtūncheeyan. Diplomacy and diplomats. Institute of Publication and Printing of Ministry of Foreign Affairs, 1993, Tehran.

⁸⁹¹ Jalil Dūstkhāh. Avestā, Morvarid Publication, 3rd ed., 1982, Tehran.

⁸⁹² Āyat-ollah Hussein-Ali Montazeri, "Investigation, information and espionage". Islamic Revolution Committee.

⁸⁹³ Āyat-ol-lah Seyyid Rūh-ol-lah Mūsavi Khomeini, "Education from Shahid Thāni, and Khomeini's standpoints", Seyyed Ahmad Fahri, Raja Cultural Publication Center, 1988, Tehran.

خمینی، چاپ دوم، ۱۳۷۵، و چاپ پیام آزادی، تهران. ۸۹۴

▪ آیت‌الله سید روح‌الله موسوی خمینی، مصباح الهدایة الی الخلافة و الولاية، ترجمه سید

احمد فهری، چاپ پیام آزادی، ۱۳۶۰، تهران. ۸۹۵

▪ آیت‌الله سید روح‌الله موسوی خمینی، مقاله‌ای در لقاءالله، توبیخ امام خمینی منکران

معارف را، در رساله لقاءالله، آیت‌الله میرزا جواد ملکی تبریزی. به اهتمام سید احمد

فهری، چاپ طلوع آزادی، ۱۳۷۲، تهران. ۸۹۶

▪ آیت‌الله سید روح‌الله موسوی خمینی، پیغام به گورباچوف، انوار تابان ولایت، مرکز چاپ

سپاه پاسداران انقلاب اسلامی، تهران. ۸۹۷

▪ آیت‌الله سید روح‌الله موسوی خمینی، فرهنگ دیوان اشعار امام خمینی، چاپ دوم،

مؤسسه تنظیم و نشر آثار امام خمینی، ۱۳۷۳، تهران. ۸۹۸

▪ بیژن بیدآباد، جهان بینی اجتماعی عرفان و تصوف اسلامی، جلد ۱: مبانی عرفانی اقتصاد

اخلاق در اسلام، روش‌شناسی علم، اخلاق، اقتصاد سبز از دیدگاه حکمت. تهران،

⁸⁹⁴ Āyat-ollah Seyyid Rūh-ol-lah Mūsavi Khomeini, "Interpretation of sūrah of Hamd" The Institutes of Compiling and Publishing Khomeini's Works, 2nd ed., 1996; and printed also by Payām Azādi (Publication), Tehran.

⁸⁹⁵ Āyat-ollah Seyyid Rūh-ol-lah Mūsavi Khomeini, "Mesbah-ol-Hidayah". Translated by Seyyid Ahmad Fahri, Printed by Payām Azādi (Publication), 1981, Tehran.

⁸⁹⁶ Āyat-ollah Seyyid Rūh-ol-lah Mūsavi Khomeini. "An Article on meeting Lord, reprimanding those who are against knowledge" in "On meeting Lord" written by Āyat-ol-lah Jawād Maleki Tabrizi. Edited by Seyyid Ahmad Fahri. Printed by Tolu'a Azādi, 1993, Tehran.

⁸⁹⁷ Āyat-ollah Seyyid Rūh-ol-lah Mūsavi Khomeini. "A message to Gūrbāchev". The radiant rays of wilayat", Printing Center of Islamic Revolutionary Guard Corp.

⁸⁹⁸ Āyat-ollah Seyyid Rūh-ol-lah Mūsavi Khomeini. The poetical works of Khomeini". The Institutes of Compiling and Publishing Khomeini's Works, 2nd ed., 1994. Tehran.

<http://www.bidabad.ir/doc/mabani-erfani-akhlaq.pdf> ^{۸۹۹} ۱۳۹۶،

- بیژن بیدآباد، جهان بینی اجتماعی عرفان و تصوف اسلامی، جلد ۲: مبانی عرفانی اقتصاد اسلامی، پول، بانک، بیمه و مالیه از دیدگاه حکمت. تهران، ۱۳۸۳. ^{۹۰۰}

<http://www.bidabad.ir/doc/mabani-erfani-eqtesade-islami.pdf>

- بیژن بیدآباد، جهان بینی اجتماعی عرفان و تصوف اسلامی، جلد ۳: مبانی عرفانی تجارت بین الملل در اسلام، بررسی موافقتنامه‌های سازمان تجارت جهانی از دیدگاه حکمت. تهران، ۱۳۹۰. ^{۹۰۱}

<http://www.bidabad.ir/doc/mabani-erfani-trade.pdf>

- بیژن بیدآباد، جهان بینی اجتماعی عرفان و تصوف اسلامی، جلد ۴: مبانی عرفانی روابط بین الملل اسلامی، حقوق بین الملل عمومی، سیاست خارجی، دیپلماسی از دیدگاه حکمت. تهران، ۱۳۸۴. ^{۹۰۲}

<http://www.bidabad.ir/doc/mabani-erfani-ravabet-beynolmelal.pdf>

- بیژن بیدآباد، جهان بینی اجتماعی عرفان و تصوف اسلامی، جلد ۵: مبانی عرفانی علوم

⁸⁹⁹ Bijan Bidabad, The Social Worldview of Islamic Mysticism and Sufism, Volume 1: Mystical Foundations of Ethic Economics in Islam, Methodology of Science, Ethics, Green Economy, A Theosophy Approach. Tehran, 2017.

⁹⁰⁰ Bijan Bidabad, The Social Worldview of Islamic Mysticism and Sufism, Volume 2: Sufi foundations of Islamic Economic, Usury, Banking, Insurance, Finance, A Theosophy Approach. Monetary and Banking Research Academy, Central Bank of Iran, 2003.

⁹⁰¹ Bijan Bidabad, The Social Worldview of Islamic Mysticism and Sufism, Volume 3: Sufi Foundations of International Trade in Islam, Analyzing World Trade Organization's Agreements, A Theosophy Approach, 2011.

⁹⁰² Bijan Bidabad, The Social Worldview of Islamic Mysticism and Sufism, Volume 4: Sufi Foundations of Islamic International Relations, Public International Law, Foreign Policy and Diplomacy, A Theosophy Approach, 2005.

سیاسی در اسلام، سیاست، حکومت، ولایت از دیدگاه حکمت. تهران، ۱۳۸۸. ^{۹۰۳}

<http://www.bidabad.ir/doc/mabani-erfani-oloome-siasi.pdf>

▪ بیژن بیدآباد، جهان بینی اجتماعی عرفان و تصوف اسلامی، جلد ۶: مبانی عرفانی حقوق اساسی در اسلام، فلسفه حقوق، حقوق فردی، حقوق عمومی از دیدگاه حکمت. تهران،

<http://www.bidabad.ir/doc/mabani-erfani-hoquqe-asasi.pdf> ^{۹۰۴} ۱۳۸۸

▪ بیژن بیدآباد، جهان بینی اجتماعی عرفان و تصوف اسلامی، جلد ۷: مبانی عرفانی حقوق در اسلام، حقوق تطبیقی، نظام‌های حقوقی، حقوق جزا از دیدگاه حکمت. تهران،

<http://www.bidabad.ir/doc/mabani-erfani-hoqooq.pdf> ^{۹۰۵} ۱۳۸۸،

▪ بیژن بیدآباد، جهان بینی اجتماعی عرفان و تصوف اسلامی، جلد ۸: مبانی عرفانی روانشناسی در اسلام، روانشناسی عرفانی و کارکرد اجتماعی تصوف از دیدگاه حکمت.

<http://www.bidabad.ir/doc/psychology-sufism-fa.pdf> ^{۹۰۶} ۱۳۹۶. تهران

▪ بیژن بیدآباد، جهان بینی اجتماعی عرفان و تصوف اسلامی، جلد ۹: مبانی عرفانی جامعه‌شناسی در اسلام، روش‌شناسی جامعه‌شناسی علمی، خانواده، فرهنگ، اقشار و

⁹⁰³ Bijan Bidabad, The Social Worldview of Islamic Mysticism and Sufism, Volume 5: Sufi Foundations of Political Science in Islam, Politics, Government, Welayat, A Theosophy Approach, 2009.

⁹⁰⁴ Bijan Bidabad, The Social Worldview of Islamic Mysticism and Sufism, Volume 6: Sufi Foundations of Constitutional Law in Islam, Law Philosophy, Individual Rights, Public Law, A Theosophy Approach, 2009.

⁹⁰⁵ Bijan Bidabad, The Social Worldview of Islamic Mysticism and Sufism, Volume 7: Sufi Foundations of Law in Islam, Comparative Law, Legal Systems, Criminal Law, A Theosophy Approach, 2009.

⁹⁰⁶ Bijan Bidabad, The Social Worldview of Islamic Mysticism and Sufism, Volume 8: The Mystical Foundations of Psychology in Islam, Mystical Psychology and the Social Function of Sufism, A Theosophy Approach, 2017.

تحولات اجتماعی، از دیدگاه حکمت. تهران، ۱۴۰۱^{۹۰۷}

<http://www.bidabad.ir/doc/mabani-sociology.pdf>

- بیژن بیدآباد، جهان بینی اجتماعی عرفان و تصوف اسلامی، خلاصه اصول روابط بین الملل در اسلام از دیدگاه حکمت در عرفان و تصوف اسلامی (حقوق بین الملل عمومی، سیاست خارجی و دیپلماسی). تهران، ۱۳۸۶^{۹۰۸}.

<http://www.bidabad.ir/doc/inter-rel-kholaseh-fa.pdf>

- بیژن بیدآباد. طرح اصولی برای تنظیم روابط بین الملل از دیدگاه حکمت در عرفان و تصوف اسلامی. تهران، ۱۳۸۹^{۹۰۹}.

<http://www.bidabad.ir/doc/international-relations-fa.pdf>

- بیژن بیدآباد. پیشنهاد اعلامیه روابط بین الملل مبتنی بر آموزه های تصوف اسلامی.

<http://www.bidabad.ir/doc/inter-rel-declaration-fa.pdf> تهران، ۱۳۹۳^{۹۱۰}

- بیژن بیدآباد. پیشنهاد کنوانسیون تجارت بین الملل از دیدگاه حکمت در عرفان و تصوف

<http://www.bidabad.ir/doc/convention-trade.pdf> تهران، ۱۳۹۰^{۹۱۱} اسلامی.

- بیژن بیدآباد. پیشنهاد اصول کلی کنوانسیون بین المللی مالیه عمومی مبتنی بر دیدگاه

⁹⁰⁷ Bijan Bidabad, The Social Worldview of Islamic Mysticism and Sufism, Volume 9: The Mystical Foundations of Sociology in Islam, Methodology of Scientific Sociology, Family, Culture, Social Strata and Transformations, A Theosophy Approach, 2022.

⁹⁰⁸ Bijan Bidabad, Summary of International Relations Principles; An Islamic Sufi Approach (Public International Law, Foreign Policy, and Diplomacy)

⁹⁰⁹ Bijan Bidabad, Foundations of International Relations: An Islamic Sufi Approach. 2010.

⁹¹⁰ Bijan Bidabad. Draft Declaration of International Relations Based on the Teachings of Islamic Sufism. Tehran, 2014.

⁹¹¹ Bijan Bidabad, Proposition for an International Trade Convention, an Islamic Sufi Approach. 2011.

حکمت در عرفان و تصوّف اسلامی. تهران، ۱۳۹۲^{۹۱۲}

<http://www.bidabad.ir/doc/public-finance-convention-fa.pdf>

▪ بیژن بیدآباد. اصول حقوق بین‌الملل عمومی از دیدگاه حکمت در عرفان و تصوّف

اسلامی. تهران، ۱۳۸۹^{۹۱۳} <http://www.bidabad.ir/doc/inter-public-law-fa.pdf>

▪ بیژن بیدآباد. اصول سیاست خارجی از دیدگاه حکمت در عرفان و تصوّف اسلامی.

تهران، ۱۳۸۹^{۹۱۴} <http://www.bidabad.ir/doc/foreign-policy-fa.pdf>

▪ بیژن بیدآباد. اصول دیپلماسی از دیدگاه حکمت در عرفان و تصوّف اسلامی. تهران،

۱۳۸۹^{۹۱۵} <http://www.bidabad.ir/doc/diplomacy-fa.pdf>

▪ بیژن بیدآباد. فلسفه حقوق از دیدگاه حکمت در عرفان و تصوّف اسلامی. تهران،

۱۳۸۹^{۹۱۶} <http://www.bidabad.ir/doc/falsafeh-hoqooq.pdf>

▪ بیژن بیدآباد. مبادی قانونگذاری از دیدگاه حکمت در عرفان و تصوّف اسلامی. تهران،

۱۴۰۱^{۹۱۷} <http://www.bidabad.ir/doc/mabadi-ghanoongozari-fa.pdf>

▪ بیژن بیدآباد. حقوق عمومی از دیدگاه حکمت در عرفان و تصوّف اسلامی. تهران،

۱۳۸۹^{۹۱۸} <http://www.bidabad.ir/doc/hoqooqe-omoomi.pdf>

⁹¹² Bijan Bidabad, Proposition of Public Finance International Convention, an Islamic Sufi Approach. 2013.

⁹¹³ Bijan Bidabad, Public International Law Principles: An Islamic Sufi Approach. 2010.

⁹¹⁴ Bijan Bidabad, Foreign Policy Principles: An Islamic Sufi Approach. 2010.

⁹¹⁵ Bijan Bidabad, Diplomacy Principles: An Islamic Sufi Approach. 2010.

⁹¹⁶ Bijan Bidabad, Philosophy of Law. 2010.

⁹¹⁷ Bijan Bidabad. Principles of Legislation from the Perspective of Wisdom in Islamic Mysticism and Sufism. Tehran, 2022.

⁹¹⁸ Bijan Bidabad, Public Law: An Islamic Sufi Approach. 2010.

▪ بیژن بیدآباد. حقوق فردی از دیدگاه حکمت در عرفان و تصوّف اسلامی. تهران،

<http://www.bidabad.ir/doc/hoqooqe-fardi.pdf> ^{۹۱۹} ۱۳۸۹،

▪ بیژن بیدآباد. مالکیت از دیدگاه حکمت در عرفان و تصوّف اسلامی. بیژن بیدآباد. چاپ

خلاصه بیژن بیدآباد. تحت عنوان حقوق مالکیت فردی، در حقوق و اقتصاد، ماهنامه

علوم انسانی، شماره ۱، آذر ۱۳۹۲، صفحات ۵۷-۵۴. ^{۹۲۰}

<http://www.bidabad.ir/doc/ownership-fa.pdf>

▪ بیژن بیدآباد. بازبینی فقهی، حقوقی و اخلاقی حقوق مالکیت فکری. تهران، ۱۳۹۵ ^{۹۲۱}

<http://www.bidabad.ir/doc/intellectual-property-right-ethic-fa.pdf>

▪ بیژن بیدآباد. قطعنامه مرد و زن در حقوق اسلام. تهران، ۱۳۹۶ ^{۹۲۲}

<http://www.bidabad.ir/doc/man-resolution-paper-fa.pdf>

▪ بیژن بیدآباد. حقوق جزا از دیدگاه حکمت در عرفان و تصوّف اسلامی. تهران، ۱۳۸۹ ^{۹۲۳}

<http://www.bidabad.ir/doc/hoqooqe-jaza.pdf>

▪ بیژن بیدآباد. حدود در حقوق جزای اسلام از دیدگاه حکمت در عرفان و تصوّف

اسلامی. تهران، ۱۳۸۹ ^{۹۲۴} <http://www.bidabad.ir/doc/hudood.pdf>

⁹¹⁹ Bijan Bidabad, Individual Law: An Islamic Sufi Approach. 2010.

⁹²⁰ Bijan Bidabad, Ownership, an Islamic Sufi Approach. 2013. Shortened published in Hoqooq va Eghtesad (Law and Economics) Humanistic Science Monthly, No. 1, December 2013, pp. 54-57.

⁹²¹ Bijan Bidabad. Jurisprudential, Legal and Ethical Review of Intellectual Property Rights. Tehran, 2016.

⁹²² Bijan Bidabad. Resolution on Men and Women in Islamic Law. Tehran, 2017.

⁹²³ Bijan Bidabad, Criminal Law: An Islamic Sufi Approach. 2010.

⁹²⁴ Bijan Bidabad, Retribution (Hudood) in Islamic Criminal Law: An Islamic Sufi Approach. 2010.

