

*In the Name of God  
the Compassionate, the Merciful*





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3. To publish English translations of Arabic and Persian works of Muslim scholars.
4. To endeavor to find Islamic answers to questions relating to the social, political, and moral problems of today.

\* \* \* \* \*

Scholars and writers from all over the world are invited to contribute to this journal.

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قُلْ هَلْ يَسْتَوِي الَّذِينَ يَعْلَمُونَ وَالَّذِينَ  
لَا يَعْلَمُونَ إِنَّمَا يَتَذَكَّرُ أُولُو الْأَلْبَابِ

زمر : ٩

**"Say : Are those who know  
and those who do not know  
alike? Only the men of  
understanding are mindful."**

(The Holy Qur'an, 39:9)



## Message of Ayatullah Khamenei on the Occasion of Hajj

*In the name of God, the Beneficent, the Merciful*



nd praise to God, the Lord of the worlds, and solution and greeting upon the best of his creation, Muhammad al- Mustafa and upon his pure household.

*“And proclaim the pilgrimage among men;  
They will come to thee on foot and on the backs of  
swift beasts from every distant quarter.”*

*(S.22, A.27)*

In the manner of spring season of nature, that arrives always, full of cheer of life, at its proper, permanent time, so the season of the pilgrimage, the ever refreshing spring of hearts and souls, the season of reappearance and growth of the spirit of monotheistic life in the heart of every Muslim who has reached *Mighat*, does return each year for its permanent, divine appointment, in order to, like a pure blessed fountain, shower the lands of Islam, to cleanse those who have succeeded to reach this fountain, from the dust and filth of sins, of polytheistic tendencies, of mammonism and materialism and of any inclination towards ill and evil, and to store up in them, if they are of those who do heed, a treasure of righteousness and salvation for an entire life.

For more than fourteen centuries now the call of Abraham, the Friend, echoed by Muhammad, the Chosen (s), has annually summoned ‘the guests

of the house' to come, at this season, to the great center of spirituality and unity, in order that they could circumambulate this monotheistic house, which is blessed by an eternal cycle of ascension, to pray at the back of Abraham's *Maqaam*, in the direction of Muhammedan *Ka'ba*, to demonstrate the unending endeavor of the faithful toward the origin of purity, in their movement between 'Safa' and 'Marwa', to recognize their own insignificance and the glory, the greatness and the might of the Most High at Arafaat, to learn the whispering of prayings, rememberings and love to the Holiest One, who has no equal, inside one's dark desert of being at Mash'ar, and to stone at Mina, the Satan and all other satans, to sacrifice sacrificial beasts a sign of sacrificing all misguiding desires and canal inclinations-and all this when the pilgrim is in *ehraam*, that is, when the heart and the soul of the pilgrim are faced with the forbidden fruits of paradise, and with other Muslims, shoulder to shoulder, from every place, from every race and of any material of spiritual status, belonging to any language of culture; and then as indication of removing every dust and dirt settled on their hearts and souls in the course of their polluted, worldly every-day lives, perform *halq* and *taqsir*; and to return, with a freshness resulting from having removed sins, and delighted by the manifestation of the knowledge and love of God, to the House of God again; and to perform their '*Tawaaf*', *salaat*, and '*Sa'y*' once again, but now in a superior horizon; and finally to prepare to go back, fortified by an abundant treasure of monotheism and unity, spirituality and purity, and determined to struggle against satans with a strengthened resolution to dominate one's self, in order to spread the perfumed scent of pilgrimage throughout the world.

In the noble wisdom of Islam, this amazing, meaningful and significant experience is so arranged as to enable, even by this one of the Islamic obligations, to ensure the unity, union and the inseparability of the great body of the *Umma*, despite the great spreading of Islam in the world, and disregarding the passage of centuries ... all in one place and always at a fixed period ... whether it was yesterday when it took the lovers of pilgrimage, from certain parts of the world almost a year to reach *Ka'ba*, or today when the enemies of the Islamic *Umma* do not require more than an hour to give coverage to their venomous propagations, always, then and now, the members of the great, wide spread body, have felt the need for this center of unity and strength, which fortifies their purity, brotherhood, spirituality and monotheism and also serves as a center for exchanging knowledge and information ... were Islam devoid of pilgrimage, it would surely lack a principal fundament and a substantial component.

Pilgrimage in its essence, contains two basic elements: Proximity to God in thought and action, and distancing from *taquts* and satans, with all one's heart soul ... all the performances and inhibition of *hajj*, are meant to ensure the provision and the realization of these two elements; in fact it is also a summation of Islam and all other divine calls:

***"For We assuredly sent amongst every people a messenger (with the command), to serve Allah, and eschew evil."***

(S.16, A.36)

And certain other Quranic verses about pilgrimage also relate to these two important elements:

**"Being true in faith to Allah, and never assigning partners to Him."**

(S.22, A.34)

**"But your God is one God; Submit then your wills to Him (in Islam)."**

(S.22, A.34)

**"So when ye have accomplished your rites, celebrate the praises of Allah as ye used to celebrate the praises of your father, yea, with far more heart and soul."**

(S.2, A.200)

Nearness to God, does require remembrance of God, prayers, submission, *ehraam*, contemplation on self on God, and performing *Sa'y* between Safa' and Marwa', which leads to final virtuosity of the pilgrim:

**"And take a provision with you for the journey, but the best of provisions is right conduct, so fear Me, o ye that are wise."**

(S.2, A.200)

And distancing oneself from, and avoidance of Satan and *taaqut* requires the abandoning of debasing passions and canal desires, exploiting one's patience and will, and the great powers of the Islamic *Umma*, and that is real-

ized through the congregational movement of the pilgrims, their oneness of hearts, tongues and steps in *Tawaaf* and *Sa'y*, in *Woquf* at Arafat, and at Mash'ar and Mina, the en-mass aiming of *Jamaraat* at Satan, and the stoning from every where, and the collective absolution from it; and all this is finalized in the joining of the hands, hearts and wills of the Muslims from different parts of the *Umma*, the common feeling of strengthened security in the light of unity:

**“Remember We made the house a place of assembly for men and a place of safety.”**

(S.2, A.125)

If *Hajj* as enjoined by the Holy Quran and as recommended and practiced by the Prophet (pbuh), is performed, and as he said: “Take from me your practices,” that is, the rituals to be performed according to his practice, it will undoubtedly ensure the individual perfection and the *Umma*'s glory.

Anyone opposing such pilgrimage and wishing a pilgrimage divorced from its fundamental lines and signs, he is, in fact, opposing the movement of Muslims toward perfection and the greatness of the Islamic *Umma*.

Today world arrogance, headed by the United States of America, and assisted by designs of Zionism, is engaged in an open confrontation with Islam and Muslims; this is certainly a continuation of old animosities towards Islam but through new methods, new motives and new means and devices. But then, the Islamic *Umma* possesses this unique center of resistance, power and unity; is it fair and proper for Muslims not to take advantage of the pilgrimage vis-a-vis the conspiring, belligerent and divisive enemies? Should they face their enemies defenselessly?

A true, perfect pilgrimage, shall, by bringing the hearts of Muslims closer to one another, by exchanging information and by revealing conspiracies, neutralize the most dangerous plots against Islam and Muslims. Today the leaders of world arrogance and Zionism have set it as their most important task to fight, by sowing differences among Muslims and by deafening publicity and propagation, any country, government or people who does speak of Islamic Awakening, the sovereignty of the Holy Quran or call for the dignity and power of the Islamic *Umma*. They are certain that once they succeed in separating the lively, active, struggling parts from the rest of the Islamic *Umma*, then they shall be in a trouble-free position, not being



faced with a great united *Umma*, to carry out their evil schemes against the *Umma* of Islam. The people of the world today witness how extensively and vehemently the trumpets of world arrogance have been sounding against the Islamic Republic of Iran. This is the very policy that has, by the grace of God, been so far left unfulfilled, yet it is still being vigorously pursued by world arrogance.

The most significant reason for enmity with the Islamic Republic since the days of the late Imam, is the fact that in this country all policies whether they are approved or rejected, are measured by Islamic criteria, and all political stands and positions are formed on the basis of Islamic injunctions.

Governmental compromise with Zionism is rejected because it involves the permanent wandering of the Palestinian nation and the permanent occupation of Palestine by the enemy.

The people of Palestine, Bosnia, Tajikistan, Afghanistan, Kashmir, Chechnya, Azarbaijan, Algeria and other oppressed nations are supported because the Holy Quran categorically enjoins us to support the oppressed *Mostaazafeen*.

**“And why should ye not in the cause of Allah and of those who, being weak are ill-fated and oppressed, men, women and children, whose cry is: ‘Out lord, rescue us from this town whose people are oppressors, and raise for us from Thee one who will protect, and raise for us from Thee one who will help!’”**

(S.4, A.75)

And the domination and the influence of the United States in the Islamic and other oppressed countries are opposed, because the Holy Quran says:

**“Take not My enemies and yours as friends (protectors), offering them your love.”**

(S.60, A.1)

And in the Islamic Republic all laws emanate from Islamic injunctions, as it is believed that the strength and dignity, independence and welfare, and

the material and spiritual perfection of a nation is only to be realized through the implementation of the laws of Islam.

These are the causes that make the leaders of world arrogance, helped by the brokerage and evil insinuations of the Zionist conspirators, consider Islamic Iran as their leading enemy and show hostility to it as much as they can.

Yet it is remarkable that today, throughout the *Umma*, enthusiasm for these aims and policies is daily increasing everywhere, in many an Islamic country, the youth and the elite and of the purest and most outstanding elements from amongst the clergy, university professor and learned men of science, artists, poets, writers, and even many civil servants and others belonging to the middle classes, are already devoting their hearts, their tongues and their pens to these goals: They oppose the Israeli-Arab compromise, and they oppose the indifference of their government regarding Islamic issues in Europe, Asia and Africa ... and world arrogance believes that these developments are consequences of the victory of Islam in Iran and the increasing strength of the Islamic Republic and therefore, they bear a sort of rabid grudge and insane enmity towards the Islamic Republic.

This is also one of the important motivations for those who oppose the meaningful, purposeful, Abrahamite pilgrimage, because contemplation on "*Hajj*" is a miraculous factor the dissemination and deepening of the idea among all Muslims, apart from being a great assembly for exchanging of information among people that come from the four corners of the world.

I do humbly recommend, to all Muslim brothers and sisters who have got together in the great congregation of "*Hajj*" that they ought to deeply ponder over the question of the "pilgrimage", and try to ensure for themselves the principal points already mentioned: Giving your heart and soul to God only, trying to approach the presence of the Holiest, in thought and action by true, pure worship on one hand, and distancing yourselves from Satan and the enemies of the path of God on the other, thereby enabling yourselves to return your home with spirits armed with virtue, hearts full of trust in God, souls delighted with renewed hope for the future of the Islamic Umma, and an iron will to pursue the goals of Islam for the sovereignty of Islamic teachings, laws and culture over Islamic communities.

The empty, vainglorious power of the enemies should not dazzle the eyes. They are only exploiting differences among Muslims and weaknesses in their determination to make a false demonstration of their power in the eyes simple-minded people. But the arrogant powers have, whenever Muslims truly resisted their oppression, repeatedly been defeated, or failed to achieve their ends. A glimpse at Islamic Iran shall verify our claim: Iran

has, by the grave and power of the Almighty, overcome the greatest volume of animosity by the United States and its co.-conspirators for some 16 years, yet it has now emerged as a more powerful, more successful and more high-spiritedly hopeful country. And today the United States of America, the flag-bearer of world arrogance against the reawakened Islamic movement, has not only been frustrated and disgraced in its unequal fight, but is itself, facing many unsurmountable, economic, political and security problems. The United State, in the course of its attempt as a superpower (which according to the false supposition of its inept but boastful leaders, must have some super-rights over others!) has often experienced the bitter taste of defeat and, God willing, shall suffer more defeats in the future. Glimpses at: the situation in Palestine and the unrealized sweet dreams of 'solving the Palestinian problem', which has only become a more difficult knot to open; East Africa and disgraceful withdrawal of American forces from Somalia; Europe and the neutral, ineffective role of the United States in the Balkans, the useless begging of the United States all over the world for stopping trade relations with Iran; the disgusting ploys of the United States to involve Iran in the ugly bombing incident in Argentina, which ended in their disgrace when truth came to light; and many other similar attempts are undeniable proofs that the claim of supporting human rights, are absolute lies.

If Muslims are going to be determined, ready to resist and equipped with awareness and knowledge, they shall prove to be stronger than world arrogance. The forces of arrogance are suffering from extreme, incurable, social ills and, therefore, no government or community with determination and clear thinking need fear them, let alone a great community as the Islamic *Umma*.

At the end, I call all Muslims to ponder over performance and ritual in the course of the pilgrimage, and invite them only to seek assistance from the eternal power of God, and to hold to it firmly. I do hope that those whose hearts are bent on seeking divine light at the pilgrimage, shall be blessed by divine grace and succour. I pray for their benefiting from the pious prayers of *Hazrat Baghiat-Allah-al-a'zam* (may our souls be given up for his sake, and may God expedite his appearance), and for their return, after an accepted pilgrimage, with their prayers being answered, together with a treasure house of spiritual gains.

Wassalamu Alaykum wa Rahmatullah  
14th Dhu al-Hajjah al-Haram  
Ali al-Hussayni al-Khamenei



## The Miraculous Character of Qur'an\*

*Translated by: Dr. Sadroddin Moosavi*

**T**he Muslims consider the Holy Qur'an as the greatest miracle of the Holy Prophet of Islam, Muhammad bin Abdullah (S). They, too, believe that it is not possible for the most eloquent Arab poets to produce a piece equalling the Qur'an in eloquence and accuracy. Even the Qur'an stresses:

*"Say: 'If men and jinn should combine together to bring the like of this Qur'an, they could not bring the like of it, though some of them were aiders of others.'" (17:88)*

The present article is an attempt to study five different aspects of the inimitability of the Holy Qur'an.

### 1. The Qur'an, the Most Suitable Miracle

The Muslim theologians believe that the miracle of every prophet should be related to the predominant skills or techniques of his own time. As a result, the prominent figures and the most learned personalities of the time can easily appreciate and acknowledge the value and, indeed, the inimitability of the prophet's miracle. In fact, the prominent figures realize that the prophet's work is a profound work, hence, they embrace his religion.

When Moses proclaimed his prophethood and introduced his miracles, the first to join him and embrace his religion were the shamans and

magicians. In reality, the shamans and magicians realized that the Moses' miracles were beyond their ability, hence, despite the Pharaoh's wrath and anger, they acknowledged Moses' miracle and joined him.

The miracles of Moses (a), included the White Hand and transforming a stick into a dragon. The miracles of Jesus (a) included medical treatments such as curing a congenital blind, curing leprosy and reviving a dead. However, Prophet Muhammad (S) proclaimed his prophethood by introducing the Qur'an as his miracle. At the time of the advent of Islam, writing and poetry were the two prominent features of art and skill in Arabian peninsula. Hence, it was a divine providence to appoint Prophet Muhammad (S) unto mankind with the Qur'an as his miracle. The Qur'an contained an educative, philosophical content put in a fluent and eloquent language. Therefore, any unbiased man of literary or an impartial writer could easily recognize that the Qur'an was a miracle and a divine revelation. In other words, it was easily discernible that the Qur'an was not a man's brainchild.

## 2. Which Type of Word is a Miracle?

The Ashaerites classify words into two groups, *i.e.*, *nafsi* and *lafzi*. They believe that the Qur'an is a miracle. By this kind of classification, the Ashaerites conceive that they have solved another problem pertaining to the nature of the Divine words, *viz.*, eternality. The Ashaerites argue that since the *lafzi* word is eternal, the inimitability of the Qur'an is eternal as well.

However, the Imamiyyah and Mutazilites schools of thought are propounders of the idea that the revealed word (to the Prophet) is by nature a miracle. The Imamiyyah and Mutazilites theologians, contrary to the Ashaerites, do not agree with the classification of divine words into *nafsi* and *lafzi*. They opine that the very word revealed to the Prophet is by nature a miracle. According to this school of thought, man can here, read and write this revealed word.

## 3. The Extent of the Inimitability of the Qur'an

It is pertinent here to examine whether the inimitability of the Qur'an is limited to its smallest chapter or it is not confined to any specific delineation.

The Ashaerites and Imamiyyahs believe that the inimitability of the Qur'an is discernible in its shortest chapter, i.e., chapter 108, *Kauthar* (The Heavenly Fountain), which consists of merely three verses. According to this viewpoint, the concepts or even one verse or two verses cannot be considered a miracle. They argue that the Almighty God, in the Qur'an itself calls on the people who suspected the Prophethood of the Holy Prophet to produce a chapter like the Qur'an:

*"And if you are in doubt as to that which We have revealed to Our servant, then produce a chapter like it and call on your witnesses besides Allah if you are truthful." (2 : 23)*

The Imamiyyah Mutakallims as well believe that inimitability of the Qur'an is verified in its smallest chapter. They even believe that it is not impossible to compose a verse equal to one of the Qur'anic verses, but, of course, underline that it is impossible for man to produce a chapter equal to the Qur'anic chapters, even as short a chapter as the *Kauthar*.

In the introduction of *Al-Bayan fi Tafseer al-Qur'an*, we read:

*"The Qur'an is a miracle in eloquence and style, not in every word independently. It is not impossible for man to produce one verse like that of the Qur'an, but, he cannot produce a chapter like the Qur'anic chapters. Even Muslims do not deny that producing one verse equal to the Qur'anic verses is possible. The Holy Qur'an too challenges man's ability in producing a chapter equal to its chapters."*

Al-Shaykh al-Tusi, in *Tamhid al-Usul*, implicitly acknowledges this viewpoint. He writes: *"The shortest Qur'anic verse consists of three verses. God asked the infidels to produce a chapter equal to that, they failed to do so."*

Other Muslim *Mutakallims* (theologians) believe that the inimitability of the Qur'an is not confined to any limit. According to this viewpoint, the whole Qur'an, is a miracle and every part of it is also a miracle. So far as the verse 23 of chapter 2 is concerned, they argue, God has asked the opponent

of the Prophet who cast a doubt on the divine nature of the Qur'an to bring a similar chapter.

Indeed the inimitability of the Qur'an stems from its eloquence and this eloquence is not only discernible in three verses but even in one verse or less than that. According to this viewpoint, every Qur'anic concept - which reflects a specific meaning- is a part and parcel of the Qur'an and, therefore, is considered a miracle. Hence, no one can imitate it.

### **How Long Will the Qur'an Remain Inimitable?**

The answer to this question may be given by taking into account two important angles:

a) *Sarfah* approach: According to this approach the inimitability of Qur'an was limited to about 20 to 30 years, i.e., the time between the Prophet's appointment and his departure.

It was during this period that no one could produce something that could equal the holy Qur'an. According to this viewpoint, it is possible to find some pieces of work equal to the Qur'an in the pre-Islamic era. The proponents of this viewpoint even argue that we cannot rule out the possibility of finding some pieces of work that could equal the holy Qur'an after the departure of the holy Prophet of Islam. However, they argue, this does not contradict the inimitability of Qur'an during the life of the Prophet.

b) The second approach considers Qur'an an eternal miracle. According to this approach --also propounded by the *Imamiyah Mutakallims*-- there never existed any work equal to the Qur'an before the advent of Islam. Even after the advent of Islam no body on the earth has been able to produce a work equal to the holy Qur'an. Therefore, according to this approach the inimitability of the holy Qur'an will remain in force until the Day of Judgement.

The Imamiyah school of thought opines that the inimitability of the holy Qur'an stems from the eternality and universality of Islam, that is, Islam is not limited to any time or place. Indeed, before the Prophet Muhammad, prophets (like Moses and Jesus Christ) were appointed to impart the divine



message to a particular group or group of nations, hence, their miracles were limited to their time and place.

Since Islam is a universal religion and there will be divine religion after it, therefore, its miracle should also be universal and eternal, i.e., the coming generations will also testify the inimitability of the miracle of Islam -the holy Qur'an. Thus the Qur'an is an eternal miracle and is the evidence of the eternality of Islam. It is clear that such a miracle is superior to those of the previous religions.

According to Al-Shaykh al-Tusi the very fact that no one could produce any work equal to the holy Qur'an during the first 13 years of the advent of Islam in Mecca, proves the inimitability of the Qur'an. Although he opines that even if today someone produces a work as eloquent as the Qur'an, it would not undermine the inimitability of the Qur'an, he defends the inimitability of the Qur'an and says that "Not only could not the people in Mecca challenge the inimitability of the Qur'an, even after the spread of Islam to other countries like Iran and Rome, the civilized people of these countries also could not produce any work equal to the Qur'an."

### 5- Salient Aspects of the Inimitability of the Qur'an

Different *Mutakallims* have given different reasons for the inimitability of Qur'an. Most of the Imamiyah Mutakallims believe that Qur'an is inimitable because of its eloquence and succinctness. However, they do not reject other reasons propounded by other schools of thought. For instance, Khawajah Nasar Tusi in *Tajreed al Aqaid*, after enumerating all approaches to the inimitability of the Qur'an, says that probably all of them were correct. Mulla Abdullrazzaq Lahiji in *Sarmayeh Iman*, after enumerating various approaches to the inimitability of the Qur'an, says that probably all of them are correct, however, the eloquence and succinctness have priority over other approaches which consider other aspects of the Qur'an as reasons for its inimitability.

Some of the Imamiyah thinkers have defended some of the approaches on the inimitability of the Qur'an which are not unanimously attested by the majority of Muslim scholars. Hence, it is necessary to have a quick look at various approaches to the inimitability of the Qur'an. The main approaches to the inimitability of the Qur'an are as follows: the *Sarfah* (stressing the

inability of man to produce a work equal to the Qur'an); the Eloquence and Succintness (stressing the method); the Special Style; Revealing News from the Unseen World (stressing that the words of the Qur'an have been revealed and inform man about the Unseen World); Veracity (stressing the steadness and truthfulness of the Qur'an); Unique and austentatious Teachings (stressing the teachings and their uniqueness); Consistency of the Qur'anic concepts; Lawmaking and *Sharia* and; Secrets of Creation (stressing the accuracy of the secrets of creation given by the Qur'an).

### ***Sarfah* Approach**

According to this approach the Qur'an itself is not a miracle, rather the main aspect of this miraculous work is to convince man that he is unable to produce a work equal to that of Qur'an. Among the Imamiyah scholars, Al-Shaykh al-Mufid and Sayyid Murtada support this approach. Among the followers of Ashaereh school, Nizam Mo'tazeli and Ibn Hazm Zaheri propound this approach.

### **Eloquence Approach**

A majority of *Shii* and *Sunni* scholars propound this approach. According to this approach, the holy Qur'an itself is a miracle. This stems from the inimitability of its eloquence and succintness. The characteristics of an eloquent work are amply discernible in the holy Qur'an. These characteristics are neither seen in the works before the advent of Islam nor in the works after it. This has made the Qur'an an eternal, superior and miraculous work. The propounders of this idea forward several reasons to support their viewpoint. The most outstanding reason in this regard is: it was left to the Arabs to either produce a work at par with the Qur'an or embrace Islam, else, they would be forced to join Islam. Although they were not willing to join Islam, however, they preferred to embrace Islam. This shows that the Arabs despite their mastery in the art of producing eloquent works, failed to produce a work that could equal the Qur'an (they even failed to produce a chapter at par with that of the Qur'an).

### Special Style Approach

According to this approach the imitability of the holy Qur'an stems from its special style. The style of the Qur'an is totally different from those of other literary works, hence, it has a Special Approach, which is beyond teaching and learning by man. This is what has made Qur'an an inimitable work. Had it not been for the special style of Qur'an the men of literary could imitate this style through hard word and practice. Moreover, even the traditions handed down from the holy Prophet are not following the same style as the Qur'an's. Therefore, the holy Qur'an is inimitable because of its inimitable style.

### Revealing News on the Unseen World

Here, the Unseen refers to whatever is hidden from our vision or whatever is not visible by man's eyes. Therefore, not only it refers to the Unseen World, i.e., the immaterial world (including God, the angels, Day of Judgement, Heaven, Hell, reward and punishment, etc.), but also to the events of past and those of the future. The propounders of this view believe that the holy Qur'an is an inimitable miracle because it informs man of the news on the Unseen World (mentioned above) as well as whatever is in the man's conscience (*ma fi al-zamair*): the Qur'an, in this regard, directly refers to the secrets of individuals: *"When two parties from among you had determined that they should show cowardice, and Allah was the guardian of them both, and in Allah should the believers trust. And Allah did certainly assist you at Badr when you were weak; be careful of (your duty to) Allah then, that you may give thanks"* (3:121, 122).

The holy Qur'an also states that God is aware of the intentions and deeds of the hypocrites (*And they swear by Allah with most energetic of their oaths that if you command them they would certainly do for you. Say: Swear not; reasonable obedience (is desired): surely Allah is aware of what you do"* (24:53).

The holy Qur'an also refers to the past events as well. It enumerates the creation of man, from the moment Adam was created to his getting forth from his state, the history of other prophets to the appointment of the Prophet Muhammad as well as stories related to Moses, Pharaoh, etc. (6:105,

29:48). Indeed all this stories and other accountts were revealed to the Prophet Muhammad who imparted the divine message to man.

Future Events: The holy Qur'an also fortold certain events to the Muslims during the Prophet's life time (8:7, 3:12, 54:45, 30:1).

### **Veracity Approach**

The propounders of this approach believe that there is no contradiction in th holy Qur'an, hence, the truthfulness of the Qur'anic sayings, which are educative, is an evident to its inimitability. The Qur'anic teaching encompass various fields including lawmaking, religious principles, politics, social order, moral values, astronomy, history, war and peace as well as heavenly phenomena. There is no contradicrionin all these issues, rather there are instructive lessons in each issue. Wherever there is a repetition in the Qur'an, there is definitely a new lesson or the issue has been projected from a new angle.

### **Unique and Austentatious Teachings Approach**

According to this approach the inimitability of Qur'an stems from its unique teachings. Indeed the teachings of the holy Qur'an are so unique that a layman cannot present them, hence, they must have been revealed through divine revelations. Ibn Maytham Tammari, he renowned Imamite Mutakallim and exeget of *Nahj al-Balaghah*, terms the Qur'anic teachings as noble and argues that the inimitability of the Qur'an stems from its eloquence and special style. Accordin to him, the main teachings of the Qur'an include: unity of God, ethics, politics, wayfaring, and history. He is of the opinion that if in the works of some of the Arab men of literary we come across eloquent works, the eloquence of their works has its roots in the religious books of religions which existed before Islam, nevertheless, none of those works enjoys the eloquence of the holy Qur'an. Some scholars like Mulla Mohsin Fayd Kashani believe that the most salient aspect of the Qur'an is that of the noble teachings which have turned it into a miracle.

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### **Consistency of the Qur'anic Concepts**

Although various issues have been discussed in the Qur'an, there is a consistency in its argument on various issues. These issues include philosophical, social and historical ones, but the way the Qur'an discusses them they are neither refutable nor can be criticized and this is what has made the holy Book inimitable.

### **Law-making Approach**

According to this approach the inimitability of the holy Qur'an sprouts from its system of lawmaking. The system which changed the idolatory system to monotheism and ignorance to knowledge. Some of the Islamic and humane principles of the Qur'an are: recommending justice and moderation (16: 90); negation of parochialism and misery (3: 18); denunciation of extravagance and squandering of wealth (17: 27, 29); recommending fortitude vis-a-vis difficulties (3: 146); recommending learning along with virtue (7: 32) and; recommending keeping one's word (5: 1). The holy Qur'an also recommends unity and fraternity among the Muslims while indicating virtue as the main criterion of superiority (49: 13; 39: 9). This is why in Islam Salman Farsi -due to his faith and virtue- is considered equal to members of the Prophet's Household, while Abu Lahab -the Prophet's uncle is considered a worthless individual due to his blasphemy.

### **Secrets of Creation Approach**

This approach considers the Qur'an an inimitable miracle because it depicts the secrets of the creation of universe. In fact, at the time of revelation of the holy Qur'an, access to the secrets depicted by the Qur'an, was impossible in Arabia except through divine revelation. Although Greece had made a considerable headway in certain scientific field, there is no evidence indicating that those scientific experiences had reached Arabia at

the time of the advent of Islam. Some of the secrets or scientific findings include: special gravity ; pollination by wind; and rotation of the earth. Inclination towards a scientific exegesis of the Qur'an is almost a new trend among the contemporary Muslim intellectuals. However, the antedents concentrated mainly on the above-discussed aspects of the Qur'an. Some of the Mutakallims also have given weight to the succinctness and concision of the Qur'anic concepts plus the precise order among its various parts as reasons for its inimitability.

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## Role of Negotiable Instruments in the Islamic Legal System

*By: Ayatullah Sayyid Muhammad Mussavi Bojnurdi*

**M**an's natural need for the social life and the provision of his necessities has caused his legal relations, trade, and progressive and gradual developments to fit the requirements of different periods in various patterns of many procedural courses, ranging from primitive ones, namely trade of goods, to its contemporary form, i.e., the exchange by means of commercial documents including the negotiable instruments that are considered one of the most advanced instruments of discharge of contractual duties in transactions. Undoubtedly, knowledge of the nature and application of the negotiable instruments can have a great role in the fate of some obligations like the *khums* on *arbah-al-makasib* (20% tax on business profits), *zakah* on *naqdayn* (taxation on gold and silver coins), and *zaman* (commitment or liability), whether it is *aqdi* (contractual or promissory) or *qahri* (tortious or involuntary consequential) or *amri* (imperative or legally required). This is an important issue because the progressive effect of time and place on the development of civil and criminal studies in Islam also influences the course of evolution of *ijtihad* (the Islamic legislative and jurisprudence) and calls for attention.

### Understanding the true nature of negotiable instruments

Negotiable instruments are those things (tangible representations of operative facts) that are given a property value and a price (or bargain-for-exchange value) in the form of purchasing power by a competent, legal source of authority. Thus, the important characteristics of negotiable instruments are their property value and price. Property value is one of the



established governing legal orders and judgmental (presumptive valuative) issues that exist in the world of presumption. The value of some properties like rice, fabric, and meat is inherent because they contribute to the provision of human needs and possess the characteristic of property, i.e. being demanded regardless of its property value.

But the property value and price of the negotiable instruments are simply established. In other words, they are not real but presumed, and if these instruments were not given a property value by the legislator they would have no economic value and market demand because they would not satisfy any needs by themselves. The legislators accord a property value to these documents with certain conditions and specifications in fixed formats - like the negotiable instruments and the commercial papers in the particular sense of the term "draft and check" - to facilitate the economic activities and transactions. This legal establishment creates some market demand and economic value in such properties based on the *'urf* of *'uqala* (general standards of conduct of the reasonable man) and intellectuals of the societies and gives these instruments a role in the provision of individual needs. It also confers the owner of instruments a specific purchasing power and market value that enables him to provide his demands as much as that purchasing power allows, namely equal to the value of negotiable instruments that he owns.

In the light of this argument, the whole essence of negotiable instruments is the power to buy and the capability to provide needs. Such a value has a rational significance too because such a purchasing power and market value was created by the *'uqala* based on what necessitated it for facilitation of the business, economic, and commercial exchanges and transactions. According to the *'urf* of *'uqala*, the owner of negotiable instruments holds a purchasing power and an ability to provide his demands. The financial code of Iran that was approved on July 9, 1972 declares:

Payment of all kinds of debts is possible only by means of the circulating currencies as long as there is no other agreement between the lender and the debtor along with the observation of laws concerning hard currency in the country.<sup>2</sup> This law states that the negotiable instruments have a discharging power<sup>3</sup> and such a power is a result of the monetary significance of this property. Based on such a significance, the legislator set a value for these negotiable instruments.

Hence, considering his ownership of a legally presumed and established property, the owner of negotiable instruments enjoys a particular purchasing power and the negotiable instruments represent and indicate a special and



definite market value that exists in these instruments. Thus, the theory which argues that the negotiable instruments are symbols and indicatives and what they indicate is outside them, like the title of an immovable property that grants its owner the right to benefit from his property through renting or mortgage lending and so on, this theory is incorrect because the property follows the will of its owner whereas the value of negotiable instruments exists regardless of the will of their owner and is based on the value that is given to them by the legal source of authority and the numbers on these instruments do not have any role in their property value. It can be put in this way, that the negotiable instruments are unconditional with respect to their serial numbers and that the owner of these instruments enjoys a certain purchasing power in the sense that he does not own them on the basis of their particular nature with their specified serial numbers.

In conclusion, the significance of negotiable instruments is not just a result of their property value, but it is based on the property value that exists in the form of purchasing power in them. For example, a debt equal to one million tomans<sup>4</sup> is a debt equal to the same amount of purchasing power that manifests itself in one million tomans of negotiable instruments. By understanding the essence of negotiable instruments we can study *khums* and *zakah* on paper currency and the different kinds of related liabilities, whether it is *qahri*, *'aqdi*, or *amri*.

### **Negotiable instruments and the *khums* on *arbah* and *makasib* (profit of business and trade)**

In spite of the difference concerning the necessity of *khums*, *ijma'* of (consensus among) the Shi'a and *tasalum* (legal modification and compromise) of *ashab* (the companions) indicate its necessity. This ruling was accepted and authenticated in its entirety and is now considered one of the legal mandates of Shi'i *fiqh* (jurisprudence, legislation, and adjudication). The subject for the necessity of *khums* on earned benefits and the profit resulting from business and trade is the net earned profit that exceeds the annual expenses. If this subject is not materialized, namely if the benefit is absent and no profit is gained from business and trade or if the resulting profit does not exceed the annual expenses, the exigency of *khums* will be groundless because its subject does not exist (legal frustration of the purpose).

The essence of negotiable instruments is to function as a manifestation of the purchasing power and an ability to provide needs and a discharging

power. The value of such entities is granted to them by the authority who is in control of valuation and by the legislator in the field of negotiable instruments. The promise to discharge all kinds of debts or loans is also possible by means of these instruments. Thus, the negotiable instruments, considered by themselves and regardless of the value that is given to them by the legislator, do not incur any value and lack substantive merit. 'Uḡala consider the negotiable instruments as identical to such a purchasing power and the logical reasoning also emphasizes this fact.

The profit of negotiable instruments depends on their real increase. Attention must be focused on the rise in their market value, instead of the increase of the number of instruments, especially when we take into account the inflation that brings about the increase of the number of negotiable instruments without a rise in their purchasing power. Therefore, if the number and the amount of instruments increase but their market value remains fixed there would be little profit for the owner at the end of the year in order to calculate the amount that exceeds the annual expenses for the purpose of *khums*. Consequently, the necessity of *khums* would be groundless without an increase of the purchasing power because its subject is frustrated.

Accordingly, if an owner has a certain amount of purchasing power and gains some profit after his work, trade, and effort using a certain amount of negotiable instruments and, after the deduction of annual expenses, some of this profit is left but makes no difference in terms of the market value, that is regarded the essence of negotiable instruments, due to the inflation that occurs in the prices of commodities, then the subject of the necessity of *khums*, i.e. the profit that exceeds the annual expenses, will cease to exist. For example, if one million tomans worth of negotiable instruments of an individual increases by two hundred thousand tomans after a year but its purchasing power does not increase, it will not be included by the *dalil* (proof) of necessity of *khums*. The reason is the inflation that rises increasingly compared to the amount of negotiable instruments. For example, the purchasing power of one million tomans in 1413 (h.q. - *hijri qamari*) is equal to the purchasing power of one million tomans and two hundred thousand tomans in 1414 (h.q.). Therefore, *khums* cannot possibly be made obligatory based on the increase of the number of negotiable instruments without any improvement in their reality that is their market value because there would be no profit and interest that exceed the annual expenses and can be calculated and paid as *khums*.

We reach the same conclusion through the study of *riwayat* (traditions) concerning *khums* because in these *riwayat* there are statements like "all of

the profits of the people whether small or large"<sup>5</sup> and "the *khums* is mandatory for whomever takes a booty or makes an earning"<sup>6</sup> and " *khums* is obligatory on all profits that the person gains whether small or large ...after the (deduction of ) *ma'unah* (annual expenses),"<sup>7</sup> booty or gaining a profit. When there is some doubt about this acquirement we cannot conclude the requirement of *khums* from these *riwayat* because making such a conclusion means adherence to the generality of the general (*'umum-al-'amm*) in a case of evidential ambiguity (*al-shubha al-misdaqiyya*) which is a view with no cohorts.

The profit and its *khums* can easily be calculated in properties with intrinsic value and in those which satisfy needs and enjoy market demand. These commodities have an inherent economic value and need not be given a property value by the legislator. The characteristic of these properties is that the profit which is yielded as a result of their trade is realized by the increase in their *'ayns* (substances). For example, knowing that purchase and sale are accomplished through exchange, when one hundred thousand tons of wheat yields for its owner a profit of twenty thousand tons of wheat after a year, the previous *riwayat* can be applied to such a profit on which the *khums* must be paid after the deduction of the annual expenses. This formula should also be applied to the calculation of *khums* on properties that enjoy an established value including the negotiable instruments.

Profit in the case of properties with intrinsic value, that are subjects of the *riwayat*, is materialized by the increase of their *'ayns* (substances), whereas the profit in the case of negotiable instruments is reflected in the increase of their purchasing power, not the increase of the instruments themselves or of their number. Therefore, when, for example, one hundred tuls of fabric of 1413 (h.q.) are equal to ninety tuls of fabric plus two hundred thousand tomans of 1414 (h.q.), this increase in the negotiable instruments to two hundred thousand tomans is not considered a profit. Through an accurate calculation we find out that this increase has just filled the gap in the purchasing power, and therefore, is not an example of the profit that is the subject of the *riwayat* of *khums*. Moreover, if such an increase occurs as a result of the inflation, then the increase, for example, one million tomans of 1413 (h.q.) to one million and two hundred thousand tomans of 1414 (h.q.) which, according to the *'urf* and due to the inflation, has the same market value as that of one million tomans of 1413 (h.q.), then this increase is not considered a profit for the purpose of necessity of the *khums*. The reason is that the criterion in the increase of the value of negotiable instruments is the increase of their purchasing power.

Consequently, if the market value remains the same and only the number of negotiable instruments increases no profit will be realized. But as far as the rise of commodity prices is concerned, that part of it which is in excess of inflation should be accurately calculated. If there is a rise in the purchasing power in excess of the annual expenses the *khums* will be *wajib* (obligatory) on the surplus.

This argument and other present theories about the essence of negotiable instruments are based either on the assumption that the negotiable instruments have a certain property value or on the postulation that they do not enjoy any property value, neither inherent nor established, but they are indicatives of the property value that is what is implied by them and that the negotiable instruments are manifestations and affectations of the purchasing power and are comprised of a certain amount of purchasing power which justifies their property value. Based on all these theories, we conclude that the identity and essence of negotiable instruments in all corners of the globe and economic circles is tantamount to a thing the owner of which is considered by the *`uqala* as possessing a certain amount of purchasing power.

