

Right n. 18: The Right of Subjects through Authority

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فَأَمَّا حُقُوقُ رَعِيَّتِكَ بِالسُّلْطَانِ فَإِنَّ تَعْلَمَ أَنَّكَ إِنَّمَا اسْتَرَعَيْتَهُمْ بِفَضْلِ قُوَّتِكَ عَلَيْهِمْ فَإِنَّهُ إِنَّمَا أَحَلَّهُمْ مَحَلَّ الرِّعَايَةِ لَكَ ضَعْفُهُمْ وَذُلُّهُمْ، فَمَا أَوْلَى مَنْ كَفَاكَهُ ضَعْفُهُ وَذُلُّهُ حَتَّى صَيَّرَهُ لَكَ رَعِيَّةً وَصَيَّرَ حُكْمَكَ عَلَيْهِ نَافِذًا، لَا يَمْتَنِعُ مِنْكَ بِعِزَّةٍ وَلَا قُوَّةٍ وَلَا يَسْتَنْصِرُ فِيمَا تَعَاظَمَهُ مِنْكَ إِلَّا [بِاللَّهِ] بِالرَّحْمَةِ وَالْحَيَاةِ وَالْأَنَاءِ، وَمَا أَوْلَاكَ إِذَا عَرَفْتَ مَا أَعْطَاكَ اللَّهُ مِنْ فَضْلِ هَذِهِ الْعِزَّةِ وَالْقُوَّةِ الَّتِي قَهَرْتَ بِهَا أَنْ تَكُونَ لِلَّهِ شَاكِرًا، وَمَنْ شَكَرَ اللَّهَ أَعْطَاهُ فِيمَا أَنْعَمَ عَلَيْهِ. وَلَا قُوَّةَ إِلَّا بِاللَّهِ

Then the right of your subjects through authority is that¹ you should know that you have authority over them due to your power over them, and that they have been made your subjects through their weakness and humility. What do they deserve whose weakness and humility have made them your subjects, and made your authority over them effective? They do not disobey you by their own might and power.²

They cannot find a supporter against your power except by God, by His Mercy and Protection, and patience. How proper it is for you to recognize that God has granted you this increased might and power with which you have subdued others. You should be thankful to God. And God will increase His Graces to those who thank Him. And there is no power but in God.

Regarding the rights of the ruler, Imam Sajjad said that the people should obey him and avoid fighting him. Here he stresses the right of the people and states that the ruler should be fair to the people due to the power that he has. The Imam points out several important issues here. At first, the ruler should be just. Secondly, the Imam says that the ruler should act similar to a kind father. Thirdly, since the people might make mistakes during their life, the ruler should be forgiving. At last, the Imam says that the ruler should be thankful to God for the power that He has granted him.

Justice in Leadership

People consider a person who is not wishing bad for others, does not violate their rights, does not treat the people with prejudice, and treats everyone under his rule equally, to be a just ruler. On the other hand, they consider a person who violates their rights; practices prejudice, sides with the oppressors, and oppose the weak, to be an oppressive ruler. Thus, we can say that human justice implies respecting human rights, and honoring everybody's rights. This is what is meant by justice based upon rights. God has invited all men to justice in the Holy Qur'an as we read in the following verse:

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ

“God commands justice, the doing of good...” [The Holy Qur'an, al-Na' 16:90]

The Prophet Muhammad said:

يَبْقَى الْمُلْكُ بِالْعَدْلِ مَعَ الْكُفْرِ، وَلَا يَبْقَى بِالْجَوْرِ مَعَ الْإِيمَانِ.

“Rule can be sustained with unbelief, but it can never last with oppression.”³

He also said:

عَدْلُ سَاعَةٍ خَيْرٌ مِنْ عِبَادَةٍ سِتِّينَ سَنَةً.

“An hour of justice is better than sixty years of worship.”