▪ بیژن بیدآباد. قصاص، دیات و تعزیرات در حقوق جزای اسلام از دیدگاه حکمت در

عرفان و تصوّف اسلامی. تهران، ۱۳۸۹،^{۹۲۵}

<http://www.bidabad.ir/doc/qesas-diat-tazirat.pdf>

▪ بیژن بیدآباد. سیاست و حکومت از دیدگاه حکمت در عرفان و تصوّف اسلامی. تهران،

<http://www.bidabad.ir/doc/siasat-va-hokoomat.pdf> ۱۳۸۹،^{۹۲۶}

▪ بیژن بیدآباد. دین و حکومت از دیدگاه حکمت در عرفان و تصوّف اسلامی. تهران،

<http://www.bidabad.ir/doc/din-va-hokoomat.pdf> ۱۳۸۹،^{۹۲۷}

▪ بیژن بیدآباد. ولایت و حکومت از دیدگاه حکمت در عرفان و تصوّف اسلامی. تهران،

<http://www.bidabad.ir/doc/velayat-va-hokoomat.pdf> ۱۳۸۹،^{۹۲۸}

▪ بیژن بیدآباد. اداره امور عمومی از دیدگاه حکمت در عرفان و تصوّف اسلامی. تهران،

<http://www.bidabad.ir/doc/edareh-omooore-omoomi.pdf> ۱۳۸۹،^{۹۲۹}

▪ بیژن بیدآباد. شیوه حکومت اسلامی. تهران، ۱۳۸۹،^{۹۳۰}

<http://www.bidabad.ir/doc/shiveh-hokoomat-eslami.pdf>

▪ بیژن بیدآباد. جامعه شناسی سیاسی قوای مملکتی از دیدگاه حکمت در عرفان و تصوّف

⁹²⁵ Bijan Bidabad, Retaliation, Blood Money and discretionary punishment in Islamic Criminal Law: An Islamic Sufi Approach. 2010.

⁹²⁶ Bijan Bidabad, Politics and Government: An Islamic Sufi Approach. 2010.

⁹²⁷ Bijan Bidabad, Religion and Government: An Islamic Sufi Approach. 2010.

⁹²⁸ Bijan Bidabad, Guardianship (Welayat) and Government: An Islamic Sufi Approach. 2010.

⁹²⁹ Bijan Bidabad, Public Administration: An Islamic Sufi Approach. 2010.

⁹³⁰ Bijan Bidabad, The Style of Islamic Government. 2010.

<http://www.bidabad.ir/doc/powers-sociology.pdf> ^{۹۳۱} ۱۳۹۴، تهران، اسلامی.

▪ بیژن بیدآباد. بهبود تحقق دموکراسی با فرآیند انتخابات تخلیصی الکترونیک. تهران،

<http://www.bidabad.ir/doc/extractionary-election-fa.pdf> ^{۹۳۲} ۱۳۹۶،

▪ بیژن بیدآباد. تحولات اجتماعی از دیدگاه حکمت در عرفان و تصوّف اسلامی. تهران،

<http://www.bidabad.ir/doc/tahavolate-ejtemaee.pdf> ^{۹۳۳} ۱۳۸۹،

▪ بیژن بیدآباد. پدیده تاریخی قتل پیامبران، عرفا و اهل تصوّف. تهران، ^{۹۳۴} ۱۳۸۹،

<http://www.bidabad.ir/doc/qatle-payambaran.pdf>

▪ بیژن بیدآباد، مهدی طباطبایی. برده‌داری در اسلام از دیدگاه حکمت در عرفان و تصوّف

<http://www.bidabad.ir/doc/bardedari-erfan-fa.pdf> ^{۹۳۵} ۱۳۹۶، تهران، اسلامی.

▪ بیژن بیدآباد. دیدگاه تصوّف به علوم رفتاری و بیان ریاضی نظریه جامعه‌شناسی تابنده.

<http://www.bidabad.ir/doc/tabandeh-sociology-fa.pdf> ^{۹۳۶} ۱۳۹۷، تهران،

▪ بیژن بیدآباد. فرآیند تربیت و کارکرد اجتماعی تصوّف. تهران، ^{۹۳۷} ۱۳۹۶،

<http://www.bidabad.ir/doc/social-functioning-sufi-paper-fa.pdf>

⁹³¹ Bijan Bidabad. Political Sociology of the State Powers from the Perspective of Wisdom in Islamic Mysticism and Sufism. Tehran, 2015.

⁹³² Bijan Bidabad. Improving the Realization of Democracy through the Electronic Filtering Election Process. Tehran, 2017.

⁹³³ Bijan Bidabad, Social Changes: An Islamic Sufi Approach. 2010.

⁹³⁴ Bijan Bidabad, Historical Phenomenon of Messengers, Mystics and Sufis Homicide. 2010.

⁹³⁵ Bijan Bidabad, Mehdi Tabatabaei, Slavery in Islam, an Islamic Sufi Approach. 2011.

⁹³⁶ Bijan Bidabad. The Sufi View on Behavioral Sciences and Mathematical Statement of Radiant Sociology Theory. Tehran, 2018.

⁹³⁷ Bijan Bidabad. The Process of Nurturing and Social Functioning of Sufism. Tehran, 2017.

- بیژن بیدآباد، فرانک بیدآباد. محتوای درمان در روانشناسی عرفانی. تهران، ۱۳۹۶^{۹۳۸}

<http://www.bidabad.ir/doc/psychotherapy-content-sufi-paper-fa.pdf>

- بیژن بیدآباد، فرانک بیدآباد. فرآیند درمان در روانشناسی عرفانی. تهران، ۱۳۹۶^{۹۳۹}

<http://www.bidabad.ir/doc/psychotherapy-process-sufi-paper-fa.pdf>

- بیژن بیدآباد، فرانک بیدآباد. آسیب شناسی روانی در روانشناسی عرفانی. تهران،

<http://www.bidabad.ir/doc/psychopathology-sufi-paper-fa.pdf> ۱۳۹۶^{۹۴۰}

- بیژن بیدآباد، فرانک بیدآباد. نظریه روانشناسی عرفانی. تهران، ۱۳۹۶^{۹۴۱}

<http://www.bidabad.ir/doc/psychology-sufi-paper-fa.pdf>

- بیژن بیدآباد، فرانک بیدآباد. رابطه درمانگر و درمانپذیر در روانشناسی عرفانی. تهران،

۱۳۹۶^{۹۴۲}

<http://www.bidabad.ir/doc/psychotherapist-psychopath-sufi-paper-fa.pdf>

- بیژن بیدآباد، فرانک بیدآباد. نظریه شخصیت در روانشناسی عرفانی. تهران، ۱۳۹۶^{۹۴۳}

<http://www.bidabad.ir/doc/personality-sufi-paper-fa.pdf>

- بیژن بیدآباد. مالیه عمومی اسلامی. پژوهشکده پولی و بانکی، بانک مرکزی جمهوری

⁹³⁸ Bijan Bidabad, Faranak Bidabad. Content of Treatment in Sufi Psychology. Tehran, 2017.

⁹³⁹ Bijan Bidabad, Faranak Bidabad. Process of Treatment in Sufi Psychology. Tehran, 2017.

⁹⁴⁰ Bijan Bidabad, Faranak Bidabad. Psychopathology in Sufi Psychology. Tehran, 2017.

⁹⁴¹ Bijan Bidabad, Faranak Bidabad. Theory of Sufi Psychology. Tehran, 2017.

⁹⁴² Bijan Bidabad, Faranak Bidabad. Therapist-Patient Relationship in Sufi Psychology. Tehran, 2017.

⁹⁴³ Bijan Bidabad, Faranak Bidabad. Personality Theory in Sufi Psychology. Tehran, 2017.

اسلامی ایران، ۱۳۸۳، تهران.^{۹۴۴} <http://www.bidabad.ir/doc/malyat.pdf>

- بیژن بیدآباد. نرخ و پایه مالیاتی در مالیه اسلام و بنای حکمت در اصول فقه پویای امامیه. پژوهشکده پولی و بانکی، بانک مرکزی جمهوری اسلامی ایران، فروردین ۱۳۸۲.^{۹۴۵}

<http://www.bidabad.ir/doc/nerkh-va-payeh-malyat.pdf>

- بیژن بیدآباد. عشریه در مالیه اسلام. مجموعه مقالات همایش اسلام و توسعه اقتصادی (مولفه‌ها و مبانی)، ۳ اسفند ماه ۱۳۸۴، تهران، صفحات ۴۸۴-۴۰۵.^{۹۴۶}

<http://www.bidabad.ir/doc/malyat-oshr.pdf>

- بیژن بیدآباد. هزینه در مالیه عمومی اسلامی. مجموعه مقالات چهارمین همایش دوسالانه اقتصاد اسلامی، چالشهای اقتصاد ایران و راهکارهای اقتصاد اسلامی، صفحات ۳۶۴-۳۰۳، دانشگاه تربیت مدرس، ۲۶-۲۵ آبان ۱۳۸۴، تهران. چاپ مجدد در ماهنامه بانک و اقتصاد، سال ۱۳۸۵، فروردین (شماره ۶۸، صفحات ۵۹-۵۵)، اردیبهشت (شماره ۶۹ صفحات ۶۶-۶۲)، خرداد (شماره ۷۰، صفحات ۷۲-۶۶) و تیر (شماره ۷۱، صفحات ۷۴-۶۸).

(۶۸).^{۹۴۷} <http://www.bidabad.ir/doc/expend-islam.pdf>

⁹⁴⁴ Bijan Bidabad. Islamic Public Finance. Monetary and Banking Research Institute, Central Bank of the Islamic Republic of Iran, 2004, Tehran.

⁹⁴⁵ Bijan Bidabad. Tax rate and base in Islamic finance and wise-based viewpoint to religious- jurisprudence principles. Monetary and Banking Research Academy, Central Bank of Iran, 2003.

⁹⁴⁶ Bijan Bidabad. One-Tenth (Tithe) in Islamic Finance, Monetary and Banking Research Academy, Central Bank of Iran, 2003.

⁹⁴⁷ Bijan Bidabad. (2005) Expenditure in Islamic Public Finance, Monetary and Banking Research Academy, Central Bank of Iran.

- بیژن بیدآباد. اصلاح نظام مالیاتی از طریق مالیات عُشر بر ارزش افزوده. تهران، ۱۳۹۴^{۹۴۸}

<http://www.bidabad.ir/doc/tithe-VAT-fa.pdf>

- بیژن بیدآباد، عقل و حکمت در عرفان و تصوّف اسلامی، ۱۳۸۹^{۹۴۹}

<http://www.bidabad.ir/doc/aql-va-hekmat.pdf>

- بیژن بیدآباد، عبدالرضا هرسینی، تحلیل فقهی - اقتصادی ربا در وامهای مصرفی و سرمایه گذاری و کاستیهای فقه متداول در کشف احکام شارع. ارائه شده به همایش دوسالانه اقتصاد اسلامی، پژوهشکده اقتصاد، دانشگاه تربیت مدرس، تهران، ۱۳۸۲. چاپ مجدد در مجله بانک و اقتصاد شماره‌های: ۱۰۶: خرداد ۱۳۸۹ صفحات: ۴۲-۳۸؛ ۱۰۸: مرداد ۱۳۸۹ صفحات: ۴۱-۳۶؛ ۱۰۹: شهریور ۱۳۸۹ صفحات: ۳۸-۳۴؛ ۱۱۱: آبان ۱۳۸۹ صفحات: ۳۸-۳۴؛ ۱۱۲: آذر ۱۳۸۹ صفحات: ۴۴-۴۲.^{۹۵۰}

<http://www.bidabad.ir/doc/reba-fa.pdf>

- بیژن بیدآباد، عبدالرضا هرسینی، شرکت سهامی بانک غیرربوی و بازبینی ماهیت ربوی و غیرربوی عملیات بانکی متداول. مجموعه مقالات سومین همایش دوسالانه اقتصاد اسلامی «نظریه اقتصاد اسلامی و عملکرد اقتصاد ایران»، صفحات ۲۲۴-۱۹۳. پژوهشکده

⁹⁴⁸ Bijan Bidabad. Tax System Reform by Value Added Tithe (Ushr) Tax. Tehran, 2015.

⁹⁴⁹ Bijan Bidabad, Reason and Wisdom in Islamic Mysticism and Sufism, 2010.

⁹⁵⁰ Bijan Bidabad, Abdolreza Harsini. Jurisprudential-Economic Analysis of Riba in Consumptive and Investment Loans and Deficiencies of Conventional Jurisprudence in Discovering the Rulings of the Lawgiver. 2003.

اقتصاد، دانشگاه تربیت مدرس، تهران، ۴-۳ دی ۱۳۸۲. ۹۵۱

<http://www.bidabad.ir/doc/sherkat-sahami-bank.pdf>

- جامع المقدمات، انتشارات دارالفکر، تصحیح محمد محمدی قاینی، ۱۳۷۷، قم. ۹۵۲
- خدوری، مجید، جنگ و صلح در اسلام، ترجمه غلامرضا سعیدی، انتشارات اقبال، ۱۳۳۵، تهران. ۹۵۳

- رایین چرچیل و آلن لو، حقوق بین الملل دریاها، ترجمه بهمن آقایی، دفتر مطالعات سیاسی و بین المللی، وزارت امور خارجه، ۱۳۶۷، تهران. ۹۵۴

- زایدل، هوهن فلدرن، آیگناتس، حقوق بین المللی اقتصادی، ترجمه قاسم زمانی، مؤسسه مطالعات و پژوهشهای حقوقی، شهر دانش، ۱۳۷۸، تهران. ۹۵۵

- سبحانی، جعفر، مبانی حکومت اسلامی، جلد دوم، انتشارات توحید، ۱۳۶۲، قم. ۹۵۶
- سریع القلم، محمود، توسعه، جهان سوم و نظام بین الملل، نشر سفید، چاپ دوم، ۱۳۷۱، تهران. ۹۵۷

⁹⁵¹ Bijan Bidabad, Abdolreza Harsini. Non-Usury Banking Shareholding Company and Revisiting the Usurious and Non-Usurious Nature of Conventional Banking Operations. 2003.

⁹⁵² "Jāme'a-ol-moqaddamāt". Rectified by Muhammad Muhammadi Qā'ini, Dar-ol-Fikr Publication, 1998, Qom.

⁹⁵³ Khadūri, Majid. "War and peace in Islam". Translated by Gholamriza Sa'idi, Iqbāl Publication, Tehran.

⁹⁵⁴ Robin Churchill, Vaughan Lowe (1988), The law of the sea. Melland Schill Studies in international law. Translated by Bahman Aqa'ee, Bureau of International and Political Studies, Ministry of Foreign Affairs, Tehran, Iran.

⁹⁵⁵ Ignaz Seidl-Hohenveldern, International economic law. Translated by Qasem Zamani, Institute of Research and Study of Law. Shahre Danesh. 1999, Tehran.

⁹⁵⁶ Sobhāni, Ja'afar. The foundations of Islamic government", volume 2, Tohid Publication, 1983, Qom, Iran.

⁹⁵⁷ Sari'a-ol-Qalam, Mahmoud. "Development, Third World and international system"

- سیاح، احمد، فرهنگ نوین عربی و فارسی.^{۹۵۸}
- شهابی، محمود، ادوار فقه، سازمان چاپ و انتشارات وزارت فرهنگ و ارشاد اسلامی،
۱۳۶۹، تهران.^{۹۵۹}
- صفدری محمد، حقوق بین الملل عمومی، انتشارات دانشگاه تهران، ۱۳۴۰، تهران.^{۹۶۰}
- ضیائی بیگلری، محمدرضا، اسلام و حقوق بین الملل، چاپ کتابخانه گنج دانش، ۱۳۷۵،
تهران.^{۹۶۱}
- عامری، جواد، حقوق بین الملل خصوصی، مؤسسه انتشارات آگاه، ۱۳۶۲، تهران.^{۹۶۲}
- علامه طباطبائی، ترجمه تفسیر المیزان.^{۹۶۳}
- فرمان حضرت علی ع به مالک اشتر، چاپ وزارت امور اقتصادی و دارایی، ۱۳۷۱،
تهران.^{۹۶۴}
- عمید، فرهنگ عمید، انتشارات امیرکبیر، تهران.^{۹۶۵}
- قائم مقام فراهانی، عبدالمجید، حقوق بین الملل، ملی کردن... انتشارات پاژنگ، ۱۳۶۷،

Safid Publication, 2nd ed., 1992, Tehran.

⁹⁵⁸ Sayyāh, Ahmad. New dictionary of Arabic-Persian.

⁹⁵⁹ Shahābi, Mahmoud. "The different epochs in jurisprudence". The Organization of Publication and Printing, Ministry of Culture and Islamic Guidance, 1990, Tehran.

⁹⁶⁰ Safdari, Muhammad. "Public international law". Publication of Tehran University, 1961, Tehran.

⁹⁶¹ Zia'ii Bigdeli, Muhammad-Riza, "Islam and international law" Printed by Ganj-e-Danesh Library, 1996, Tehran.

⁹⁶² Ameri, Javād. "Private international law". Institute of Āgāh Publication, 1993, Tehran.

⁹⁶³ Allāmeḥ Tabātabā'ii. The translation of Al-Mizān exegesis.

⁹⁶⁴ Imam Ali. "The decree to Mālik Ashtar". Printed by Ministry of Economics and Finance Affairs, 1994, Tehran.

⁹⁶⁵ Amid, Dictionary of Amid, Amir-Kabir Publication, Tehran.