Compared to different kinds of currency, whether it is rial or dollar or pound or dinar, every amount of the negotiable instruments is a manifestation of a market value equal to the same amount and its owner has the power to provide his demands and buy what he needs by means of this power. When we say: "One owns so-and-so amount of negotiable instruments thus he can buy so-and-so commodity" we are pointing to this notion.

By studying the *riwayat* concerning *khums*, it becomes clear to us that all of them revolve around notions like "he gains the profit (*yastafiduhu*)" and profiting (*al-ifadah*)", "he earned (*iktasaba*)", and "he acquired a benefit (*ghanima*)" and rely on the existence of such concepts. Thus, these *riwayat* indicate that there must be a profit and surplus in excess of the annual expenses in trade and business so that *khums* becomes *wajib*. Hence, if the negotiable instruments increase just in number this increase may not represent any profit. In order to determine the situation, the inflation and the difference between the purchasing powers of the previous and the present years should be calculated. If the rise of the market value and the inflation are equal to the increase of the *`ayn* (substance) of negotiable instruments there will be no profit to be subject to the *wujub* (necessity) of *khums*.

## Negotiable Instruments and the *Zakah* on *Naqdayn* (Silver and Gold Coins)

### *Understanding the essence of naqdayn*

Development of the social life and relations led to a condition in which the legal relations in their primitive forms, namely the exchange of goods, did not meet the demands any more. This condition necessitated the innovation of certain instruments with specific forms, dimensions, and features to function as means for the payment of the prices of commodities in order to facilitate exchange. Certain means that held some value in the *`urf* were utilized for this purpose.

To achieve his goals, the legislator selected gold and silver with particular forms and specifications, and set a specific property and economic value in them due to their instrumentality in the payment of the prices of commodities in transactions and agreements. Thus, the coins that had, up to that time, an intrinsic property value and market demand among the *`uqala* because of their utility as ornaments, came to be used in the area of transactions and legal relations for a purpose other than decoration, namely the discharge of financial obligations, taking the name of *naqdayn*. These coins were given a property value and a price in agreements by the government authorities and were widely used in exchanges. Therefore, the *naqdayn* are the gold and the silver which are coined and used as means to pay the price of goods in exchanges and agreements. In fact, the role that is played by the negotiable instruments in the legal relations today is the same role which was played by the gold and the silver coins during that period. These instruments are considered simply as effectuations of the purchasing power and as instruments for exchange and provision of the necessary needs.

Due to their instrumentality in discharging financial obligations in transactions and the fact that they are circulating coins in the Islamic system, the *naqdayn* are subject to the *wujub* of *zakah*. Some of the *riwayat* imply that the purpose of the *wujub* of *zakah* and the payments of a certain amount as the *zakah* on *naqdayn*, namely the gold and the silver coins that are circulating in transactions, is to fight poverty.<sup>8</sup> *Zakah* is mandatory when the amount of *naqdayn* reaches the *hadd-al-nisab* (specified minimum taxable limit) at the end of the year in a way that if the specified amount is not enough its increase will be possible.

### Conditions for obligation to pay *zakah* on the *naqdayn*

According to the *riwayat* and the *ijma'* of *fuqaha* (consensus of the Islamic jurists, the legislative, and the adjudicators) payment of *zakah* on the *naqdayn* is obligatory in the Islamic Law when certain conditions are met. Some of these conditions are: being in the form of coins that are circulating in transactions, passage of one year over it, and reaching a particular *nisab* (minimum taxable limit). If the property is raw gold and silver, i.e. uncoined gold and silver, payment of the *zakah* will not be obligatory.

Therefore, according to the *riwayat*, one of the conditions for obligation to pay the *zakah* in the Islamic Law is for gold and silver to be coined in the form of dirham and dinar or the well-known *naqdayn* for the purpose of transaction.<sup>9</sup> Moreover, the spread and circulation of these coins in transactions and legal relations is necessary so that they can be used as means for payment of the *zakah*.<sup>10</sup> If these coins go out of circulation because of the mintage of new coins by the legislator or due to the alteration of their forms or being melted and converted to jewelry there will be no obligation to pay *zakah* on them.<sup>11</sup>

Therefore, the commitment to pay the *zakah* is limited to engraved coins that are circulating in exchanges because of their instrumentality in the discharge of financial obligations. The rule of *zakah* is not applicable to all kinds of gold and silver including jewelry, gifts, and coins that have taken out of circulation. The *riwayat* which concern the *zakah*<sup>12</sup> emphasize this point by stating that gold and silver that are uncoined and in the form of *tibr* (raw and unmolded gold and silver) and bracelet and earring and other kinds of jewelry and also coined gold and silver that are not circulating in transaction or whatever circulating coins that are melted are not included by the obligation to pay the *zakah* on them.<sup>13</sup> Therefore, payment of the *zakah* is restricted to *dirham* and *dinar* (of *naqdayn*) as long as they are used for discharge of financial commitments in transactions and agreements.

### Obligations to pay *zakah* by means of the negotiable instruments

The criterion for obligation to pay *zakah* on *dirham* and *dinar* is their function as means to pay the price of commodities in transactions. This obligation remains when the instrument for payment alters from *dirham* and *dinar* to currency, whether it is paper or metal, due to its representation of the market value, and particularly, the ability to provide needs. The reason



for generalization of the obligation to pay the *zakah* based on the *riwayat*<sup>14</sup> is simply to fight poverty. The obligation to pay the *zakah* by means of the negotiable instruments necessitates the fulfillment of other binding conditions for paying *zakah* on the *naqdayn* (*dirham* and *dinar* that are circulating in transactions). Some of these conditions are: the passage of one year over the property and reaching the specified *nisab*. The reason is that gold and silver or the fact that they are coined are of no relevance.

The obligation to pay *zakah* on the *naqdayn* is only due to their instrumentality in the facilitation of transactions and their manifestation of the purchasing power that is possessed by their owner. It is stipulated by the *riwayat*<sup>15</sup> that if the transaction which was performed using *dirham* and *dinar* comes out to be invalid, payment of *zakah* on that *dinar* and *dirham* will not be mandatory just like the jewelry. The only reason for the use of gold and silver coins in transactions was their instrumentality in the payment of goods' prices. Undoubtedly, gold and silver, which we are discussing about, are not pure but mixed with a certain quantity of impurities that make possible their formation in different shapes including coins (*dirham* and *dinar*). There is no mentioning of this quantity of impurities in the obligation to pay *zakah* on the *naqdayn*. The criterion for obligation to pay *zakah* among the residents of al-Madinah and according to the *`urf* of people was their recognition as *naqdayn*, i.e. *dirham* and *dinar*, and as payment means that were treated as circulating currencies.

Therefore, what is important in the *riwayat* concerning *zakah* is the currency's circulation according to the people's *`urf* due to its instrumentality in transactions. This proves that gold and silver have no peculiarity by themselves in this regard and that the *zakah* is levied on them only because they are payment means due to their purchasing power. Some of the *riwayat*<sup>16</sup> are in conflict with the principles which were mentioned above and assert that the obligation to pay *zakah* is restricted to the amount of the pure gold and silver in the currency and the coins that are circulating in transactions.

Negotiable instruments, that are substitutes for the circulating coin of previous periods, namely "*dirham* and *dinar*", are considered today as effectuations of the purchasing power and as means for the provision of necessary needs. Hence, the obligation to pay *zakah* subject to the same conditions that are mentioned in the *riwayat*<sup>17</sup> concerns only that payment means which is circulating in transactions, i.e. the negotiable instruments. The same amount of particular *nisab* for the circulating coin in the period of Islamic legislation must be calculated for the negotiable instruments and

payments of the *zakah* on them will be obligatory when one year passes over them.

### Negotiable instruments in the *qardz* (lending)

*Qardz* (lending) means *tamlik* of an *'ayn* (assignment of the possession of a substance to another) in return for its real *'iwadz* (consideration/bargain-for-exchange) by the way of *dzaman* (commitment or liability)." Taking into account the real character of negotiable instruments that do not have any substantive merit and the identity of which is the purchasing power, their *qardz* means *tamlik* (assignment of the ownership) of a specific amount of market value that is to be returned by giving back the same amount of that power. For example, when someone lends two million tomans he actually lends a purchasing power equal to two million tomans and the same amount of market value should be paid back to the lender at the specified time of the loan's repayment, even if it is, then, equal to a higher amount of negotiable instruments otherwise his loan would not be satisfied. According to this definition, *'ayn* in the *qardz* of negotiable instruments is represented by both the indicator (*hakki*) and the indicated (*mahki*), namely the negotiable instruments and their purchasing power, and their real *'iwadz* (consideration/bargain-for-exchange) that is the same purchasing power of more negotiable instruments. There is no difference between these two (the *'iwadz* and the *mu'awwadz* - what the consideration is given in return for/bargained-for-exchange) in terms of their market value.

Some transactions like *qardz* were not established by the Islamic Law but were set up and performed by *'urf* and *'uqala* even though they were customary in the period of Islamic legislation and approved by the Islamic legislator. Although the existence of such relations and transactions is not restricted to the conventional agreements of that period, when the negotiable instruments are assigned to another's ownership through an agreement, whether it is performed by the way of selling (*bay'*) or *qardz*, they are not assigned for free but they are given in return for their real *'iwadz*. Therefore, when an individual lends one million tomans to another person through a *qardz* contract, the debtor should pay the lender, after a specified period, the real *'iwadz* of that money namely a purchasing power equal to the amount of the money. The distinction between these two purchasing powers depends on the understanding and full grasp of the reality of the purchasing power. Naturally, if we consider the purchasing power as the only real



meaning of the negotiable instruments they will be regarded as established entities that are not covered by the concept of *'ayn* at all so that the preceding definition can be applied to them. But if the *qardz* is considered as the *tamlík* of a property in return for its real *'iwadz* it will cover the lending of negotiable instruments too because the legislator set a certain property value for them.

### Understanding the essence of negotiable instruments' purchasing power

Perception of the reality of negotiable instruments' purchasing power, knowledge of whether the purchasing power or the market value is a *mahiyya* (principle) or a part of the *wujud* (entity), determination of the unity or multiplicity of the purchasing power which is established for the negotiable instruments, and the distinction between the different purchasing powers that exist in various negotiable instruments help us understand the essence of *qardz* contracts that are made using the negotiable instruments.

It can be stated in this regard that the market value, that is established in the negotiable instruments, has an unconditional nature with respect to their serial numbers. Hence, there is no difference between the purchasing power of this number and another number of the negotiable instruments. For the negotiable instruments are not equal and identical to the purchasing power and the market value but only represent and indicate it. Therefore the purchasing power means the natural total (*kulli tabi'i*) that is numerous based on the multiplicity of its individuals that exist in the outside world. In other words, *wujud* (entity) of the natural total is not the *wujud* of the individual itself and there is a categorical, ontological unity among these individuals that is not blemished by the multiplicity. This unity is not incompatible with the numerical multiplicity. In other words, the market value that is lent through the *qardz* contract only transfers a specific amount of purchasing power to the borrower and the negotiable instruments are irrelevant in this regard; they just give a real value and a concrete and external existence to an entity like this. Application of the definition of *qardz* to the negotiable instruments enables us to justify the multiplicity of *'iwadz* and *mu'awwadz* (bargained-for-exchange) based on their external features and individual characteristics. There is no multiplicity and difference between the two purchasing powers in their *mahiyyas* (principles) and their *haqiqas* (realities) but the difference, diversity, and dissimilarity between *'iwadz* and *mu'awwadz* is a result of their external properties.

It can be stated, from another perspective, that the establishment of the essence of the purchasing power, that has been set up for the negotiable instruments, originates from the category of *wujud*. Hence, it is susceptible to *tashkik* (being applicable to a number of different individuals with various levels of importance with regard to the total) and you can possibly find a multiplicity based on the different levels of its *tashkik*. Thus, it becomes clear why there is a multiplicity, dissimilarity, and duality between the market value of *`iwadz* and that of *mu'awwadz* when the definition of *qardz* is applied to the negotiable instruments. So, making a *qardz* contract by means of the negotiable instruments leads to the introduction of another definite purchasing power that differs from the prior purchasing power in terms of the ontological level of ownership.

### **Applying *qardz* contract to the established purchasing power**

Upon knowledge of the nature of negotiable instruments and the meaning of purchasing power it is now possible to set such an established property as the subject of *qardz* contract. Through a *qardz* contract a certain amount of purchasing power, that gained its substantive merit in a specific amount of negotiable instruments, can be transferred to another person who has to return it at a specified deadline by paying its real *`iwadz*, i.e. the same purchasing power which is represented by whatever amount of negotiable instruments. According to *qardz* contract, the borrower is obliged to pay back the same amount of purchasing power that he borrowed at the specified time of payment even though the external substantive merit of this borrowed purchasing power is equal to a greater amount of negotiable instruments. In other words, the borrower cannot pay just the same amount of the instruments that he borrowed because in this case he has not paid the real *`iwadz* and thus he is not absolved of his obligation. On the other hand, the lender will be bound over and liable particularly in the current situation that the property's price decreases and the inflation rises and the value of one million tomans drops in a year and the payment of its real value in the following year would be possible by adding the amount of inflation considering the change of commodity prices and the market value, without getting involved in the *riba* (usury). Because such a contract does not generate any interest that can be regarded as *riba*.

Although the number of negotiable instruments has increased, their real identity remains to be the purchasing power that is established in them not the instruments themselves. Their increase occurs only as a result of the rise

in their market value and the property's price not the increase of their number without the rise of their purchasing power. Therefore, when the borrower pays a larger number of negotiable instruments, that are manifestations of the purchasing power which was borrowed, he pays back the same, and not a larger, amount of his debt. This person will be discharged because he has paid the real *'iwadz* in return for what he borrowed. Meanwhile, the lender has not accrued any interest in this contract either. Hence, this contract will not be a case for the rule that states that: "every *qardz* that draws interest is *riba* (usury)." But if the borrower pays, at the time of the settlement of his debt, the amount of negotiable instruments that he borrowed and the property value of which decreased as a result of the inflation, he is paying less than what he borrowed, therefore, he will not be absolved; the lender will lose, and the rational rule of equality of the two considerations (*'iwadzes*) will not be observed.

Accordingly, we cannot say that all *qardz* contracts issued by the banks around the world are null and cases of *riba* because every interest is not *riba* and no interest is generated by an increase in the number of negotiable instruments or every kind of currency without a rise in their market value. Instead, this is the realization of equality between the paid price (*'iwadz*) and the gained price (*mu'awwadz*) because the oscillation and increase of inflation leads to a decline in the price and the purchasing power of negotiable instruments. Therefore, the amount of inflation must be added to the price that is to be paid by the borrower as an *'iwadz* in return for what he borrowed.

Thus, the increase should be based on the principle of equality of the two *'iwadzes* (bargain and bargained-for-exchange) which means the separation of increase in the number of negotiable instruments, instead of the purchasing power, from the increase that causes the materialization of interest in *qardz*, namely the increase of the paid purchasing power in comparison with the borrowed amount. The rate of inflation must be calculated by a competent authority and added to the amount that should be paid by the borrower so that *tamlik* of the property in return for its real *'iwadz* is realized. If the borrower delays the payment of his debt he will be bound to pay the rate of inflation in proportion to his delay after the payment's deadline because the purchasing power that he borrowed is represented by the increase of the number of negotiable instruments without paying anything more than what he borrowed. The reason is that we considered the purchasing power, and not the negotiable instruments themselves, as the core and property value of these instruments.

### Negotiable instruments and *mahr* (dowry) in marriage

As a result of the marriage contract, the husband is indebted to his wife a specified amount as a dowry. What the husband is obliged to pay in this regard is the purchasing power which exists in this amount of negotiable instruments, instead of the instruments themselves. The wife owns this amount of market value and has the right to demand its payment at any time she desires and the husband can discharge and settle his debt by paying the same amount of purchasing power at any time he wishes. This amount of purchasing power is not reflected but in a greater number of negotiable instruments in the time of payment. For example, the purchasing power of thirty thousand tomans of twenty years ago can be equal to that of one million tomans of today.

### Negotiable instruments and the *itlaf* (waste) rule

Although the identity of negotiable instruments vanishes in their *mahki* (what is indicated and represented by them), i.e. their purchasing power, and we see that the property value of negotiable instruments is an established entity, this fact does not contradict the application of *itlaf* (waste) rule to these instruments. This means that the purchasing power may be damaged and perish by the decadence of the *haki* (indicative) (the negotiable instruments). For example, by burning a definite amount of negotiable instruments the same amount of purchasing power will be destroyed because the existence of *mahki* (the purchasing power) is dependent upon the existence of its *haki* (the negotiable instruments). The *itlaf* rule states: "whoever damages/wastes another's property he will be liable for it." So, whoever damages/wastes the negotiable instruments he will be damaging/wasting a property and he will be liable for its compensation. Since the core of negotiable instruments is the purchasing power, and their property value depends on this power in which they vanish the *mutlif* (waster) has to compensate for the amount of property that he wasted and pay the compensation to the property's owner.

Although, the number of negotiable instruments and the material substance that have been damaged may be less than the number which must be paid according to the *dzaman qahri* (tortious liability) with respect to the civil liability, these two numbers are equal in terms of their market value because the price of the property drops progressively due to the inflation and the oscillation of prices in the market. Therefore, the *mutlif* must add

the wasted amount of purchasing power, instead of the number of destroyed negotiable instruments, to the amount that is to be paid because he is liable for the property that was wasted by him, and the financial power of the negotiable instruments is nothing other than their market value.

**Negotiable instruments and *ghasb* (usurpation) ("The hand is liable for what it takes until it returns it" rule)**

According to the rule which states: "And the hand is liable for what it takes until it returns it," the usurper is liable for the properties that are usurped by him without the permission of their owner. If the usurped property is available itself, the usurper must return its *`ayn* but if it is some kind of negotiable instruments the usurper will be liable for the usurped purchasing power, namely the customary amount of purchasing power of the negotiable instruments. The reason is that the identity of this property vanishes in its *mahki*, i.e. its purchasing power, although the usurped negotiable instruments themselves may be held by the usurper. Consequently, if the property's price drops because of the fluctuation of prices in the market and the increase of inflation, the usurper will have to pay a greater number of negotiable instruments in comparison with the original usurped instruments.

The usurper is liable for the market value of the usurped negotiable instruments. Therefore, although the usurped instruments may be available themselves, since their purchasing power decreases as a result of the inflation, the usurper will not be discharged by returning the same negotiable instruments that are available because the object of usurpation is the purchasing power which has no substantive merit and is materialized by means of its *mahki*. There would be no solution in this case except to return, not the usurped negotiable instruments, but the object of usurpation itself, i.e. the purchasing power, by means of those instruments which are its effectuations.

To lay transgressing and impermissible hands on a property in any ways, whether through a *ghasb* that started with the intention of *ghasb* since the beginning or as the result of an invalid contract, or because of transgression by an impermissible and disloyal hand, or by a permissible hand but a transgression and a negligence like those of an agent in the *mudzaraba* (speculation) contract who violates the designated limits of his rights, and as

a result of such a violation the loyal hand becomes a disloyal one. All of these issues are included by the framework of this discussion.

### **Negotiable instruments and the loss due to delay in the payment**

If the borrower delays the payment of his debt, the amount of inflation that is added based on the length of the delay will be considered a part of his debt not an addition to it whether his debt is a *dzaman amri* (imperative liability) or a *dzaman qahri* (tortious liability) or a *mu'awadza* (barter). For if we consider the real meaning of negotiable instruments as the purchasing power and that the property itself does not have any value regardless of the establishment of the property value and that its property value is this purchasing power of it, then, the bound individual will be obligated to pay this amount of purchasing power that he borrowed whatever kind of *dzaman* it bears, whether it is *qahri*, or *amri*, or *mu'awadza* (barter) even though this amount may be different in terms of the number of substantive negotiable instruments that materialize this purchasing power. Thus, the debtors would be discharged only by paying the borrowed amount even if it is represented now by more negotiable instruments.

As a result of their delay in the discharge of their debts, the debtors are bound to clear their debts by paying a greater amount of negotiable instruments. The extra amount of the paid instruments is not considered as a compensation but as a part of the debt itself. The debt is a definite and fixed amount of market value that is materialized, with respect to its real substantive merit, in a certain amount of negotiable instruments. The amount of instruments may change due to the fluctuation of prices in the market. Thus, the debtor's obligation to pay the amount of inflation that is calculated by a competent authority is a part of the debt and included by it in its real sense and it is not an addition to the debt or a compensation or anything else. Therefore, the salaries of government employees should be adjusted accordingly and the purchasing power that was contained by the negotiable instruments at the time of employment should be paid to them, although the number of the instruments has increased otherwise the government will remain liable.



### Negotiable instruments and *diya* (blood money)

A study of the criminal laws in Islam reveals their reliance on rational *`urf*. Such laws have been subject to the influence of the Islamic legislator. The Islamic rules are not *ta'sisi* (formative) in this respect. *Diya* (blood money) is an instance of such rules and there is an explicit text that confirms this point by stating: "*Diya* existed during the *jahiliyya* and the Messenger of Allahs(s.t.) endorsed it for that reason." Thus, time and place have an influence on the determination of the subject of obligation to pay *diya* and its six types. *Diya* is calculated for dwellers of the desert and the Bedouins by camel, for the shepherds by cow and sheep, for the residents of Yemen by *Hulla* (garment) and for the residents of Wariq, where paper was invented and spread, by paper due to its instrumentality for the discharge of financial obligations. Since the circulating currencies around the country in the time of Islamic legislation were dirham and dinar they were designated as the criteria among the six types of *diya*. Whatever type of *diya* that falls below this amount will be taken out of it. Today only dinar can be regarded as the basis and criterion for the calculation and pursuance of the *diya*.

In any case, every type of *diya* is simply an instrument for the payment of a specific price. Therefore, what is to be calculated is its price in that period considering its particular spatial context not its price in our time. Since property is the only means for payment of the debts and discharge of the financial obligations we can compare the property value that was reflected and existed in the six types of *diya* in the time of the great Messenger to the negotiable instruments on the basis of which different *diyas* can be calculated and paid. If the *diya* is to be paid after one or three years the difference of the purchasing power during this period of time should also be paid because the purchasing power that is represented by one million tomans decreases as a result of the rise of inflation while the financial obligation of the criminal necessitates the payment of the same market value not less than that. This guaranteed purchasing power is a unique entity that is reflected in the changing amount of negotiable instruments and is fixed.

### AND THE PRAISE BELONGS TO THE LORD OF THE UNIVERSES

#### Endnotes:

1. Please note that the statements within the ( ) are only supplementary and explanatory, indicative of additions by the translator.
2. Gholam-Reza Hojjati Eshraqi, Complete Collection of Commercial Laws and Resolutions (the financial code in Iran that was approved on July 9, 1972), article 2, clause "J".
3. Ibid., article 3, clause "B".

4. Toman is a monetary unit of the Islamic Republic of Iran being equal to 10 rials.
5. Al-Shaykh Hurr al-'Amili, *Wasa'il-ul-Shi'a*, vol.6, sections about what the *skhum* is obligatory on, section 8: Muhammad Ibn Ya'qub, from 'Ali Ibn Ibrahim, from his father, from Ibn Abi 'Umair, from al-Hussayn Ibn 'Uthman, from Sama'ah: said: I asked Abal-Hassan (a.) about *khums*. He said: "On whatever the people profit, whether it is small or large."
6. Ibid., Muhammad Ibn al-Hassan, from Muhammad Ibn 'Ali Ibn Mahbub, from Muhammad Ibn al-Hussayn, from 'Abdullah Ibn al- Qassim al-Hadzrami, from 'Abdullah Ibn Sanan, said: Abu 'Abdullah (a) said: "Whoever takes a booty or makes an earning should pay the *khums* (one-fifth) of whatever he gains to Fatimah (a) and to whomever inherits her among her sons and the *hujaj* (divine guides) for the people. This is exclusively theirs; they put it wherever they wish and the *sadaqah* (alms) is forbidden for them.
7. Ibid., Muhammad Ibn al-Hasan, based on his attribution (isnad) to Sa'd Ibn 'Abdullah, from Abi Ja'far, from 'Ali Ibn Mahzyar, from Muhammad Ibn al-Hasan al-Ash'ari said: "Some of our companions wrote to Abi Ja'far al-thani (a): "Inform us about *khums*; is it obligatory on all of whatever one profits, whether small or large, and on all forms and on manufacturing? and how is it? He wrote with his handwriting: *Khums* is (obligatory and calculated) after the (deduction) of *ma'unah*."
8. Muhammad Ibn Ya'qub al-Kulayni, *Furu'-al-Kafi*, vol.1, *Bab- al-zakah* (bab-al-'illa fi wadz'-al-zakah.... (Chapter for the reason for the establishment of *zakah*), first *riwaya*: Muhammad Ibn Yahya, from Ahmad Ibn Muhammad, from al-Hasan Ibn 'Ali al-Washa', from Abil-Hasan al-Ridza (a) said: Abu 'Abdillah was said: "Why did Allah set the *zakah* equal to 25 out of every 1,000 and did not make it equal to 30? He said: "Allah ('azza wa jalla) set it equal to 25 in order to take out of the properties of the wealthy the amount that suffices the poor and if the people take the *zakah* out of their properties no one will be poor."

And (the fourth *riwaya*): 'Ali Ibn Ibrahim, (from his father), from Muhammad Ibn 'Isa Ibn 'Ubayd, from Yunus, from Abi Ja'far al-Ahwal said: One of the atheists directed a question to me and said: How did the *zakah* become 25 dirham out of every 1,000? I told him: It is like the *salah* (prayer): three, two, and four. He said: He accepted from me. I met Aba 'Abdillah (a) afterwards and asked for his opinion about the matter. He said: Allah ('azza wa jalla) counted the properties and the poor and found that what sufficed them was 25 out of every 1,000 and if this amount was enough for them He would give them more.

9. Al-Shaykh Hurr al-'Amili, *Wasa'il al-Shi'a*, vol. 6, Babu Ishtirati kowni..., p.105.

(First *riwaya*): Muhammad Ibn 'Ali Ibn al-Husayn, reporting from Zurarah and Bukayr, from Abi Ja'far (a) said: "There is no *zakah* on silver ingot (*naqir*: molded silver to be coined)."

(Second *riwaya*): Muhammad Ibn Ya'qub, from 'Ali Ibn Ibrahim, from his father, from Hammad Ibn 'Isa, from Hurayz, from 'Ali Ibn Yaqdtin, from Abi Ibrahim (a) said: I told him: I have the thing (with great value) that has been accumulated and remained with me for about a year. Should I pay *zakah* on it? He said: No. It is not incumbent upon you to pay *zakah* on anything over which a year has not expired, and you have no obligation with regard to anything that is not *rikaz*. He said: I said: And what is *rikaz*? He said: Engraved silver or gold (coin). Then he said: If you want that mold it because there is no



*zakah* on molded gold (*saba'ik*) and silver (*tibr*); it is only obligatory on dinars and dirhams.

(Section for unnecessary of the *zakah*....)

(First *riwaya*): Muhammad Ibn Ya'qub, from Muhammad Ibn Yahya, from Muhammad Ibn al-Husayn (al-Hasan), from Safwan, from Ya'qub Ibn Shu'ayb, said: I asked Aba 'Abdillah (a) about the jewelry whether it is *zakatable*? He said: If nothing is left on it.

(Second *riwaya*): From 'Ali Ibn Ibrahim, from his father, from Hammad, from Hurayz, from Harrun Ibn Kharijah, from Abi 'Abdillah (a) said: There is no *zakah* on the jewelry.

(Third *riwaya*): From Muhammad Ibn Isma'il, from al-Fadl Ibn Shazan, from Safwan, from Ibn Maskan, from Muhammad al-Halabi, from Abi 'Abdillah (a) said: I said: I asked him about the jewelry whether the *zakah* must be paid on it. He said: "No".

(Fourth *riwaya*): From 'Ali Ibn Ibrahim, from his father, from Abi 'Umayr, from Rifa'ah said: I heard Aba 'Abdillah (a) while some of them asked him about the jewelry whether the *zakah* must be paid on it. he said: No even if it reaches one hundred thousand.

(Section for whoever made jewelry out of the property or....)

(Second *riwaya*): From Muhammad Ibn al-Hasan Ibn al-Walid, from al-Saffar, from Ibrahim Ibn Hashim, from Isma'il Ibn Marrar, from Yunus Ibn 'Abd al-Rahman, from Abi al-Hasan, namely 'Ali Ibn Yaqdtin, from Abi Ibrahim (a) said: The *zakah* is not obligatory on what is molded in the form of an ingot. I said: And if its molding was done as an excuse to escape from the *zakah*? He said: Do you not understand that the benefit has left it, therefore the *zakah* is not obligatory for him

10. Ibid.

11. Ibid.

12. Ibid.

13. Ibid., p.109, "Babu ishtiradti kowni....", second *riwaya*.

14. Ibid.

15. Ibid.

16. Ibid.

17. Ibid.



## Imam Khumayni's View on Ijtihad in the Modern World

By: S.M. Rida Hijazi

**I**jtihad is a scientific endeavor and inquiry to pass religious decrees. All through the history of Shii fiqh (jurisprudence), *ijtihad*, as a method acceptable to the *fuqaha* (jurisprudents), has enabled them to derive primary and secondary precepts, real and apparent decrees. In the absence of an Imam in the society (or according to one view, even in the presence of the Infallible Imams<sup>1</sup>, the *fuqaha* and the religious scholars proceeded with inference and *ijtihad* after acquiring the necessary preparedness. This was done in a bid to derive religious decrees and to clarify the duties of Muslims by referring to the two valuable sources, namely: "the Qur'an and the *hadith* (traditions)."

Although this method of inference (known as *ijtihad*) has been subjected to discussions and criticism, on the one hand, it has not been accepted in this sense by the Sunnis and rejected by the Ikhbari scholars<sup>2</sup> (those who rely on the surface meaning of the ahadith and not on rational reasons), all Islamic *fuqaha* -- be they Shia or Sunni or *Usuli* (relying on rational reason) or Ikhbari -- unanimously accept the principle of inference and *ijtihad* as a scientific endeavor to pass religious decrees. This is because in the present age, after lapse of centuries from the descent of the final wahy (divine revelation), the only way to derive the orders and commands of Allah is to get hold of Allah's Book and hadith. The only subject which could be set forth as a positive point in the *ijtihad* prevalent among the Shia, is the compatibility and harmony of *ijtihad* with environmental conditions and developments which diurnally take place in human communities. In other words, this positive point is the inclusion of time and space in *ijtihad* as stressed by Imam Khumayni:

*"Time and space are two decisive factors in ijtiḥad."*<sup>3</sup>

*"One of the very important matters in the tumultuous world today is the role of time and space in ijtiḥad and in the types of decision-making."*<sup>4</sup>

If the Shii *fuqaha* unanimously set forth the requisite that the *mujtahid* (competent authority for Islamic jurisprudential investigations) should be alive,<sup>5</sup> it is because the *mujtahid* should be personally present in the society and should observe all new conditions in order to infer the appropriate precept. Of course, this does not mean that Allah's decree will change or that new conditions will bring about the abandonment and nullification of former precepts. It rather signifies that new issues bring about novel deductions of precepts. This will, in itself, bring up new issues which would necessarily require new precepts.<sup>6</sup>

*"An issue which has apparently had a precept in the past might develop a new precept in the relationships governing a system's politics, community and economy. That is to say, through an exact recognition of the economic, social and political relationships, the same issue which has no difference with the past in terms of appearance will actually turn into a new matter which necessarily entails a novel decree."*<sup>7</sup>

This form of *ijtiḥad* and deduction of decrees has subtleties and difficulties. On the one hand, the *mujtahid* should undergo specific preliminaries and should make himself fit for inference by full mastery of religious sciences. On the other hand, he should have in view all environmental and global conditions. Not only should he be aware of his contemporary age and situation but also should be ahead of the modern era and the existing situation with foresight and deep insight. He should always hold the pulse of the community's future reflections and requirements with profound foresight and insight.

*"The theological centers and religious scholars should always hold the pulse of the society's future ideas and needs. They should always be ahead and ready to show the right direction. It might be that in the coming years the dominant methods of governing the people would change and that the human communities would be in*

*need of new issues set forth by Islam in order to redress their problems. The grand 'Ulama of Islam should bear this matter in mind from now."*<sup>8</sup>

True recognition of *ijtihad* and its conditions as reflected in the luminous views of Imam Khumayni provides a new picture of the objectivity of fiqh and Fiqahat. It will serve as a subject of research for the investigators and *fuqaha* so as to take giant strides in the growth and development of the primary and secondary issues of fiqh and Fiqahat. To get to the views of the Imam (may Allah bless him) with regard to the requisites of *ijtihad*, it is necessary to conduct discussions on the meaning of *ijtihad*, common *ijtihad*, necessary *ijtihad*, and the specific view points of Imam. Following this, we will survey and consider the required conditions and specifications of *ijtihad* as depicted by the Imam. For this purpose, we will proceed with this article through the following discussions:

- a) *Ijtihad*, its lexical and technical meaning;
- b) Common and prevalent *ijtihad* in the views and writings of Shia *fuqaha*;
- c) Required and sufficient *ijtihad*;
- d) Requisites of required and sufficient *ijtihad*.

#### **(A) *Ijtihad*, its lexical and technical meaning**

*Ijtihad* is derived from jahd, meaning effort and endurance of hardship and difficulty.<sup>9</sup> As a fundamental term, it is a habit or state through which the *mujtahid* could derive religious precepts and proofs from religious sources.<sup>10</sup> Reference to the Book and the sunnah and investigation of these two sources to derive divine precepts comprise the principal pillar of this form of *ijtihad*. If *ijtihad* is taken in this sense, it could be claimed that all Islamic sects are unanimous about it. Sunni *fuqaha* will also have a favorable view toward this matter. They regard the Book of Allah and the sunnah of the Messenger of Allah (a) as the only source and proof for a religious decree. By referring to their Imams (Hanafi, Hanbali, Maliki, Shafi'i), they acquire the religious decrees. For this reason, the present Sunni *mujtahids* and *fuqaha* use as models the views and decrees of their predecessors and issue religious precepts.

#### **Ijtihad, as viewed by Shii Scholars:**

In addition to referring to the Book of Allah and the sunnah of the Messenger of Allah (s) (a part of which has been directly related and another part of which has been expressed by the infallible Imams (a), the *mujtahid* should bear in mind two other factors: the consensus and views of the *fugaha* before him which goes back to the views of the Imam (a). And the second factor is reason and rational proofs. With these four proofs, namely "The Book, sunnah, consensus and reason", a *mujtahid* in any time and place, could consider any development or specific condition emerging under various circumstances and could derive the religious decree. The characteristic marks a specific distinction for *ijtihad* as viewed by the Sunnis and as considered by the Shia. By considering the specific conditions of his milieu and time and by referring to divine ayat (verses) and prophetic sunnah, a *mujtahid* should be able to derive Allah's decree in any situation and under any circumstances and to determine the duties of Muslims. He should not suffice with solely mentioning historical examples from the early days of Islam or expressing decrees whose subjects have completely changed and which can by no means be implemented. In this way, *ijtihad* is always in force. In every age, there must be *mujtahids* conscious of the time and familiar with environmental conditions and specifications to issue divine precepts in a practical manner:

***"In the Islamic government, ijtihad must always be in force."*<sup>11</sup>**

***"We cannot remove ijtihad. Ijtihad has always been. It now is and will be (in force)."*<sup>12</sup>**

If in the present age and in the coming eras new issues and difficulties arise each demanding specific decrees and if change in the life and environmental conditions of the societies diurnally brings about change in man's requirements and entails new precepts, it is up to the *fugaha* and *mujtahids* to derive Allah's decree with their inference, *ijtihad*, and endeavor, to relieve the servants of amazement and perplexity, and to specify the duties of the individual and the society.

***"If, in the past, some issues were not set forth or were irrelevant, the fugaha should now speculate about them."*<sup>13</sup>**

***"It might be that in future years the prevalent methods of managing the affairs of the people would change and that, to resolve their problems, the human communities would require new issues (presented) by Islam. The honorable***

*'Ulama of Islam should make provisions for this from now.'*<sup>14</sup>

If *ijtihad* brings in its wake such capability and provides the *mujtahid* with such degree of gift and ability to eliminate the present needs of mankind for precepts, it will be able to shoulder the grand mission of succeeding the prophets and taking the reins of the society and leading it toward what is good and advisable. After going through scientific and practical preliminaries, through scholarly endeavor, with full mastery over understanding the Book, the sunnah and the related sciences and with the presentation of exact and profound discussions and investigations as is customary and prevalent in theological centers, a *mujtahid* could reach a degree of perfection to derive a precept from the Book and the sunnah with the aid of reason and consensus upon encountering any new subject and upon the emergence of any novel issue (reclaimed issues). This is the *ijtihad* that is customary and common in the theological centers and that was amply emphasized by the Imam Khumayni:

"But with regard to the method of education and research in the theological centers, I believe in traditional *fiqh* and substantial *ijtihad*. I do not deem permissible deviation from this. *Ijtihad* is correct in this way."<sup>15</sup>

As expressed in their writings, and proven in their deeds, the Shiah *fiqaha* and *mujtahids* have practised this method of *ijtihad* and inference of decree in the course of the preceding centuries. In the best manner possible they have handed down to this age the heavy duty of *fiqh* and *Fuqahat*. Now the sacred theological centers should be reliable and struggling guards and keepers of this solid foundation for the permanence of religion.

After elucidating the meaning of *ijtihad* and providing a brief familiarity with the fundamental term "*ijtihad*" and "inference of precept", we will now engage in surveying common and prevalent *ijtihad* to which Imam Khumayni has referred.

## (B) Common and Prevalent Ijtihad

By stressing that *Ijtihad* should be optimally pursued in the theological centers by the *fuqaha* and religious scholars, Imam Khumayni has pointed to the insufficiency of the *ijtihad* prevalent in the theological centers and to its inadequacy to meet the different and complex needs of human communities in this age or in other periods. This point will become more evident by sound recognition of the government, the society, and the specific conditions governing each age:

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مجلس  
کتابخانه امام خمینی  
مجلس



"The important point is the sound recognition of the government and the society, on the basis of which the Islamic system could make plans in the interests of the Muslims. Unity of policy and action is exigent. It is at this point that the *ijtihad* common in the theological centers is insufficient."<sup>16</sup>

Now we must see what is meant by common *ijtihad* and why Imam Khumayni regards the *ijtihad* prevalent in the theological centers as insufficient. As has been put down in the writings of grand *fuqaha* and the forerunners of *Fuqahat* and *ijtihad* such as grand faqih Murtida Ansari, Sheikh Muhammad Kazim Khurasani, Sheikh Muhammad Husayn Isfahani (Kumpani) and others, *ijtihad* and its requirements are such that after a *mujtahid* goes through courses in the theological center and acquires the necessary abilities to infer decrees, he will be qualified with the power to infer decrees and to reach *ijtihad* with the product of his scientific and practical efforts and with his personal gifts.

