

## Preface

### **In the name of Allah, the Beneficent, the Merciful**

The letter of the Leader of the faithful, 'Ali ibn Abi Talib (a.s.) to the Egypt's governor-designate, Malik ibn al-Harith al-Ashtar, written in 38 A.H., should rightfully be called the first Constitution which is wholly based on justice, common welfare and public weal.

Hammurabi's Code is probably the oldest surviving "document" on state-craft. Hammurabi ruled over Babylonia in circa 1750 B.C. He got his decisions and judgments carved in stone, which was discovered in Susa, and is now placed in Louvre in Paris.

But it is not so much a constitution, as of civil and penal code, dealing with family affairs, contracts and trade, slavery and debts, crimes and punishments, and so on. Even then it did not promulgate impartial justice, as penalties and punishments varied according to the status of offenders.

Plato (circa 428 B.C. –347 B.C.) was Socrates' friend and disciple. He said that there were standards, which he called "ideas" or forms. Those ideas were the real things. A phenomenon is good when it corresponds with its idea or reality. A judge is just if his decision conforms with the "idea" of justice. The present connotation of the word "ideal" is derived from that concept. In his best-known work, *The Republic*, he says that the best kind of state would be that where the rulers would be philosophers,

In spite of the great influence of Plato's philosophy, his ideal republic has remained just that-- an ideal, which has never been put into practice.

Five centuries after this letter of 'Ali (a.s.), came Magna Carta (the Great Charter) which was drawn up in England in 1512 C.E. It is considered the basis on which later charters have been drawn up. But the fact remains that its main thrust and purpose was to safeguard the rights of the English barons against their King, John-- although in so doing it gave some personal liberty to every English citizen.

The importance of 'Ali (a.s.)'s document rests on the fact that it lays stress on welfare of every stratum of society.

It begins and ends with reminding the Governor to remember, fear and obey Allah. It explains the qualifications and responsibilities of a governor, and stresses that the rule should be in favor of the people as a whole, and goes on to guide him about the qualities of his counselors. It gives guidance about army, judiciary, tax-collectors and secretaries.

Then it describes various strata of the people and the government's obligation towards them. As the Translator has rightly remarked:

"This document, which deserves to be called the constitution of Islamic polity, was prepared by the person who was the greatest scholar of Divine law and acted upon it more than anyone else.

From the study of Amir al-mu'minin's way of governance in these pages it can be concluded that his aim was only the enforcement of Divine law and the improvement of social conditions, and not to disrupt public security or to fill treasures by plunder, or to strive to extend the country's boundaries by fair means or foul.

Worldly governments generally adopt such constitutions which cater for their utmost benefit and try to change every law which is against that aim or is injurious to their objective. But every article of this constitution serves as a custodian of common interests and protector of collective organization.

Its enforcement has not touch of selfishness or any iota of self-interest. It contains such basic principles of the fulfillment of Allah's obligations, the protection of human rights without distinction of religion or community, the care of the destitute and the poor and the provision of succor to the low and the down-trodden from which full guidance can be had for the propagation of right and justice, the establishment of peace and security, and the prosperity and well-being of the people."

But the real beauty of this "Constitution" is that it did not remain a theory; it was implemented and enforced throughout the realm of Islam, during the reign of 'Ali (a.s.).

At this point it is necessary to mention that 'Ali (a.s.) used to write such instructions for all his governors, although it is only this letter that has survived.

History mentions another detailed letter written by 'Ali (o.s.) for Shanshab, the ruler of Kabul and Ghor (in present day Afghanistan). He was a Buddhist ruler who willingly accepted Islam on the hands of 'Ali (a.s.). 'Ali (a.s.) confirmed him as the ruler of his Kingdom, writing for him detailed guidance for governing.

From then on, the "Testament" (as it was called) served as the Constitution of the realm, and the successors of Shanshab had to declare on oath, at the time of accession to the throne, that they would uphold the Testament and act according to its articles.

Incidentally, Ghor and Bahrain were the only two provinces where the Umrnayyads could not enforce their heinous custom of cursing 'Ali (a";.) and other members of the Prophet's family in the sermons of

Fridays.

This version has been taken from the English translation of *Nahj al-Balaghah*, translated by Mr. Syed Ali Raza, and published by the World Organization of Islamic Services (WOFIS), Tehran; in 1399/1979. It appears in Part Three, pp. 602-619.

The original work was compiled by ash-Sharif as-Sayyid ar-Radi (died 406 A.H.). It also appears in several works preceding as-Sayyid ar-Radi:

1. *Da'a'imul Islam* -by Nu'man ibn Muhammad ibn Mansur of Egypt (died 363 A.H.)
2. *Tuhaful 'Uqul* -by Ibn Shu'bah al-Harrani (died circa 381 A.H.)
3. *As-Sa'adah wal Is'ad* -by Yusuf al-'Amiri of Nishapur (died 381 A.H.)
4. *Dasturul 'Alam* -by Qazi al-Quza'i (died 404 A.H.)

After this "Preface" we have included two Notes by the Translator: First is about the Author of the Letter, Leader of the faithful, 'Ali (a.s.); and the second about the addressee, Malik al-Ashtar. The former has been taken from the beginning of his book (Part One, pp. 8-12), while the latter appears at the end of the letter (Part Three, pp. 619-621).

In the end, we thank Allah Subhanahu wa Ta'ala that he made us among the adherents to the Wilayah -Love and Obedience -of the Leader of the faithful and the Imams, Peace be on them all.

Sayyid Sa'eed Akhtar Rizvi

Dar es Salaam,

25th Dhul-hijja, 1410

20th July, 1990

---

**Source URL:**

<https://www.al-islam.org/ideal-islamic-government-sayyid-saeed-akhtar-rizvi/preface#comment-0>