تهران. ۹۶۶

▪ قوام، عبدالعلی، اصول سیاست خارجی و سیاست بین‌الملل. سازمان سمت، ۱۳۸۱،

تهران. ۹۶۷

▪ کاشانی، حسینعلی، کنفرانس بنیاد هماهنگی ادیان و صلح جهانی، عرفان ایران، مجموعه

مقالات، گردآوری و تدوین دکتر سید مصطفی آزمایش، شماره ۲۲، انتشارات حقیقت،

صص ۱۳۶-۱۲۵، ۱۳۸۴، تهران. ۹۶۸

▪ کاظمی، علی اصغر، دیپلماسی نوین در عصر دگرگونی در روابط بین‌الملل، دفتر

مطالعات سیاسی و بین‌المللی وزارت امور خارجه، ۱۳۶۵، تهران. ۹۶۹

▪ گرجی، ابوالقاسم، آیات الاحکام (حقوقی و جزایی)، نشر میزان، ۱۳۸۰، تهران. ۹۷۰

▪ محقق داماد، مصطفی، اصول فقه، دفتر دوم، چاپ نهم. مرکز نشر علوم اسلامی، ۱۳۷۹،

تهران. ۹۷۱

⁹⁶⁶ Qā'im Maqām Farāhāni, abd-ol-Majid. "The international law, nationalization...". Pājang Publication, 1988, Tehran.

⁹⁶⁷ Qavām, Abd-ol-Ali. "The principles of foreign policy and international policy". SAMT Publication, 2002, Tehran.

⁹⁶⁸ Kāshāni, Hussein-Ali. "Conference of Foundation for Religious Harmony and Universal Peace", report, Iran's Mysticism (Journal), collection of articles, compiled and edited by Dr. Seyyid Mostafā Azmāyesh, No.22 Haqiqat Publication, 2005, pp. 125-136, Tehran.

⁹⁶⁹ Kāzemi, Ali-Asghar. "New diplomacy at the age of revolution, on international relations". The Bureau of Political and International Studies, affiliated to Ministry of Foreign Affairs, 1986, Tehran.

⁹⁷⁰ Gorji, Abol-Qasim. "Ayat-ol-Ahkam (criminal and civil laws), Mizān Publication, 2001, Tehran.

⁹⁷¹ Mohaqiq-Dāmād, Mostafā. "The principles of jurisprudence", 2nd volume, 9th ed., The Center of Islamic Sciences Publishers, 2000, Tehran.

▪ محمدی، ابوالمحسن، مبانی استنباط حقوق اسلامی، دانشگاه تهران، ۱۳۵۶، تهران.^{۹۷۲}

▪ مدنب، جلال‌الدین، حقوق بین‌الملل عمومی و اصول روابط بین‌الملل، ۱۳۷۴، تهران.^{۹۷۳}

▪ مظفر، محمدرضا، اصول فقه، ترجمه علیرضا هدایی، انتشارات حکمت، چاپ پنجم،

۱۳۸۱، تهران.^{۹۷۴}

▪ مقتدر، هوشنگ، سیاست بین‌الملل و سیاست خارجی، نشر مفهوس، ۱۳۷۰، تهران.^{۹۷۵}

▪ مک آیور، جامعه و حکومت، The web of government. ترجمه علی کنی، بنگاه

توسعه و نشر کتاب، ۱۳۵۲، تهران.^{۹۷۶}

▪ منتسکیو، روح القوانین ترجمه علی اکبر مشهدی، تهران.^{۹۷۷}

▪ مولانا جلال‌الدین مولوی بلخی، مثنوی.^{۹۷۸}

▪ نهج‌البلاغه، ترجمه جعفر شهیدی، انتشارات علمی و فرهنگی، چاپ پانزدهم، ۱۳۷۸،

تهران.^{۹۷۹}

⁹⁷² Muhammad, Abol-Mohsen, "The basic rules for inference of Islamic laws", Tehran University, 1977, Tehran.

⁹⁷³ Modnab, Jalāl-ed-Din, The public international law and the principles of international relations, 1995, Tehran.

⁹⁷⁴ Mozaffar, Muhammad-Reza. The principles of jurisprudence. Translated by Alireza Hadaee, Hekmat Publication, 5th printing, 1993, Tehran.

⁹⁷⁵ Moqtadir, Hūshang. International policy and foreign policy. Mafhūs Publisher, 1991, Tehran.

⁹⁷⁶ MacIver, R.M., "The web of government", (rev. ed. 1965); translated to Farsi by Ali Kani, printed by Institute of Translation and Publication of Book, 1973, Tehran.

⁹⁷⁷ Montesquieu. "The spirit of the law". Translated by Ali-Akbar Mash'hadi, Tehran.

⁹⁷⁸ Molāna Jalāl-ed-Din Melavi, Mathnavi.

⁹⁷⁹ Imam Ali (A), Nahj-ol-Balaghah. Translated by Ja'far Shahidi, Elmi-Farhangi Publication, 15th ed., 1999, Tehran.

- نهج الفصاحه، مجموعه كلمات قصار رسول اكرم ص، ابوالقاسم پاينده. ۱۳۳۷، تهران. ^{۹۸۰}
- همفر، خاطرات همفر، جاسوس انگلیسی در ممالک اسلامی، ترجمه محسن مؤیدی، انتشارات امیرکبیر، ۱۳۷۷، تهران. ^{۹۸۱}
- هونتزینگر، ژاک، ترجمه عباس آگاهی، درآمدی بر روابط بین الملل، انتشارات آستان قدس رضوی، ۱۳۷۶، مشهد. ^{۹۸۲}

Arabic References

- دیوان علی بن ابیطالب. جامع الاحادیث، نور ۲، مرکز تحقیقات کامپیوتری علوم اسلامی، لوح فشرده CD.
- حضرت علی بن موسی الرضا، فقه الرضا، جامع الاحادیث، نور ۲، مرکز تحقیقات کامپیوتری علوم اسلامی، لوح فشرده CD.
- حضرت حاج ملا سلطان محمد بیدختی گنابادی، بیان السعادة في مقامات العبادة، نشر الثاني، في اربعة مجلدات رقي بلغة العربية، ۱۳۴۴ هجري شمسي، دانشگاه تهران. <http://www.sufism.ir>
- ابن ابی الحدید معتزلی، شرح نهج البلاغه، جامع الاحادیث، نور ۲، مرکز تحقیقات کامپیوتری علوم اسلامی، لوح فشرده CD.
- ابن ابی جمهور احسائی، عوالی الآلی، تفسیر برهان، جامع الاحادیث، نور ۲، مرکز تحقیقات

⁹⁸⁰ Nahj-ol-Fasāhah. A collection of aphorisms of the Honorable Messenger (S). Translated by Abol-Qasim Pāyandeh, 1958, Tehran.

⁹⁸¹ Hempher, Confessions of a British spy and British enmity against Islam, Hempher's memoirs, 17th ed., 1998. <http://www.hakikatkitabevi.com>. Translated to Farsi by Mohsen Mu'ayyadi, Amir Kabir Publication, 1998, Tehran.

⁹⁸² Huntzinger, Jacques, "Introduction aux relation internationals" Translated to Farsi by Abbas Agahai, Astan Qods Razavi Publication 1997. Mash'had, Iran.

كامپيوتري علوم اسلامي، لوح فشرده CD.

▪ إربل، علي بن عيسي، كشف الغمة، جامع الاحاديث، نور ٢، مركز تحقيقات كامپيوتري علوم

اسلامي، لوح فشرده CD.

▪ امين الإسلام طبرسي، إعلام الوري بأعلام الهدى، انتشارات دارالكتب الإسلامية قم.

▪ آيت الله سيّد روح الله موسوي خميني، تعليقات على شرح فصوص الحكم محي الدين بن عربي و مصباح

الانس، دفتر تبليغات اسلامي، حوزة علمية قم، ١٤١٠ قمري، نشر پاسدار اسلام.

▪ تفسير برهان، جامع الاحاديث، نور ٢، مركز تحقيقات كامپيوتري علوم اسلامي، لوح فشرده CD.

▪ تفسير كنزالعرفان، چاپ مكتبه المرتضويه.

▪ راغب اصفهاني، معجم مفردات الفاظ القرآن، دارالفكر الطباعة و النشر و التوزيع، بيروت، لبنان.

▪ راوندي، قطب الدين، فقه القرآن، جامع الاحاديث، نور ٢، مركز تحقيقات كامپيوتري علوم اسلامي،

لوح فشرده CD.

▪ زبده البيان، چاپ مكتبه المرتضويه.

▪ سيّد حيدر آملّي، تفسير المحيط الاعظم في تأويل كتاب الله العزيز المحكم. مؤسسة الطباعة و النشر،

وزارة الثقافة و الإرشاد الإسلامي، الطبعة الاولى، ١٤١٤ هـ. ق طهران.

▪ شرح الامثله، جامع المقدمات، تصحيح محمد محمّدي قايني انتشارات دارالفكر، چاپ پنجم، ١٣٧٧.

▪ شيخ حر آملّي، وسائل الشيعة، جامع الاحاديث نور ٢، مركز تحقيقات كامپيوتري علوم اسلامي، لوح

فشرده CD.

▪ شيخ طوسي، عدة الاصول.

▪ علامه طباطبائي، الميزان.

- فيض كاشاني، ملاّ محسن، الصّافي.
- قاضي بيضاوي، منهاج الاصول الي علم الاصول.
- قمّي، علي بن ابراهيم، التفسير.
- ثقة الاسلام كليني، الكافي، جامع الاحاديث، نور ٢، مركز تحقيقات كامپيوتري علوم اسلامي، لوح فشرده CD.
- الماوردي، علي بن محمّد، الاحكام السلطانيه و الولايات الدينيه، مكتبه دار ابن قتيبه، الكويت، الطبعة الاولى، ١٤٠٩. چاپ ديگر در قم، دفتر تبليغات اسلامي.
- محمّدباقر مجلسي، بحار الأنوار، جامع الاحاديث نور ٢، مركز تحقيقات كامپيوتري علوم اسلامي، لوح فشرده CD.
- محدث نوري، مستدرک الوسائل، جامع الاحاديث نور ٢، مركز تحقيقات كامپيوتري علوم اسلامي، لوح فشرده CD.
- شيخ صدوق، من لا يحضره الفقيه، جامع الاحاديث نور ٢، مركز تحقيقات كامپيوتري علوم اسلامي، لوح فشرده CD.

English References

- A Guide to Diplomatic Practice by Sir Ernest Satow, (Longmans, Green & Co. London & New York, 1917). Now in its fifth edition (1998).
- Adam Watson, Diplomacy: The Dialogue Between States, London: Methuen, 1982, 122-4.
- American Journal of international law (1961) pp 1062 – 1082.

- Bijan Bidabad. Mystical (Sufi) Foundation of International Relations in Islam, Public International Law, Foreign Policy and Diplomacy, a Theosophy Approach based on Islamic Sufi Teachings .ISBN: 978-3-659-62906-8. Lap Lambert Academic Publishing, OmniScriptum GmbH & Co.KG .2014.

http://www.amazon.com/gp/product/3659629065/sr=8-4/qid=1416750168/ref=olp_product_details?ie=UTF8&me=&qid=1416750168&sr=8-4

<http://www.bidabad.ir/doc/mabani-erfani-ravabet-beynolmelal-en.pdf>
- Bijan Bidabad. International Relations Principles, an Islamic Sufi Approach: Public International Law, Foreign Policy, and Diplomacy, a Theosophical Approach Based on Islamic Sufism Teachings. ISBN: 978-3-659-63502-1. Lap Lambert Academic Publishing, OmniScriptum GmbH & Co.KG.2014.

http://www.amazon.com/gp/product/3659635022/sr=8-2/qid=1417504278/ref=olp_product_details?ie=UTF8&me=&qid=1417504278&sr=8-2

<http://www.bidabad.ir/doc/inter-rel-kholaseh-en.pdf>
- Bijan Bidabad. Foundations of International Relations: An Islamic Sufi Approach. International Journal of Law and Management (IJLMA), Vol.53 No.5, 2011, pp.313-339, Emerald Group Publishing Limited. ISSN: 1754-243X

<http://www.bidabad.ir/doc/international-relations-en.pdf>

<https://doi.org/10.1108/17542431111166322>
- Bijan Bidabad. A Draft for International Relation Declaration based on Islamic Sufi Teachings, Tehran, 2014.

<http://www.bidabad.ir/doc/inter-rel-declaration-en.pdf>

- Bijan Bidabad. A Declaration for International Relations (Based on Islamic Sufi Teachings) International Journal of Law and Management (IJLMA), Vol.59, Iss: 4, pp.584-601, Emerald Group Publishing Limited, 2017. ISSN: 1754-243X

<http://www.bidabad.ir/doc/inter-rel-declaration-en.pdf>
<https://doi.org/10.1108/IJLMA-12-2015-0061>
- Bijan Bidabad. A Convention for International Trade (Based on Islamic Sufi Teachings). International Journal of Law and Management (IJLMA), Vol.57, Iss: 5, pp.522–551, Emerald Group Publishing Limited, 2015 .ISSN: 1754-243X

<http://www.bidabad.ir/doc/convention-trade-en.pdf>
<https://doi.org/10.1108/IJLMA-06-2013-0025>
- Bijan Bidabad. Public International Law Principles: An Islamic Sufi Approach, Part I. International Journal of Law and Management (IJLMA), Vol.53 No.6, 2011, pp.393-412, Emerald Group Publishing Limited .ISSN: 1754-243X.

<http://www.bidabad.ir/doc/inter-public-law-en.pdf>
<https://doi.org/10.1108/17542431111185178>
- Bijan Bidabad. Public International Law Principles: An Islamic Sufi Approach, Part II. International Journal of Law and Management (IJLMA), Vol.54 No.1, 2012, pp.5-25, Emerald Group Publishing Limited .ISSN: 1754-243X.

<http://www.bidabad.ir/doc/inter-public-law-en.pdf>
<https://doi.org/10.1108/17542431211189588>
- Bijan Bidabad. Foreign Policy Principles: An Islamic Sufi Approach, Part I, International Journal of Law and Management (IJLMA), Vol.54 No.2, 2012, pp.97-124, Emerald Group Publishing Limited .ISSN: 1754-

243X.

<http://www.bidabad.ir/doc/foreign-policy-en.pdf>

<https://doi.org/10.1108/17542431211208531>

- Bijan Bidabad. Foreign Policy Principles: An Islamic Sufi Approach, Part II, International Journal of Law and Management (IJLMA), Vol.54 No.3, 2012, pp.173-196, Emerald Group Publishing Limited .ISSN: 1754-243X.
<http://www.bidabad.ir/doc/foreign-policy-en.pdf>
<https://doi.org/10.1108/17542431211228584>
- Bijan Bidabad. Diplomacy Principles: An Islamic Sufi Approach, Part I. International Journal of Law and Management (IJLMA), Vol.54 No.4, 2012, pp.253 – 273. Emerald Group Publishing Limited .ISSN: 1754-243X.
<http://www.bidabad.ir/doc/diplomacy-en.pdf>
<https://doi.org/10.1108/17542431211245305>
- Bijan Bidabad. Diplomacy Principles: An Islamic Sufi Approach, Part II. International Journal of Law and Management (IJLMA), Vol.54 Iss: 6, 2012, pp.422 – 442. Emerald Group Publishing Limited .ISSN: 1754-243X.
<http://www.bidabad.ir/doc/diplomacy-en.pdf>
<https://doi.org/10.1108/17542431211281936>
- Bijan Bidabad. Philosophy of Law: An Islamic Sufi Approach. International Journal of Law and Management (IJLMA), Vol.60 Issue: 5, pp.1179-1195, 2018, Emerald Group Publishing Limited .ISSN: 1754-243X.
<http://www.bidabad.ir/doc/law-philosophy-en.pdf>
<https://doi.org/10.1108/IJLMA-06-2017-0132>

- Bijan Bidabad. Individual Law: An Islamic Sufi Approach. International Journal of Law and Management (IJLMA), Emerald Group Publishing Limited, Vol.60 Issue: 6, pp.1338-1353, 2018 .ISSN: 1754-243X.
<http://www.bidabad.ir/doc/hoqooqe-fardi-en.pdf>
<https://doi.org/10.1108/IJLMA-06-2017-0135>
- Bijan Bidabad. Public Law: An Islamic Sufi Approach. 2012.
<http://www.bidabad.ir/doc/hoqooqe-omoomi-en.pdf>
- Bijan Bidabad, Man and woman resolution in Islamic law. Tehran, 2022.
<http://www.bidabad.ir/doc/man-resolution-paper-en.pdf>
- Bijan Bidabad. Public Administration: An Islamic Sufi Approach. 2010. International Journal of Shari'ah and Corporate Governance Research, 2(2), 22-40, 2019 .P-ISSN: 2578-0387; E-ISSN: 2578-0409. Centre for Research on Islamic Banking & Finance and Business (CRIBFB); Society of Shari'ah and Corporate Governance.
<http://www.bidabad.ir/doc/edareh-omooore-omoomi.pdf>
<https://www.cribfb.com/journal/index.php/ijscgr/article/view/318>
- Bijan Bidabad. Electronic Extractionary Election (Voting), An Islamic Sufi Approach to Improve Democracies. 2022 .
<http://www.bidabad.ir/doc/extractionary-election-en.pdf>
- Bijan Bidabad, Mehdi Tabatabaei. Slavery in Islam: An Islamic Sufi Approach. International Journal of Shari'ah and Corporate Governance Research, 2(2), 1-12, 2019 .P-ISSN: 2578-0387; E-ISSN: 2578-0409. Centre for Research on Islamic Banking & Finance and Business (CRIBFB); Society of Shari'ah and Corporate Governance.
<http://www.bidabad.ir/doc/bardedari-erfan-en.pdf>

<https://www.cribfb.com/journal/index.php/ijscgr/article/view/305>

- Bijan Bidabad, Social Changes: An Islamic Sufi Approach. Tehran, 2012. International Journal of Shari'ah and Corporate Governance Research, 2(2), 41-53, 2019 .P-ISSN: 2578-0387; E-ISSN: 2578-0409. Centre for Research on Islamic Banking & Finance and Business (CRIBFB); Society of Shari'ah and Corporate Governance.
<http://www.bidabad.ir/doc/tahavolate-ejtemaee-en.pdf>
<https://www.cribfb.com/journal/index.php/ijscgr/article/view/319>
- Bijan Bidabad, Sufi Approach to Behavioral Sciences and Mathematical Foundation of Tabandeh Behavioral Theory (Mathematical Framework for Analyzing Individual and Social Behavioral Issues). Tehran, 2018 .
<http://www.bidabad.ir/doc/tabandeh-sociology-en.pdf>
- Bidabad, Bijan, Economic-juristic analysis of usury in consumption and investment loans and contemporary jurisprudence shortages in exploring legislator commandments. Proceeding of the 2nd International Islamic Banking Conference. Monash University of Malaysia. 9-10 September 2004.
<https://www.cribfb.com/journal/index.php/ijibm/article/view/275>
<http://www.bidabad.ir/doc/reba-en.pdf>
- Christer Johnsson and Karin Aggestam, "Diplomatic Signalling," DSP Discussion Papers No. 27.
- Ernest Satow, A Guide to Diplomatic Practice, London: Longmans, Green, 1957, 1-3.
- Hans Morgenthau, Politics among Nations, 146.
- John Le Carre, "The Honourable Schoolboy".

