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## Just Social System

***We have made you (the true Muslims) a balanced nation, so that you could be an example for mankind***

**(Surah al-Baqarah, 2: 142).**

What the Qur'an expressly desires is that the Islamic society should be a model for all those who want to lead a healthy and happy life. It should be a living testimony for the exalted principle that the way to live a healthy life and secure justice and fair-play is not closed to human beings. It is they themselves who should find it and follow it with consciousness, faith and persistence.

### Society

Man is a being which has for long been social and has been living a collective life. A group of persons living together is called society. Society may be defined as a group of individuals whose life is correlated with each other because they have common desires or common interests for the realization of which they work together.

The formation of such a group is sometimes accidental and sometimes intentional. In the former case it is technically called Accidental Society and in the latter Intentional Society.

### Accidental society

Suppose you go out to see the museum or to have a walk in the public garden of your town. You find that there are many other people also who have come there for the same purpose. You and they practically form a group having a common object.

However, it is evident that the individuals forming such a group had no prior intention to form it., Everyone of them left his house without having had any intention to do so. Such a group is called Accidental Society.

### **Intentional society**

if you want to set up a social, financial, political or educational institution and you do not have the intellectual, physical and financial potentialities necessary to undertake such a project, you try to find some other persons who may co-operate with you in the undertaking. Thus a group or a small society comes into existence, whose members join each other and work together with prior intention to do so. Such a group is called Intentional Society.

### **Characteristics of Accidental Society**

in this type of society there is co-existence, but there is no co-operation except that of a very superficial nature and that too partial and of short duration.

In this sort of get-together the members of the group do not choose each other. That is why they do not consider it necessary to have any previous acquaintance with one another to be a member of that group. For example, a passenger of a bus, a train, an aeroplane or a ship normally does not feel any necessity at the time of purchasing his ticket to make inquiries about the moral character of other passengers, their views and their motives of journey. Normally such inquiries are not even possible. He and other passengers are interested only in using a particular means of transport for going from one place to another, and no deep and extensive acquaintance is required to achieve this end.

### **Characteristics of Intentional Society**

This tie is, lasting within the limits of the objective of the society and continues to exist until the group is dissolved for one reason or the other.

As this type of society comes into existence with the intention of co-operation for the realization of a particular object, therefore, in this case co-existence is coupled with co-operation and mutual and reciprocal responsibility.

In this type of get-together members of the group select each other, and as the way of thinking and doing of each one of them affects the destiny of the others, they contemplate certain rules and criteria for the membership of their group.

The co-existence and co-operation between the members of the group and their mutual relations are based on the principles and rules accepted by each member consciously and after careful study.

Members of the group work whole-heartedly for its growth and development.

A definite example of an intentional society is a family, which in its Islamic form is a model for every other such society. It has all the characteristics of an ideal intentional society, such as: The husband and wife choose each other intentionally and willingly; With a view to lead a common life, With common responsibility, With reciprocal rights and obligations based on a definite social system accompanied by whole-hearted co-operation to secure a better and more developed life for themselves and their children.

### **Individual and society**

Man is a gregarious and social being. There can be no doubt that the conditions of his life depend on the conditions of the society in which he lives. But how and to what extent?

Is this dependence such that it does not in any way curtail the independence of an individual to mould his life according to his own choice?

Or is it such that it makes him absolutely subservient to his social environment?

Or is it neither this nor that but has some intermediate position?

These are three different views regarding the relation of an individual with his social environment. We propose to explain them further.

### **It is the individual who is important**

According to this view, the main factor in moulding the life of every person is he himself and not the society, for the society is nothing but a collection of individuals, who have learnt by experience that their desires will be better fulfilled if they co-operate with one another, and consequent on this experience they have been attracted to collective life. Hence their incentive to lead a collective life is actually their interest in the fulfillment of their personal desires.

All the social systems have been devised by the individuals to safeguard their own interests. Hence everywhere the hand of the individual is uppermost and it is his desire and action which play the basic role.

The corruption of society also originates from the corruption of the individuals. If every individual reforms himself, the whole society will automatically be reformed.

### **It is the society which is important**

According to this view the truth is diametrically opposite to what is maintained by those who say that it is the individual who is important. The exponents of this view hold that it is the society and the social man which are the material reality in this world and not an individual independent of others, for what we find on the face of the earth is only a collection of men mutually correlated and that is what is society. As in the world of nature every natural being is subservient to a general and universal system of nature and is not absolutely independent, similarly in the society an individual is only a part of it, such a part that follows the whole unhesitatingly and is governed by its over-all system. Even the ideas of an individual, his way of thinking, his desires, his aspirations and his will are only a reflection of his natural and social environment and the economic conditions of his society and class.

Those who hold that it is the society which is important, maintain that an individual is just like a cell in a living body. A cell cannot be independent of the whole body and its complex system, nor can it develop fully irrespective of the fact whether the whole body is in a healthy and sound state or not. Similarly an individual cannot be independent of the social system in which he lives. He will have to go the way towards which the powerful social and economic forces dominating the society will push him.

Some contemporary social schools have gone to such an extent in their reliance on the importance of society as explained above, that it appears as if man is a being totally dependent on society or his class and has perforce to follow the way shown to him by social and class environment without having the least possibility of exercising his own will and choice.

As the result of this view, the principle, that everybody should reform himself so that the whole society is reformed, gives place to another principle, which says that it is the social system which should be changed and reformed so that the individuals are automatically reformed.

### **It is the mixture of the individual and the society which is important**

According to this view it is the mixture of the individual and the society which is important. The individual is a being who is neither fully independent of nor fully dependent on society. He has an intermediate position.

There is no doubt that the overall educational, economic and political system of the society leaves its

impression on the individual, his ideas and his personality. It evokes certain desires in him and suppresses certain others. It moulds his life and guides his will. Nevertheless its impact is not so strong as to make the individual totally subservient to his social environment. It is similar to the impact of the natural environment on him.

Unlike other existing things man is not also totally subservient to his natural environment. In many cases he rules over nature, and using his self-consciousness and harnessing his latent inner forces tries to change his natural environment or to bring it under his control. He stands in the same relation to his social and class environment also. He does not completely submit to it. He tries to understand the sociological laws and with the help of his knowledge and his hidden powers tries to control and change his social environment to his own advantage. He is not always reconciled with the existing social system.

Hence, though the social changes have their own laws and trends and most of them are due to the factors working inside society as a whole, an appreciable amount of them takes place as a result of the ceaseless efforts of self-conscious and enthusiastic individuals also.

Thus neither the individual is exclusively important, nor the society and the social system. What is important is a mixture of the two.

An overall study of the Islamic teachings shows that they are based on this third view, viz. that of the real importance of a mixture of individual and society.

We find that the Islamic teachings stress, on the one hand, the responsibility of an individual in regard to self-making and environment-making, and on the other emphasize the inevitable effect of the social atmosphere in giving shape to the ideas, intentions, morals and actions of man to such an extent that it may be said that all men are largely interdependent in shaping their destiny.

That is why the Qur'an wants everybody to find and tread the path of righteousness and not to put up the corruption of environment as an excuse for his own deviation.

***"When the angels take away the souls of those who are wronging themselves, they ask them: In what circumstances were you? They will say: We were oppressed in our land. (The angels) will say: Was not Allah's earth vast enough for you to migrate? It is they whose abode is Hell. What a bad fate!" (Surah al-Nisa, 4:97).***

Imam Ali (P) says very emphatically: "You people must not be deterred and discouraged by the paucity of those who are going on the right path".

At the same time man has been reminded that he should not be contented with his being on the right

way himself and must not neglect his duty of improving his social environment. The fall of society leads to the ruin of the good and the bad alike.

Imam al Baqir (P) says:

" . . . . . Then the wrath of Allah reaches its height. His retribution overtakes all. The virtuous are ruined along with the wicked, and the young in the house of their elders".

That is why a Muslim, while holding his individual responsibility, is a collectivist also. Whatever he seeks from Allah, he seeks for 'us' and not for 'me'. Look at the supplication we make to Allah in our daily prayers:

***"You alone we worship and You alone we ask for help. Guide us to the straight path ". ( 1 : 5 )***

Also look at the ritual blessing at the end of the prayers:

***"Peace be on us and on the virtuous bondmen of Allah "***

The stress laid by Islam on 'exhortation to good' and 'restraining from evil' being the reciprocal responsibility of all the members of the society, whatever be their

position, the drawing of attention to the deep effects of the purity and the pollution of the social environment and the emphasis on other factors touching faith and morality such as the economic conditions, are some other signs which clearly show that the doctrines and injunctions of Islam are based on the principle of the importance of a mixture of the individual and the society.

From what has been stated above briefly, we come to the following conclusions:

- Islamic society is an intentional and not –an accidental society. It has come into existence by the will of the people on the basis of the choice of a definite goal of life.
- It is a society all the systems and laws of which pay full heed both to the individual and to the relative role of his will and conscious choice as well as to the social system and the educational, political and economic conditions of the environment and their inevitable role in moulding and building the individual character.

In our opinion to pay attention to these two points is essential for the correct understanding of the social, economic, moral and devotional teachings of Islam, and their difference from what is preached by other schools of thought.

## Social System

In every society, especially an intentional society, there always exists a sort of method or system which determines:

- The general ways and customs of society;
- The way of its administration;
- Mutual relations of its members, and
- The relations of every member with the whole society;
- The rights and obligations arising out of these relations.

For an example take the case of a trading or an industrial concern. From the very beginning it is necessary that its aim, the method and the means of the realization of this aim, the way of the administration of the company, the functionaries responsible for the working of each section of it, the rights and powers of every share-holder, every office-bearer and the general body and all such other questions should be decided in advance, and that the company from its very establishment should work accordingly.

Is it possible that a company is established or run without deciding all these details? Obviously not. The same applies to a society also. From a small professional union to the world society every organization requires a system and fixed rules and regulations for its working.

The sum-total of the rules, the system and the basis according to which a society works, is called the social system.

## Just Social System

We know that only a healthy and balanced body can continue to grow properly. Any kind of defect *in* the limbs or a system of the body will cause disturbance and weakness. If the temperature of the body goes above what is normal, the result will be high fever and a general crisis. If its temperature goes below normal, weakness and some other kind of imbalance will ensue. The excessive increase or decrease in

the degree of blood pressure, in the number of white and red globules, in the quantity of the vitamins necessary for the body – all these cause a sort of imbalance and some disease or other. One must combat strenuously these diseases (and imbalances) in order to bring about all round equilibrium, or otherwise be ready to decay and die. As we have seen, this kind of balance is necessary in human and spiritual matters also. Too much or too little satisfaction of the desires of man is injurious to his humanity.

## Society

The strong mutual attachment of a group of individuals brings about the existence of a sort of social entity called society. Anyhow, its members retain their individual character and the independence of their will.

Like the physiological and human existence of an individual, the entity of society is also governed by certain laws, which of course, exclusively pertain to it. The survival of society depends on the existence of a social equilibrium in accordance with these laws.

If there exists all round justice in society, conditions will be favourable for its growth and development, and generally speaking, the evolutionary movement of society will be in conformity with the evolutionary course of the entire world. On the other hand, any kind of injustice will be a cause of disturbance, retrogression and decay of society.

It is one of the principal aims of Islam to establish justice and to bring about complete equilibrium in Islamic society.

The Qur'an says:

***"Indeed We sent Our Messengers with clear evidence and We revealed with them the Scriptures and the standard to show what was right and what was wrong, so that people might conduct themselves with fairness". (Surah al-Hadid, 57:25).***

In order to know the factors which cause equilibrium in society, the following factors should be taken into consideration:

## Equality of men

We know that for the establishment of equilibrium it is necessary that every thing should be in its place. As all men are basically equal, Islam does not admit that any individual has any special position. All men have been born of one ancestor and have a common nature. The difference in rights on the basis of



race, class, tribal attachments etc., which existed among certain nations, is totally denied by Islam. Islam declared its view on this subject at a time when social groupings, discrimination in position, difference in rights were considered to be natural and rational in the biggest civilized and eminent countries of the day. Islam does not believe that any particular group or class has been born for subjection and any other group for mastership. No group has been born dirty nor any other group for executive and administrative jobs. No group has come into existence to have the status of the beasts while others enjoy human dignity, as was the religious, legal and social position under the out-dated systems of yore.

Islam officially proclaimed that:

- "All men are equal like the teeth of a comb".
- "You are descendants of Adam and Adam was made of clay".

***"This nation of yours is one nation and I am your Lord. Therefore worship Me". (Surah al-Anbiya 21:92).***

In fact all men are slaves of Allah and brothers of each other. They all form one group and belong to one class.

## Legal Justice

With that conception of divine cosmology which Islam has in regard to man, it is naturally necessary that among individuals there should exist a sort of unity, harmony and equality in the matter of basic legal rights. When it is not recognized that any particular position in society is reserved for any particular individual or group, none can claim that any high position or a superior job is his exclusive prerogative, nor can any one consider others to be destined to obey him and to do only menial work. Naturally for no particular group there exist any special rights or fixed privileges, nor for others lesser rights and privileges.

On the basis of this conception, justice does not mean the subjection and privation of the vast majority and the enjoyment of all the comforts of life by a particular class of individuals having the right of exploiting others for their own benefit. None has any special position and all are capable of developing their talents and showing their ability.

In this context justice means the provision of equal opportunities to all individuals to promote and show their talents, and to go forward up to the limit of their capacity.

## **Elimination of undue discrimination under Islamic conception**

If we look at man from a purely material angle, it is quite likely that we should arrive at a conclusion untenable intellectually and ideologically. For example, if we consider man only as a living being having various faculties of growth and reproduction and having certain physiological and biological characteristics culminating in a developed nervous system and brain, we shall notice that there is a vast difference between various individuals from the point of view of their physical activity, colour of skin, power of muscles, shape of limbs, height, weight and the ability to do various physical jobs. If we define man as a tool-making being, we shall find that all men are not alike in tool-making ability and manual skills.

Similarly if we judge man and his human value by his power of production, we shall see that in this respect also there is a vast difference between individual and individual. On this basis, it may look to be a part of human nature that there should be a difference in the position and the legal rights of different individuals. This kind of philosophy leads us to the ancient system of grouping and paints discrimination in natural and rational colours.

But according to the divine view of Islam, humanity of man neither lies in his veins, skin or bones nor in the growth of his muscles, his working power or his toolmaking. It lies in the fact that man is a self-conscious being having independence of will and power of choice. On this basis all men are human beings possessing human values. Even from material point of view, what is important is that all men are made of clay, which is their common feature. Their nature is the same. According to this view the question of any human and natural discrimination does not arise.

