

INTRODUCTION TO

# ISLAMIC POLITICAL SYSTEM

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# ISLAMIC POLITICAL SYSTEM

Ayatullah Baqir al-Sadr

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## ISLAMIC POLITICAL SYSTEM

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## ABOUT OURSELVES

An alert mind today notices a change in the intellectual life of man. Science and technology despite their wondrous achievements seems to have reached a precipice. Material needs together with the burning desire for power and supremacy, have led man towards an apparent bankruptcy of the world's resources. In this desperate situation one is forced to pause and reassess the potential dangers threatening mankind as a whole. The scientist is, therefore, seeking a universally acceptable solution, and rightly so; thinking of the First Cause, the Omniscient and the Omnipotent in terms of cosmic consciousness.

This shift from the physical to the spiritual thinking is fully in keeping with the aims and objects of the Islamic Seminary. Religious precepts, abreast with the developments of our time, provide the much-needed sanctuary for the troubled and anxious mind. It is a result of increasing awareness, that it is being realized that the secret of living a serene life in this world and turning it into the eternal bliss of the world Hereafter rests within the teachings of ISLAM.

The **Islamic Seminary** seeks to hold aloft this torch of spiritual guidance and to help in all earnest to promote mankind's spiritual heritage. The Seminary presents Qur'anic way of life in its pristine purity. It puts forth only that which is most authoritative and most authentic. Its publications are designed to meet the spiritual need of our times. The **Islamic Seminary** will be found to be a perennial spring for those thirsty of knowledge.

The **Islamic Seminary** is a World Organization, endeavouring for Islamic brotherhood. It enjoys the assortment of the best brains, in addition to having an international support for the fulfilment of its great objectives. It has centres in Asia, Africa, Europe, America, Canada and Far East.

A list of addresses appears in the closing pages of this book. Readers are most welcome to write and obtain publications from any of these centres.



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

December 1, 1982

Dear Reader,

*Assalamu Alaykum wa Rahmatullabe wa barakatob*

This book is an Islamic Seminary publication. Its publications are designed to cater for the spiritual needs of the age with a particular emphasis on grooming Muslim mind and thinking. Utmost efforts have been made by the Seminary to put forth in its publications what is really authoritative and authentic in Islam.

You are requested to kindly go through this book in the spirit in which it is intended. You are also requested to communicate to us your free comments on our publication, which will be highly appreciated.

Propagating the message of Islam is a task which calls for the co-operation of all. The Seminary invites you to join it in this task complying cordially with the verse of the holy Qur'an: "Say: I give you but one admonition, that you stand for Allah's sake jointly and singly". (34:46)

May Allah bless you!



Yours in Islam,  
Publication Secretary.

## ABOUT THE AUTHOR

Ayatullah Muhammad Baqir al-Sadr was born on Zi-qa'adah 25, 1353 A.H. He belonged to a family which has been the cradle of learning for about a century now and has rendered yeoman's services to Islam and the Muslims in Iraq, Iran and Lebanon. Al-Sayyid Muhammad Sadr of this family rose against the British colonialism and took part in the twentieth century Revolution in Iraq. Sayyid Sadrud-din Sadr of Qum and Sayyid Musa Sadr of Lebanon are also well-known for their religious and political activities. One of the Ayatullah's ancestors, Sayyid Abd al-Husayn Sharf al-Din took part in the War of Independence of Jabl al-Aamul against France.

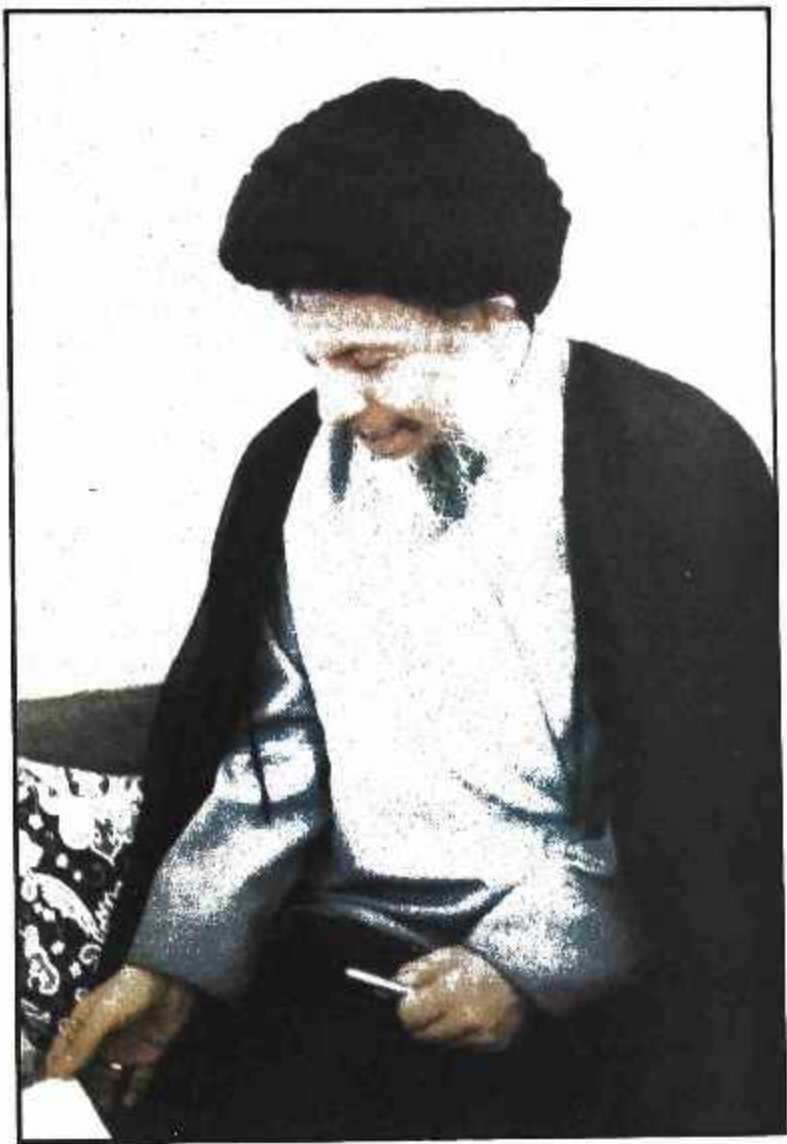
Ayatullah Muhammad Baqir lost his father when he was only four years of age and he was then brought up by his mother and elder brother Ismail al-Sadr. From his very childhood he showed signs of extra-ordinary intelligence and aptitude for learning. When he was only ten years of age he spoke on doctrinal matters and Islamic history with such a confidence as if he had spent decades in mastering these subjects. When he was eleven years old he wrote a book on logic and also began delivering lectures on this subject.

In 1365 A.H. he settled in

Najaf al-Ashraf and began studying as well as teaching the principles of Islamic Jurisprudence and other branches of Islamic learning. He possessed such an extra-ordinary acumen that he could fully comprehend the lessons of the level of his own studies without the help of his teacher. Eventually he was elevated to the position of 'Mujtahid' whereafter he himself began imparting instruction in 'Ijtihad' and also began writing books. He has written 26 books on various subjects including Fundamental of Jurisprudence, Jurisprudence, Economics, Philosophy, Inductive Logic, Social Problems and Public Administration. Some of these books have been translated into Persian, English, Urdu and Turkish and every one of them is a masterpiece in its own line.

The Ayatullah enjoyed great respect in the Muslim world right from Morocco to Indonesia. He was one of the greatest champions of Islamic form of Government. The Baathist Government of Iraq was in funk on this account. It therefore, interned him in Najaf in the middle of 1979 and transferred him to Baghdad Jail on April 3, 1980 where he was martyred on the night of April 9, 1980. May Allah bless the sacred soul of the Ayatullah.





Ayatullah Baqir al-Sadr

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*Sources of Power in  
Islamic Government*





Sometimes we study Islamic government as a religious necessity, for it enforces the command of Allah on the face of the earth and gives a concrete shape to man being a vicegerent of Allah. Sometimes we study Islamic government in the light of the same fact, but with a special reference to its tremendous culture-generating power, which distinguishes it from every other kind of social experience.

In this article we are going to discuss the latter theme, so that it may be clearly understood that Islamic government is not only a religious necessity, but it is a cultural necessity also. It is Islamic government that can enable the man in the Muslim world to occupy his rightful place at the pinnacle of human culture and can deliver him from disruption, backwardness and various other ills from which he is suffering, for its establishment is the only way to unfold the hidden capacities of this man.

We propose to elucidate this point and discuss the characteristics of Islamic government under the following two main headings:

- (i) Distinctive doctrinal structure of Islamic government;
- (ii) Doctrinal and spiritual structure of the Muslim individual as indicated by the present day actuality of the Muslim world.

#### **DOCTRINAL STRUCTURE OF GOVERNMENT AND THE GOAL TO WHICH IT PROCEEDS**

Everyone who takes a step in some direction must have a goal, and every movement which takes place in the

civilized world has a purpose to attain. Every step worth taking and every movement which has a purpose draw their driving force from the goal to which they proceed and for the realization of which the movement is made. The goal, in the first instance, serves as the driving force of the movement, but as soon as the object is achieved, it absorbs the movement and terminates it.

For example, take the case of a person who is keen to secure an academic degree. You will find him fired with ambition and zeal. His aim will be compelling him to work hard. But as soon as he attains his goal, his zeal comes to an end and the urge to go forward is terminated, for there is no longer any reason for their continuation unless he decides to attain some other goal.

This is true in the case of societies also. They can continue their progress only if they choose a big objective for their cultural advancement. If they do so, their zeal will last longer and they will be compelled to make more efforts. But if their goal is limited, their effort will also be limited, and after the realization of their limited goal, they will lose their creative and developmental impetus.

Here our modern school of historical thought is faced with a dilemma. According to it all changes in human society take place in accordance with dialectical laws. Marxism maintains that the main goal of the movement of history and the progress of man is the removal of the social obstacles impeding the development of production forces and the production instruments, which is possible only by the abolition of private property and the establishment of a communist society. If we believe that this is actually the final goal of man's progress, we should also admit that as soon as a communist society is set up, development is completed and further movement is stopped.

Should we believe that the goal which actuates society and makes history, is the liberation of the instruments of production from the bonds which put restriction on them during distribution, then that would mean that following their liberation the movement of history comes to an end and all the creative and developmental abilities of man are terminated.

In fact the only goal which gives lasting warmth and light to the existence of man and ensures the progress of human culture, is the goal to attain which man can continue his efforts forever. As he gets closer to his goal, new vistas are opened to him, and they strengthen his heart and add to his zeal and creative efforts.

Here comes the role of Islamic government in declaring Allah to be the goal and destination of the march of humanity and the divine attributes to be the milestones on the road to this great goal. Justice, knowledge, power, kindness and forgiveness put together form the goal of a march worthy of human society. Every step towards this goal and every success achieved in this respect opens new vistas to man and adds to his zeal and determination to continue his march. Man being finite, cannot reach Allah who is Absolute and Infinite. But every step taken towards Him leads man to new places, and impells him to double his efforts. *"We shall certainly guide those who strive for Our cause to Our paths"*. (Surah al-Ankabut, 29:69).

That is why the flame of enthusiasm of the man of Islamic government, who proceeded to make history anew in the early period of this ummah, never died out so long as his real goal was Allah. He, inspired by justice which is an embodiment of this great goal, continued to make struggle against the tyrants and the oppressors not only in his own area and among his own people but all the world over.



Khusro in spite of all his pride and arrogance was shocked when in reply to his question as to what had led the Muslims to think of invading his empire, was told by Ubadah ibn Sāmit that the Muslim army was there to liberate the oppressed. Absolute justice is unending, and an absolute goal can always actuate people and give them more and more strength.

*“Say: Though the sea were to become ink to write the words of my Lord, the sea would be surely exhausted before the words of my Lord are completed even if we brought another sea to replenish it”.* (Surah al-Kahf, 18:109).

Thus the doctrinal structure of Islamic government, which is based on faith in Allah and His attributes and in the belief that Allah is the goal of the true culture-forming movement, is the only doctrinal structure which helps man in this respect and give him inexhaustible energy for the purpose.

That is why Islam is not at all willing to replace its absolute goal by a relative one. A relative goal impedes the continuity of progress and does not allow us to go beyond its limit even at any subsequent stage. When a Muslim rises to oppose tyranny against his people in his own city or country, he is not indifferent to the oppression and persecution perpetrated by the tyrants in other parts of the world. His final and total aim is not to overthrow a particular tyranny, for such an attitude would mean the approval of oppression elsewhere. A Muslim rises to oppose tyranny in his environment only because it is one man's tyranny against another man, who is his fellow human being. This one single factor is enough to impel a Muslim to play the role of 'Ubadah ibn Samit, who along with his companions set out from Arabian peninsula to liberate the

oppressed farmers in the remotest cities of Iran.