- K. Hamilton and R. Langhorne, *The Practice of Diplomacy-its Evolution, Theory and Administration*, London: Routledge, 1995, 1.
- Morton Kaplan, "Introduction to Diplomatic Strategy", *World Politics*, July 1952, 548.
- *Roget's II: The New Thesaurus*, 3rd Ed. by the Editors of the American Heritage Dictionary 1995 by Houghton Mifflin Co.
- *The American Heritage Dictionary of the English Language*, 4th Ed. 2004, Houghton Mifflin Co.
- Derek McKay and H.M. Scott (1983), *The Rise of the Great Powers: 1648-1815*.
- WordNet 1.7.1, 2001 by Princeton University.

French References

- Abd-el-Kader Boye, *Serie "Tiers monde en marche"*, Tome 3-L'acte de nationalisation, Berger–Levrault, les Nouvelles editions africaines.
- Charles de Martens, *Le Guide diplomatique*, Leipzig: 1866, 1.
- Jacques Chazelle, *La Diplomatie*, Paris: Presses Universitaires de France, 1962, 9.
- M. Callières, *De la manière de negocier avec les souverains, de l'utilité des Negotiations, du choix des ambassadeurs & des Envoyez, & des qualités necessaires pour reussir dans ces emplois*, Bruxelles: Pour la Compagnie, 1716.

Other References

- A.Y. Vishinsky, S.A. Lozevsky, eds., *Diplomaticheskii Slovar*, Moscow: 1948-1950, vol. I, 570.

VOCABULARY

English Farsi Vocabulary

A

Abbasids government	حکومت عباسی
Abel	هابیل
abolition of slavery	الغاء بردگی
abomination, lewdness, sin	فسق
Abraham	ابراهیم
abrogating and abrogated	ناسخ و منسوخ
abrogation	نسخ
abscess	دُمَل
absolute devotion to Allah	اخلاص
absolute epitome	نمونه کامل
abundant reward	ثواب جزیل
accident	عَرَض
Achaemenian	هخامنشی
acquired knowledge	علم حصولی
adjudication	قضاء (قضاوت کردن)
adjustment of differences	حل و فصل اختلافات
administrative law	حقوق اداری
adoration, devotion, servitude	عبودیت
adulterer	زانی
adulteress	زانیه

adultery	زنا
adultery of married women or men	زناى محصنه
advent	ظهور
affability	خوشروئى
against good moral	خلاف اخلاق حسنه
agony of death, being at the point of death	احتضار
alieni juris, incapable, under guardianship	محجور
all encompassing mercy, all-inclusive mercy	رحمت عام
all other than God	ماسوى الله
Allah's countenance	وجه الله
allegorical verses	متشابهات
alliance and unity	اتفاق و اتحاد
All-Wise	حكيم مطلق
alms	صدقات
alteration of divine will or knowledge or command	بداء
altruism, self-sacrifice	ايثار
ambiguities	ابهامات
ambition, desire for superiority	برترى طلبى
amplitude, spacious	فسيح
analogy, deduction by analogy, syllogism	قياس
analyze, analysis	تحليل
annihilation, dissolution	فنا
antagonistic principles	اصول متضاد
anthropomorphism	تشبيه (خداوند)
aphorisms, maxims	كلمات قصار
apostles, disciple	حواريين
appearance meaning of the word	منطوق

appointed destiny	القضاء المبرم
apprehension, conception, imagination	تصور
arbitration	داوری
arbitrator	حکّم
arch-prophets, possessors of determination	اولوالعزم
armaments, weapons	تسلّیحات
armed revolt	خروج بالسيف
arrogance	استکبار
arrogant	مستکبر
artaxerxes	اردشیر
arteriosclerosis	تصلّب شرايين
ascension	معراج
ascetics	زهاد
assassination attempt	سؤ قصد
associate with philosophers	خالط الحكماء
attaining, obtaining, holding	إحراز
attorney at law	وکیل (دعاوی)
attraction and repulsion	جاذبه و دافعه
attributes of beauty	صفات جماليه
attributes of majesty	صفات جلالیه
attributes of perfection	صفات کمالیه
attributes of the essence	صفات ذاتیه
attribution	اطلاق
authoritarian	رژیم اقتدارگر
avarice	منفعت طلبی
avarice, greed	شحّ (بخل - آز)
avaricious person	شحیح

awe, fear with respect	هیت
B	
backbiting	غیت (بدگویی درغیاب)
balance of powers	توازن قوا
barren land	زمین بایر
base of scripture	ام الكتاب
bearer of good tidings	بشیر
becoming and decaying	کون و فساد
beggar	سائل
beggar of scholars	سائل العلماء
being	وجود
being oppressed	انظلام
belated accomplishment	قضاء (اداء)
belief	اعتقاد
believer	مؤمن
belligerent states	دول متحارب
belligerent-disbeliever	کافر حربی
benevolence	نیکی
bestiality	وَطْی بَهِیمَه
blamable, reproachable	مذموم
blasphemy	کُفْر
blessing	برکت
blind submission	سرسپردگی
blocking detrimental means	سد ذرایع
blood money	دیه
blood-wit, avenger of blood	ولی دم
blowing	نفخ

boast	رجز خوانی
boasting, self-glorification	تفاخر
body	جسم
book of the blessed	نامه اعمال ثوابکاران
book of the damned	نامه اعمال گناهکاران
bountiful table	خوان نعمت
bow down	رکوع
brawny	قوی هیکل
breach of covenant	نقض عهد
brethren	اخوان
burdensome duty	تکلیف مالایطاق
C	
Cain	قابیل
caliph, successor, viceroy	خلیفه
call to prayer	اذان
Canaan	کنعان
cancellation or revocation of contract	لغو قرارداد
cancellation, revocation, annulment	فسخ
cankers of the soul	آفات نفس
canonists	مشرعین
capitulation	کاپیتولاسیون
captive (during the fight)	اسیر
carnal sciences	علوم نفسانی
carnal verses	آیات نفسانی
carrion	میته
categories of philosophy	مقولات فلسفی
causal interpretation, argumentation	تعلیل

causing loss	اضرار
causing, occasioning	مورث
cautioning, warning	تحذير
certainties	يقينيات
cessation of hostility	ترك مخاصمه
chain mail	زره
chaos, lawlessness, anarchy	هرج و مرج
characters, qualities	خصائل
charitable donation, almsgiving	انفاق
charitable institutions	مؤسسات خيريه
charity, benevolence	احسان
chastisement, punishment	عقوبت
chastity	عفت
church	كليسا
circumambulation, procession round the Ka'abah	طواف
civilized	متمدن
civilized states	کشورهای متمدن
clan	عشيره
class differences, class distinctions	اختلافات طبقاتی
clear proof, clear evidence	بينه
clear-sighted	بصير
cleave the body in two	شقه کردن
collected book	کتاب تکوینی
colonialization	استعمار
colossal providential figure	شخصیت بزرگ معنوی
commander of the faithfuls, leader of the believers	امير المؤمنين
commandite	مضاربه

comment	تفسير
commission of inquiry	كميسيون تحقيق
common duty, sufficient necessity	واجب كفاي
common people	عوام الناس
companion, adherent	ملازم
companions	اصحاب
compassion	رأفت
component, constituent	مؤلفه
compound perception	شعور ترکیبی
concealment of testimony	کتمان شهادت
conciliation	سازش
conciliation of hearts	تالیف قلوب
conclusive evidence, decisive proofs	ادله قطعیه
conclusiveness	قطعیت
conduct, way of life, morals	سیره
confer	تفویض کردن
confession	اقرار
confession of faith, confession of Allah unity	شهادت (به توحید)
confiscation	مصادره
conflict of laws	تعارض قوانین
confusion, confounding of similar subjects	ملا بست
confusion, uncertainty, doubt	شُبُهه
conjectural issuance	ظنی الصدور
conjectural reference	ظنی الدلاله
conjecture, surmise	ظن
conjuration	تردستی
conscience	وجدان

consecration	مراسم عبادی
consensus, unanimity	اجماع
constitution	قانون اساسی
constitutional law	حقوق اساسی
constrained, exigency, necessity	اضطرار
consular relations	روابط کنسولی
consulting (for example with the Qur'an)	استخاره
contact and mutual permeation	ملامسه و حلول
container	ظرف
contaminated, polluted, agitated	مشوب
contend	مجادله کردن
content	مظروف
contented satisfied	قانع
contract of reward	جعاله
contraction	قبض
contractual liberation of slave	کتابه (آزاد سازی برده)
contributor, almsgiver	منفق
co-religionist	هم کیش
correction, chastening	تأدیب
corruption, degeneration, mischief	فساد
course of time	دهر
courtesy, modesty	تواضع
covenant	عهد
covenant and promise	عهد و پیمان
covet	زاویه
covetous	طلاب (خواستاران)
created guardianship	ولایت تکوینی

creative	تكوینی
creator	خالق
creature	مخلوق
creed	عقیده
crimes against humanity	جرائم ضد بشریت
crimes against peace	جنايات ضد صلح
criminal law	حقوق جزا
criterion, distinguisher	فُرقان
crookedness	اعوجاج
cruelty, oppression, injustice	ظلم
cultural unity	وحدت فرهنگی
customary international law	حقوق بین الملل عرفی
customs duties	مُكوس
Cyrus, the great	کورش
D	
Day of arousing	یوم البعث
Day of dividing	یوم الفصل
Day of judgment	یوم الدین
Day of reckoning	یوم الحساب
debauchery, wickedness, lewdness	فجور
deceased estate	ترکه
deceit, devising	مکر
deception, fraud	تقلب
deduction, reasoning	استدلال
deficiency of soul	نقصان نفس
delicacy, nicety	ظرافت
delicate, tender, subtle	لطیفه

delirium	هذيان
deliverance	فرج
deliverance, salvation	عافيت
denoting, indicating	مُشعر
denounce, blame	ذَم
deportation	اخراج و تبعيد
deposit	وديعة
deputies, representatives, delegates	نواب
derision	سخريه
desecration	هتك حرمت
desperation	استيصال
destiny, fate	مقدرات
devotee	راهب (عابد)
devotion, worship	عبادت
devotional instructions	دستورات عبادى
devotional oath of allegiance	بيعت ولايتى
difference of opinion	اختلاف
dignity, rank, status	شأن
dilation of heart	بسط قلب
direct and immediate successor	خليفه بلافصل
disbeliever, infidel	كافر
disciple	مريد
discord and division	تفرقه
discretionary punishment	تعزير
disliked	مكروه
disobedience from parent's orders	عقوق
disobedience, insolence	تجرى

disorder, derangement	اختلال
displeasure, dislike, condemnation, anger	سَخَط
dispossessed	محرومان
dissipation, waste	تفريط
distinguishing faculty	قوه تميز
distortion, perversion, falsification, alteration	تحريف
distress and constriction	عسر و حرج
disturbance, riot, rebellion	فتنه
diversion and play, frivolity	لهو و لعب
divine assistance, success given by God	توفيق الهى
divine bounty, grace of God	موهبت الهى
divine contingencies	واردات (قلبى)
divine creating words	كلمات تكوينى الهى
divine decree	امر الهى
divine determinations of things	تقديرات الامور
divine guardians, divine executors (saints)	اولياء الهى
divine guardianship	ولايت
divine guardianship, leadership	امامت
divine knowledge	علم الهى
divine providences	مشيت الهى
divine reality, supreme reality	حقيقت
divine religions	اديان الهى
divine revelation	وحى الهى
divine signs	آيات الهى
divine successors	اوصياء الهى
divine successorship	خلافت الهيه
Divine Throne	كُرسى

divine tranquility, peace of mind	سکینه
divinity	ربوبیت
doctrinal Sufism	تصوف علمی
doing justice, to administer justice	رفتار به عدل
doom	أجل
doubts, suspicions	ظنون، ظنیات
drowned, absorbed, overwhelmed	مستغرق
duty, injunction, obligatory rule, a precept	فریضه
E	
early Islam, advent of Islam	صدر اسلام
earn a living, obtaining means of livelihood	معاش
ecstasy, mystic love	وجد
efficiency	جربزه
effort	اهتمام
effusion, emanation	فیض (سریان - صدور)
egocentricity	نفسانیت
egotism	خودستائی
egotism, self worship, self assertion	انانیت
elements	عناصر
elite	روشنفکر
elliptical expressions	تلویحات و لطائف
eloquent	فصیح
emaciation from hunger, trouble, difficulty	مخمصه
emancipation (of slaves)	عتق
end of things	عواقب الامور
endowment	عطایا
enemy's territory	دار الحرب

enjoin the right (good)	امر به معروف
enlightenment	تنویر افکار
enmity, hostility, transgression	عدوان
enslavement	به بردگی کشیدن
esoteric	باطنی
esoterics, Batinis	باطنیه
espionage	جاسوسی (تجسس)
essence	ذات
establishment of justice, upholding of justice	قیام به قسط
estimation faculty	قوه واهمه
ethicians	علمای اخلاق
evil consequence	وبال
evil, malevolence	شرّ
exaggeration	غلوّ
exaltation	اعتلاء
excellence, superiority, virtue	فضیلت
excessiveness	افراط
excommunication	تکفیر
existentialist monism	وحدت وجود
existing in the mind	قائم بالنفس
exoteric doctrine	ظاهر (امور)
exoteric jurists	فقهاء اهل ظاهر
expansion	بسط (حالت روانی)
expected	منتظر
experimental wisdom, gnosis, knowledge, knowing, cognition	معرفت
expiate	اذعان به تقصیر
expiation, atonement	کفاره

expiatory alms	هدایا
expressly stated authorization	اذن منصوص
extended perception	شعور بسیط
extermination	نابودی (کامل یک نژاد)
extradition of refugees	استرداد پناهندگان
exult, merry-making	شادمانی بسیار
F	
fabricated movement	جنبش تصنعی
faculty of desiring	قوه شوقیه
faculty of fantasy	قوه خیال
faith, belief	ایمان
family	طایفه
famine, scarcity	قحطی
fanatical views	نظرات خشک مذهبی
farewell address (sermon)	خطبه الوداع
favourable opinion, good opinion	حُسن ظن
female slave	امه (اماء)
female slave who has borne her master a child	أمّ ولد
fight with the enemy	زحف
fighting, warfare	قتال
fine substance	جوهری لطیف
fire-worshippers	آتش پرستان
firmly rooted in knowledge, of sound instruction	راسخین در علم
firmness, consistency	قوام
flag	لواء
flattery, compromise	مداهنه
follower	مقلّد

food items	مأکولات
foolishness, stupidity	حماقت
forbearings (tolerants)	حلمااء
forbidding the wrong (evil)	نهی از منکر
force, bullying, violence	قهر
forcible possession	تصرف عدوانی
foreign policy	سیاست خارجی
forgiveness	عفو
forlorn, abandoned, separated	مهجور
form, body, matrix	قالب، صورت
formal prophetic duties and obligations	تکالیف قالبی نبوی
fortune-telling, sooth saying	فالگیری
foster-child	فرزند خوانده
four journeys	اسفار اربعه
fraud, deceit, impurity, dissimulation	غش
free-choice actions	افعال اختیاریه
Friend of God	خلیل الله
friendship, companionship	مراقت، موّدت
frontiers, borders	ثغور
fundamental dogmas, principles of jurisprudence	اصول فقه
G	
gain	غنیمت
gambling	قمار
general mobilization	بسیج همگانی
general principles of law	اصول کلی حقوقی
generalities	اطلاقات
generalization	تعمیم (کلام)