## **Economic Justice**

As we have already learnt, basically ownership is concentrated in Allah. All the natural resources which can be exploited by man are as a principle Allah's property. All men have been created by Him and they live on His gifts. According to this conception of cosmos, natural wealth is not the private property of anybody in society. No particular group or class can claim its ownership and deprive others of its use or to reduce them to the status of serfs. All natural resources belong to Allah. They are for the benefit of all. Justice means that, in the words of the Qur'an, 'Wherever a man finds his means of living' or in the words of Imam Ali (P), 'Whoever has a spark of life, he should have a right to acquire his sustenance'.

Social justice in financial matters means that all, yes all, should be able to get all the necessities of life.

## **Freedom of thinking and acquirement of knowledge**

We know that man is a being ready for evolution and moving forward. Hence the social position of an

individual in society is represented by the opportunity that opens for him the way to evolution and development, and even protects and guides him on this way, so that he may attain his natural and human rights.

For example, man has the power of thinking and choosing. Therefore a just society is that which provides him the opportunity of exercising his free will, gives him freedom of thought and does not impose on him the will and desire of any particular class. Suppression of the freedom of thought in any way hampers evolution and deprives man of his innate and God-given right.

A just society gives man the right of making free and conscious choice. Man is not expected to make his choice with his eyes and ears closed nor under duress and pressure against the dictates of his conscience. The suppression of the right of choice is a deviation from the normal human course. It causes disequilibrium in society.

Anyhow, in regard to these questions it is a social necessity that guidance and constructive opportunities are provided to man to enable him to think rightly and make his choice rightly. But in providing this guidance there is a lurking danger which must carefully be avoided.

Guidance must be earnest and selfless. It should be provided for the service of man, to make his hidden capacities bloom, and not with a view to exploit him and mar his humanity.

Man has also the capability to learn and attain knowledge. Attainment of knowledge is his birth-right. A just society is that which provides an opportunity to everyone to gain literacy, to make higher studies and to acquire proficiency in skills and arts.

### **Profit is the result of work and all-round activity**

It is the right of every individual to profit by the natural resources. But that is possible only as the result of his exerting himself and doing work. Therefore, it is necessary that an opportunity of working and making some sort of useful effort should be provided to every individual, and everyone should be guided and trained to make full use of his intellectual, mental and practical creativeness, so that he may be engaged in constructive activity and may profit by the natural gifts as the result of his own efforts.

### **Privation is the result of encroachment**

It should not be forgotten that man is a social being, and an individual has to live with others in society. It is not the right of any one individual, but it is the right of all individuals that all possibilities of growth and development should be provided to them. Hence, the education of one must not be at the cost of

keeping others uneducated, and the employment of some must not be at the cost of the unemployment of others. Similarly the enjoyment of the comforts of life by some should not be the cause of the privation of others.

It may be noted that according to the view held by Islam it is not because some individuals have secured their rights that others are deprived of theirs. It is, in fact, because of the transgression and excess of some individuals that others are deprived of their rights.

Imam Ali (P) has said:

"I have never seen any 'hoarded money', without there being 'neglected rights' besides it".

He has also said:

"No one remains hungry, except for the reason that some rich man has availed himself of too much".

There can be no privation if everybody is satisfied with what is his due.

### **Law of justice and a just mechanism to enforce it**

In a just society it is necessary that there should exist laws to determine the rights of the individuals and there should be a machinery to enforce and defend these laws. But here again there is a possibility of a slip which should be avoided.

In this connection there arise some important questions:

What should be the nature of the laws and who should give them? What should be the aim of these laws and whose interests they should safeguard?

Evidently the laws should not overlook the principles we have mentioned earlier. They should serve the real interest of all individuals and should create a favourable atmosphere for the prosperity and the material and spiritual development of all. The laws should be in conformity with the innate human nature and should aim at moulding a balanced man. Islam presents such laws.

The next question is, which machinery should ensure the enforcement of these laws and should defend the rights of the people?

Scarcely there exists a society which does not talk of the rights and the law, and scarcely there is an executive machinery which does not regard itself as the protector of the rights and the interests of

society. But the actual position is not so simple.

A thorough social analysis should be able to show whether those who are responsible for enforcing law, actually do so everywhere or they enforce their own desires, and instead of protecting the truth, safeguard their own interests.

Competence should be the criterion of securing social positions In the field of administration also, justice means that everything should be in its own place. As such, fitness and competence should be the only criterion of securing social positions.

Naturally competence is judged on the basis of the rules and the standards which every system lays down for itself.

We will later on discuss the Islamic standards in this respect. Anyhow, every type of self-seeking, lust of power, defrauding and subjugation is contrary to the idea of social justice.

A just society also requires a conscientious, honest, unbiassed, far-sighted and resolute judiciary, which may effectively protect the rights of people and prevent every kind of transgression and corruption.

### **Sense of responsibility**

A sense of responsibility is one of the most important factors which guarantee the maintenance and enforcement of justice. For this purpose everybody should be aware of his rights and obligations, and watch that all do their duty. Constructive criticism and exhorting people to do good and restraining them from evil at every stage but within proper limits, are necessary for this purpose.

### **Islamic brotherhood**

In Islamic society there exist a spiritual bond and a tie of mutual love and affection which unite all its members. Islam has laid great emphasis on Islamic brotherhood, which is one of the most important factors of the establishment and maintenance of its just social system. This spiritual infrastructure and sentimental bond of faith plays a basic role in safeguarding the rights of individuals and in taking care of their collective social interests.

### **Character building and fighting against corruption**

Lastly the emphasis which Islam lays on character building continuous effort to eliminate spiritual vices and the promotion of moral qualities of individuals, is an important factor of the establishment and

preservation of a just social system. As we have already seen, it is the corruption of those who run a system that causes tremendous damage to even those systems, which from the beginning are based on safeguarding the rights and interests of people. The original aims are often forgotten because of the selfishness, self-aggrandizement, mutual rivalry and lust of power of the pioneer groups. Even what was to be eliminated as the result of the previous efforts, reappears in a new form and seizes the existing situation. The prevention of such a damage is not possible without continuous self-criticism, revival of faith and spiritual consciousness, character building and remoulding the individuals. In fact only pure, conscious and active people can bring a healthy system into existence and it is only they who can maintain it.

## **Essential Elements for the Establishment of a Just Social System**

Everybody by nature wants his life to be as successful and fruitful as possible. Everybody is keen to lead the most successful life and tries his best to achieve this end. In this all-round struggle there is a possibility that two or more persons may try to grab at a particular advantage. They may come to a clash, unless there are some rules to regulate their conduct and to define their limits.

To avoid possible clashes and ensuing strifes, the only remedy is to lay down definite rules and to prescribe clear limits so that everybody may be bound to abide by them. What determines these limits is called Law.

### **Law**

Law is a body of definite rules and regulations which have the force and authority recognized socially, and which determine the rights, obligations, limits and responsibilities of everyone living in a particular territory. All, whether high or low, have to abide by these rules and regulations and to accept the consequences of violating them.

### **Sources of Law**

Who fixes these rights, obligations and limits?

In this respect all the laws of the world are not alike. Each one of them has been set forth by a particular source. From the point of view of its sources the law can be divided into four categories:

(1) Individualistic despotic law,

(2) Class despotic law,

(3) National law; and

(4) Ideological universal law.

(1) Individualistic despotic law: This kind of law normally originates from the will and desire of a powerful individual who according to his own views and whims formulates rules and regulations and, taking advantage of his position, enforces them. It is natural that such a law should normally aim at meeting the aspirations of that powerful individual and his close aides, and not at safeguarding the interests of the masses. In some exceptional circumstances, if that powerful man or any of his aides is endowed with a spirit of service or if their own interests demand so, they may consider the interests of the people also. It is also possible that in some cases their private interests may conform to those of the common people.

(2) Class despotic law: Sometimes the law originates not from the will of an individual or a group, but from that of a class, controlling the society, such as the land-lords, the capitalists or the workers.

This kind of law also usually tends to meet the aspirations of the class in power, except in the cases where its interests conform to those of others.

(3) National law: The law which originates from the will of a nation or at least the majority of it and not from that of an individual or a class, is called the National Law. The following points may be noted in regard to it.

(a) The national law of an advanced society generally seeks to meet the maximum interests of that society or its majority. It is immaterial whether it is in keeping with the general interests of humanity or not.

Historical experience shows that the societies and the nations enjoying the so-called national government have practically become the natural pivots of the world and have harnessed everything in it for their own welfare and comfort. It is very seldom that at the time of framing a law or implementing it they may take the interests and the desires of the human society as a whole into consideration.

(b) The national law having its origin in the desire of the majority, naturally represents its views. Here the question arises:

Does the opinion of the majority always conform to the real interests of the nation?

Practical experience shows that if the law is based merely on the opinion of the majority, in many cases

it causes irreparable damage to the majority itself and often drags the nation to social and moral decay.

Living examples of such decay can be found among many existing societies enjoying the so-called national government, especially among those which are industrially advanced. In these societies the governments usually try to follow the opinions of those segments by the votes of which they may come to power or may continue to be in power, howsoever harmful or vulgar these opinions may be.

(c) The claim of all or most of the societies which boast of having a national government and a national law is more or less hollow and misleading. A deeper analysis will show that it is only a class or individual despotism which is being displayed under the facade of national government and national law.

(4) Ideological and universal law: It originates from an ideology which is keen to look after the interests of all the people of the world and not those of any particular nation, class, group or individual. It attaches foremost importance to the clear and definite principles whose worth has been proved and which have been acknowledged as true by the people of the territories where it is enforced. It is not subservient to the will of any majority.

## Law and Its Sources in Islam

The law of Islam is ideological and universal. Its underlying principles are clear and definite and have been learnt through reason and revelation.

Islam considers only those rules and laws to be binding which have been formulated:

- Direct by Allah, or
- By the Prophet of Allah, or
- By a vicegerent of Prophet, or
- By those who have come to power in accordance with the Islamic standards.

***'Believers, obey Allah and obey the Messenger and those vested with authority among you. If you have a dispute about anything, refer it to Allah and the Messenger, if you believe in Allah and the Day of Resurrection. That is good and its outcome will be better'. (Surah al Nisa, 4:59).***

A law which comes from Allah, His Prophet or an infallible Imam can easily be accepted and trusted by all those who believe in its coming from those sources, for they know fully well that the law-giver has



complete knowledge of all the aspects of the questions involved, has no self-interest and gives heed to the interests of all. Anyhow the rules and regulations framed by the authorities-in-charge of social affairs are enforceable only if

- They are not repugnant to the laws and standards mentioned in the Qur'an and the Sunnah,
- Full consideration, as far as practicable, has been given to all the aspects of the questions involved, and
- They have been framed with total impartiality without showing any bias towards the interests of any particular individual, group or class.

Only such rules and regulations can have the sanction of the Qur'an and the Sunnah of the Prophet and the Imams, and can enjoy the whole-hearted support of the people.

### **Right course towards this magnificent end**

A very magnificent end of the course of human life has been planned by the Creator. The human history following the will of Allah is proceeding towards this end. That is what is called by others as 'Compulsion of history'.

As we pointed out earlier, persistent human effort still plays no small part in reaching this bright and promising end. Generally speaking, the normal course of history consists of the events of conscientious human effort in the direction of righteousness, justice, Godliness and purity of heart and soul, accompanied by the defence of human rights and the observance of the rules of mutual human behaviour.

Whenever a deviation is found it is our duty to check it and divert human action to its normal course.

As the result of his effort, man, on the one hand, receives some immediate return. His deficiencies are somewhat reduced and the manifestation of justice and righteousness in his individual and social life is increased. And on the other hand he gets closer to his ideal end.

The pre-requisites of this effort are as under:

- Correct knowledge of Islam and the right course consistent with the needs of the time;
- Faith, self-making and preparedness for collective effort;

- Making individual efforts a part of persistent collective struggle under a proper leader.

Correct knowledge of Islam, keeping in mind the needs of the time What should be done to get such a knowledge? The reply to this question is evident. One should refer direct to the Qur'an and to the holy Prophet, who is also the political and intellectual leader of the ummah.

However if a person is unable to have direct access to these sources, what should he do? The reply to this question is also evident. He should approach those who have enough knowledge of the Qur'an and the *Sunnah* of the Prophet, related to his position of being the intellectual and political leader of the Muslims.

This was the course which was being followed during the life time of the holy Prophet also. So long as the number of the Muslims was small and all of them lived in his company, they had direct access to their leader. They could gain enough knowledge of the Qur'an also direct.

But as Islam expanded, many people embraced it in far flung areas. Some of them could not get an opportunity even to see the face of the leader of Islam even once. Those, whose mother tongue was not Arabic or whose dialect was totally different from that of the Qur'an, were to a great extent unable to understand it also. At this stage of the movement it was found necessary to depute some Muslims to acquaint the newly-converted with the intellectual contents of Islam and the Qur'an.

It was necessary to do so because otherwise, it was feared, the movement could be distorted with the infiltration of the reactionary ideas into it. It was at this stage that the Qur'an gave the following instruction:

***"It is not proper that all the believers should go out (to war). Why should not a party from among every section of them go out so that they (who are left behind) gain a sound knowledge of religion and admonish their men when they return to them, so that they may takeheed ". (Surah al-Tawbah, 9: 122).***

After the demise of the holy Prophet nobody could have direct access to the first leader of Islam. From the Shi'ah point of view now the responsibility devolved on the leaders designated by the Prophet, that is, Ali (P) and the imams succeeding him. From the point of view of our other Muslim brethren, the responsibility rests with those who have enough knowledge of the Qur'an and the *Sunnab* of the Prophet.

In our time, that is, during the period of the occultation of the designated imam, (For details see: *The Awaited Saviour*, ISP 1979), the Shi'ah also do not have direct access to the leader appointed by Allah and His Prophet. They also, therefore, in order to obtain correct knowledge

of Islam should approach those who adequately understand the Qur'an, and are aware of the *Sunnah* of the Prophet and the imams, and can express an opinion derived from these sources regarding the questions of the day.

## Ijtihad

*Ijtihad* means to exert oneself to deduce precise rules of Islamic law from their sources in accordance with the special rules of research. The ability to make *ijtihad* or deduce laws is not the monopoly of any particular class, nor is it subject to any appointment or announcement. The way is open to everybody to acquire the necessary qualification and specialize in this field. Any one who does that, will automatically get the power to exercise *ijtihad* and will have the right to act according to his own findings and deductions and even to announce the results of his findings for the information of others.

## Formulation of law concerning the ruling system

Let us see under what conditions a juristic opinion or verdict can be regarded as authentic and enforceable.

In the case of a social or a governmental question, the individual or the council responsible for deducing and formulating a law, must be officially selected for this purpose, so that its decision may have the backing of the executive and may be enforced in a legal form on the level of society.