**ROLE OF MORAL VALUES IN THE  
DOCTRINAL STRUCTURE OF ISLAMIC GOVERNMENT**

To establish justice and uprightiness and to be able to bear hardship in this connection, one requires certain incentives which spring from the awareness of one's responsibility and a sense of duty. But these incentives are constantly faced with a threat which must not be allowed to appear or at least to grow. This danger is one's attachment to this world and its affairs and too much interest in this worldly life. Such an attachment and interest often prevent man from making progress and taking part in proper reformative activity, which requires much effort and many kinds of sacrifice for the weal and welfare of human society.

A man who is attached to the worldly affairs and clings to the comforts of his terrestrial life, cannot be expected to forego the petty advantages of his daily life for a bigger cause, namely the reformation of society. In society, in order to mobilize the potentialities of every individual for the cause of reformation, it is necessary that doctrinal structure should be based on such special moral values that may convince every individual that he is the master of the world and its bounties, not a slave of them, that there is another life which is far richer than the present one, and that it is necessary to sacrifice the benefits of this world in preparation for the life Hereafter reserved for the pious by Allah.

This doctrinal structure implied in Islamic government has been mentioned by the Qur'an while specifying the moral principles of Islam:

*"Believers, let not your wealth nor your children distract you from remembrance of Allah. Those who do so, they are the losers". (Surah al-Munafiqun, 63:9)*

*"Know that your property and your children are but a trial". (Surah al-Anfal, 8:28).*

The holy prophet has said. He who passes the whole night in worrying and taking decisions about the affairs of the world, has no connection with Allah.

He has also said that the love of this world is the beginning of every sin.

This shows that attachment to the world is the basis of every kind of delinquency, and to be engrossed in worldly worries is tantamount to relinquishing the leading role of the vicegerency of Allah on the earth. To be preoccupied with the luxuries of this life means to be distracted from remembrance of Allah and to regard as a joke all the values indicated by Him to delineate our goals, to give orientation to our movements and to attach man to heaven.

Islam believes only in the natural value of the world and does not want any Muslim to be attached too much to this world and its worries. If worldly activities are made a goal in a way inconsistent with the values and constructive activities required and encouraged by the belief in the Hereafter, this world instead of being a training ground will turn into a field of destructive and playful actions.

*"The life of this world is but a sport and a pastime, and pageantry and boasting among you and rivalry in respect of wealth and children". (Surah al-Hadid, 57:20).*

*"Beautiful for mankind is loved of the joys that come from women and children, stored-up heaps of gold and silver, branded horses, cattle and cultivation. All these are the bounties of the worldly life but in the life to come*

*Allah has the best place for people to dwell*". (Surah Ale Imran, 3:14)

But if we regard this world as a way to reach the Hereafter and as a place where man by performing good deeds, leading a virtuous life and making earnest efforts to gain proximity to the Absolute Truth, promotes constructive and creative activities, it becomes a field fit for reconstruction and creation instead of being the scene of avarice and covetousness.

*"Seek through your wealth the gains of the life to come and do not forget your portion of this world. Be kind as Allah has been kind to you and do not commit corruption in the earth. Surely Allah does not like the corrupters"*. (Surah al-Qasas, 28:77)

The holy prophet has said: "Dispose of your world in exchange for the Hereafter\* so that you may get both of them and make a double profit.\*\* But do not dispose of your Hereafter in exchange for this world, for thus you will lose both".

\* What is meant is that where there is a clash between profit and value or between a material gain and a spiritual and human excellence, profit and material gain should be abandoned for the sake of value and spiritual and human excellence.

\*\* Even material gain can be safe only if we are prepared to defend it at any cost and to fight for it even at the risk of our lives against the aggressors and those who want to snatch it from our hand. Otherwise if we are afraid of losing the material aspects of our life, the first result will be that in order to avoid a loss of life we shall never be able to make any struggle and when the enemy will see our weakness, he will wipe us out of existence.



Islam maintains that the world is a 'prelude', not a goal and a 'means', not an end. It has not put forward this view as a dry and a hollow conception, but has linked it with practical behaviour. Islam wants people to give a concrete shape to this conception and to behave accordingly in regard to the blessings of the world.

Islam has put forward a practical application of this theory. The holy prophet has said: "Avarice has taken possession of you. A man says: It is my property, my property. But is it of any use to you except for what you give in alms or leave behind or eat and consume or use and wear away?"

Every man who believes in the precepts of Islam and acts upon them, has a right to enjoy the gifts of the world and take good things according to his need. This world is based on the principle of meeting the requirements and not that of cupidity and hoarding wealth. Unless man gets confused about his goal, his conscience constantly goads him to continue his efforts to attain his true goal, which is to proceed on the way to his Lord.

Therefore it is but natural that man should take of the world only what he really needs and leave the rest for the sake of his 'great goal'. If he takes more than what he needs, the world will become an 'end' for him instead of a 'means', and he will not be able to play the role which he should. The result will be his deviation from the right path involving him in various kinds of tyrannical acts of oppression and exploitation. That is why the holy prophet has said: He who takes of the gifts of the world more than what is enough for him, picks up his own death.

This is the valuable principle which a citizen in Islamic government has to follow. By abiding by this principle man gets rid of the terrestrial bonds which lead him to

avarice. He no longer clings to the petty aims which alienate him from Allah. He devotes his life to the lofty aims, and with open-mindedness and with firm determination undertakes his constructive responsibilities. He finds a really profitable equation established in which there is no question of any loss in any case.

*"Believers, shall I show you a business that will save you from a painful doom? You should believe in Allah and His messenger, and should strive for the cause of Allah with your wealth and your lives. That is better for you, if you but knew".* (Surah. al-Saff, 61:10 – 11)

#### POLITICAL CONCEPTIONS INVOLVED IN THE DOCTRINAL COMPOSITION OF ISLAMIC GOVERNMENT

The political conceptions of Islamic government have a great role to play in its composition. These conceptions promote the virtuous tendencies of man and put them to use for the service of humanity.

According to one of these conceptions it is a duty of Islamic government to put an end to all traditions of exploitation usually prevalent in unenlightened societies and to deliver man from the exploitation of his brother, who is no more than another man in all fields of life, political, economic and intellectual, so that he may be able to put his entire power and potentialities at the disposal of society for the purpose of constructive work. The advantage of the deliverance of man from exploitation will be twofold as explained below:

(i) The energy and the potentialities of a man who is exploited for ensuring the personal interests of others and adding to their wealth and comforts of life, are wasted. After he has been liberated, his energy and potentialities

will be used to the advantage of human society.

(ii) Similarly the energy and the potentialities of the exploiter are also wasted in tightening his control of the exploited. After the termination of exploitation, his energy and potentialities will be restored to their normal state and can be turned to the promotion of constructive activities.

Many a talent has withered under the pressure of evil forces and has been strangled within the framework of exploitation. Tyrants try to destroy the talents, whereas Islamic government creates an open atmosphere in which they can grow and flourish. The unique experience of the history of Islam bears witness to this fact. Islam restored the freedom and honour of man and created an atmosphere suitable for the promotion of the creative spirit of every man irrespective of his race, ancestry, position or wealth, so much so that many of those who in pre-Islamic society were slaves or were leading the life of almost a slave, could become the worthy leaders of humanity. They showed their creative ability in various fields of life, such as intellectual, political and military. In Islamic government nothing restricts the advancement of an individual except his own capacity and potentiality.

The Commander of the Faithful, Ali (may peace be on him) wrote to his Governor of Egypt: "Please take note of the performance and hard work of every individual. Do not ascribe the achievement of anyone to someone else. When someone completes a job, do not be stingy in rewarding him. Let you not think the petty work of a big man to be big and the big work of a small man to be petty".

Another political conception of Islamic government concerns the actual position of the rulers. In Islamic government the rulers lead their private life like any other citizen. In regard to their behaviour to the people, the

houses they live in and their relations to others the rulers have no distinction. Here we are talking about the actual position, as it existed and still exists. We know that a mere legal position which is not put into effect in actual life, cannot impress anyone, nor can it serve as a good example. It is simply a joke to which the despots resort in order to befool the masses over whom they rule. They issue charters declaring equality between themselves and those who are under them. But in actual practice these charters are mere words which carry no meaning and are meant to conceal the contradiction existing between the life of the rulers and the common people and between the prerogatives of the former and the helplessness of the latter.

In contrast, in Islamic government this conception is not a matter of a charter couched in beautiful words, but is enforced and applied to the actuality of life, as is witnessed by the experience of Islamic history and even the actual position in our own times.

Historical experience tells us that the head of Islamic government, Imam Ali stood before a judge by the side of an ordinary citizen who had made a complaint against him. In this case the court had summoned both the plaintiff and the defendant alike in order to judge between them. On another occasion during the times of Umar, a Jewish citizen, living under Islamic government put up a complaint against the Imam to Umar. The caliph called the Jew and the cousin of the holy prophet together to his court. As the caliph was listening to them, he noticed the marks of unhappiness on the face of the Imam and thought that he had felt offended because he was summoned in the court along with a Jew. But the Imam said to Umar: 'I am unhappy because you did not observe equality between me and him. You showed more courtesy to me and addressed

me by my surname, but you did not do so in his case”.

In this way Islamic government is the best example of equality before law between the rulers and the ruled. In Islamic government the private life of the ruler sets a practical example of goodwill and spiritual affection toward the poor. The ruler lives like an ordinary citizen. He has not the distinction of having lofty palaces and speedy automobiles, throwing sumptuous parties and possessing abundant furniture, nor does he collect jewelry and ornaments.

Imam Ali says: Should I content myself with being called the Commander of the Faithful, and should I not have sympathy with those who suffer hardships of life, and should I not set an example to them in enduring the bitterness of life?

Thus Islam tells the rulers that their rule is not a means of enjoying the pleasure of the world or separating themselves from others in regard to the embellishments of life. It only means a responsibility, a representation of the people and a participation in the worries of the poor. Leaving aside the experience of history, if we want to find the actuality of today, we should look at Imam Khumayni, the great descendant of Ali, who led the struggle of his nation under the banner of Islam till Allah helped him and the Pehlavi Empire with all his treasures fell into his hand. He triumphantly returned to his city. But for his staying he chose no house other than his old house from which he was exiled by the despots some twenty years earlier. He demonstrated that Imam Ali was not the name of one particular individual whose time is over. It is Islam, which is interminable and unending, that the Imam represented.

The program which Islamic government puts into practice among its citizens undoubtedly unfolds their



talents. It brings up every individual in such a way that he is convinced that it is a matter of his own honour and prestige to respond positively to the constructive activities initiated by the government.

Another political conception of Islamic government concerns its methods of working in the international field. Its method of working is quite different from that of the western culture based on exploiting the poor masses and sucking their blood. Unlike the western powers Islamic government does not say that its policy is based on the reciprocity of interests. It is truth, justice and the support of the cause of the under-privileged which form the basis of its policy. It does not pay lip service to these principles just as matter of convenience and expediency, nor does it use them for the purpose of propaganda and exploitation. It actually abides by them.

As we know, it is a tradition of the U.N.O. and other international organizations that a just cause finds an expression in their assembly halls, only if it is in keeping with the interests of a big power. It is discussed there in proportion to the interest of the big power concerned. But if no big power finds it in keeping with its interest, it cannot get even an entry into the corridors of these august organizations.

In this respect also throughout Muslim history we come across unique instances which are not found in the history of any other peoples. These instances are not related exclusively to the period of the holy prophet and his immediate successors but are also visible in the less bright periods swept by the strong winds of the ambitions of the tyrants. For example, we find that during the reign of Umar ibn Abd al-Aziz the Muslim army under the command of Qutaybah concluded a several-clause treaty

with the people of Samarkand. But following their entry into the city, the Muslim troops failed to fulfil the responsibility they had undertaken. The people of the city made a complaint to the caliph, who instructed the conquering chief to present himself along with the representatives of the people of the city before the judge (*qazi*) so that he might decide their dispute. The *qazi* delivered a judgment in favour of the people of the city and censured the conquering army. Have you ever seen or heard a conquering army being censured and that too not by a world organization or an international forum but by the judiciary of that very government to which it belonged?

The conduct of the government of Islam is the manifestation of this Quaranic verse: *"Believers, be fully conscious of your duty to Allah and bear true witness. Let not your hatred for a people seduce you that you deal unjustly. Deal justly; that is nearer to piety. No doubt Allah is fully aware of what you do"*. (Surah al-Ma'idah, 5:8)

There is no doubt that if the government of Islam conducts itself with this spirit in the international field, human spirit will be awakened among the people of the world, the conceptions of justice and uprightness will be infused in them and they will be stimulated to march together on the path of virtue and fairplay.