The Difference between Generosity and Justice

Imam Ali beautifully expressed the difference between generosity and justice. When asked about this, he replied:

الْعَدْلُ يَضَعُ الْأُمُورَ مَوَاضِعَهَا وَالْجُودُ يُخْرِجُهَا مِنْ جِهَتِهَا وَالْعَدْلُ سَائِسٌ عَامٌّ فَالْجُودُ عَارِضٌ خَاصٌّ فَالْعَدْلُ أَشْرَفُهُمَا وَأَفْضَلُهُمَا.

“Justice puts everything in its right place, but generosity takes them out of their places. Justice is a universal caretaker, but generosity will only benefit the one with whom you are generous. Therefore justice is nobler and more excellent.”⁴

The Prophets and Their Call to Justice

All the divinely appointed Prophets to invite the people to God have declared man's prosperity and development subject to the development of ethics and the practice of justice. Let us look at the following verse in this regard:

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

“O ye who believe! Stand out firmly for God, as witnesses to fair dealing, and let not the hatred of others to make you swerve to wrong and depart from justice. Be just. That is next to piety: and fear God. For God is well acquainted with all that ye do.” [The Holy Qur’an, al-Ma’ida 5:8]

No issue in Islam is as important as the issue of justice. Justice is similar to the issue of the unity of God. Both issues highly affect all the major and minor principles of Islam. Likewise, none of the practical or ideological, personal or social, and moral or legal issues are separable from the subject of the unity of God. We shall not find any of the above issues void of the concept of justice.

Therefore, it is not surprising to realize that justice has been recognized as one of the major principles of our religion, and as one of the firm ideological foundations of the Muslims. An important issue pointed out in the above verse is that grudges, tribal animosities, and personal quarrels can all hinder the practice of justice, and might lead to the violation of other people’s rights. Therefore, such practices that will lead to deviation from true justice should be abandoned since justice is more important than all of them. Therefore, practice justice since it is the most fundamental basis for piety and abstinence.

Justice in Speaking

Consider the following verse of the Holy Qur’an:

وَلَا تَقْرُبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ وَأَوْفُوا بِالْكَيْلِ وَالْمِيزَانَ بِالْقِسْطِ ۚ لَا نُكَلِّفُ نَفْسًا إِلَّا وُسْعَهَا
وَإِذَا قُلْتُمْ فَاعْدِلُوا وَلَوْ كَانَ ذَا قُرْبَىٰ ۗ وَبِعَهْدِ اللَّهِ أَوْفُوا ۚ ذَلِكُمْ وَصَّاكُم بِهِ لَعَلَّكُمْ تَذَكَّرُونَ

“And come not nigh to the orphan’s property, except to improve it, until he attains the age of full strength; give measure and weigh with (full) justice. No burden do We place on any soul, but that which it can bear. Whenever ye speak, speak justly, even if a near relative is concerned, and fulfill the Covenant of God. Thus doth He command you, that ye may remember.” [The Holy Qur’an, al-An’am 6: 152]

In this verse, God invites the guardians of the orphans, salespersons and those who weigh goods that

they sell to adhere to justice, and even more important than this is justice in speaking. This verse recommends justice in speaking, justice in transactions, and justice when dealing with those members of the society who do not have parents.

When talking about the orphan's property, God uses the phrase "come not nigh to the orphan's property" which means do not approach it. This concept has also been used regarding some other tempting sinful acts such as prostitution, fornication, and stealing the properties of orphans who have no supporters. God admonishes the people not to approach these deeds so as to be safe from their strong and hard to resist temptations.

Justice in Judgment

Consider the following verse of the Holy Qur'an:

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا

"God doth command you to render back your trusts to those to whom they are due. And when you judge between man and man that ye judge with justice. Verily how excellent is the teaching which He giveth you! For God is He Who heareth and seeth all things." [The Holy Qur'an, al-Nisaa' 4:58]

In this verse, God advises us to return what we are entrusted with to its owner. Then God stresses the importance of justice when we make a judgment between people. This advice to adhere to justice has been described to be an excellent teaching, and the judge has been warned that God hears and sees everything, so he should be careful not to misjudge.