## Formulation of law on individual matters

If the verdict is meant for the personal action of the individuals, then selection of the religious authority which may issue it, may be left free. In other words people may be allowed to accept and act upon the opinion of any religious authority whom they may deem fit for the purpose.

## Why should we adopt the doctrine of Taqlid?

*Taqlid* means to accept the juristic opinion and verdict of a *mujtahid* (a jurist capable of arriving at an independent judgement) and to act upon it.

We know that on principle Islam advocates freedom of thought and is opposed to the submission to any unauthorised opinion, custom, convention or order of any social authority.

The basis of this opposition is two fold:

(a) We cannot always be sure that an opinion, custom or convention is sound and is not a sort of fraud or myth?

(b) There is a possibility that an opinion or instruction may be aiming at self-aggrandizement or at protecting personal or class interests, in which case to accept it will be tantamount to submission to exploitation and subjugation. We know that Islam is as much against acknowledging myths, as it is against submitting to injustice.

Anyhow, it is permissible to accept the view of someone else provided:

(a) The person initiating the view has specialized in the subject concerned and has enough knowledge to be competent to express an opinion.

(b) His purity, and veracity are above suspicion.

There also must be valid reasons to believe that the opinion in question is sound and proper in the prevailing circumstances and is not based on selfishness or superficial thinking.

If these two conditions are fulfilled it is logical that we should accept such an opinion. If a man is unable to form his own opinion, he has no option but to follow that of someone else, who is reliable and a specialist in his field.

### Qualifications of a competent religious authority

(whose opinion may be accepted without knowing the authority on which it is based).

From the traditions concerning *taqlid* the above-mentioned two principles can easily be deduced. According to a well-known report Imam Hasan al Askari (P) clearly brought out this point, while explaining the verse which denounces the Jewish laymen for following their vicious rabbis blindly. The verse is as under:

***"There are illiterate men among them who know nothing of the Scripture except vague fancies. They only guess". (Surah al-Baqarah, 2:78).***

The Imam said: "If the laymen of our ummah also find that their jurists (*faqih*s) are biased, are openly indulging in misdeeds, are competing with each other in securing pelf and position, are trying to eliminate their opponents and supporting their own incompetent and mean adherents; and they still

follow such jurists, they will be no better than the illiterate Jews, who followed their corrupt rabbis. But the case of those jurists, who do not go astray, do not sell themselves, are particular about protecting their religion, suppress their wild passions and obey the commandments of Allah is different. They should be followed by the common people. Of course, the number of such jurists is small. All jurists cannot be such".

First of all this report talks of *faqih*s. This term implies specialisation in understanding religious questions and under-taking learned research. Hence a competent religious authority must be a first rate *faqih* and *mujtahid*.

Secondly, the qualities of consciousness, piety, religiousness, obedience to Allah and suppression of wild passions mentioned in the report, are the infrastructure of all human and moral virtues and mean keeping away from all sins and deviations.

Thus we can deduce the qualifications of a competent religious authority from this report.

Now let us discuss certain other points which are worth consideration in this connection.

(1) It is now clear that those who are not themselves specialists in cannon law should consult a *mujtahid* and follow his opinion. But in those cases in which the *mujtahids* differ and do not have a unanimous view, what should the *muqallids* (followers of a *mujtahid*) do? Normally when we face an important problem in life, for example if the specialists differ about the treatment of an acute disease, we accept the view of the best specialist. By analogy the view of the *mujtahid* 'most noted for his religious learning' should be accepted in cases of difference of opinion between the *mujtahids* also.

(2) There is one more important question worth consideration. As with the expansion in human knowledge, an increase in its ramifications and more and more specialisation, the field of skill in cannon law and the deduction of rules of religion has expanded, it is now difficult for any one individual to cope with the task. Will it not be better if this task is entrusted to a council and is carried out on the basis of co-operation or division of work?

(3) There are two basic aspects of skill in cannon law. If the practical ability of a scholar covers both of them, his deductions will certainly be closer to truth and worth being implemented. These aspects are:

- (a) A thorough knowledge of the sources of law, religious tests and the principles of jurisprudence.
- (b) Acquaintance with the existing world situation, modern trends and social conditions.

In short a jurist should have the full knowledge of the sources of law and should also know how and

where a particular rule is to be applied.

(4) As *ijtihad* is a continuous process and a living method of understanding religious law and goes on along with the emergence of new needs, new problems and new relations, it is necessary that in Muslim society broad-minded and efficient *mujtahids* should always be busy with the work of *ijtihad* and inquiry. By implication, the people should receive instructions regarding their religious duties from a living authority, except in those cases where the living authority allows them to continue to follow a past *mujtahid*. It is far more important to follow a living authority if the question involved concerns the ruling system. Obviously the leaders who are actually at the helm of affairs of a society should be alive and existing.

### Formulation of new provisions

We have seen that the *mujtahids* have a right to deduce and discover rules of law in accordance with the principles of jurisprudence. They interpret and explain them. If they have the necessary qualifications of a competent religious authority, their juristic verdict deserves to be accepted and followed by others also.

Another point in connection with Islamic laws is that the government authorities have a right to issue rules, regulations, orders and instructions, on the basis of firm Islamic laws in the social and administrative fields. These rules and regulations are not of a permanent nature. They are subject to the requirements of the time. Anyhow, the issuance and promulgation of these rules and regulations, once an Islamic government is established, is the prerogative of those who are at the helm of the affairs of that government.

Evidently such matters cannot be left to individual discretion, for that will lead to chaos and disappearance of central authority.

### Sources of Cannon Law

For the purpose of juristic deduction a Muslim jurist uses various sources of law. The most well-known of them are the Qur'an, the *Sunnah* consensus of opinion and reason. We propose to explain them below:

Islam being a Divine religion, revelation is the basis of its legal system. Hence every rule must have Divine sanction.

The rules of law and other items of knowledge were revealed by Allah to the holy Prophet, who conveyed them verbatim to the people. The collection of these revelations was named the Qur'an.

Besides that, with the help of the Divine knowledge that he had, the Prophet put forth Islamic teachings or explained and expanded what was contained in the Qur'an. But despite that he was very particular not to say anything which did not have Divine sanction (*'We speaks not o f his desire"* – Surah al-Najm, 53:3). Of course, special Divine vigilance always guided him to the right path.

Furthermore, Allah has expressly enjoined the obedience to His Prophet. Therefore, the injunctions issued by the Prophet are as obligatory as the commandments of Allah.

The Divinely designated and installed Imams, though they did not bring any new religion, were described by the holy Prophet as the interpreters of the Divine law and Islamic rules of conduct. They received the knowledge, which they had, either from the Prophet, or it was bestowed on them as a special favour by Allah. Hence what they have said is surely authoritative.

In view of their purity and infallibility and the existence of other definite evidence, not only the actions of the Prophet and the Imams themselves are authoritative, but the actions of others also become authoritative if approved and endorsed by them and can be cited in support of a Divine rule.

Hence the sayings and deeds of the Prophet and the Imams constitute a valuable source of knowing the teachings of Islam. This source, which is called *Sunnah* or *Sirah*, is authoritative next to the Qur'an.

### Authoritativeness of the Qur'an

The Qur'an will always be existing in its original form. With the precautions taken by the holy Prophet and the watchfulness and co-operation of the Muslims it has remained unaltered. Hence whatever it contains was no doubt revealed by Allah to the Prophet of Islam. Its being a legitimate source of law is unquestionable.

But to draw inferences from the Qur'anic verses requires a special study of them. Everyone cannot have access to all the contents of the Qur'an. To interpret the verses and to reconcile them keeping in mind all the explanations given in the *Sunnah* is a matter of specialization. Anyhow, it should not be forgotten that the Qur'an is a Book of clear guidance and all those who know its language can be benefited by it directly. Others can have access to it through its translations. All can be guided by its Light. Only juristic deduction with all its dimensions and limits, anyway, requires a specialization in understanding the Qur'an and the *Sunnah*.

### Utilization of the Sunnah

In the case of the *Sunnah* the problem is twofold. First we have to sift the traditions to see which of them

can be accepted as genuine. Next we have to look into their true import.

There is no doubt that all over history many reports have been fabricated and imputed to the holy Prophet or an Imam. There are many other traditions the text of which has been altered in one way or the other owing to carelessness or lack of remembrance on the part of the transmitter of the tradition.

Hence it is necessary to ascertain the genuineness of each report, which in itself requires special skill and acquaintance with the personality of the transmitters and with the chains of authority.

If a report is found genuine, then there is the question of its true significance and meaning. For this purpose all relevant reports, which are sometimes conflicting, are to be collected, and their historical background and special language are to be studied.

As such the understanding of the *Sunnah* also requires specialization in various fields.

### Consensus of opinion

Sometimes consensus of opinion (*Ijma`*) is considered another source of law besides the Qur'an and the *Sunnah*, in the sense that if the jurists agree to an opinion, we should act upon it even if we do not find anything in the Qur'an and the *Sunnah* to support it.

The Shi'ah jurists maintain that if some authority is found on a rule of law in the Qur'an or the *Sunnah*, the question of the consensus of opinion does not arise. A text should always be given preference over a consensus. But if no authority is found and still the jurists have expressed an opinion, we regard it as authoritative, presuming that the jurists must have had some authority in support of their opinion, though we could not find it. In this way the validity of a rule of law even in such cases is actually based on some authority in the *Sunnah* not known to us.

### Reason

Reason plays a basic role in *ijtihad*. Its role in ascertaining the rules of Islamic law has such an importance that it is said that reason and Islamic law are inseparable. There is a maxim which says:

"Whatever judgement is pronounced by reason is pronounced by Islamic law and whatever judgement is pronounced by Islamic law is pronounced by reason."

While dealing with the question of the Qur'an and the *Sunnah* we have seen that the deduction of the rules of religious law from these sources requires specialization, and has to be carried out in accordance with certain rules and standards. At all stages of juristic deduction thought and reason are to be applied to it. In one way or the other reason has to be used while restricting the application of a law, giving



preference to one report over another or extending the application of a law to other cases on the basis of the generality of its effective cause.

This is the case with regard to those questions concerning which the Qur'anic verses or traditions have come down to us. But there are matters which have not been dealt with expressly by the Qur'an and the *Suunnah*. We know that Islam is an all-pervasive and ever-lasting religion. Then what should we do with regard to these matters? In such cases the Islamic cannon law has certain principles and general rules by the application of which and keeping in mind the contents of the Qur'an and the *Sunnah*, the problem of the new questions can be resolved. This is one of the most difficult stages of juristic deduction.

These principles and rules have either been derived direct from the religious texts and can be utilized only under the guidance of reason, or are basically the axioms which are applied to juristic deduction of Islamic laws.

### **Role of reason in determining the principles of religion**

We already know that Islam wants the people to think for themselves and accept what is right. It does not want them to shut their eyes and ears, nor does it want to impose on them pre-arranged decisions.

Therefore the use of reason and thinking power is one of the preliminary principles of Islamic cosmology.

We must ascertain the truth and arrive at the fundamental doctrines of Islam with the help of reason, thinking, inference and logic.

We know that as far as the fundamentals of religion are concerned, it is not permissible to follow anyone blindly.

Our belief in them should be based on our own reasoning and faith. Of course, there is no harm if we use the material supplied by revelation in moving forward our ideas. For example, we can be benefited by what the Qur'an has said about Allah in forming our belief about Him. Similarly we can ascertain the truth of revelation by pondering over its sublimity, its excellence, and the perfection of its teachings. By doing so we can arrive at the conclusion that it is really from Allah.

### **Role of reason in finding out the inimitability of the Qur'an**

It is a fact that the inimitability of the Qur'an is implicit in the Qur'an itself and we can discover it by giving our thought to it. The striking style of the Qur'an, its expressions and its flow on the one hand and its firmness, its comprehensiveness and its valuable teachings on the other, bear witness to the fact that it

is a Divine phenomenon and not the product of human effort. Especially when we take into consideration the fact that the Prophet for the first forty years of his life had no concern with any formal or informal education, and then suddenly on being raised to Prophethood he set forth verses which were not only matchless in their style and composition but their content was also very sublime and wonderful, we can have no doubt that the Quran has been revealed by Allah.

The study of the Qur'an and the circumstances in which it was revealed makes it clear that it is the word of Allah.

### Philosophy of the rules of law

All those acts which Islam has ordered us to do, have certain advantages and all those acts from which it has restrained us, have certain disadvantages. No Islamic injunctions are without any valid reason behind them.

For example, the eatable and drinkable things, legal relations, etc. have some inherent advantages or disadvantages, whether there exists any law concerning them or not. The Divine commandments are based on those very inherent advantages and disadvantages.

For instance the alcoholic drinks and narcotic substances are harmful irrespective of what the Islamic law says about them. Similarly usury is a big trap used for economic exploitation. Adoration of Allah is purifying and invigorating. If intoxicants and usury are forbidden, that is because they are harmful. If prayers have been enjoined, that is because of its beneficial effect on human beings.

Thus all rules of Islamic law are based on advantages and disadvantages, which are to a certain extent comprehensible with the help of knowledge and experience, and that is why it is not forbidden to inquire about the advantage or philosophy of any rule.

We find quite a number of traditions which give the reasons and philosophy of many religious injunctions. Such traditions have been collected by several authors in their books under the heading of the Philosophy of Islamic Law known as "*Ilalush Shara'ih*".

Even in the Qur'an we find again and again that Allah, while enunciating a rule hints at its advantage and effect. For example, prayers have been described as preventing from indecent acts and fasting as impelling to piety.

Now the question is whether we can extend a rule to other similar cases, if we definitely know its effective cause, that is, the advantages or disadvantages on which it is based. We can do so only if the cause, is expressly stated in the Qur'an or the *Sunnah*. Otherwise if we know only partly the

considerations on which a rule of law is based, or only conjecture about them, we have no right to interpret a text according to our own whim, or make our personal opinion the basis of Divine law. We are not allowed to use defective analogy in juristic reasoning or to invent an extendible cause of any rule of Islamic law.

Development of Islamic law does not mean the use of personal opinion in juristic deduction, nor does the big role of reason and thought in the deduction of religious injunctions justify the introduction of personal fancy in the sphere of religious law.

### Connection between Ijtihad and finality of Islam

We have ample evidence in the Qur'an and the *Sunnah* to show that Islam is the last revealed religion. While discussing the characteristics of the 'Age of Appearance', we observed that it would be the period of the final victory of the right and justice and complete supremacy of the social system of Islam.

Now we propose to study some of those aspects of Islam which bear out its finality.

(1) In contrast with the books of other religions the Qur'an, which is replete with knowledge and the rules of law, has remained unaltered. The depth and dimensions of this intellectual and spiritual store of Divine guidance are unparalleled.