generosity	سخاوت
generosity towards one's relatives	صله رحم
genie devils, hidden devils	شياطين جنى
genocide	كشتار دستجمعى
glistening light	نور شمعشانى
Glory be to His Majesty	جَلِّ شَأْنَهُ
gnosis of God	معرفت الله
God's remainder	بقية الله
good character quality	اخلاق حسنه
good deeds	حسنات
Gospel	انجيل
governmental oath of allegiance	بيعت حكومتى
grace of the next world	نعم اخروى
grace, dignity, to work miracle	كرامت
great metropolis	شهر عظيمه
greater pilgrimage	حج اكبر
greediness	شره
greetings	تحيت
guarded country, fortified state	مملكت محروسه
guardianship of jurisconsult	ولايت فقيه
guidance	هدايت
guile	حيله
H	
hagiography	ترجمه احوال
haughtiness, pride, conceit	كبر و نخوت
heart restriction	حصر قلب
heartily attention	توجه قلبى

hearty duties and obligations	تكاليف قلبی
heavenly body	علویت
heavenly court	درگاه الهی
heavenly form	صورت ملکوتی
heavens of spirits	سماوات ارواح
heavens, spheres	افلاک
heir	وارث
hell	جهنم، دوزخ، سجین
hell of bad temper	جهنم طبع
here I am, at thy service	لیک
Hereafter	آخرت
heretic, atheist	زندیق
hidden (Imam)	غایب
high council	ملاء اعلی
high seas	دریای آزاد
high, sublime, superior, heavenly	علوی
highest kingdom	ملکوت علیا
hinder of good	مناع الخیر
historical identity	هویت تاریخی
historical superiority	برتری های تاریخی
holder of authority, master of affairs	اولو الامر
holy war	جهاد
honest-hearted person	شخص صادق
honourable prophet	نبی اکرم
honouring	اعزاز
honouring the treaties	وفای به معاهدات
house of learning, academy	دار العلم

humanity	بشریت
humankind guardians	اولیاء بشر
hypocrites	منافقین
I	
Iblis	ابلیس
idolater	مشرك
ignominy, disgrace, degradation	خزى
ignoramus	جاهل
ill repute, ignominy	بدنامی
illegitimate child	فرزند نامشروع
illicit gain, bribery	سُحت
illumination of the attributes	تجلی صفات
illumination of the essence	تجلی ذات
illumination of the name	تجلی نام
illusory knowledge	علم وهمی
imaginations	تخیلات
imaginations	خیالات
imaginative faculty	قوه متخیله
Imams of right guidance	ائمہ ہدی
imbecile	سفیہ
imbecility, foolishness	بلاہت
imitation, following	تقلید
immigration	مہاجرت
impeccable, infallible	معصوم
impediment	حرج
impious rulers	حُکام جور
inplacable adversaries	مخالفین سرسخت

implicit thing	مضمّر
impregnable fortress	حصن حصين
improved land	زمين داير
imputation of in chastity	قذف
in company with, accompanying	معيت
inanimate object	جماد
including all particulars	على الوجه التفصيل
incorporeal beings, angels	مجردات
indebtedness	اشتغال ذمه
independence of states	استقلال كسورها
independent judgment	اجتهاد
indisputable action	فعل مسلم
indisputable right	حق مسلم
indisputable verses, decisive verses	محكمات
indwelling, incarnation	حلول
infallibility, protection against error	عصمت
infection	عفونت
inference, deduction	استنباط
inflammation of the chest	ذات الصدر
infringement of rights	تعدي
inhabitation	تمكّن
inheritance	وراثت
initiated	مستجيب
innate disposition, primordial nature	فطرت
inner or spiritual meaning of Qur'an	باطن قرآن
innovation, novelty	بدعت
inscription	كتيبه

inspiration	الهام
inspiration, divine revelation	وحى
instance, evidence, confirmation	مصدق
instillation	القاء كردن
intellectual intuition, spiritual taste	ذوق
intellectual sciences	علوم عقلانى
intellectual world	عالم معقول
intelligence, sagacity	فطانت
intelligible entities	معقولات
intercession	شفاعت
interdependent, correlative	لازم و ملزوم
international court of justice	ديوان بين المللى داد گسترى
international courts	محاكم بين المللى
international institutions	مؤسسات بين المللى
international laws	قوانين بين المللى
international relations	روابط بين الملل
international responsibility	مسئوليت بين المللى
international treaties	معاهدات بين المللى
interpretation	تأويل
interregnum	دوران فترت
intuitive knowledge	علم حضورى
invocations	ورد
inward, hidden meaning	باطن
Islamic judge	حاكم شرع
Islamic laws	قوانين اسلامى
Islamic legal books	كتب فقهى

Islamic mysticism	عرفان اسلامی
Islamic ordinances, rules	احکام اسلامی
Islam's expediency	مصلحت اسلام

J

Jerusalem	بیت المقدس
Jethro	شعیب
job-position	منصب
Joshua	یوشع
jurisconsult	فقیه
jurisprudence	فقه
jurist	حقوقدان
juristic preference	استحسان
justice	عدل

K

keep a vigil, perform the night prayer	تهجد
keeping (God) pure	تنزیه (خداوند)
killing the fellow- creature	همنوع کشی
kindness, pity	شفقت
kingdoms (the three)	موالید (سه گانه)
kinship	نسب
knower of Allah	عالم بالله
knower of Allah's commands	عالم به امر الله

L

legal doctrine	دکترین حقوقی
legal rule	قاعده حقوقی
legatee	وصی
legislator	مقنن

leprosy	آكله
lesbianism	مساحقه
lesser pilgrimage	حج عمره
letters	رسائل
lexicology	واژه شناسی
liberality, chivalry, knighthood	فُتوت (كرم - سخى)
life's secret	عورت
lights	انوار
limbo, obstacle	برزخ
loadable and desirable	ممدوح و مطلوب
lodge of initiation	محفل
logicians	منطقيين
lower kingdom	ملكوت سفلى
lowest worldly selfishness conjectures	ظنون نفسى دنيوى سفلى

M

magnanimous, honourable	بزرگوار
magnificence domination	جبروت
male slave	عبد (عبيد)
manifestation of divine beauty	تجليات جمال
manifestation, epiphany	مظهر
mankind devils	شياطين انسى
mankind status	مقام بشریت
mankind's transcendence	اعتلاى بشریت
manner	شاکله
marginal notes	تعليقات
marital law	حقوق زوجیت
master of affairs	ولى امر

material world	ناسوت
materialists, naturalists	دهريون
matters in suspense	امور موقوف
may God be pleased with them	رضوان الله عليهم
may his spirit be sanctified	قدس سره
meanness	تقتير
means of subsistence, supplies of food, victuals	ارزاق
mediation	وساطت
mediations	ميانجيگري
memoirs	خاطرات
men of God	اهل حق
mental concentration	تفكر
mentioning	ذكر باللسان
mentioning aloud	ذكر جلي
mercy	رحمت
messenger, apostle	رسول
metaphorical, union	اتحاد (در عرفان)
metaphysical postulates	اصول ماوراء طبيعي
microcosm	عالم صغير
military campaign	لشگر کشي
military march	مارش نظامي
minor ablution	وضو
minor premise	صغري (منطق)
mintage of counterfeit coins	ضرب سكه هاي قلب
misappropriation of orphan's property	خوردن مال يتيم
mischievous-maker, corrupter	مفسد
missionary, preacher	داعي

mitigation of punishment	تخفيف مجازات
mockery, to ridicule	تَهَكُّمٌ
monastery	خانقاه (زاویه)
monastic life, vows of chastity and seclusion	رهبانیت
moral certitude	ایقان اخلاقی
moral instructions	دستورات اخلاقی
moral transcendence	اعتلای اخلاقی
moral virtues	فضائل اخلاقی
Moses	موسی
mother of all woes	ام الخبائث
motive faculty	قوه محرکه
Muhammedan rites	آئین محمدی
municipal courts	محاکم داخلی
municipal law	حقوق داخلی
musical assemblies	سماع
Muslims market	سوق مسلم
mystic	عارف
mystic poverty	فقر (در عرفان)
mystical "intoxication"	سُکْر
mystical "sobriety"	صحو
mystical illumination	تجلی
mystical journey, to travel on the true path	سلوک
mystical principles	مبانی عرفانی
mystical-theosophical interpretation	تفسیر عرفانی حکمی
N	
narrations	اخبار
narrative	خبر

narrow minded, short sighted	کوته فکر
national anthem	سرود ملی
national apostate	مرتد ملی
national glories	افتخارات ملی
national movement	جنبش ملی
national unity	وحدت ملی
national zeals	تعصبات ملی
nationalism	ملی گرایی
nationalistic spirit	روحیه ملی گرایی
nationality, citizenship	تابعیت
natural apostate	مرتد فطری
needer	فقیر (بی چیز)
negotiation	مذاکره
neutrality policy	سیاست بیطرفی
new initiate	سالک جدید الورود
niggardly	بخیل
night attack, surprising attack	شیخون
night of the divine decree	لیله القدر
nobles and grandees	اعیان و اشراف
non-alignment policy	سیاست عدم تعهد
non-Arab	عَجَم
non-belligerent infidel	کافر غیر حربی
nondiscrimination	عدم تبعیض
non-intervention	عدم مداخله
non-recourse to force	عدم توسل به زور
novelties	موارد مستحدثه
novice	مرید (تازه درویش)

nuclear waste	زباله هسته‌ای
O	
oath of allegiance	بیعت
obedience, submission	انقیاد
objective verses	آیات عینی
obligatory guardianship	ولایت تکلیفی
obligatory rules	احکام تکلیفی
obligatory to observe	مفترض الاتباع
obscene publication	نشریات خلاف عفت
obscene, shameful	قبیح
observer, protector, guard	مراعی
obstinate opposition	معانده
occasion of revelation	شأن نزول
occult position	مقام غیب
occultation, absence, concealment	غیبت (عدم حضور)
occurrences unto heart	خطورات قلبی
occurring to the mind	خطورات ذهنی
offerings and the sacrifices	نذر و نیاز
official language	زبان رسمی
one chosen by God	صفی الله
one fifth levy	خمس
one in miserable state	مسکین
optimum allocation of resources	تخصیص بهینه منابع
ordinances, commands, decrees, judgment, rules	احکام
orthodox caliphs	خلفای راشدین
orthodox canonist	فقیه
our master	مولانا

outer space	فضاء ماوراء جو
outward, appearance	ظاهر
overtly committing a sinful conduct	تجاهر به فسق
P	
painful doom	عذاب اليم
parables	امثال
paradise, heaven	بهشت
paragon	أسوه
parasite	أنگل
pardon, forgive	صفح
Pareto optimality	تعادل پارتو
parsimony	إمساك
partial justice	عدالت جزئی
participial phrase	حال (در دستور زبان)
particularization	تخصیص (کلام)
paternity	ابوت
path of esoterics	طریق اهل باطن
path of followers of formal religion	طریق اهل ظاهر
patriotism	میهن پرستی
patronage	ولاء
peaceful coexistence	همزیستی مسالمت آمیز
peace-loving states	دول صلح دوست
people of scripture	اهل کتاب
people, mankind	ناس
perception, comprehension	ادراک
perceptual world	عالم محسوسات
perdition, to go astray, deviation	ضلالت

perfect man, ideal man	انسان کامل
perfection	کمال
perfection in action	اتقان در عمل
perfection in knowledge	اتقان در علم
perfection of soul	کمال نفس
periodic retreats	خلوت (عزلت)
permission	إذن
permitted	مباح
personal view	رأى
persons, personages	ذوات
perspicacity	درایت
pest	آفت
Peter	پطرس
phenomenon	پدیده
physical dependency	تعلق جسمانی
piety	پرهیزگاری، تقوا
pilgrimage	حج
pilgrim's garb	إحرام
pious gifts	صدقه
pious individuals	صالحون
plagiarism, literary theft, be attributed to a religion	انتحال
plagiarists	معلمین منتحل
plaintiff, claimant	مدعى
pleurisy	ذات الجيب
plunder	غارت اموال
pneumonia	ذارت الریه
pole or mystic axis of the world	قطب یا قوس

political considerations	ملاحظات سیاسی
political faction	جناح سیاسی
political immunity	مصونیت سیاسی
political leaders	قائدين سیاسی
political motives	اغراض سیاسی
political sciences	علوم سیاسی
political supremacy	سیطره سیاسی
politician	سیاستمدار
politico-religious attitudes	نظرات سیاسی - عبادی
poll-tax, capitation, tribute	جزیه
poor-due	زکات
popularity	محبوبیت
position of annihilation	مقام فنا
posterity	آیندگان
power of ferociousness	قوه سبعیه
power of functionality	قوه عمّاله
power of sagacity	قوه علامه
power of sensuality	قوه شهویّه
power of wickedness, mischievousness	قوه شیطنت
power of wrath	قوه غضبیّه
powers of perception	مدارک
practical example, practice of prophet	سنت
practical philosophy	حکمت عملی
practical Sufism	تصوف عملی
praiser of God	ذاکر
prayer	نماز
prayer leader	امام جماعت

prayer of fear	نماز خوف
prayer-niche	محراب
preacher	واعظ
precautionary dissimulation	تقيه
precedents	رويه قضائي
precious	گرانها
predecessors	اسلاف
predestination	قدر
predetermination	قضاء (همراه با قدر)
pre-eternity	ازل
preference	استحباب
premature death	فوت نابهنگام
premises	مقدمات (منطق)
prestige	حَسَب
prestige, repute	حيثيات
presumed question	سؤال مقدر
presumption of innocence	اصل برائت
presumption of possession	اماره يد
principle of correctness in acts	اصالت الصحه
principle of irrevocability of contracts	اصالت اللزوم
principle of non-existence	اصل عدم
principle of permission	اصل اباحه
principle of theosophy	اصل حكمت
principles of the book (scripture)	امهات الكتاب
printing forged banknotes	چاپ اسكناس جعلی
prison	سجن
prison of self	دار النفس

private international law	حقوق بين الملل خصوصى
private law	حقوق خصوصى
prodigality, extravagance	اسراف
professional theologians	متكلمين
progeny	ذريه
prolixity	اطاله كلام
prominent virtues	مكارم الاخلاق
promise	وعد
promised Messiah	مهدى موعود
promotion, propagation, popularization	ترويج
pronouncing, utterance	تفوه
prophet	نبى
prophetic mission, messengership	رسالت
prophetic formal obligatory actions	افعال تكليفى قلبى نبوى
prophetic tradition	حديث نبوى
prosperity	سعادت
prostration	سجده
protected state	کشور تحت الحمايه
protected table, table of fate	لوح محفوظ
protecting state	کشور حامى
protectorship	تحت الحمايگى
proximity	تقرب
proximity, nearness	قرب
prudence	حزم
Psalms of David	زبور داود
public conscience	وجدان عمومى

public international law	حقوق بين الملل عمومي
public law	حقوق عمومي
public opinion	افكار عمومي
public order	نظم عمومي
public roads, highways	شوارع عام
punishment in the grave, torment of the tomb	عذاب القبر
purification and refinement of character	تهذيب اخلاق
pustule	مرض ديبيله
Q	
quiddity	ماهيت
R	
rabies	مرض كلب
racial discrimination	تبعيضات نژادي
racism	نژاد پرستي
radiation of the light	اشراق
ramifications of the religion	فروع دين
ransom	فديه
ratification	تنفيذ
rational consideration	نظريه
rational decency and obscenity	قبح عقلي
rational proofs	ادله عقليه
rational soul	نفس ناطقه
rational verses, intellectual verses	آيات عقلاني
reality of Muhammad, Muhammedan essence	حقيقت محمدي
realm of being	نشئه (نشأه)
reasonability, validity	حجيت
reasoning through exigency	استصلاح

rebel	باغی
receive initiation	تلقین (در بیعت)
recite prayer	نماز خواندن
recommended	مندوب
recommended (certain religious precepts)	مستحبات
recover/restore one's right, vindication of rights	احقاق حق
refutation	ردّ
region	منطقه
regular recitation of litanies	ذکر
relative injunctions	آدات وصل (موصولی)
reliable, authentic, trustworthy	موثق
religious brethren	برادران ایمانی
religious community	امّت
religious duty accomplishment, completing a prayer	اداء فریضه
religious formalists, fanatics	قشریون مذهبی
religious hypocrisy	نفاق
religious jurist	مجتهد
religious laws	شرايع
religious legal decisions/opinions	فتوی
religious observances	مراسم مذهبی
religious ordinances	احکام مذهبی
religious rites	شعائر دینی
reluctance	اکراه
remembering (glorifying)	ذکر بالقلب
remembering inwardly	ذکر خفی
remoteness	بُعد (دوری)
repentance, penitence	توبه

repentant	تَوَّاب
repercussion	بازتاب
reprehensible, blameworthy	نكوهيده
repression, suppression of beliefs	اختناق
reprisals	عمليات تلافی جويانه
repugnant to chastity	خلاف عفت
requirement of the situation	مقتضى الحال
resemblance	مشاكله
resemblance to Allah (anthropomorphism)	تشبه به الله
resolution	قطعنامه
resort to, take hold of, seize	تمسك
respect, reverence	تعظيم
respective government	دولت متبوع
respondent	مدعى عليه
resurrection, judgment day	قيامت
retaliation, retribution	قصاص
retinue	حشم
retreat, withdrawal	عقب نشینی
return	رجعت
reveal the secrets	افشاء سر
revealed law, canon law	شريعت
revealed prescripts	احكام شريعت
revealed religions	اديان وحيائى (الهى)
reverence, sanctity, prohibition	حرمت
rhetoric	علم المعانى
rhetoricians	اهل معانى
right of choice, option	تخيير

right of supplying drink to pilgrims	سقايت
right way, rectitude	رشد
righteousness, virtuousness	بر
rightfulness	حقانيت
rights of God	حق الله
rights of man	حق الناس
ritual initiation	مراسم ورود در سلوك
robe of benediction	خرقه التبرك
robe of honour	خلعت
Roman law	حقوق رم
rule of "prohibition of detriment"	قاعده لاضرر
ruler of the Gnostics	سلطان العارفين
rules of canon law	احكام فقهي
rules of procedure	آئين دادرسي
running	سعي (از مناسك حج)
S	
sabotage	خرابكاري
saboteur	خرابكار
sacred concert	حلقه (درويشان)
sacred law	شرع مقدس
Sacred Mosque, inviolable place of worship	مسجد الحرام
sacred rites of pilgrimage	مناسك حج
safeguarding, protection	صيانت
salvation	فلاح
sanctuary, sacred zone	حرم
Sassanid	ساساني
Satan	شيطان

satanic perceptions	ادراکات شیطانی
satisfied with	اکتفاء کردن
schismatic	تفرقه گرائی
scholasticism	کلام (علم)
science of hearts	علم القلوب
seal of the prophets	خاتم الانبیاء
seat of power, position of power	اریکه قدرت
secondary cause	سبب
secrets of created things	خفایای مصنوع
sect	فرقه
sect, school	نحله
seeking doors, a mendicant	درویش (نادار)
seeking God's forgiveness	استغفار
seeking help	استنصار
seeking refuge (to God)	استعاذه
seeking to comprehend, perception, realization	استدراک
self and other beings	آفاق و انفس
self, soul	نفس
self-explanatory, obvious, immediate intuition	بدیهی
self-sufficient	غنی
sensual and natural verses	آیات نفسی
Seth	شیث
settlement of disputes	رفع اختلاف
shameful, exceedingly abominable or obscene	فظیح
shamefulness	عار
shamefulness of punishment without declaration of law	قُبْح عقاب بلا بیان
shaving close (the head)	حلق کردن