#### **STRUCTURE OF THE MUSLIM INDIVIDUAL IN THE PRESENT DAY ACTUALITY**

Just as the Islamic government is equipped with important forces springing from its doctrinal structure, similarly it has the distinction of having some other big forces which stem from the doctrinal, psychological and historical actuality of the present day man.

No social system works in vacuum. A social system

materializes only in the midst of human phenomena and their interrelations. Its success and power depends on the potentialities of society, and the talents and ability of the individuals among whom it develops. A social system moves forward in proportion to the harmony or disharmony which it has with the psychological and historical background of these individuals.

We do not mean to say that a social system and the cultural framework of society should try to crystallize the existing psychological and historical structure of the members of society and give a permanent shape to their ideas and conceptions, for to do such a thing will not be proper in the case of the Muslim world, which is suffering from the ill effects of backwardness and disunity. The crystallization of its present defeated mentality will mean nothing but the perpetuation of its backwardness and bad luck, while our sole aim in regard to the backward societies is to strain every nerve to set up a culture with a proper framework for the purpose of bringing up the masses and setting their talents and potentialities in motion to fight against backwardness.

While building this new structure on correct lines the sentiments, the genius and the doctrinal and historical background of the masses must be taken into account. For the purpose of cultural development it is not enough to lay the foundation of a social and political system. No system can be chosen in isolation from actuality, for a system which is not in harmony with the genius of the masses cannot attain its goal, which is to bring about such a change that all the energies of the masses may be mobilized to fight against their backwardness.

The basic condition of the success of any operation to set up a new culture or to make an extensive struggle

against backwardness is to move the masses, for it is their movement which is the sign of their progress, the development of their will and the liberation of their inner capabilities. If the masses are not developed, nothing can change the existing position.

*"Allah never changes the condition of a people unless they change their own condition"*. (Surah al-Ra'd, 13:11)

Therefore when we choose a method or a general framework for remoulding of the masses and pulling them out of their backwardness, we should accept the above fact as a basis and in its light should look for a lever to push the masses towards the desired objective and to mobilize all their energies and capabilities to make a struggle against their backwardness.

No government can use this lever for the benefit of the Muslims of the world, except Islamic government which bases its constructive activities and the framework of its social system on Islamic teachings. In the course of forthcoming discussions we propose to make observations which will corroborate this view and make it clear that only through Islamic government the great task of moving and remoulding society can be performed properly and successfully.

#### **FAITH IN ISLAM**

There is no denying that the people of the Muslim world have a faith in Islam and acknowledge it to be the religion and the message sent down by Almighty Allah to His last prophet, promising Paradise to the true followers of this religion and threatening those who deny it with Hell.

This faith is still alive in the hearts of the majority of the Muslims but it has lost much of its freshness and warmth during the years of deviation, especially since the

world of Islam entered the era of imperialism and the imperialists busied themselves in destroying this faith and devoiding it of its revolutionary and guiding content. Thus the Muslims became unable to represent the ummah which was described by Allah as the *'balanced nation to be a witness over mankind'* and as the *'best nation that has been raised for the benefit of mankind'*. Naturally a group of the selected Muslims alone cannot be called the Muslim ummah. The Muslim ummah is that mass of the people whose members accept their divine responsibility on the face of the earth.

It is the duty of the Muslim ummah to exhort people to do good deeds and to restrain them from doing evil ones. In other words, the Muslims must convert their faith into a constructive activity.

*"You are the best nation that has been raised for mankind. You exhort to what is good, restrain from what is evil and believe in Allah"*. (Surah Ale Imran, 3:11)

Here Allah has described belief or faith as the third characteristic of the Muslim ummah, next to the exhortation to what is good and restraining from what is evil. Thus Allah has emphasised that true faith does not mean mere belief. True faith is actually a flame which gives warmth to the faithful and with its light enlightens others.

The Islamic ummah apart from its responsibility to itself, holds a responsibility in respect of the whole world, for it is *'the balanced nation'* and a *'witness over mankind'*.

*"Thus we have made you a balanced nation so that you may be witnesses over mankind"*. (Surah al-Baqarah, 2:143)

Therefore if Muslims fail to pay attention to their twofold responsibility, internal and external, they cannot form the Muslim ummah in the right sense. So long as



Islamic creed does not occupy its leading position in all walks of life and form a basis for the discharge of these two responsibilities, the message of Islam cannot become a part of actual life.

Though people's faith in Islam has lost its pristine warmth and freshness, it still gives birth to a factor of passive resistance against any social system or any framework of civilized life which is not in consonance with the ideology of Islam. People, at least theoretically, believe that any system the basis of which is not supported by Islam is illegal and improper. Though their faith does not take a concrete shape at the practical stage, yet it creates a sort of passive resistance which implicitly cripples all the activities which other social systems carry out for the extension of their culture to the Muslims.

Many a time it has happened that a social system succeeded in subjugating the Muslim society by dint of its superior power, but before long it realized that without continuously employing force and pressure it could not keep the Muslim masses under its banner. The more it resorted to pressure and persecution, the more the passive resistance mounted and the masses became firm in their opinion that they were facing an illegal and improper system. Thus in the present circumstance an important part of the potentialities of the Muslim masses is either spent on exerting the pressure on the partisans of the alien systems to convince them of the necessity of changing their policy, or is wasted in countering their efforts and resisting their pressure.

This situation should undergo a basic change with the establishment of Islamic government, the program of which is carried out by those who exhort to good, restrain from evil and have a living and responsible belief in Allah.

Under Islamic system faith in Islam instead of being a factor of passive resistance becomes a factor of reconstruction on the cultural level. In the program of Islamic government people find a practical crystallization of their creed. Though many of them may not be prepared to make a sacrifice or undergo any hardship for the purpose of this crystallization, they would certainly find in it the fulfilment of their notable desire and the protection of their religion and sacred belief. They would before long be filled with ardent zeal and their belief would become an illuminating faith full of vitality and vigour. Thus under Islamic government the energy of the masses without the use of any force or pressure, but with a spirit of faith and earnestness would become available for big constructive activities.

Here there is a small example which throws enough light on the dimensions of this desired change:

Islam as a solid faith has always induced millions of Muslims to pay voluntarily their financial dues, which is their religious obligation. But these very people evade the payment of government taxes despite all legal pressure and the punishments prescribed for the defaulters.

Now if the government taxes and duties are also collected in the name of Islam, what a big incentive that will be to pay the income tax and other dues to Islamic government!

Islam as a faith has on so many occasions demonstrated its ability to collect under its banner innumerable fighters peacefully. They responded to its call voluntarily considering this to be their religious duty, while we see that ordinarily the governments cannot collect so many recruits for a war without using force and savage methods.

Now you can imagine what a big change in regard to

the preparation of the masses for a war will occur if Islam takes the social leadership of the masses in its hand.

The formation of Islamic government will put an end to the tragedy of twofold or split personality of a Muslim which has been imposed on his life as a result of contradictory ruling forces. A Muslim who lives under a system inconsistent with the teachings of the Qur'an and Islam is hard put to wear contradictory faces in his life. He nullifies in his shop, office and other places of work what he does in the masjid. In this practical life he negates what he reveres in the masjid and violates the compact he makes with Allah. He is always under the sway of contradictory forces and finds no solution of his dilemma. If he disregards the masjid and spirituality, he falls a prey to spiritual vacuum which may culminate in his collapse and subsequently may even threaten the collapse of society. On the other hand, if he overlooks his role in general life and adopts a passive attitude, society is likely to be gradually deprived of the talents and efforts of its best and purest members.

But if an Islamic government comes to power, the masjid and the office would be placed in the same orbit. In that case prayers instead of being an escape from reality would mean looking forward to future and being ready for it. To attend to external realities would not be inconsistent with spirituality and the spirit of the masjid, but would have the support of the general spirit of them. In consequence of all this, man would regain the true unity and total harmony of his personality. That will induce him to play his role earnestly and show endurance and firmness in the face of difficulties.

**CLARITY OF EXPERIENCE AND  
SENTIMENTAL ATTACHMENT TO ITS HISTORY**

The most important factor which impels man to wrok for a movement of reconstruction is its clarity and realism and the coherence of the activities in which he is called to participate in connection with it. That is why the movements which are modelled on the experience gained outside the borders of the Muslim world and Muslim history, cannot become a clear and good model to be followed by the Muslims.

In respect of such movements Muslims face great difficulties, for they are not familiar with them and have no clear idea about their implications. Democracy, socialism, materialism and other similar ideologies, imported from outside the Muslim world have so many forms and shapes that they cannot become a clear and definite model for a Muslim. He finds that the most despotic governments have applied the epithet of democracy to themselves and have even made it a part of their name.

He also finds that a country which plays the most important role in the communist bloc is involved in the most flagrant and unimaginable discriminations. He sees the most important personalities felling into disgrace and being censured by those very people who once held them in the highest esteem. Stalin, who was almost defied by his nation, was suddenly turned out of heaven after his death and stripped of all the insignia of honour. Mao, who in less than a quarter of a century had attained the position of absoluteness in the eyes of the revolutionaries was suddenly turned into a man in regard to whom opinion must be revised. This inconsistency in the adoption of the foreign conceptions, the fickleness in the evaluation of those who adopted them and the fluctuation

in the value of the conceptions themselves, do not allow a Muslim to have a clear and definite idea of that in the construction of which he is asked to take part wholeheartedly and zealously.

But the case is different with Islamic government. It gives the Muslim a pattern which is as shining as the sun, which is close to his life and which being inspired by the most valuable, the most bright and the purest episodes of his own history is deep-rooted in his sentiments and emotions.

Which Muslim has not a bright view of the Islamic government during the time of the holy prophet, the caliphate of Imam Ali and most of the period spanning these two points of time?

Which Muslim is not moved by the meritorious achievements of this period?

Which Muslim does not feel from the depth of his heart that it would be a matter of great satisfaction and pride for him if he could resuscitate the periods of the holy prophet, Imam Ali and those eminent companions of the prophet, who filled the earth with light and justice?

Islamic government does not lead people in darkness, nor does it beckon them to some remote points not clearly visible. It does not entangle a Muslim in contradictory things under one slogan about the contents of which there can be no unanimity of opinion.

Islamic government leads the Muslims to light and points to a pinnacle which no Muslim can miss. Thus a Muslim can be sure of his way to promote culture within Islamic framework. He enthusiastically works to attain his object, and at the same time knows whether he is advancing on the right path or has gone astray.

So long as he has a model or models before him



conforming to his highest conception, a Muslim has a criterion on the basis of which he can judge whether he is or he is not proceeding correctly. All this prepares a spiritual atmosphere for perfect constructive activity on a large scale and induces everyone to use his energy and capability for this purpose, and that too not as a dummy going along with a program unconsciously, but as one who has absorbed the program in himself and has discovered its marks and models in the texture of his actual life.

#### **PURITY OF EXPERIENCE AND ITS INDEPENDENCE OF THE IMPERIALISTS**

Since the white man of Europe with the force of his weapons and machinations treaded our lands under his feet, the people in the Muslim world have been suffering because of his trickeries and frauds. This bitter suffering has crystallized in them a particular feeling which compells them to oppose imperialism and look at it with suspicion. The masses are somewhat hostile to any arrangements suggested by the Europeans. They suspect every system which has the support of the social organizations of the imperialist countries. They are very sensitive in this respect. Even if from political point of view a system is seemingly free from all imperialistic features, because of this sensitiveness, it cannot unfold the capabilities of the Muslim masses and must fail to guide them in the fields of reconstruction.

Because of this special feeling, which is the outcome of the reminiscence of the imperialist days, and their reaction to everything connected with imperialism, the Muslims have to base their revival on a social system having no connection with the imperialists.

This open fact has induced several political groups in

the world of Islam to think of adopting the idea of the multifarious nationalities as their philosophy and making it the basis of their cultural and social organization. They strive to stir nationalistic feelings in order to popularize various slogans totally distinct from the intellectual existence of imperialism. But they ignore the fact that nationality is nothing but a relationship based on sharing a common history and a common language. It is not a philosophy having some principle nor a doctrine having a clear basis. By its nature it has no fixed attitude towards any philosophy or any social doctrinal or religious school. That is why it needs to adopt some particular conception of the world and life and to accept a philosophy on the basis of which it may lay the foundation of the cultural frontiers of its movement and its social organizations.

Obviously there is a big difference between a system originating in the West and an Islamic system. The former, whatever be its nature and its apparent features, is linked in the minds of our people with the two imperialistic continents. But an Islamic system from this angle is cent per cent pure. In the minds of the Muslims it is linked with their own illustrious history and not with that of their enemies. Being untouched by the fingers of the imperialists, it demonstrates their own importance. The Muslim masses know that it is Islam from which they derive their distinction. Islam is the mark of their historical personality and the key of their past achievements. Though the imperialists have left no stone unturned to distort this truth, the Muslim masses are aware of it and this knowledge of them is a very big factor in inducing them to support any culture-generating activity based on Islam. They are confident that a constructive activity based on Islam will ensure success in their fight against backwardness.