Concerning the Qur'an the holy Prophet has said:

"Outwardly it is beautiful and inwardly it is deep. Every verse of it has an inner kernel and that kernel has another kernel. Its splendour will never never fade out".

Imam al Sadiq (P) was asked: "Why does the Qur'an appear to be so new and fresh though it is read and taught so much". The Imam said: "It has not been revealed for any particular time or any particular people. So it is fresh at all times and looks glorious to every people".

(2) We possess the rich sources of the *Sunnah* and *Sirah* to which we have referred earlier. They contain the history and the life account of the Prophet of Islam and the Imams. There exists no such record of the life of any prophet of the past. Especially on the life of the holy Prophet there are hundreds of books in which even the minutest details of his personal and family life have been recorded. The fact that some of these books were compiled not long after the period of the holy Prophet adds to their reliability. The existence of such a record of the life of its leader is necessary for a living and everlasting movement.

(3) The doctrine of *Ijtihad* which we have described in detail, meets all the requirements presented by

new problems, and keeps the way of the intellectual and social development of Islam and its teachings open. It guards the purity and original character of the religion and at the same time keeps it fresh and moving.

(4) The introduction of reason in the sphere of religious teachings helps the progress of thought in the discovery of hitherto unknown aspects of religion.

At the same time the existence of general, legal and intellectual rules and relevant principles facilitates the work of juristic research.

All these aspects preserve Islam's position as an everlasting, all-pervasive and universal religion.

## **Guarantee of the Enforcement of Law**

As already said, we mean by law the regulations formulated and supported by a general authority. Hence there exists a sort of guarantee of their enforcement.

The factors which guarantee its enforcement naturally vary in the case of different kinds of law. From our description of law and its sources it is easy to understand the nature of this variation.

In this connection what appears to be necessary is to throw a little more light on the factors which guarantee the enforcement of law under the social system of Islam. These factors are as under:

- Mature thinking of the masses,
- Human and ideological sentiments,
- Faith in Allah and His recompense and retribution in this world as well as in the next,
- Deep and whole-hearted respect of law because it has a direct or indirect connection with Allah,
- Exhortation to good and restraining from evil; and
- Government.

### **Mature thinking**

Islam has made special efforts to raise the level of the outlook of Muslims on life and their power to find

out what is good for them and what is bad. That is why it is observed in the case of many legal verdicts that they are accompanied by some sort of logical arguments. For example look at these Qur'anic verses:

### Regarding drinking and gambling

***"They ask you about drinking and gambling. Say: There is great sin in both, though they have some benefits for men; but the sin of them is greater than their usefulness". (Surah al-Baqarah, 2:219).***

***"Believers, intoxicants and games of chance, idols, and divining arrows are nothing but abominations devised by Satan. Therefore avoid them so that you may prosper. Satan seeks only to stir up enmity and hatred among you by means of strong drinks and games of chance and to divert you from the remembrance of Allah and from your worship. Hence will you abstain from them" (Surah al-Maidah, 5:90 – 91).***

Regarding justification for the defence of one's self and one's faith:

***"Permission to take up arms is hereby granted to those who are attacked; they have suffered injustice. Allah has all the power to give victory to those who were unjustly expelled from their homes only because they said: Allah is our Lord". (Surah al-Hajj, 22: 39 – 40).***

We repeatedly meet with such logical, reasoning in the verses of the Qur'an and sayings of the holy Prophet and the holy Imams on various questions.

A great Shi'ah scholar of the fourth century (Hijri era), Shaykh Saduq, has collected a good number of such traditions in the form of a book, named *Ilal al Sharai* (Philosophy of Islamic Law).

This kind of reasoning in the Qur'an and the Sunnah shows that though Islam wants every Muslim to follow every commandment of Allah and His Prophet unhesitatingly on the basis of his faith in the Divine revelation and without waiting for knowing the philosophy behind each rule, yet it has not overlooked the principle that the knowledge of the rationale of a decree moves one appreciably to implement it.

### Human and Ideological sentiments

A part of the laws and social provisions is directly related to one's behaviour towards his relatives, neighbours, colleagues and co-religionists. One is by nature inclined to show love and tenderness to them. A social system, the rules of which in respect of one's behaviour towards others are in keeping

with this natural tendency, can, by promoting and strengthening these natural sentiments, create an inner force to implement its provisions not only in this field, but in all other fields of social behaviour also, for all social rules are directly or indirectly related to human feeling of observing the rights of others.

As we pointed out earlier, due emphasis has been laid on the promotion and the strengthening of pure and natural human sentiments in the social system of Islam. A number of devotional acts, such as spending, fasting, pilgrimage etc. have the quality of strengthening human sentiments of communal and ideological collaboration.

### **Faith in Allah and His recompense in this as well as in the next world**

All the known legal systems have the provisions of reward and punishment for those who abide by law—or violate it. The hope for reward and fear of punishment are effective forces to ensure the observance of law. But the guarantee of recompense and retribution by Allah is far more effective, for every believer knows well that his salvation depends on the performance of good deeds and the observance of the laws enunciated by Allah, His Prophet, his vicegerents and the just and virtuous rulers who manage the affairs of the people in accordance with the Divine injunctions. He also knows that nothing can be concealed from Allah and that there is no way to escape from His sway.

***(Luqman said): `My dear son! Even if your deeds be so small that it can be compared to a mustard-seed, which is hidden in a rock or in the heavens or in the earth, Allah will bring it forth. Indeed Allah is Subtle, Aware of everything". (Surah Luqman, 31:16).***

***"Their book (deed sheet) shall be placed before them, and you shall see the offenders dismayed at what is inscribed in it. They shall say: Alas for us! What kind of a book is this that leaves nothing small or great, but has counted it. They shall find all that they did confronting them. And your Lord wrongs none". (Surah al-Kahf, 18:49).***

True faith in the Divine recompense and retribution on the Day of judgement is a powerful incentive to abide by one's duties and is the most effective factor in the enforcement of law.

### **Whole-hearted respect of law**

Another effective factor in the implementation of law is that the people should be looking at the rules laid down for the organization of their life with respect, and attaching a sort of sanctity to them. Whenever they default intentionally or unintentionally, they should be feeling prick of conscience, so that they could repent and return to the right path of following the law.

The sanctity attached to religion in an ideological society is one of the most significant examples of the wholehearted respect of law. Historical and social experience has shown that this respect has always played a wonderful role in giving currency to the best deeds in ideological societies. It is such a powerful factor that its equivalent cannot be found in other societies.

### **Exhortation to good and restraining from evil**

Mature thinking and the realization that the enforcement of law is in the interest of all, creates an atmosphere conducive to the general support of what is right. Indignation against law-breaking and the wholehearted respect of law to the extent of holding it sacred, automatically creates a feeling among the members of a society which impels them to support law actively, and take action to exhort to good and restrain from evil.

In the social system of Islam much emphasis has been laid on this active support, and attention of all has been drawn to its important role.

The best way to show what importance the Divine system of Islam has given to the general support of law, and what is right, is to quote some relevant Qur'anic verses and traditions.

***"Let there be among you a group that calls to virtue, exhorts to what is good and restrains from evil. It is such people who shall prosper". (Surah Ale Imran, 3:104).***

***"You are the best nation that has been raised for mankind. You enjoin right conduct and forbid indecency, and you believe in Allah. Had the people of the Scripture believed, it would have been better for them. Some of them are the believers; but most of them are wicked". (Surah Ale Imran, 3:110).***

***"They are not all alike. Among the people of the Scripture there is a staunch group, who all night long recite the revelation of Allah, falling prostrate before Him. They believe in Allah and the Last Day, enjoin right conduct, and forbid indecency. They vie with one another in good deeds. It is they who are the good. Whatever good they do, they will not be denied its reward. Allah is well aware of the pious". (Surah Ale Imran, 3:113 – 115).***

***"The hypocrites, whether men or women are alike. They enjoin the wrong and forbid the right . . . . . The believers, whether men or women, are protecting friends of each other. They enjoin the right and forbid the wrong. They are particular about their prayers, pay the zakat, and obey Allah and His Messenger. They are those whom Allah will show mercy. Surely Allah is Mighty, Wise". (Surah al-Tawbah, 9:67 – 71).***

***"Those who repent, who worship, who are thankful, who strive, who bow and fall prostrate (before Allah), who enjoin the right, and forbid the wrong, and who observe the limits of Allah. Give glad tidings to the believers ". (Surah al-Taubah, 9:112).***

The holy Prophet has said:

"My nation will always be in a happy position, so long as it exhorts to good and restrains from evil. But as soon as it abandons these two qualities, misfortune will overtake it. One group will come out to exploit another group. They will receive no help either from those on the earth or those in the heaven".

Allah has condemned the Israelite rabbis, because they saw the misdeeds of the evil-doers and mischief-makers but did nothing to stop them, as they expected their favour and were afraid of their power, though Allah has told the people not to fear anyone, but to fear Him alone. Allah says:

***"The believers, men and women help one another, exhort to good and restrain from evil" . (Surah Ale Imran, 3:111).***

Allah has made exhortation to good and restraining from evil as the foremost duty, because He knows that if this duty is carried out, all other duties, whether hard or easy, will also be carried out.

### **Exhortation to good means:**

- Invitation to Islam;
- Stopping injustice;
- Resistance to aggressors and evil-doers;
- Correct distribution of public funds, collection of money from whom it is due, and spending it where it should be spent. (Imam Ali – *al-Wasail al-Shia'h*, Vol. 11).

### **Restraining from evil means**

"Oppose them (evil-doers) in your heart and express your opposition verbally also. Stand out against them and do not be afraid of the evil-speaking of anybody, if you are right. If they accept the truth, there is no action to be taken against them. Action will be taken only against those who violate the rights of others and exceed their own limits. It is they who will be meted out a painful chastisement. If they persist



in their evil deeds, rise against them and show your indignation. But by doing this do not try to gain power or wealth for yourself. Continue your fight till they repent and submit to the commandment of Allah". (Imam al Baqir – *al-Kafi*, Vol. 5).

"A society, in which the weak cannot secure their rights against the powerful, will never prosper". (Imam al Sadiq – *al-Kafi*, Vol. 3 ).

"Exhortation to good and restraining from evil is the way of the Prophets and the practice of the virtuous. It is a great duty. Other duties are performed by the light of it. As a result of it, the roads become safe, means of earning take their lawful course, discrimination and aggression are done away with, the land becomes populous, the rights are restored, and the affairs of the society are put straight". (Imam al Baqir – *al-Kafi*, vol. 5).

These are some examples of the Qur'anic verses, and the traditions, in this respect. They clearly show the importance in the social system of the popular support of right and justice, and the vigilance of all in regard to the just implementation of law.

A social system, howsoever good and just it may be, can bring happiness only if the people are not too indifferent and complacent. Otherwise their fate will be the same as mentioned in the following tradition, which has come down from imam al Baqir (P). "Then the wrath of Allah reaches its height, and His retribution overtakes all. The virtuous are ruined along with the wicked, and the young in the houses of their elders".

## Government

In many cases it is the duty of every individual to support what is right and to see that law is enforced in an equitable manner. But there are cases in which this duty requires more energy, more specialized knowledge and more powerful machinery than an individual can possess. The vital duty of 'exhorting to good and restraining from evil' demands that in such cases all people should co-operate to set up a powerful social organization having enough authority to undertake the required task. In an ideological society the organization charged with this responsibility is called "Government".

Under the social system of Islam a government comes to power in one of the following three ways:

(1) By appointment by Allah, which automatically means its recognition by the people.

(2) By appointment by the Prophet, which also means recognition by the people.

(3) By appointment, or in other words election by the Muslims.

(1) Appointment by Allah in the then newly-founded society of Medina the holy Prophet was in charge of the government. He was assigned this post by Allah. The Muslims were told by the holy Qur'an to obey him in their social affairs.

***"Say: Obey Allah and the Messenger". (Ale Imran, 3:32). "Obey Allah and His Messenger and do not quarrel among yourselves lest you lose your courage and strength ". (Surah al-Anfal, 8:46).***

This government began with the proclamation regarding the formation of the Muslim ummah and the issue of certain charters, following the arrival of the holy Prophet in Medina. The pledging of their allegiance to the holy Prophet by the representatives of Medina shortly before his migration (*Hijrah*), and by the various groups of the *Muhajirs* and the *Ansar* on other occasions, was a national and popular recognition of his Divine appointment.

During this period the governors, the judges, the army commanders, the treasury officers and other important functionaries were appointed by the Prophet himself, and had to discharge their duties within the framework of Islamic law. Their powers were also normally determined by the Prophet. In ideological societies the founder of the movement, which culminates in the formation of a society naturally holds the reins of the government himself, for, being the founder of the ideology, he knows its dimensions and implications better than anybody else. Moreover, his competence and efficiency having already been proved, naturally he is the fittest person to assume the leadership of the new society.

(2) Appointment by a Prophet

In many cases a Prophet appoints somebody to manage the affairs of the society. Such appointments have two forms:

(a) In his lifetime he appoints, in the territory under his control, governors, judges and commanders. As his appointees, these people exercise the power given to them by the Prophet. They are in reality his deputies. They derive their authority to rule from the order of the Prophet. They are just like the officials appointed to various posts by the central authority of any country.

(b) The second form of an appointment by a Prophet is that of his own successor. According to the Shi'ah belief, the holy Prophet appointed Imam Ali (P) to succeed him as the head of the Muslim ummah. The Shi'ah in this respect rely on a number of traditions which have been reported by the authentic Sunni sources also. The tradition of *al-Ghadir* is one of them.

## Tradition of al-Ghadir

In the 10th year of the *Hijri* era, while returning from his last pilgrimage, the holy Prophet assembled his companions at a place called *Ghadir al-Khum* and spoke to them. From his talk on various occasions during this journey, people were apprehending that the end of his life was imminent. Naturally at this stage they expected him to make clear as to who would succeed him as the head of the newly-founded Islamic society. As expected, he took up this question in his speech and said:

"Have I not more authority over the Muslims than they have over themselves?"

All the Muslims exclaimed with one voice:

"Yes, you have; you are the Prophet of Allah". The holy Prophet then said:

"Ali is the master of him whose master I am. May Allah be the friend of him, who is the friend of Ali, and the enemy of him who is the enemy of Ali. May He love him, who loves Ali, and hate him who hates Ali. May He support him who supports Ali and let down him who lets down Ali". (*Kanz al-Ummal*, vol. 6 p. 403).

This tradition has been handed down by 110 companions of the Prophet and is recorded in authentic books.