In addition, God has established justice and doing good deeds as equal to one another as expressed in the following verse:

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

"God commands justice, the doing of good, and liberality to kith and kin, and He forbids all shameful deeds, and injustice and rebellion. He instructs you that ye may receive admonition." [The Holy Qur'an, al-Na' 16:90]

Also, consider the following verse:

يَا دَاوُدُ إِنَّا جَعَلْنَاكَ خَلِيفَةً فِي الْأَرْضِ فَاحْكُم بَيْنَ النَّاسِ بِالْحَقِّ وَلَا تَتَّبِعِ الْهَوَىٰ فَيُضِلَّكَ عَنْ سَبِيلِ اللَّهِ إِنَّ الَّذِينَ يَضِلُّونَ عَنِ سَبِيلِ اللَّهِ لَهُمْ عَذَابٌ شَدِيدٌ بِمَا نَسُوا يَوْمَ الْحِسَابِ

“O David! We did indeed make thee a vicegerent on earth. So, judge thou between men in truth (and justice). Nor follow thou the lusts (of thy heart), for they will mislead thee from the Path of God. For those who wonder astray from the Path of God is a Penalty Grievous, for that they forget the Day of Account.” [The Holy Qur’an, Sad 38:26]

In this verse, God first stresses vicegerency on the Earth. Next God admonishes the Prophet David to adhere to justice in his judgments. At last, God admonishes against following lust that will mislead us to deviate from justice and forget the Resurrection Day and the Reckoning that is sure to come. We presented the above verses of the Holy Qur’an as a sample here in order to express the degree of importance of justice, and to stress that a ruler must be fair with all the people in the society. Next, we will look at several traditions regarding the issue of justice.

Abu Ali al-Ashari quoted on the authority of al-Hasan ibn Ali al-Koofi on the authority of Ubays ibn Hisham on the authority of Abdulkarim Halabi on the authority of Abi Abdullah : “Justice is more delicious than water is for a thirsty person. How extensive is justice when it is put in effect, even if it is done a little.”⁵

Hasan ibn Ali quoted on the authority of Ibn Mahbooh on the authority of Mu`awiyah ibn Wahab on the authority of Imam Sadiq :

الْعَدْلُ أَحْلَى مِنَ الشَّهْدِ وَالْيَمِينُ مِنَ الزَّيْدِ وَأَطْيَبُ رِيحاً مِنَ الْمِسْكِ.

“Justice is sweeter than honey, softer than butter, and more fragrant than musk.”⁶

It has been narrated that Ibn Abi Ya’fur asked Imam Sadiq : “How is one’s justice recognized among Muslims so that his witnessing for or against someone can be accepted?” The Imam replied:

أَنْ تَعْرِفُوهُ بِالسَّتْرِ وَالْعَفَافِ وَكَفِّ الْبَطْنِ وَالْفَرْجِ وَالْيَدِ وَاللِّسَانِ، وَيُعْرِفُ بِاجْتِنَابِ الْكِبَائِرِ الَّتِي أَوْعَدَ اللَّهُ عَلَيْهَا النَّارَ مِنْ شُرْبِ الْخَمْرِ وَالزَّوْنِ وَالرِّبَا وَعُقُوقِ الْوَالِدِينَ وَالْفِرَارِ مِنَ الزَّحْفِ وَغَيْرِ ذَلِكَ.