**WINNING OVER THE CONSERVATIVES  
TO NEW CONSTRUCTIVE ACTIVITY**

Every reconstruction-oriented movement in the world of Islam naturally comes into clash with many of the old habits and social customs prevailing in society, which with the passage of time have acquired a certain amount of religious sanctity. The situation has so developed that apparently it is impossible that any large section of people would ever give up their old habits. A movement which wants to reconstruct society is faced with prejudice and severe opposition. All activities aimed at revolutionizing society are resented by the masses, who in their fight against the new values and conceptions use the weapon of religion.

In these circumstance a reconstruction movement has two alternatives: either in order to eliminate this blind prejudice it should ignore the question of faith in religion which is the traditional basis of conservative thinking and clinging to old customs and usages; or it should try to separate religion from the customs and apprise the people of the true nature of religion and its role in life.

The first alternative instead of solving the problem, will make it more complicated. Sooner or later the reconstruction movement has to appear in its true colours. Then it will become clear that it has an open hostility with religion and wants to take its place. This situation will not only give a blow to our evaluation of religion and threaten the constructive activity, but will also estrange the conservative majority of the people from the movement, which they will believe to be anti-religious.

The second alternative also is not practical in the case of those reconstruction movements which have a non-religious basis and are related to a non-Islamic ideology.

A movement based on a non-Islamic ideology can neither interpret Islam correctly, nor can it persuade people to accept its interpretation. At the most it can only make a nominal claim that it is in a position to expound Islam, its conceptions and teachings.

Contrary to these two alternatives, if a reconstruction movement is based on Islam, has a firm connection with Islam's true sources and enjoys the support of Islamic government which exhorts people to do what is right and restrains them from doing what is evil, it can attract the majority of the conservatives and the conventionalists to its program. By virtue of its having a deep knowledge of Islam, it can interpret it and separate it from current customs and usages introduced by outside social factor.

As Islamic government shows a positive interest in the legal sources of Islam recognized by the masses and implements the acknowledged injunctions of Islam such as the prohibition of liquor, the enforcement of zakat etc., it can convince the majority of the conservatives of the correctness of its interpretation of Islam. It can sift religion from all customs and habits responsible for backwardness and can turn the negative and harmful forces into positive and profitable ones.

For example, while dealing with the backwardness of the Muslim woman and her position in society, instead of directing our struggle to the abolition of purdah (veil) system and defending the western view concerning the relations between man and woman, which policy naturally antagonizes the majority of the Muslims, we should seek the support of religion and apprise the Muslims of their un-Islamic habits and social usages responsible for the backwardness of women.

That is the way how we can rectify the wrong

impression about the moral and religious values which in the midst of the habits causing backwardness have taken a negative and devastating colour, and show that the Islamic values are really positive and constructive.

For example take the case of the quality of patience. According to Islam it is an outstanding moral value. But as a result of the habits causing backwardness in the Muslim world, it has also taken a negative and devastating colour. Things have taken such a turn that now patience has come to mean accepting humiliation, enduring hardships with indifference and taking no interest in the big problems facing the people. The Muslims are no longer able to bring such an extensive change in their life that may alter their conception of patience and convince them that it really means bearing the difficulties which one may have to face in the course of discharging his duty, enduring hardship in the course of making struggle against tyranny and oppression and sacrificing small interests for the sake of bigger objectives.

*"Do you think that you will enter Paradise while Allah has not tested you and has not determined those who fight for the cause of Allah and those who bear the hardships steadfastly?" (al-Qur'an)*

*"..... Those who did not show weakness and were patient. Surely Allah likes the patient". (al-Qur'an)*

No social school other than Islam can restore the conception patience to its true level and can lay the foundation of a patient nation in the right Islamic sense of the term.

#### LOOKING TO THE SKY AND ITS CONSTRUCTIVE ROLE

There is a big difference between the man of Europe and the man of the East. The man of Europe by his nature



always looks to the earth and not to the sky. Even Christianity to which he has tended for hundreds of years, has not been able to overcome this tendency of the man of Europe. Instead of lifting his eyes to the sky he has ventured to pull down the God of Christianity to the earth and incarnate Him into a terrestrial phenomenon.

The scientific efforts to study man as an animal, to interpret his humanity on the basis of his emergence from the earth and the environment in which he lives, to explain human structure as the outcome of genetic forces representing the potentialities already existing on the earth, are other efforts similar to the bringing of god down to the earth from the sky.

Though the methods are varied, and different scientific or fictitious labels have been attached to them, yet they all ensue from the same mental factor, and are linked with the same greedy outlook of the man of Europe, who has fixed his eyes on the earth. In keeping with this attitude, he regards wealth, money and matter as the true values of life.

With the passage of time these values have taken a firm root in the heart of the man of Europe and have manifested themselves in the philosophic moral theories of Epicureanism and pragmatism, which have caught his entire imagination. There is no denying that these theories which are the product of the European mind, have gained a great success at the level of European thinking and are a pointer to the general European spirit.

This sort of evaluation of matter and wealth has played a big role in budding and bursting forth of the hidden capabilities of the European masses and determining the goal of their developmental activities in consonance of that evaluation. Thus a serious and a vital mass movement started which was the beginning of the new European

economy aimed at striving indefatigably for obtaining material benefits.

The fixing of the eyes to the earth has had twofold results. On one hand it has unfolded the hidden capabilities of the man of Europe with regard to the reconstruction work, and on the other it has culminated in his excessive and violent interest in the benefits which he could derive from all that exists on the face of the earth. This tendency has given rise to various kinds of exploitation of one man by another man, his brother. Man's attachment to the earth and its wealth has automatically instigated him to sacrifice his own brother and make him his tool instead of his partner.

In contrast, the people of the East as a result of their historical background have religious tendencies. Their temperament and habits are different from those of the man of Europe. The man of the East has lived in the land of the celestial messages and has been reared up by means of them. He has passed through a period of lengthy religious training by Islam. By his nature he looks to the sky more than he looks to the earth. He feels that he is more responsible to the invisible world than he is to what is material and perceptible.

It is this deep attachment to the invisible world rather than to the visible that is so prominent in the mental make-up of the Muslims. That is why the main area of the thinking of the Muslim world has become the intellectual field of human knowledge and not that which is concerned with perceptible reality.

Because of his deep leaning towards the invisible, the Muslim of the East has lost much of his capacity of being moved and actuated by material forces. As the man in the Muslim world feels to have no reason to be

enthusiastic about matter and is little interested in utilizing it for his own ends, he often takes shelter in a negative attitude towards it which sometimes takes the form of self-contentment and sometimes that of lethargy.

The man in the Muslim world looks to the sky more than he looks to the earth. This attitude is naturally bound to be negative so long as we separate the earth from the sky. But if the earth itself is dressed in heavenly garb, that is if man carries out his natural work as a religious duty, this inclination towards the invisible would be changed into a motivating force which would push the Muslim forward to take part in raising the level of life to the utmost. To enable the Muslims to do that, is a duty which Islamic government must accomplish. Islamic government does not deprive man of his longing to the sky. It only makes the correct conception of the sky available to him, and tells him how he can perform his work on the earth in accordance with divine law and regard this as his religious duty and an example of his vicegerency of Allah on the earth. Islamic government not only converts the leaning to the invisible into a constructive force, but also keeps a watch to ensure that this constructive force is not changed into an instrument of exploitation.

Thus the Muslims regard the earth on which they fix their eyes, as a part of the sky, and as the vicegerents of Allah, strive to develop it and to add to its wealth. They are far away from negative asceticism, which does not allow man to fulfil his role with regard to his vicegerency, and are close to positive asceticism which takes them to the position of being the masters of the world, not the subjects of it, and prevents them from becoming oppressors and exploiters.

*The Development of  
Ijtihad*





In what direction will the movement of ijtiḥād\* proceed in future?

The direction and the course of the development of ijtiḥād are determined by two factors: its goal and its technique.

With the variation in these two factors, the movement of ijtiḥād itself undergoes a change.

The goal means the result to obtain which ijtiḥād is carried out and to enforce which in practical life the mujtahids\*\* make efforts. The technique means the method, which varies in the wake of a change in intellectual thinking.

If we want to study the future course of ijtiḥād or to make a prediction about it, we have no alternative but to study the possible fields of ijtiḥād in future and the questions likely to crop up requiring ijtiḥād, correlate them with the above-mentioned two factors, and in this light evaluate what form these questions will assume and how they will affect the development of ijtiḥād in future.

\* Ijtiḥād literally means striving and exerting. Technically as a term of jurisprudence it signifies the application by a jurist of all his faculties to the consideration of the authorities of law with a view to find out what in all probability is the law. In other words ijtiḥād means making deductions in matters of law in the cases to which no express text is applicable.

\*\* Mujtahid means a jurist competent enough to make ijtiḥād.

We can divide the discussion of the future development of ijtiḥād into two parts:

- (i) The future development of ijtiḥād on the basis of its possible technique; and
- (ii) The future development of ijtiḥād from the viewpoint of its possible goal.

As regards the technique, we can study any new conception entering the process of ijtiḥād from its very inception and follow the various stages of its development to be able to form an idea about the final shape of ijtiḥād.

As regards the goal, we may sometimes notice a new development likely to affect the process of ijtiḥād. By carefully observing the reactions of this development we can form an opinion about the future course of ijtiḥād.

We feel that this is not a proper occasion to study this subject from a purely technical point of view, though such a study would have been very useful and interesting. But as our readers are not specialists, we avoid such a discussion.

For this reason we confine our discussion to the factor of goal, and begin to consider the causes which stimulate the movement of ijtiḥād in the present day circumstances and the fields in which ijtiḥād is required. We also propose to consider the possible effect of these factors on the movement of ijtiḥād from the point of view of its goal.

#### **WHAT IS THE GOAL OF THE MOVEMENT OF IJTIḤĀD?**

To our opinion we all agree that the main aim for which ijtiḥād is made, is to enable the Muslims to adapt themselves to Islam's view of life. This adaptation is not possible unless Islam's views are determined in detail by means of ijtiḥād. To be able to have a clear idea of the

objective, it is necessary that we should realize that the view of Islam is applied to life on two different levels. On one level it is applied to the life of an individual in as much as it is related to his individual behaviour and actions. On the other level it is applied to his social life as required by the social, economic and political relations of human society.

On principle and from theoretical point of view the movement of ijtiḥād aims at paying attention to both the levels because, according to Islamic tenets, both of them are of equal importance. But for historical reasons the efforts of ijtiḥād have been mostly confined to the first level. A mujtahid, while deducing the rules of law generally keeps in mind only that Muslim individual, who wants to apply Islam's views about life to his own behaviour and conduct. He does not visualize a Muslim society desirous of promoting its life and relations on the basis of Islam.

This one-dimension thinking has a historical background. The movement of ijtiḥād among the Shi'ah began at a time when they were almost aloof from politics. As during various periods of Islamic history and in most places the government had a close contact with the Sunni movement of ijtiḥād, the Shi'ah generally kept their Islamic jurisprudence away from social fields. Their aloofness from politics gradually restricted the scope of ijtiḥād among the imamiyah, and gave rise to the notion that the individual and not social sector is the only field where Islamic principles can be applied practically and successfully. The result was that in the mind of the jurist, ijtiḥād became related to the Muslim individual and not to Muslim society.

**CAUSES OF A CHANGE RESULTING IN  
THE EXPANSION OF THE GOAL OF IJTIHAD**

When as the result of the wars waged by the non-Muslim colonial powers against the people of the Muslim countries, the rule of Islam came to an end, this aloofness of the movement of ijtihad from political and social fields ceased to be confined to the Shi'ah, as a malady of aloofness from political field penetrated into Islam as a whole and to all Muslim juristic schools. Islam was no longer the intellectual basis of the social life. Islamic laws were replaced by the laws originating from the culture based on alien intellectual foundations.

This basic change in the position of the Muslims produced a tremendous effect on the movement of ijtihad among the imamiyah. The Shi'ah mujtahids felt that the non-Muslim imperialists, their political and military power and the new intellectual basis of the laws introduced by them, posed a real threat to Islam. This feeling infused a new spirit in the movement of ijtihad, which began to give heed to the social entity of the Muslims and as far as possible endeavoured to resist the alien influence and tried to avert the danger.

In the course of its resistance the movement of ijtihad more or less realized that as far as the application of the Islamic principles is concerned, the individual life is closely linked with the collective life, and if collective life deteriorates, the individual must also gradually follow the suit.