Besides this tradition, there are other sayings of the Prophet in which he referred to the leadership (Imamate) and succession (Caliphate) of other Imams. For example, he is reported to have said that the number of his successors would be twelve. (*al-Sahih* by Muslim, vol. 1 p. 119 and *al-Sahih* by Bukhari, vol. 4 p. 164). According to another tradition he once pointed to Husayn ibn Ali (P) and said:

"He is an Imam, son of an Imam, brother of an Imam and father of nine Imams". (*al-Minhaj* by Ibn Taymiyyah, vol. 4 p. 210).

The traditions are largely accepted by all or most of the non-Shi'ah Muslims also but they interpret them differently. For example, concerning the tradition of *al-Ghadir* they say that in his speech the Prophet did not appoint Ali to be his successor, but only introduced him as a fit person to succeed him, subject to his selection by the people.

It is evident that on the basis of this interpretation also the net result is the same, for the founder of an ideology being the best judge of the level of the faith, knowledge and competence of his associates, and because of his love for and interest in the expansion and consolidation of the principles propounded by him, will naturally introduce only that person for the leadership of the society who is most fit for that

position and most loyal to the cause dear to him.

As such, it is the duty of the people also to accept the person so introduced, and pledge their allegiance to him, if they are really loyal to the ideology and give it preference over their personal inclinations and desires. In fact at the time of the Prophet's demise the majority of the newly-founded Muslim society consisted of neophytes who did not have deep knowledge of Islam. Their pagan nature had not undergone a total change, and they were not yet fully accustomed to new intellectual and social values. Hence, it was too early for the ummah to be in a position to use its discretion in the selection of its leader. The same is still the case even in many ideological societies of the 20th century.

Anyhow, a ruler appointed by the Prophet is both a leader and a ruler of the society like the Prophet himself. The society being ideological, naturally its head is expected to take measures to safeguard its ideological borders as well as to guide the people to mould their lives according to its principles.

According to a tradition what Imam al Sadiq (P) has said in this connection comes to this: A leader is a religious guide also. It is his duty to work for the progress and prosperity of the Muslims. Leadership is the basis as well as the principle of Islam.

*Salat, Saum, Zakat, Hajj and Jihad* are performed under the aegis of the appointed leader (*Imam*). Under him the public treasury expands and the injunctions of Islam, and its penal laws, are enforced. The frontiers become safe. (*Usul al-Kafi*, vol. 1 p. 198 – 205).

### (3) Election by the people

This form of government is accepted by all Muslim sects, with the difference that the Shi'ah regard it as justified only during the occultation of the Imam of the Age. Otherwise the Shi'ah, give preference to those who were appointed or designated by the Prophet and the Imams. But according to the Sunnis immediately on the death of the holy Prophet, this form became the only right form of the government.

From the Shi'ah point of view, since the major occultation of Mahdi, the Imam of the Age in 329 A.H. no particular person has been appointed to be the Head and Leader of the Muslim ummah. That is why in the traditions related to leadership during this period only the general qualities and characteristics required to be possessed by a leader have been mentioned. This shows that it is up to the people themselves to choose a person as their leader, having those qualities and characteristics.

## **Main qualifications of a ruler during the period of occultation**

(1) Faith in Allah, His revelations and the teachings of His Prophet.

The Qur'an says:

***"Allah will never let the disbelievers triumph over the believers". (Surah al-Nisa, 4:141).***

(2) Integrity, adherence to the laws of Islam, and earnestness about their enforcement. When Allah told the Prophet Ibrahim (P) that he had been appointed the Imam and Leader, the latter asked whether anyone of his family would also attain that position: In reply Allah said:

***"My covenant does not include the wrong-doers". (Surah al-Baqarah, 2:124).***

The Prophet Daud (P) was told by Allah:

***"O Daud! We have made you Our -representative on the earth. Therefore judge rightly between people". (Surah Sad, 38:26).***

(3) Adequate knowledge of Islam, appropriate to his prominent position.

***"Is he who guides the people to the truth more worthy to be followed or he who does not guide unless he himself is guided?" (Surah Yunus, 10:35).***

(4) Enough competence for holding such a position and freedom from every defect not in keeping with Islamic leadership.

(5) His standard of living being equal to that of the low-income people.

In this connection there is enough material in the sermons of Imam Ali (P) and in the epistles he sent to his officials. In a number of epistles it has been emphasized that an administrative officer should be free from love of money, ignorance, inefficiency, outrage, timidity, bribery, and violation of Islamic injunctions and traditions and should not be guilty of shedding blood.

The commander of the Faithful Imam Ali (P) says:

"You should remember that it is most inappropriate that a person, under whose charge the honour, the life, the property and the laws of the Muslims are placed should be:

- A lover of money and consequently should attempt to misappropriate the property of other people;
- An ignorant person and consequently should mislead them;
- An unreliable person with whom others do not like to have relations;

- Discriminative in his treatment and favouring the influential people only;
- Accepting bribe and deviating from the course of justice and law, disregarding the laws and divine traditions and thus injuring the interests of the ummah". (*Nahj al-Balaghah*).

In his charter to Malik al Ashtar Imam Ali (P) said:

"You must strictly refrain from shedding the blood of the innocent. There is nothing more provocative, more catastrophic and more destructive than indulging in that". (*Nahj al-Balaghah*).

Once Imam Ali (P) received a report that a certain commander of a town in Persia was corrupt and fond of wine and women. He immediately wrote a letter to him, in the course of which he said:

"A man of your character is not fit to be entrusted with the defence of the borders or to be allowed to issue any order. Such a man is not fit to be promoted and no confidence can be reposed in him". (*Nahj al-Balaghah*).

By this very letter the Imam recalled the officer concerned and asked him to relinquish his post.

These qualifications of those who are appointed to a high office, are the natural corollary of an Islamic government.

As we have already stated:

- The Muslim ummah is an ideological society;
- Islamic law is the basis of the administration of this society;
- It is the joint responsibility of all the people to see that this law is implemented.
- In many cases it is inevitable to set up a vast organization for this purpose.
- As this organization, including its head, is set up with a view to realize the aspirations of Islam and to establish the system and the laws of this religion, it is necessary that its leaders and functionaries should be aware of these aspirations and should have faith in them. They should be honest, competent and efficient. Should they not have these qualifications, the basic aims and objects of the organization can hardly be realized.

## Role of Shura and Bay'at

In this study we propose to deal with two questions namely consultation (*Shura*) and role of allegiance (*Bay'at*) briefly:

### (1) Role of consultation

In Islam consultation has an important role in connection with social questions.

#### (a) Administrative affairs

In the Qur'an the holy Prophet was commanded:

***"Hold consultation with them in regard to the conduct of affairs". (Surah Ale. Imran, 3:159).***

Describing the characteristics of the believers the Qur'an says:

***"Whose affairs are a matter of counsel". (Surah al-Shura, 42:38).***

In the life account of the holy Prophet we find many instances of his consultation with his companions. For example, on the occasion of the Battle of Badr when he received the report that the caravan of Quraysh had escaped and was beyond the reach of the Muslims, and that the well-equipped enemy had moved from Mecca with the intention to fight, he consulted his companions as to the action to be taken. It was with their consent that he decided to join the battle. He made consultations on the occasions of the Battle of Ohad and the Battle of the Ditch also. When Imam Husayn Ibn Ali (P), while on his way from Mecca to Kufah, received the report of the martyrdom of Muslim Ibn Aqeel he consulted his companions whether he should continue his journey.

From such evidence we learn that the management of government affairs and social questions should not be despotic and dictatorial.

#### (b) Election of the ruler

Certain Muslim sects are of the opinion that the election of a ruler (or Head of the State) is dependent on the voting of men of integrity, knowledge, virtue, and sound judgement. (*al-Ahkam al-Sultaniyyah* by Mawardi pp. 5 – 6).

There is a difference of opinion as to the number of the voters necessary to form an electoral council. Some people (like Ahmad Ibn Hanbal) are of the view that a meeting of all men of opinion among the Muslim ummah is necessary. Others think that a meeting of a lesser number is also enough. According

to a certain sect, the competent persons only nominate someone as a candidate for the caliphate, but the real factor in determining his election is the vote of the people. This sect regards the pledge of allegiance as a vote and considers the vote of the majority to be enough. (*al-Shakhsiyyah al-Dawliyyah* by Muhammad Kamil Yaqut p. 463).

Our comments in this connection are briefly as follows:

In those cases in which there is no special evidence that the holy Prophet designated a particular person to be the Head of the State, it is the general duty of the Muslim society to elect an eligible candidate to enforce the Islamic injunctions in the best possible manner. As a head of the state or ruler he must have certain qualifications. It is the duty of those who influence public opinion to introduce such persons to the masses and prevent the nomination of every Tom, Dick and Harry.

Secondly, none of the electoral councils held since the demise of the holy Prophet aimed at the introduction of a nominee. They were always held for the purpose of election and appointment. Thirdly the pledge of allegiance by all other people did not amount to election. That was only a proclamation of their loyalty to the ruler elected or appointed by the council.

## (2) Role of the pledge of allegiance

The pledge of allegiance is a sort of covenant of loyalty and obedience which is concluded with a new ruler, or in certain cases it is a renewal of a covenant already existing. In the latter case it amounts to a vote of confidence in the government in power facing some extraordinary situation.

Usually the pledge of allegiance is accompanied by giving hand to the ruler in token of an undertaking to give him full support in all battles of life.

On several occasions on which the Muslims took the pledge of allegiance to the Prophet, the undertaking they gave was quite definite. At Aqabah the representatives of the people of Medina undertook to support him against his enemies in any battle anywhere.

A special undertaking was included in the text of the pledge taken at Hudaibiyah, known as Bay'at al-Rizwan. (Surah al-Fath, 48: 18). The same was the case with the pledge taken by the immigrant women. (Surah al-Mumtahina, 60: 12).

Anyhow, though a pledge of allegiance concerns the government affairs, it has nothing to do with the appointment of a ruler. It only means the acknowledgement of his power and influence by the person taking the pledge, who declares his loyalty to the ruler concerned.

We know that Islam has emphatically enjoined adherence to all covenants in more than 30 verses of the



Qur'an. To live up to one's commitments is necessary for the maintenance of one's good relations with others. All agreements, whether they are at the limited level of the individuals, or are concluded between the ummah and the rulers or between the Muslim society and other societies should be respected. Anyhow a pledge of allegiance should not be construed to mean that loyalty is obligatory in all conditions. There are two pre-requisites of the validity of a pledge: Firstly it should have been taken under proper conditions; and secondly the ruler must be abiding by the Qur'an and the *Sunnah*, and must not personally have done anything to make him unfit for holding his office.

### Loss of eligibility to rule

If a leader of congregational prayers loses his integrity, he is no longer fit to lead prayers. If the guardian of a minor becomes mentally unsound, he will be removed from guardianship by the authorities concerned. We have already said that a ruler must have certain qualifications. If he loses these qualifications, for example, he becomes lax in his faith in Islam, infringes Divine laws, misappropriates funds out of public treasury, or governs tyrannically, in all these cases he is no longer fit to be the Head of a Muslim State.

However, the deposition of a ruler being a very grave matter affecting the interests of the whole nation, it must be thoroughly discussed at the meeting of a general assembly and the final decision in this respect should be taken by competent persons only. Everybody cannot express his individual opinion on such a vital question. Some authorities are of the opinion that the question of the deposition of a ruler should be decided only by the Islamic Legislative Assembly after due deliberations. (*al-Shakhsiyyah al-Dawliyyah* by Muhammad Kamil Yaqt).

According to the Shi'ah doctrine, this question cannot arise during the government of the Imams designated to Imam by the holy Prophet. According to the Shi'ah view all Imams are infallible and immune from every sin and slip. Their position is above that of ordinary integrity and purity. Anyhow, this question can arise even for the Shi'ah during the occultation of the designated Imam. In any case, the purity and fitness of the ruler is a vital question in the social system of Islam, and it is a big social duty of the Muslims to keep a constant watch over the activities of the rulers.

### Caliphate and Imamate

Caliphate: Caliphate is another term signifying the supreme social and religious leadership. It also implies the question of the succession to the holy Prophet. A caliph is a person who, as a successor to the Prophet, assumes the leadership of the Muslims in regard to their secular and religious affairs. The rulers who came to power after the demise of the holy Prophet invariably called themselves the caliphs, or successors to the Prophet, irrespective of the fact whether they were good or bad. The

designation of Caliph continued till the downfall of the Ottoman Government in 1922.

The question of Caliphate has two aspects:

(1) Historical aspect in the sense that every Umayyad, Abbasid and Ottoman ruler, and even the Umayyads of Andalus, the Fatimid rulers of Egypt, and the rulers of several other dynasties, called themselves caliph of the Prophet and ruled under this designation. This is a historical fact and there can be no controversy about it.

(2) Legal aspect in the sense whether anyone of them was really fit to hold this position in accordance with the true standards of Islam, which were valid not only in those days but which are valid for all times. To deal with this aspect of the question, we have to go through a detailed discussion of the various questions related to the government:

Does the accession to the position of Caliphate depend on designation by the holy Prophet as is maintained by the Shi'ah in respect of the succession of the twelve Imams on the basis of authentic evidence?

Or is the question of succession to be decided by a council? If so, by which council and consisting of how many people? Does the opinion of the people decide the question of accession to Caliphate, or is their duty only to pledge their allegiance and to declare their loyalty?

For a person to accede to Caliphate is it enough to have been designated by the preceding caliph or is it necessary that this designation be ratified by a council or by a general election?

What are the conditions of the accession to Caliphate? Can a caliph be deposed? If so, by which authority? These are the questions which the Muslim scholars have discussed exhaustively in their detailed or short books.

Imamate: With the advent of the Prophet of Islam and the express declaration by the Qur'an that he was the last Prophet, the age of Prophethood came to an end. Now no new religion can be revealed. Islam is the last Divine religion. But still there are certain needs of the Muslim society which should be met, such as:

(1) All the functions of a ruler and a government, including the settlement of legal disputes and maintenance of law and order.

(2) Propagation of Islam and the expansion of the sphere of its social and governmental influence.

(3) Exposition of the Qur'an and the religious law.

(4) Constructive education of the people, in the sense that the imam being a model of all virtues and being free from all sins and faults sets a practical example and a standard of virtuous life. People can, without any hesitation, acknowledge him to be their leader and attain salvation under his guidance.

According to the Sunnis the first two duties are within the jurisdiction of the caliph. During the period of the companions of the Prophet, the third was also to some extent included among his functions, in the sense that his exposition of the Qur'an and the law was authentic. But in this respect he was not distinguished from other companions, because this function did not exclusively pertain to him.

As for the fourth function, especially at its full-fledged level, they do not consider it to be a necessary qualification of a caliph.

In contrast, the Shi'ah believe that all these functions are combined in the person of an imam designated by the holy Prophet. Anyhow, the governmental functions, dispensing justice, and taking action to expand Islam through propagation and *jihad*, are possible only when the reins of government are actually in the hands of an Imam, otherwise when he does not have 'a free hand', that is, he is not in power, he cannot practically perform these functions, though he possesses all the necessary qualifications and capabilities to do so.