These scientific assets include familiarity with Arabic to the extent to be used for *ijtihad*, familiarity with the exegesis of the Qur'an, familiarity with and mastery of Usul and the laws to infer decrees, knowledge of logic and the rules of reasoning, familiarity with science and knowledge, and sufficient know how of hadith and the statements made by the infallible Imams (a). On the other hand, with regard to the personal qualifications of a *mujtahid*, matters such as the following are enumerated:

Justice, piety, taqwa (fearing Allah), continence, being alive, and disregard for the world.<sup>18</sup> In case many individuals have such qualifications, the requisite of being more learned will be added to the list.<sup>19</sup>

The *mujtahids* and *fuqaha* of the past ages have been able to shoulder the massive duty of *Fuqahat* by enjoying these scientific and personal characteristics and to tread the difficult path of *ijtihad* and inference of decrees by enduring many difficulties and hardships. By setting up centers of education and discussion and by conducting jurisprudential investigations and scrutiny, they have so far eliminated a great number of jurisprudential difficulties and have expressed the specific duties of Muslims over the ages.

If it were not for the pains, vigils, and scholarly reflections of the dignitaries and *fuqaha* before us, how could this grand heritage of *Fuqahat* come down to us in precious source such as Jawahir al-Kalam and how could our centers of *Fuqahat* and *ijtihad* reap benefit from it now? Now as Imam Khumayni has recommended and stressed, the same scholarly method must be carried on in the theological centers, the jurisprudential discussions and debates must be pursued, and the substantial exactness and minuteness must be kept up, so that the method of *ijtihad* dominant and customary in the theological centers could more effectively and profoundly be



strengthened to resolve the difficulties and problems besetting the human communities.

"It must not be forgotten that by no means should there be transgression on the firm foundation of fiqh and usul prevalent in the theological centers."<sup>20</sup>

"The honorable 'Ulama and instructors should prevent deviations from *Fuqahat* and in centers of fiqh and usul from the path of the grand sheikhs which is the sole means to safeguard the Islamic fiqh. They should endeavor to diurnally enhance minuteness, discussions, debates, initiatives, and investigations and to preserve traditional fiqh which has been handed down to us by the righteous predecessors and deviation from which weakens the foundations of research and investigation. They should strive to promote research."<sup>21</sup>

Following this recommendation and emphasis, Imam Khumayni refers to the fact that *ijtihad* is not limited to this and that if a government is to be set up on the basis of fiqh and *Fuqahat* to meet the different economic, political, cultural and spiritual needs of the people, it should not suffice with this and it should not be deprived of familiarity with new branches of science and learning:

"Of course, while substantial *ijtihad* is firmly and steadfastly propagated, the positive points of new methods and sciences required by the Islamic centers (of theology) should be employed."<sup>22</sup>

Apart from having the specified scientific and practical skills and abilities, a *mujtahid* should possess sound insight and power to make decisions in the social and political fields. If a *mujtahid*, who has taken reins of government and who shoulders the massive duty of seeing to the religious and worldly difficulties of the Muslims and the non-Muslims, fails to have a sound insight and a fit ability to make decisions, and in other words, if he is not possessed of the qualifications of management and efficiency, he does not deserve to govern the affairs of the people. One must even doubt his competence for *ijtihad* and his qualification for *ijtihad*.

"If a person is extremely learned in the specific learnings of the theological centers but fails to determine the interests of the society and to differentiate between the competent and incompetent individuals and if, on the whole, he is devoid of sound insight and the power to make decisions in the social and political fields, he is not a *mujtahid* in social and governmental issues and he cannot assume the reins of government."<sup>23</sup>

This statement provides an evident distinction between the *ijtihad* common in the theological centers and the required and sufficient *ijtihad* considered by Imam Khumayni. Foresight, political insight, power to rule

and govern, keenness in social matters, and full mastery over various ideas and cultures are among the salient characteristics which have not received due attention and emphasis in the common *ijtihad*. For this purpose, Imam Khumayni deems this (form of) *ijtihad* insufficient and calls for its development and progress. Surely, it must be borne in mind that specific governmental conditions presently existing for fiqh and *Fuqahat* were not, set forth in the past ages. And this justifies the method prevalent in common *ijtihad*. This, however, must not serve as an excuse to presently pursue *ijtihad* and its preliminaries on the basis of the same method and style and with the same characteristics and to reject any deviation from it and to consider unacceptable any reform, expansion, or development in it, as this will bring about irreparable losses for fiqh and *Fuqahat*.

Imam Khumayni notes that the theological centers should never neglect or undermine the common and prevalent methods of *ijtihad* and *Fuqahat*. They should, in a better and greater extent, proceed on the path of the methods and sunnah of the dignitaries before them with regard to discussions, surveys and precision. They should promote substantial and reactionary fiqh in a better and greater form. On the other hand, however, they should keep in mind that at this juncture, domestic and foreign problems will not be resolved by sufficing with these discussions merely and with the hubbub of the school and that a government cannot be promoted by mere presentation of impractical theories and expression of impractical generalities and views and thus cannot have a sound approach to the particular conditions and complexities of a specific age and setting.

"Government determines the practical philosophy of confronting shirk, kufr, and domestic and foreign difficulties. These discussions of students of theological centers which are within the framework of theories will not be resolved. They would rather drive us into deadlock which would lead to the superficial violation of the constitution."<sup>24</sup>

If these discussions and arguments related to the (theological) school, the expression of generalities, and the failure to clear up the problems and the minor matters proceed in such a way that many difficulties gripping human communities remain unresolved and devoid of a decisive and definite precept, how could such *ijtihad* and *Fuqahat* then claim to run the affairs of the society and the government? And will it not be accused of inability to govern the affairs of the world?

"You must make utmost effort to safeguard Islam from being, Allah forbid, accused of inability to run (the affairs) of the world because of facing economies, military, social and political complexities."<sup>25</sup>

By expressing these inadequacies of the common *ijtihad*, Imam Khumayni sets forth the necessity of a fundamental development in it and draws the attention of the *fuqaha* and *mujtahids* of the time to the fact that, in this era, *ijtihad* should be founded on extensive world-views and that, by maintaining their traditional method and policy, *fiqh* and *Fuqahat* should be accorded development and (forward) movement.

"*Ijtihad* in that form is correct, but this does not mean that the *fiqh* of Islam undergoes no development."<sup>26</sup>

### (C) Required and Sufficient Ijtihad

The principal views of Imam Khumayni as expressed in the precious book entitled *Al-Rasa'il*,<sup>27</sup> depict *ijtihad*, *Fuqahat*, and their particular requirements derived from the Imam vast scope of view on leadership and *wilayah faqih* (guardianship of the supreme Muslim jurisprudent). A qualified *faqih* does not shoulder the duty of issuing and expressing decrees alone. A qualified *faqih* should lay the foundation of a government that would encompass all individual and social matters of human communities and would be effective in redressing the problems of the people. This is how *fiqh* and *Fuqahat* should be defined. If *fiqh* is given a practical aspect and if *ijtihad* is made objective to embrace all facets theory of governing man will be fulfilled. Global arrogance and the enemies of Islam are afraid of the realization of this matter.

"In the view of the true *mujtahid*, government is the crystallization of *fiqh* in all aspects of man's life. Government reflects the practical aspects of *fiqh* in approaching all social, political, military and cultural problems. *Fiqh* is the true and perfect theory of managing (the affairs of) man and the society from birth to death.

*"The main objective is how to implement the firm principles of fiqh in the deeds of the individual and society and to include solutions to the problems. Global arrogance is afraid that fiqh and ijtihad would find an objective and practical bearing."*<sup>28</sup>

If *fiqh* and *Fuqahat* is interpreted in this way and if it is translated into practice and objectivity, *ijtihad* will also assume a new interpretation. *Ijtihad* based on theory and discussion will turn into objective and practical *ijtihad*. The *mujtahid* and *faqih* will transcend discussions, lessons and research and will reach the status of leadership. By learning the preliminaries and the

scientific and practical requirements on the one hand and by being aware of the issues of his time and the cultural, economic, political, military and social conditions on the other hand, the mujtahid and faqih will be able to acquire the needed (degree of) ijtiḥād and to make practical such forms of ijtiḥād and Fuqahat.

*"A mujtahid should be aware of the issues of his time. It is not acceptable to the people, the youth and even the common people that their marji' (religious authority to be followed) and mujtahid should say he would not express views on political matters. Being familiar with the means to counter the deceptions and hypocrisy of the cultures dominating the world, having economic insight, being aware of the means to approach the world economy, recognizing the politics and even the politicians and their dictated formulas, understanding the situation and the weaknesses and strengths of the two poles of capitalism and communism which actually depict the strategy of ruling over the world are the features of a qualified mujtahid."*<sup>29</sup>

This is the required and sufficient ijtiḥād, an ijtiḥād which encompasses all facets of individual and social life and which presents solutions for all religious and worldly problems and difficulties. Such an ijtiḥād could bring leadership and government in its wake and could embrace all aspects of life everywhere and at all times.

If we have found that Islam and Fuqahat is fit to govern human communities and is not confined to a specific time or place and that it can guide the human society in every age and upon encountering any situation, if we regard Islam and Fuqahat as eternal and deem its a universal and all-embracing religion, and if we have set eyes only on ijtiḥād and inference of decrees from the religious proofs in order to derive the precepts and duties of religion, ijtiḥād should then assume a vast and profound meaning and an objective and real interpretation, so as to be able to govern the affairs in the tumultuous modern world and to relieve the servants of Allah of confusion and perplexity.

At this juncture, factors such as the development of science and technology, bridging the gaps, strengthening ties and relations and cultural exchanges, and intimacy of the various societies are directly involved in the emergency of thousands of new issues. Today, an explicit and clear solution

should be presented for the problems or issues set forth by Muslim and non-Muslim communities in various fields. In the modern era, ijtiḥad should be accorded a forward movement especially with the establishment of the Islamic government, with the presentation of the idea of the leadership of Islam in the future of the world, and with the attention paid by all societies to Islam and the Islamic decrees. The range of ijtiḥad should be enhanced so as to meet the different and complex needs of communities.

In response to a letter by Hujjat al-Islam, Imam Khumayni refers to the fact that, at this juncture, discussion and issued of fiqh and ijtiḥad are not confined to the theological centers and are set forth in the entire society. Now all classes are seeking explicit and clear answers:

*"Fortunately, today the statements of the fuqaha and experts have been broadcast over radio, television and in newspapers, thanks to the Islamic Revolution, because there is a practical need for these discussions and issues, for example, matters such as ownership and its boundaries; land and its division into spoils and public wealth; complex and foreign trade; farming and mudaribah (collaboration) and renting and mortgage; penance and blood money; civil laws; cultural issues and approach to arts in general such as: photography, painting, sculpture, music, theatre, movies, calligraphy, etc.; preservation of the environment, cleaning up nature, preventing destruction of trees even the homes and properties of people; food and drink; preventing childbirth; removing medical problems such as grafting organs of man or other beings; underground and above ground national mines; changing halal (religious lawful) or haram (religious unlawful) matters or expanding or nullifying some decrees at various times and places; legal and international issues and their adaptation with the precepts of Islam; the constructive role in corrupt and non-Islamic societies; the limits of individual and social liberties; encounter with kufr, shirk, iltiqat (blending unrelated matters), and the countries*

*dependent on kufr and shirk; manner of observing faraid (obligatory acts) in aerial and space travels and movement against or along the earth's rotation or with a speed more than its speed or in direct soaring or no gravity; more importantly, depiction and determination of the wilayah faqih in government and society. These are only part of thousands of issues which beset the people and the government and which have been discussed by eminent fuqaha whose views are different from one another. If some issues were not set forth in the past or did not have applicability, the fuqaha would now make provisions for them.*"<sup>30</sup>

By mentioning some issues and problems gripping our society which set eyes on the theological center and ijtiḥad so that eminent fuqaha would solve them, Imam Khumayni, in this section, lays stress on the fact that ijtiḥad and Fuqahat are now in a new stage and entail a sublime effort to reach objective and practical fulfillment. In this case, the ijtiḥad set forth and recommended by Imam Khumayni is the required and sufficient ijtiḥad which has gone beyond theory to objectivity and practice.

#### ***(D) Requisites of Required and Sufficient Ijtiḥad***

As clarified in the statements of Imam Khumayni required and sufficient ijtiḥad entails qualifications in addition to those related to common ijtiḥad. These qualifications are summarized as below:

##### ***1 - The Scientific Requirements of Common Ijtiḥad***

In al-Rasa'il, Imam Khumayni mentions eight requirements in this regard:<sup>31</sup>

1) Familiarity with Arabic to the extent needed to understand the Book and the sunnah.

2) Familiarity and acquaintance with common discourse and understanding common issues to realize the phrases in the Book and the sunnah mentioned in this way.

3) Familiarity with logic to the extent needed for reasonable and inferring decrees.

4) Familiarity with and mastery over the principles and rules of fiqh to the extent they enable him to derive precepts.

5) Familiarity with 'Ilm ul-Rijal.

6) Familiarity with the Book of Allah and the hadith. This familiarity should be coupled with awareness of the news and works of the Infallible Imams (a).

7) Practical power and ability to refer the furu' to the usul and to repeat this.

8) Full investigation and research on the statements made by the dignitaries and fuqaha of the past.

## ***2 - The Practical Requirements***

In addition to meeting the scientific requirements and having necessary capabilities for ijtiḥad and for issuing decrees, the mujtahid should have specific ethical and individual features and characteristics in order not to slip and blunder in the process of ijtiḥad and inference of decrees.

Sincerity, taqwa and continence are among qualifications directly involved in the ijtiḥad of a mujtahid. According to a tradition handed down by the Infallible Imams (a), such a faqih and mujtahid is qualified for issuing decrees and serving as a marji'.<sup>32</sup>

## ***3 - Comprehensive and All-Embracing Insight***

Among the significant and specific qualifications which Imam Khumayni had stressed in various statements is the political insight, vast scope of mind, and deep reflection of a mujtahid. A mujtahid could successfully assume the post of issuing decrees and ijtiḥad when he possesses such insight and comprehensive view points. A mujtahid should be well-versed and well-informed of the issues of his age.<sup>32</sup> He should be able to make plans for foiling plots and to prepare necessary and appropriate solutions. A mujtahid should enjoy sharp wits, intelligence and sagacity to



guide the society. In a word, a mujtahid should be possessed of management and efficiency.

*"A mujtahid should have the cleverness, intelligence and insight to lead a massive Islamic - or even non-Islamic - community. In addition to sincerity, taqwa and continuance which are befitting a mujtahid's status, he should be actually possessed of management and efficiency."*<sup>34</sup>

More importantly, as Imam Khumayni stated, the principle of ijtiḥād of a mujtahid is based on such an insight. If a person meets all the scientific requirements of ijtiḥād and is accorded a sublime status in discussion and research but is weak in determination and decision and is devoid of insight and foresight, he cannot be a mujtahid and he will not be competent to assume the reins of the affairs of the society:

*"If a person holds a supreme degree in the specified fields of learning of the theological centers but fails to determine the interests of the society and to distinguish the competent people from the incompetent ones, and on the whole, fails to have a sound insight and power to make decisions in the social and political fields, he is not a mujtahid in issues pertinent to the society and the government and he cannot assume control of the affairs of the society."*<sup>35</sup>

#### **4 - The Two Factors of Time and Space**

Time and space have played - and still play - a significant role in ijtiḥād and inference of precepts. The Imam has carefully considered and stressed this matter. The impact of these two factors on issuing decrees has not been ignored or disregarded by Shīaḥ fuqāḥa. Rather the emphasis made by Imam Khumayni signifies that the involvement of these two factors at this juncture and with the establishment of government and evolution of new conditions and opportunities for the implementation of religious precepts has developed a special bearing and has attracted the attention of contemporary authorities and fuqāḥa.

If ijtiḥād, which is an endeavor and jaḥd to derive religious precepts by inference of proofs, takes place without consideration for the situation



prevalent at a particular time or place, it will fail to provide practical elucidation and interpretation of the issues and matters put forth in the mould of general decrees and rules. Time and place are two decisive factors in ijtiḥād. If an issue has had a precept at a particular time, it might undergo change and require a new precept due to a change in the specific conditions prevalent at a particular time and place. In this case, ijtiḥād assumed a specific role and it will be able to present appropriate solutions for the problems on the basis of solid proofs.

*"One of the very important issues in the tumultuous world today is the role of time and place in ijtiḥād and in the types of decision-making".<sup>36</sup>*

*"Time and space are two decisive factors in ijtiḥād. An issue which has apparently had a precept in the past, might develop a new precept in the relationships governing a system's politics, community and economy. That is to say, through an exact recognition of the economic, social and political relationships, the same issue which has no difference with the past in terms of appearance will actually turn into a new matter which necessarily entails a novel decree."<sup>37</sup>*

Change in the specific conditions of time and place brings about a change in forms of analysis of issues. Subjects also undergo change and transformation. A subject which has had a specific degree at a particular time will necessarily change with a change in the conditions which led to its formation. It, therefore, requires a new decree. When specific conditions emerge due to new situations pervading the environment and the society of a mujtahid or of one who issues decrees, his interpretation of issues and problems will necessarily be completely different from the interpretation which he has made beforehand which someone else has made with regard to the special conditions pervading another time and place. This difference in interpretation brings about various precepts.

"The issues raised today are different from those of the past. And there are various interpretations of the decrees of Islam."<sup>38</sup>

Ijtiḥād should not be deemed absolute. Principally, this meaning underlies ijtiḥād and the acceptable interpretation which is stated about inference of decrees and which is reflected by the practical approach of the fuqaha.

The mujtahid infers Allah's precept by considering the two factors of time and space, by observing the conditions and situation of his age, and by referring to jurisprudential and rational sources. According to explanations given in the books of Usul (Principle), these precepts include primary and secondary decrees, surface and actual decrees, etc. A detailed analysis of its technical points is beyond the scope of this article. Its fundamental and jurisprudential study and survey will be carried out in another article.

Hoping that the sagacious and jurisprudential commandments and guidelines of Imam Khumayni would illuminate the sacred path of the fuqaha and those in the theological centers and that these torch-bearers of ijtihad and Fuqahat would benefit from this luminous torch in making fiqh objective, would carry eternal fiqh to its sublime position with effort and sincerity, and would present it to its rightful owner, Imam Mahdi (may Allah expedite his reappearance).

### Endnotes:

1. Imam Khumayni, *Al-Ras'il*, vol.2, p.125.
2. Ayatullah Akhund Khurasani, *Kifayat al-Usul*, vol.2, p.423.
3. *Sahifah Nur*, vol.21, p.98, message to the Maraji' and 'Ulama, all over the country.
4. *Ibid.*, p.61, message to the Members of the Council for Determination of Expediency.
5. Ayatullah Hakim, *Mustamsik al-'Urwat al-Wuthqa*, vol.1, p.22.
6. *Sahifah Nur*, vol.21, p.98, message to the Maraji and 'Ulama, all over the country.
7. *Ibid.*
8. *Nuwin Dictionary*, p.126.
9. Ayatullah Akhund Khurasani, *Kifayat al-Usul*, vol.2, p.422; Imam Khumayni, *Al-Ras'il*, vol.2, p.95.
10. *Sahifah Nur*, vol.21, p.46, reply to a letter by Hujjat al-Islam Ansari.
11. *Ibid.*, vol.19, p.181, statements of the Imam Khumayni, addressed to the Association of Instructors of Qom Theological Center.
12. *Ibid.*, vol.21, p.46, reply to a letter by Hajjat al-Islam Ansari.
13. *Ibid.*, p.100, message to the Maraji and 'Ulama, all over the country.
14. *Ibid.*

15. Ibid., vol.21, p.46, reply to a letter by Hujjat al-Islam Ansari.
16. Kifayat al-Usul, vol.2, p.429; Al-Ras'il, vol.2, pp.96-98.
17. Mustamsik al-'Urwat al-Wuthqa, vol.1, p.40; Tahrir al- Wasilah, vol.1, p.7.
18. Ibid.



## State and Politics as Essential Instruments of Islamic Da'wa

By: Dr. A. Ezzat

**T**o understand the topic with which we are going to deal we need a brief analysis of the terms used in the topic. *Da'wa* literally means asking,<sup>1</sup> inviting,<sup>2</sup> preaching<sup>3</sup> and leading.<sup>4</sup> But asking, inviting and preaching do not have to be direct and by words only. It may be by words, deed and intention. An analysis of the Qur'anic verses and religious text dealing with *Da'wa* reveals this point.<sup>5</sup> It also proves that the *Da'wa* to Islam or the preaching of Islam is linked with the preaching of right, good, and justice and stopping and discouraging wrong, injustice and bad (*al-Amr bi al-Ma'roof wa al-Nahy An al-Munkar*).<sup>6</sup> The term *Da'wa* has been used in the Qur'an frequently which shows its prominent position in Islam. There is a slight difference between *Da'wa* (preaching and inviting) and *Du'a* (supplication and asking of the inferior from superior), but they are both from the same root (*Da'a*). The reason being that even in the preaching the element of asking humbly the people to submit freely to right and good is taken into consideration or at least the use of force in its crude sense and way is not allowed. Politics stand against militancy and thus the spread of Truth, rightness and justice is recommended through political means but not by military action and Force unless military action has political, peaceful and human goals.

*Da'wa* cannot certainly be by force for, its nature does not allow the use of force for religion and faith cannot be imposed anyway for its nature requires free submission.<sup>7</sup> But politics and states also do not necessarily need the use of force and certainly do not have to be imposed. The term *Da'wa* has not been used in the Qur'an in conjunction to Islam but it may be used in

connection to good and the path to Allah.<sup>8</sup> *Da'wa* has been used as the invitation to truth and good by word<sup>9</sup> but has not been used only in this sense.<sup>10</sup> *Da'wa* is not a professional job but a religious duty.<sup>11</sup>

However, *Da'wa* to Islam in Islam is originally based on the doctrine of *Amr bi al-Ma'roof wa al-Nahy An al-Munkar* (the principle and duty of encouraging, spreading, preaching, and enjoining the good and forbidding and stopping the wrong). It is natural that enjoining the good and right and forbidding the bad and wrong can be and should be by deed, words and action. It certainly, is not confined to word only. It is also natural that encouraging the good and right by action evolves political decision and action and setting up the kind of state and politics in which good is implemented and bad is stopped.

We know that *jihad* which is misinterpreted as only the holy war, is also based on the doctrine of *Amr bi al-Ma'roof*. *Jihad* is the holy struggle to establish the Truth and the sovereignty of God; the struggle which requires sincere involvement with the Truth by deed, word and action, the action which may even involve force as a means but not as the goal. *Jihad* thus does not mean only holy war though it may require the use of force whenever acting upon the Truth needs it.

Politics: *al-Siyasa* derived from '*savasa*' to arrange, to manage, to run the affairs of people to better their conditions by leading them to the road of a comprehensive and inclusive salvation both in this world and in the Hereafter.<sup>12</sup> The same source defines politics and *siyasa* again as "State politics in the running and administering the affairs of the people according to justice and soundness."<sup>13</sup> It is also said that *siyasa* is equivalent to *Duha* (Arabic) which means cleverness and alertness.

*Siyasa* or politic in Islam and Arabic literature does not thus involve deceit, dirty behavior, lies, empty promises, animosity, selfishness.... It is used in its decent meaning which is serving people for the sake of God. In this sense politics cannot be regarded as an instrument to *Da'wa* and invitation to good and right or Islam but it is good, right and Islam itself or at least an inseparable part. This has been pointed out in the Qur'an.<sup>14</sup> Islam is not only a set of beliefs and creed though is based on beliefs and creed. It is a combination of beliefs, action and declaration. The main arguments leading to the idea that politic is part and parcel of Islam are as follows:

1. Islam suggests the unity of man, his life and the entire humanity.
2. Islam rejects the division of religion and politics.
3. Islam is a universal and missionary religion. Its universal success can only be achieved through the integration of religion and politics.<sup>15</sup>

4. Islam aims at establishing the unity of humanity at world level, the community of Muslim brotherhood. This cannot be achieved without the unity of religion and politics.

5. Islamic political system is a *de jure* system and not a *de facto* one, it should thus be established and not sanctioned.

To Western minds and westernized mentality there is a sharp line separating religion and politics, spiritual and secular, eternal and temporal, faith and civilization. But these terms have different meanings for Muslims and in Islamic sources and literature so much so that everything related to life as a whole can be regarded as religious as far as there is unselfish, divine intention behind them. Islam tries to establish a unitary aim for the whole Universe, existence and beings including man. In Islam God has created everything, rules everything and governs over the entire sphere of the Universe.

*Tawhid* - in Islam the doctrine of monotheism is not only an ideological principle but also an approach with which everything should be studied, considered, understood, looked upon, and comprehended. There is an absolute unity not only in the creator, but also in the entire creation and life. In this context religion does not stand against politics, spirit against matter, scared against profane and this world against the other world. Religion cannot be reduced, mutilated, or interpreted to serve the interest of certain people to suit the wishes of small sections of humanity and not the wholesome humanity. We can thus make the following conclusions:

1. The Islamic community and Islamic way of life is inconceivable without law and order. Islam and the Qur'an condemns disorder and anarchy.<sup>16</sup>

2. Islam suggests that a practising Muslim is the one who should participate in the affairs of the Muslim community.<sup>17</sup>

3. In Islamic politics, discretion (*Hukm*), power, authority, sovereignty belong exclusively to God<sup>18</sup> (Political Monotheism). In this context man is left only with the responsibility of establishing the Kingdom, sovereignty and rule of Allah.

4. Islamic political system and government is goal-oriented - Felicity and Salvation of man and is thus a *de jure* politics and not a *de facto* political system.

5. Politics in Islam is an instrument discipline and cannot find its goals in politics itself (politics for politics).

6. Islamic politics cannot be: (a) power politics; (b) dictatorial; (c) materialistic, regional, radical; (d) imperialistic, exploiting, colonial,<sup>19</sup> oppressive and tyrannic.<sup>20</sup>

Now let us analyse another term: The term essential instrument (*Muqaddama* - is used by Muslim jurists as a special term in Islamic legal system to define what is regarded as prerequisite for fulfilling what is commanded (*wajib*) or avoiding and preventing what is forbidden (*haram*). The full term is *Muqaddama al-wajib*. In the Islamic legal system what is recognized as prerequisite as such is also commanded (*wajib*). We may find many examples of this kind. However, one of the obvious examples is State and Politics as an essential instrument for *Da'wa*. This is why *Da'wa* passes through different stages and phases in Islam. The study of the Qur'anic texts dealing with *Da'wa* and an analysis of the life history of the Prophet Muhammad (s) explains this point.

The first stage of his *Da'wa* and life was to ask his close relatives in strict secrecy to accept Islam.<sup>21</sup> The second stage was to declare his religion openly and ask the public to submit to Allah.<sup>22</sup> The third stage was to set up the Islamic State, politics and establish the Muslim community (which he did as soon as it was possible in Medina). The fourth stage was to establish universal Islamic State which was in fact the establishment of the Kingdom of God and the universal submission to Allah and the establishment of justice and divine rule all over the world. Thus the study of Muhammad's life and *Da'wa* as the Noble paradigm and the perfect example<sup>23</sup> of the true Muslim shows that State and Politics should be regarded as an essential instrument of *Da'wa*.

Now that we have explained the term essential instrument we may conclude that one of the main principles of Islam is the unity of life (spiritual and physical life) and thus the rejection of the Christian doctrine of division of politics and religion. This does not mean that Islam is a political religion (appeared solely for political purposes and came into existence by political causes only). It does not also mean that Islam's concern is only political issues or that politics has priority over religion. It simply means that Islam does not accept the separation of religion and politics, spiritual and physical issues though it looks upon politics and this worldly affairs as the means to religion and spiritual life.

It simply means that Islam covers political issues and deals with material topics too as essential means of the basic requirement for spiritual and religious success and overall salvation. Generally, politics is regarded as the essential instrument for establishing the Truth and enjoying the good and forbidding the wrong. But a careful analysis of Islam proves that politics in its Islamic context and its decent meaning is an inseparable part of Islam. This is because if State and Politics is to: establish law, order, security, to provide the necessary services, to generate the economics, production and distribu-



tion of goods, to establish justice, equality, freedom, to look after people's and human rights, to flourish and preserve the cultural heritage and moral values, to preserve the geographical and communal unity, to encourage human unity and international understanding, to develop the human and material resources and potentials.... then islam tries to do all this though for a higher purpose which is the inclusive salvation and development of humanity and its unity of God.

The Islamic conception of life being a coordination of body and soul, the Islamic conception of religion being an all-embracing code of life, the Islamic conception of Truth being the real path of the entire humanity to the salvation, the Islamic conception being the perfection of humanity by words, intention and deeds, it is natural that there should be a close link between religion and politics, that religion should cover the entire life of an individual and society, that truth should be placed at the disposal of the entire humanity, that the truth should be established by word and deed by peace and force, that the real salvation of an individual is to associate with the salvation of mankind, that salvation is to lead others to salvation too. Individual salvation is associated with a collective human salvation or at least collective community salvation. Collective salvation has been made impossible without the sense of social responsibility of the individuals and humanity towards preparing the ground for the salvation.

Many Qur'anic and Islamic texts explain this collective responsibility for the salvation of the individuals and humanity. This is why *Da'wa* has not been made a professional job of preaching but has been made a collective responsibility of the Muslim community and its members including children.<sup>24</sup> The Prophet (s) has explained this collective responsibility of leading the entire humanity to salvation in many ways: It is irrelevant to talk of social or economic or educational justice without taking care of political justice and it is likewise irrelevant to talk of justice without taking care of human justice or justice dealing with the entire humanity. In Islam it is irrelevant to talk of justice without paying attention to State and Politics. This is why the establishment of justice has been introduced as the prime objective of mission of the Prophet and Islam and the core of Islam.<sup>25</sup>

Muslim thinkers and scholars believe that the entire universe is created and run by God according to Divine justice (*Adli-Ilahi*). The Shi'ite Islam officially declares *Adl* or the justice of God as one of God's attributes, hence the Shi'ites are called *Adliya*. The doctrine of *Adli-Ilahi* in the universe suggests that the entire creation, preservation and running of the whole universe is done according to the law of causality, that there is an indiscriminate law

and order in the universe, that everything is made and done according to rule, law and order.

The Islamic doctrine of *Adli-ilahi* is very close to the doctrine of "Law of Nature" from which all natural rules and regulations are derived. Law of Nature and justice of God in the universe is identified with the law of causality and law and order in the universe. Thus the basic concept of justice in the universe is law and order. The political concept of justice should also apply to law and order without which justice does not have any meaning. The social, economic and educational justice have no relevance where and when political justice (law and order) which defines the rights and responsibilities, according to which social, economic.... justice can be defined, does not exist.

The establishment of State and Politics is thus necessary for establishing Islam, for all religions and messengers of God have been sent to establish justice.<sup>26</sup>

Justice is of many dimensions: social justice, economic justice, educational justice, etc. and human justice which is the kind of justice concerning the entire humanity in all times and places. It is understood that the establishment of this justice is the goal of all great religions and particularly the goal of Islam.

Justice first and foremost requires law and order according to which right and responsibility are defined. The achievement of social and economic justice is impossible before and without the establishment of a comprehensive code of conduct covering the entire sphere of the individual and social life of the individuals and the society. We may term this as political justice. Political justice is the foundation of all other kinds of justice. The establishment of all kinds of justice means the establishment of human justice. Human justice cannot thus be achieved without political justice. Political justice is the establishment of law and order and the rule of conduct and this is a unique feature of Islam that it believes in and suggests the authority of the Divine law of *Sharia* which is the Divine path, the straight road to comprehensive salvation in this world and in the Hereafter (*Sa'adat al-Dunya wa al-Akhira*), and the practical means to establish justice.

Finally, we would like to follow the argument that the Muslim thinkers and philosophers have put forward in this field. The well-known Qur'anic verse often quoted to support the principle of *Da'wa*, reads as follows:

"Institute (preach, ask the people, lead) to the paths of thy Lord with wisdom and sincere advice and discuss with them in the ways that are best."<sup>27</sup> The key words in this verse are *Da'wa* and Wisdom (*al-Hikma*). The word *Hikma* is usually defined as wisdom by most of the commentators on

the Qur'an. But a careful study of the development of sciences and studies and Islamic disciplines amongst the Muslims shows that the very term "*Hikma*" (most certainly taken from the Qur'an) has taken a special meaning and place in Islamic literature. The Muslim scholars define "*Hikma*" as philosophy in the most comprehensive sense of the term philosophy. They define different branches of philosophy as follows. First they divide philosophy of *Hikma* into: a speculative philosophy and call it (i) *al-Hikmat al-Nadari* (ii) practical or operational philosophy or *al-Hikmat al-Amali*.

Speculative philosophy deals with the beings outside human power and decision and in whose actual existence and being man has no role. Practical philosophy on the other hand deals with the things in which man's authority, will and decision play a major role. However, we are not hereto concern with speculative philosophy. Our concern is practical philosophy or "*al-Hikmat al-Amali*". The Muslim scholars suggest that practical philosophy is divided into two sub-branches: (i) the discipline dealing with human behavior in relation to himself which is called ethic or "*Ilm al-Akhlaq*", (ii) the discipline dealing with human behavior in relation to others. The second sub-branch in turn is also divided into two branches (i) the discipline dealing with human behavior and responsibilities in relation to members of family which is called "Running Family or *Tadbir Manzil*". (ii) The discipline dealing with human rites, responsibilities and behavior towards one's community, society, and humanity which is called "Politics" or "*Siyasa al-Mudon*".

The conclusion can be drawn that for Muslim and Muslim scholars, politics is regarded as *al-Hikma* to which Muhammad(S) was asked to invite people and by which he was asked to preach his message.<sup>28</sup> If he was asked to spread the truths and to establish justice by custom (*Hikma*) and politics then he was asked to establish the Kingdom of God here on the earth too as it is in the Heaven. He was duty bound to establish an Islamic State so that he could administer justice in earnest. Thus, the very term *Hikma* used in the verse dealing with *Da'wa* has been employed to define politics in Islamic classical literature.

There is one more conclusion to be drawn from the argument. That is if Muhammad (S) was asked to invite people to the way of God with *Hikma* (wisdom, state and politics) then it follows that Muslims have a certain noble paradigm "*Uswah Hasana*".<sup>29</sup>

The life history of the Prophet (S) is full of efforts to establish an Islamic state, to build an *Ummah*, to bring politics to its rightful divine course and the Muslims have to follow the pattern set for them by the Prophet (S). It may be said that neither any definite divine or ordinance nor any of the

classical commentaries in the Qur'an support this interpretation of the term "*Hikma*" (used in the Qur'an) by which the Prophet (S) and his followers are asked to spread the Truth and establish Justice. The answer is that actions and deed speak louder than words. The Prophet's life story shows that his life was a continuous struggle to establish the Truth, the Justice and to spread the word of God by deed.

### Footnotes:

1. (Qur'an, 40:60)
2. (Qur'an, 3:104)
3. (Qur'an, 16:125)
4. (Qur'an, 7:195)
5. (Qur'an, 3:103-104)
6. (Qur'an, 3:21,103,110,14)
7. (Qur'an, 2:256)
8. (Qur'an, 16:125)
9. (Qur'an, 16:125)
10. (Qur'an, 16:125)
11. (Qur'an, 3:61)
12. Kitab Aqrab al-Mawa Rid, Savasa
13. Ibid, Majma al-Bahrain
14. (Qur'an, 2:177)
15. (Qur'an, ? :28)
16. (Qur'an, 2:205)
17. He who starts the day not being concerned with the affairs of the Muslims, is not a Muslim (the Prophetic Tradition).
18. (?)
19. (Qur'an, 6:57 & 12:67)
20. A. Ezzati, the R. I. pp.34-36
21. (Qur'an, 26:214)
22. (Qur'an, 11:112)
23. (Qur'an, 33:21)

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24. (Qur'an, 3:61)
  25. (Qur'an, 4:58; 5:8; 6:152; 16:90; 57:25)
  26. (Qur'an, ?)
  27. (Qur'an, 16:125)
  28. (Qur'an, 16:125)
  29. (Qur'an, 33:21)



## Contemporary Problems of Da'wa and Efforts to Overcome Them

By: M. Amien Rais

**D**a'wa in its broadest sense means struggle and hard work to build a society based on Islamic values. *Da'wa* is a process to call for righteousness, enjoin justice, and forbid evil. Therefore, as a matter of course, *Da'wa* is a never-ending process to carry out a social reconstruction which is juster, more egalitarian, and more democratic and to make Islamic teachings an eternal moral and ethical paradigm.

The basic mission of all prophets and God's messengers was to propagate *tawhid*, to build social justice and imbue and strengthen moral values in the society. However, in conveying and propagating the revealed truth, social justice, and noble moral values, those prophets and messengers faced a lot of obstacles and challenges. Nowadays, as followers of the prophets we are also facing the same hindrances and challenges although with different manifestations. At least there are three challenges to *Da'wa* faced by present Islamic communities all over the world, i.e.: nativism, secularism and proselitization of Muslims committed by non-Muslims.

Nativism is the first challenge to respond. The followers of nativism conceive that values and beliefs inherited from their ancestors must be maintained regardless of their contents and substance. They believe that revealed religions must be discarded because they already have their own from their forefathers. Sometimes they even consider Islam an imported religion from the Arab peninsula which has nothing to do with their society.

This kind of position is not new at all since the Qur'an indicates that many groups of men resisted the revealed religions in the times of the prophets centuries ago. They were of the opinion that superstitions and

traditions inherited from time immemorial were also "truth" from the Almighty God. The Qur'an says: "But when they are told, 'Follow what God has bestowed from high,' 'Nay, we shall follow (only) that which we found our fathers believing and doing. Why, even, if their forefathers did not use their reason at all, and were devoid of all guidance?'" (2:170). The Qur'an also says: "There came unto them their apostles with all evidence of truth - but they covered their mouths with their hands and answered: 'Behold, we refuse to regard as true the message with which you (claim to) have been entrusted, and, behold, we are in grave doubt, amounting to suspicion, about (the meaning of) your call to us.'" (14:9)

Some Muslim countries seem to have been facing the tides of nativism disguised by "scientific" arguments. At bottom line nativists try to refute revealed religions while perceiving that those religions are not needed because what they have received from forefathers is the final truth.

The second challenge to *Da'wa* is secularism. The essence of secularism is that modern man must distinguish between life in this world and life in the hereafter in a dichotomic way. Its credo says: "Render to God what is God's and render to Caesar what is Caesar's. In other words life can be divided into immanent and transcendental ones.

The danger of secularism is its incapability to create eternal moral norms. In a secularistic society moral values become very relative and changeable in accordance with the change of context and situation. Hence, man may suffer from spiritual and psychological split due to compartmentalization of life into biological and spiritual, secular and eschatological categories. In Islam life in toto is dedicated to Allah.