Now the conscience of the movement is discovering its existence and is thinking of its real mission as determined by Islam. As the actual position of the alien intellectual principles and the nature of invalid social experiments introduced by imperialism have now been exposed, it is natural that this new consciousness should affect the

movement of ijtihad itself. The bitter experience of the past-imperialistic days has augmented the belief of the jurists that Islam is a composite whole, that it cannot be subjected to experiments, and that it is not possible to apply the principles of Islam to the life of the individuals without applying them to society. If the principles of Islam are applied to the individual life only, the result cannot be durable and lasting.

On account of all these factors the movement of ijtihad among the Shi'ah was transformed into a movement for the protection of Islam and the promulgation of its principles. It became a force aiming at the enforcement of Islam in all walks of life. Consequently it was natural that the scope of ijtihad should expand to cover both the individualistic and social fields simultaneously. We clearly see the signs of this development in the Shi'ah movement of ijtihad in our times. The studies which are being made to know the Islamic point of view in regard to the system of government and the economic methods and similarly the varied discussions of social questions from Islamic point of view, are all signs of a change in the outlook. The expansion of the objective which may be achieved through the movement of ijtihad, will continue, and the persistent efforts to protect Islam and to disseminate its message and teachings are likely to come to their logical conclusion, namely the application of the Islamic principles to society.

To be able to visualize the future of ijtihad as the result of this change in the outlook, let us turn back and see the position as it stood before this change took place and study the effects of forgetting the fifty per cent of the goal of ijtihad. It is necessary to study these effects in order to visualize the future prospects of ijtihad when its



expanded goal will replace the fifty per cent goal in all its dimensions. The restriction of ijtihad to the application of Islamic principles to the individual level only, had many evil consequences. We describe some of them below:

#### CONSEQUENCES OF ONE-SIDED VIEW OF THE GOAL OF IJTIHAD

What we have mentioned above makes clear the cause of the one-sided development of jurisprudence in the past. We observe that it had constantly been a fundamental principle of ijtihad that mostly the effort should be concentrated on applying the principles of Islam to the life of the individual. No effort was made to apply them to society. All subjects which could prepare the way to this end were left out. Only one half of the goal was taken into consideration. The mind of the jurist while deducing the rules of law was mostly directed to the Muslim individual and his requirements rather than to society and its needs concerning the organization of social life.

This mental attitude of the jurist not only culminated in the lop-sided development of Islamic law, but also made the outlook of the jurist on the law itself individualistic, for the application of the principles of Islam to the life of the individuals always dominated his thinking. He became accustomed to take into consideration only the individual and his difficulties. This attitude of the jurist affected his views about Islamic law, and gave them an individualistic turn. He began to look at the law from an individualistic angle as if it was concerned with individual activities only and to them alone the principles of Islam were to be applied.

We cite two examples from Islamic jurisprudence and its principles to show how the individualistic ideas of the jurist have affected his attitude to Islamic law itself.

From the principles of jurisprudence we take the case of the discourse in connection with the prevention of errors. When we know that we have a legal duty, but do not know its exact form, normally we may be expected to seek the help of speculation. But the scholars versed in the principles of jurisprudence dispute this view and say: Why should we not presume that it is the duty of the person obligated to observe a legal precept, to be always on the safe side instead of making a speculation or conjecture? If he finds it difficult to observe the safe side, he may deviate from it to the extent of his inability to observe it.

Now look at the spirit implied in this theory so that you may know to what extent individualism in respect of Islamic law is dominating the jurists way of thinking. The safe side method of law can operate successfully only in the case of the individuals. But if it is intended to formulate a law for society and to prepare a program for social life, this method cannot be adopted. An individual can base his actions on the "safe side", but a unit like society cannot base its social, economic, commercial and political relations on this principle.

From jurisprudence we take the case of the well-known criticism by the theologians of the tradition which lays down the rule: No loss to be incurred and no loss to be inflicted. The theologians say: This rule purports to mean that in Islam there is no rule of law which may imply a loss to anyone. But we know that there are many rules of law which involve a loss, such as the rules concerning the payment of bloodmoney, punishment of the man-slayers, payment of compensation, payment of zakat etc. These rules of law involve a loss to the murderer who is forced to pay bloodmoney or to lose his life, to the person who has caused damage to the property of someone else

and consequently has to pay the compensation and the rich person who has to pay the zakat.

This criticism is evidently based on the individualistic view of legislation, for it is according to that view only that we can regard these rules of law as causing a loss. Otherwise in the eyes of a law that considers an individual to be a part of society and correlates his interests with those of society, these rules cannot be considered to be causing any loss. On the other hand the absence of any law in respect of compensation and other financial penalties and obligations is harmful.

A consequence of this deep-rooted individualism is that as a general rule the jurist wants to solve the difficulty faced by the individual by applying some or other rule of Islamic law to justify the existing situation and to maintain the status quo.

For example, the present banking system is based on usury. It is a part of the existing socio-economic actuality. This position compels the jurist to think that Muslim individual is facing a great difficulty in determining what he should do in respect of the banking transactions. Therefore the jurist directs his efforts to finding and showing a lawful way of solving this economic problem of the Muslim individual within the existing framework. Actually the jurists should have realized that the real problem is the interest-bearing banking system and that it is a social problem. Even if some legal form is given to the present economic situation to make it lawful from the individual's point of view, the social problem still remains unsolved. The jurist tries to give a legal form to the existing situation because he has only the individual and his difficulties in mind.

The effects of this 'one-sided view', of the 'considera-

tion of only one half of the goal' and of the firm establishment of individualistic thinking in regard to the exposition of Islamic law, on the understanding of the legal texts and ordinances, are remarkable. We find that the jurists, while expounding the texts regarding the personality of the prophet or the imam, ignore their position as the ruler or the Head of the State. Wherever the holy prophet forbade an action, they always characterise it as 'forbidden' or 'condemned', though in many cases there was no such thing. For example, take the case of the excessive use of water which was prohibited by the holy prophet as an administrative measure. There are many such acts which were prohibited by the holy prophet as Head of the State. No general religious rule was involved in their prohibition.

Similarly the jurists often do not expound the religious texts with the spirit of applying them to the actual position as it exists with a view to deduce a general rule from them. They allow themselves to take only one single subject into consideration, analyse it and prescribe various rules in respect of it. To make the point clear, we take an example from the letting and hiring sector.

The question is: "Whether a hirer or a lessee can sublet the thing under hire contract to someone else at a higher rent?"

We have certain ordinances which prohibit such action. These ordinances naturally refer to only the most common cases. Some of the ordinances forbid the subletting of a hired house at a higher rent. Some others similarly forbid the sub-letting of a grinding mill and a boat. Some others forbid a similar action in respect of a contract for services.

If we apply these ordinances to the concrete cases, keeping in mind that they have been issued so that we may

organize our social life on their basis, we will have to pause before we try to say that the prohibition exclusively applies to only those things which have been expressly mentioned.

But if we look at these ordinances from an individualistic point of view and not from that of a social legislation, we may allow such a simple analysis of them.

#### **FUTURE PROSPECTS OF THE MOVEMENT OF IJTIHAD**

We think we have dwelt on this subject at length. Hence we leave it to the readers to draw their own conclusion about the future shape of ijtihad from what we have said. It is but natural that when the goal which is the driving force of ijtihad finds its real dimensions and ijtihad begins to cover both the fields of its application, individualistic and social, it will gradually get rid of all the effects of taking one-sided view, and will assume a dynamic shape fully conforming to its vast objective and the requirements of that program of struggle to which the movement of ijtihad should lead.

In future no one-sided view will be taken. Along with the perpendicular development of ijtihad as a result of which it has reached the highest point of intellectual thinking, attention will be paid to its horizontal expansion also, so that it may cover all the fields of life.

In future the attitude of the jurists will be changed. No attempt will be made to accept a faulty situation as it is, and to give a legal cover to it. On the other hand effort will be made to change the faulty situation completely in accordance with the Islamic point of view.

In future in the context of ijtihad there will be no short-sighted exposition of Islamic law and all traces of



short-sightedness affecting legal inquiry will be wiped out.

As our comprehension of religious texts undergoes a change, attention will be paid to all aspects of the personality of the prophet and the imams. The analysis to which we referred earlier will be discarded, not on the basis of analogy, a process which is not recognized by us, but on the basis of understanding the background and the social circumstances of the texts, concerning which a partial study has already been made. It may be pointed out that a text studied in the light of its social background may convey a meaning far wider than its literal connotation.

These were the outlines of the future prospects of ijtihad, on the basis of a change in its goal and in its dominating spirit. This change will turn this movement which has fallen aside of the social sphere into an active movement presenting Islam as a whole and having the mission of guiding people in all walks of life. For lack of space we have to be content with what we have said above.

We are confident that ijtihad has already embarked on a grand revolutionary course with a view to expand its goal, augment its mission and take care of all the problems of the life of Muslims. In future this revolution will certainly cover all its dimensions and will lead to a big change in the methods, conception and the subjects of ijtihad.

#### **ISLAMIC JURISPRUDENCE AND THE PRINCIPLES OF JURISPRUDENCE**

A man who believes in Allah, Islam and the Islamic law and who knows that being a slave of Allah, the Almighty, he is accountable to Him for all his actions, has no alternative but to lead his life in every respect in accordance with the law of Islam. His common sense demands that he should base all his personal actions as well as his relations

with others on Islamic teachings, and for all practical purposes take that position which his knowledge of himself, that is the knowledge that he is a slave of Allah and has to obey the law sent by Him to His prophet, enjoins upon him.

In view of this, it is essential that in his practical life man should know clearly what he should do and what he should not.

Had all the injunctions of Islam been quite clear and easy to understand, everybody could determine himself what he should do in a given case.

Everybody knows that it is his duty to follow the Islamic law. He has to do whatever has been enjoined by it and has to refrain from whatever has been declared improper by it. As for the acts which have been declared permissible, he is at liberty to do or not to do them.

Therefore if all the rules of Islamic law as to what is obligatory, forbidden and permissible were clear and definitely known, there would have been no doubt regarding the practical attitude that a man should take to observe the Islamic law in any given situation. In this case, there would have also been no need of any wide scale research or study.

But owing to many factors including our remoteness from the time when Islamic law was enunciated, in many cases the religious instructions are not very clear and appear to be complicated. Consequently in these cases it is very difficult for a layman to make a decision based on the understanding of Islamic law.

Naturally a man who does not know whether a particular act is obligatory, forbidden or permissible according to Islamic teachings, cannot be sure what practical attitude he should adopt in regard to that particular act.

For this reason it is necessary to set up a science which may look into each and every case and state with proof what practical attitude one should adopt in regard to it according to the Islamic law.

The science of jurisprudence has come into being for this very purpose. It determines and specifies the practical attitude in each specific case in accordance with Islamic law. This specification is supported by arguments and proofs. The jurist endeavours to find out a rule of law for every occasion and every incident in life. It is this process which is technically called *ijtihad*.

To find out the rules of law actually means the delineation of practical attitude towards Islamic law. This delineation is substantiated by means of supporting arguments. By practical attitude we mean the faithful observance of the law of Islam, which is the duty of everybody.

Hence the science of Islamic jurisprudence means the science of the arguments adduced in support of the fixation and delineation of practical attitude towards every specific situation in conformity with the *shari'ah* (Islamic law), the faithful observance of which is our obligatory duty. The fixation of practical attitude through arguments is what we call deduction in the matter of Islamic law.

Thus it may be said that the science of Islamic jurisprudence (*fiqh*) is the science of deducing the rules of Islamic law in other words, it is the knowledge of the process of deduction.

The science of jurisprudence uses two methods to determine the practical attitude by means of a proof which removes any ambiguity or complexity from it:

(1) **Indirect Method** — That means proving a rule of law by discovering that it has been specifically prescribed by

Islam and thus fixing clearly the practical attitude enjoined on man by his duty in regard to the observance of Islamic law. If we can prove that a certain action is obligatory, we can be sure what our attitude should be to it and can know that we must take that action.

(2) **Direct Method** — In this method a proof is adduced to determine the practical attitude, but not through the discovery of a clear decision in a particular case, as we observed in the indirect method. Here we cite a direct argument to determine what the practical attitude should be. This is done in the case in which we are unable to find a firm legal decision and do not know whether a particular act according to the Islamic law is obligatory, forbidden or permissible.

In this case we cannot successfully employ the first method in the absence of enough legal proof, but have to resort to other arguments which may help us in determining our practical attitude and in deciding what we should do so that we may be able to follow the teachings of Islam earnestly and may not be slack in our duty which Islam has imposed on us.

In both these methods the jurist deduces the rules of Islamic law and fixes the attitude to be taken vis-a-vis the Islamic law. He adduces a proof to support his opinion either in a direct or an indirect way.

The process of deduction in the science of Islamic jurisprudence is so vast that it covers every event and every happening in human life. A rule has to be deduced to cover every eventuality and every occasion. For this purpose the jurist employs the above-mentioned two methods.