“You will recognize it through his modesty and chastity, and his restraining his stomach, private parts, hand and tongue. It will be known by his avoidance of major sins for which God has threatened (the punishment of) the Fire such as drinking wine, fornication, usury, undutiful behaviour towards parents, fleeing from a holy war, etc.”⁷

Mutual Rights of the People and the Ruler

Imam Ali expresses the mutual rights of the people and the ruler in *Nahjul Balaghah* as follows:

أَيُّهَا النَّاسُ! إِنَّ لِي عَلَيْكُمْ حَقًّا وَلَكُمْ عَلَيَّ حَقٌّ. فَأَمَّا حَقُّكُمْ عَلَيَّ فَالنَّصِيحَةُ وَتَوْفِيرُ فَيْئَتِكُمْ عَلَيْكُمْ وَتَعْلِيمُكُمْ كَيْلَا تَجْهَلُوا
وَتَأْدِيبُكُمْ كَيْمًا تَعْلَمُوا. وَأَمَّا حَقِّي عَلَيْكُمْ فَالْوَفَاءُ بِالْبَيْعَةِ وَالنَّصِيحَةُ فِي الْمَشْهَدِ وَالْمَغِيبِ وَالْإِجَابَةُ حِينَ أَدْعُوكُمْ
وَالطَّاعَةُ حِينَ أَمُرُّكُمْ.

“O people! I have rights incumbent upon you, and you have rights incumbent upon me. Your rights incumbent upon me include my advising you, paying your dues fully, educating you so that you do not remain ignorant, and training you until you learn. And my rights incumbent upon you include your remaining loyal to your pledge of allegiance to me, sincerely advising both in public and private, responding when I call you, and obedience when I command you.”⁸

Imam Ali mentions the rights of the people incumbent upon the ruler as giving them advice, counseling them on social and economical issues, and providing them with equal educational opportunities. The ruler should attend to the economic and educational needs of the society. The right of the ruler is that the people should remain loyal to their pledge of allegiance, and give him counsel sincerely both in private and public. The people should also stand ready to respond to the call of the ruler and obey his orders. Imam Ali also said:

وَأَعْظَمُ مَا افْتَرَضَ سُبْحَانَهُ مِنْ تِلْكَ الْحُقُوقِ حَقُّ الْوَالِي عَلَى الرَّعِيَّةِ. وَحَقُّ الرَّعِيَّةِ عَلَى الْوَالِي فَرِيضَةٌ فَرَضَهَا اللَّهُ
سُبْحَانَهُ لِكُلِّ عَلَى كُلِّ فَجَعَلَهَا نِظَامًا لِأَلْفَتِهِمْ وَعِزًّا لِدِينِهِمْ فَلَيْسَتْ تَصْلُحُ الرَّعِيَّةُ إِلَّا بِصَلَاحِ الْوَلَاةِ وَلَا تَصْلُحُ الْوَلَاةُ إِلَّا
بِاسْتِقَامَةِ الرَّعِيَّةِ. فَإِذَا أُدَّتِ الرَّعِيَّةُ إِلَى الْوَالِي حَقَّهُ وَأَدَّى الْوَالِي إِلَيْهَا حَقَّهَا عَزَّ الْحَقُّ بَيْنَهُمْ وَقَامَتْ مَنَاهِجُ الدِّينِ
وَأَعْتَدَلَتْ مَعَالِمُ الْعَدْلِ وَجَرَتْ عَلَى أَذْلَالِهَا السُّنَنُ فَصَلَحَ بِذَلِكَ الزَّمَانُ وَطَمَعَ فِي بَقَاءِ الدَّوْلَةِ وَبَيَسَتْ مَطَامِعُ الْأَعْدَاءِ.

“The most important of these rights which God the Almighty has made incumbent are the rights of the ruler incumbent upon the people, and the rights of the people incumbent upon the ruler. God has made these mutual rights incumbent upon each one of them. He has established these rights as measures to safeguard order, friendliness, and honor in their religion.