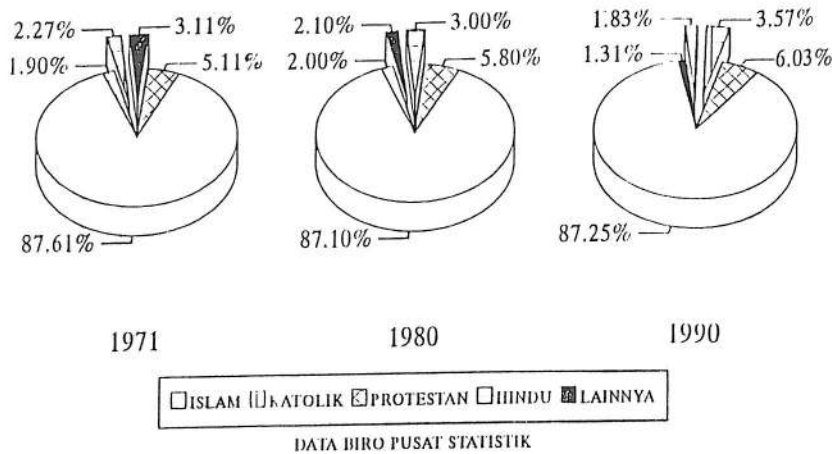
The Qur'an says: "Say, 'Behold, my Sustainer has guided me onto a straight way through an ever-time faith - the way of Abraham, who turned away from all that is false, and was not of those who ascribe divinity to aught beside Him.' Say: 'Behold, my prayer, and all my acts of worship, and my living and my dying are for God (alone), the Sustainer of all the worlds in whose divinity none has a share: for thus have I been bidden - and I shall be foremost among those who surrender themselves into Him.'" (6:161-163)

The third challenge is proselitization of Muslims attempted, and often accomplished, by non-Muslims. In this case groups of non-Muslims exploit all means available - economic, educational, and political - to convert parts of Muslim community into their religions. The proselitization usually runs smoothly especially when the object of proselitization belong to the weak and the poor.



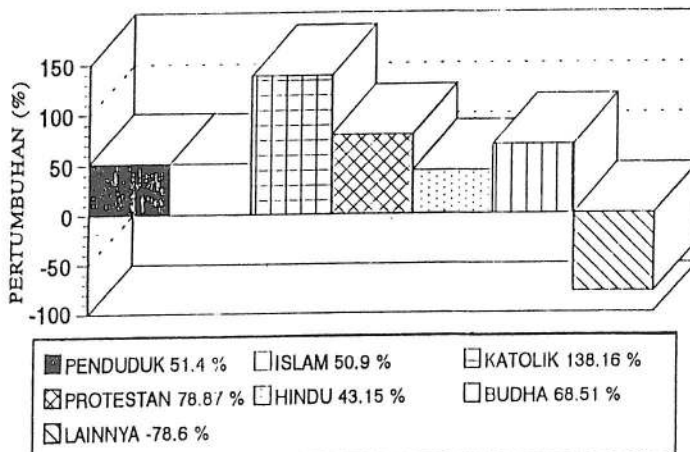
HISTOGRAM I

# PERSENTASE PEMELUK AGAMA SE-INDONESIA TAHUN 1971, 1980, 1990



HISTOGRAM II

# PERTUMBUHAN PEMELUK AGAMA DI INDONESIA 1971 - 1990





## Political Thought in Islam

*By: Mohsen Azimi Etemadi*

**F**or many Muslims Islam has merely been a collection of injunctions pertaining to man's relation to Allah, concerning itself only with rules of ritual purity and ethics. It was doubtlessly thought that Islam did not provide for other aspects of human's life, and had no laws and ordinances pertaining to his society, including its politics in general.

One of the reasons for such an image among Muslims was the gradual deviation of rulers of Muslim societies from the attempt to implement pure Islam and the will of Allah to pursuit of their own will and improving their own personal, family, or group power. Unfortunately, external powers, including some of the followers of other divine religions, took advantage of these deviations and weaknesses of Muslim rulers to build a terrible and backward picture of Islam, as if it had no say on society and politics, or worse, it was detrimental to their proper development. This line of thinking and propagation about Islamic political views actually did receive many simple Muslims who were ignorant about the true history of Islam, or were not able to analyze it effectively.

However, there were and have been great Muslim leaders and scholars like Ayatullah 'Uzma Khomeini (r.a.), Ayatullah Motahhari, Sayyid Jamal-al-din Asadabadi, whose long life was to reform this kind of thinking in the Muslim community (Ummah). Almost all of these thinkers were confronted violently by dictatorial groups ruling in their societies, powerful figures and leaders of other schools of thought, and even by some of their closest friends, but their thoughts have left deep influences on the development of Muslim societies, and in one case have led to the

establishment of a social system which has been eagerly attempting to act on the basis of the Holy Qur'an and Sunnah of the Prophet Muhammad.

We must revisit our political identity, which has badly been misinterpreted for several generations, because politics is one of the most central issues on human societies, and obviously of the Muslim society in particular. Muslim scholars have the duty to look in to the Islamic cultural dictionary to see whether we can find any trace of a specific political structure or ideal.

After reviewing the various reliable books or films on Islamic social history, one can easily find that at the time when the West was a realm of darkness and the two vast empires of Iran and Byzantium were under the rule of dictatorial tyrants, class and racial discrimination, and the logic of power was dominant without any law or democracy to speak of, then the Muslims entered onto the scene led by Muhammad (s) and inaugurated practical laws for a specific social system that were more just and effective compared to other social systems of those days. These laws are not simply for regulating Muslims' ritual duties but are concerned with all human affairs extending from even before the embryo is formed until after it is placed in the tomb, covering both the duties of worship and the affairs of society and government.

The number of the Qur'anic verses concerning social affairs is several times more than that of verses concerned with ritual worship. Not more than 10% of the Hadiths relate to matters of ritual worship and the religious duties of a Muslim. A little more is concerned with questions of ethics, and all the rest is concerned with social, economic, legal, and political questions. So many voluminous scholarly books have been compiled from the earliest times on different areas of Islamic law, such as judicial procedure, economic transactions, penal laws, retribution, public and private law, international law, etc.

Muslims were bestowed with these laws by which they could improve their spiritual and material welfare. So these laws should be implemented, and their existence is not only for the purpose of being recited and memorized. Since by their very nature, laws and social institutions alone do not ensure the progress and well-being of a society, it is evident that an executive body is needed. As history testifies, Prophet Muhammad (s) was the first person in the history of Islam who undertook the implementation of laws, the establishment of ordinances, and administration of the society, thereby bringing into existence the Islamic state.

Since the laws and ordinances of Islam are perpetual, not limited to a specific time or place, it is self-evident that the necessity for their enactment

by a powerful Islamic state is not, and actually was not, confined to the Prophet's time, but continues after his departure from this world, and indeed will remain so until the Day of Judgment. Otherwise, we should admit that anarchy, or at best an unjust or perhaps an anti-Islamic rule will prevail in Muslim societies.

Now, what are the fundamental characteristics of an Islamic political structure and how should a true Islamic state behave? These are central questions to which several answers have been given by many Muslim scholars. They hold many fundamental ideas in common while contending on others. In any case, the basis for delineating the political system of an Islamic state should be the Holy Qur'an, and the Sunnah or tradition of the Prophet (s) and the Ahl al-Bayt (a.s.), which are more detailed. Here, I will try to expose you, although briefly, to some answers to the aforementioned questions relying primarily on the Qur'anic verses and Hadiths (sayings of the Prophet (s)).

In an Islamic political system all laws and regulations, concerning various political, judicial, administrative, cultural and military affairs of the society, must be based on, and compatible with Islamic ordinances and principles. While a competent legislative body is a necessary part of an Islamic political system, just like every other system established to manage a society, the Islamic legislature cannot enact laws and regulations contrary to the principles of Islam. To ensure this compatibility, there should be a special body, as a part within the legislature, containing the most knowledgeable scholars of Islamic law, who are completely aware of the current affairs and problems of the country, to examine proposed laws and regulations.

In the Islamic political system, all citizens, whatever their ethnic group, enjoy equal rights; and color, race, language and the like do not bestow any privilege. "Human beings were created male and female, and as races and tribes so that they may know each other. The noblest among them is the most God-fearing of them." (Qur'an, 49:13)

The Holy Prophet (s) once said: "... The Arab has no merit over the non-Arab, nor the non-Arab over the Arab, neither a black-skinned over the red-skinned, nor the red-skinned over the black-skinned - except on account of piety."

The Islamic political ideal rejects all forms of intellectual and political dictatorship and economic monopoly, and aims at entrusting the destinies of the citizens to themselves. The Prophet and, after him, the Islamic state are responsible to "remove from the believers their burdens and the fetters that were upon them" (Qur'an, 7:175). Islam also proclaims monarchy and

hereditary succession unjust and invalid. When Islam first appeared in Iran, the Byzantine Empire, Egypt, and the Yemen, the entire institution of monarchy was abolished. In the letters that the Prophet (s) wrote to the Byzantine Emperor and the Shahanshah of Iran, he called upon them to abandon the monarchical and imperial form of government, to cease compelling their servants to worship them with absolute obedience, and to permit them to worship Allah. The uprising and martyrdom of Imam Husayn ibn 'Ali (a.s.) was also in repudiation of the hereditary succession of Yazid, and a refusal to recognize its legitimacy.

Islamic law holds that no human being has the right to make himself a slave of any human being, for man was created to be free. Thus, the dignity, life, property, rights, residence, and occupation of the individual are inviolable. The inquisition of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief. Publications and the press have freedom of expression except when they violate the fundamental principles of Islam or rights of the public. The formation of parties, political, professional, and religious associations, whether Islamic or pertaining to other divine religions, as well as public gatherings and demonstrations are permitted provided they do not violate the Islamic principles of independence, freedom, national unity, etc.

The administration of Muslim society is carried out according to the laws and regulations ratified by the legislature on the basis of the Qur'an and Sunnah. In order for this to be done most effectively a committed Muslim with specific qualifications must bear personal responsibility. He must be the most knowledgeable person regarding Islamic law and principles, and possess the skills to act accordingly. Furthermore, he should be just and pious.

The Prophet (s) pointed to a part of these qualifications when he said: "There never been an Ummah which made someone its leader while there was a more learned person in its midst, but that it underwent steady decline, unless it corrected its mistake."

Imam Ali ibn Abi Talib (s.a.) also said: "Whoever is in charge of honor, life, law, and leadership of Muslims should not be a miser as his greed would aim at their wealth; nor be ignorant, as he would then mislead them with his ignorance; nor be of rude behavior who would estrange them with his rudeness; nor should he deal unjustly with their wealth thus favoring one group and denying others; nor should he take bribes as a judge, or he will violate the rights of the people and give judgements which violate the divine commands; nor should he suspend the Sunnah as he would ruin the Ummah."

The authorities and officials of the Islamic state should have specific qualifications as well. Imam Ali ibn Abi Talib (a.s.), in his administrative instruction to Malik al-Ashtar an-Nakha'i, the governor of Egypt, gives detailed instructions regarding the necessities of an Islamic government. Among these brilliant prescriptions, he says, regarding how to select government officials: "Appoint them after testing and examining, not arbitrarily or on account of favoritism, for these two are branches of injustice and treason. Select from among them those who possess experience and modesty, from virtuous families and with a longer past in the Islamic faith."

The Islamic state must also establish an organ to supervise the proper management of affairs and the correct implementation of laws by administrative organs. Imam Ali (a.s) ordered Malik so: "You should check the activities of your officials through spies who are truthful and loyal, because your watching their actions secretly would induce them to discharge duties entrusted to them and to act kindly with the people."

Decisions of the Islamic state should be made by consultative bodies established in different levels of the government. Consultation is frequently emphasized in Islam. The Qur'an once says: "Their (the believers') affairs are (administered) by consultation among them," (42:38); and in another verse, it reads: "Consult them (citizens) in affairs," (3:159). Thus dictatorship is completely condemned in Islam.

One of the basic responsibilities of the Islamic state is to establish justice. "When you judge among the people, judge with justice" (4:58). "O you who believe! Stand out firmly for justice, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice," (5:9).

In order to safeguard the rights of the citizens, the Islamic state establishes a judicial system based on Islamic justice, and operated by just judges with due knowledge of the Islamic law. The judicial system includes courts to which all citizens have equal access in order to have their complaints heard and their disputes settled, and in which the rights of the weak are wrested from the strong without trepidation.

Enjoining the good and forbidden the evil (Amru bil-Ma'ruf wan- Nahyu anel-Munkar) are other fundamental responsibilities of the government with respect to the people, and by the people with respect to the government. "The believers, men and women, are guardians of one another; they enjoin the good and forbid the evil." (9:71)

The Islamic state makes necessary arrangements - including the establishment of professional army and part-time militias - to guard and



preserve the frontiers of the Islamic territory. In the Qur'an, Muslims are commanded: "Prepare against them whatever force you are able to muster, and strings of horses, striking fear into the enemy of Allah and your enemy, and others besides them of whom you may be unaware but Allah is aware." (8:60)

Since all Muslims form a single nation, every Islamic government in every part of the territory of Muslim Ummah has the duty of formulating its general policies with a view to cultivating the friendship and unity of all Muslim peoples, and it must constantly strive, in cooperation with other Islamic states and movements, to bring about the political, economic, and cultural unity of the Ummah. "This single Ummah (community) is a single Ummah, and I am your Lord, so worship Me." (21:92)

The Islamic state, and all Muslims in general, are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their rights as human beings. This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic state. "Allah does not forbid you to deal kindly and justly with those who have not fought against you because of your religion and who have not expelled you from your homes." (60:8)

Imam Ali (a.s.) advises Malik al-Ashtar: "Cultivate in your heart the feeling of compassion for the people, and affection and kindness towards them. Never treat them like a predatory beast intent on devouring its prey; because they are of two kinds: either your brethren-in-faith, or your fellow men in kind."

The foreign policy of the Islamic state is based on the rejection of all forms of foreign domination, both the exertion of it and submission to it, defense of the rights of all Muslims around the world, and peaceful relations with all non-hostile states around the globe. "Allah will not grant the unbelievers any way (of domination) over the believers." (4:141)

It is the duty of all Muslims, and the Islamic state at the top of them, to "be enemies of the oppressors and helpers of the oppressed." Thus, the state supports the just struggles of all freedom-seeking peoples around the world while scrupulously refraining from all forms of interference in the internal affairs of other nations.

The author admits that what was presented above, can only serve as a very general blueprint for a more detailed model of the Islamic system. The task of formulating such a model is very demanding as well as a missing necessity. Looking forward to seeing more scholars dedicate their efforts to this holy task. Ammin.

## Western and Islamic Concept of Man

*By: Dr. A. N. Baqirshahi*

### CONCEPT OF MAN

**S**peculations about human nature are as old as man's thinking. Ancient philosophers named man as self, soul, or individual. In recent times, the humanist philosophers have emphasized the importance of human existence. Western as well as Eastern philosophers have tried to understand man, to analyse his nature and to determine his place in the cosmos. The educational philosophers deal with human nature on the basis of facts, while he has a metaphysical aspect apart from physical and mental aspects. Man, in Yogi view, is a microcosm in macrocosm.<sup>1</sup> As Sri Aurobindo puts it, "The individual is a center of the whole universal consciousness."<sup>2</sup> Aristotle has defined man as a rational animal. According to some others, language is a distinctive mark of man.

Muslim thinkers have defined man more comprehensively and in depth. Farabi and Ibn sina hold that man possesses two reasons: speculative and practical reasons. They are regarded as two different types of human faculties. The former faculty is inherent in the self, by means of which, man attempt's to discover the external world whereas the latter consists of a series of perceptions controlled by the self, which is the administrator of the body. Mulla Sadra opposed ibn Sina's approach toward man's faculties and developed new theory on the basis of his own philosophy.

Mutahhari (a contemporary Muslim philosopher) in his book, "*Man in the Qur'an*," says that man is an entity which is self-conscious and also conscious of the world or nature around him. Regarding the priority of one of the two types of consciousness, that is, self-conscious and world-consciousness, over the other, Mutahhari held that arbitration over this

matter is not an easy task. However, it is possible to claim that one of the main differences between the Eastern way of thinking and the Western one is this issue, that is, the Eastern one gives precedence to self-consciousness while the Western way of thinking considers world-consciousness prior to the former. This is why the modern West upholds scientific approach to reality, whereas the East adopts a spiritual attitude in which self-realization occupies the central place.<sup>3</sup>

### **MAN IN CHRISTIANITY AND MARXISM:**

The Bible sees man as created by a transcendent God Who has a definite purpose for our life.<sup>4</sup> The real nature of man is the totality of social relations, said Marx. Man is condemned to be free, said Sartre. Freedom of individuals is viewed as the most important prosperity of man.

In his book, "*Seven Theories of Human Nature*", Leslie Stevenson is of the view that although Christianity and Marxism are radically two rival theories of human nature, but there are some remarkable similarities in structure, in the way of parts of each doctrine fit together and give rise to ways of life. Firstly, each make claims about the nature of the universe as a whole. Christianity is of course committed to belief in God, a personal being Who is Omnipotent, Omniscient, and perfectly good, Who created and controls everything that exists. Marx denied all this, and condemned religion as 'the opium of the people' which distracts them from their real social problems. He held that the universe exists without anybody behind or beyond it, and is fundamentally material in nature, with everything determined by the scientific laws of matter. Both Christianity and Marxism have beliefs about the nature of history. For the Christian, the meaning of history is given by its relation to the eternal. God uses the events of history to work out His purposes, revealing himself above all in the life and death of Jesus. Marx claimed to find a pattern of progress in human history which is entirely internal to it. He thought that there is an inevitable development from one economic stage to another, so that just as feudalism had given way to capitalism, capitalism would give way to communism. Thus both views see history as moving in a certain direction, though they differ about the nature of the moving force and the direction.<sup>5</sup>

### **MAN IN ISLAM AND MARXISM:**

The opposing ways in which Islam and Marxism approach man may be summed up as follows:

1- Marxism, because it is founded on an absolutely materialistic world-view, is incapable of raising humanity in its essence, attribute, or

evolutionary state beyond the narrow confines of materiality. It necessarily ranks it along with all other beings in the confines of an unconscious and purposeless nature.

Islam, in holding the world-view of *Tawhid*, is able to justify man as a divine essence, grant him transcendental attributes, extend his evolution to the infinite, and thus situate humanity in a living, meaningful, and infinite universe whose dimensions extend far beyond what even the sciences can represent.

2- Marxism, in accepting only the conception of matter of classical physics, is forced through materialistic analysis to retract all it has said about the essential glory and noble primacy of humanity.

Islam, in explaining the world of matter and the primordial nature of man as two signs of one exalted Being and Absolute consciousness, is able simultaneously to accept the existence of a reciprocal impact of man upon environment and environment upon man, and also, in so far as man acts as a cause in the chain of causality. To uphold the human station without reference to natural and social determinations. It guards humanity from slipping into the pit of materialist, historicist, or sociologist fanaticism, so that the primacy of men's will is not transformed into a primacy of matter or of tools.

3- Marxism, remaining fiercely loyal to materialism, relinquishes its right to speak of values or to make judgement on the basis of them.

Islam, maintaining a belief in an absolute source of values beyond the empirical realm, can justify them logically.

4- Marxism, because it considers man to be the product of his social environment which in turn is an aggregate of shifting structure and circumstances, is unable to base itself on a constant principle such as the human essence or human reality. Having denied both God and the authentic basis for the human values that makes up the body of morals. Consequently, as Lenin puts it, "All talk of moral principle is a lie."

Islam, maintains the existence of constant principles in nature upon which science is based; it asserts that constant principles exist in our *fitrat* (primordial nature) and form the basis of morals. According to Islam human values are just as authentic and demonstrable as natural laws. Contrary to Marxism, which tries to equate those values with social customs and to bury them in the depths of an economic and social materialism, Islam is totally committed to freeing them from the mutable yet coercive conditions and exigencies of material life by rooting them in the primordial nature of man and showing them to be reflections of the Absolute shining upon the human conscience.

5- Marxism, by annexing "dialectical" to "materialism" in order to arrive at an explanation of historical and social change, has arrived at a materialistic determinism in which man is deprived of his primary nature and becomes a play thing of the blind process of contradictions. Consequently, it denies whatever it has claimed by way of humanism and completely deprives humanity of all freedom and responsibility.

Islam, accepting this element of contradiction in the human constitution, does not deny freedom (of choice) or its consequences, i.e., responsibility, but sees them as issuing from precisely this contradiction. It defines man as being in contradiction, having the dual essence of clay and Divine spirit, and as a will that can choose either one over the other. His human responsibility urges him to place his earthly half at the service of his divine half for the sake of its growth, and thus to achieve existential clarity and purity of spirit. In this way he may transmute his existential dichotomy to *Tawhid* and assume divine characteristics.

6- Marxism has "overturned" the Hegelian dialectic, changing it from the one based on idealism to one based on realism. But this has ruined the dialectics of Heraclitus, since Heraclitus, although he envisions everything in perpetual movement and change, maintains two constant principles alongside this change: One, fire and the other logos. This shows that the true outlook of dialectics (as opposed to the one popularized by Marx) has been a mystical one from the start. Substantiating this fact are Western philosophies from that of Heraclitus in ancient Greece to that of Hegel in the 19th century, as well as the world-views of all the great Eastern religions. Zoroastrianism, the Taoism of Lao Tzu, Manichaeism, Hinduism, Buddhism, and the Abrahamic religions (Judaism, Christianity and Islam). All these explain the world according to the principle of contradiction and change (i.e., generation of decay).

Heraclitus exemplifies a typically mystical world-view in his use of fire to symbolize the sacred and eternal substance and logos to symbolize the constant order and harmony of a universe in total transformation. Marxism, by denying these two constant principles in dialectics, has denied any constant aspect or eternal order in the universe or in humanity. Thus its humanism is expressed not as a flow, but as a succession of waves.

In the words of Berth, "Marxism is the philosophy of the producers."

In the language of the Qur'an, Islam is the philosophy of guidance.

Marxism supposes that man has created God. Man whom it has thus raised to the Empyrean finds there no throne to occupy; the tether of an overturned and defective dialectics inevitably drags him immediately to the ground where he is handed over to the tools of production and the mode of production and condemned to suffer a historical determinism.

Islam regards man as having a non-material nature. Maintaining that God has created man, it renders him independent of natural and material determinations. In speaking of man's fateful rebellion in paradise, it presents him as a will independent from that of his creator. Thus freeing him from the ties of Divine predestination. In this way, by presenting man as an aware being possessed of a will and freed from the captivity of heaven and earth alike, it arrives at true humanism. Then it has accorded to man the unique trust that all the world had balked at but he accepted it caused all the angels (symbolizing all the forces of the universe) to prostrate themselves at his feet. Finally, Islam looks upon man as God's viceregent in the world who has sent him into this world, so that like some nature-god, he may subjugate the world and build his own destiny through self-awareness, amid contradictions and suffering. Thus he may return to God as a self-aware being.

We see how far such a philosophy's approach to humanity and humanism is from that of the "philosophy of the producers."

Iqbal, has had the last word on this point, "Islam and communism both talk about man and summon man to themselves; but communism has taken pains to draw man from God to dust, while Islam, on the contrary, is striving to raise him up from the dust to God."<sup>6</sup>

Imam Ali (a) in many letters and sermons lay emphasis upon knowing and honoring the self. For instance, in the Sermon 102, he says:

"Learned is he who knows his worth. It is enough for a man to remain ignorant if he knows not his worth."<sup>7</sup>

In *Nahj al-Balaghah*, Imam Ali (a) has repeatedly emphasized that God created man as a free being,<sup>8</sup> with sound senses and reason,<sup>9</sup>. Thus he must understand his dignity.<sup>10</sup> He urges man to draw lessons from the world<sup>11</sup> and remember death<sup>12</sup> and support the oppressed.<sup>13</sup>

Regarding man's will, he says: "The worth of a man is according to his will, his truthfulness is according to his chivalry, his valor is according to his self-respect and his chasteness is according to his sense of shame."<sup>14</sup>

## PERFECT MEN IN IMAM ALI'S WORDS:

It is related that one of the companion of Imam Ali called Hammam asked the Imam to describe him the pious man in such a way as he sees him. Imam Ali avoided the reply and said: "O' Hammam, fear Allah and perform good acts because verily, Allah is with those who guard (themselves against evil) and those who do good (to others)."<sup>15</sup> Hammam was not satisfied with this and insisted him to speak. Thereupon, Imam Ali praised Allah and sought His blessing on the Holy Prophet and then spoke.



It is to be pointed out that after hearing such words, Hammam passed into a deep swoon and then expired. Then Imam Ali said: "Verily by Allah I had this fear about him." Imam Ali described perfect man as follows:

"The God-fearing (perfect men) are the people of distinction. Their speech is to the point, their dress is moderate and their gait is humble. They keep their eyes closed to what Allah has made unlawful for them, and they put their ears to that knowledge which is beneficial to them. They remain in the time of trials as though they remain in comfort. If there had not been fixed periods (of life) ordained for each, their spirits would not have remained in their bodies even for the twinkling of an eye because of (their) eagerness for the reward and fear of chastisement. The greatness of the Creator is seated in their hearts, and, so, everything else appears small in their eyes. Thus to them, Paradise is as though they see it and are enjoying its favors. To them, Hell is also as if they see it and are suffering punishment in it.

Their hearts are grieved, they are protected against evils, their bodies are thin, their needs are scanty, and their souls are chaste. They endured (hardship) for a short while, and in consequence they secured comfort for a long time. It is a beneficial transaction that Allah made easy for them. The world aimed at them, but they did not aim at it. It captured them, but they freed themselves from it by a ransom.

During a night they are upstanding on their feet reading portions of the Qur'an and reciting it in a well-measured way, creating through it grief for themselves and seeking by it the cure for their ailments. If they come across a verse creating eagerness (for Paradise) they pursue it avidly, and their spirits turn towards it eagerly, and they feel as if it is in front of them. And when they come across a verse which contains fear (of Hell) they bend the ears of their hearts towards it, and feel as though the sound of Hell and its cries are reaching their ears. They bend themselves from their backs, prostrate themselves on their foreheads, their palms, their knees and their toes, and beseech Allah, the Sublime, for their deliverance. During the day they are enduring, learned, virtuous and God-fearing. Fear (of Allah) has made them thin like arrows. If anyone looks at them he believes they are sick, although they are not sick, and he says that they have gone mad. In fact, great concern (i.e. fear) has made them mad.

They are not satisfied with their meagre good acts, and do not regard their major acts as great. They always blame themselves and are afraid of their deeds. When anyone of them is spoken of highly, he says: "I know myself better than others, and my Lord knows me better than I know. O' Allah do not deal with me according to what they say, and make me better

than they think of me and forgive me (those shortcomings) which they do not know.”

The peculiarity of anyone of them is that you will see that he has strength in religion, determination along with leniency, faith with conviction, eagerness in (seeking knowledge in forbearance, moderation in riches, devotion in worship, gracefulness in starvation, endurance in hardship, desire for the lawful pleasure in guidance and hatred from greed. He performs virtuous deeds but still feels afraid. In the evening he is anxious to offer thanks (to Allah). In the morning his anxiety is to remember (Allah). He passes the night in fear and rises in the morning in joy - fear lest night is passed in forgetfulness, and joy over the favor and mercy received by him. If his self refuses to endure a thing which it does not like he does not grant its request towards what it likes. The coolness of his eye lies in what is to last forever, while from the things (of this world) that will not last he keeps aloof. He transfuses knowledge with forbearance, and speech with action.

You will see his hopes simple, his shortcomings few, his heart fearing, his spirit contented, his meal small and simple, his religion safe, his desires dead and his anger suppressed. Good alone is expected for him. Evil from him is not to be feared. Even if he is found among those who forget (Allah) he is counted among those who remember (Him), but if he is among the rememberers he is not counted among the forgetful. He forgives him who is unjust to him, and he gives to him who deprives him. He behaves well with him who behaves ill with him.

Indecent speech is far from him, his utterance is lenient, his evils are non-existent, his virtues are ever present, his good is ahead and mischief has turned its face (from him). He is dignified during calamities, patient in distresses, and thankful during ease. He does not commit excess over him whom he hates, and does not commit sin for the sake of him whom he loves. He admits truth before evidence is brought against him. He does not misappropriate what is placed in his custody, and does not forget what he is required to remember. He does not call others bad names, he does not cause harm to his neighbor, he does not feel happy at others misfortunes, he does not enter into wrong and does not go out of right.

If he is silent his silence does not grieve him, if he laughs he does not raise his voice, and if he is wronged he endures till Allah takes revenge on his behalf. His own self is in distress because of him, while the people are in ease from him. He puts himself in hardship for the sake of his next life, and makes people feel safe from himself. His keeping away from others is by way of asceticism and purification, and his nearness to those to whom he is near is by way of leniency and mercifulness. His keeping away is not by



way of vanity or feeling of greatness, nor his nearness by way of deceit and cheating.<sup>16</sup>

**Endnotes:**

- 1- Dr. Ramnath Sharma, *Social Philosophy*, Kedar Hath Ram Noth publishers, Meerut - India, p.55.
- 2 - Sri Aurobindo, *The Life Divine*, vol.5, p.45.
- 3 - Murtaza Mutahhari, *Man and Faith*.
- 4- Leslie Stevenson, *Seven Theories of Human Nature*, Oxford University Press, London, 1974, p.4.
- 5 - Ibid, p.5.
- 6 - Ali Shariati, *Marxism and other Western Fallacies*, translated by R. Campbell (Kerala, India - Islamic Foundation Press, 1987), p.16.
- 7 - *Nahj al-Balaghah*, Sermon 103. •
- 8 - Ibid, Sermon 75.
- 9 - Ibid, Sermon 71 - 54.
- 10 - Ibid, Sermon 182.
- 11 - Ibid, Sermon 160.
- 12 - Ibid, Sermons: 20, 82, 101, 108, and 131.
- 13 - Ibid. Sermon 135.
- 14 - Ibid, Sayings 47.
- 15 - *The Holy Qur'an*, 16:128.
- 16 - *Nahj al-Balaghah*, Sermon 192.

## A Glimpse at Imam Hasan's Life

By: Al-Shaykh al-Mufid



As we have promised in the previous issue of *thaqalayn*, an abridged form of the life of each Imam will be published in each issue, taken from the book of *Kitab al-Irshad* written by al-shghk al-Mufid. The previous issue dealt with Imam Ali's life and the present issue covers Imam Hasan's life.

\* \* \*

The Imam after the Commander of the Faithful (a), was his son al-Hasan, the son of Fatima, daughter of Muhammad (S). Al-Hasan's kunya was Abu Muhammad. ***He was born in Medina, on the night of 15th of Ramadan, three years after Hijra (624).***

His mother, Fatima, peace be on her, brought him to the Prophet (S) on the seventh day in a silken shawl from Heaven, which Gabriel had brought down to the Prophet. He named him Hasan and sacrificed a ram for him (in the ceremony of 'aqiqa).

It is reported by a group of authorities (including Ahmad b. Salih al-Tamimi on the authority of 'Abd Allah b. 'Isa, on the authority of Ja'far al-Sadiq b. Muhammad, peace be on him): ***"Al-Hasan was the most similar person to the Apostle of God in form, manner and nobility."***

It is reported by a group of authorities, (including Ma'mar, on the authority of al-Zuhri, on the authority of Anas b. Malik, who said): ***"No one was more like the Apostle of God than al-Hasan b. 'Ali."***

Ibrahim b. 'Ali al-Rafi reported on the authority of his father, on the authority of his grandmother Zaynab, daughter of Abu Rafi - and Shabib b. Abi Rafi' al-Rafi'i on the authority of those who told him - she said: ***"Fatima brought her two sons, al-Hasan and al-Husayn to the Apostle of***

*God at the time when he was suffering from the sickness from which he died."*

"Apostle of God," she said, *"these are your two (grand)sons. Give them something as an inheritance."*

"As for al-Hasan," he replied, *"he has my form and my nobility. As for al-Husayn, he has my generosity and my bravery."*

Al-Hasan b. Ali was the testamentary trustee (wasi) of the Commander of the Faithful over his family, his children and his followers. He bequeathed him to look after his position and (the position of) his taxes (*sadaqat*) and he wrote him a covenant (of succession) which is well-known. His testamentary trusteeship is obvious in terms of the outlines of religion, the essential characteristic of wisdom and good breeding. A great number of scholars have reported this trusteeship and many of the men of understanding have realized the truth of this through his (attitude to) the world.

### **Al-Hasan's Succession to the Caliphate and his Abdication**

When the Commander of the Faithful was martyred, al-Hasan addressed the people. He reminded them of his right (to authority). The followers of his father pledged allegiance to him in terms of fighting those he fought and making peace with those with whom he made peace.

(Abu Mikhnaf Lut b. Yahya al-Azdi reported: Ash'ath b. Suwar told me on the authority of Abu Ishaq al-Sab'i and others, who said): Al-Hasan b. 'Ali addressed the people towards dawn on the night in which the Commander of the Faithful was martyred. He praised and glorified God and also praised the Apostle of God. Then he said:

*"There has died tonight a man who was the first among the early (Muslims) in (good) actions. Nor did any later (Muslims) attain his level in (good) actions. He used to fight alongside the Apostle of God and protect him with his own life. The Apostle of God used to send him forward with his standard while Gabriel supported him on his right and Michael supported him on his left. He would not return until God brought victory through his hands. He has died on the night on which Jesus, son of Mary, was taken up (to Heaven), on which Joshua, son of Nun, the testamentary trustee (wasi) of Moses died. He has left behind him no gold and silver except seven hundred*

*dirhams of his stipend ('ata), with which he was intending to engage a servant for his family.*

Then tears overcame him and he wept and the people wept with him. Then he continued:

*"I am the (grand)son of the one who brought the good news. I am the (grand)son of the warner. I am the (grand)son of the man who, with God's permission, summoned (the people) to God. I am the (grand)son of the light which shone out (to the world). I am of the House, from whom God has sent away abomination and whom God has purified thoroughly. I am of the House for whom God has required love in his Book, when God, the Most High, said: Say: I do not ask you for any reward except love for (my) kin. Whoever earns good, will increase good for himself (33:33).*

*The good is love for us, the House."* Then he sat down. Abd Allah b. al-Abbas, may God have mercy on him, arose in front of him and said:

*"People, this is the son of your Prophet, the testamentary trustee (wasi) of your Imam. So pledge allegiance to him."*

The people answered him saying: *"No one is more loved by us nor has anyone more right to succession (khilafa)."*

They rushed forward to pledge allegiance to him as successor. That was on Friday on the 11th of the month of Ramadan in the year 40 A.H. (660). Then he assigned (the posts of) the tax collectors and he gave instructions to the governors (of the provinces). He sent Abd Allah b. al-'Abbas to Basra. He took charge of all the matters.

When Mu'awiyah b. Abi Sufyan learnt of the death of the Commander of the faithful, peace be on him, he sent a man secretly to Kufa and a man from Banu al-Qayn to Basra. They were to write reports to him to undermine affairs for al-Hasan, peace be on him. Al-Hasan learned of that. He ordered the Himyari to be brought out from among (the tribe) of Lakhm in Kufa. He had him brought out and executed. Al-Hasan wrote to al-Basra, ordering the Qayni to be brought out from among the Banu Sulaym. He was brought out and executed.

Then al-Hasan wrote to Mu'awiya:

*"You sent men to use deception and to carry out assassinations and you sent our spies as if you want to meet (in battle). That is something which will soon happen so wait for it, if God wills. I have learnt that you have become haughty in a way that no wise man would become haughty. In that you are just as al-Awwal described."*

**Say to him who desires the contrary of the one who has died: Prepare for another like him, as if (from the same) root.**

**I and the one among us who has died are like the one who goes in the evening so that (the other) may come in the morning.**

Mu'awiya replied him with his letter, which there is no need to mention. There followed between him and al-Hasan correspondence, messages and disputes regarding the right of al-Hasan to authority, and the unlawful seizure of power of those who came before his father, and of Mu'awiya's attempt to strip the nephew of the Apostle of God, may God bless him and his family, from his authority and of their (the House's) right to it apart from them. (All these) matters would take too long to describe.

Mu'awiyah set off towards Iraq. When he reached the bridge of Manbij, al-Hasan reacted. He sent Hujr b. Adi to order the leaders (ummal) to set out and to call the people together for war.

They were slow to (answer) him and then they came forward. (Al-Hasan) had a mixed band of men: some of them belonged to his Shi'a and to his father's; some of them were members of the Muhakkima (i.e. Kharijites) who were influenced by (the desire of) fighting Mu'awiyah with every means (possible); some of them were men who loved discords and were anxious for booty; some of them were doubters; others were tribal supporters who followed the leaders of their tribes without reference to religion.

He set off until he came to Hammam `Umar, then he went on to Dayr Ka'b. He stopped at Sabat, just before the bridge and spent the night there. In the morning, he wanted to test his followers and make their situation clear with regard to obedience to him, so that in that way he might be able to distinguish his friends from his enemies and be in a clear mind (about his position) to meet Mu'awiya and the Syrians. He ordered the call to be made: "The prayer is a general one (which all should attend) (al-Salat jami'a)." They gathered and he went up on the pulpit and addressed them. He said:

*"Praise belongs to God whenever a man praises Him. I testify that there is no god but God whenever a man testifies to Him. I testify that Muhammad is His servant and His apostle whom He sent with the truth and whom He entrusted with revelation. By God, I hope that I shall always be with God's praise and kindness. I am the sincerest of God's creatures in giving advice to them. I have not become one who bears malice to any Muslim, nor one who wishes evil or misfortune for him. Indeed what you dislike about unity (Jama'a) is better for you than what you like about division. I see what is better for you*

*better than you see for yourselves. Therefore, do not oppose my commands and do not reject my judgement. May God forgive both me and you and may He guide me and you to that in which there is love and satisfaction.*

*(He reported):*

The people began to look at one another and asked each other, "What do you think he intends by what he has just said?"

"We think that he intends to make peace with Mu'awiya and hand over the authority to him" they answered.

"By God, the man has become an unbeliever," they declared and they rushed towards his tent. They plundered him to the extent that they even took his prayer mat from under him. Then Abd al- Rahman b. Abd Abd Allah b. Ja'al al-Azdi set on him and stripped his silk cloak from his shoulder. He remained sitting, still girt with his sword but without his cloak. He called for his horse and mounted it. Groups of his close associates and his Shi'a surrounded him and kept those who wanted (to attack) him away from him. He said: "Summon (the tribes of) Rabi'a and Hamdan to me."

They were summoned to him and they surrounded him and defended him from the people. A mixed group of others went with him (as well). When he was passing through the narrow pass of Sabat, a man of Banu Asad called al-Jarrah b. Sinan caught hold of the reins of his mule. He had an axe in his hand. He cried: "God is greater (Allahu akbar)! You have become a polytheist, Hasan, just like your father became a polytheist before."

Then he stabbed him in the thigh. It penetrated right through to the bone. He seized (al-Hasan) by the neck and they both fell to the ground. A man from al-Hasan's Shi'a called Abd Allah b. Khatal al-Ta'i pulled the axe away from his hand and struck him with it in the stomach. Another man called Zubyan b. Umara attacked him, struck him upon the nose and killed him. Another man who had been with (al-Jarrah) was caught and killed.