As for the other two functions, they imply complete knowledge of Islam and moral leadership of the highest calibre. This is a position which can neither be assigned nor withdrawn, by anybody. It is not subject to voting or the issuance of an order. An imam has full knowledge of the Divine commandments and Islamic standards. He possesses all the virtues, and is the mirror of Islam. His knowledge and worth are an undeniable fact and a Divine gift. They are not conferred on him by any human being. To enable you to comprehend the Shi'ah logic in this respect let us quote a portion of the lengthy sermon of Imam al-Riza (P) from Usul al-Kafi, volume one.

- "Imamate is religious leadership. It entails the management of the affairs of the Muslim society and improving and exalting the position of the Muslims.
- An Imam protects the Divine bounds; defends the Divine religion and invites the people to Allah by means of logic, argument and good advice.
- An Imam is a trustee of the people appointed by Allah.
- He is His sign and His vicegerent on the earth.
- He is immune against all sins and free from all defects.

- He is peerless in his time. None can attain his position.
- No scholar can equal him.
- All virtues are manifested in him.
- He has many kinds of knowledge which cannot be polluted by ignorance.
- He is an indefatigable guardian of the ummah.
- He is the source of purity, piety, knowledge and devotion.
- He is truly fit to be a leader. He knows the intricacies of politics.
- He is infallible; enjoys Divine support and is free from every fault and slip.
- Allah has given him such a position that he is His sign to the people and a model of virtue and excellence".

In short just as the Prophet of Islam was elevated to the rank of Prophethood on account of his superior qualities, his successor also should at least be the second to Prophet.

In view of these basic criteria of the ruler and leader of the ummah, and in pursuance of what the holy Prophet said about the chiefship of Imam Ali (P), a number of prominent Muslims and well-known companions of the Prophet seriously supported the selection of Ali (P) as the ruler immediately after the demise of the holy Prophet. They believed that he alone could lead, on correct lines and to its logical end, the movement started by the Prophet and advance to a fruitful stage for the deliverance of humanity from all anti-God and anti-man propensities.

This group of the supporters and followers of Ali (P) and the believers in the necessity of his rulership came to be known as *Shi'ah*.

The word, *Shi'ah* means a group of friends and followers. It is better if we quote the words of Imam Ali Ibn Abi Talib (P) in regard to the origin and interpretation of this word.

In one of his letters Imam Ali (P) says:

"This letter is from the servant of Allah – Ali, Amir al-Mo'minin to his Shi'ahs; and this name – Shi'ah –

is the name which Allah adores, and has put it down in the Qur'an; Surely one of his (Noah's) Shi'ahs was Ibrahim (P).<sup>1</sup> And you are (in fact) the Shi'ah of the Prophet Muhammad (P)".

The Qur'an says:

***"One of them belonged to his Shi'ah (supporters) and the other an enemy". (Surah al-Qasas, 28: 15).***

Here Shi'ah means a group of supporters.

There are certain sayings of the holy Prophet in which he referred to the Shi'ah of Ali (P).

Once he pointed to Ali (P) and said: "By Him in whose hands my life is, this man and his Shi'ah will be successful on the Day of Resurrection". (al-Durr al-Manthur – commentary on the verse 7 of Surah al-Bayyinah – by Suyuti).

On other occasions also he used similar expressions. Such instances have been mentioned in Sawaiq al-Aluhriqah by Ibn Hajar Shafi'i and in Nihayah by Ibn Athir.

Thus the Muslims from the Prophet's time were conversant with the idea that Ali (P) would be an Imam and would have followers who would be a model of true Muslims.

After the demise of the holy Prophet while the Hashimites and some of his other companions were busy in arranging his funeral, a group of the Muhajirs and the Ansar assembled at *Saqifah* to decide the question of Caliphate.

This group at last announced that Abu Bakr had been elected the ruler of the Muslim ummah. The Hashimites and some other companions refused to pledge their allegiance and openly criticized the decision. They held that Ali (P) was superior in every respect, and the holy Prophet had already hinted at his imamate. Imam Ali (P) himself said:

"By Allah! We are the most deserving of Caliphate, because we belong to the House of the Prophet. Among us there are people who understand the Qur'an, have enough knowledge of the Qur'an and the *Sunnah* and are conversant with the problems of the society. They defend the rights of the people against all violations and distribute wealth equitably. Such persons deserve to hold the reins of the government". (al-Imamah wal-Siyasah by Ibn Qutayba).

Some other companions of the Prophet, like Salman and Abuzar made similar statements in public and before. (Ibn Abil Hadid Mo'tazali vol. 2 p. 17 and Tarikh Ya'qubi vol. 2 p. 148).

But as the newly-founded Islamic society was threatened by the danger of external enemies and internal hypocrites, Imam Ali (P) avoided to take action against the government and did not like to disrupt Muslim unity in those critical circumstances. He declined to accept the proposal of Abu Sufyan to declare himself to be the caliph and start a struggle and join fighting.

Anyhow, the question of the fitness of Ali (P) for Caliphate could not be shelved. A number of the companions of the Prophet stuck to this position. Gradually his supporters or the Shi'ah became a distinct body. Some scholars have collected, from various sources (e.g. Isabah, Usud al-Ghaba, Isti'ab) 300 names of the companions who were Shi'ah.

The second caliph came to power on the basis of his nomination by the first. This added to the worry of the Hashimites and the close associates of Imam Ali (P). They apprehended that in future also, in contravention of the instructions of the Prophet, the caliphs would be appointed on the basis of their nomination by their predecessors.

The six-member committee appointed by the second caliph, though it included Imam Ali (P), was formed in a way that he was left out, and Uthman was appointed to be the third caliph.

The foundation of the Umayyad power was laid in Syria during the time of the second caliph. Now as Uthman belonged to this family, the power of the Umayyads was further increased and consolidated. The administration of several other areas of the Muslim territory was handed over to the relatives of the caliph. Gradually justice and equality of Islam gave place to discrimination and partiality, and an oligarchical government was set up.

These events added to the resentment of the people and strengthened the Shi'ah movement. Abuzar, the wellknown companion of the Prophet was expelled from Medina because he criticized the rulers for their hoarding of money and mishandling of public property. He was continuously persecuted, till he died. Another companion, Abdullah ibn Mas'ud, who raised his voice against the expulsion of Abuzar earned the displeasure of the caliph. He was also harassed till his death.

At last the resentment of the people reached its boiling point. Some people revolted. Uthman was killed. Under the pressure of public opinion Imam Ali (P) became caliph. But it was too late.

The Umayyads, who were old enemies of Islam, were now appearing in the garb of the defenders of the faith and by means of their unlimited wealth and power had entrenched themselves in Syria and several other points of the Muslim territory.

A new class of aristocrats having huge income had sprung up. Naturally Imam Ali (P), who was

dedicated to upholding justice and equality and doing away with paganism and corruption, could not put up with this situation.

He dismissed Mu'awiyah and restrained the aristocrats from playing with public treasury. But the resistance of the deviators and self-seekers increased, and by and by three groups rose to fight against Imam Ali (P).

(1) The haughty aristocrats who instigated the Battle of the Camel. They were defeated, but this conflict cost the Muslims dearly.

(2) The Umayyads under the command of Mu'awiyah, the supporters of aristocratic and racist government and the revivers of despotic imperialism who caused the Siffin affair. When they were about to be defeated, they resorted to a ruse to stop fighting. Mu'awiyah was able to continue his unlawful government.

(3) The foolish pietists who during the Battle of Siffin were instigated to rise against Imam Ali (P). They caused the Battle of Nahrawan. During this struggle the way of Imam Ali (P) became distinct from that of others and all the good Muslims who liked him rallied round him.

After the martyrdom of Imam Ali (P), the field was open to the old enemies of Islam to do what they liked. The Umayyads were now masters of the whole Muslim world. They trampled on the Islamic principles and standards to the utmost possible extent. Their tyrannies and massacres, their open violation of the Islamic laws, their hostility to the Shi'ah and the members of the Holy Family, who were the champions of Islamic justice, and above all the tragedy perpetrated by them at Karbala, and the massacre at Medina a year later, made the position of the Shi'ah extremely difficult. But these events also galvanised the Shi'ah and turned them into a compact body, having as their distinctive feature two important doctrines in the Islamic and social fields. These doctrines of Imamate and justice were derived from the Book of Allah and the sayings of the Prophet and the Shi'ah regarded their observance as a pre-requisite of being a perfect Muslim.

## **Doctrines of Justice and Imamate**

According to the Shi'ah belief, one of the principles of the Islamic Faith is that of human freedom and responsibility and Divine justice with regard to the prescription of duties and the recompense and retribution on the basis of the deeds performed out of free will. The Shi'ah also believe in the setting up of a just system of the distribution of wealth, equal opportunities of employment and respect for the rights of all individuals.

The Shi'ah deduced the principle of justice from the fundamentals of Islam and wanted it to be observed both by the rulers and the ruled. But the rulers gradually propagated the philosophy of predestination. They wanted the people to believe that all their misfortunes were the outcome of a preordained fate, to which they had no alternative but to submit patiently. These rulers insisted that the people should exercise no free will, should make no efforts to change the existing situation and should not feel any responsibility towards the social events.

Further, the rulers maintained that their own actions should be interpreted on the basis of a sort of *ijtihad*. In other words it should be conceded that they had a right to have their own private opinions and could not be blamed even if they were wrong.

The Shi'ah strongly opposed this attitude. They declared that according to the teachings of Islam man was a responsible being who could exercise his will, that society was a product of human determination, and that changes in history could be brought about by the efforts of resolute and purposive men.

At the same time they put forward definite criteria of *ijtihad* so that every selfish and irresponsible opinion might not be termed as such.

### **Doctrine of Imamate**

With regard to the Imamate and headship of the ummah the Shi'ah believe that:

Firstly, the head and the ruler of the Muslims should be a person, whose individual and social life may be the best model of the Islamic way of life. Not only his Muslim followers should be able to accept him as an object of imitation, but even the non-Muslims may find in him and his leadership the best example of Muslim conduct.

Secondly, if it is known that Allah or His Prophet has designated a person to be the leader of the Muslims, he will automatically be given preference over all others. Our being obedient to Allah and His Prophet necessitates that we must not accept any Imam in the presence of one designated by them. There can be no doubt that to know the worth and capability of an individual there is no source more reliable than Allah and His Prophet.

### **Evil consequences of the infringement of this doctrine**

(a) The violation of this doctrine culminated in the total collapse of the Islamic system of government. Gradually it took on the colour of hereditary despotism. In the name of Islam, paganism, egotism and feudalism of the Roman and Sasanid emperors were revived in a new form. Injustice and chaos prevailed and all-round human development, freedom of thought, equitable distribution of wealth and



the selection of competent persons for the administration of public affairs came to an end.

Lady Fatimah\_tuz\_Zehra (P), daughter of the holy Prophet in her last public address delivered before the *Muhajirs* and *Ansar* women, said:

"I wonder what characteristic of Ali displeased the people that they ceased to support him. By Allah! They did not like his sharp sword, his steady steps, and his strictness in the implementation of the Divine commandments. But by Allah! they themselves are the losers. People never suffered injustice under Ali. He always took them to the spring of justice and knowledge, and slaked their thirst".

Then she made the following forecast:

"What they have done is like a pregnant she\_camel. Wait till it delivers. Then you will draw from it a bowl of blood and deadly poison instead of milk. That is how the doers undergo a terrible loss and the coming generations reap the unlucky fruit of what their predecessors sowed. Rest assured that commotion and turmoil will overtake you. I warn you that you will be confronted with sword, coercion, chaos and despotic tyranny. Your property will be carried off as booty and your people will be threshed like ripe corn".[2](#)

(b) Muslims lost competent authority on Islamic knowledge

Those, who were the interpreters of revelation and the exponents of Islamic knowledge, were cast aside, while what the companions of the Prophet had learnt from him was limited. For a long time the caliphs did not pay attention to the recording of hadith. They even discouraged that.

With the expansion of the sphere of Islamic influence the needs and the problems of the society increased. In these circumstances there was the need of a reliable source fully aware of the spirit of the Qur'an to impart knowledge like the Prophet himself on a scale commensurate with the expansion of the Muslim world. Especially the need of a source above all suspicion of selfishness and serving the cause of any evil power was strongly felt.

Though such a source actually existed, unfortunately the Muslim society could not be benefited by it. On the other hand, the evil rulers, with a view to advance their own selfish ends, employed some prominent scholars and heavily bribed them out of public treasury to fabricate traditions in their interests and against those of their rivals. This false propaganda was rampant during the time of the Umayyads.

Anyhow, the Shi'ah never forgot the doctrine of Imamate, nor did they accept the validity of the evil governments. They continued to be guided by the traditions of the imams, for they knew that the Prophet had said:

"I am leaving two precious things with you: the Book of Allah (Qur'an) and my Progeny (*Ahl al\_Payt*).

They will not be separated from each other". And that is no wonder, because an ideological school and its leader are not separable. Without a suitable leader there can be no certainty of its continuance.

### **Back to the main discussion**

What we have said so far makes it clear that the Shi'ah do not believe in anything additional to the fundamentals of Islam and its teachings. In actual fact they are the upholders of true Islamic principles and advocates of a right and just government. It is significant that in their most serious clashes with the rulers of the time, these very objectives were always conspicuous. Let us mention a few instances: Ibn Ziyad said: "Ibn Aqeel, you are a bad man. The people of this city were living calmly. There was no disunity. You came here and provoked discord. You are instigating one group against another".

Muslim Ibn Aqeel said:

"No, that's not true. The people here believe that your father killed many pious and freedom-loving persons out of them, and caused the blood to flow. He revived the traditions of Khusrow and Caesar. I have come to invite the people to justice and to the commandments of Allah". Ibn Ziyad said:

"Do you think you have a claim on this government?" Muslim said: "It's not a question of thinking. We're sure".<sup>3</sup>

During the imamate of Imam Husayn (P), Mu'awiyah received certain reports about him. He wrote a letter to him, warning him against creating trouble. In reply Imam Husayn (P) wrote a detailed letter to Mu'awiyah, enumerating many of his (Mu'awiyah's) crimes, including the killing of those who opposed his tyranny, and the innovations he had introduced in the religion. In the end Imam Husayn (P) wrote:

"You ordered your assignee (Ibn Sumayyah) to kill those who adhered to the religion of Ali, and he carried out your orders. You know well that the religion of Ali is the same as that of the Prophet. It is because of your using the name of this very religion that you are occupying your present position. You say that I should not create trouble. But I do not find any trouble bigger than your government. In these circumstances I think the best thing I can do is to fight against you". (*al-Imamah wal-Siyasah* vol. 1 p. 190)

Zayd ibn Arqam was shocked at the criminal treatment which was being meted out to the Prophet's family by the Umayyads. Once addressing the close associates of ibn Ziyad, he said:

"You people are no better than slaves. You killed the son of Fatimah and made Ibn Marjanah your ruler. He kills the pious, and he has enslaved you. You submit to humiliation. What an unlucky lot you are !" (*Tabari*)

In the course of all these encounters there was a talk of injustice, humiliation, slavery, manslaughter, trampling of the rights, and also of religious injunctions, rightful government and the supremacy (walayat) of the Holy Family. All this talk is purely Islamic.