Shiite and Sunnite sects	فِرَقَ شِيعَه وَ سُنِّي
short-change, defrauding	تَطْفِيف
shouting	جَهْر
showing disdain for idolaters	بِيزَارِي از مَشْرِكِينَ
sincerity	صِفَا
single tradition	حَدِيثَ وَاحِد (قِيَاس)
sinner, wrongdoer, lewd person	فَاسِق
slander	اِفْكَ
slave	مَمْلُوك
slave liberation by saying: "After I die you shall be free"	تَدْبِير (آزَاد كَرْدَن بَرْدَه)
slavery	رَقِيت
slavery of self	رَقِيت نَفْس
so-called-clergyman	رُوحَانِي نَمَا
social civilities	آدَابِ اجْتِمَاعِي
social evolution	تَكَامِلِ اجْتِمَاعِي
social works	اُمُورِ عَامِ الْمَنْفَعَه
sodomy	لُوط
soul dependency	تَعَلُّقِ نَفْسَانِي
sovereignty	حَاكِمِيَّت
special devotional oath of allegiance	بِيعَتِ خَاصِ وَلُوي
spirit	رُوح
spiritual director, guide	مَرشَد
spiritual leaders, religious grandees	مَشَايخ
spiritual oath of allegiance	بِيعَتِ مَعْنُوي
spiritual pole	قَطْب
spiritual reward, to do charitable acts	ثَوَاب
spiritual transformation	اِسْتِحَالَه رُوحَانِي

spiritual verses	آیات روحی
spitefulness	غرض ورزی
spoils of war	غنائم
spongy, porous	متخلخل
squandering	تبذیر
stages and steps	مقامات و احوال
standing for order (in pilgrimage), saying labbaika	تلییه
state of grace	رضا
statesmen	دولتمردان
status quo ante	استصحاب
statute laws	قوانین مصوبه
statutes	حقوق موضوعه
statutory international law	حقوق بین الملل موضوعه
steward	پیشکار
straight-stature animal	حیوان مستقیم القامت
stratagem, deceit	خدعه
strengthened castle, fortified castle	قصر مشید
subaltern	متداخل
subsidiary source of law	منبع حقوقی ثانویه
subsistence	بقاء
subterranean water canal	قنات
subtle evolutionary movement of humanity	لطیفه سیاره انسانی
subtleties	دقایق امور
subtleties of creations	دقایق صنع
successors	خلفاء، جانشینان
succour, help	نصر
sudden death	موت فجاءه

Sufi aspirant, neophyte	طالب
Sufi livery-robe	خرقه
Sufis of pure intent	صوفيه صافى طويه
summer crops	صيفى جات
superstition	خرافات
supplication	تضرع
suppression of anger	كظم غيظ
supreme light	نور علوى
supreme science	علم الاعلى
survival of the fittest	قانون بقاء
swine	خنزير
synagogue	كنيسه
synonymous	مترادف

T

tenebrous light	نور ظلمانى
testimony to oneness of Allah and the messenger	اداء شهادتين
the "opening", permitted, licensed	مأذون
The Beneficent	منان
The books	صُحُف
The Books of Abraham	صحف ابراهيم
the companion of the great ones	جالس الكبرا
The Compassionate, The beneficent	الرحمان
The Just	العادل
the lord creatures	سيد الانام
The Lord of the Age	امام العصر و زمان
The Majesty of Greatness	جلال كبريا
The Master of Both Worlds	مولى الكونين

The Merciful	الرحيم
the most great name	اسم اعظم
the most just of rulers	احكم الحاكمين
The pure spirits, divine realm	لاهوت
The Real	الحق
the returning	معاد
the Scripture, Revelation	الكتاب
the tabernacle	عرش
The Truth Most High	حق تعالى
the vice	رذائل
the void	خلاء
the well not in use	بئر معطله
theologians	علمای کلام
theologians, scholars, jurisconsult	علماء
theological questions	سئوالات مذهبی
theological speculation	تفکرات و نظرات دینی
theoretical gnosis	عرفان نظری
theoretical philosophy (theosophy)	حکمت نظری
theoreticians in law	اصولیین
theosophical utterances, ecstatic utterances	شطح
things which are to be avoided	مکروهات
thinking, rationalization	تعقل
third party guarantee	ضمان
those can be perceived by senses	محسوسات
those who sit at home	قاعدین
those who strive and fight	مجاهدین
threat	وعید

tidings	نَبَأ
tillage	حرث
tithes	عشور
to be ashamed of	تأنف (ورزیدن، داشتن)
to be dressed	متلبس
to grant favour, showing kindness	تفضل کردن
to make inquisition	تجسس
topology	مکان شناسی
Torah, old testament	تورات
torment, doom, punishment, suffering, affliction	عذاب
traditionalism	اخباری (مکتبی فقهی)
traditions	احادیث
traffic in women and children	تجارت زنان و اطفال
traitor	خائن
transactions	معاملات
transcendental	متعالی
transcendental diplomacy	دیپلماسی متعالی
transgression	تجاوز
transitory desires	شهوات فانی
traveler on spiritual path, follower of mystical path	سالک
treason, treachery, betray	خیانت
tributary infidel	کافر ذمی
true rational objectives	اغراض صحیح عقلانی
true reformer, renewer	مُصلح حقیقی
true religion Islam	دین مبین اسلام
trusteeship	قیمومت (سیاسی)
trustworthiness	امانت داری

truthfulness	صداقت
tumult, disturbance, rebellion	غائله
tutor, trustee, helper	مولا
two extremes	افراط و تفریط
U	
ultimate goal	غایت الغایات
Umayyad	بنی امیه
Umayyad government	حکومت بنی امیّه
unalterable knowledge	علم محتوم
unclean, impure	نجس
unconsidered expressions	لغو (کلمات بی ارزش)
uncontested possession	تصرف بلا معارض
uncover, inward unveiling	کشف
under the protection of government	در ذمه حکومت
unfairness, extortion, unjust dealing	اجحاف
ungratefulness of favour	کفران نعمت
unique optimal solution	جواب بهینه یکتا
Unity	توحید
Universal Declaration of Human Rights	اعلامیه جهانی حقوق بشر
universal guardianship	ولایت کلیه
universal intelligence	عقل کل
universal soul	نفس کل
universe, general beings	کائنات
unjust and tyrant caliphs	خلفاء جور
upholder	قائم
uprising	قیام
usurpation	غصب

usury	ربا
utopia	مدینه فاضله
V	
veneration, glorification	تعظیم (بزرگداشتن)
vicegerent of God in the world	خلیفه خدا در زمین
victorious light	نور قاهر
vigil	سحر
vilification	سَبّ
vilify, slander	سعایت
violators of the promise	ناکثین
visitation	زیارت
volition, the sovereign will	مشیت
volitional actions	افعال اختیاری
W	
wandering monk	قلندر
war crimes	جنایات جنگ
war of aggression	جنگ تعرضی
ward, person placed under guardianship	مولی علیه
warner	نذیر
warning	انذار
warrior, fighter	جنگجو
westernization	غرب زدگی
what the situation itself says	لسان الحال
will	اراده
wise, sage, theosophist	حکیم
wish to be seen, dissemble	ریا
withhold, parsimony, stinginess	بخل

wonders of creation	عجایب خلقت
world of authority	عالم ملکوت
world of existence	عالم وجود
world of possible being	عالم امکان
world of power	عالم جبروت
worldly accidents	اعراض دنیوی
wretched	شقی
wretchedness	خذلان
Z	
Zachariah	زکریا
zealous propagator	مبّغ مشتاق و جدی

Farsi English Vocabulary

۱

Imams of right guidance	ائمہ ہدی
Abraham	ابراہیم
Iblis	ابلیس
ambiguities	ابہامات
paternity	ابوت
metaphorical, union	اتحاد (در عرفان)
alliance and unity	اتفاق و اتحاد
perfection in knowledge	اتقان در علم
perfection in action	اتقان در عمل
independent judgment	اجتہاد
unfairness, extortion, unjust dealing	اجحاف
doom	اجل
consensus, unanimity	اجماع
traditions	احادیث
agony of death, being at the point of death	احتضار
attaining, obtaining, holding	إحراز
pilgrim's garb	إحرام
charity, benevolence	احسان
recover/restore one's right, vindication of rights	احقاق حق
ordinances, commands, decrees, judgment, rules	احکام
Islamic ordinances, rules	احکام اسلامی
obligatory rules	احکام تکلیفی
revealed prescripts	احکام شریعت
rules of canon law	احکام فقہی
religious ordinances	احکام مذہبی

the most just of rulers	احکم الحاکمین
narrations	اخبار
traditionalism	اخباری (مکتبی فقہی)
difference of opinion	اختلاف
class differences, class distinctions	اختلافات طبقاتی
disorder, derangement	اختلال
repression, suppression of beliefs	اختناق
deportation	اخراج و تبعید
absolute devotion to Allah	اخلاص
good character quality	اخلاق حسنه
brethren	اخوان
testimony to oneness of Allah and the messenger	اداء شہادتین
religious duty accomplishment, completing a prayer	اداء فریضہ
relative injunctions	آدات وصل (موصولی)
perception, comprehension	ادراک
satanic perceptions	ادراکات شیطانی
rational proofs	ادلہ عقلیہ
conclusive evidence, decisive proofs	ادلہ قطعیہ
divine religions	ادیان الہی
revealed religions	ادیان وحیائی (الہی)
call to prayer	اذان
expiate	اذعان بہ تقصیر
permission	إذن
expressly stated authorization	اذن منصوص
will	ارادہ
artaxerxes	اردشیر
means of subsistence, supplies of food, victuals	ارزاق

seat of power, position of power	اریکه قدرت
pre-eternity	ازل
spiritual transformation	استحاله روحانی
preference	استحباب
juristic preference	استحسان
consulting (for example with the Qur'an)	استخاره
seeking to comprehend, perception, realization	استدراک
deduction, reasoning	استدلال
extradition of refugees	استرداد پناهندگان
status quo ante	استصحاب
reasoning through exigency	استصلاح
seeking refuge (to God)	استعاذه
colonialization	استعمار
seeking God's forgiveness	استغفار
independence of states	استقلال کشورها
arrogance	استکبار
inference, deduction	استنباط
seeking help	استنصار
desperation	استیصال
prodigality, extravagance	اسراف
four journeys	اسفار اربعه
predecessors	اسلاف
the most great name	اسم اعظم
paragon	أسوه
captive (during the fight)	اسیر
indebtedness	اشتغال ذمه
radiation of the light	اشراق

principle of correctness in acts	اصالت الصحه
principle of irrevocability of contracts	اصالت اللزوم
companions	اصحاب
principle of permission	اصل اباحه
presumption of innocence	اصل براءت
principle of theosophy	اصل حكمت
principle of non-existence	اصل عدم
fundamental dogmas, principles of jurisprudence	اصول فقه
general principles of law	اصول كلي حقوقى
metaphysical postulates	اصول ماوراء طبيعى
antagonistic principles	اصول متضاد
theoreticians in law	اصوليين
causing loss	اضرار
constrained, exigency, necessity	اضطرار
prolixity	اطاله كلام
attribution	اطلاق
generalities	اطلاقات
belief	اعتقاد
exaltation	اعتلاء
moral transcendence	اعتلاى اخلاقى
mankind's transcendence	اعتلاى بشرى
worldly accidents	اعراض دنيوى
honouring	اعزاز
Universal Declaration of Human Rights	اعلاميه جهانى حقوق بشر
crookedness	اعوجاج
nobles and grandees	اعيان و اشراف
political motives	اغراض سياسى

true rational objectives	اغراض صحيح عقلانى
national glories	افتخارات مىلى
excessiveness	افراط
two extremes	افراط و تفريط
reveal the secrets	افشاء سر
volitional actions	افعال اختيارى
free-choice actions	افعال اختياريه
prophetic formal obligatory actions	افعال تكليفى قالبى نبوى
slander	إفك
public opinion	افكار عمومى
heavens, spheres	افلاك
confession	اقرار
satisfied with	اكتفاء كردن
reluctance	اكراه
The Real	الحق
The Compassionate, The beneficent	الرحمان
The Merciful	الرحيم
The Just	العادل
abolition of slavery	الغاء بردگى
instillation	القاء كردن
appointed destiny	القضاء المبرم
the Scripture, Revelation	الكتاب
inspiration	الهام
mother of all woes	ام الخبائث
base of scripture	ام الكتاب
female slave who has borne her master a child	أم ولد
presumption of possession	اماره يد

The Lord of the Age	امام العصر و زمان
prayer leader	امام جماعت
divine guardianship, leadership	امامت
trustworthiness	امانت داری
religious community	امّت
parables	امثال
divine decree	امر الهی
enjoin the right (good)	امر به معروف
parsimony	إمساك
female slave	أمه (اماء)
principles of the book (scripture)	امهات الكتاب
social works	امور عام المنفعه
matters in suspense	امور موقوف
commander of the faithfuls, leader of the believers	امير المؤمنين
egotism, self worship, self assertion	انانیت
plagiarism, literary theft, be attributed to a religion	انتحال
Gospel	انجيل
warning	انذار
perfect man, ideal man	انسان کامل
being oppressed	انظلام
charitable donation, almsgiving	انفاق
obedience, submission	انقياد
parasite	أنگل
lights	انوار
effort	اهتمام
men of God	اهل حق
people of scripture	اهل کتاب

rhetoricians	اهل معانى
divine successors	اوصياء الهى
holder of authority, master of affairs	اولو الامر
arch-prophets, possessors of determination	اولو العزم
divine guardians, divine executors (saints)	اولياء الهى
humankind guardians	اولياء بشر
altruism, self-sacrifice	ايثار
moral certitude	ايقان اخلاقى
faith, belief	ايمان
rules of procedure	آئين دادرسى
Muhammedan rites	آئين محمدى
fire-worshippers	آتش پرستان
Hereafter	آخرت
social civilities	آداب اجتماعى
cankers of the soul	آفات نفس
self and other beings	آفاق و انفس
pest	آفت
leprosy	آكله
divine signs	آيات الهى
spiritual verses	آيات روحى
rational verses, intellectual verses	آيات عقلانى
objective verses	آيات عينى
carnal verses	آيات نفسانى
sensual and natural verses	آيات نفسى
posterity	آيندگان

ب

the well not in use	بئر معطله
---------------------	-----------

repercussion	بازتاب
inward, hidden meaning	باطن
inner or spiritual meaning of Qur'an	باطن قرآن
esoteric	باطنی
esoterics, Batinis	باطنیه
rebel	باغی
withhold, parsimony, stinginess	بخل
niggardly	بخیل
alteration of divine will or knowledge or command	بداء
innovation, novelty	بدعت
ill repute, ignominy	بدنامی
self-explanatory, obvious, immediate intuition	بدیهی
righteousness, virtuousness	بِرّ
religious brethren	برادران ایمانی
ambition, desire for superiority	برتری طلبی
historical superiority	برتری های تاریخی
limbo, obstacle	برزخ
blessing	برکت
magnanimous, honourable	بزرگوار
expansion	بسط (حالت روانی)
dilation of heart	بسط قلب
general mobilization	بسیج همگانی
humanity	بشریت
bearer of good tidings	بشیر
clear-sighted	بصیر
remoteness	بُعد (دوری)
subsistence	بقاء