Al-Hasan was carried on a stretcher to al-Mada'in where he was lodged with Sa'd b. Mas'ud al-Thaqafi. The latter was the governor of (Ali), the Commander of the Faithful, there and al- Hasan had confirmed him in that position.

Al-Hasan was distracted by his own (discomfort) and with treating his wound. (In the meantime) a group of the tribal leaders wrote secretly to Mu'awiya offering to accept his authority (lit. to listen and obey). They urged him to come to them and they guaranteed to hand over al-Hasan when they got to his camp, or to kill him treacherously.

Al-Hasan learnt of that when a letter came to him from Qays b. Sa'd, may God be pleased with him. He had sent Qays with Ubayd Allah b.

ʿAbbas (to go on ahead) when he had set out from Kufa to meet Muʿawiya and to drive him out of Iraq, and make himself a commander of a unified people (jamaʿa). He had said to Ubayd Allah: *"If you are struck down, then the commander will be Qays b. Saʿd."*

Qays b. Saʿd letter arrived informing him that they had stopped Muʿawiya at a village called al-Habubiyya opposite Maskan. Then Muʿawiya had sent a letter to Ubayd Allah b. ʿAbbas, urging him to come to him and offering him a million dirhams, half of which he would give him immediately, and the other half on his entry into Kufa. Ubayd Allah had slipped away in the night with his close associates to (join) Muʿawiya's camp. In the morning the people found their leader missing. Qays b. Saʿd, may God be pleased with him, said the prayer with them and took charge of their affairs.

Al-Hasan's awareness of the people's desertion of him increased, (as did his awareness) of the corrupt intention of the Muhakkima (the Kharijites) against him, which they made obvious by cursing him, accusing him of disbelief, and declaring that it was lawful to shed his blood and plunder his property. There remained no one to protect him from his unfortunate predicament except the close associates from his father's Shiʿa and his own Shiʿa, and they were a group which could not resist the Syrian soldiers.

Muʿawiya wrote to him about a truce and peace treaty. He also sent him the letters of his followers in which they had guaranteed to kill him treacherously or to hand him over. He offered him as many conditions as he wanted, to answer his (call) for peace and he gave his (sworn) covenant by whose fulfilment everybody's interests would be served. Al-Hasan did not trust him. He was aware of his deception and his attempts at assassination. However, he could find no escape from assenting to his demands to abandon the war and bring about a truce because of the weakness of his followers' understanding of his right, their corrupt attitude towards him and their opposition to him. (In addition, he was aware) of the view of many of them in declaring it lawful to shed his blood and to hand him over to his rival. (He also knew) of his cousin's desertion (of him) and his joining his enemy, as well as the inclination of the people towards the immediate present and their reluctance (to show concern) for the future.

Therefore, he bound himself (in a treaty) with Muʿawiya as a result of the confirmation of the proof (of his situation) and with the excuses before God, the Most High, and all the Muslims, of what had taken place among them. He stipulated:

*That the cursing of the Commander of the faithful, should be abandoned and the practice of using the personal prayer*



*(qunut) in the formal prayer (salat) (as prayer) against him should be set aside;*

*That his Shi'a should be given security and that none of them should be exposed to any evil; that each of them who had certain rights should attain those rights.*

Mu'awiya accepted all that and made a treaty with him to observe that. He wrote to him that he would fulfil it. When the truce had been concluded, Mu'awiya went on until he reached al-Nukhayla. That was on a Friday; he prayed the mid-morning prayer (duha al- nahar) with the people, and he addressed them. In his address, he said: *"By God, I have not fought against you to make you pray, nor to fast, nor make the pilgrimage, nor to pay zakat. Indeed, you do that (already). I fought so that I might have power over you and God has given that to me when you were reluctant to (obey) Him. Indeed I have been requested by al-Hasan (to give him) things and I have given things to him. All of them are now under my foot. And from now on I will not fulfil anything."*

Then he went on until he entered Kufa. He resided there for several days. When the pledge of allegiance by its inhabitants had to be carried out, he went up on the pulpit and addressed the people. He mentioned the Commander of the Faithful and that he had taken from him and from al-Hasan what he had taken.

Al-Hasan and al-Husayn were present. Al-Husayn rose to reply but al-Hasan took him by hand and made him sit down. Then he, himself, (al-Hasan) arose and spoke: *"O you who mention Ali, I am al-Hasan and Ali was my father. You are Mu'awiya and your father was Sakhr (Abu Sufyan). My mother was Fatima and your mother was Hind. My grandfather was the Apostle of God and your grandfather was Harb. My grandmother was Khadija and your grandmother was Futayla. May God curse him who tries to reduce our reputation and to diminish our nobility, who does evil against our antiquity and yet who has been ahead of us in unbelief and hypocrisy."*

Groups of the people in the mosque shouted out: *"Amen, Amen."*

When the peace between al-Hasan and Mu'awiya was concluded in the way we have mentioned, al-Hasan left for Medina. He resided there, restraining his anger, staying close to his house, and awaiting the command of his Lord, the Mighty and High, until Mu'awiya had completed ten years of his administration. (Then) the latter decided to have the pledge of allegiance given to his son, Yazid, (as his successor). He communicated secretly with Ju'da, daughter of al-Ash'ath b. Ways - she was the wife of al-Hasan - to urge her to poison him. He gave an undertaking to her that he would marry her to his son, Yazid, and he sent her a hundred thousand



dirhams. Ju'da gave him the poison to drink but he lingered on sick for forty days. He passed along his (final) road in the month of Safar in the year 50 A. H. (670). At that time, he was forty-eight years of age. His succession (to the Imamate) had been for ten years. His brother and testamentary trustee (wasi), al-Husayn undertook the washing and shrouding of his body, and buried him with his grandmother, Fatima, daughter of Asad b. Hashim b. Abd Manaf in (the cemetery) of Baqi'.

### Reports of the Cause of the Death of Al-Hasan:

'Isa b. Mihran reported: 'Ubayd Allah b. al-Sabbah told us: Jarir told us on the authority of Mughira, who said:

Mu'awiya sent to Ju'da daughter of al-Ash'ath b. Qays: "I will arrange for you to marry my son, Yazid, on condition that you poison al-Hasan."

He, also, sent here a hundred thousand dirhams.

She did that: she poisoned al-Hasan, (Mu'awiya) gave her the money but did not marry her to Yazid. Instead gave her a man from the family of Talha as a substitute. The latter gave her children. Whenever any argument occurred between them and the clans of Quraysh, they would revile them saying: "*Sons of a woman who poisons her husbands.*"

('Isa b. Mihran reported: 'Uthman b. 'Umar told me: Ibn 'Awn told us on the authority of 'Umar b. Ishaq, who said:)

I was with al-Hasan and al-Husayn in the house. Al-Hasan came in from outside and then went out again. He said: "*I have been given poison to drink several times but i have never been given poison like this. A bit of my liver has come out of my mouth and I began to turn it over with a stick I had.*"

"Who gave you the poison like this?" Al-Husayn asked him, "*and what do you want for him? Do you want for him? Do you want him killed? If he may remain as he is, then God will be more terrible in His vengeance than you. If he may not remain as he is, then I should like to be free of any blame.*"

('Abd Allah b. Ibrahim reported on the authority of Ziyad al- Makhariqi, who said:)

*"When death was close to al-Hasan, he summoned al-Husayn, and said: "My brother, I am leaving you and joining my Lord. I have been given poison to drink and have spewed my liver into a basin. I am aware of the person who poisoned me from where I have been made a subject to this deceitful action. I will oppose him before God, the Mighty and High.*

*Therefore, by the right I have with regard to you, say nothing about that and wait for what God, the Mighty and High, will decide concerning me. Then carry me on my bier to the grave of my grandfather, the Apostle of God, may God bless him and his family, so that I may renew my covenant with him. After that take me to the grave of my grandmother, Fatima daughter of Asad, and bury me there. My brother, the people will think that you intend to bury me with the Apostle of God. For that reason, they will gather to prevent you from doing it. I swear by God that you should not shed even your blood into the cupping-glass in (carrying out) my command."*

Then he made his testamentary bequests to his family and his children. (He gave him) his heirlooms and the things which the Commander of the faithful had bequeathed to him when he made him his successor, had declared him worthy to occupy his position, and had indicated to his Shi'a that he was his successor, and set him up as their sign-post after himself.

When he passed on his (final) journey, al-Husayn washed and shrouded his (body). Then he carried him on his bier. Marwan and those of the Banu Umayya who were with him had no doubt that they would try to bury him beside the Apostle of God. They gathered together and armed themselves. When al-Husayn approached the tomb of the Apostle of God, with (the body of al-Hasan) so that he might renew his covenant with him, they came towards them with their group. 'A'isha had joined them on a mule and she was saying: "What is there between you and me that you should allow someone I don't want to enter my house?"

Marwan began to recite:

**O Lord, battle is better than ease**

(Then he went on:) "Should 'Uthman be buried in the outskirts of Medina and al-Hasan be buried alongside the Prophet, may God bless him and his family? That will never be while I carry a sword."

*with him by visiting him. Then we will take him back to his grandmother, Fatima, and bury him alongside her according to his last instructions concerning that. If he had enjoined Discord was about to occur between the Banu Umayya and the Banu Hashim. Ibn 'Abbas hurried to Marwan and said to him: "Go back to where you came from, Marwan. Indeed we do not intend to bury our companion with the Apostle of God. But we*

*want him to be able to renew his covenant that he should be buried alongside the Prophet, you know that you would be the least able to deter us from that. However, he was much too aware of God and His Apostle and the sacredness of his tomb to bring bloodshed to it as others have done (who) have entered it without his permission."*

*Then he sent to 'A'isha and said to her: "What mischief you bring about, one day on a mule and one on a camel! Do you want to extinguish the light of God and fight the friends (awliya') of God? Go back! You have been given assurance against what you fear and have learned what you wanted (to know). By God, victory will come to this House, even if it is after some time."*

*Al-Husayn said: "By God, if there had been no injunction to me from al-Hasan to prevent bloodshed and that I should not even pour blood into a cupping-glass in (carrying out) his command, you would have known how the swords of God would have taken their toll from you. You have broken the agreement which we made between you and us. You have ignored the conditions which we made with him for ourselves."*

Then they went on with (the body of) al-Hasan and they buried him in (the cemetery of) al-Baqi` beside his grandmother, Fatima daughter of Asad b. Hashim b. 'Abd Manaf.

## Divisions Within Shi'ism

*By: Allamah Tabatabai*

**E**ach religion possesses a certain number of primary principles which form its essential basis and other principles of secondary importance. When the followers of a religion differ as to the nature of the primary principles and their secondary aspects but preserve a common basis, the result is called division (*insh'ab*) within that religion. Such divisions exist in all traditions and religions, and more particularly in the four "revealed" religions<sup>1</sup> of Judaism, Christianity, Zoroastrianism, and Islam.

Shi'ism did not undergo any divisions during the imamate of the first three Imams: Ali, Hasan, and Husayn. But after the martyrdom of Imam Husayn, the majority of the Shi'ites accepted the imamate of Ali ibn Husayn al-Sajjad, while a minority known as the Kisaniyah believed that the third son of Ali, Muhammad ibn Hanafiyah, was the fourth Imam as well as the promised Mahdi, and that he had gone into occultation in the Radwa mountains<sup>2</sup> and one day would reappear. After the death of Imam Sajjad the majority of the Shi'ites accepted as Imam his son, Muhammad al-Baqir, while a minority followed Zayd al-Shahid, another son of Imam Sajjad, and became known as Zaydis. Following Imam Muhammad al-Baqir, the Shi'ites accepted his son Ja'far al-Sadiq as Imam and after the death of Imam Ja'far the majority followed his son Imam Musa al-Kazim as the seventh Imam. However, one group followed the older son of the sixth Imam, Isma'il, who had died while his father was still alive, and when this latter group separated from the majority of Shi'ites it became known as Isma'ilis. Others accepted as Imam either 'Abdullah al-Aftah or Muhammad, both sons of the sixth Imam. Finally, another party stopped with the sixth Imam himself and considered him as the last Imam. In the

same way, after the martyrdom of Imam Musa al-Kazim the majority followed his son, Ali al-Rida, as the eighth Imam. However, some stopped with the seventh Imam and became known as the Waqifiyah.<sup>3</sup>

From the eighth Imam to the twelfth, whom the majority of the Shi'ites believe to be the promised Mahdi, no division of any importance took place within Shi'ism. Even if certain events occurred in the form of division, they lasted but a few days and dissolved by themselves. For example, Ja'far, the son of the tenth Imam, claimed to be Imam after the death of his brother, the eleventh Imam. A group of people followed him but scattered in a few days and Ja'far himself did not follow his claim any further. Furthermore, there are differences between Shi'ites in theological and juridical matters which must not be considered as divisions in religious schools. Also the Babi and Baha'i sects, which like the Batinis (the Qaramitah) differ in both the principles (*usul*) and branches (*furu'*) of Islam from the Muslims, should not in any sense be considered as branches of Shi'ism.

The sects which separated from the majority of Shi'ites all dissolved within a short period, except two: the Zaydi and the Isma'ili which continue to exist until now. To this day communities of these branches are active in various parts of the world such as the Yemen, India, and Syria. Therefore, we shall limit our discussion to these two branches along with the majority of Shi'ites who are Twelvers.

### Zaydism and Its Branches

The Zaydis are the followers of Zayd al-Shahid, the son of Imam al-Sajjad. Zayd rebelled in 121/737 against the Umayyad caliph Hisham 'Abd al-Malik and a group paid allegiance to him. A battle ensued in Kufa between Zayd and the army of the caliph in which Zayd was killed.

The followers of Zayd regard him as the fifth Imam of the Household of the Prophet. After him his son, Yahya ibn Zayd, who rebelled against the caliph Walid ibn Yazid and was also killed, took his place. After Yahya, Muhammad ibn 'Abdullah and Ibrahim ibn 'Abdullah, who revolted against the Abbasid caliph Mansur al-Dawaniqi and were also killed, were chosen as Imams.

Henceforth for some time there was disorder in Zaydi ranks until Nasir al-Utrush, a descendant of the brother of Zayd, arose in Khurasan. Being pursued by the governmental authorities in that region, he fled to Mazandaran (Tabaristan) whose people had not as yet accepted Islam. After thirteen years of missionary activity in this region he brought a large

number of people into the Zaydi branch of Islam. Then in the year 301/913 with their aid he conquered the region of Mazandaran, becoming himself Imam. For some time his descendants continued to rule as Imams in the area.

According to Zaydi belief any descendant of Fatimah (the daughter of the Prophet) who begins an uprising in the name of defending the truth may become Imam if he is learned in the religious sciences, ethically pure, courageous and generous. Yet for some time after Utrush and his descendants there was no Imam who could bring about an insurrection with the sword until recently when, about sixty years ago, Imam Yahya revolted in the Yemen, which had been a part of the Ottoman Empire, made it independent, and began to rule there as Imam. His descendants continued to rule in that region as Imams until very recently.

At the beginning the Zaydis, like Zayd himself, considered the first two caliphs, Abu Bakr and Umar, as their Imams. But after a while some of them began to delete the name of the first two caliphs from the list of Imams and placed Ali as the first Imam.

From what is known of Zaydi beliefs it can be said that in the principles of Islam (*usul*) they follow a path close to that of the Mu'tazilites, while in the branches or derivative institutions of the law (*furu'*) they apply the jurisprudence of Abu Hanifah, the founder of one of the four Sunni schools of law. They also differ among themselves concerning certain problems.<sup>4</sup>

### Isma'ilism and Its Branches

Imam Ja'far al-Sadiq had a son named Isma'il who was the oldest of his children. Isma'il died during the lifetime of his father who summoned witnesses to his death, including the governor of Medina.<sup>5</sup> Concerning this question, some believed that Isma'il did not die but went into occultation, that he would appear again and would be the promised Mahdi. They further believed that the summoning of witnesses on the part of the Imam for Isma'il's death was a way of hiding the truth in fear of al-Mansur, the Abbasid caliph. Another group believed that the true Imam was Isma'il whose death meant the imamate was transferred to his son Muhammad. A third group also held that although he died during the lifetime of his father he was the Imam and that the imamate passed after him to Muhammad ibn Isma'il and his descendants. The first two groups soon became extinct, while the third branch continues to exist to this day and has undergone a certain amount of division.

Isma'ilis have a philosophy in many ways similar to that of the Sabaeans (star worshippers)<sup>6</sup>. Combined with elements of Hindu gnosis. In the sciences and decrees of Islam they believe that each exterior reality (*zahir*) has an inner aspect (*batin*) and each element of revelation (*tanzil*) a hermeneutic and esoteric exegesis (*ta'wil*).<sup>7</sup>

The Isma'ilis believe that the earth can never exist without a Proof (*hujjah*) of God. The Proof is of two kinds: "speaker" (*natiq*) and "silent one" (*samit*). The speaker is a prophet and the silent one is an Imam or Guardian (*wali*) who is the inheritor, or executor of the testament (*wasi*) of a prophet. In any case the Proof of God is the perfect theophany of the Divinity.

The principle of the Proof of God revolves constantly around the number seven. A prophet (*nabi*), who is sent by God, has the function of prophecy (*nubuwwat*), of bringing a Divine Law or *Shari'ah*. A prophet, who is the perfect manifestation of God, has the esoteric power of initiating men into the Divine Mysteries (*walayyat*).<sup>8</sup> After him there are seven executors of his testament (*wasi*) who possess the power of executing his testament (*wasayat*) and the power of esoteric initiation into the Divine Mysteries (*walayyat*). The seventh in the succession possesses those two powers and also the additional power of prophecy (*nubuwwat*). The cycle of seven executors (*wasis*) is then repeated with the seventh a prophet.

The Isma'ilis say that Adam was sent as a prophet with the power of prophecy and of esoteric guidance and he had seven executors of whom the seventh was Noah, who had the three functions of *nubuwwat*, *wasayat*, and *walayyat*. Abraham was the seventh executor of Jesus, and Muhammad ibn Isma'il the seven executor of Muhammad.

They consider the *wasis* of the Prophet to be: Ali, Husayn ibn Ali (they do not consider Imam Hasan among the Imams), Ali ibn Husayn al-Sajjad, Muhammad al-Baqir, Ja'far al-Sadiq, Isma'il ibn Ja'far, and Muhammad ibn Isma'il. After this series there are seven descendants of Muhammad ibn Isma'il whose names are hidden and secret. After them there are the first seven rulers of the Fatimid caliphate of Egypt the first of whom, 'Ubaydallah al-Mahdi, was the founder of the Fatimid dynasty. The Isma'ilis also believe that in addition to the Proof of God there are always present on earth twelve "chiefs" (*naqib*) who are the companions and elite followers of the Proof. Some of the branches of the *Batinis*, however, like the Druzes, believe six of the "chiefs" to be from the Imams and six from others.



## The Batinis

In the year 278/891, a few years before the appearance of Ubaydallah al-Mahdi in North Africa, there appeared in Kufa an unknown person from Khuzistan (in southern Persia) who never revealed his name and identity. He would fast during the day and worship at night and made a living from his own labor. In addition he invited people to join the Isma'ili cause and was able to assemble a large number of people about him. From among them he chose twelve "chiefs" (*naqib*) and then he set out for Damascus. Having left Kufa he was never heard of again.

This unknown man was replaced by Ahmad, known as the Qaramite, who began to propagate Batini teachings in Iraq. As the historians have recorded, he instituted two daily prayers in place of five of Islam, removed the necessity of ablution after sexual intercourse, and made the drinking of wine permissible. Contemporary with these events, other Batini leaders rose to invite people to join their cause and assembled a group of followers.

The Batinis had no respect for the lives and possessions of those who were outside their group. For this reason they began uprising in the cities of Iraq, Bahrain, the Yemen, and Syria, spilling the blood of people and looting their wealth. Many times they stopped the caravans of those who were making the pilgrimage to Mecca, killing tens of thousands of pilgrims and plundering their provisions and camels.

Abu Tahir al-Qarmati, one of the Qaramite leaders who in 311/929 had conquered Basra and did not neglect to kill and plunder, set out with a large number of Batinis for Mecca in 317/929. After overcoming the brief resistance of government troops he entered the city and massacred the population as well as the newly arrived pilgrims. Even within the Masjid al-Haram (the mosque containing the Ka'bah) and within the Holy Ka'bah itself, there flowed streams of blood. He divided the covering of the Ka'bah between his disciples. He tore away the door of the Ka'bah and took away the black stone from its place back to the Yemen. As a result of these actions the majority of Muslims turned completely away from the Batinis and considered them outside the pale of Islam. Even 'Ubaydallah al-Mahdi, the Fatimid ruler, who had risen in those days in North Africa and considered himself the promised Mahdi, abhorred them.

According to the view of historians the distinguishing characteristic of the Batini school is that it interprets the external aspects of Islam in an esoteric manner and considers the externals of the *Shari'ah* to be only for simple-minded people of little intelligence who are deprived of spiritual



perfection. Yet occasionally the Batini Imams did order certain regulations and laws to be practised and followed.

### **The Nizaris, Musta'lis, Druzes and Muqanna'ah**

*The Nizaris:* Ubaydallah al-Mahdi, who rose in North Africa in 292/904 and as an Isma'ili declared his imamate and established Fatimid rule, is the founder of the dynasty whose descendants made Cairo the center of their caliphate. For seven generations this sultanate and Isma'ili imamate continued without any divisions. At the death of the seventh Imam, al-Mustansir Bi'llah Mu'idd ibn Ali, his sons, Nizar and al-Musta'li, began to dispute over the caliphate and imamate. After long disputes and bloody battles al-Musta'li was victorious. He captured his brother Nizar and placed him in prison, where he died.

Following this dispute those who accepted the Fatimids divided into two groups: the Nizaris and the Musta'lis. The Nizaris are the followers of Hasan al-Sabbah who was one of the close associates of al-Mustansir. After Nizar's death, because of his support of Nizar, Hasan al-Sabbah was expelled from Egypt by al-Musta'li. He came to Persia and after a short while appeared in the Fort of Alamut near Qazwin. He conquered Alamut and several surrounding forts. There he established his rule and also began to invite people to the Isma'ili cause.

After the death of Hasan in 518/1124 Buzurg Umid Rudbari and after him his son, Kiya Muhammad, continued to rule following the methods and ways of Hasan al-Sabbah. After Kiya Muhammad, his son Hasan 'Ala Dhikrihi'l-Salam, the fourth ruler of Alamut, changed the ways of Hasan al-Sabbah, who had been Nizari, and became Batini. Henceforth the Isma'ili forts continued as Batini. Four other rulers, Muhammad ibn Ali Dhikruhi'l-Salam, Jalal al-Din Hasan, 'Ala' al-Din, and Rukn al-Din Khurshah, became Sultan and Imam one after another until Hulagu, the Mongol conqueror, invaded Persia. He captured the Isma'ili forts and put all the Isma'ilis to death, leveling their forts to the ground.

Centuries later, in 1255/1839, the Aqa Khan of Mahalat in Persia, who belonged to the Nizaris, rebelled against Muhammad Shah Qajar in Kerman, but he was defeated and fled to Bombay. There he propagated his Batini-Nizari cause which continues to this day. The Nizaris are today called the Aqa Khanids.

**The Musta'lis:** The Musta'lis were the followers of al-Musta'li. Their imamate continued during Fatimid rule in Egypt until it was brought to an end in the year 567/1171. Shortly thereafter, the Bohra sect, following the same school, appeared in India and survives to this day.

**The Druzes:** The Druzes, who live in the Druze mountains in Syria (and also in Lebanon), were originally followers of the Fatimid caliphs. But as a result of the missionary activity of Nashtakin, the Druzes joined the Batini sect. The Druzes stop with the sixth Fatimid caliph al-Hakim Bi'llah, whom others believe to have been killed, and claim that he is in occultation. He has ascended to heaven and will appear once again to the world.

**The Muqanna'ah:** The Muqanna'ah were at first disciples of 'Ata al-Marwi known as Muqannan, who according to historical sources was a follower of Abu Muslim of Khurasan. After the death of Abu Muslim, Muqanna claimed that Abu Muslim's soul had become incarnated in him. Soon he claimed to be a prophet and later a divinity. Finally, in the year 162/777 he was surrounded in the fort of Kabash in Transoxiana. When he became certain that he would be captured and killed, he threw himself into a fire along with some of his disciples and burned to death. His followers soon adopted Isma'ilism and the ways of the Batinis.

#### **Difference Between 12-Imam Shi'ism and Isma'ilism and zaydism:**

The majority of the Shi'ites, from whom the previously mentioned groups have branched out, are 12-Imam Shi'ites, also called the Imamites. As has already been mentioned, the Shi'ites came into being because of criticism and protest concerning two basic problems of Islam, without having any objections to the religious ways which through the instructions of the Prophet had become prevalent among their contemporary Muslims. These two problems concerned Islamic government and authority in the religious sciences, both of which the Shi'ites considered to be the particular right of the Household of the Prophet.

The Shi'ites asserted that the Islamic caliphate, of which esoteric guidance and spiritual leadership are inseparable elements, belongs to Ali and his descendants. They also believed that according to the specification of the Prophet the Imams of the Household of the Prophet are twelve in number. Shi'ism held, moreover, that the external teachings of the Quran, which are the injunctions and regulations of the Shari'ah and include the

principles of a complete spiritual life, are valid and applicable for everyone at all times, and are not to be abrogated until the Day of Judgment. These injunctions and regulations must be learned through the guidance of the Household of the Prophet.

From a consideration of these points it becomes clear that the difference between 12-Imam Shi'ism and Zaydism is that the Zaydis usually do not consider the imamate to belong solely to the Household of the Prophet and do not limit the number of Imams to 12. Also they do not follow the jurisprudence of the Household of the Prophet as do the 12-Imam Shi'ites.

The difference between 12-Imam Shi'ism and Isma'ilism lies in that for the latter the imamate revolves around the number 7 and prophecy does not terminate with the Holy Prophet Muhammad. Also for them, change and transformation in the injunctions of the Shari'ah, especially among the Batinis. In contrast, the 12-Imam Shi'ites consider the Prophet to be the "seal of prophecy" and believe him to have 12 successors and executors of his will. They hold the external aspect of the Shari'ah to be valid and impossible to abrogate. They affirm that the Quran has both an exoteric and an esoteric aspect.

### **Summary of the History of 12-Imam Shi'ism:**

As has become clear from the previous pages, the majority of Shi'ites are Twelvers. They were originally the same group of friends and supporters of Ali who, after the death of the Prophet, in order to defend the right of the Household of the Prophet in the question of the caliphate and religious authority, began to criticize and protest against prevalent views and separated from the majority of the people.

During the caliphate of the "rightly-guided caliphs" (11/632- 35/656) the Shi'ites were under a certain amount of pressure which became much greater during the Umayyad Caliphate (40/661- 132/750) when they were no longer protected in any way against destruction of their lives and property. Yet the greater the pressure placed upon them, the firmer they became in their belief. They especially benefited from their being oppressed in spreading their beliefs and teachings.

From the middle of the 2nd/8th century when the Abbasid caliphs established their dynasty, Shi'ism was able to gain a new life as a result of the languid and weak state prevailing at that time. Soon, however, conditions became difficult once again and until the end of the 3rd/9th century became ever more stringent.

At the beginning of the 4th/10th century, with the rise of the influential Buyids, who were Shi'ites, Shi'ism gained power and became more or less free to carry out its activities. It began to carry out scientific and scholarly debates and continued in this manner until the end of the 5th/11th century. At the beginning of the 7th/13th century when the Mongol invasion began, as a result of the general involvement in war and chaos and the continuation of the Crusades, the different Islamic governments did not put too great a pressure upon the Shi'ites. Moreover, the conversion to Shi'ism of some Mongol rulers in Persia and the rule of the Sadat-i Mar'ashi (who were Shi'ites) in Mazandaran were instrumental in the spread of the power and territory of Shi'ism. They made the presence of large concentrations of Shi'ite population in Persia and other Muslim lands felt more than ever before. This situation continued through the 8th/15th century.

At the beginning of the 10th/16th century, as a result of the rise of the Safavids, Shi'ism became the official religion of the vast territories of Persia and continues in this position to the present day. In other regions of the world also there are tens of millions of Shi'ites.

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#### Endnotes:

1. Editor's note: From the general theological perspective of Islam the "revealed religions" are those possessing Divine Scriptures and usually numbered as above. This does not, however, prevent Muslims from believing in the universality of revelation, which is particularly accented in Sufism. Whenever the situation arose, Muslims applied this principle outside the Semitic and Iranian monotheistic worlds, as for example, when they encountered Hinduism whose divine origin many Muslim religious authorities admitted openly.
2. Editor's note: The Ratlwa mountains are a range located near Medina and well-known for the role they played in early Islamic history.
3. Editor's note: It must be remembered that most of the branches cited here had very few adherents and are not in any way comparable to 12-Imam Shi'ism or Isma'ilism.
4. The material of this section is based on al-Milal wa'l-nihal and the Kamil of Ibn Athir.
5. The material of this section is taken from the Kamil, Raudat al-Safa', Habib al-Siyar, Abu'l-Fida', al-Milal wa'l-Nihal, and some of its details from Tarikh-i Aqa Khaniyah of Matba'i, Najaf, 1351.
6. Editor's note: Here Sabaen refers to the people of Haran who had a religion in which stars played a major role. Moreover, they were the depository of Hermetic and Neopythagorean philosophy and played an important role in the transmission to Islam of the more esoteric schools of Hellenistic philosophy as well as astronomy and mathematics. They became extinct during the first few centuries of Islamic history and must not be confused with the Sabaeans or Mandeans of Southern Iraq and Persia who still survive.

7. Editor's note: The term "ta'wil", which plays a cardinal role in Shi'ism as well as Sufism, means literally to return to the origin of a thing. It means to penetrate the external aspect of any reality, whether it be sacred scripture or phenomena of nature, to its inner essence, to go from the phenomenon to the noumenon.
8. Editor's note: The term "*wali*" in Islam means saint and *wilayah* as usually employed, particularly in Sufism, means sanctity. But in the context of Shi'ism, *wilayah* (usually pronounced *walayāt*) means the esoteric power of the Imam whereby he is able to initiate men into the Divine Mysteries and provide for them the key to attaining sanctity. The use of the two terms, therefore, is related, since on the one hand it pertains to the saintly life and on the other hand to the particular esoteric power of the Imam which leads men to the saintly life. In the case of the Imam it also has other cosmic and social connotations usually not identified with *wilayah* in the general sense of sanctity.

## Al-Shaykh al-Tusi's Life and Time

By: Ali Davani

Tr. by: Dr. A. Pazargadi

### From Tus to Najaf:



Al-Shaykh al-Taifa Muhammad bin Hassan Tusi, nicknamed al-Shaykh al-Tusi, was born in the lunar month of Ramadan in the year 385 of the Hijra. It is not quite clear whether his birthplace has been the village of Tus, Taberan, or Nowghan which is the spot where the present city of Mashhad is situated., or whether he belonged to one of the neighboring villages. But since he has been called al-Tusi in the book of *Fihrist* and in the book of *Rijal*, we have adopted the name of al-Shaykh al-Tusi for him. All evidences indicate that he was born in the said place. In those times the inhabitants of the region of Khurasan and Tus district like many other places of Iran, were Sunni.

Nevertheless, there were a number of families following the Shi'ism of the 12-Imams in Khurasan and the places close to the court of the 8th Imam, one of whom was the great Iranian poet, Firdowsi Tusi (329-411 of the Hijra), the author of *Shahnameh*, as a contemporary of the masters of al-Shaykh al-Tusi.

Muhammad bin Hassan Tusi passed through the usual preliminary courses of learning, and was in his youth regarded as an educated and erudite pupil. In those days the region of Tus and cities of Nishapur, Sabzewar, Ray and Qum were localities where Tusi could benefit from the learnings of their scholars, both of the Shi'a and Sunni. This was especially true of Qum which was the Shi'i center where many scholars resided. Nevertheless, it is not clear whether Muhammad bin Hassan has spent his youth in Tus to be educated, or in one of the other places mentioned above.

The correct guess is that the main part of the Shaykh's education in Iran had been carried on in his birthplace under ordinary teachers, since it seems improbable for him to have spent his life in a center of learning before the age of 23 years, or to have come under the influence of outstanding masters without even a mention of their names in his works.

In the youthful days of Muhammad bin Hassan Tusi, on the one hand Sultan Mahmud of Ghaznavi dynasty ruled in Ghazna and Khurasan and he showed a particular fanaticism, and on the other hand the Shi'i rulers of Al-e-Buya governed on important part of Iran when Rey, Fars and Baghdad were under their domination as important centers.

Four years before his birth, the chief of Shi'i narrators of the Prophet's traditions, a genius named Shaykh Saduq Ebad, the learned and famous minister of Rokn-al-Dowla of the Deylami dynasty, died in the year 385 of the Hijra. A year before that date, too, Firdowsi, the great poet of Iran, completed his masterpiece, namely *Shahnameh*, in Tus.

Muhammad bin Hassan Tusi spent his youth at a time when these events were the topics of the day in Khurasan. Many factors including the fame of the lively and exciting poems of Firdowsi in his birthplace Tus, the publication of the intellectual works of the Shi'i scholars *Iran* Ibn Babway which amounted to 300 books and treatises<sup>1</sup> spread from Bukhara to Baghdad, the fame of the Shi'i rulers of Al-e-Buya, the memoirs and writings and knowledge of their great minister Sahib bin-Ebad who was praised by 400 outstanding poets, all impressed the young and intelligent Shi'i youth of Khurasan and inspired him. These same ideas and matters enabled him to pass through many stages of development and perfection and attain a lofty scientific position in the direction of his lofty goal.

With the death of Shaykh Saduq the leadership of the Shi'as was given to Shaykh Mufid Muhammad bin Muhammad bin No'man Baghdadi who lived in the center of the caliphate and the great theological center of the Islamic world, where outstanding pupils surrounded him like butterflies round a candle. Muhammad bin Hassan, the young and keen scholar who will henceforth be called al-Shaykh al-Tusi, finding the small environment of Tus too limited for his advance towards perfection and achievements, left for Baghdad at the age of 23 in the year 408 of the Hijra in order to benefit from the learnings of Shaykh Mufid and others.

### **Al-Shaykh al-Tusi in Baghdad**

At that time Baghdad, in addition to being a great city and a center of the caliphate of Abbasids, with the exception of Andalusia of Spain and North



Africa, ruling over a large part of the Islamic world extending from the Red Sea and Mediterranean shores to the frontiers of China, had also won a fame as a progressive center of knowledge and the meeting place of the scholars of all Islamic sects.

The scholars of the Sunni sects, i.e. Hanafi, Maleki, Shafe'i and Hanbali, alongside the great Shi'a scholars of Imami Zaydi were engaged in free debates, arguments and discussions in the field of theology, and each of them tried to prove the superiority of his own sect and the correctness of his own logic and reasoning. The famous scholar of those days in Baghdad, Shaykh Mufid possessed the highest position as a Shi'i scholar. He was of the Arab race, a notable and erudite scholar, an outspoken orator, full of intelligence and extraordinary talent. He possessed a mastery of many branches of sciences of his time, and was superior to all. All the Shi'i and Sunni men of learnings admitted his superior position and did not regard anyone as his equal in religious discussions and dogmatic theology.

Qazi Abdul-Jabbar Mu'tazeli (year 415) leader of the Mu'tazeli school of Thought, and Qazi Abubakr Baqlani (year 403) chief of the Ash'aris, and Ali bin Issa Ramani (year 384) were well-known scholars in the field of syntax and theology with whom Shaykh Mufid discussed various topics of ideologies and religions, and vanquished all of them. Even the nickname of "Mufid" (meaning useful) was given to him by Ali bin Issa Ramani in his youth on account of his mastery of knowledge and his power of speech.<sup>2</sup>

Ibn Nadim, a contemporary of Mufid writers in his well-known book of *Fihrist* (index) belonging to the year 377 about Shaykh Mufid who was born in 336 or 338 and was about 40 years of age at that time: *"The headship of the Shi'i scholars in dogmatic theology belonged to him at our time. He is superior to all in the field of theology based on the Imami sect. He is a subtle and ready-witted man of learning. I have met him and found him a master in all subjects.... In religious jurisprudence, dogmatic theology, history, and traditions he has attained the ultimate goal."*<sup>3</sup> This clearly proves the lofty position of Mufid and his genius.

al- Shaykh al- Tusi in *Fihrist* and Zahabi in *Mizan-a-I'tidal*<sup>4</sup> consider his works to consist of 200 books.<sup>5</sup> According to Ibn Imad Hanbali (1089) the writer Ibn-abi Tey Halabi has written in the History of Imamiyya: Shaykh Mufid engaged in debate with all faiths and sects in a magnificent manner during the rule of Al-e Buya dynasty.<sup>6</sup> Ibn Kathir Shame (774) writes: *"Many scholars from various non-Shi'i tribes attended his teaching circle."*<sup>7</sup>



Abu Ya'eli Jafari, his well-known pupil and son-in-law and successor, says: *"Mufid slept a little at night, and spent the rest of the day and night in prayer and study. He either taught or recited the Qur'an."*<sup>8</sup>

The influence and position of Shaykh Mufid among the Shi'as and Sunnis were such that Azod-e-Dowla of the Deylamic dynasty who ruled the world of Islam with the majesty of a powerful king and made a puppet of the Caliph of Baghdad, condescended to visit Mufid in his house, and whenever this Shaykh fell ill, the king attended his sickbed.<sup>9</sup> It should be mentioned that Azod-e-Dowla died in the year 372, while Shaykh Mufid was at that time 34 or 36 years of age. This point is interesting in showing the lofty scholarly personality of Mufid.

Khatib Baghdadi, praising Mufid for his knowledge and learning as a leader of Shi'i scholars, says: *"Shaykh in Fihrist,<sup>10</sup> and Ibn Hajar Asghalani and others have written that when Mufid died, 80,000 Shi'as attended his funeral."*<sup>11</sup>

These brief remarks which give a picture of the life of Shaykh Mufid by his friends and enemies, reveal the importance of this outstanding scholar who, despite his lean and thin figure, overshadowed the learning centers of his time with his power of expression and overflowing knowledge.

Shaykh Mufid lived in Baghdad and saw the affairs of the Shi'as of the time and education of worthy pupils all of whom are regarded as notable Shi'i scholars. The most famous pupils of Shaykh Mufid are Alam-al-Huda Sayyid Murtida (436), his genius brother Sayyid Razi (406) the collector of *Nahjul-Balagha*, Abdul- Abbas Ahmad bin Ali bin Abbasi Najashi (450), Jafar bin Muhammad Duristi who still lived at the end of Zel-Hijja of the year 474, Salar bin Abdul-Aziz (448), Abul-Fat'h Karajaki (449), Muhammad bin Hassan known as Abu Ya'eli Jafari who still lived in 436. When al-Shaykh al-Tusi arrived in Baghdad and joined the academic circle of Mufid, the great aged teacher, with the exception of Sayyid Razi who had died two years before, all these other great men were still living. It is interesting that a young student of 23 years of age should find a place in the academic circle of Mufid which these great men attended. It is even more interesting that in a short time this young student should win the attention of his eminent master, and attain superiority with the passage of time.