It is this process of deduction which comprises the science of jurisprudence, and in spite of its multifold variety

consists of a number of common elements and general rules, which put together form the basis of the process of deduction, which constitutes the science of jurisprudence.

The common elements forming the basis of deduction require the institution of a special science for their study and processing to meet the requirements of jurisprudence. This science is called the science of the principles of jurisprudence.

#### COLLECTIVE UNDERSTANDING OF ORDINANCES IN THE JA'FARITE SCHOOL

In all probability it is for the first time that we find a theologian belonging to the school of Imam Sadiq to have minutely differentiated between the literal meaning and the collective meaning of an ordinance and to have made clear the legal implication of the latter.

It is true that the theologians in the past also in the course of their juristic and deductive study of the ordinances gave consideration to their collective meaning and considered it to be as authoritative as their literal meaning.

Anyhow, which making their efforts to understand the implications of an ordinance, the theologians did not make a clear distinction between these two aspects. With reference to the application of an ordinance to convey a meaning, both these aspects were grouped together under the term of 'explicitness'.

Now for the first time we see that the element of collective understanding of the ordinances has been discussed separately. When we read certain sections of the book '*Fiqh al-Imam al-Sadiq*', we find that Shaykh Muhammad Jawad Mughniyah in this work of his, thrown light on this subject. He has dealt with the Ja'farite code of law in a beautiful and lucid manner.

In this book the element of the collective understanding of the ordinances (*nusoos*) and the distinction between this aspect and the aspect of their literal meaning has been emphasized at several places.

To elucidate the idea presented in this book about the collective understanding of religious ordinances and its role in the deduction of the rules of law, we may first say something about explicitness (*zuboor*).

#### AUTHORITATIVENESS OF THE EXPLICITNESS OF AN ORDINANCE

A principle acknowledged unanimously by all the theologians well versed in the principles of jurisprudence is that the plain meaning of an ordinance is authoritative (*bujjab*).

This principle demands that we should interpret every religious ordinance in the light of its explicitness unless there exists an indication to the contrary.

According to the principles of jurisprudence, explicitness is a degree of the expressiveness of the meaning of the text. It is the degree at which the meaning we choose is clearly understood from the text and is found to be more suitable than any other meaning.

Sometimes it occurs that a word used in a text denotes several meanings, but one particular meaning is always more explicit than the others. For example, we see that the word lion is sometimes used to denote a carnivorous animal. We say that the lion is the king of the forest. Sometimes this same word is used to denote a brave man. We say: This man is a lion. But when we look at this word absolutely without any contextual indication, we find it explicit in the first sense, namely that of an animal, for in its literal sense it signifies a carnivorous



animal rather than a brave man. That is what is meant by explicitness.

#### SEVERAL KINDS OF EXPLICITNESS

Explicitness, as we have learnt, is a particular degree of the conveyance of a meaning by a word. It is obtained in two ways:

(i) Through the original literal meaning of the word. For example, the word lion was originally coined to signify a carnivorous animal, and not a brave man. Its dictionary meaning is a powerful carnivorous quadruped.

(ii) Through the contextual literal meaning, that is through the sense, conveyed by the context and the way of expression. For example, someone says: "Have a bath on Friday so that you may merit a reward". This order indicates that bathing on Friday is intended to be commendable, not obligatory. This sense is conveyed by the way of expression of the imperative text, which mentions a reward as the recompense of bathing in order to persuade the people to perform it. The encouraging tone of the text shows that the act is only commendable. Had it been obligatory, there would have been a threat of some punishment for the defaulters. In this case the implication of the language is contextual, and it is this implication which is the basis of the explicitness of the text in regard to the commendability of the act.

It is the contextual and literal implications of the language of a text, which make its explicitness in regard to a certain meaning clear and determine that this particular meaning is more appropriate than any other meaning.

As for the questions: How do the literal and contextual

implications appear and develop? What are their mutual relations? How should we determine literal and contextual implications in each case? Can everybody judge these implications by the standard of his own particular vocabulary? If the criterion is the general vocabulary, which particular vocabulary is meant by it? Does it mean the vocabulary prevalent at the time of the issue of the text in question, or can it mean the modern vocabulary in spite of so many changes in the meanings of the words during the past so many centuries?

All these and similar questions should be studied in the context of the requirements of the deduction process and the regular discussion of the authoritative nature of explicitness. Anyhow, we deemed it necessary to undertake a brief discussion of the literal explicitness so that this aspect of the understanding of an ordinance may become clear and we may be able to take up the question of the collective understanding as mentioned in the book, *Fiqh al-Imam al-Sadiq*.

#### COLLECTIVE ASPECT OF THE UNDERSTANDING OF ORDINANCES

The question we would like to raise in this connection is this. If a man in order to understand an ordinance fully, takes all the literal and contextual implications into consideration, will he be able to achieve his object?

This question may be answered both in the affirmative and in the negative.

The answer is in the affirmative if we suppose that all that this man wants to know is the literal meaning of the ordinance. Such a man can know the literal and contextual implications of the wording of the text, but nothing more. A man who depends only on the dictionary meanings of

the words, the utmost he can do to understand a text is that he may determine its literal explicitness on the basis of literal and contextual meanings of the words.

But the answer would be in the negative if we presume that the man who wants to understand an ordinance, leads a social life in its various spheres along with other men of understanding of his species. A man who leads a social life, develops a common knowledge and a common thinking besides his distinctive individual point of view. This common thinking prepares the ground for the formation of general ideas and making common discoveries in various spheres including that of legislation. The jurists call this common way of thinking the "affinities of the rule and subject".

Here is an example: The jurists say if there is a sacred text saying that whoever takes possession of some water from a river or of a piece of wood from a forest, he will become its owner, we will derive from it a general rule that whoever takes possession of a quantity of natural raw material, he will become its owner. In this respect there can be no difference between water and wood and any other stuff, for the affinities of the rule and subject do not allow the rule to be limited to water and wood.

Another example: If we have a tradition saying that we should wash the garment that comes in contact with unclean (*mutanajjis*) water, we will derive from it a general rule that anything that comes in contact with polluted water, will become unclean, whether it is a garment or anything else, for according to the affinities of the rule and subject which have been traditionally rooted in the minds of the people, it is unimaginable that unclean water should pollute only a garment and nothing else. Hence it will be inferred that in the tradition in question a garment has

been mentioned only as an example, and that there is no intention of limiting the application of the rule to it.

The affinities of the rule and subject are in reality another way of expressing the mental attitude and the common way of thinking of the people with regard to the generalization of a law. In the light of this common thinking or the dictate of common sense the jurist decrees that: The scope of the things which can be owned by taking possession of them and of those which become unclean by coming in contact with unclean water is wider than what has been specifically mentioned in the traditions concerned. That is what we mean by collective understanding of an ordinance.

Hence collective understanding of an ordinance means its understanding in accordance with the general impression which it makes on the minds of the people as a result of their common sense. This thing is naturally different from understanding an ordinance in accordance with its literal and contextual meanings or implications.

The role of the collective understanding of a text (*Fahm al-Ijtima'iyab al-Nas*) begins at the stage where its literal and contextual understanding ends. The jurist first tries to find out what the words of the text connote. After the meaning of the text becomes clear, he gathers, a general impression of it, and studies it in the light of common sense which covers the affinities of the rule and subject, and thus he gets at some new conceptions which were not available to him at the first stage. A rule of law about only two or three things can be derived from the literal study of the texts saying: "You will become owner of the water you take possession of" and, "if your garment comes in contact with unclean water, wash it". But if you consider these very ordinances in the light of the common

understanding or the common sense and take in view the affinities of the rule and subject, you will find them explicit in the generalization of the rule. You will reach the conclusion that wood and water, in the first ordinance and a garment in the second have been mentioned just as an example. Otherwise the rule is general.

In the book, *Fiqh al-Imam al-Sadiq* a rule to determine the limits of the deduction of a rule of law from an ordinance has been mentioned. Shaykh Mughniyah maintains that it is a reliable rule. According to it, if an ordinance relates to the acts of worship, it should be interpreted on the basis of its literal connotation only. No attempt should be made on the basis of a collective impression to extend a rule derived from such an ordinance.

For example, if a text says: "If a person offering his *maghrib* (night) prayers loses the count of the rak'ats he has completed, his prayers will become invalid". We cannot extend this rule to, for example, *zubr* (afternoon) prayers. The invalidity of prayers on account of doubt is a matter related to the system of worship, which is not subject to the rules of common impression and collective thinking.

But if an ordinance relates to some sphere of social life, such as transactions, then the question of its collective understanding does arise, for in this field people have a common way of thinking which is determined by the common experience of their social life.

Therefore, if there exists an obvious general impression having bearing on the implication of the ordinance which widens or limits the rule of law derived from it, we will give it due consideration. That is what is meant by collective understanding of a text and the operation of the affinities of the rule and subject.

It is the principle of the authoritativeness of explicitness which allows us to rely on collective impression in understanding an ordinance. This collective impression being in harmony with the import of the ordinance, is a sort of explicitness and hence it is as authoritative as the literal explicitness. A speaker as an individual uses a particular wording. Attention is paid to the words he uses, and they are comprehended. But as he lives in a society, his speech is interpreted as it is understood by the majority of the members of that society. That is what is meant by collective understanding. The law-giver of Islam also has approved this method of understanding and interpretation.

Here arise several questions which can be taken up at more leisure. For example: What is the general scope of the validity of the affinities of the rule and subject, within the range of which they can augment our understanding of an ordinance? How can we make use of collective impression when it is not something firm, but is subject to social and psychological conditions?

#### ANALOGY AND COLLECTIVE UNDERSTANDING OF AN ORDINANCE

In the light of the foregoing we can differentiate between collective understanding and analogy. The Ja'farite jurisprudence has proved that the latter is a bad method of deducing the rules of law, whereas collective understanding of an ordinance is nothing more than acting according to the explicitness of an ordinance. When we extend a rule of law to a subject not expressly mentioned in the text, we do not intend to extend what is enunciated in the text to what is not enunciated in it. On the other hand, in generalizing the rule we rely on the general impression that the text creates, which is a strong indication to prove its



extendibility. Further, what has been mentioned in the text, that has been mentioned only by way of an example. Hence the text itself indicates that the rule is general.

#### **A PROBLEM SOLVED**

Though we have been talking cautiously about the collective understanding of ordinances, yet we believe that the rule laid down by Shaykh Mughniyah has solved a big juristic problem. The problem is presented by the fact that many of the rules of law were not originally enunciated as such, nor were they worded in a legal language. They were the verdicts given in reply to specific questions. In most cases these question pertain to the special circumstances of the questioners and the replies correspond to the questions put by them. If in making a deduction we confined ourselves to the literal interpretation of the text, that would mean that we limited the rules of law to those special circumstances which were faced by the questioners in their practical life and about which they inquired. But the fact is that we are confident that the rules of law were not always limited to the special cases about which the questions were put. Anyhow, if we make use of collective understanding within its proper limits, it may be hoped that our interpretation will not be wide of the mark.



*Islamic Republic*

This article was written by Ayatullah Muhammad Baqir al-Sadr from Najaf al-Ashraf (Iraq) in reply to a question put to him by a group of the Lebanese religious scholars.

In view of the great interest which is being taken these days in the question of Islamic republic, it has been rendered from Arabic into English.

The Reverend Ayatullah

*Assalamu Alaykum wa Rahmatullabe wa Barakatob*

You know very well that the scheme of the Islamic republic, the banner of which has been unfurled by Imam Khumayni has caused much sensation throughout the world, and has made a definite and marvellous impact not only on the Muslim countries but the world over. Anyhow, the materialistic circles are not willing to accept the idea of the amalgamation of the government and Islam. They think that it is meaningless to consider the question of government to be a religious question.

They assert that the government is a worldly affair and has nothing to do with religion, and that every effort in this regard is a hollow slogan.

In view of the fact that your skill in Islamic law and your erudition in Islamic sciences are recognized in all Muslim countries and you are considered to be an authority on the modern ideologies, it is hoped that you will elucidate this question and will explain to us as to *what is the intellectual basis of Islamic republic?*

Respectfully yours,

Shaykh Muhammad Ja'far Shams al-Din

Sayyid Muhammad al-Gharawi

Shaykh Raghīb Harb

Shaykh Hasan Hariri

Shaykh Ali Tuhayri

28th Safar, 1399 A.H.

*Bismillahir Rabmanir Rabim*

May Allah bless His prophet, Muhammad, the guide of humanity, and the eminent Imams of his House. May Allah bless the virtuous companions of the holy prophet.

I very much appreciate the interest you have shown in the program launched by Imam Khumayni which has delighted the hearts of all Muslims.

In the following lines I try to say something which may be found useful at present and may help to bring out Islamic ideas and formulating workable schemes. In this connection I would like to emphasize that the gallant Imam who has initiated this movement and led it to success is fully capable of laying down a judicious program. We are convinced that as he has successfully destroyed the evil forces and pulled Iran out of darkness, he will also be able to lead this great triumph to its logical conclusion and will strike the whole world with great astonishment by enforcing the Islamic system fully.