God's remainder	بقیه الله
imbecility, foolishness	بلاهت
Umayyad	بنی امیه
enslavement	به بردگی کشیدن
paradise, heaven	بهشت
Jerusalem	بیت المقدس
showing disdain for idolaters	بیزاری از مشرکین
oath of allegiance	بیعت
governmental oath of allegiance	بیعت حکومتی
special devotional oath of allegiance	بیعت خاص ولوی
spiritual oath of allegiance	بیعت معنوی
devotional oath of allegiance	بیعت ولایتی
clear proof, clear evidence	بینه

پ

phenomenon	پدیده
piety	پرهیزگاری
Peter	پطرس
steward	پیشکار

ت

nationality, citizenship	تابعیت
conciliation of hearts	تالیف قلوب
correction, chastening	تأدیب
to be ashamed of	تأنف (ورزیدن، داشتن)
interpretation	تأویل
squandering	تبذیر
racial discrimination	تبعیضات نژادی

traffic in women and children	تجارت زنان و اطفال
overtly committing a sinful conduct	تجاهر به فسق
transgression	تجاوز
disobedience, insolence	تجرّی
to make inquisition	تجسس
mystical illumination	تجلّی
illumination of the essence	تجلّی ذات
illumination of the attributes	تجلّی صفات
illumination of the name	تجلّی نام
manifestation of divine beauty	تجلیات جمال
protectorship	تحت الحمايگی
cautioning, warning	تحدیر
distortion, perversion, falsification, alteration	تحریف
analyze, analysis	تحلیل
greetings	تحیت
particularization	تخصیص (کلام)
optimum allocation of resources	تخصیص بهینه منابع
mitigation of punishment	تخفیف مجازات
imagination	تخیلات
right of choice, option	تخیر
slave liberation by saying: "After I die you shall be free"	تدبیر (آزاد کردن برده)
hagiography	ترجمه احوال
conjuraton	تردستی
cessation of hostility	ترك مخاصمه
deceased estate	ترکه
promotion, propagation, popularization	ترویج
armaments, weapons	تسلّیحات

resemblance to Allah (anthropomorphism)	تشبه به الله
anthropomorphism	تشبيه (خداوند)
uncontested possession	تصرف بلا معارض
forcible possession	تصرف عدوانی
arteriosclerosis	تصلب شراین
apprehension, conception, imagination	تصور
doctrinal Sufism	تصوف علمی
practical Sufism	تصوف عملی
supplication	تضرع
short-change, defrauding	تطفیف
Pareto optimality	تعادل پارتو
conflict of laws	تعارض قوانین
infringement of rights	تعدی
discretionary punishment	تعزیر
national zeals	تعصبات ملی
respect, reverence	تعظیم
veneration, glorification	تعظیم (بزرگداشتن)
thinking, rationalization	تعقل
physical dependency	تعلق جسمانی
soul dependency	تعلق نفسانی
marginal notes	تعلیقات
causal interpretation, argumentation	تعلیل
generalization	تعمیم (کلام)
boasting, self-glorification	تفاخر
discord and division	تفرقه
schismatic	تفرقه گرائی
dissipation, waste	تفریط

comment	تفسیر
mystical-theosophical interpretation	تفسیر عرفانی حکمی
to grant favour, showing kindness	تفضل کردن
mental concentration	تفکر
theological speculation	تفکرات و نظرات دینی
pronouncing, utterance	تفوه
confer	تفویض کردن
meanness	تقتیر
divine determinations of things	تقدیرات الامور
proximity	تقرّب
deception, fraud	تقلب
imitation, following	تقلید
piety	تقوا
precautionary dissimulation	تقیه
hearty duties and obligations	تکالیف قلبی
social evolution	تکامل اجتماعی
formal prophetic duties and obligations	تکالیف قالبی نبوی
excommunication	تکفیر
burdensome duty	تکلیف مالا یطاق
creative	تکوینی
standing for order (in pilgrimage), saying labbaika	تلبیه
receive initiation	تلقین (در بیعت)
elliptical expressions	تلویحات و لطائف
resort to, take hold of, seize	تمسک
inhabitation	تمکن
keeping (God) pure	تنزیه (خداوند)
ratification	تنفیذ

enlightenment	تنوير افكار
keep a vigil, perform the night prayer	تهجد
purification and refinement of character	تهذيب اخلاق
mockery, to ridicule	تَهَكُّمٌ
repentant	توَّاب
balance of powers	توازن قوا
courtesy, modesty	تواضع
repentance, penitence	توبه
heartily attention	توجه قلبى
Unity	توحيد
Torah, old testament	تورات
divine assistance, success given by God	توفيق الهى

ث

frontiers, borders	ثغور
spiritual reward, to do charitable acts	ثواب
abundant reward	ثواب جزيل

ج

attraction and repulsion	جاذبه و دافعه
espionage	جاسوسى (تجسس)
the companion of the great ones	جالس الكبرا
ignoramus	جاهل
magnificence domination	جبروت
crimes against humanity	جرائم ضد بشریت
efficiency	جربزه
poll-tax, capitation, tribute	جزیه
body	جسم

contract of reward	جعاله
Glory be to His Majesty	جَلِّ شَأْنَهُ
The Majesty of Greatness	جلال کبریا
inanimate object	جماد
political faction	جناح سیاسی
war crimes	جنايات جنگ
crimes against peace	جنايات ضد صلح
fabricated movement	جنبش تصنعی
national movement	جنبش ملی
war of aggression	جنگ تعرضی
warrior, fighter	جنگجو
holy war	جهاد
shouting	جَهْر
hell	جهنم
hell of bad temper	جهنم طبع
unique optimal solution	جواب بهینه یکتا
fine substance	جوهری لطیف

چ

printing forged banknotes	چاپ اسکناس جعلی
---------------------------	-----------------

ح

Islamic judge	حاکم شرع
sovereignty	حاکمیت
participial phrase	حال (در دستور زبان)
pilgrimage	حج
greater pilgrimage	حج اکبر
lesser pilgrimage	حج عمره

reasonability, validity	حجیت
prophetical tradition	حدیث نبوی
single tradition	حدیث واحد (قیاس)
tillage	حرث
impediment	حرج
sanctuary, sacred zone	حرم
reverence, sanctity, prohibition	حرمت
prudence	حزم
prestige	حَسَب
favourable opinion, good opinion	حُسْن ظن
good deeds	حسنات
retinue	حشم
heart restriction	حصر قلب
impregnable fortress	حصن حصین
rights of God	حق الله
rights of man	حق الناس
The Truth Most High	حق تعالی
indisputable right	حق مسلم
rightfulness	حقانیت
administrative law	حقوق اداری
constitutional law	حقوق اساسی
private international law	حقوق بین الملل خصوصی
customary international law	حقوق بین الملل عرفی
public international law	حقوق بین الملل عمومی
statutory international law	حقوق بین الملل موضوعه
criminal law	حقوق جزا
private law	حقوق خصوصی

municipal law	حقوق داخلی
Roman law	حقوق رم
marital law	حقوق زوجیت
public law	حقوق عمومی
statutes	حقوق موضوعه
jurist	حقوقدان
divine reality, supreme reality	حقیقت
reality of Muhammad, Muhammedan essence	حقیقت محمدی
impious rulers	خُکام جور
arbitrator	حکَم
practical philosophy	حکمت عملی
theoretical philosophy (theosophy)	حکمت نظری
Umayyad government	حکومت بنی امیه
Abbasids government	حکومت عباسی
wise, sage, theosophist	حکیم
All-Wise	حکیم مطلق
adjustment of differences	حل و فصل اختلافات
shaving close (the head)	حلق کردن
sacred concert	حلقه (درویشان)
forbearings (tolerants)	حلما
indwelling, incarnation	حلول
foolishness, stupidity	حماقت
apostles, disciple	حواریین
prestige, repute	حیثیات
guile	حیله
straight-stature animal	حیوان مستقیم القامت

traitor	خائن
seal of the prophets	خاتم الانبياء
memoirs	خاطرات
associate with philosophers	خالط الحكماء
creator	خالق
monastery	خانقاه (زاويه)
narrative	خبر
stratagem, deceit	خدعه
wretchedness	خذلان
saboteur	خرابكار
sabotage	خرابكارى
superstition	خرافات
Sufi livery-robe	خرقه
robe of benediction	خرقه التبرك
armed revolt	خروج بالسيف
ignominy, disgrace, degradation	خِزى
characters, qualities	خصائل
farewell address (sermon)	خطبه الوداع
occurring to the mind	خطورات ذهنى
occurrences unto heart	خطورات قلبى
secrets of created things	خفاياى مصنوع
the void	خلاء
against good moral	خلاف اخلاق حسنه
repugnant to chastity	خلاف عفت
divine successorship	خلافت الهيه
robe of honour	خلعت
unjust and tyrant caliphs	خلفاء جور

successors	خلفاء، جانشینان
orthodox caliphs	خلفای راشدین
periodic retreats	خلوت (عزلت)
caliph, successor, viceroy	خلیفه
direct and immediate successor	خلیفه بلافصل
vicegerent of God in the world	خلیفه خدا در زمین
Friend of God	خلیل الله
one fifth levy	خمس
swine	خنزیر
bountiful table	خوان نعمت
egotism	خودستائی
misappropriation of orphan's property	خوردن مال یتیم
affability	خوشروئی
imaginations	خیالات
treason, treachery, betray	خیانت

د

enemy's territory	دار الحرب
house of learning, academy	دار العلم
prison of self	دار النفس
missionary, preacher	داعی
arbitration	داوری
under the protection of government	در ذمه حکومت
perspicacity	درایت
heavenly court	در گاه الهی
seeking doors, a mendicant	درویش (نادار)
high seas	دریای آزاد
moral instructions	دستورات اخلاقی

devotional instructions	دستورات عبادی
subtleties	دقایق امور
subtleties of creations	دقایق صنع
legal doctrine	دکترین حقوقی
abscess	دُمَل
course of time	دَهر
materialists, naturalists	دهریون
interregnum	دوران فترت
hell	دوزخ
peace-loving states	دول صلح دوست
belligerent states	دول متحارب
respective government	دولت متبوع
statesmen	دولتمردان
transcendental diplomacy	دیپلماسی متعالی
true religion Islam	دین مبین اسلام
blood money	دیه
international court of justice	دیوان بین المللی دادگستری

ذ

essence	ذات
pleurisy	ذات الجیب
inflammation of the chest	ذات الصدر
pneumonia	ذارت الریه
praiser of God	ذاکر
progeny	ذریه
regular recitation of litanies	ذکر
remembering (glorifying)	ذکر بالقلب
mentioning	ذکر باللسان

mentioning aloud	ذکر جلی
remembering inwardly	ذکر خفی
denounce, blame	ذَم
persons, personages	ذوات
intellectual intuition, spiritual taste	ذوق

ر

firmly rooted in knowledge, of sound instruction	راسخین در علم
devotee	راهب (عابد)
compassion	رأفت
personal view	رأی
usury	ربا
divinity	ربوبیت
boast	رجز خوانی
return	رجعت
mercy	رحمت
all-encompassing mercy, all-inclusive mercy	رحمت عام
refutation	ردّ
the vice	رذائل
authoritarian	رژیم اقتدارگر
letters	رسائل
prophetic mission, messengership	رسالت
messenger, apostle	رسول
right way, rectitude	رشد
state of grace	رضا
may God be pleased with them	رضوان الله علیهم
doing justice, to administer justice	رفتار به عدل
settlement of disputes	رفع اختلاف

slavery	رقیت
slavery of self	رقیت نفس
bow down	رکوع
monastic life, vows of chastity and seclusion	رهبانیت
international relations	روابط بین الملل
consular relations	روابط کنسولی
spirit	روح
so-called-clergyman	روحانی نما
nationalistic spirit	روحیه ملی گرائی
elite	روشنفکر
precedents	رویه قضائی
wish to be seen, dissemble	ریا

ز

adulterer	زانی
adulteress	زانیه
covet	زاویه
nuclear waste	زباله هسته‌ای
official language	زبان رسمی
Psalms of David	زبور داود
fight with the enemy	زحف
chain mail	زره
poor-due	زکات
Zachariah	زکریا
barren land	زمین بایر
improved land	زمین دایر
adultery	زنا
adultery of married women or men	زناى محصنه

heretic, atheist	زندیق
ascetics	زهاد
visitation	زیارت

س

assassination attempt	سؤ قصد
presumed question	سؤال مقدر
theological questions	سؤالات مذهبی
beggar	سائل
beggar of scholars	سائل العلماء
conciliation	سازش
Sassanid	ساسانی
traveler on spiritual path, follower of mystical path	سالک
new initiate	سالک جدید الورود
vilification	سَبّ
secondary cause	سبب
prostration	سجده
prison	سجن
hell	سجین
illicit gain, bribery	سُحت
vigil	سحر
generosity	سخاوت
derision	سخریه
displeasure, dislike, condemnation, anger	سَخَط
blocking detrimental means	سد ذرایع
blind submission	سرسپردگی
national anthem	سرود ملی
prosperity	سعادت

vilify, slander	سعایت
running	سعی (از مناسک حج)
imbecile	سفیه
right of supplying drink to pilgrims	سقایت
mystical "intoxication"	سُکر
divine tranquility, peace of mind	سکینه
ruler of the Gnostics	سلطان العارفين
mystical journey, to travel on the true path	سلوک
musical assemblies	سماع
heavens of spirits	سماوات ارواح
practical example, practice of prophet	سنت
Muslims market	سوق مسلم
neutrality policy	سیاست بیطرفی
foreign policy	سیاست خارجی
non-alignment policy	سیاست عدم تعهد
politician	سیاستمدار
the lord creatures	سید الانام
conduct, way of life, morals	سیره
political supremacy	سیطره سیاسی
ش	
exult, merry-making	شادمانی بسیار
manner	شاکله
dignity, rank, status	شان
occasion of revelation	شان نزول
confusion, uncertainty, doubt	شُبّه
night attack, surprising attack	شیخون
avarice, greed	شَح (بخل - آز)

avaricious person	شحيح
honest-hearted person	شخص صادق
colossal providential figure	شخصيت بزرگ معنوی
evil, malevolence	شر
religious laws	شرايع
sacred law	شرع مقدس
greediness	شره
revealed law, canon law	شريعت
theosophical utterances, ecstatic utterances	شطح
religious rites	شعائر دينی
extended perception	شعور بسيط
compound perception	شعور ترکیبی
Jethro	شعیب
intercession	شفاعت
kindness, pity	شفقت
cleave the body in two	شقه کردن
wretched	شقی
confession of faith, confession of Allah unity	شهادت (به توحید)
great metropolis	شهر عظیمه
transitory desires	شهوات فانی
public roads, highways	شوارع عام
mankind devils	شیاطین انسی
genie devils, hidden devils	شیاطین جنی
Seth	شیث
Satan	شیطان

ص

pious individuals	صالحون
-------------------	--------

The books	صُحُف
The Books of Abraham	صحف ابراهيم
mystical "sobriety"	صحو
truthfulness	صداقت
early Islam, advent of Islam	صدر اسلام
alms	صدقات
pious gifts	صدقه
minor premise	صغرى (منطق)
sincerity	صفا
attributes of majesty	صفات جلالیه
attributes of beauty	صفات جمالیه
attributes of the essence	صفات ذاتیه
attributes of perfection	صفات کمالیه
pardon, forgive	صَفْح
one chosen by God	صفی الله
generosity towards one's relatives	صله رحم
form	صورت
heavenly form	صورت ملکوتی
Sufis of pure intent	صوفیه صافی طویه
safeguarding, protection	صیانت
summer crops	صیفی جات

ض

mintage of counterfeit coins	ضرب سکه های قلب
perdition, to go astray, deviation	ضلالت
third party guarantee	ضمان

ط

Sufi aspirant, neophyte	طالب
family	طایفه
path of esoterics	طریق اهل باطن
path of followers of formal religion	طریق اهل ظاهر
covetous	طلاب (خواستاران)
circumambulation, procession round the Ka'abah	طواف

ظ

outward, appearance	ظاهر
exoteric doctrine	ظاهر (امور)
delicacy, nicety	ظرافت
container	ظرف
cruelty, oppression, injustice	ظلم
conjecture, surmise	ظن
doubts	ظنون
lowest worldly selfishness conjectures	ظنون نفسی دنیوی سفلی
conjectural reference	ظنی الدلاله
conjectural issuance	ظنی الصدور
doubts, suspicions	ظنیات
advent	ظهور