The young scholar who by this time had mastered Arabic literature, jurisprudence, theology and tradition, now made use of the opportunity at night and in daytime to benefit as much as possible with his ardor industry and perseverance of the learning of Mufid. As we said before, he succeeded

to attract the attention of his great master with his high intelligence, and his overflowing genius and talent.

al- Shaykh al- Tusi enjoyed for 5 years his close association with Shaykh Mufid until the latter died, and he never wasted any of these moments. Moreover, he benefitted from the contact with other outstanding Shi'i scholars and masters such as Abul-Hasan Ali bin Ahmad bin Abi Jeyd who was alive in 408, and Ahmad bin Muhammad bin Mussa known as Ibn Selat Ahwazi (409), and Hussayn bin Obaydullah Ghazaeri (411), and Ahmad bin Abdul-Wahed known as Ibn Abdoon (423), whose names have been mentioned in his books as narration masters.

al- Shaykh al- Tusi benefitted from these scholars for a short time, but most of his knowledge was acquired from Shaykh Mufid, for a period of 5 years. According to his own writing in his *Firhist*, the works written by Mufid were about 200 volumes, of which he mentions 20 and says: "*I studied these books under him, and also listened to others while they were being read by other pupils.*"<sup>12</sup>

Before the age of 28 al- Shaykh al- Tusi wrote an analysis of the book of al-Maghna'a of his master Shaykh Mufid which was a concise text of the Shi'i jurisprudence, and also completed the book of "Purification" by the time of the demise of that great scholar (413), and gave a description of the first chapter of "Prayer". At this time his eminent master died and his aspiring pupil completed his own book. In his analysis of al-Maghna'a which al- Shaykh al- Tusi calls "*Tahzib-el-Ahkam*", he begins each chapter with the phrase: "As the Shaykh, may God bless him, says", but with the second chapter of "Prayer" he uses the phrase: "As the Shaykh, may God rest his soul, said." There is no better evidence for the position and scientific rank and genius of al- Shaykh al- Tusi than the fact that his book of "*Tahzib*" which has been regarded as one of the four reliable Shi'i sources during the last ten centuries, has always been used as a reliable text and source in the field of tradition and Shi'i jurisprudence by well-known jurists and religious authorities. This work belongs to his young days!

### **Al-Shaykh al-Tusi at the Time of Sayyid Murtada**

al- Shaykh al- Tusi showed much zeal and industry at the end of his master's life until the latter passed away. After his demise the religious and academic leadership was given to his greatest pupil Sayyid Murtada. al-Shaykh al- Tusi was still engaged in increasing his knowledge and could not do without benefitting from the sessions of the masters, and thus for 23

years he attended the classes of Sayyid Murtada in the field of religious jurisprudence, scholastic theology and principles.

The late great scholar Hajj Mirza Hassan Nuri has, in the final chapter of the third volume, page 509 of "Mustadrak-el-Wassa'el, quoted from the writings of the Shaykh and with the permission of the Allama given to the descendants of Zuhreh the names of 37 individuals as teachers of al- Shaykh al- Tusi. But as we said, the Shaykh mentions the names of more than the five aforesaid scholars, in his book of *Fihrist*, *Tahzib*, *Istebssar*, etc., namely Shaykh Mufid, Ghazaeri, Ibn Abdoon, Ibn Abi Jeyd and Ibn Selat, whereas in his books on theology, jurisprudence, and exegeses, he very frequently relies on the words of his eminent master Sayyid Murtada, and uses his views as an evidence in Arabic literature. This is particularly the case in the books of: *Tabyan*, *Edatol-Ossoul*, *Gheybat* and *Talkhiss-e-Shafi*.

Like Shaykh Mufid, Sayyid Murtaza was a learned and farsighted Arab, with an awareness of the time and situation as well as moderation in thought. That is why he was able to preserve his leadership of the Shi'as and Mufid's school to the end of his life with dignity and wisdom, trusted by the government and nation.

In his *Fihrist* al- Shaykh al- Tusi writes about Sayyid Murtada: "He was superior to all in many branches of sciences including theology, jurisprudence, literature, poetry, syntax, rhetoric, etc. His petic works consist of more than 20,000 couplets. His literary compositions and answers to the problems of cities and countries make a quite a number of books."<sup>13</sup>

Hilli who is a great genius and one of the glories of the world of Shi'ism, writes in *Kholasseh*: "*The Shi'i society has used his books from his time onward until our era which is 693 of the Hijra. He is a pillar of the Shi'a sect and their teacher.*"<sup>14</sup>

Ibn Khalkun, the famous Sunni scholar (681) writes about him: "Sayyid Murtada was a chief of the Alawis and lineage of the Prophet. he was a leader of the scholars of the time in the field of theology, literature and poetry." Ibn Baam writes about him at the end of his book of "*Zakhira*": "*He was the leader of both adverse and conforming scholars of Iraq. Iraqi men of learning turned to him in scientific subjects, and their great men acquired men of learning turned to him in scientific subjects, and their great men acquired their knowledge from him. He was the director of the schools of Iraq. In this way his views spread in the world of that time, and his works became known.*"<sup>15</sup>

According to the book of "*Rowzat-el-Jannat*", page 383, Abul- Ghassim Tanukhi (447) who was a teacher of al- Shaykh al- Tusi and a companion of Sayyid Murtada, says: "*We counted Sayyid's books and they amounted to*

80,000 volumes including his compositions, memoirs and his studied works." According to Tho'alebi: *"After his death when the main part of his works were offered as gifts to the ministers and chiefs, the rest were valued at 30,000 dinars."*

The Shaykh says in *Fihrist* about the works of Sayyid Murtaza after enumerating 38 of his most famous and outstanding works: *"I read most of these books under him, and listened to the rest when they were studied by others."*<sup>16</sup>

Although al-Shaykh al-Tusi was an Iranian scholar, he lived in alien lands among the Arabs and Sunni sect. He was a genius and a most talented man who found the same position and rank with Sayyid Murtada that he had obtained in the time of Shaykh Mufid. It could even be claimed that he secured a higher position in being regarded as superior to all other pupils of the Sayyid. The Sayyid has arranged a regular salary for his scholarly pupils in proportion to their knowledge and merit. al-Shaykh al-Tusi received a monthly allowance of 12 dinars, while Ghazi ibn Barraj got only 8 dinars. This point shows the proximity to and respect shown to him by the Sayyid.

### Al-Shaykh al-Tusi and Position of Leadership

Sayyid Murtada died in the year 426 after the age of 80 and 23 years of absolute leadership over the Shi'i world, leaving many books and capable pupils behind. Although there were many great pupils of Shaykh Mufid as contemporaries of Sayyid Murtada such as Abi-Ali Jafari, Najashi and Karajaki still living, each of whom was regarded as an eminent Shi'i scholar respected by all people, yet none of them found the rank and position and personality of al-Shaykh al-Tusi.

Now al-Shaykh al-Tusi had reached the age of 51, and thus he had spent more than 40 years under the teachings of 40 Iranian and Iraqi scholars, learning and prevalent branches of the knowledge of the time in contemplative and traditional sciences including Arabic literature, narrations, interpretation, biographies of distinguished personages, jurisprudence, principles, theology, etc. For 28 years he was engaged in study and research and writing, producing valuable books in those branches of knowledge and publishing them.

His fame as a scholar and his social standing and his mastery of various beliefs and creeds led the caliph of the time, al-Gha'em be-Amrellah of the Abbasid to bestow on him the chair of scholastic theology which was usually given to the highest scholar of the time. The Shaykh sat on this seat

and taught the subject of scholastic theology which involved the discussion of views and creeds as a subject which was prevalent in those days.

To all appearances his moderate views and his attention to the conditions of the time enabled al- Shaykh al- Tusi to secure two very important posts in a capable manner, namely the leadership of the learning and religious community of the Shi'as even in Baghdad which was at the same time the center of gatherings of both the opponents of Shi'ism and great Shi'a scholars; and secondly the chair of dogmatic theology which was a great privilege not granted to everyone.

For 12 years al- Shaykh al- Tusi acted as a leader after Sayyid Murtada in Baghdad over the Shi'i world, both educationally and spiritually. The Shi'as of Iraq, Iran and Shaam accepted him as a religious authority, and scholars came to him to solve their academic problems. Thus some of his writings include books containing the problems which were presented to him from Aleppo, Damascus, Rey, Karbala and Qum.

### **Confused Condition of Baghdad**

Unfortunately the prejudices with which the Muslims have been involved during the 14 centuries of Islam, weakening this community, in those days, too, served as an obstacle in the way of the activities and residence of the Shaykh in Baghdad. The presence of a great Iranian and Shi'ite figure was not tolerated in the center of Arab and Sunni world by a number of envious and under-developed people, especially as now neither Shaykh Mufid of Arab race, nor Sayyid Murtada Alawi, both of whom were natives of Baghdad and of Arab origin, were alive to check the molestations of the hostile elements against the Shaykh and their ill- treatments of him, or lodge complaints against such evil deeds.

As it is written in well-known and credible historical sources of the Sunnis, such as *al-Montazim* of ibn-Jowzi (597), and *al-Kamel* of Bin Athir (630), and *al-Bedayah wan-Nohaya* of Ibn Kathir Shaami (774), and *Lessan-el-Mizan* of Ibn Hajar Assghalani (852), from the beginning of the year of al- Shaykh al- Tusi's arrival in Baghdad (408) until 448 when he was compelled to leave Baghdad, many unpleasant events occurred for the Shi'as of the Karakh quarter which had a deep effect on Shi'a conditions and destiny of al- Shaykh al- Tusi. These happenings occurred mostly in the months of Muharram and Safar when the Shi'as mourn for the martyrs of Karbala glorifying the self-sacrifices of the lord of martyrs, Imam Hussain.

According to the said books in the year 408, and in Muharram of the year 417, and in 430 and 432, and on the Ashura day of 440, and month of Safar 443 and 445, bloody events took place during which many people were killed and many more were wounded, and many houses, shops and properties of the Shi'as were plundered.

As the reader notices, some of these happenings occurred in the time of Shaykh Mufid, and some in the time of Sayyid Murtada's leadership, and the rest during the time of the religious leadership of the Shaykh. In the time of Shaykh Mufid and Sayyid Murtada, as the Shi'a Deylami rulers dominated the center of the caliphate, they checked such disturbances, and its spread to other spots. But after the demise of Sayyid Murtada, when these evil deeds occurred repeatedly and the Shi'as of Karbala were molested with strict measures, such all-treatments were somewhat checked by the authorities and on the recommendation of the caliph himself, and disturbers of peace were occasionally punished. But in the year 447 and year 448 more serious events took place which made it impossible for al- Shaykh al- Tusi to continue his residence in the riotous city of Baghdad amidst his hostile opponents, and thus he was forced to emigrate from there.

The story is as follows: the presence of the Shi'i rulers of the al-Buya dynasty and their domination over the caliphate administration of the Abbasids which had continued for more than a century, led the caliph al-Qa'em be-Amrillah secretly to invite Tughro-Beg, the Seljuki ruler, who was a fanatical Sunni, to occupy Baghdad, and prevent Bassasiri from consolidating his position and to overthrow the al-Buya dynasty.

Arsalan Turki nicknamed Bassasiri who invited the people to obey the Fatemi caliphs of Egypt, was at that time very powerful, thus serving as a threat to the caliphate of the Abbasids. Tughrol-Beg entered Baghdad in the year 447 and saved the caliph. Bassasiri fled, and the al-Buya dynasty was overthrown in Baghdad.

From then onward, strictness towards the Shi'as increased, since the government and people saw themselves free of the al-Buya domination, and found an opportunity to take their revenge against the Shi'as and against the influence of their religious leaders and scholars who had dominated them for a century.

With the arrival of Tughrol of the Saljugids the Karakh Shi'as were forbidden to utter the phrase 'hasten towards good deeds' in their daily prayer, and they were ordered to substitute for it the Sunni phrase of 'the morning prayer is better than sleep'. Moreover, they erased all the slogans and inscriptions which the Shi'as had inscribed on the walls and gates of



Karakh, such as the phrase 'Muhammad and Ali have brought goodness to mankind'.

Then Sunni panegyrists entered Karakh, and loudly recited poems in praise of the caliphs. By the order of Ibn Salama the head chief named Abu Abdullah Jalab, head of the linen drapers of Karakh was killed on the charge of exceeding the bounds in Shi'ism, and they hanged him on the door of his shop. al- Shaykh al- Tusi went into hiding and his house was pillaged.<sup>17</sup>

In the month of Safar 449 they carried the book of the Shaykh and heaped them in front of the Nasr mosque and set fire to them publicly, and the Shaykh, too, was forced several times to go into hiding.<sup>18</sup> The matter of setting fire to his books, and his escape and plunder of his house is as follows: *"In the attack made upon the Karakh district, the house of the Shaykh, too, became the center of this assault since he was the leader of the Shi'as. As they failed to find him, they pillaged everything in his house, and then carried his books and teaching tribune to the square and placed on this heap three white banners which the Shi'as used to carry with them in their pilgrimage to their holy Imam, and then set fire to them."*<sup>19</sup>

The flight of the Shaykh and his departure to holy Najaf definitely occurred in the year 447, since no other date has been mentioned about this incident. But the incident of the pillage and his books and tribune, as narrated by Ibn Athir and Ibn Jowzi, have happened in 449 after his migration, while Ibn Kathir Shami states that it has occurred in 448 following the Shaykh's departure for Najaf.<sup>20</sup>

His emigration was timely, since in the following year Bassassiri became more powerful, and governed Baghdad for a whole year in the absence of Tughrol of the Saljughis, and put an end to the influence of the caliph. The Shi'as, too, found the opportunity to avenge the assault upon Karakh and the burning and plunder of the houses and shops, and punished their opponents. But soon after that Tughrol returned to Baghdad, and Bassassiri fled, and was killed later on and Baghdad was once more occupied by the supporters of the Abbasid's caliphate.

The general assault upon the Karakh district was resumed, and many houses and other spots were pillaged, and fire and smoke rose from every side in that quarter. Fire was set upon the library of Shahpour bin Ardshir, minister of Boha-e-Dowla, son of Azod-e-Dowla of the Deylamis, who was a scholar and lover of learning, and was a staunch supporter of Shi'ism. (451)

Shahpour bin Ardashir had founded this library in 381 of the Hijra in the district of Karakh for the benefit of scholars and Shi'a men of learning. It



contained the best books, to the number of 10,400, of a unique kind. These books had been transcribed by the order of that intelligent and pious minister from the books of Iran, Rome, China, India and Iraq, and many of them were in the handwriting of the authors themselves. There were 100 copies of precious Quran in the handwriting of the descendants of Ibn Maghala, a well-known Arab calligrapher, giving a great value to the said library.<sup>21</sup>

The opponents set fire to this library, and some of the books were pillaged by the people, and some by Amid-al-Mulk the minister, thus depriving the Islamic society of this precious and peerless treasure. Ibn Athir writes: "Amid-al-Mulk left an undesirable impression of himself, whereas Nizam-al-Mulk founded schools and in his Nezamia encouraged scholars and propagated knowledge."

### Al-Shaykh al-Tusi in Najaf

As we said before, during the whole of his stay in Baghdad, al-Shaykh al-Tusi was faced with rivalries, clashes and disputes which sometimes took a general character between the Sunni majority and Shi'a minority. All this time the Shaykh showed much fortitude and dignity, and continued his work of teaching and writing books. He spent his time dealing with the affairs of the Shi'as of Baghdad as a guardian, and answering the problems of the Shi'as who lived in other cities and countries.

But at last the patience of this great man who possessed an extraordinary willpower, came to an end, and when he realized that his life was threatened, and also because he considered himself as belonging to the Shi'a community and Islamic world, he did not think it permissible to linger further in that chaos and disorder, and turned his steps towards the city of the Prophet's knowledge in order to spend the remainder of his life by the sacred shrine of Imam Ali, lord of guardians, and resume his tasks in a tranquil environment.

What place could be better and more fitting than the proximity of the court of the lord of the chaste for a safe life for the Shaykh and for the performance of his religious duties? Where else could he go, and what direction could be taken? As an Iranian scholar and a leader of the followers of Imam Ali he was regarded as an alien among the people of Iraq. Thus there was no other suitable place of residence than Najaf to take refuge in. To him as an outstanding religious jurisprudent and chief of the Shi'as of the time who had saved himself from a great peril, and turning to the court of

the lord of guardians and prostrating himself before that divine threshold, it seemed that the content of the following poem fittingly applied to him:

O king! Even if I raise my seat of knowledge to the Emperean,  
 I would be a slave of that lord, and an indigent at this door. If I sever my  
 heart from you, and remove my love for you,  
 To whom could I offer that love? Where to can I carry that heart?

Najaf was not at that time a city, not even a village. There lived only a few ardent Shi'a pilgrims and others by the shrine of Ali, commander of the faithful. In the time of the Deylami rulers such as: Mo'ez -e- Dowla, Azod-e-Dowla, Boha-e-Dowla and the Shi'a ministers and personalities of this dynasty, Najaf began to flourish, and undergo many changes. Many precious objects were offered and endowed to the court of the Imam. These rulers themselves undertook pilgrimage to the shrine of the lord of the chaste, and as they had willed, their bodies were buried in the basement of the courtyard of that holy shrine. But in the time that the Shaykh came to Najaf, this place no longer possessed the magnificence of the al-Buya time, and there was not much coming and going. Fanatical ignorance had spread its shadows everywhere, and a state of fear and insecurity governed that atmosphere.

al- Shaykh al- Tusi spent the last 12 years of his precious life in Najaf. There is no doubt that this period of 12 years of the Shaykh attracted a number of his pupils to Najaf to benefit from his knowledge and virtue. Similarly with the passage of time a number of Shi'as migrated to that town and resided there, since at the end of the Shaykh's life and after his death when his son, Shaykh Abu Ali Tusi and his grandson acted as religious authorities in Najaf, this town possessed an academic theological center which was attended by scholars and men of learning. This point shows that the migration of al-Shaykh al-Tusi to Najaf was not without its effect in making this holy center flourish and prosper.

Unfortunately history is vague about this matter, and does not narrate the facts properly. Thus today we do not know much about the activities and academic exertions of the Shaykh there during this period, and about his sessions, or to what extent Najaf was authentic. However, one point is certain that the founder of the theological center of holy Najaf which has lasted nine centuries, was Shaykh Muhammad bin Hasan Tusi, may God rest his soul, and his stay in that sacred town made Najaf a city and a center of the Shi'a world.

### Children of al-Shaykh al-Tusi

The Shaykh had a son named Hussain after his grandfather, known as Shaykh Abu ali Tusi, who has been considered equal to his father in knowledge and action. The school of the Shaykh and his position as a religious authority and his teaching circle were hereditary, and were transferred to his fine son Shaykh Abu Ali Hassan bin Muhammad bin Hassan Tusi. Shaykh Abu Ali received a prize in the year 455, namely five years before the death of his father from him. It seems that he always accompanied his father in Baghdad and Najaf, and learnt from him various branches of knowledge. He must have been an outstanding personality who had been praised by the Shi'a scholars for his mastery of such subjects as jurisprudence and traditions, and for his fine qualities and noble virtue.

Ibn Hajar Assghalani, the well-known Sunni scholar says of him: *"Hassan bin Muhammad bin Hassan Tusi (Abu Ali bin Jafar, also nicknamed Abi Jafar) learnt traditions under his father and under Abu Tabib Tabari, Khalal and Tanukhi. Then in Mashhad he acted as a Shi'a jurisprudent and leader. Abul Fazl bin Attaf and Hebatullah saghati and Muhammad bin Muhammad Nassafi studied traditions under him. Abu Ali was an honest scholar and a devout believer, and he died in the year 500 of the Hijra.*<sup>22</sup>

He trained many scholars in his sessions, and many men of learning of the Shi'a sect have quoted his views. The series of the licenses given to our religious jurisprudents are associated with the Shaykh and those who preceded him.

The scholar Tehrani in his biography of the Shaykh (in the preface to Tabyan) mentions 34 men of learning who have been his pupils, including three sunni scholars whose names are mentioned by Ibn Hajar. Abu Ali has given an account of his father, and has produced other works. He lived until the year 511 of the Hijra. Shaykh Abu Ali, too, had a son named Abu Nassr Muhammad bin Hassan who, according to Allama Tehrani had been the last heir of the scholarly house of al- Shaykh al- Tusi . He says that it is surprising that our men of learning make no mention of him except his name, even though, like his father and grandfather, he was a Shi'a authority and possessed a high position as a scholar.

Ibn Emad Hanbali speaks of him in *"Shezrat-e-Zahab"* concerning the events of the year 540, and says: *"In this year Abul-Hassan Muhammad bin Hassan Abu Ali bin Abi Jafar Tusi, the leader and Shi'a scholar and the son of their scholarly leader passed away. Various Shi'a groups visited him from different parts of Iraq, and went to him to benefit from his sessions. he was a*

*very devout and abstemious man of learning. Sam'ani has praised him as a good man, and what I say is that if it were permissible to utter the divine words of salutation for a non-prophet, I should utter those words about him."*<sup>23</sup>

The Shaykh also had two daughters both of whom were chaste and learned.<sup>24</sup> One of them was the grandmother of the famous scholar Muhammad bin Edriss Hilli, author of "Sara'er", and the other was the consort of the Shaykh's scholarly pupil, Muhammad bin Ahmad bin Shahriar, the guardian and treasurer of the shrine of the lord of the virtuous, Imam Ali. From these two daughters were born children who attained high position of learning, and their names have been mentioned in the book of "Tarajom."<sup>25</sup>

### **Pupils of al-Shaykh al-Tusi**

According to the writings of a group of Shi'a scholars, the Shaykh had more than 300 pupils who were learned religious authorities. These pupils are not mentioned as Sunnis, and this point has been mentioned by Allama Majlisi in the preface of "Bahar", and by the famous jurisprudent Shaykh Assadullah Shushtari at the beginning of his book of "Maghabess" and by the well-known scholar Sayyid Muhammad Baqir Khunsari in the biography of the Shaykh in the book of *Rowzat-el-Jannat*.

It is obvious that the Shaykh with his mastery in various branches of knowledge and his moderate ways as a result of which the chair of teaching was granted to him by the caliph, could and should have had this number of Shi'a and Sunni pupils who benefitted from his sessions, and attained high positions of learning. But unfortunately the names and details of the life of all of them are not available. Shaykh Montajib-e-din Razi who was living in 600 and was not far from the time the Shaykh's pupils, had not been able to secure the names of all of them, and he mentions only 26 names in his index, quoted at the end of the book of "Baharu-al-Anwar". To these were added four other names by Allama Bahral-ulum, making a total of thirty. As the names of some of them have been altered, and the name of some others have been mentioned by the author of Maghabess, thus Allama Tehrani mentions the names of 36 of them in the preface of *Tabyan*.

The most famous of these pupils was his scholarly son Shaykh Abu Ali Tusi, who is nicknamed "the second Mufid", to whom is attributed the issue of licenses granted to Shi'a scholars, namely Suleyman Shahrishi, Ishaagh bin Muhammad Qumi (grandson of Shaykh Sadiq), Hassan bin Hussain bin

Babawieh Qumi (nephew of Sadiq), Shahr Ashub Mazandarani (grandfather of Ibn Shahr Ashub), author of: Managhib, Qazi ibn Baraj, Abdul-Jabbar Maghari (Mufid Razi), Fatal Nishaburi, author of Rowzatal-Wa'izin, and Muhammad bin Hebatullah Tarablossi.

### His Written Works

Among the large number of Shi'a scholars there were few who, despite their mastery of various branches of knowledge and despite of their valuable written works, could attain the position of the Shaykh whose works were relied on by all classes of scholars.

Until the time of the Shaykh there rose no scholar among the Shi'as who could produce such mature, dignified and comprehensive works as those created by the Shaykh. For instance, Shaykh Saduq, Shaykh Murtida, Shaykh Mufid and Sayyid Razi, have produced many outstanding works in various branches of knowledge which are regarded precious in the Shi'a society, but none of them has been comprehensive works like those of the Shaykh. After him, too, valuable works were created by Muhaqqiq Awwal, Allama Hilli, Khwaja Nasir al-din Tusi and others on different subjects, with this difference that these works were confined to one or a few topics, such as Muhaqqiq's jurisprudent and that of Allama, and Khwaja's philosophical and scholarstic books. But the importance of the Shaykh lies in the fact that in spite of coming before them in time, he has produced such eminent works in all Islamic subjects which were prevalent in that time on jurisprudence, theology, commentary, tradition, biographies, index, devotions and even history, that they have served as textbooks by Shi'a jurisprudents, religious authorities, scholastic theologians and scholars during the ten centuries of Shi'a history. Even today, after the lapse of ten centuries, they are still alive rivalling similar books of their kind.

In addition to his erudite mastery of the subjects, he made use of the large library of his teacher Sayyid Murtida which, as we have already mentioned, possessed 80,000 books, in order to produce his valuable works which have remained eternal.

It is enough to say that two of the four reliable Shi'a books are, *Tahzib* and *Estebssar* which belong to the Shaykh alone. The other two books are, *al-Kafi* by Muhammad bin Yaqub al-Kulayni (329) and *Man-la-Yahzaratul-Faghih* by Shaykh Saduq (381). The Shaykh's other books such as: *Nahaya*, *Khilaaf*, *Misbahel-Mujtahed* on jurisprudence, theology, biography and

prayers, are each considered as the highest type of research discussions which have preserved their academic value.

In *Fihrist* which had been written before the year 450, the Shaykh mentions 43 of his own works. The author of *al-Zari'a* in his book and in the biography of the Shaykh in the preface of *Tibyan* describes 48 books of the Shaykh in detail and with peculiarities of each of them. Our scholarly friend Va'ez-Zadeh has, in the introduction to the book of al-Jamal wal-Uqud, arranged them into 9 sections as follows:

1 - Exegises of the Quran	3 volumes
2 - Fiqh	2 volumes
3 - Principles of Jurisprudence	2 volumes
4 - Annals and Traditions	3 volumes
5 - Rijal	3 volumes
6 - Theology and Ideologies	16 volumes
7 - Supplications	5 volumes
8 - Maghtal and History	2 volumes
9 - Answer to Questions	3 volumes

### The Sun that Sets

To realize the eminence of the Shaykh it is enough to know that many years after him, despite the presence of a large number of Shi'i scholars, no man of learning succeeded to overshadow him as a scholar and authority. Until the rise of Khwaja Nasir-al-din Tusi (672) and his genius pupil Allama Hilli (726), the highest authority in contemplative and traditional sciences was al- Shaykh al- Tusi. In the field of commentary on the Quran before the compilation of *Majma' al-Bayan* and *Jam-el-Jawame'e* of Amin-el- Islam Tabarssi, no such book as *Tibyan* of the Shaykh and no commentator as the Shaykh existed among the Shi'as. In the case of *Majma' al-Bayan*, too, as its author, Amin-el-Islam Tabarssi says, the theme has been adapted from *Mishkat-al-ulum of Tibyan* of al- Shaykh al- Tusi .

In religious jurisprudence and principles, according to Sadid-al- din Hamassi and Sayyid bin-Tawooss, all the jurists and religious authorities of the Shi'a who succeeded the Shaykh, quoted the verdicts of the Shaykh, and in respect for his views abstained from expressing their own judgments.<sup>26</sup> Then his grandson on his daughter's side, namely Muhammad bin-Idriss Hilli rose (598) and brought the Shi'a jurisprudence out of its static and monotonous state with his own darin and courage.



This same mastery and skill, discernment and superiority of the Shaykh in Islamic subjects and his position as a leader in the Shi'a community led great scholars to nickname him "the Shaykh of the race", a nickname which was granted only to him.

## Conclusion

In conclusion it would be fitting to quote the words of two outstanding scholars about the position and personality of the Shaykh, and leave other investigators to produce more detailed descriptions than the brief accounts we have given in this essay on each of these branches of knowledge.

Allama Bahral-Ulum (1212) who has been a leader of the Imami scholars praises the Shaykh as follows in his book of *Fawa'id-e- Rejal*: "Muhammad bin Hassan Tusi, leader of the Imami clan, and banner-bearer of the faith of Islam and leader of the Shi'a sect is placed next to the Impeccable Imams. We rely on him in everything which is related to faith and religion. He is a researcher in the field of principles and secondary matters, and purifier of the contemplative and traditional. The Shaykh is the sole leader of the Shi'as, all of whom turn to him. He has written books on Islamic subjects, and has shown himself a master in all of them."<sup>27</sup>

Allama Hilli who is a Shi'a genius and a master in all contemplative and traditional sciences, speaks of the Shaykh in his book of *Khulassa*: "Muhammad bin Hassan Tusi is the most eminent leader of Shi'a scholars. He possesses a high and great position. He was most reliable, and a trusted source on annals, biographies, jurisprudence, principles, theology and literary subjects. All fields of knowledge are attributed to him, and he has written books on all Islamic subjects. He purified the Shi'a beliefs in his principles and secondary matters, and combined divine virtues in himself in words and practice.

He was a pupil of Shaykh Mufid. He was born in the month of Ramadan of 385 of the Hijra, arrived in Iraq in 409, and died in holy Najaf in the night of Monday 22 of Muharram in the year 460, and was buried in his own house.

Hassan bin Mahdi Salighi says: "I and Shaykh Abul-Hassan Muhammad bin Abdol-Wahed al-Eyn Zarbi and Shaykh Abul-Hassan Lolo'i gave him burial ablution in that night and buried him."

Owing to the riot which had taken place and resumed in Baghdad, he migrated to holy Najaf. His books and the seat on which he sat in teaching ideologies and scholastic theology were wholly burnt.<sup>28</sup>



**Endnotes :**

1. The index of the Shaykh, printed in Najaf, p. 175.
2. *Rowzat al-Jannat*, biography of Shaykh Mufid, p. 538.
3. *Fihrist of Ibn Nadim*, pp. 266-294.
4. Vol.4, p. 30.
5. *Fihrist of Shaykh*, p. 158.
6. *Shezrate Zahab*, vol.3, p. 200.
7. *al-Bedaya Wan Nahaya*, vol.12, p. 15.
8. *Lessan-el-Mizan*, vol.5, p. 368.
9. *History of Baghdad*, vol.3, p. 231; and *Shezrat*, vol.3, p. 200.
10. *Ibid.*, vol.3, p. 23.
11. *Lessan-el-Mizan*, vol.5, p. 368.
12. *Fihrist of the Shaykh*, p. 157.
13. *Ibid.*, p. 55.
14. *Kholasseh*, p. 94.
15. *Fiat-el-A'eyan*, vol.3, p. 3.
16. *Fihrist*, p. 100.
17. *Montazam* of Ibn Jowzi, vol.8, p. 172.
18. *Lessan-el-Mizan*, Ibn Hajar, vol.5, p. 135.
19. *Montazam* of Ibn Jowzi, vol.8, p. 179.
20. *Al-Beda'a Wal-Nahaya*, vol.12, p. 97.
21. *Kamel* of Ibn Athir, vol.8, p. 88.
22. *Lissanel-Mizan*, vol.2, p. 25.
23. *Shezrat*, vol.4, p. 125.
24. *Riaz-al-Ulama*, qouted in the preface of *Tibyan*.
25. Quoted in the preface of *Tibyan*.
26. *Mo'alim el-Usul*, Chapter On Assembly.
27. Last part of *Mostadrak* and *Wassa'el*, p.517.
28. *Khulassatal-Aqwal*, printed in Najaf, p.148.

## Karbala: History or Meta-History?

By: Jaweed Iqbal Ameer



**Some Random Thoughts:** The effect of pondering on Hussayn-his personality, his self, his deeds-is both uplifting and humbling.

As chinks of consciousness of the reality, greatness and worth of this Greatness Incarnate begin to appear in the heavy and stifling pall of ignorance and stagnation, you feel elation and joy at having received such beams of illumination. This is exalting elation.

Almost concurrent with this is the overpowering realization of the futility of ever being able to conceive of the true extent of his greatness, purity, nobility and his dazzling brilliance, given that every thinker is, relative to this Imam, such a gross compound of defects, faults and shortcomings and of the impurities of the self that ascension to the celestial spheres - where only can the true worth of him, to some extent, be glimpsed - is well nigh impossible. This is fittingly humbling.

Karbala is both history and meta-history. It is history to the extent that all that we now hear of the cannibalistic atrocities and the heart-rendering events in connection with that episode did take place in 61 A.H. There is no denying all that. It is all ineffaceably recorded with great regret, lament and sorrow on the pages of history. History's authentication of those profusely tragic events makes us all the more lugubrious.

But, and this the more sobering fact, and the one requiring greatest attention, Karbala is the battleground of the two eternally antipodal and antithetical forces or elements in Man. The first is the divine element in Man, the element of Universal Good. This, in its purest form, approximates to the Divine. The other, the base, the vile, the cruel and the contemptible element which is commonly known as Evil.<sup>1</sup>

In the Karbala of 61 A.H. these two meta-historical-cum-anti- thetical forces of Absolute Good and Evil as crystallized in Time-History-manifested themselves. Imam Hussayn represents the exalted pole of Divine Good while Yazid and his minions personified Evil.

Hardly have history and meta-history had such a paradigmatic confluence. The lesson to be learnt from this confluence-both destructive and instructive-is that the battle did not end in a clear-cut victory for either side. For Imam Hussayn, strapped as he was for an adequate number of sincere, true, and faithful followers it could only have been a moral victory thanks of course to the lady of Courage, Zaynab (a.s.). But this is not something to be ashamed of but rather to be proud of even in material terms. For Yazid it could only be a pyrrhic and fleeting victory leading to his own ruination.

Yet what is lost sight of in the overpowering grief that this event has always generated and will always arouse, is that:

1. History is not the final arbiter of Truth and Falsehood. The forces that fought each other on the 10th Muharram, 61 A.H. were manifestations of the contradictory forces of Good and Evil. History, in fact, is the stage, the theater, where evil makes its appearance. Being insofar as it is one is also good but good in a graded sense so that at its lowest level it suffers from a relative absence of the Good. Systematic ambiguity of existence, to use Mulla Sadra's metaphor, is what ensures the possibility of ascension or decline for Man in the scale of existence. But judgement as to the relative merit of that which lead to ascension or decline resides not in history but at the level of meta-history or Beyond Being. This is because systematic ambiguity of existence is not merely a channel of ontological progress or decline but also simultaneously of transcending the necessity that resides in history. Only Man insofar as he is human can break the shackles of history and work to reshape history according to meta historical ideals. Thus, since the criterion of historical actions lies beyond history, history must be transcended in order to get true judgement about the worth of deeds enacted in history.

2. As noted above the battle was neither Decisive nor Final. This conflict which was witnessed by history in the crystalline manifestations of Good and Evil in Karbala but never as clearly after that, is woven inextricably into the very fabric of life and of Being. Very appropriately then has it been stated by Imam Sadiq (a), "Every day is Ashura; every land is Karbala."

For conscientious people as also for those wanting to be counted among the aware it will hardly do to merely mourn the tragedy of the past, however much heart-rendering it was, and not to witness and react to the two perennial Karbalas that are staged each moment of every day and at every place. The first level and the one most apt to be ignored or neglected is the level of one's own soul where at each moment one is confronted with a difficult and torturous choice between what appears right and what is truly right. Success at this level on making the right choice is the desideratum for success at the next or the macro-level, the level at which inter-human, social, communal, national and international relationships take place. One who cannot successfully and satisfactorily grapple with problems of microcosmic dimensions - which are admittedly of greater intensity and force - cannot ever hope to side with Truth at the macro-level be they in the form of inter-human, fraternal, communal, national or international problems.

In fact, the perennial fault of the members of the human family has been that they have often emotively tried to side with the forces of Hussayn at the macro-level without having quelled the rebellion of Yazid in their own microcosm. No wonder then that Truth has had to suffer for the myopic vision, nay blindness of human beings, for the greatest lesson of Karbala is that more important than all worldly possessions and all the sophisticated material, in the battle against Falsehood is an entirely cleansed and purified self, a self that has crushed the Yazid within before encountering Yazid's carnal image without.

Let us hasten then to the inner world where the eternal Karbala rages on.

#### **Endnotes :**

1. Lest this be misconstrued for some Manichean dualism, we should like to make it clear that we have no such thing in mind. Evil from the Islamic point of view is merely relative in the sense that it only represents absence of Good to a certain degree. Yazid represents evil in its most extreme form in the sense that he was totally devoid of the element of virtue and inasmuch as he had kept himself bereft of all virtues he came to represent the very antithesis of Hussayn who inasmuch as he was constantly in struggle against all the base elements, both internal and external, and had overcome them by the sheer force of virtue came to represent Good in its highest form, hence the approximation to the Divine.



## **Approaches to the exegesis of the Holy Qur'an**

### **An Interview with Ayatullah Saeni**

***Q: Kindly give a brief introduction to the development of exegesis of the Qur'an?***



: The Holy Qur'an was revealed during the prophethood of Prophet Muhammad (S) which spanned over twenty-three years. Over this period, the revealed verses were compiled under the supervision and guidance of the Holy Prophet (S). According to the Holy Qur'an, the eminent Prophet (S) was vested with the honor of having the Qur'an revealed to him, having it by heart, and reciting and stating it for the people. "We will make you recite so you shall not forget" (87:6). "... so that you may read it to the people..." (17:106).

In a sense, the Prophet's recitation and statement was synonymous with exegesis of the Qur'an. This is because exegesis mainly aims at stating the hidden message and purpose of the Qur'an.

Actually, through his statements and clarifications, the Messenger of Allah (S) embarked upon exegesis of the Qur'an. Of course, the traditions and those engaged in the field of exegesis do not consider the Prophet (S) as an exeget of the Qur'an. But the words stated by the Prophet (S) were regarded as interpretation of the Qur'an. Since the people were in the company of the person to whom the Qur'an was revealed, they simply and eagerly consulted him. The Prophet (S), with his explanations, convinced those who had queries.

This was the situation so long as the Prophet (S) lived. Following the departure of the Messenger of Allah (S), various issues and topics were

discussed. Still people unanimously believed in the Qur'an. Even if this unanimity was aimed at escaping differences and excommunication, it provided a firm covenant and bulwark for the Muslims. In the recording of the traditions, we notice that a group said, "The Book of Allah is sufficient for us." The Qur'an was accepted by both the Caliphs and the Coml

mander of the Faithful, Ali (a). The same situation existed during the time of the Imamate of the Members of the Household of the Holy Prophet. That is to say, when the parties or different groups referred to the Qur'an itself and its essence, they reached a consensus.