The affairs of the people shall not improve unless the rulers are good people. Rulers will not be good people unless the people are hard-working and steadfast. If the two respect each other's rights, then their religion will be honored, and its practice will survive. Then the signs of justice will be established firmly, and divine traditions will take their natural course. If these principles are recognized and these rights are respected, then there will be an era of improvement and progress. The rule of government will last, and the enemies will be disappointed.”⁹

Imam Ali continues:

وَإِذَا غَلَبَتِ الرَّعِيَّةُ وَالْيَهَاءُ أَوْ أَجْحَفَ الْوَالِي بِرَعِيَّتِهِ اخْتَلَفَتْ هُنَالِكَ الْكَلِمَةُ وَظَهَرَتْ مَعَالِمُ الْجَوْرِ وَكَثُرَ الْإِدْغَالُ فِي
الدِّينِ وَتُرِكَتْ مَحَاجُ السُّنَنِ فَعُمِلَ بِالْهَوَى وَعُطِلَتِ الْأَحْكَامُ وَكَثُرَتْ عِلَلُ النُّفُوسِ فَلَا يُسْتَوْحَشُ لِعَظِيمِ حَقِّ عَطَلٍ وَلَا
لِعَظِيمِ بَاطِلٍ فَعِلَ فَهُنَالِكَ تَذَلُّ الْأَبْرَارِ وَتَعِزُّ الْأَشْرَارِ وَتَعَظُمُ تَبِعَاتُ اللَّهِ عِنْدَ الْعِبَادِ

“But if on the other hand, the people do not pay any attention to their ruler, or the ruler oppresses the people, then there will be discord and an increase in oppression. Then things that corrupt the religion will be mingled with religion. Divine traditions will be forced off their right course, and people will follow their desires and laws will be neglected. Diseases of the soul will increase and there will be no feeling of desolation for the great rights that have been neglected or the the major crimes committted. Then the good-doers will be humiliated and the wrongdoers will be honored. Under these circumstances, the consequences of the people’s sins will be much more severe before God.”¹⁰

In this sermon, Imam Ali has stressed on the causes of the stability of a government, and the means of existence of peace between the people and the ruler, and its consequence as national prosperity. He also outlines the roots of lack of social peace and security, and the causes of the collapse of a government.

He expresses the conditions that lead to humiliation of good people, and their exclusion from assuming social responsibilities, and the coming into power of wicked people. Then all religious affairs will be called off, corruption and deviations will become widespread and the society will be on the verge of collapse.

Imam Ali expressed the following in a letter he wrote to the border patrol:

أَمَّا بَعْدُ فَإِنَّ حَقًّا عَلَى الْوَالِي أَنْ لَا يُغَيِّرَهُ عَلَى رِعِيَّتِهِ فَضْلٌ نَالَهُ وَلَا طَوْلٌ خُصَّ بِهِ وَإِنْ زَيْدَهُ مَا قَسَمَ اللَّهُ لَهُ مِنْ نِعْمَةٍ
دُنُوًّا مِنْ عِبَادِهِ وَعَطْفًا عَلَى إِخْوَانِهِ.

“Moreover, the right that is incumbent upon the ruler is not to withdraw his donations to the people from the blessings that he obtains. He should not change his ways. He should grant to the people of the special grants he receives. He should give some of what God has given him as his share to the people as to be closer to them. He should treat his brothers with kindness and benefit from their affection”¹¹

Imam Ali himself acted accordingly, and his rule was truly a just rule. He was like a kind and sympathetic father for the society and said:

أَأَقْنَعُ أَنْ يُقَالَ أَمِيرُ الْمُؤْمِنِينَ وَلَا أُشَارِكُهُمْ مَكَارِهِ الدَّهْرِ؟

“Should I be content with being called the Commander of the Faithful, and not share their hardships in this world?”¹²

No, it will never be so.

Imam Sajjad said:

“A ruler should be like a kind father and consider the members of the society as his children, and treat

them equally.”