( Government is an important social phenomenon of human life. It came into existence through divine prophets and heavenly missions. Its sound and healthy form which aims at preserving the unity of mankind, leading human societies along the correct lines and developing them on the basis of justice and truth, has been derived from the teachings of the prophets )

Allah says: *'The people were one nation. Then Allah sent the prophets as bearers of good tidings and as warners, and revealed with them the Scripture with truth so that it might decide where the people differ. None disputed it except those to whom it was given, and that also after clear signs had come to them. They disputed because they were envious of one another. Then Allah guided by His will those who believed in the truth which had been*



*disputed; and Allah guides whom He will to a straight path*" (Surah al-Baqarah, 2:213).

This verse indicates that in the beginning all people had a uniform position. At that time the pure innate human nature ruled over them. Their outlook on life was limited and their needs were simple. Social activities unfolded their talents and hidden capabilities. New potentialities came into existence. The field of man's vision widened. Needs became complex with the advance of knowledge. Thus differences arose. Contradictions between the powerful and the weak began to appear. To regulate the social life it became necessary that there should be a law which might determine the rights, maintain justice and guarantee the unity of society within a healthy framework. A law was needed to put the talents which had developed as a result of tussel in life, on a course ending in peace, stability and prosperity of all instead of being allowed to lead to strife, disunity and exploitation.

It was at this critical juncture that the prophets initiated the scheme of government and made efforts to set up a healthy administration. As we read in the above quoted verses, it was Allah who laid the foundation of a rightful government.

Each of the prophets of Allah in his own way tried to set up a virtuous government as a part of his mission. Some of them like Daud and Sulayman were themselves at the helm of affairs. Some others like Musa passed their whole life in making efforts in this direction.

The prophet of Islam gave the best possible concrete shape to the efforts of the past prophets by establishing the purest government of history. The establishment of Islamic government is a turning point in human history. It has all the characteristics of a perfect government.

Though most of the caliphs who succeeded the holy prophet were not fit to be the head of an Islamic State and did not abide by the high ideals of Islam, the imamate which is a continuation of prophethood, made ceaseless efforts to bring back the deviating Muslim governments to the straight path. For this purpose the imams made tremendous sacrifices. The martyrdom of Imam Husayn ibn Ali and his great companions is a manifestation of this remarkable struggle.

As imamate was a continuation of prophethood, similarly after the major occultation imamate ended in '*marja'iyat*' (religious authority of the eminent divines).

The eminent divines shouldered the responsibility of this great mission, and in multifarious ways continued to make great efforts through a long period of time to achieve their object.

The Shi'ah divines with the help of the virtuous and downtrodden Muslims passed their whole life in fighting against falsehood in various ways. They continued to strive for the establishment of a government of the prophets and the imams, which was the only true and just government and for which all the good people of every age and the lovers of humanity have always struggled and fought.

As the brave Muslim people of Iran were more than others under the influence of the Shi'ah divines and had received their religious knowledge from this source, they could remain firm in the path of the prophets and the imams and were able to knock out the basis of the perpetuity of evil forces.

The sacred movement of the Muslim nation of Iran under the leadership of Imam Khumayni, who at present occupies the highest position among the Shi'ah divines with regard to his knowledge of Islam's mission and its

politics, fought a bitter battle against the evil forces of infidelity. It made a bold stand against the neo-Pharaoh and inflicted the worst defeat on him and on other partisans of infidelity and imperialism in the Muslim lands.

After this event it is but natural that the faith of the Muslim nation in its mission should increase and its determination to derive its power from Islam should become firm. It is owing to Islam, the struggle launched by the Muslim divines and the hard work of Imam Khumayni that the Iranian people have been able to break off the strongest fetters and get rid of the shackles of servitude. Therefore Islam is not merely a message, but it is also the only force of resistance which has led this nation to victory. Hence the scheme of the Islamic republic formulated by this revered divine is a living expression of the Islamic goals and ideals cherished by the Iranian society. The natural result of this sacred struggle should be that the Iranian people continue to advance on that path which should entitle them to receive the help promised by Allah.

By setting up an Islamic republic the great Iranian nation not only has ensured its own revival, but its action will also make a pleasant impact on the whole world, especially the Muslim countries which at this dark juncture of their history are looking forward to a saviour, who may deliver them from the domination of the West and its imperialistic culture and put an end to the exploitation of one man by another man.

In these grand moments of their history which are full of heroic struggle, the Muslim people of Iran are expecting complete success in bringing about a true revolution. It is for the first time in so many centuries that they are planning to set up an Islamic government and are determined to put the divine system to a successful test. They

have roused the conscience of the world and have shaken the false materialistic values to their very foundation by successfully bringing out the real values through their long struggle. The prospect of the practical application of Islam's message and the illumination of the world with the light of Islam has once again roused the conscience of misguided humanity and has inspired millions of people with enthusiasm. The man of the West and his lackeys never wanted that Islam should shed its lustre once more. They in order to maintain their supremacy and to keep the Muslim East as the tail-bearer of western culture, tried to keep the Muslim world away from the light of Islam through the use of military force, by making a misleading cultural display and through the distortion of the doctrinal tenets of Islam.

Islam which had been incarcerated in dark dungeons by the force of bayonets and political jugglery and which had been painted by each group as it wished, has been released by the Iranian Muslims from that suffocating atmosphere. The tyrants are now frightened of Islam, which has become a symbol of the unity of a heroic nation. A sword has been drawn to be used against the oppressors and the partisans of imperialism, and a foundation has been laid for the rebirth of a nation. Imam Khumayni by unveiling the hidden face of Islam has not only furnished the best proof of the vigour of Islam but has also exposed the gravity of the crime of those who do not allow Islam to be used as a marvellous constructive force. It is hoped that the revival of Islam by the Iranian Muslims will soon unmask those governments also which fraudulently exploit the name of Islam, as it has already unmasked the anti-Islamic governments.

## FUNDAMENTAL PRINCIPLES AND INTELLECTUAL BASIS OF ISLAMIC REPUBLIC

Keeping in view the moral and spiritual peculiarities of the Iranian people such as;

- Their outlook on Islam as the basic program of life;
- Their belief in the religious authority of the leader who has led them to victory in their struggle against a tyrant; and
- Their dignified role in securing liberty, equality and revival of Islamic society.

We would like to indicate the following points, which constitute the fundamentals of an Islamic republic.

(1) Absolute sovereignty belongs to Allah. The enunciation of this truth was the greatest revolution which was initiated by the prophets, who fought for the liberation of man from the servitude of another man. Sovereignty of Allah means that man is free. Neither any individual, nor any class or group possesses a supreme power and authority over him. Sovereignty and suzerainty are exclusively Allah's. This principle does away with every kind of oppression and one man's exploitation by another man.

The despotic kings for long called their prerogatives 'divine rights', but what they claimed was at variance with that which was preached by the prophets through their maxim, *La ilaha il lal lab*, (There is no god but Allah). These despots ascribed sovereignty to God in name only. They used the name of God for their own selfish ends, and imposed on the people whomsoever they liked. In contrast, the prophets and those who moved under their leadership



for the liberation of humanity, believed in the absolute sovereignty of Allah, and never sought suzerainty for themselves in any form, though many people seek it even under the cloak of humanitarianism. The prophets have so incorporated in their system the true form of the sovereignty of Allah that no individual, group or family can now misuse it for seeking personal power. If a system of government were Islamic based on the sovereignty of Allah, then there could be no question for its being tyrannous or despotic.

(2) Islamic injunctions are the basis of the legislation in an Islamic republic. All legislative programs are chalked out in the light of Islamic law as under:

(i) Those rules of Islamic law, the authenticity of which is fully established, will be regarded as a permanent part of the constitution.

(ii) As for the rules about which the jurists have various opinions based on lawful deduction and interpretation, the legislative authority is free to choose anyone out of those opinions, keeping in view the interest of society.

(iii) In respect of the acts about which there exists no definite prescription or prohibition, the legislative authority being the representative of the nation, may enact any law in consonance with the interest of the people, provided it is not repugnant to the basic laws of Islam.

The domain of such legislation covers all the cases which divine law has left to the discretion of the people and in respect of which the person obligated to observe the precepts of religion, has a free hand so long as his action is not in conflict with other Islamic laws. We call this sector the sector of free legislation.

(3) People have been entrusted with the legislative and



executive powers and have been made responsible to exercise them, within the framework of the fundamental law of Islam. This right accrues from man's vicegerency of Allah. In this capacity man has a right to dispose of the affairs of the world. He does not derive this authority from the nation and is responsible only to Allah for bearing His trust: *"We offered Our Trust to the heavens, the earth and the mountains, but they declined to bear it and were afraid of it. But man undertook to bear this responsibility. Indeed he was unjust to himself and ignorant of the significance of this Trust"*. (Surah al-Ahzab, 33:72).

What should the people do to exercise their legislative and executive powers?

They should take the following actions to establish the legislative and executive authorities:

- The people should elect the chief of the State after his candidature has been approved by the religious authority. It is immaterial whether he is called the Prime Minister or the President of the republic. The procedure of his nomination by the religious authority will be described below under No. 4. The elected chief will appoint the members of his government.
- Through free and direct election the people will bring into existence a council of influential persons, called the council of founders. Its functions will be as under:
  - (i) To officially approve the appointment of the officers of the executive authority selected by the Chief of the State;
  - (ii) To select one of the juristical opinions as required by the public interest;
  - (iii) To legislate suitable laws;

(iv) To supervise the law enforcing agencies of the government, with a right of impeaching and calling explanation;  
(4) The proper religious authority legally represents Islam. The jurist who holds such an authority is the Deputy General of the Imam. The following matters come within his jurisdiction:

(i) He is the main pillar of the government, which derives its prestige from his authority. He is the Supreme Commander of the armed forces.

(ii) He is the authority to put forward or approve a candidate for being elected the Chief of the State. After a candidate has been properly elected, he approves his election and confirms his appointment. His confirmation means the official delegations of powers and thus gives the appointment its legality and sanctity.

(iii) It is he who decides whether a constitution which has been framed is or is not in conformity with the Islamic law.

(iv) It is he who finally approves the social laws enacted in the free sector of legislation.

(v) If any difference arises in regard to the above items, he appoints a court to adjudicate upon the issue.

(vi) He sets up judicial courts in all parts of the country to hear and try cases and to look after the interests of the aggrieved parties.

The jurist holding the position of religious authority also sets up a council composed of one hundred well-informed divines. The members of this council are drawn from among the prominent scholars of religious academies and the districts. They include preachers, writers and thinkers. Among them there must be at least ten mujtahids (jurists capable of making deductions in the matters of Islamic Shari'ah). This body is called the consultative council of the religious authority which derives its power from the authority as its leader.

What is religious authority and who holds this position?

Religious authority is a social reality prescribed for the Muslim community. It is based on the principles of Islamic law. At present the leader of the Iranian revolution, Imam Khomeini holds this position. He has been directing his nation for the past twenty years and through his bold and learned leadership the Iranians have achieved their victory. As a general rule a person for being eligible to hold this position and to be the supreme representative of Islamic government should have the following qualifications:

- (i) He should be virtuous and have the qualities necessary for being an absolute mujtahid, viz. a mujtahid of the first rank fully competent to expound the law and arrive at independent decisions in this respect.
- (ii) The trend of his thinking as derived from his writings and discourses should show that he has a firm faith in Islamic government and realizes the necessity of defending it.
- (iii) His religious authority should have been accepted in accordance with the Shi'ah traditions all over history.
- (iv) He should have the support of the majority of the members of the consultative council of the religious authority. In addition, a large number of religious workers (whose number may be fixed in the constitution), such as religious scholars, students of religious centres, leaders of congregational prayers, preachers and Islamic thinkers should support his eligibility.

In case there are more than one person eligible for holding the position of religious authority, people have a right to choose one of them through a referendum.

- (v) As mentioned earlier, the people are the rightful bearers of this trust (government). They legally have equal rights in this respect. Each individual has a right to vote and take part in various political activities. They are also

free to observe their religious rites and ceremonies. It is the duty of government to provide a similar freedom to the non-Muslim citizens who are loyal to the government of the country and co-operate with it within a general doctrinal framework.

(vi) Because of its mission the Islamic Republic of Iran has a heavy responsibility. It has to discharge tremendously historical duties within Iran and outside it.

Within Iran it must:

- Enforce Islam in all walks of life;
- Ensure social justice and make provision for the welfare of the individuals as well as society by abolishing the economy based on class system, replacing it by a healthy Islamic economy, and by ensuring the redistribution of wealth in accordance with lawful methods;
- Disseminate the knowledge of true Islam and try to educate people on the basis of Islamic culture so that they may become the defenders of Islamic revolution for ever.