But after the Prophet's departure, difference sprang up in exegesis and stating the ultimate purpose of the Qur'an. For instance, people referred to the Caliph to find out the true purpose of "Kalalah", but this attempt was to no avail. When the Caliph explicitly said that he could not reveal the true purpose of the term, people referred to Imam Ali (a) who then informed them of leaving property to be inherited. Here I wish to underscore the differences in grasping the Qur'anic terms and true purposes immediately after the Prophet (S) passed away. There is, therefore, no doubt that people were in dire need of exegesis.

People accepted the exegesis of the Qur'an by Imam Ali (a). They firmly believed that whatever Imam Ali (a) said in interpreting the Qur'an was the most authentic statement of all. But at times, some hands were at work to prevent people from referring to Imam Ali (a). This vile intention was coupled with sophistry and distortion.

The reference to Ibn Abbas as "*khavar al-ummah*" pertains to exegesis. Ibn Abbas was a disciple of Ali bin Abi Talib (a). Sessions were held by Ali (a) for exegesis of the Qur'an. Ibn Abbas took part in these sessions. A copy of Ibn Abbas's exegesis has also been published. At times, there are very sound views, subtleties, and profound points in that exegesis.

At any rate, after the departure of the Holy Prophet (S), exegesis of the Holy Qur'an commenced.

On the one hand, the Qur'an stated: "... We revealed the Book to you to clarify all things..." but on the other hand, people fell short of understanding many of the verses. This situation further reflected the need for exegesis and



for experts in this field. So immediately after the Prophet's departure exegesis became prevalent after it was initiated by Ali (a).

Of course, as with other fields, in this field too, Ali (a) reaped benefit of the knowledge vested with him by the Holy Prophet (S). Ali (a) stated: "The Messenger of Allah (S) taught me a thousand branches of learning." Perhaps, one of these branches pertains to the secrets of exegesis of the Qur'an. At any rate, Ali (a) initiated the field of exegesis. Ibn Abbas, too, was one of his prominent students.

A point that remains here is the method of exegesis taken up by Ali (a). Another point is that we should consider and investigate the traditions of the Imams, as well as their method of exegesis of the Holy Qur'an. We should independently and meticulously derive these methods from among the traditions on the Imams' exegesis of the Holy Qur'an.

In particular, the Members of the Household of the Holy Prophet (a) paid great heed to the exegesis of the Holy Prophet. Muslims, too, had to consider this matter. The Caliphs who were in charge of the affairs of the Muslims also had to refer to the Divine Book. These all served as the background for exegesis to grow and prosper.

Not always did people refer to the Imams (a). At times, they referred to others, including Ibn Abbas, for exegesis of the Holy Qur'an. For long, the Muslim thought was dominated by Ibn Abbas's exegesis. Muslims became acquainted with the exegesis of the Holy Qur'an through the statements of Ibn Abbas and other disciples. These and the secondary issues which are currently stated for us are the legacies of the same era, coming down to us through people such as Qitadah and Mujahid. These people went through the entire chain of exegesis, looking at its roots and development trend from one generation to another. If we presently wish to study the handing down of the exegesis to us, we will notice that many of these issues have their roots in the lifetime of the Messenger of Allah (S).

Surely, the more distanced we are from the time of the Prophet (S) and the Imams (a) the more questions are raised in regard to lexical concepts, as well as rational and theological matters. When people recited a verse, certain questions were raised for them. These questions required answers that could not have been provided by mere reliance on reason and

theological discussions. Even when they got their answers, they faced fresh questions at times.

As a result, exegesis was coupled with other discussions which later came to be known as theology. If you refer to the followers' and disciples' exegesis of the Qur'anic verses, you will see the blend of theology and exegesis. Definitely, this is a natural phenomenon, since man is by nature curious and in search of the whys, this instinct prompts him to raise questions which demand answers. In particular, there were some verses which further spurred man's curiosity. These were verses which did not have any background at the time or which were raised in the human community for the first time. These dealt with life in the hereafter or profoundly considered the issue of "*Tawhid*" (i.e. Monotheism). Some people raised more precise and better questions due to their familiarity with Arabic.

For instance, there was Hasan Basri at the time of Imam Ali (a). If you read his articles, you will see that his reasoning is based on Qur'anic verses. In fact, he referred to the verses. Apparently, he wished to answer questions raised for himself or for others by the Holy Qur'an. If a question was posed in regard to a verse, he would have answered it by bringing other verses as proof.

At any rate, gradually, other disciplines and specialized matters of other fields affected exegesis. Perhaps, people realized that the Qur'anic verses had extensive ranges of meaning and were not satisfied with the superficial meaning and translation of the verses. As a result, exegesis became wider in scope. I have already mentioned that other disciplines and branches of learning affected exegesis. But some exegetes considered this interference as a crime and believed that the animosity of the enemies and the bad taste of the friends paved the way for such unnecessary interferences. But I do not agree with this.

It is part of man's nature to seek for the reasons and causes of different phenomena. If one fails to satisfy his own urge, he should refer to the experts in the field and/or solve problem through recourse to other branches of learning. As a consequence, exegesis was tied to other branches of learning. Of course, this tying together, to some extent, distanced exegesis from its essence. One should acknowledge that, over the ages, exegesis became a blend of diverse branches of learning.

The case was quite different among the Shias. In the light of the traditions and guidelines of the eminent Imams, the Shias were able to maintain control and grasp over the trend of development of exegesis and to remain immune vis-a-vis extremism. For instance, some people were extremist in literary discussions. At times, we have been affected by such extremism. We at times see this extremism in rational and theological discussions and even in natural and modern-day scientific considerations. This erroneous trend distanced the Qur'an from being a divine revelation. Naturally, in every era, exegesis was overshadowed by the prevalent branches of learning and science.

In the meantime, there were certain just and choosy people who decided to safeguard the Qur'anic sphere and to avoid any kind of extremism. I feel that this group has rendered immense service to the Muslim community. One of these people was Abdul-Rahman Siyuti. The book entitled "*Al-Itqan fi Ulum al-Qur'an*" was really an immense service rendered to the Muslim community. By "*Ulum il-Qur'an*" he meant the method of revelation of the Qur'an (contrary to some who believed that Qur'anic teachings referred to classical, rational, university, sciences ...). This was a very important method.

Another approach which saved the Qur'an from extremism was to embark upon exegesis through the thoughts and ideas of the immaculate ones. A similar approach was prevalent among the Sunnis, but they felt that only the Messenger of Allah (S) was immaculate.

Some Sunni Ulama even penned exegeses such as "*Al-Dur al-Manthur*" based on the narrations. Among the Imamiyah, reference can be made to books such as "*Al-Burhan*" or "*Nur al-Thaqalayn*" which are known to be based on narrations. I am not concerned about whether they were right or wrong. Different people have different tastes. When they came, they created a kind of balance. Of course, some people went to extremes in this regard. These, however, require a separate discussion.

In short, various tastes were observed in the case of exegesis. These included the traditional, empirical, and rational approaches. The case proceeded so far that even the mysteries and hidden elements were accounted for. These methods perpetuated up to the present day, without being exposed to a definite judgment.

Among these exegeses, Zamakhshari's "*Kashshaf*" is almost orderly and classical. I consider it a sound exegesis. It has soundly considered the literary points in the Qur'an. Thanks to the care taken in this field, the book has focused more on the subtleties of exegesis and expression. Or there is the *Beyzavi exegesis* which is brief and makes up one volume. Sheikh Bahae has also annotated it. Though short, this book of exegesis is laden with many points and has special vitality.

The *Safi exegesis* also has the same features. It has a sound introduction and has referred to authentic traditions. In *Majma al-Bayan*, too, we face a classical and effective method. The literary aspects, mode of revelation, meanings of the verses have all been mentioned in a systematic and classical way. This exegesis has so many good and previously unheeded points that late Allamah Tabatabai, in his *Al-Mizan*, has at times explicitly referred to it.

Once I asked the Allameh about this issue. He stated: "This is because of the good points included in the book penned by late Tabarsi. This was the blessing granted to the writer of the *Majma* who was very discerning.

But in regard to the *Al-Mizan*, one should say that it is the seal of the exegeses. Prior to Allameh, there were Ulama in Egypt who wrote on social, governmental, and political issues. Among them, reference can be made to works such as *Al-Minar* or the exegesis of Seyed Qutb, *Fi Zilal al-Qur'an*. All of these are beneficial from the perspectives mentioned.

Seyed Qutb's exegesis has two salient features: First, consideration of the social discussions of the Qur'an; and second, Touched the deep meanings and purposes of the Qur'anic verses. Surely, these points also exist in the *Al-Mizan* but *Fi Zilal al-Qur'an* was written before it. Any way, each exegesis has its own merits. *Al-Mizan*, in addition to its undeniable advantages, adopts a very sound approach. It is popularly known that the late Allameh revived the course and path of the Members of the Household of the Holy Prophet (S). May Allah bless the Allameh's soul.

**Q: To what extent do the different methods of exegesis assist man in understanding the Qur'an?**

**A:** There are different methods of exegesis adopted by the Shias and the Sunnis. Of course, I have referred to some of those methods in response to

the first question. I mentioned that following the departure of the Holy Prophet (S), people naturally faced questions. Those who endeavored to answer those questions did so in tune with their information, knowledge, and background. Intentionally or unintentionally, they based their exegeses on their own scientific and academic backgrounds and experiences. Those backgrounds paved the way for the emergence of different forms of exegesis. So in the early centuries, the dominant form of exegesis of the Qur'an was consideration of its literary aspects.

Consider the *Tibyan exegesis* by late Shaykh Tusi. His exegesis is by 80% the product of consideration of the literary aspects of the Holy Qur'an. In his exegesis, you can observe many discussions related to eloquence so much so that at times one is apt to consider the Qur'an as a mirror to syntactic and rhetorical points.

Of course, Shaykh Tusi did surely not hold such a view. He was a learned and erudite jurisprudent with many books on jurisprudence. He also had many books on traditions. He was a prominent theologian. In short, he was not merely an expert of the literary art. But the fact that his exegesis is associated with the literary art indicates the spirit of the age at the time of this leading figure. Of course, during the said years, exegesis stood at this level, without facing its present-day growth and development. Specifically, at that time, it was believed that the miracle of the Qur'an lay mainly in the realm of eloquence and rhetorics. Incidentally, when the Qur'an was revealed, people in the subcontinent fully focussed on this issue. As mentioned by the theologians, there should be compatibility between the miracle and the people to whom it applies. Throughout the world, people from Saudi Arabia, at that times, were renowned for their literary taste and subtleties.

Years after literary exegesis of the Qur'an came the time of consideration for the theological aspects of the Book. Many exeget books were full of theological discussions. Translation of Greek books at the time of Harun and his son Ma'mun also added up to this situation. In short, for a while, the rational and theological aspects of the Qur'an occupied the minds of exegetes. Exegesis became synonymous with these discussions.

For a while, exegesis, based on taste and mysticism, became the vogue. The exegesis based on taste, included consideration of sciences, letters, and

numbers. Each of these periods left behind diverse works, some of which are precious heritages which should be adequately safeguarded and preserved.

Another group which claimed balance and moderation directed exegesis toward traditions and narrations. The writings of this period and group are the very exegeses which are known to be based on narrations. We have already discussed this issue. Anyhow, there has been some extremism among this group. They showed so much bias on the surface meanings and purposes of some traditions that they claimed that God has eyes, hands, and feet. Gradually, some prominent personalities realized that the exegesis of the Qur'an should be based on the holy verses. Traces of this mode of thought are observed in the *Majma al-Bayan* exegesis and in the *Safi* of late Fayd.

Prior to all these, we observe this approach in the *Nahj ul- Balaghah*. Late Allameh Tabatabai founded his exegesis and his mode of interpretation on the basis of the following sentence from the *Nahj ul-Balaghah*: "Some people reason out for others." I have also observed this in *Ihtijaj*: "Some people approve (of matters) for others." But we have not seen the sentence, "Some people interpret for others," as a tradition anywhere. Of course, apparently, no one has claimed that this sentence is based on narration. This was also a method which was derived from the Imams and which perpetuated among the Shias.

Egyptian scholars took hold of this method of the Shias. In Al- Azhar, this method was put to discussion. At the time of Ayatullah Burujerdi (may his soul rest in peace), a person from Al-Azhar went to Qom and addressed a group. In his statements, he said that the method was practised in Al-Azhar and added that the Al-Azhar Ulama were propounding it. In short, this was a new statement. In other words, its prevalence was new; otherwise, I have already mentioned that it has a background even in the *Nahj ul-Balaghah*. Briefly stated, this was the method adopted by the Members of the Household of the Holy Prophet (a).

**Q:** *You implicitly referred to the topical exegesis of the Qur'anic. What is your view about this method of exegesis of the Holy Qur'an?*

**A:** In this regard, I should primarily mention that it is closely linked with verse-by-verse exegesis, because here we deal with a group of verses on one



subject. In reality, we want to arrive at a point or two by the help of the verses and by putting them together.

For instance, in regard to the term "Allah", we can collect verses in which this word appears. Then we will come across certain points which are not independently included in each of the verses. For instance, we will realize the specifications and/or traits related to this term in the Qur'an. Then we will notice that the chosen group of verses point to several issues at the same time. They define the essence and specify the features. Or consider the term *arz*. We try to find the term's applications in the Qur'an. In each verse, we will see specifications mentioned for the term *arz*. Each and everyone of these specifications illuminates and sheds light on a particular point. From all these points, we can then realize the meaning and purport of *arz* as used in the Holy Qur'an.

This method is beneficial in both jurisprudence and theology. Previously, I considered the subjects that have been set forth in the Qur'an or that can be discussed on. I realized that a more precise consideration necessitated the use of computers and it was not the task of one person alone.

Another point about exegesis is that we should choose a subject which is the foundation of different subjects. We should try to avoid minor and secondary issues as far as possible. Then this general subject will lead to other subjects. In other words, the Qur'an is the Book of Allah. It is the specification of Allah's Knowledge and the manifestation of the science of truth. In short, this is what the Qur'an is. Another element is that the Qur'an is for man. If the Qur'an originates from the truth, it pays heed to man. So one fundamental subject pertains to the source of the Qur'an and another to the addressee. At any rate, I had previously thought of this issue and hope to be able to work on it one day.

These will lead to other subjects. If I say "Allah", I will then have to refer to the Specifications, the Names, the Attributes, the Actions, the heavens, the Earth, the Angels,... All of these come one after another. Then this will be exegesis of Qur'anic topics; even though it is difficult, it will be infinitely fruitful. In fact, this should be done as a group work. In Iran, many individual works are carried out. Unfortunately, we are not so used to collective work. Why? We should see where the problem lies. One of the friends penned a book (on exegesis of Qur'anic topics) and showed a copy of it to me. I told him that I did not really appreciate his work because such



works should concentrate on what the Qur'an says. Exegesis of Qur'anic topics requires a wider range of knowledge. Exegesis is essentially the task of the Members of the Household of the Holy Prophet (S), for understanding what Allah meant in the Qur'anic verses requires competence. Since the Imams (a) derive their knowledge from the Holy Prophet (S), they are more superior to others in terms of exegesis. Our knowledge is acquired one.

Ordinary human beings have two types of knowledge and learning: One type pertains to the established facts. We make up theorems from these established facts and then reach results. Making theorems and reaching results requires deduction. Meanwhile, experts of logic believe that deduction needs premise and other elements. There is always the possibility of mistakes in regard to all these. We might even commit mistakes in very simple theorems, but our educational curricula is full of mistakes and slips. We do not have a path toward the essence of truth other than our knowledge of the outside world. And this knowledge in both senses is coupled with error and mistake. Now with this knowledge and understanding we embark upon exegesis. Just judge how successful we can be in the enterprise by using these means and tools. But the Members of the Household of the Holy Prophet (S) and the Holy Prophet (S) are firstly immaculate. Secondly, since their knowledge is not acquired and is not based on deduction, they are never gripped with error. Since there is no error in their knowledge, their knowledge portrays the truth existing in the outside world. If we want to have a similar exegesis, a condition is involved. The exact exegesis of the Imams (a) should be at our disposal, and there should be no distortion in the narration and handling down of their exegeses.

Our method is based on our own reason and wisdom to understand the Qur'an. But the Members of the Household of the Holy Prophet (S) interpreted the Qur'an through the Book itself. According to the Qur'an itself, the Book is Light for everything. So there is no meaning in saying that something serves as light for everything but is itself deprived of light.

At any rate, the best method is the one adopted by the Imams (a). This method is not comparable to any other approach.

***Q: Please comment on the impact of new branches of sciences on the exegesis and on the possibility of limiting the academic preliminaries of exegesis to specific branches of learning. Or is it possible to have all branches involved?***

**A:** Of course, other branches of learning are not -- and should not be -- directly involved in exegesis. In exegesis, important elements should be observed to realize what the Almighty meant by the verse. Involvement of other branches of learning to get to the main point of the verse is dangerous. If we extensively involve the sciences in exegesis of the Qur'an, then this will no longer be exegesis. It will rather be imposition.

This is the method of the intellectuals: At first, they take a series of academic issues, as granted then try to find verses to somehow justify it. Then they call its exegesis. An exegete should at least be impartial and should seek to find the purpose and deep meaning of the verse. If attempt is made to this end, then the respected exegete can refer to the contemporary branches of learning just as he refers to a dictionary or to lexical and grammatical rules.

It is apt to mention that the exegete should refer to literary and rhetorical rules to interpret all verses. I believe that this applied to the field of literature. But if a subject is academic and definitive, it is very apt to refer to other fields for better understanding. But one should not refer to those branches of learning which are not certain and which are not adequately proven in practice. You know that for a long time scholars interpreted the Holy Qur'an on the basis of the Ptolemaic system. When this system was declared vain and void, automatically all exegeses which were based on it were invalidated. In my classes on exegesis, I keep repeating that one should not excessively involve scientific learning in exegesis. The exception pertains to those branches and findings whose veracity has been approved. For instance, the earth's rotation around the sun which has been explicitly mentioned in the Qur'an. Through inexperienced acts, we will not prove the grandeur of the Qur'an. We will even have to apologize later on. It is apt for those who come up with a verse and do not understand its meaning to overtly say, "I did not understand it". This is tantamount to manliness and it reduces responsibility since such a person does not mislead the people and does not become embarrassed either.

**Q:** *The 14th century is widely believed to be the age of return to the Qur'an. That is to say, Muslim thinkers adopted a method of exegesis to make the Qur'an more than before felt in the warp and woof of the society and to generalize the exegeses. Would you kindly comment on this point?*

**A:** This is one of our wishes and we call on the Almighty to fulfill it. I have to say that in this period, greater practical attention was paid to the Qur'an.

At any rate, presently the Qur'an is at the center stage. It is recited in the houses and the mosques. But not all people are aware of the social ideas of the Qur'an. Of course, the Qur'an's presence in the scene paves the ground for practising the Book. Surely, this Book will affect the fate of a community and country such as Iran. It will also affect other countries. In some countries, the Qur'an is at the center stage only for the sake of pretense. They air Qur'an recitations on the radio and teach Qur'an at the schools. But this is not sufficient. To make a country a complete adherent of the Qur'an, such superficial manifestations will not serve as panacea. For instance, consider a person who has memorized the Qur'an and who recites it very well. Surely, the Qur'an affects his life. Then a verse such as "O you who believe! be careful of (your duty to Allah) with the care which is due to Him...(3:102)," will affect his heart and soul. The essence and the truth of the verse fills his entire being. Memorization of the Qur'an is way apart from objective materialization of what the Qur'an offers. A person who fully adheres to the Qur'an will crystallize the verse "And do not go about in the land exultingly...(17:37)," in the way he walks. His prayer will bring to mind this verse: "... surely prayer keeps (one) away from indecency and evil...(29:45)." In short, his entire life is based on the remembrance of Allah. Such a person will become the incarnation of: "... remember Allah, remembering frequently (33:41)," for his life constantly refreshes remembrance of Allah. If this is not the case, the Qur'an will become mere slogans, and these slogans will ultimately serve as insults to the Book (Allah forbid).

***Q: Please elaborate on the methods with which one can acquaint the society -- especially the youth and the students -- with the Qur'an and its spiritual dimensions and make the people more familiar with the Book?***

**A:** The students are the assets of the country. These dear ones, with their subtle soul and flexible minds, are more quickly than others affected by genuine truth. For long, I was in touch with this group and had sessions with them. At times, I have had correspondence with them. I must say that among this group, one can rarely find a person who is by nature vicious. But there is flexibility, and this flexibility paves the way for any activity -- be it positive or negative. Conditions should be established to keep this group in

a state of balance and to direct them toward the truth. Primarily, one should create among them a kind of optimism -- especially in relation to the Ulama. There are presently some hands at work which create pessimism. They want to shatter the image of the Ulama for the students.

The radio and television networks play a significant role, since they have a high potential to lead and guide the people. Through these means, we can arrive at even farfetched wishes. But planning is requisite. In addition, conscientious people should be employed to carry out the activities.

The officials in charge of the radio and television should be able to transform the youth. Those who address people on the radio or television should avoid using technical terms to enable all people to reap benefit of their statements. They should try not to tire people by engaging in discussions that are not suitable for radio and television broadcasting. At times, some people might even change their lifestyles by listening to rational statements. These changes will serve as a prelude to making the society divine. Then the next generation will automatically face fewer problems. Allah willing

***Q: What is the scope of religious knowledge? Is it limited to the verse pertaining to the commandments?***

**A:** As mentioned by some experts, there are around 500 Qur'anic verses which are called *Ayat al-Ahkam* (verses of commandments). Some have even cited that these are more in number. These verses mention the outlines. The details are not mentioned in the Qur'an. For instance, the Qur'an does not say that if you do not find water, you should engage in dry ablution with "*sa'eed*" which means the surface of the earth. When this holy verse was revealed, in one of the wars in which the Prophet (S) personally took part, Ammar was in need of water. He lied down in a corner and rubbed soil on his entire body. Then he prayed. When the Prophet (S) was informed of this act, he smiled. Ammar's mistake did not lie in using soil. His mistake was in the type of intention. The Qur'an says that if you fail to have access to water, you should use pure soil. But the type of soil used by Ammar was not included in the Qur'an. According to narrations, the Prophet (S) taught Ammar and others how to correctly engage in dry ablution. Ammar, an Arab, knew the Arabic terms but he did not object to the way the Prophet (S) engaged in dry ablution by saying that his dry ablution did not correspond to what the Qur'an says on the surface. I wish to mention that the

details are not included in the Qur'an. If the Qur'an was to mention the details, then a verse should have been revealed for each of the thousands of decrees that we have. Then more than 500 *Ayat al-Ahkam* would have been required.

Meanwhile, commendments are part of the religious laws. This meaning of jurisprudence that we use today was set forth at the time of the minor occultation of Imam Mahdi (a). But at the time of the Imams (a), jurisprudence means deep understanding. For instance, there is a tradition saying that people should be insightful and (should ponder) deep in religion. Without this insight, people are apt to be primitive and ignorant.

At the beginning of a letter to Habib, Imam Hussayin (a) wrote: "From Hussayin bin Ali to Habib bin Muzahhar, the jurisprudent." We all know that Habib was not versed with the prevalent jurisprudence, but the Imam called him "jurisprudent" because he was insightful in religion. In principle, our Imams and traditions did not use the term jurisprudence in its specific sense. Of course, jurisprudence is one of the bulky branches of religion. So, in a sense, the practice of jurisprudence can be applied to the prevailing jurisprudence. The practice of jurisprudence can be applied in regard to monotheism and also social issues. But in the case of verse decrees, one should pay greater heed to realize the deep meaning and purpose set forth by the Creator. Of course, in the case of verse decrees, there is the possibility to refer not only to minor issues and jurisprudential decrees but also to other matters. But this should be undertaken through the methods of exegesis, for by far some of these verses might have no intention other than expression of these very decrees. At any rate, this matter should be considered in detail in a discussion on exegesis.

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\* Ayatullah Saeni, at present is teaching exegesis of the Qur'an, philosophy, *fiqh* and *usul* in religious seminary of Zanjan city. This interview is conducted by the journal *Kayhor Andishah* and translated into English by *Thaqalayn* staff.

## **International Congress on the Occasion of the Bicentennial Birth Anniversary of the of al-Shaykh Murtada al-Ansari**

*By: Dr. A. N. Baqirshehi*



Al-Shaykh Murtada al-Ansari, the great Shi'i jurist of the 18th century was born in 1214 Hijri in Dezful - Iran. He is from the progeny of the well-known companion of the Prophet, Jabir ibn Abdullah Ansari. His father al-Shaykh Muhammad Amin was one of the great scholars of that period. Al-Shaykh al-Ansari carried out his elementary education under his uncle's tutorship. Then traveled to Karbala in Iraq and stayed over there for four years and participated in the teaching circles of the great Shi'i leaders, such as al-Shaykh Musa al-Kashif al-Qita and Mulla Ahmad Naraqhi.

Al-Shaykh al-Ansari is known as the "*Khatim al-Fughah wal Mujtahidun*." Two books of *al-Rasail* and *al-Makasib* are his works which are considered to be the original books of *fiqh* and *usul* of Shia. Mirza Shirazi (is well-known for his decree on Tobacco) and Sayyid Jamal al-Din Assadabadi popularly known as al-Afghani and Mirza Habibullah Rashti were his students.

To commemorate the bicentenary Anniversary of al-Shaykh Murtada al-Ansari, an international congress was held in Qum on 1373,9,23 and lasted for three days.

### **The Proceeding of the Congress:**

The congress initiated by reciting some verses from the Holy Qur'an, then one of the poets read out his poems on al-Shaykh al-Ansari and the



birth anniversary of Imam Jawad (a). The secretary general of the congress Hujjat al-Islam wal-Muslimin Shaykh Muhsin Araki welcomed the audience and thanked the scholars, organizations and research centers who participated in holding such a successful congress. It is to be noted that the organizers of this congress spent five years to prepare such a congress. The total number of articles sent to the congress was about 224. The theme of the congress were as follows:

- 1- Various aspects of Islamic *fiqh* and its role in solving human life problems.
- 2- Depth, importance and dynamism of the *fiqh* of the Ahl-al- Bayt (a).
- 3- The effective role of Muslim jurists throughout the history in general and in recent century in particular, in safeguarding the heritage of the Imams (a).
- 4- Quick development of the religious seminaries in accordance with the new situation, to solve social problems and fostering the scientific spirit of the youth.

The secretary general of the congress added that out of 224 articles, 145 were selected to present at the congress and 104 articles for publication. Referring to the committee of history of the congress, he said: "This committee worked on the original works of al-Shaykh al-Ansari and selected 12 of them for publication."

Hujjat al-Islam wal Muslimun Hashemi Rafsanjani, the President of the Islamic Republic of Iran also was one of the participants of the congress.

He started his speech by saying that it is the matter of great pleasure that distinguished *Ulama* involve themselves in holding such congress. He congratulated the birth anniversary of Imam Jawad (a) as well. He thanked the Leader of the Islamic Republic of Iran for his assistance in holding such a successful congress. The president added that I have studied some of the articles of the congress. They were informative for me. There are many issues to be pointed out regarding the characteristics of Shaykh al- Ansari and his contribution in development of *fiqh* and religious studies. Take for instance the situation of religious studies, the condition of clerics with respect to the atmosphere and the relation of clerics with people and ruling leaders. These points should be worked out thoroughly. At that time Russia and Britain were the superpowers. They were trying to capture Iran, Iraq and defeat Ottoman's power. Regarding the position of *Ulama* in general and al-Ansari in particular, at that time there were many questions to be discussed.



Referring to al-Ansari's views on *wilayat-e faqih*, he said that al-Ansari's concept of *wilayat-e faqih* was different from that of Imam Khomeini, though they shared the same source of studies but they were living in different conditions. Imam Khomeini was living in a period which people were ready to take over the power but these conditions were absent in al-Ansari's period.

Ayatullah Nasir Makerim Shirazi was the third speaker. He threw some light on the concept of *wilayat* with reference to al-Ansari's view. He said that according to al-Ansari, *wilayat* is of two kinds: dependent and independent. He denied the former and accepted the latter. In order to substantiate the issue of *wilayat-e faqih* which is rooted in independent *wilayat*, he referred firstly to the aims of the prophets and their methods, and secondly to the concept of *wilayat-e faqih* and its principles. Regarding to the necessary of establishing an Islamic government in the absence of Imam Mahdi (a), he commented his views in detail at the congress.

Ayatullah Jawadi Amuli from Qum also spoke at the congress. He stressed that if the religious seminaries follow the path of Imam Jawad (a), they can train such great scholars. He believed that the academic standard of the religious seminaries should be enhanced.

The other speakers of the congress were: Ayatullah Karim Jahrumi, spoke on "Ethical element in *al-Makasib*". Ayatullah Rida Ustadi's paper was on "A historical development of *Istishab* till al-Ansari period". Ayatullah Ja'far Subhani's paper was on "Reason and Revelation". Ayatullah Marifat spoke on music in al-Ansari's views. Ayatullah Tahiri's paper was on *wilayat-e faqih* in al-Ansari views. Ayatullah Azari Qumi's paper was on al-Ansari and the concept of *wilayat-e faqih*. Dr. Muhammad al-Habib al-Tijgani spoke on socio-political condition of al-Ansari's period. Hujjat al-Islam Sayyid Mustafa Muhaqqiq Damad spoke on "Commitment in favor of the third person". Ayatullah Muhammad Mahdi Asifi spoke on "Reasoning in al-Ansari's school of thought". Dr. Abul-Qasim Gurji's paper was on "al-Ansari and doubt in Muqaddi. Allamah Muhammad Taqi Ja'fari spoke on *Taabud* and *Taaqul* in Islamic jurisprudence.



## **Symposium on the Role of Women in the Development of Islamic Society**

**I**n accordance with the desire of the Islamic states, which was expressed at the Seventh Islamic Summit Conference, held in Casablanca, Maghreb, on 11-13 Rajab, 1415H. (13-15 December, 1994), in the preamble and operative paragraphs of Resolution 7/10-C(IS) on the International Islamic Women's Organization and Role of Women in the Islamic Society, an expert level Symposium on the Role of Women in the Development of Islamic Society was held at the invitation of the Islamic Republic of Iran in Tehran, during the period 17-19 Dhul-Qa'dah, 1415H. (17-19 April, 1995).

The purpose of the Symposium was to prepare a draft declaration on the Role of Women in the Development of Islamic Society and appropriate recommendations on the role of women in all fields of social development for submission to the Twenty-Third Islamic Conference of Foreign Ministers, as well as a document setting out guidelines for coordination among member states during the Fourth International Conference on Women in Beijing.

The following is the text of the recommendations of the Symposium of Experts on the Role of Women in the development of Islamic Society.

### **RECOMMENDATIONS OF THE SYMPOSIUM OF EXPERTS ON THE ROLE OF WOMEN IN THE DEVELOPMENT OF ISLAMIC SOCIETY TO THE TWENTY-THIRD ISLAMIC CONFERENCE OF FOREIGN MINISTERS**

The OIC Symposium of Experts on the Role of Women in the Development of Islamic Society, held in Tehran, Islamic Republic of Iran, from 17

to 19 Zul-Qa'ada 1415H, corresponding to 17-19 April, 1995, in accordance with Resolution 10/7-C(IS), adopted by the Seventh Islamic Summit Conference,

**Having thoroughly examined** the issue in light of the report of the Secretariat of the OIC, proposals and papers presented by experts and views expressed by various delegations;

**Reiterating** the commitment of member states to the principles and objectives of the United Nations Charter and the Charter of the Organization of the Islamic Conference and to the safeguarding of the exalted worth, dignity and status of women in Islamic societies;

**Convinced** that the noble Islamic religion presents comprehensive solutions for all aspects of human and social life and endeavors;

**Conscious** of the growing need for Muslims throughout the world to promote revival of Islamic values and principles and to create societies based on Islamic principles of peace, justice, tolerance, progress, equity and equality for all human beings;

**Convinced** that these noble objectives can only be achieved through the participation of all Muslims, including the full, active and effective participation of Muslim women who constitute half of the Islamic Ummah;

**Underlining** the Divine principles and teachings of Islam concerning the promotion and protection of the rights and exalted status of women in various spheres of personal, family, economic, political, cultural and social life;

**Emphasizing** the instrumental role of women in the development of Islamic societies;

**Reiterating** the necessity of cooperation and coordination among Muslim countries to promote comprehensive and equitable development of all segments of the Islamic Ummah;

**Committed** to presenting the correct image of the noble Islamic religion and of the role and status of Muslim women and combatting all attempts to project a distorted image of Islamic teachings and of Muslim women in the world;

1. **Recommends** to the Twenty-Third Islamic Conference of Foreign Ministers to adopt the following measures:

1.1. Recognition and promotion of the prominent role provided by Islamic teachings to the women in Islamic society, and adoption of positive policies to empower women to participate actively, effectively and constructively in various levels and spheres of economic, political, cultural and social life;

1.2. Presentation and promotion of the true Islamic image of women and their real role, dignity and status in Islamic society, particularly through the mass media and text books and to make all attempts to portray Islamic women in a positive light in keeping with the true Islamic thought and away from distorted images and superstitious traditions which are alien to Islamic thought and teachings;

1.3. Opening the way for Muslim women to participate in interpretation and "Ijtihad" in a manner compatible with Islamic principles;

1.4. Creation of a favorable spiritual, ethical, cultural, social and political environment and conditions, in accordance with Islamic teachings, conducive to the advancement and development of the personality and character of Muslim women, and rejection of adverse cultural encroachments which are detrimental to the identity and personality of Islamic societies in particular Muslim women;

1.5. Exertion of every effort to ensure respect for fundamental human rights of Muslim minorities and communities, particularly Muslim women minorities including their right to practise their religion;

1.6. Conduct of research on and eradication of all forms of violence and exploitation of women, including domestic violence, sexual exploitation, pornography, prostitution, trafficking in women, sexual harassment, genital mutilation and other negative traditional and cultural practices as well as violence against women caused by armed conflicts;

1.7. Promotion of general awareness among Muslim men and women about the teachings of true Islam concerning the role and status of women and their rights and responsibilities in Islamic Shariah;

1.8. Creation of awareness among women and men about their individual, familial, and societal rights, responsibilities and duties under Islamic Shariah, and provision of the necessary environment for full attainment and practice of their rights and responsibilities; request relevant authorities to provide the necessary conditions and facilities to effectively meet the requirements of women and encourage their participation in public life thus enabling them to reconcile their family and professional responsibilities with their political rights and participation in decision-making.

1.9. Dissemination of public awareness and respect for the economic and financial rights and privileges recognized for women under Islamic Shariah, in particular those pertaining to private ownership, earnings and inheritance;

1.10. Encouragement of appropriate planning and allocation of the necessary resources in national development programs and budgets for the advancement of women in all fields;

1.11. Creation of an appropriate environment and the necessary facilities for the full development of all potential and capabilities of women in various fields in harmony with the pivotal role of Muslim women in social and family life;

1.12 Establishment and support of literacy centers and vocational training facilities as well as creation and development of job opportunities compatible with modern life and with Islamic Shariah;

1.13. Support of legal and social mechanisms for enabling women to carry out their tasks, such as paid maternity leaves, flexible working hours and child care facilities;

1.14. Promotion and encouragement of traditional and advanced income generating employment opportunities for women in Islamic societies, which would reinforce their role in the development and growth of Islamic societies, through appropriate and equitable planning to generate productive employment and augment social security and welfare for all;

1.15. Provision of necessary financial and social support and protection and empowerment of women heads of household and other women requiring social help and assistance;

1.16. Encouragement of national and international planning and cooperation for eradication of poverty, which primarily affects women and other vulnerable segments of society;

1.17. Proper emphasis on the important role of rural women in production and development, facilitating their access, to the necessary resources including land, easy credit, ensured prices and marketing and supporting rural and urban women associations and groups as mechanisms for their social, economic and cultural progress;

1.18. Facilitating and enhancing women's full access to appropriate, readily available, and free quality health care and related services and facilities, including family planning, reproductive and maternal and infant health in the context of Islamic principles.

1.19. Support and encouragement of various collective social, scientific, economic, cultural, sports and charitable activities of Muslim women;

1.20. Conducting appropriate research and study projects on the theoretical and practical aspects of advancement of women in different spheres of personal, and social life and identification of the prevailing obstacles as well as measures to overcome them;

1.21. Adoption of common measures and exchange of expertise among Islamic countries for the advancement of women and their development in various levels and fields;

1.22. Promotion of cooperation and exchange of views and experience among Muslim women in different societies;

1.23. Establishment and strengthening of appropriate mechanisms for better coordination and implementation of programs and policies for the advancement of women and worldwide dissemination of objective information about their role in Islamic teaching and in the development of Islamic societies, including *inter alia*, finalization, as soon as possible, preferably before the Twenty- Fourth ICFM, of consultations concerning the establishment of an International Islamic Women's Organization within the framework of the OIC and in accordance with its regulations.

2. **Requests** the secretary general to present these recommendations to the Twenty-Third ICFM;

3. **Recommends** that Islamic countries continue to coordinate their positions in international fora and meetings on the role of women, particularly the forthcoming Fourth World Conference on Women to be held in Beijing in September 1995;

4. **Requests** the general secretariat of the Organization to organize and facilitate regular and orderly consultations for coordination of positions among Islamic delegations attending international conferences of women, particularly the forthcoming Fourth World Conference on Women to be held in Beijing in September 1995.





## **Meeting of Islamic Action Coordinating Committee on Publicity**

*By: Dr. Sadroddin Moosavi*



he 6th Session of the Islamic Action Coordinating Committee on Publicity (IACC), affiliated to Organization of Islamic Conference (OIC), was held in Jakarta for two days (24-26 January, 1995).

The main objectives of the session were: studying the draft of strategy for joint Islamic action on publicity; evaluating the outcomes of the Cairo International Conference on Population and Development and; exploring avenues for exchanging information and sharing experience among Islamic institutes on publicity (facilities, methods and hurdles).

Ayatollah Taskhiri, Head of the Iranian Delegation, played a very active role in the meetings of the session in preparing the strategy of the Committee for Islamic publicity. The draft of the strategy was unanimously approved by the participating members in the second meeting of the session.

Some 39 experts from Islamic organizations of the OIC member states participated in the 9th session of the committee.

### **A Brief Report on the First Session of the Working Group**

The first working session of the IACC was held on January 24. Anwar Haryono, the Chairman of the 9th Session and Kamel al-Sharif, the Chairman of the Working Session attended the meeting. The session

approved the report of the Secretary General of the OIC, Hamed al-Gabid. At the end of the session, Dr. Mohammad Kamal Hassan, Vice-Chancellor of Malaysia International Islamic University submitted a report on the socio-cultural grounds for Islamic publicity in Southeast Asia.

Ayatollah Taskhiri raised few questions on Dr. Kamal Hassan's report. Some of the questions and their answers are reproduced below.

1- On the peculiarities and indicators of success or defeat of Islamic publicity in Southeast Asia, Dr. Kamal Hassan said, "Islamic publicity in the region does not aim at bringing about radical changes in the indigenous culture in the region. People here do not believe in violence and use of force. Islamic publicity has been successful wherever it has been commensurate with the indigenous cultural values."