This was put into practice during the rule of Imam Ali and the Imam made the following recommendations to Malik al-Ashtar in his well-known letter to him:

وَأَشْعِرْ قَلْبَكَ الرَّحْمَةَ لِلرَّعِيَّةِ، وَالْمَحَبَّةَ لَهُمْ، وَاللُّطْفَ بِهِمْ، وَلَا تَكُونَنَّ عَلَيْهِمْ سُبْعًا ضَارِبًا تَغْتَنِمُ أَكْلَهُمْ، فَإِنَّهُمْ صِنْفَانِ: إِمَّا أَخٌ لَكَ فِي الدِّينِ، وَإِمَّا نَظِيرٌ لَكَ فِي الْخَلْقِ.

“Let your heart harbor feelings of mercy for your subjects, and love and kindness for them. Do not be like a rapacious beast of prey against them, seizing them in order to devour them, for people are in two groups: either they are your brothers in religion or they are equal to you in creation.”

Imam Sajjad said:

“The people have faults which the ruler should forgive and forget.”

Imam Ali said the following in his letter to Malik al-Ashtar:

فَإِنَّ فِي النَّاسِ عُيُوبًا إِلْوَالِي أَحَقُّ مَنْ سَتَرَهَا، فَلَا تَكْشِفَنَّ عَمَّا غَابَ عَنْكَ مِنْهَا، فَإِنَّمَا عَلَيْكَ تَطْهِيرُ مَا ظَهَرَ لَكَ.

“Indeed people have faults, and the ruler is the one who is most suitable to cover up their faults. Therefore do not reveal those faults that are hidden from you, for your duty is only to remove what is apparent to you.”

An important point has been considered here, that is to ignore or act as if you do not know the faults of the people. Any ruler or government should be this way. The last subject related to the rights of the people that Imam Sajjad presents is that the ruler should be grateful to God for the blessing of ruling over the people.

He should realize that he does not possess any power on his own and it is in fact God who has granted him this power. He should realize that he himself is only a weak person. Imam Ali instructs Malik al-Ashtar:

وَإِذَا أَحَدَتْ لَكَ مَا أَنْتَ فِيهِ مِنْ سُلْطَانِكَ أَبْهَةً أَوْ مَخِيلَةً فَانظُرْ إِلَى عِظَمِ مُلْكِ اللَّهِ فَوْقَكَ وَقُدْرَتِهِ مِنْكَ عَلَى مَا لَا تَقْدِرُ عَلَيْهِ مِنْ نَفْسِكَ، فَإِنَّ ذَلِكَ يُطَامِنُ إِلَيْكَ مِنْ طِمَاحِكَ، وَيَكْفُ عَنْكَ مِنْ غَرْبِكَ، وَيَقِي إِلَيْكَ بِمَا عَزَبَ عَنْكَ مِنْ عَقْلِكَ.

“Should you ever feel proud and haughty due to your rule, consider the Majesty of God’s dominion above you and His power over you in what you yourself have no control. This will hinder you from your disobedience, prevent your harshness and return to you what has departed from you of your intellect

(which has become subject to your haughtiness).”

Then it is best for a ruler to be grateful for this divine blessing.

1. In the other version it continues: ”they have been made subjects through their weakness and your strength. Hence it is incumbent on you to act with justice toward them and to be like a compassionate father toward them. You should forgive them their ignorance and not hurry them to punishment and you should thank God for the power over them which He has given to you.”

2. That they do not have.

3. Sharh-i-Risalat al-Huquq, Ghopanchi, v. 1, p.385.

4. Nahjul Balaghah, Fayz al-Islam, wise saying no.429.

5. Usul al-Kafi, v.2, p. 146.

6. Ibid. p.147.

7. Al-Mizan, v.6, p.221.

8. Nahjul Balaghah, Fayz al-Islam, sermon no.34.

9. Nahjul Balaghah, Fayz al-Islam, sermon no .207.

10. Ibid.

11. Nahjul Balaghah, Fayz al-Islam, sermon no. 50.

12. Nahjul Balaghah, Subhi Salih, no.45.

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