It wants to defend only what is right and just, for that is what Islam connotes. In a wider sense it wants but to defend men and his humanity.

All these events took place before the insurrection of the Iranians against the Umayyads and their rallying round the Holy family. Hence the notion that Shia'ism is an Iranian invention is only fantastic. It is either a selfish distortion of history or a biased exaggeration of the Iranian role in the big changes in the history of Islam.

Historical investigation shows that the Iranians opposed the Umayyad government because of its injustice, tyranny and undue discrimination against the non-Arab Muslims

The inception of the Safawid government in Iran and its wars with the Ottomans in the early 10th century also have nothing to do with the beginning and development of Shia'ism. The events and the movements of the early Islamic years and the philosophical and scholastic studies of the Shi'ah preceded the Safawids by centuries. Hence how can it be imagined that they had any hand in the development of Shia'ism?

## **Arbitration**

From time to time differences arise on various questions between the people living together. Historical and personal experience shows that no society has ever existed, between the individuals or the social organizations of which there have never been any differences. Such differences have always existed in all societies from the primitive and semi-barbaric to the most advanced and civilized.

Usually the differences and clash of interests arise between two individuals, two organizations, two classes or two nations, in one of the two ways.

In many cases the difference is due to wrong thinking, wrong behaviour and unjust conduct of one or both the parties. In more or less every society there are individuals or groups which are not spiritually and morally mature enough to be fair in all cases and not to violate the rights of others. Such people, if their personal interest demands, do not show any consideration for the rights of others. Their human sentiments are not strong enough to control their selfishness and greed. They neither possess noble moral character nor are they interested in seeking the pleasure of Allah. They do not fear the consequences of their misconduct in this world or in the next.

There is no doubt that lack or weakness of faith is the most common and the most effective cause of the differences. Anyhow, this cause is not peculiar to individuals. The same thing is true of classes and nations.

We often find in social life that two faithful and pious persons differ on a certain point. Here the difference is not due to their unjust behaviour but is due to the difference in determining what is right.

In such cases both the parties, according to their light believe that they are right, and each thinks that the other party is either involved in selfishness or is mistaken. Anyway, a pious man defends himself and what he believes to be his right with zeal and enthusiasm, but is never prepared to do a thing which he regards unjust and wrong.

### **It is a social duty to settle the differences**

Any differences which may arise between individuals or social organizations should be settled as early as possible, for their continuance, whether they are due to any wilful transgression or mere misunderstanding, always adds to the conflict between the parties concerned and culminates in ugly events or at least perpetuates some sort of hostility and malice between them. Anyway, to make effort to settle the differences is a social duty.

The Qur'an urges the Muslims to try to adjust any disputes which may arise between them.

*"Have fear of Allah and resolve your differences". (Surah al-Anfal, 8:1) .*

In tradition also much importance has been given to this question. The holy Prophet is reported to have said: "To settle the differences is more meritorious than prayers and fasting".

### **Various ways of settling differences**

People usually adopt one of the following methods to settle their disputes:

(1) Personal force: Use of personal force is one of the oldest methods of settling a dispute. When a person is unable to settle a quarrel amicably, he at once jumps to fight either individually or with the help of his friends and supporters. This is called the law of the jungle, according to which the stronger is always right.

(2) Shouting, abusing and vilification: Some times the two parties involved in a quarrel do not have the power or courage to stand up to each other and to fight a battle. They instead of fighting in the field

resort to another kind of battle, viz. the verbal battle. Either face to face or behind the back they shout at each other, abuse each other and vilify each other, till one party is reduced to submission.

Normally the more evil-tongued and foul-mouthed comes out victorious in these verbal battles.

Evidently this solution is of the same category as the first. It is even worse, because it shows the cowardice and faintheartedness of the parties concerned. Socially also it is more harmful.

The Qur'an totally disapproves vilification, except in cases where a wrong is done to someone, and he does not find anyone to do justice to him. In this case the only reaction which he can show is to raise an outcry and expose the aggressor.

***"Allah does not like shouting of evil words unless a man has been wronged. Allah is All-Hearer, All-Knowing". (Surah al-Nisa, 4:147).***

(3) Passage of time: Where the disputing parties are not in a position even to make an outcry, they leave the matter to the factor of time in the hope that with the passage of the time fairness of their position will be established and their right will be restored. This is mostly the solution of the weak, though it is sometimes adopted by the discreet and cunning among the strong also. Anyhow, it is a solution which seldom leads to the desired result. More often than not it causes the right and the claimant both to be buried in the debris of history. Sometimes the passage of time merely means to give greater opportunity to the termites of dispute to eat up whatever social link exists between the disputants and turn them into absolute enemies of each other.

(4) Arbitration: When, with the social development of human life man reached a stage where he could understand social affairs better and could be benefited by his past experience to make a better future, ground was prepared for submitting the dispute to an arbiter for his judgement instead of using physical force, vilification or leaving the matter to the passage of time.

Did arbitration in the beginning have the form of intervention by the head of the family or the chief of the tribe? Did it then take the form of settlement of disputes by the priest etc. and lastly did it develop into the present form?

Did the weak first use this solution to protect themselves against the dishonest contrivances of the strong?

Or did the strong feel that they could achieve their objects more easily with the help of a judge hand-picked by them? Or was it the mental growth which persuaded society to devise such a means of settling disputes as might be acceptable to all?

Or is it an invention of the intellectuals to solve a problem faced by society?

Or is it a remedy suggested to society or its social leaders by their love for justice and defence of the oppressed?

Or has it some other origin?

To study the origin and development of arbitration the reader may refer to the books and articles written specially on this subject.

For the present it is enough to say that there can be two real motives of referring a dispute to an arbiter:

(1) Natural instinct of man to defend himself and his rights, an instinct which is shared by other living beings also; (2) Love of the virtue of justice and a desire of mitigating social hardships.

### **Administration of Justice in Islam**

In the social system of Islam utmost importance has been given to arbitration, to an arbiter and to their role in the security of society.

Islam considers it to be a part of faith to refer a dispute to a competent arbiter. A person who has a legal dispute should try to settle it by negotiation, and if a result is not obtained this way, he should refer it to an arbiter, competent in accordance with Islamic standards. Whatever judgement is given by the arbiter, should be accepted unconditionally.

In this respect the Qur'an says:

***"By your Lord! (the fact is) that they will not be true believers until they make you judge in what is in dispute between them and then do not find in themselves any dislike of what you decide, and submit (to your judgement) without reservation". (Surah al-Nisa, 4:65).***

In an Islamic society the judicial and executive systems should be at the service of those whose rights have been violated.

"Allah does not favour a society with virtuousness and purity in which there is no arrangement for defending the rights of the weak against the strong". (Mustadrak, vol. 2).

## Who is fit to hold the position of an arbiter?

Soundness of arbitration mostly depends on the fitness of the arbiter. The Commander of the Faithful, Imam Ali wrote to Malik al Ashtar as under:

"Select, as your chief judge from the people, one who is by far the best among them – one who is not obsessed with domestic worries, one who cannot be intimidated, one who does not err too often, one who does not turn back from the right path once he finds it, one who is not self-centered or avaricious, one who will not decide before knowing the full facts, one who will weigh with care every attendant doubt and pronounce a clear verdict. after taking everything into full consideration, one who will not grow restive over the arguments of advocates and who will examine with patience every new disclosure of fact and who will be strictly impartial in his decision, one whom flattery cannot mislead, one who does not exult over his position. But such people are scarce".

## Heavy responsibilities of a judge

A judge must realize that in reality he is a refuge for the people against every injustice and excess. If he does not feel that he is competent to hold this position, he must not accept it. Otherwise he will be a source of trouble to himself as well as to others.

Addressing Justice Shurayh, Imam Ali (P) said:

"Shurayh! you are occupying a seat which should be occupied by a Prophet or his nominee. Otherwise it is a seat of a wretched man". (*Wasail al-Shi'ah*, vol. 18 p. 7).

Imam Ja'far ibn Muhammad al Sadiq (P) is reported to have said:

"Avoid being a judge, for judgeship is a position which should be held only by a person who knows how to administer justice and whose judgements are impartial. Such a person can only be either a prophet or his nominee ". (*Wasail al-Shi'ah*, vol. 18, p. 7).

## Adherence to the Divine law

A judge must pronounce his judgement in accordance with the Divine law which covers all aspects of justice. Anyone who pronounces judgement in accordance with any other law not conforming to the Divine law and based on personal or class interests, is a deviator and a sinner.

***"Those who do not judge in accordance with what Allah has revealed are wicked indeed". (Surah al-Maidah, 5:47).***

Imam Muhammad al Baqir (P) is reported to have said:

"There are two kinds of judgement: Divine and pagan. He who deviates from the Divine judgement, automatically pronounces the pagan one. Anyone who pronounces a judgement contrary to what Allah has commanded, is an unbeliever, though his judgement be in a case involving two dirhams only".

(*Wasail al-Shi'ah* vol. 18 p. 18).

### **Behaviour towards litigants**

Behaviour of a judge towards the litigants should in every respect be the same, even in the way he addresses them and looks at them.

"It is your duty to give the same treatment to both the parties of a case even in the matter of looking at them. You should not look at one party longer than at the other". (Nahj al-Balaghah)

### **Independence and Immunity of judiciary**

In the social system of Islam whenever a heavy duty or duties are placed on the shoulders of anyone, he is allowed to have certain privileges also.

The same general rule applies to the judges also. As a judge has to undertake heavy duties, his position is quite strong. In Islamic society the independence of a judge is truly respected. Even the head of Muslim society should show full respect to the independence of judiciary. Those who have to forego their unlawful gains consequent upon the just judgement of a judge should not be allowed to think that they could shake the confidence of the head of society in a judge or could damage the prestige of the judiciary.

"Protect the position of a judge so that others, specially those who are closer to you, may not be tempted to disturb him. Let him be satisfied that nobody can hatch an intrigue against him. Be very careful in this respect, for this religion was previously in the hands of the wicked who used it for self-aggrandizement". (Nahj al-Balaghah).

The judge also has a reciprocal duty. He is strictly forbidden to accept any gift from the litigants.

"Rufa'ah! Avoid every temptation; suppress base desires; do not be dejected and be careful not to accept any bribe". (Epistle of Imam Ali (P) addressed to Rufa'ah, his judge in Ahwaz).



Administration of justice based on such a strong foundation can provide best solution to the disputes of the members of a nation and can be a source of strength for their social ties.

## **Relations of the Muslims with Others**

We know that the Muslim ummah has come into existence on the basis of a particular system of doctrines and actions, and its continuance depends on the preservation of its ideology and the stability of its social set up.

Evidently the individuals and nations not subscribing to Islamic ideology, being beyond its doctrinal pale, cannot be considered to be members of the Muslim ummah. They are aliens, but the degree of their alienation will be judged by these two considerations:

(1) How far they share the ideology of Islam?

(2) To what extent they are hostile to the Muslims? As regards (1) above

(a) Islam believes that the whole world and all its phenomena. depend on an absolute truth which transcends matter, viz. Allah. The whole world, including man has been created and is being maintained by Him.

(b) From the Islamic point of view man, in order to know the true nature of the world and to become aware of his own relation with Allah, should turn to revelation, which is a great source of knowledge. As such, belief in the Prophets and their invisible contact with Allah is a part of Islamic Cosmology.

(c) Next to the belief in Allah and revelation there is a question of doing good deeds, which include all individual and collective efforts for human welfare and development.

Islam has a close relation with all other systems which are also based on these three principles. But it has no relations with the materialistic and polytheistic ideologies and systems.

On this basis, Islam will have especially close relations with a system which believes in the Unity of Allah in its true Islamic sense. If a system also believes in true Divine revelation, in the Prophets and the Divine Scriptures, Islam's relation with it will naturally be deeper. The Qur'an has repeatedly referred to this natural affinity between various Divine systems. It considers their origin and their basic principles to be common and coherent. Of course, this does not mean the endorsement of the present beliefs of the followers of these religions or of the contents of their existing religious books. This is only a recognition of the Divine origin of these religions. The Qur'an draws the attention of the followers of these religions to

their deviations and wants to reform them.

(2) The hostility which others show to Islam has several degrees:

(a) Sometimes they oppose the Muslims formally. They either actually launch an attack against the land of the Muslims, their life and property or their religion, or at least have an intention to do so. In this case they will be regarded as invaders and aggressors.

It is but logical that the life, property and the land of an invading enemy is not to be respected, and so long as he is at war, friendly contact or co-operation with him is not allowed. This is the case in which the question of *jihad*, defence and their relevant rules arises.

(b) A nation which has no intention to attack and betray the Muslim ummah or a Muslim country and is not intriguing against them, will not be considered to be an aggressor: If it enters into a peace treaty with the Muslims or a pact of non-aggression and reciprocal respect of the borders and the rights of each other, such agreement will be respected, whether it is concluded direct between the Muslims and a non-Muslim country or both of them join a common world covenant resulting in an undertaking of mutual respect and preservation of the borders of others. In this case the non-Muslim country or nation will be in peaceful treaty relations with the Muslims and the agreement concluded with it will be respected so long as it does not visibly or invisibly violate it by hatching an intrigue or launching an aggression. If it is found to be intriguing against the Muslims it will, of course, be regarded as an enemy.

In history we find that wherever the interest of the Muslim ummah demanded, the holy Prophet concluded a treaty of peace and non-aggression even with the polytheists. We see that in the sixth year of the Hijri era he signed a treaty with the polytheists of Mecca. He respected it and scrupulously implemented every clause of it, till the enemy himself practically abrogated it. It was only then that the Prophet decided to take action against the enemy for being guilty of violating the treaty. Thus the way was prepared for the conquest of Mecca, which was conquered in 8 A.H. We find that during the madinite period of his life the holy Prophet concluded a number of treaties and pacts.

(c) The third class consists of those non-Muslims who live under the protection of the Muslim government. They are called zimmi and their life, property and even religious rites are respected, provided they abide by their covenant and pay the capitation tax. They can live peacefully along with the Muslims and enjoy all human rights.