ع

shamefulness	عار
mystic	عارف
deliverance, salvation	عافیت
world of possible being	عالم امکان
knower of Allah	عالم بالله
knower of Allah's commands	عالم به امر الله

world of power	عالم جبوت
microcosm	عالم صغیر
perceptual world	عالم محسوسات
intellectual world	عالم معقول
world of authority	عالم ملکوت
world of existence	عالم وجود
religious observance, devotion, worship	عبادت
male slave	عبد (عیید)
adoration, devotion, servitude	عبودیت
emancipation (of slaves)	عتق
wonders of creation	عجایب خلقت
non-Arab	عَجَم
partial justice	عدالت جزئی
justice	عدل
nondiscrimination	عدم تبعیض
non-recourse to force	عدم توسل به زور
non-intervention	عدم مداخله
enmity, hostility, transgression	عدوان
torment, doom, punishment, suffering, affliction	عذاب
punishment in the grave, torment of the tomb	عذاب القبر
painful doom	عذاب الیم
the tabernacle	عرش
accident	عَرَض
Islamic mysticism	عرفان اسلامی
theoretical gnosis	عرفان نظری
distress and constriction	عسر و حرج
tithes	عشور

clan	عشيره
infallibility, protection against error	عصمت
endowment	عطايا
chastity	عفت
forgiveness	عفو
infection	عفونت
retreat, withdrawal	عقب نشینی
universal intelligence	عقل کل
chastisement, punishment	عقوبت
disobedience from parent's orders	عقوق
creed	عقیده
supreme science	علم الاعلی
science of hearts	علم القلوب
rhetoric	علم المعانی
divine knowledge	علم الهی
acquired knowledge	علم حصولی
intuitive knowledge	علم حضوری
unalterable knowledge	علم محتموم
illusory knowledge	علم وهمی
theologians, scholars, jurisconsult	علماء
ethicians	علمای اخلاق
jurists	علمای حقوق
theologians	علمای کلام
political sciences	علوم سیاسی
intellectual sciences	علوم عقلانی
carnal sciences	علوم نفسانی
high, sublime, superior, heavenly	علوی

heavenly body	علویت
including all particulars	على الوجه التفصیل
reprisals	عملیات تلافی جویانه
elements	عناصر
covenant	عهد
covenant and promise	عهد و پیمان
end of things	عواقب الامور
common people	عوام الناس
life's secret	عورت

غ

tumult, disturbance, rebellion	غائله
plunder	غارت اموال
hidden (Imam)	غایب
ultimate goal	غایت الغایات
westernalization	غرب زدگی
spitefulness	غرض ورزی
fraud, deceit, impurity, dissimulation	غش
usurpation	غصب
exaggeration	غلو
spoils of war	غنائم
self-sufficient	غنی
gain	غنیمت
backbiting	غیبت (بدگویی در غیاب)
occultation, absence, concealment	غیبت (عدم حضور)

ف

sinner, wrongdoer, lewd person	فاسق
--------------------------------	------

fortune-telling, sooth saying	فالگیری
disturbance, riot, rebellion	فتنه
liberality, chivalry, knighthood	فُتوت (کرم - سخی)
religious legal decisions/opinions	فتوی
debauchery, wickedness, lewdness	فجور
ransom	فدیه
deliverance	فرج
foster-child	فرزند خوانده
illegitimate child	فرزند نامشروع
Shiite and Sunnite sects	فِرَق شیعہ و سنی
criterion, distinguisher	فُرْقَان
sect	فرقه
ramifications of the religion	فروع دین
duty, injunction, obligatory rule, a precept	فریضہ
corruption, degeneration, mischief	فساد
cancellation, revocation, annulment	فسخ
abomination, lewdness, sin	فسق
amplitude, spacious	فسیح
eloquent	فصیح
outer space	فضاء ماوراء جو
moral virtues	فضائل اخلاقی
excellence, superiority, virtue	فضیلت
intelligence, sagacity	فطانت
innate disposition, primordial nature	فطرت
shameful, exceedingly abominable or obscene	فظیح
indisputable action	فعل مسلّم
mystic poverty	فقر (در عرفان)

jurisprudence	فقہ
exoteric jurists	فقہاء اہل ظاہر
needer	فقیر (بی چیز)
jurisconsult	فقیہ
orthodox canonist	فقیہ
salvation	فلاح
annihilation, dissolution	فنا
premature death	فوت نابہنگام
effusion, emanation	فیض (سریان - صدور)

ق

political leaders	قائدین سیاسی
upholder	قائم
existing in the mind	قائم بالذہن
Cain	قابیل
legal rule	قاعدہ حقوقی
rule of "prohibition of detriment"	قاعدہ لاضرر
those who sit at home	قاعدین
form, body, matrix	قالب
contented satisfied	قانع
constitution	قانون اساسی
survival of the fittest	قانون بقاء
shamefulness of punishment without declaration of law	قُبْح عقاب بلا بیان
rational decency and obscenity	قُبْح عقلی
contraction	قبض
obscene, shameful	قبیح
fighting, warfare	قتال
famine, scarcity	قحطی

predestination	قَدَر
may his spirit be sanctified	قدس سَره
imputation of in chastity	قَدْ ف
proximity, nearness	قُرْب
religious formalists, fanatics	قشريون مذهبي
retaliation, retribution	قصاص
strengthened castle, fortified castle	قصر مشيد
belated accomplishment	قضاء (اداء)
adjudication	قضاء (قضاوت كردن)
predetermination	قضاء (همراه با قدر)
spiritual pole	قطب
pole or mystic axis of the world	قطب يا قوس
resolution	قطعنامه
conclusiveness	قطعيت
wandering monk	قلندر
gambling	قمار
subterranean water canal	قنات
force, bullying, violence	قهر
firmness, consistency	قوام
Islamic laws	قوانين اسلامي
international laws	قوانين بين المللي
statute laws	قوانين مصوبه
distinguishing faculty	قوه تميز
faculty of fantasy	قوه خيال
power of ferociousness	قوه سبعيه
power of sensuality	قوه شهويّه
faculty of desiring	قوه شوقيه

power of wickedness, mischievousness	قوه شیطنت
power of sagacity	قوه علامه
power of functionality	قوه عماله
power of wrath	قوه غضبیه
imaginative faculty	قوه متخیله
motive faculty	قوه محرکه
estimation faculty	قوه واهمه
brawny	قوی هیکل
analogy, deduction by analogy, syllogism	قیاس
uprising	قیام
establishment of justice, upholding of justice	قیام به قسط
resurrection, judgment day	قیامت
trusteeship	قیمومت (سیاسی)

ک

universe, general beings	کائنات
capitulation	کاپیتولاسیون
disbeliever, infidel	کافر
belligerent-disbeliever	کافر حربی
tributary infidel	کافر ذمی
non-belligerent infidel	کافر غیر حربی
haughtiness, pride, conceit	کبر و نخوت
collected book	کتاب تکوینی
contractual liberation of slave	کتابه (آزاد سازی برده)
Islamic legal books	کتب فقهی
concealment of testimony	کتمان شهادت
inscription	کتبیه
grace, dignity, to work miracle	کرامت

Divine Throne	کُرسی
genocide	کشتار دستجمعی
uncover, inward unveiling	کشف
protected state	کشور تحت الحمايه
protecting state	کشور حامی
civilized states	کشورهای متمدن
suppression of anger	کظم غیظ
expiation, atonement	کفاره
blasphemy	کُفر
ungratefulness of favour	کفران نعمت
scholasticism	کلام (علم)
divine creating words	کلمات تکوینی الهی
aphorisms, maxims	کلمات قصار
church	کلیسا
perfection	کمال
perfection of soul	کمال نفس
commission of inquiry	کمیسیون تحقیق
Canaan	کنعان
synagogue	کنیسه
narrow minded, short sighted	کوته فکر
Cyrus, the great	کورش
becoming and decaying	کون و فساد

گ

precious	گرانها
----------	--------

ل

interdependent, correlative	لازم و ملزوم
The pure spirits, divine realm	لاهوت
here I am, at thy service	ليبيك
what the situation itself says	لسان الحال
military campaign	لشكر كشي
delicate, tender, subtle	لطيفه
subtle evolutionary movement of humanity	لطيفه سياره انسانيه
unconsidered expressions	لغو (كلمات بي ارزش)
cancellation or revocation of contract	لغو قرارداد
diversion and play, frivolity	لهو و لعب
flag	لواء
sodomy	لواط
protected table, table of fate	لوح محفوظ
night of the divine decree	ليلة القدر

م

international institutions	مؤسسات بين المللي
charitable institutions	مؤسسات خيريه
component, constituent	مؤلفه
believer	مؤمن
military march	مارش نظامي
all other than God	ماسوي الله
quiddity	ماهيت
the "opening", permitted, licensed	مأذون
food items	مأكولات
permitted	مباح
mystical principles	مباني عرفاني
zealous propagator	مبلغ مشتاق و جدی

spongy, porous	متخلخل
subaltern	متداخل
synonymous	مترادف
allegorical verses	متشابهات
canonists	مشرعين
transcendental	متعالی
professional theologians	متكلمين
to be dressed	متلبس
civilized	متمدن
contend	مجادله کردن
those who strive and fight	مجاهدين
religious jurist	مجتهد
incorporeal beings, angels	مجردات
international courts	محاكم بين المللى
municipal courts	محاكم داخلى
popularity	محبوبيت
alieni juris, incapable, under guardianship	محجور
prayer-niche	محراب
dispossessed	محرومان
those can be perceived by senses	محسوسات
lodge of initiation	محفل
indisputable verses, decisive verses	محكمات
implacable adversaries	مخالفين سرسخت
creature	مخلوق
emaciation from hunger, trouble, difficulty	مخمصه
powers of perception	مدارك
flattery, compromise	مداهنه

plaintiff, claimant	مدعی
respondent	مدعی علیه
utopia	مدینه فاضله
negotiation	مذاکره
blamable, reproachable	مذموم
consecration	مراسم عبادی
religious observances	مراسم مذهبی
ritual initiation	مراسم ورود در سلوک
observer, protector, guard	مراعی
friendship, companionship	مرافقت
natural apostate	مرتد فطری
national apostate	مرتد ملی
spiritual director, guide	مرشد
pustule	مرض دیبله
rabies	مرض کلب
disciple	مرید
novice	مرید (تازه درویش)
international responsibility	مسئولیت بین المللی
lesbianism	مساحقه
initiated	مستجیب
recommended (certain religious precepts)	مستحبات
drowned, absorbed, overwhelmed	مستغرق
arrogant	مستکبر
Sacred Mosque, inviolable place of worship	مسجد الحرام
one in miserable state	مسکین
resemblance	مشاکله
spiritual leaders, religious grandees	مشایخ

idolater	مشرك
denoting, indicating	مُشعر
contaminated, polluted, agitated	مشوب
volition, the sovereign will	مشيت
divine providences	مشيت الهى
confiscation	مصادره
instance, evidence, confirmation	مصادق
true reformer, renewer	مُصلح حقيقى
Islam's expediency	مصلحت اسلام
political immunity	مصونيت سياسى
commandite	مضاربه
implicit thing	مضمّر
content	مظروف
manifestation, epiphany	مظهر
the returning	معاد
earn a living, obtaining means of livelihood	معاش
transactions	معاملات
obstinate opposition	معانده
international treaties	معاهدات بين المللى
ascension	معراج
experimental wisdom, gnosis, knowledge, knowing, cognition	معرفت
gnosis of God	معرفت الله
impeccable, infallible	معصوم
intelligible entities	معقولات
plagiarists	معلمين منتحل
in company with, accompanying	معيت
obligatory to observe	مفترض الاتباع

mischief-maker, corrupter	مُفسد
mankind status	مقام بشریت
occult position	مقام غیب
position of annihilation	مقام فنا
stages and steps	مقامات و احوال
requirement of the situation	مقتضى الحال
destiny, fate	مقدرات
premises	مقدمات (منطق)
follower	مقلد
legislator	مقنن
categories of philosophy	مقولات فلسفی
prominent virtues	مکارم الاخلاق
topology	مکان شناسی
deceit, devising	مکر
disliked	مکروه
things which are to be avoided	مکروهات
customs duties	مُکوس
high council	ملاء اعلى
confusion, confounding of similar subjects	ملاہست
political considerations	ملاحظات سیاسی
companion, adherent	ملازم
contact and mutual permeation	ملاہسہ و حلول
lower kingdom	ملکوت سفلی
highest kingdom	ملکوت علیا
nationalism	ملی گرائی
loadable and desirable	ممدوح و مطلوب
guarded country, fortified state	مملکت محروسہ

slave	مملوك
sacred rites of pilgrimage	مناسك حج
hinder of good	مناع الخير
hypocrites	منافقين
The Beneficent	منان
subsidiary source of law	منبع حقوقى ثانويه
expected	منتظر
recommended	مندوب
job-position	منصب
logicians	منطقيين
region	منطقه
appearance meaning of the word	منطوق
avarice	منفعت طلبى
contributor, almsgiver	منفق
immigration	مهاجرت
forlorn, abandoned, separated	مهجور
promised Messiah	مهدى موعود
novelties	موارد مستحدثه
kingdoms (the three)	مواليد (سه گانه)
sudden death	موت فجاه
reliable, authentic, trustworthy	موثق
friendship	مودت
causing, occasioning	مورث
Moses	موسى
tutor, trustee, helper	مولا
our master	مولانا
The Master of Both Worlds	مولى الكونين

ward, person placed under guardianship
divine bounty, grace of God
mediations
carrion
patriotism

مولی علیہ
موہبت الہی
میانجیگری
میتہ
میہن پرستی

ن

extermination
people, mankind
abrogating and abrogated
material world
violators of the promise
book of the blessed
book of the damned
tidings
prophet
honourable prophet
unclean, impure
sect, school
offerings and the sacrifices
warner
racism
kinship
abrogation
realm of being
obscene publication
succour, help
fanatical views

نابودی (کامل یک نژاد)
ناس
ناسخ و منسوخ
ناسوت
ناکثین
نامہ اعمال ثوابکاران
نامہ اعمال گناہکاران
نَبَاء
نبی
نبی اکرم
نجس
نِحْلَه
نذر و نیاز
نذیر
نژاد پرستی
نسب
نسخ
نشئہ (نشأہ)
نشریات خلاف عفت
نصر
نظرات خشک مذہبی

politico-religious attitudes	نظرات سیاسی - عبادی
rational consideration	نظریه
public order	نظم عمومی
grace of the next world	نعم اخروی
religious hypocrisy	نفاق
blowing	نفخ
self, soul	نفس
universal soul	نفس کل
rational soul	نفس ناطقه
egocentricity	نفسانیت
deficiency of soul	نقصان نفس
breach of covenant	نقض عهد
reprehensible, blameworthy	نکوهیده
prayer	نماز
recite prayer	نماز خواندن
prayer of fear	نماز خوف
absolute epitome	نمونه کامل
forbidding the wrong (evil)	نهی از منکر
deputies, representatives, delegates	نواب
glistening light	نور شمشعانی
tenebrous light	نور ظلمانی
supreme light	نور علوی
victorious light	نور قاهر
benevolence	نیکی
	ه
Abel	هابیل
desecration	هتک حرمت

Achaemenian	هخامنشی
expiatory alms	هدایا
guidance	هدایت
delirium	هذیان
chaos, lawlessness, anarchy	هرج و مرج
co-religionist	هم کیش
peaceful coexistence	همزیستی مسالمت آمیز
killing the fellow- creature	همنوع کشی
historical identity	هویت تاریخی
awe, fear with respect	هیبت

و

common duty, sufficient necessity	واجب کفائی
heir	وارث
divine contingencies	واردات (قلبی)
lexicology	واژه شناسی
preacher	واعظ
evil consequence	وبال
ecstasy, mystic love	وجد
conscience	وجدان
public conscience	وجدان عمومی
Allah's countenance	وجه الله
being	وجود
cultural unity	وحدت فرهنگی
national unity	وحدت ملی
existentialist monism	وحدت وجود
inspiration, divine revelation	وحی
divine revelation	وحی الهی

deposit	وديعه
inheritance	وراثت
invocations	ورد
mediation	وساطت
legatee	وصى
minor ablution	وضو
bestiality	وَطَىٰ بِهِمِه
promise	وعد
threat	وعيد
honouring the treaties	وفای به معاهدات
attorney at law	وکیل (دعاوی)
patronage	ولاء
divine guardianship	ولایت
obligatory guardianship	ولایت تکلیفی
created guardianship	ولایت تکوینی
guardianship of jurisconsult	ولایت ففیه
universal guardianship	ولایت کلیه
master of affairs	ولی امر
blood-wit, avenger of blood	ولی دم

ی

certainties	یقینیات
Joshua	یوشع
Day of arousing	یوم البعث
Day of reckoning	یوم الحساب
Day of judgment	یوم الدین
Day of dividing	یوم الفصل

Contemporary international relations have reached a fragile condition, and prevailing disciplines and arrangements cannot bring stability and peace among nations. Establishing peace, security and discipline for individuals, nations and states in international order is of the most important matters. Regularization should be done through approaching natural rights of individuals and observing humanistic characteristics and ethics. Spirit of legislations, which is the same in all religions, is called Tariqa (Sufi path), Sufism or Mysticism. Thus, if international law be defined and designed based on the spirit of all religions, which is the same in all of them, a unified law will be agreed upon and accepted by the majority. The draft for international relation declaration based on Islamic Sufi teachings was compiled based on the author's extended studies on the subject in three main topics of public international law, foreign policy and diplomacy. Since mystical characteristics of Sufism and Gnosticism of all religions are all based upon love toward the Creator, and consequently love toward the creatures of God, this provisions could be agreed upon and put into practice operationally.



Professor Bijan Bidabad is an experienced scientist. He received his B.A. in Political Science, M.S., Ph.D. and Post-Doc in Economics from Iran, Switzerland and Greece and has written more than 450 papers and books. Largest Macroeconometric Model of Iran, Rastin Banking and proposition of some international law declarations are of his recent works.



978-3-659-62906-8