2- On the publicity of Islamic values among the aborigines of the region, he said, "We have not developed a special tactic for introducing Islam among the primitive communities here. Therefore, a rudimentary form of Islam has been presented to the primitive communities."

The Chairman of the First Session, Kamel al-Sharif, in a speech which followed Dr. Kamal Hassan's, said: "Considerable attempt has been made to maintain unity in a region with religious diversity. Indeed, these attempts have been made on the basis of Islamic teachings. Islam accepts diversity, but calls for unity in diversity... Islam believes in peaceful coexistence. Islamic publicity should take into account development and progress and merge into modernization."

Ahmad Yousef al-Husni said at the same session: "publicity is not synonymous with violence and compulsion. Hence we should change our methodology and approach in proportion to our publicity."

Abdullah al-Musleh delivering a speech at the same meeting said: "Publicity is not a profession, it is a duty... the West tries to project us as terrorists whereas it is clear that Islam does not have any relations with terrorism because Islam calls for peace and friendship. Our duty is to introduce Islam as it exists. We should evolve new strategy and method for publicity of Islam."

### **A Brief Account of the Second Session of the Working Group**

The second session of the working group which began on 24 January was chaired by Abdullah Omar Naseef. In a brief speech, elaborating on the strategy of Islamic publicity, he said: "This strategy should take into account different aspects of publicity."

Ayatollah Taskhiri, Head of the Iranian Delegation, said: "We agree with the draft on publicity but the particulars on cooperation for publicity should be made more clear."

Dr. Ibrahim Dassoqi said that the draft could be dully endorsed but the condition of Muslims and their population in different countries should be studied. "We should also assess our facilities for publicity taking into account the very fact that Muslims are in majority or minority in different countries," he added.

Publicity should be based on realities, he said, adding economic political and technological factors should be taken into account in this respect.

### **Third Session**

Speaking at the Third Session, Ayatollah Taskhiri said, "Islam has a genuine approach towards population, family and development. The main problem regarding the population explosion does not stem from the limitation of natural resources rather discrimination, unfair distribution and suppression are the main problems of human society."

He proposed that the Coordinating Committee of the Islamic Action should call on the Fiqh Assembly to make a comprehensive study of family, population and development.

### **Fourth Session**

The fourth session was held under the chairmanship of Ayatollah Taskhiri. He said, "Islamic publicity should take into account the condition, culture, weakness and strength of the addressees.

The Fifth Session studied the challenges that the Islamic world faces today.



## Concerning the Book, the Satanic Verses

*Muhammad Ali Taskhiri*

*Translation from Arabic by Mohsen Azimi Etemadi*

### Who is Salman Rushdi?

**H**e is a writer of Indian origin, born in 1947 in a Muslim family in Bombay and travelled to Britain and studied at its universities. Now, he is a member of the British Film Production Company and a consulting member of the Modern Sciences Organization and a member of the British Royal Literary Society. He has written a number of books including the *Shame*, and the book on which we will concentrate our analysis here, namely *The Satanic Verses*.

### Nature of the Book

This book is constructed in a firm literary fashion in the form of an imaginary fiction. It begins from a flying event and ends to modes of fictional dialogue. The writer tries to slip many superstitions and defamations into it and to attribute many vices to the most revered religious personalities ranging from Jibra'il al-Amin (Gabriel the Trustworthy), and Isma'il to the personality of the Holy Prophet (s) and his impeccable wives and chosen Companions. Rushdi attributes to these personalities such characteristics as lying, untruthfulness, and immoralities, describes them using various shameful attributes, and likens the early period of Islam to Western brothels -Allah forbid- making a full concentration on the names of Messenger and his wives and Companions, belittling all verses of the glorious Qur'an, mocking the Islamic worshippings, and defaming and

distorting Islamic rules, and consequently, presenting a gloomy, despicable picture of the greatest, sacred, humane way of life, which is a wicked Zionist goal that the enemies of Islam try to reinforce through this crooked way.

### Aspects of the Infidel Conspiracy

The aspects of this conspiracy will be revealed if we consider:

1. The huge, vast effort made by Western and Zionist circles for preparation of this book and its translation to different languages and its rapid distribution in the farthest corners of the globe and the generous financial support that it was given by many big capitalists.
2. The prizes that it won in Western countries including its recognition as the book of the year in Britain in 1988.
3. The political and propagandistic support of the book by all governments of the European Union and the Western camp, the refusal of these governments to listen to any argument against this book, their resort to various police, political, and propagandistic measures, and their threat of taking judicial and economic action against whoever condemns this book and announces the rule of Allah (subhanahu wa ta'ala, s.w.t.) for it.
4. The recruitment of tens of publishing companies and writers for work on the defense of the writer under the "freedom of opinion" slogan and the denunciation of whatever is said about it.

Below, we will examine a summary of what this criminal writes in the sixth chapter of his satanic book:

### Summary of Chapter Six of the *Satanic Verses*

The criminal apostate, Salman Rushdi, attempts to distort Islam and profane its sanctities through his dirty, satanic story, *Satanic Verses*. He attacks against whatever is sacred and desecrates all values and does not leave out, as the target of his humiliation and sacrilege, anyone of Islamic symbols and sanctities ranging from the great messengers and glorious angels to heavenly, eternal Books and the Prophet's wives - mothers of the believers - and his auspicious Companions.

This apostate attacks particularly against the honorable Messenger and his wives and Companions using obscene insult and injurious, nasty statement that hurts whoever has the least respect for ethical norms. This



heretic emphasizes that the glorious Qur'an is not a celestial book and a divine revelation but one of Prophet's fabrications. As it is frankly stated in Rushdi's mean story, one of the Prophet's Companions, namely Salman al-Farsi, invents the Qur'an while being witnessed by him (s).

All of these sophistries and satanic, deceitful inspirations, that were revealed by the Devil and his aides to their servile instrument "Rushdi", can be found in this chapter of the book, i.e. Chapter 6, some of which we will refer to here briefly so that the reader gains some understanding of the degraded level and the miserable status that is reached by this monstrous intruder against writing who is affiliated to writers not for his competence and righteous skill but because he serves the interests of *istikbar* (arrogance) and spares it the difficult utilization of many malicious ways and means which it exploits in its brutal and extensive war against Islam and its sacred existence. Rushdi is also valuable for *istikbar* because he serves the Crusaders and the Zionists who are the two mortal enemies united by their opposition against Islam and to whom the Apostate presents his services subserviently and abjectly.

The Apostate begins the chapter with a reference to the Holy Makkah as the "Pagan City" then he turns to the nature of life in it. According to Rushdi, one of the merchants of this city, called "Mahund"<sup>1</sup>, claimed prophethood and established a new religion in the city.

Then he deals with the relationship between the Holy Prophet (s) and one of his honorable Companions, Salman al-Farsi (may Allah be pleased with him) describing it as spurious and resulting from an inner malice in Salman and a negligence and apathy by the Prophet (s). Salman is described as a drunkard and an alcohol addict who constantly takes advantage of all opportunities to practise his habit.

He also touches on another relationship between Salman and a poet called "Ba'l", who is invented by the Apostate and is similar to Salman in debauchery, dissoluteness, and addiction to alcohol. According to the Apostate, Salman comes to know "Ba'l" when he meets him in the Pagan City. After their relationship becomes firmly established, Salman discusses with his imaginary friend about his relationship with Mahund and about how Mahund appointed him as one of his writers of the revelation, which the Apostate considers as laws imposed by Mahund.

The Culprit is not content with this but goes farther to claim that Salman works to distort whatever revealed verses dictated to him by the Messenger. Salman is used to write those verses as he likes and his distortion of the divine revelation continues. The writer gets slier when he deceives himself by taking advantage of others' inadvertence and claims that the Messenger is

aware of the distortions perpetrated by Salman with respect to his laws but he pretends to be inattentive and that even some of the distortions make him laugh.

While Salman is beset by doubts regarding the Messenger and what is revealed to him, it comes to his mind that how someone can be a prophet and allow someone else to distort his message at the same time and how the inferior, non-Arabic, hesitating word of "Salman" cannot possibly be distinguished from the divine revelation and celestial utterance. With these negative statements, the Apostate attempts to accomplish what he aims at, namely the belittlement of this respectable Companion and his likes. Through this antipathy and naivete, he tries to imply that Qur'an is nothing but a distorted and fabricated humane expression and that it is not a divine revelation.

Then, the Apostate turns to the personality of the great Messenger (s) in another way in order to offend it and to tarnish its sanctity and how far he is from success! The Criminal claims that the Holy Prophet (s) is just a man immersed in lust and sexuality through his relationship with women that extends beyond mothers and daughters. He also alleges that the Prophet is masterful and autocratic in his homes and does not like his wives to argue with him and that he often meets the women whom he likes and that the women are working to whiten half of his beard during a year. The Apostate not only denies that the Messenger (s) is a prophet and a messenger but also claims that he is an arrogant king who imposes tyrannical and tough laws on his subjects and forces his wives to obey him and submit to him through those laws which he makes and enacts. Hence, he demands his subjects to be his obedient servants, to bow their heads before him as a sign of deference, obedience, and submission.

In another place, the Apostate points to some of the Companions trying to degrade their stature and attack them using the dirtiest words as it reveals in his description of three of the Companions whom he points to by their names: "Salman al-Farsi, Bilal al-Habashi, and Khalid Ibn al-Walid", depicted as forming a triangle of filth and corruption.

Moreover, the Criminal comes to wives of the Prophet (s) and a new story called "Ba'l and Hijab" begins. Ba'l is a bogus poet for whom the Apostate assumes a relationship with Salman. Hijab is the name of the most famous brothel in the Pagan City. This place is managed by a prostitute called the "Lady of Hijab" whose voice, according to the expression of the base Apostate, is mixed with infidelity contrary to Mahund's holy, respectable voice.

This Hijab contains, within its walls, bawdy girls whom the Criminal attempts to present as equivalents for Prophet's wives. Rushdi introduces "Ba'l" as a personality which stands for the holy Messenger and sets the number of Hijab's girls equal to that of Prophet's wives. The Apostate compares the oldest prostitute of Hijab with the Mother of Believers, Khadijat al-Kubra (a), and assigns the role of representation of Prophet's wives to these prostitutes. These characters become absorbed in playing their roles to the extent that they forget their real personalities and turn to symbols for the wives of Prophet, who is represented by the filthy poet, Ba'l.

When "Mahund" finds out that the prostitutes of Hijab have named themselves after his wives he orders the closure of all prostitution houses and the detention of those prostitutes. The "Lady of Hijab" commits suicide and all twelve prostitutes along with "Ba'l" are detained. The prostitutes are put in a sack and stoned. Ba'l is brought to the Prophet who orders his decapitation. When the soldiers are taking him out to behead him, Ba'l shouts: "Mahund! Prostitutes and writers are people whom you cannot forgive." Mahund replies: "I do not see any difference between writers and prostitutes." The Apostate means by the latter statement that the Messenger believes that there is no difference between "Salman" and those prostitutes. Thus, as the prostitutes worked to defame his wives, Salman attempted to distort his laws and message.

### The Islamic Reaction

The late Imam Khomeini (peace be upon him), issued his verdict of death sentence for author of *the Satanic Verses*, Salman Rushdi. This verdict caused considerable reflection around the globe. We observed how the world kufr (infidelity) stood united behind this book, the author of which claims Islam while Islam dissociates itself from it. We saw how Western governments took some political measures in solidarity with this book and its writer and that the Zionists announced their support for it.

The world colonialism also tried to find here and there some hired or deceived voices to support the book - God forbid - in its antagonistic position against Islam and the immaculate personality of the Holy Prophet(s).

Therefore, we saw it incumbent upon us to point out very briefly some of the Islamic texts in order to inform everybody about the Islamic origins of this authentic Islamic verdict. It is noted in all hadith (saying), fiqh

(jurisprudence), and sirah (tradition) books that Islam emphasizes the necessity of executing whoever offends, insults, and curses the personality of the Prophet and accuses him of immoral actions because if there is a defamation in word its effect will be intense.

Just imagine how huge an infidel attack we encounter, an assault which is perpetrated by hundreds of Western publishing companies that publish this book which attacks the personality of the Prophet and his wives and tradition using various horrible charges which are highly embracing. This crime is even graver than a personal, individual act of insult. It is an international conspiracy pursued by the World Kufr and backed by the Crusaders and the World Zionism in order to blaspheme the personality of great Messenger with huge persistence.

Here we will mention, very briefly, what is stated by senior scholars and reporters of hadith and historians regarding this matter in order to inform the seekers of truth what is told in this respect.

### 1. Opinions of the Fuqaha of Ahl al-Bayt (a)

Al-Shaykh al-Saduq (d. 381H) states in his work, *al-Hidayah*: "The blood of whoever insults the Messenger of Allah (s) or the Commander of the Faithful (a) or one of the Imams (a) may be shed with impunity (his life is not protected by law) as soon as he commits the insult."<sup>2</sup>

Abu al-Salah al-Halabi (d. 447H) writes in his book, *Al-Kafi fil-Fiqh*: "Whoever insults the Messenger of Allah (s) or one of the Imams of his household or some of the prophets (a), it will be incumbent upon the sultan (ruler) to kill him. If a believer, who heard the insult, kills the blasphemer the sultan cannot punish him, and if someone attributes a disgraceful thing to some of them, he should be whipped harshly because these personalities should be respected and their infallibility is proved."

It is quoted from the Commander of the Faithful that: "No man has been brought who maintains that Dawood fell in love with the wife of 'Quria' except I punished him twice: once for Islam and once for prophethood."<sup>3</sup>

Al-Shaykh al-Tousi (d. 460H) writes in his book, *al-Nihayah*: "And whoever insults the Messenger of Allah (s) or one of the Imams (a), his blood can be shed with impunity and whoever hears the insult from him may kill the blasphemer as long as he is not afraid for the security of his life or the life of others as a result of killing the insulter."

Al-Qazi Ibn al-Barraj (d. 481H) writes in his work, *Al-Muhazzab*: "And if a person blasphemes the Prophet (s) or one of the Imams (a), he will be

sentenced to death and whoever hears the insult may kill him unless he is afraid for his life or the life of others."<sup>5</sup>

Similar to this is what is mentioned by Ibn Zuhrah (d. 585H) in *Ghinyah*, by Ibn Idris (d. 598H) in *Al-Sara'ir*, by Ibn Hamzah in *Al-Wasilah*, and by Al-Hazli (d. 690H) in *Al-Jami' li al-Shara'i*,<sup>6</sup>

Al-Muhaqqiq al-Hilli (d. 676H) points out in his book, *Shara'i' al-Islam*: "Whoever curses the Prophet (s) may be killed by whoever hears the curse as long as he is not afraid of harm to the life and property of himself or other believers. Whoever insults one of the Imams (a) faces the same punishment."<sup>7</sup>

It is stated in *Al-Mukhtasar al-Nafi'*: "Whoever insults the Prophet (s) may be killed and also whoever insults one of the Imams (a) may be punished similarly and his blood may be shed with impunity by whoever hears the insult if it is safe for him."<sup>8</sup>

Al-'Allamah al-Hilli (d. 726H) notes in his work, *Al-Qawa'id*: The blasphemer of Prophet (s) or one of Imams (a) must be killed and his execution is permissible for whoever hears the blasphemy if the life and property of his and other believers remain safe and except when harm is anticipated."<sup>9</sup>

It is mentioned in *Al-Lum'ah al-Dimashqiyyah* (vol.9, p.194) and its Commentary, written by the two Shahids: "And the blasphemer of Prophet (s) or one of Imams (a) must be killed and his execution is permissible for whoever is informed of the blasphemy even without the permission by Imam(a) or the ruler as long as the killer is not afraid for his life or property or for a believer."

Al-'Allamah al-Najafi writes in his book, *Jawahir al-Kalam*: "If someone insults the Prophet (s), it will be permissible and even obligatory for whoever hears the insult to kill the blasphemer without any difference that I find in this issue. Rather, *ijma'* (the consensus of senior `ulama), in its both forms, prescribes this ruling, to the end of statement."<sup>10</sup>

## 2. Opinions of the Fuqaha of Other Islamic Schools

Ibn Qudamah states in his work, *Al-Mughni*: "And *qazf* (the false accusation) of Prophet (s) and his mother is a defection from Islam (apostasy) and a desertion of the community of believers and insulting him without *qazf* is the same."<sup>11</sup>

Ibn Taymiyyah al-Harrani (d. 728H) mentions in his book, *Al-Fatawa al-Kubra*: "And according to this source, killing them (perpetrators of *bid'ah* or heretics) is an example of killing the *mufsidin* (evildoers) who fight Islam with their tongues and the killing of *muharibin* (rebels) against the *sunna* (tradition) by *ra'y* (belief) is similar to the killing of rebels against it by *riwayah* (narration) which means the killing of whoever attributes lies to the Messenger of Allah (s) on purpose, just as the Prophet (s) killed the person who attributed lies to him when he was alive. This is a reliable *hadith* (report) because of the alteration that it causes in his Tradition. Abu al-'Abbas established this and similar rulings like the killing of whoever insults his wives or curses him and the like in *Al-Sarim al-Maslul*."<sup>12</sup>

Abi al-'Abbas, known as Ibn Taymiyyah, writes in his book, *Al-Sarim al-Maslul 'Ala Shatim al-Rassul*: "The first issue is that whoever insults the Prophet (s), whether he is a Muslim or an infidel (*kafir*), should be killed. This is an opinion on which all scholars agree. Ibn al-Munzir said: "All scholars agree unanimously on the view that the punishment of whoever blasphemes the Prophet (s) is execution."<sup>13</sup>

It is stated in another point of this book: And the ruling regarding blasphemy against other prophets is similar to the ruling with respect to the insult against our Prophet... and undoubtedly the crime of the blasphemer against our Prophet is graver than that of the insulter against other prophets just as his sanctity and respect is greater than that of others even if he shares his brothers, from prophets and messengers, the characteristic that the blood of their blasphemer may be shed with impunity."<sup>14</sup>

Al-Qadzi Abu Ya'la states: "Two rights are involved in the blasphemy against the Prophet (s): the right of Allah which is the defamation of His Message, Book, and Religion and the right of human being because, by such attribution, he inflicts a disgrace upon the Prophet (s) and whenever the right of Allah and the right of human being are involved, the punishment may not be waived by repentance just like the case of *muharib* (rebel against Islam) whose execution is obligatory."<sup>15</sup>

'Ala' al-Din Abi al-Hassan al-Mardawi al-Hanbali writes in his book, *Al-Ansaf fi Ma'rifat al-Rajih min al-Khilaf al Mazhab al-Imam Ahmad Ibn Hanbal*: "And it is believed that killing whoever insults the Prophet (s) is obligatory." I say: and this is the right opinion which is emphasized in *Al-Irshad*, and by Ibn al-Banna in *Al-Khisal*, and by the authors of *Al-Mostaw'ab*, *Al-Muharrar*, and *Al-Nazm* and others and it is chosen by Al-Qadzi in *Al-Khilaf* and Shaykh Taqi al-Din mentions that this is the correct opinion according to the School. Al-Zarkashi says: "Killing him is



obligatory based on the School even if he is a Muslim." Al-Sharih states: and some of our Companions pointed out, regarding whoever blasphemes the Prophet (s), that he should be killed in all cases. It is mentioned that Ahmad approved this opinion.<sup>16</sup>

It is pointed out in the *Hilyat al-'Ulama fi Ma'rifat Mazahib al-'Ulama*: "As to reference to Allah azza wa jalla or reference to the Book of Allah or His Messenger or mention of His religion in a way that is not appropriate, our companions differ... And there are some companions who believe that killing whoever insults the Prophet (s) is obligatory."<sup>17</sup>

Abi al-Barakat Ahmad al-Dardir, a Maliki scholar writes in his work, *Al-Sharh al-Kabir*: "And if a *mukallaf* (mature and sensible Muslim who is accountable with respect to performing his religious) blasphemes a prophet or a king whose prophethood or monarchy are agreed upon unanimously insults either of them through referring to them by saying: "Either me or him, but as far as I am concerned, I am not an adulterer or a magician" or curses him or attributes a fault to him, or falsely accuses him of adultery or disparages his right for example by saying: "I do not care about his order and prohibition" or "If he comes to me I will not accept him" or ascribes to him, whether with regard to his body like being one-eyed or crippled, or related to his character, habit, and nature like being stingy, or lowers the elevated level of his status or the abundance of his knowledge or his *zuhd* (abstinence), or attaches to him something which is not permissible for him like the failure to propagate; or attributes to him, by the way of blaming, something which does not fit his position... should be killed without being asked to repent, and if he repents his repentance will not be accepted. This punishment is considered a punishment on the charge of *kufr*..."<sup>18</sup>

Ibn al-Hazm mentions in his book, *Al-Muhalla* (vol.11, p.4) after he quotes the hadith of Muhammad Ibn Sahl: "He said: 'I heard 'Ali Ibn al-Madyani saying: 'I met the Commander of the Faithful who told me: 'Do you know a *hadith* with complete chain of transmitters (musnad) regarding the case of a person who insults the Prophet (s) and get killed as a result?'" I said "Yes" and recited for him the narration of Abd al-Razzaq, from Mu'ammarr, from Sammak Ibn al-Fazl, from 'Urwat Ibn Muhammad, from a man from Bilqayn who said: "A man was cursing the Prophet (s). The Prophet (s) said: "Who relieves me of an enemy of mine?" Khalid Ibn al-Walid said: "Me." Then the Prophet (s) sent him and he killed the insulter."

Abu Muhammad (Ibn Hazm) says: "This is an authentic (*sahih*) *hadith* with complete chain of transmitters (*musnad*), and 'Ali Ibn al-Madyani reported it from Abd al-Razzaq as he mentioned, and this is one of the companions whose name, with which his relatives called him (a man from



Bilqayn), is known. Thus it is correct to assume the *kufir* of "whoever insults the Prophet (s), and that he is the enemy of Allah, the exalted, Who does not treat a Muslim hostilely." He, the Exalted, said: "The believers are guardians of each other." Therefore, it is correct after what we mentioned that whoever insults Allah, the Exalted, or mocks Him, or insults one of the angels or mock him, or blasphemes one of the prophets or ridicules him, or insults one of the signs (ayat) of Allah, the Exalted, such a crime will cause the insulter to be treated as an apostate infidel whose fate will be that of the apostate. And we believe in this opinion."

Ibn Hajar al-'Asqalani writes in his work, *Fath al-Bari* (vol.12, p.236): "Ibn al-Munzir reported the unanimity on the necessity of killing whoever insults the Prophet (s) explicitly."

Abu Bakr al-Farsi, a Shafi'i scholar, states in *al-Ijma'*: "Whoever commits *qazf* (insult) against the Prophet (s) in the form of an explicit slander, he, by the unanimity of 'ulama, becomes an infidel. Even if he repents, he will not be saved from being killed because the punishment for his defamation may not be withdrawn."

Al-Khitabi writes: "I am not aware of any difference regarding the necessity of killing him even if he is a Muslim."

Ibn Battal states: "The views of 'ulama regarding the person who insults the Prophet (s) differs: as far as free non-Muslims who are in an alliance with, or are protected by the Islamic government (Ahl al-'Ahd or Ahl al-Zimmah) like Jews are concerned, Ibn al-Qasim quoted from Malik: "He should be killed unless he embraces Islam. As far as a Muslim is concerned, he should be killed regardless of his repentance."

Ibn Qayyim al-Jawziyyah writes in his book, *Zad al-Ma'ad* (vol.3, p.213): "This opinion was approved by his permission of shedding the blood of al-A'ma's slave-girl with impunity when his master killed her because of insult, and by his (the Prophet's) killing of a group of Jews because of insulting and annoying him. And, on the Day of Conquest (Yawm al-Fath) he gave safety assurance to the people except a number of persons who had irritated and mocked him, and they were comprised of four men and two women, and said: "Who can kill Ka'b Ibn al-Ashraf" who had harassed Allah and His Prophet (s), and declared shedding his blood and the blood of Abi Rafi' lawful. And Abu Bakr, the truthful (r.a.), said to Abi Barzat al-Aslami, who had intended to kill the person who had insulted him: "Nobody after the Messenger of Allah (s) has this right. And this is his judgment and the judgment of his successors who rule after him, and none of the companions opposes them, and Allah protects them from opposing this rule. And Abu Dawood narrated in his *Sunan*, from 'Ali (karram Allahu wajhah)

that a Jewish woman was cursing the Prophet (s) and slandering him. Later, a man strangled her to death and the Messenger of Allah (s) declared her blood worthless. Writers of the history of the Prophet's life and wars, quoted Ibn `Abbas (r.a.) saying: "A woman insulted the Prophet (s)." He said: "Who relieves me of her? A man from her tribe said: "Me." Then this man moved and killed her and informed the Prophet (s) who said: "Two she-goats do not butt each other for her sake." There are between ten to twenty *hadiths* regarding this issue and they are either *sahih*, or *hasan*, or *mashhur* and it enjoys the consensus of the Companions. Harb quoted from Mujahid in his book, *Masa'il*: "A man who had insulted the Prophet (s) was brought to `Umar (r.a.) and `Umar killed him and said: "Whoever blasphemes Allah and His Messenger or insults one of the prophets, you should kill him."

Then Mujahid quoted from Ibn `Abbas (r.a.) saying: "Every Muslim who insults Allah and His Messenger or blasphemes one of the prophets, it is like that he belies the Messenger of Allah (s), that is, an act of apostasy for which repentance may be accepted. If he repents he will be saved from punishment, but if not he will be killed. And if a covenantor insults Allah or one of the prophets or does it in public due to his intransigence, he will be violating his covenant, thus, you should kill him. Ahmad (r.a.) reported from Ibn `Umar (r.a.) that a monk passed him. Ibn `Umar was told that this monk insulted the Prophet (s). Ibn `Umar said: "If I heard his insult I would kill him. We have not given them protection except on the condition that they do not insult our Prophet." And sayings and practices by the Companions are numerous in this regard and more than one of Imams reported consensus regarding his killing.

It is stated in *Al-Mawsu'at al-Fiqhiyyah* of the Kuwaiti government (Part 3, p.249) under the term, *istikhafaf* (mockery): "The scholars agreed that mockery of the prophets is prohibited and that the mocker of them is apostate, and this is concerned with a prophet whose prophethood is proved by a firm proof, for Allah, says:

"And there are, among them, who irritate the Prophet." (Al-Tawbah: 61)

And the saying by Him, the Exalted:

"Whoever irritates Allah and His Messenger is damned by Allah in the World and the Hereafter and He prepared a humiliating punishment for them." (Al-Ahzab: 57)

And the saying by Him, the Exalted:

"Do not make excuses. You did commit *kufṛ* after your *iman* (faith, belief)." (Al-Tawbah: 66)

There is no difference whether the mocker is joking or he does it seriously for the following saying by Him, the Exalted:

"Say: Were you ridiculing Allah and His signs and His Messenger. Do not make excuses, you did commit *kufṛ* after your *iman*." (Al-Tawbah: 65-6)

The exception is that scholars differ with regard to asking the insulter to repent before being killed. It is the preferred opinion for Hanafī's, and one of Malikis' views, and the authentic opinion (*sahih*) for Hanbalis that the mocker of the Messenger and prophets may not be asked to repent but should be killed. His repentance is not accepted in this world due to the saying by Him, the Exalted:

"Whoever irritates Allah and His Messenger, he is damned by Allah in the world and the hereafter and He prepared a humiliating punishment for them." (Al-Ahzab: 57)

And it is the preferred opinion for Malikis and an opinion for Shafī'is, Hanafis, and Hanbalis that: The like of *murtadd* (apostate) should be asked to repent. If he repents and returns, his repentance will be accepted because of the saying by Him, the Exalted:

"Say to whom committed *kufṛ* that if they stop, what they did before will be forgiven for them." (Al-Anfal: 38)

And for the hadith: "And when they told that (repentance) they protected their bloods from me."

It should be noted that this ruling concerns the individual cases. As far as big conspiratorial cases are concerned, they face their own serious punishments.

It is stated in *Al-Tashri' al-Jina'i* (criminal legislation), written by Abd al-Qadir Awdah (vol.2, p.724): "Whoever insults a prophet or an angel or offends him or curses him or falsely attributes a fault or defection to him or accuses him of adultery or belittles his right and so forth, he should be killed and not asked to repent. And his repentance is not accepted even if he makes it in public or submit himself to authorities while repenting before being known, because killing in this case is a special punishment although it is categorized as apostasy."

### Proofs of the Fatwa from the Noble Sunnah

There are numerous reports in the books of *hadith* which indicates that the sentence for the insulter of the Prophet (s) is killing. These hadiths may reach the level of *Tawatur* (recurrence)<sup>19</sup> in general and some of them are complete with regard to their proof. Below, we mention some of these hadiths:

1. Al-Kulayni quotes from `Ali Ibn Ibrahim, from his father, from Ibn Abi `Umayr, from Hisham Ibn Salim, from Abi `Abdillah (a) that he asked about someone who had insulted the Messenger of Allah (s). He said: "Whoever is closer to him should kill him before the case is reported to the Imam.(a)"<sup>20</sup>

2. Al-Kulayni quotes from a number of our companions, from Sahl Ibn Ziyad, from `Ali Ibn Asbat, from `Ali Ibn Ja'far saying: My brother Musa, informed me saying: "I was standing before my father (Abi `Abdillah - a.) when the messenger of Ziyad Ibn `Ubaydillah al-Harithi, the mayor of the town, came and said: "The Amir tells you: `Stand up and come to me.'" He (the father) was sick. The messenger came back and said: "I ordered the opening of the Maqsurah Gate for you because it is closer for your walking." He (the brother, Musa) said: "My father stood up and leaned on me and met the mayor while he had assembled all of the town's Islamic scholars and there was a letter in front of him containing the testimony against a man from Wadi al-Qura who had referred to the Prophet (s) rudely and slandered him. The mayor told him (the father): "O Aba `Abdillah! Look at this letter!" Then Abu `Abdillah said: My father informed me that the Messenger of Allah (s) said: "All of the people are alike with respect to me. It is incumbent upon whoever hears one mentioning me rudely to kill the one who insults me before informing the sultan (ruler), and it is obligatory for the sultan, if the case was reported to him, to kill the person who insulted me." Ziyad Ibn `Ubaydillah said: "Take the man out and kill him according to the ruling of Abi `Abdillah (a)."<sup>21</sup>

3. Al-Kulayni quotes from `Ali Ibn Ibrahim, from his father, from Hammad Ibn `Issa, from Rib'i Ibn `Abdillah, from Muhammad Ibn Muslim, from Abi Ja'far (a) saying: "A man from Huzayl was cursing the Messenger of Allah (s)." The Prophet (s) was informed of it and said: "Who will kill this?" Two men from the Ansar (helpers) stood up and said: "Us, O the Messenger of Allah!" and left until they reached a carriage and asked about him while he was taking care of his sheeps. He said: "Who are you and what are your names?" They told him: "Are you so and so the son of so and so?" He said: "yes." Then, they stepped down and beheaded him .

Muhammad Ibn Muslim said: "I said to Abi Ja'far (a): "Do you think that if a man insults the Prophet (s) right now he should be killed?" He said: "If you are not afraid of any harm to your life then kill him."<sup>22</sup>

4. It is noted in *fiqh al-Riza*: "Whoever mentions the Sayyid, Muhammad (s) or one of immaculate members of his household (a) insultingly while attributing what does not suit them or defaming them, he should be killed."<sup>23</sup>

5. It is quoted from *Amali* of al-Shaykh al-Tousi: "From al- Riza (a) from his father (a) said: "The Messenger of Allah (s) said: "Kill whoever insults one of the prophets, and whoever blasphemes a wasiyy (Prophet's successor), it is like he blasphemes a prophet."<sup>24</sup>

6. It is reported in *al-Sunan al-Kubra* of al-Bayhaqi and *Sunan Abi Dawood* from 'Ali (a) that a Jewish woman was cursing the Prophet (s) and defaming him, therefore, a man strangled her to death and the Messenger of Allah (s) nullified her blood (did not recognize the retribution sought for usual murders in this case)."<sup>25</sup>

7. It is quoted from Ibn 'Abbas in *Al-Mustadrak 'Ala al- Sahihayn* that: "A man had a slave-girl from whom he had two sons like pearls and who kept cursing the Prophet (s). He kept forbidding her, but she did not stop and he kept restraining her but she was not restrained until a night when she insulted the Prophet (s) and he did not forbear and drove a rapier into her stomach and rested on it until it was completely thrust inside her - and the Messenger of Allah (s) said: "I testify that her blood is worthless."<sup>26</sup>

Author of *al-Mustadrak* said: "The documentation of this hadith is valid according to the condition of Muslim."

8. It is reported in a hadith that a man was cursing the Prophet (s). The Prophet (s) said: "Who will relieve me of an enemy of mine?" Khalid Ibn al-Walid said: "Me." Therefore the Prophet (s) sent him (Khalid) and he killed him (the insulter)."<sup>27</sup>

9. It is quoted from Abi Bazrat al-Aslami in *al-Mustadrak 'Ala al-Sahihayn*: "A man spoke rudely to Abi Bakr. I said: "O Caliph of Allah's Messenger! Do I not kill him?" He said: "This punishment is not for anybody except whoever curses the Prophet (s)."<sup>28</sup>

10. It is reported in *al-Sunan al-Kubra* and *al-Muhazzab* that a man said to 'Abdullah Ibn 'Umar: "I heard a monk insulting the Messenger of Allah (s). He said: "If I heard him I would kill him. We did not give him protection in this respect."<sup>29</sup>

11. It is quoted from Abi Hurayrah in *Sunan al-Bayhaqi*: "Nobody is killed for insulting anybody except for insulting the Prophet (s)."<sup>30</sup>

12. It is reported from a man from Bilqayn in *Sunan al-Bayhaqi* that a woman cursed the Prophet (s), therefore Khalid Ibn al-Walid killed her.<sup>31</sup>

Books of history and the noble Tradition, including Ibn Hisham's *al-Sirat al-Nabawiyyah*, point out to examples of the implementation of this Islamic ruling like the story of Ka'b Ibn al-Ashraf who recited poetry in the interest of infidels, then celebrated Muslim women in love poems when the Messenger of Allah (s), sent someone who killed him. (vol.3, p.54)

Salam Ibn Abi al-Haqiq was one of those who were opposing the Messenger of Allah, thus the Messenger (s) permitted his murder (vol.3, p.286). And there were two female singers who sang defamatory songs about the Messenger of Allah (s) thus he (s) ordered to kill them. (vol.4, p.52)

Therefore, is there any possibility, after all of these texts, to deny this Islamic ruling? We believe that it is incumbent upon the scholars of Muslims to stand united in the face of kufr that has stood united behind Salman Rushdi and has kept defending him, and to condemn this outrageous action in support of their Prophet, mission, and its sanctities:

"And those who disbelieve are guardians of each other; if you do not do that there will be a disturbance and a great disintegration in the world." (Al-Anfal: 73)

And there will be no chance, after this, except for the implementation of Allah's ruling to the case of this monstrous criminal.

Wallahu ghalibun `ala amrih (And Allah is prevailing over His affair).

### Endnotes:

1. Mahund is a name by which the Crusaders called the Holy Messenger (s) during the Middle Ages and the crusades against Islamic territories. By such calling they meant to humiliate and mock the Prophet (s) and degrade his reputation and respect. Since "Mahund" means Devil and Satan in the phraseology of this era, the Apostate Criminal uses this name in order to blaspheme the sanctity of Messenger of Allah (s)
2. *Al-Yanabi' al-Fiqhiyyah*, vol. 23, p. 20.
3. *Al-Yanabi' al-Fiqhiyyah*, vol. 23, p. 74; *Al-Kafi fi al-Fiqh*, p. 416.
4. *Al-Yanabi' al-Fiqhiyyah*, vol. 23, p. 107.
5. *Al-Yanabi' al-Fiqhiyyah*, vol. 23, p. 169.



6. See their statements in *Al-Yanabi' al-Fiqhiyyah*, vol.23, pp. 204, 293, 320, 391. It is meant by the Imams (a) in their words the twelve Imams from Ahl al-Bayt (household or progeny) of the Prophet (s) particularly, as it is mentioned explicitly in some statements.
7. *Al-Yanabi' al-Fiqhiyyah*, vol. 23, p. 341.
8. *Al-Yanabi' al-Fiqhiyyah*, vol. 23, p. 367.
9. *Al-Yanabi' al-Fiqhiyyah*, vol. 23, p. 416.
10. *Jawahir al-Kalam*, vol. 41, p. 432.
11. Ibn Qudamah, *Al-Mughni*, vol. 10, p. 231.
12. Ibn Taymiyyah al-Harrani, *Al-Fatawa al-Kubra*, vol.4 (Beirut: Dar al-Ma'rifah), p. 515.
13. Abi al- Abbas Ahmad known as Ibn Taymiyyah, *Al-Sarim al- Maslul 'Ala Shatim al-Rassul*, p. 5.
14. *Ibid.*, p. 70.
15. First edition (Haydarabad, India), p. 444.
16. *Al-Insaf*, vol. 4, p. 257.
17. *Hilyat al-'Ulama fi Ma'arifat Mazahib al-'Ulama*, vol. 7, p. 712.
18. Abi al-Barakat Ahmad al-Dardir (a Maliki scholar), *Al-Sharh al-Kabir*, vol. 4, p. 309.
19. *Tawatur* means recurrence of the narration of a hadith, whether by its letters or by its meaning, in a way that makes it impossible for its narrators to conspire on the fabrication of such a hadith.
20. *Al-Wasa'il*, vol. 18, p. 554.
21. *Al-Wasa'il*, vol. 18, p. 459, hadith 2.
22. *Al-Wasa'il*, vol. 18, p.460, hadith 3.
23. *Fiqh al-Riza*, p. 285.
24. *Bihar al-Anwar*, vol. 79, p. 221, hadith 5.
25. *Al-Sunan al-Kubra*, Kitab al-Nikah, vol.7 (Beirut: Dar al-Kutub al-'Ilmiyyah), p. 96, hadith 13,376. And *Sunan Abi Dawud*, vol. 4, p. 129.
26. *Al-Mustadrak 'Ala al-Sahihayn*, Kitab al-Hudud, vol.4, p.254. The riwaya also exists, with some addition, in *Sunan al-Nisa'i*, vol.7, p.107, and also in *Sunan al-Bayhaqi*, Kitab al-Nikah, vol. 7, p. 96.
27. *Al-Muhalla*, vol. 13, p. 501.
28. *Al-Mustadrak 'Ala al-Sahihayn*, Kitab al-Hudud, vol.4, p.355. A similar report exists in *Sunan al-Nissa'i*, Kitab al-Hudud, vol. 7, p. 109.
29. *Al-Muhazzab*, vol.2, p.258; al-Sunan al-Kubra, vol.9, p.200.
30. *Al-Sunan al-Kubra*, Kitab al-Nikah, vol.7, p.97, hadith 13378.
31. *Al-Sunan al-Kubra*, Kitab al-Mortad, vol.8 (Beirut: Dar al-Kutub al-'Ilmiyyah), p. 352.



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