With this brief explanation of the relations of the Muslims with the non-Muslims we can understand all the basic teachings of Islam having a bearing on the foreign policy of Muslim society.

In this connection one of the most important questions is that of *jihad*. The importance which Islam

attaches to it has unfortunately given a weapon in the hands of the opponents of this Divine system to project the valuable teachings of Islam in a distorted form and to launch an attack against the Qur'an and Islam by declaring in their writings and speeches that Islam is a religion of sword.

In our opinion the best way to enable you to understand the correctness or otherwise of this assertion is to acquaint you further with the salient features of *jihad* in Islam.

## Jihad

*Jihad* literally means utmost effort to achieve an objective. In Islamic terminology it means to endeavour and make sacrifice for the cause of Allah, that is, for the deliverance of the people from injustice and subjugation, restoration of belief in Allah's unity and establishment of a just social system.

Defence is a special form of *jihad* which aims at preventing an attack by an aggressor. In the religious texts of Islam it has been described as resistance to the aggressive designs of an enemy against a Muslim land and thwarting his attempt to gain the control of the natural resources of a Muslim country. Hence defence is a form of *jihad* for the cause of righteousness and justice.

## Aims of Islamic Jihad

Islam with its vast revolutionary program aims at establishing unity of human society on the basis of justice and mutual love. It wants to restore human freedom and humanize the world. Hence it fights against every kind of polytheism, injustice and subjugation. The Muslim ummah considers itself responsible not only to lead individually and collectively a life based on justice and Unity of Allah, but also, as far as possible, does its utmost to propagate righteousness, to awaken the ignorant, to fight for the cause of the oppressed and the under-privileged, to put an end to corruption and to restore freedom.

It is a basic duty of the Muslims to work for the removal of all obstacles in the way of human growth and development, and not to show indifference to them. The Muslims not only should defend the existing sphere of their religious influence but also should try to expand it.

It is also a duty of the Muslims to resist enemy aggression in every possible way, to forestall injustice and corruption and to co-operate with others in this respect.

We conclude, therefore, that the following are the aims of *jihad*:

(1) Expansion of the belief in Allah and adherence to His commandments.

***"Fight in the way of Allah against those who fight against you". (Surah al-Baqarah, 2:190).***

***"Fight for the cause of Allah with due determination". (Surah al-Hajj, 22:78).***

(2) Helping the weak and the deprived.

***"What stops you from fighting for the cause of Allah and of the helpless men, women and children?" (Surah al-Nisa, 4:75).***

(3) Putting an end to persecution.

***"Fight them until there is no persecution ". (Surah al-Anfal, 8:39).***

Aggression is bad, whosoever may be the aggressor

A fighter in the way of Allah must always be careful that in his zeal and ardour he may not exceed the limits of justice. The Muslims must in no case violate the basic human rights.

***"Fight in the way of Allah against those who fight against you, but do not commit aggression, for Allah does not like the aggressors". (Surah al-Baqarah 2:190).***

***"(Attack them) in the sacred month (if they attack you) in the sacred month, and sacred things are (also) subject to retaliation. If any one attacks you, attack him as he attacked you. Have fear of Allah and remember Allah, and do not with your own hands cast yourselves into destruction. Do good, for Allah likes those who do good". (Surah al-Baqarah, 2:194).***

A Divine system cannot have a double standard. When it regards aggression as evil and fiendish for others, it cannot consider it to be sacred and divine for its own followers.

## **Jihad against Egoism**

Addressing a party which had returned from a battle with the enemy the Prophet of Islam said:

"I congratulate you that you have carried out the minor *jihad* successfully. Now you have to carry out the major *jihad* ". They asked: "O Prophet of Allah! Which *jihad* is the major one? He replied: '*Jihad* against egoism". (*Wasail al-Shi'ah* vol. 6, p. 122).

Imam Ali (P) is reported to have said:

"The best *jihad* is his, who fights against his own wild passions". (*Wasail al-Shi'ah* vol. 6, p. 124).

## **Islam is a world system**

Islam has not come for any particular people. It is a world system. From the point of view of a Muslim, every place is the domain of Allah and everything has been created by Him. Islam is not peculiar to any nation, nor is it confined to any race. It has not come for the guidance of any particular society. Islam wants the whole world to be benefited by its life-giving teachings. The Qur'an described itself as guidance for all and the Prophet of Islam as a blessing for the whole world.

All human beings, irrespective of the race and the country of their origin, can become the members of the great Muslim society by accepting the fundamental principles of Islam, and thus become the brethren of other Muslims.

In order to form a society free from all doctrinal errors and every kind of misconduct, it is the duty of all, especially the believers, to guide the people to the right path.

Hence the scope of the Islamic responsibilities is not confined to any particular territory. It is universal and no conventional frontiers should be a barrier to the spread of the ideas of freedom and Muslim unity.

This persistent effort is not meant to impose Islamic doctrine on others. As the Qur'an has declared, there is no compulsion in the matter of religion and the right and wrong paths are quite distinct.

***"There is no compulsion in religion. True guidance has become distinct from error". (Surah al-Baqarah, 2:256).***

This vast effort should be exclusive aim at relieving thought of the burden of myths, unfastening the shackles of injustice and delivering man from every kind of exploitation, subjection and ignorance.

Look into this Qur'anic verse:

***"What stops you from fighting for the cause of Allah and of the helpless men, women and children? tVbo say: Our Lord! Deliver us from this town of the oppressors, and appoint for us from you a protector and send us someone that will help us". (Surah al-Nisa, 4:75).***

## **Before having recourse to fight truth should be explained**

Usually there are at least some persons among the enemy troops who have been dragged to fight against truth either forcibly or because of their ignorance of the facts. As one of the aims of *jihad* is to

deliver the people from every kind of subjection, exploitation and ignorance, it is the duty of the commander of the Muslim forces that before the start of fight he should do whatever he can to enlighten all enemy soldiers and to show them the right path so that they may not be unnecessarily killed out of ignorance.

Imam Ali (P) is reported to have said:

"When the holy Prophet sent me to Yemen, he said: O Ali! Don't fight against anyone until you have invited him to Islam and to accept the truth. By Allah! If you succeed in guiding even one person to the right path, that is a great achievement. 'You will be in fact his saviour'. (*al-Kafi*, vol. 5, p. 34).

### **Special facilities provided by Islam for this purpose**

If anyone from among the enemy soldiers wants to come to the Muslims to have discussions with them with a view to have a more clear idea about Islam, or wants to study the individual and collective way of life of the Muslims from a close quarter in order to know the truth about them, he may be provided due facilities. For this purpose even if a simple Muslim soldier gives an assurance of security, his pledge will be respected by all Muslims, even the Muslim Government.

The holy Prophet has said:

"All Muslims have a common responsibility. A pledge given by one of them is the pledge of all".

If a single soldier gives protection to anyone, that is to be regarded as the protection given by the whole Muslim ummah.

### **Peace in Islam**

***"Peace is better; but men are prone to avarice". (Surah al-Nisa, 4:128).***

Generally speaking, all men by nature prefer peace. That is why all social systems, including those, which base their philosophy on contradiction and conflict, try to promise undisturbed peace to the world in the long run.

The Qur'an strongly denounces every war which is not necessary for the defence of the cause of Allah and rescuing the people from the clutches of the devils.

***"Believers, enter all of you into peace and do not follow, in the footsteps of Satan. No doubt he is***

***an open enemy of you". (Surah al-Baqarah, 2:208).***

Islam not only wants the internal relations of the Muslims to be peaceful, but it also gives similar instructions in regard to their relations with the non-Muslims.

***"If they incline to peace, incline you also to it and put your trust in Allah. No doubt He is All-hearing, All knowing". (Surah al-Anfal, 8:61).***

But care should be taken that the leaning of the enemy toward peace may not be a military or political ruse and a mere hoax.

***"But if they intend to deceive you, Allah is sufficient for you. It is He who has supported you with His help and with the believers". (Surah al-Anfal, 8:62).***

### **Full preparedness to face the enemy**

Though Islam gives so much importance to peace, it wants the Muslims to be alert and prepared. It wants them to be so strong that none of their open or secret enemies may dare to think of any aggression against them.

***"Make ready for them whatever force and well-bred horses you can in order to strike terror into the enemies of Allah and your own enemies". (Surah al-Anfal, 8:60).***

It may be remembered that the word, 'force' in this verse includes every kind of industrial force also. As industrial development is a constant process, it is the religious duty of the Muslims to acquire modern industries and latest technology. They should equip themselves with the modern weapons not for the purpose of attacking others, but to ward off any aggression against them because of their weakness.

### **Horse racing and archery**

To prepare the Muslim masses to participate in the *jihad* for gaining independence or defending their existence, an effective program of horse-racing and archery was introduced. Muslims were encouraged to take part in these competitions. To create interest among the youth, suitable prizes were awarded to the winner. The idea was to make the Muslims fit for fighting.

It is obvious that horse-racing and archery were chosen for this purpose keeping in view the conditions of that time. The general spirit of this Islamic instruction is that every Muslim should in accordance with the tactics of his own time, take part in a general program of training with a view to prepare himself for *jihad*. On the whole, every Muslim is expected to be strong and fit to defend himself, his ideology, and his country, so that no aggressor may ride roughshod over him.

It is an eternal divine practice that a nation which is not prepared to make sacrifices for the defence of the right and justice and does not safeguard its own rights and its own existence, is dragged to humiliation and ruination.

"He who abandons *jihad* and shows disinclination to it, is humiliated by Allah. He is surrounded by disasters. His heart becomes gloomy. He goes away far from truth. As he has not done justice to *jihad*, he is involved in worries and troubles and is deprived of justice". (Nahj al-Balaghah, vol. 10).

## Immortal

The Qur'an regards *jihad* as the life-giving stimulant for the individual and the human society.

***"Believers, respond to Allah and the Messenger when he calls you to that which gives you life, and know that Allah comes in between a man and his heart, and that it is He to whom you shall be mustered". (Surah al-Anfal, 8:24).***

A fighter who lays down his life for the cause of Allah, is immortal, and every Muslim is required to have faith in the immortality of the martyrs who make supreme sacrifice in the way of Allah. (For details see, The Martyr, ISP 1979).

***"Do not consider those who have been killed in the way of Allah to be dead. They are indeed alive and receive their sustenance from their Lord. Well-pleased with the favour which Allah has granted them by His grace and rejoicing for the sake of those who have not yet joined them but are left behind, that they shall have no fear nor shall they grieve. They rejoice because of Allah's favour and grace and that Allah does not deny the believers their reward". (Surah Ale Imran, 3:169 – 171).***

Faith in Allah and His Prophet and the realization of the fact that righteousness demands self-sacrifice, impels a believer to fight for the cause of Allah. In spite of his intense love for his parents, his children, his hearth and home and his job and occupation, when he hears a call to go out in the way of Allah, he is filled with a zeal far above these attachments and is attracted towards the battlefield. A man trained by Islam knows that his personal interests and attachments are natural and proper provided they do not exceed their limits, do not kill his manly spirit and do not make him weak and coward. Otherwise his fate will be the same as has been of all the weak and the coward in history.

***"Believers, do not regard your fathers and brothers as your friends if they give preference to infidelity over faith. They are the wrong-doers who befriend them. Say: If your fathers, your sons, your brothers, your wives, your relatives your property that you have acquired, the trade, the dullness of which you fear and the dwellings which you love, are dearer to you than Allah, His***



***Messenger and the struggle for His cause, then wait till Allah brings His command to pass. Allah does not guide the wicked people". (Surah al-Taubah, 9:23 – 24).***

**Fighters who do not lag behind in their effort**

***"The believers who stay behind, apart from those who suffer from a disability, are not equal to those who struggle for the cause of Allah with their property and lives. Allah has 'given those who struggle with their property and lives a rank higher than those who stay behind. To both Allah has promised, a good reward, but He will show His preference to the fighters by giving them a far richer reward: (By the bestowal of) His own ranks, forgiveness and mercy. Allah is Forgiving and Merciful". (Surah al-Nisa 4:95 – 96).***

### **Invincible and indefatigable fighters**

***"Allah likes those who fight for His cause lined up as if they were a solid structure ". (Surah al-Saff, 61:4).***

***"As for those who say that our Lord is Allah and then they remain firm in their faith, the angels will descend on them (saying): Let nothing alarm or grieve you, but be happy in the Paradise you were promised. We are your protecting friends in the worldly life and the Hereafter. There in Paradise you shall have whatever you may ask for. As a matter of hospitality from Allah, the Forgiving, the Merciful". (Surah Fussilat, 41:30 – 32).***

***"Believers, when you meet in battle those who disbelieve, do not turn your backs to them. And if anyone on that day turns his back to them, unless he does so for tactical or to join another detachment, he shall incur Allah's wrath and Hell shall be his abode. What a bad fate!" (Surah al-Anfal, 8:15 – 16).***

The society which Islam wants to build is a society which is living, moving, powerful and bearer of a world mission. The characteristics of this society, which we have briefly stated in this book, should inspire you to study more detailed books on this subject, which are available in various languages.

In the end we would like to point out that the building of a true Islamic social system depends on three things.

(1) Clear understanding of all the aspects of a society to be built on the basis of Islam.

(2) Understanding of the practical ways of bringing about such a society.

(3) Conscious and determined effort accompanied by every kind of sacrifice.

With lack of knowledge and lack of effort we cannot expect that we shall ever be able to enjoy a just system of Allah's liking. From Islamic point of view, there is an immutable social principle:

"As you will be, so your rulers will be".

So let us all pray:

"O Lord, we would serve You under the graceful government which would bring dignity to Islam and to the Muslims, disgracing infidelity and the infidels. O Lord, in such a government, make us among those who invite people to Your obedience, leading them to Your path, and give us, thereby, the graces of this world and the world Hereafter".

"O Lord, bestow Your peace and blessings upon Muhammad and his progeny. Give brightness to my eyes in the awareness of my religion; give confidence to my heart in the sincerity of my deeds and help me to thank You till the end of my life".

"O Lord, I seek refuge in You from my evil-self; for it induces me to bad deeds unless You have mercy on me. I seek refuge in You from the evils of the accursed Satan who increases my sins.

O Lord, make me one of your armymen, for Your army will always be triumphant; make me one of your partymen for your party will always be prosperous; and make me one of Your loved ones for Your loved ones will always have no fear and no grief".

<sup>1</sup>. Here the word Shi'ah has been used in the sense of a follower and the verse means that one of those who followed Noah (P) was Ibrahim (P). (Vide Surah al-Saffat, 37:83).

<sup>2</sup>. Sharh Nahj al-Balaghah by Ibn Abil Hadid Mo'tazali. V.4 p. 87

<sup>3</sup>. Tarikh Tabari vol. 7, p. 267.

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