Outside Iran it should:

- Be the torch-bearer of Islam all over the world;
- In political and foreign affairs support truth and justice and prove itself to be an ideal Islamic State;
- Fight imperialism and oppression and support the cause of the under-privileged and the down-trodden everywhere in the world, especially in the Muslim countries, of which Iran is an integral part.

It should be remembered that the goals of a Qur'anic government are inexhaustible, as the words of Allah are interminable and the journey towards Him never comes to an end. That is the secret of the marvellous force and the revolutionary power of Islamic government and the

perpetuity which it gives to the movement of man towards Allah.

*Mubammad, tell them, 'Had the seas been used as ink to write down the words of my Lord they would have all been consumed before the words of my Lord could have been recorded, even though replenished with a like quantity of ink'.* (Surah al-Kahf, 18:109).

In the light of the foregoing you can derive the following principles of Islamic jurisprudence:

- Basically sovereignty belongs to none but Allah.

A competent and virtuous mujtahid of the first rank is the deputy general of the Imam in accordance with what the Imam of the Age (Imam Mahdi) – May Allah hasten his solace – has said: “As for the new cases refer them to the transmitters of our traditions. They have been authorized to issue instructions to you on my behalf, as I have been authorized to issue instructions to them on behalf of Allah”. (Wasail al-Shi'ah, Vol. 18 ch. 11).

This ordinance indicates that in respect of varied occurrences and new situations the jurists are authorized to guide the people with a view to ensure the adaptation of the principles of life to the law of Islam. Instruction has been given to refer the cases to them by virtue of their being the transmitters of the traditions of the imams and the bearers of Islamic law. This gives them a right of complete supervision of the application and enforcement of the rules of law.

- The people, being the vicegerents of Allah, have a general right to dispose of their affairs on the basis of the principle of consultation. But they have to exercise this right under the supervision of the Imam's deputy general.

• The theory that the influential persons could represent the general public was operative in Islamic society in a particular period of history. But in view of the changed circumstances and in consideration of the principles of consultation and juristic supervision, it is essential that this theory should give place to the formation of an assembly whose members are the real representatives of the people.

In the light of the points we have briefly discussed, you can compare the form of Islamic government with that of other governments and ascertain the basic differences between the two types of governments:

First, we reject all the theories enunciated about the historical emergence and growth of government, and believe that government is a phenomenon which originated from the prophets' right of general control, though it came into existence at a certain juncture of history.

The following theories are generally put forward in regard to the emergence of government in history:

- (i) It was brought about by dint of force and power.
- (ii) The kings were appointed by God to rule.
- (iii) Government came into existence through social contracts.
- (iv) Government was modelled on family system.

Second, as far as the functions of government are concerned, we neither believe in the individualistic system based on the intrinsic importance of individual, nor in the socialist system based on the intrinsic importance of society. We believe that Islamic government means the enforcement of the divine laws which results in the establishment of an equilibrium between society and individual. Society is not an independent reality as claimed by Hegel. It is composed of individuals who need to be looked after collectively.



Third, as for the form, government of Islam is a government of law. In it both the rulers and the ruled are equally subject to the law of Islam. Therefore from the Islamic point of view all monarchic, despotic and oligarchic systems are bad.

Fourth, Islamic government has all the virtues of a democracy and none of its defects. In addition, it has the distinction of being immune from corruption. In the democratic system people are the source of sovereignty, but in Islam people have the position of being the vicegerents of Allah and hence responsible to Him.

In democracy, law is an absolutely human phenomenon and hence it can rarely be ideal. The majority always dominated the minority. But in Islam the divine rules are the firm component of the basic law. They ensure its realistic nature and do not allow the existence of any discrimination.

For example, if Islam recognizes the existence of public property and State property side by side with private property\* that does not mean that this division is the result of any class conflict or of giving undue importance to the interests of any particular group. This division indicates only what is just and fair. This legal position actually precedes that stage of class struggle which Marx believes to be the pre-condition of such a law.

Fifth, though from the view-point of the division of power the Islamic system of government resembles those

\* It may be pointed out that in Islam private property does not exist in the sense in which it exists in the capitalist and other systems. In Islam private property can be held only within the limits prescribed by faith, morals and Islamic law. Man is not free to procure it from wherever he likes and to consume it as he likes.

systems which recognize the importance of the individual, yet on the whole it is considerably different from the capitalist system of government, though both the systems uphold the separation of the legislative power from the executive power. In Islamic government only that individual can be the Chief of the State who has all the qualities specified by the Islamic law, or who is elected directly by the people or who derives his ruling powers both from the Islamic law and the popular election.

In this brief article it is not possible to give full details of the differences which exist between Islamic government and other systems of government. Anyhow, this brief juristic article contains answers to all your learned questions and briefly explains the intellectual basis of the Islamic Republic which the Iranian Muslims have set up under the leadership of Imam Khumayni. It may be added that this is the only conception of Islamic government, which is worth studying and adaptation, and which is in conformity of the Islamic point of view. May Allah protect you and grant that you render service to the cause of Islam and succeed in unfurling the banner of truth!

Muhammad Baqir al-Sadr

Najaf al-Ashraf, (Iraq)  
6th Rabi' al-Awwal, 1399 A.H.

*Role of the Shi'ah Imams  
in the Reconstruction of  
Islamic Society*

ALLAH who brought prophethood to an end with Prophet Muhammad, decreed that he should be followed by his vicegerents who would carry out the task of leadership and succession after the termination of prophethood. These are the twelve imams, whose number was textually fixed by the Messenger of Allah in a number of authentic traditions\* which are unanimously accepted by the Muslims. Their names are in the following order:

- 1 Imam Ali b. Abi Talib — al-Murtaza
  - 2 Imam Hasan b. Ali — al-Mujtaba
  - 3 Imam Husayn b. Ali — al-Shaheed
  - 4 Imam Ali b. Husayn — al-Sajjad
  - 5 Imam Muhammad b. Ali — al-Baqir
  - 6 Imam Ja'far b. Muhammad — al-Sadiq
  - 7 Imam Musa b. Ja'far — al-Kazim
  - 8 Imam Ali b. Musa — al-Riza
  - 9 Imam Muhammad b. Ali — al-Naqi
  - 10 Imam Ali b. Muhammad — al-Taqi.
  - 11 Imam Hasan b. Ali — al-Askari
  - 12 Imam Muhammad b. Hasan — al-Mahdi
- (May peace be upon Muhammad and his vicegerents)

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\* Sahih Bukhari p. 175 Egypt — Sahih Muslim vol. 2, p. 191 Egypt — Sahih Abi Dawud vol. 2, p. 207 Egypt — Sahih Tirmizy vol. 2, p. 45 Dehli — Musnad Ahmad bin Hanbal vol. 5, p. 106 Egypt Mustadrak al-Hakim vol. 2, p. 618 Hyderabad.

It appears to be quite natural that we should, with earnest spirit and clear thinking, try to deepen our spiritual relation with the leaders of the mission of Islam and make studies in order to discover more and more about these illustrious leaders of history. With a view to illuminate our way to development we must acquire light from the brilliant history of this great House.

It is for the above reason that we take this opportunity to give some brief account of the life of the imams of the Shi'ah (May peace be upon them!).

As within the limited space available to us it is not possible to give an account of the life, the movement and the program of each imam separately. We propose to draw the attention of our readers only to the salient features common to the life of all the imams.

Accordingly in the forthcoming account we shall discuss the general march of events and only those aspects of the movement of the imams in which all of them took part. Instead of giving the details of the life of each of the imams, a study will be made of their general attitude and the impression which their lives give on the whole.

This discussion has been so arranged that the life of the imams may be observed and studied as a composite and coherent phenomenon. We are going to discuss the characteristics of this phenomenon in order to find out its common aims and its true nature and to understand the circumstances in which it worked. Lastly, we will give a brief account of the main features of the movement of the imams and the role they played in human society.

Of course, this does not mean that we think it improper to study the life of each imam separately. In fact the independent study of the distinguishing features of each imam is as necessary as to acquire an overall knowledge of the life of all the imams, which as we are presently trying to do. In fact, it is necessary that we make ourselves conversant with the life of each individual imam and learn the distinctive features of his aims and activities so that this knowledge may become a prelude to the study at which we are aiming at present. We should make an independent study of the life of each imam to prepare our way to an overall and proper study of the life of all the imams as a coherent and composite phenomenon.

When we undertake the study of the imams' lives at these two levels, in the first instance we notice that apparently there is a wide difference in the ways how they conducted themselves in various situations. Imam Hasan concluded a peace treaty with Mu'awiyah. Whereas Imam Husayn rose to fight a battle against Yazid and laid down his life. We find that Imam Sajjad passed his life exclusively in prayer and adoration, whereas Imam Baqir devoted all his time to the dissemination of the knowledge of prophetic traditions and theology.

But if we look at the life of the imams and its characteristics in a co-ordinated manner, we will find that their life consisted in one single movement, which pervaded their history and had no contradiction or inconsistency. A study such as we are going to undertake reveals one single truth, though its various aspects are capable of being described differently and hence may give divergent impressions.

The reason why apparently there exists so much difference in the actions of various imams is attributable to the difference of time, the social conditions and the



difficulties which each imam had to face. Each imam during his time was confronted with the problems and the difficulties entirely different from those with which other imams were faced.

But if we take a general and total view of the life of our imams, we may draw results far more outstanding than the effects which may be produced by the study of the individual life of each imam, for in the course of this general study we will find a deep harmony between all the actions of the imams. To elucidate this point we give an example:

We see that the Commander of the Faithful, Imam Ali during his outward caliphate assemble the companions of the holy prophet and asked them to give evidence as to what they had heard the prophet say on imamate. A large number of them said: "Yes, we heard the holy prophet say expressly that you were the Imam".

Again we read in the life account of Imam Husayn that once on the day of pilgrimage he gathered together the surviving *sababah* (companions) of the holy prophet along with a large number of the *tabi'in* (followers) and asked them to narrate what they had heard the prophet say about Ali and the holy family.

Again we see that Imam Baqir also repeated this action, and asked the *tabi'in* and *tabi'in al-tabi'in* (followers of the followers) to give evidence as to what the holy prophet had said concerning the Imamate of Ali and his descendants.

When we study the life of the imams and co-ordinate their actions. We observe this kind of activity throughout. These three actions taken consecutively by three generations represent a precalculated and coherent plan, and are complementary of each other. The idea of this consecutive

actions was to admonish various generations and at the same time to preserve a tradition from oblivion and alteration.

To our belief the existence of a common policy pursued by our imams is not a hypothetical question. Therefore it is not necessary to try to look for its reasons or to discuss as to what historical events led the imams to pursue such a common policy. Their common role is the natural consequence of the very belief in their imamate, which is an assignment common to all of them. Its responsibilities and conditions being the same, the natural consequence of this common assignment should be a coherent movement, each part of which in the course of history should complement its other parts. It is only because of the difference of time that the actions taken by the various imams appear to be different.

#### **COMMON ROLE OF THE IMAMS**

Perhaps it is not necessary to prove that the missionary methods of all of our imams were identical and that they followed a common line of action. The mission of Islam being ideological and doctrinal, obviously, it was necessary that there should have existed a fixed plan to protect its ideology from every kind of deviation and ensure its development in all times.

It is on this basis that the ideological leadership of human society was entrusted to the imams, who had reached the height of spiritual and ideological evolution and enjoyed infallibility, the basis of their immunity from every deviation and error. That is why they were in a position to guide and supervise the ideological movement of society.

Anyhow, while discussing the common role of the

imams and their painful history, we do not intend to deal with their outward government and analyse the experience through which Islam passed during their times. The painful events which took place following the demise of the prophet of Islam removed the rightful leaders of Islam from the scene of government. The task of guiding and enforcing Islamic law fell to the lot of those who deviated Islam from its right course and turned the Muslim society away from Islam. Anyhow, we only want to discuss the general position of the imams and the overall policies pursued by them in the course of their stormy history. We would analyse the steps taken by them to overcome the difficulties with which the mission of Islam was confronted, and explain what viability they gave to Islamic ideology.

In the course of our study of the common role of our imams we come across a false impression which is no more than a myth. Generally the Shi'ah believe that the imams throughout their life were oppressed. They were set aside from government and subjected to many disabilities and tyrannies. These people think that the role of the imams throughout their life has been rather negative. They had a negative policy in regard to the social questions, and were like a person whose house had been usurped and who had no hope to recover it.

An analysis of the life of the imams will show that not only such a thinking is mistaken and incorrect, but from practical point of view it is also very dangerous from the followers of the imams. Such a view of the policy of the leaders of the ummah will lead to the conclusion that they had no social duty, and that they had lost all hope of ever coming to governmental power. Therefore we feel that it is our duty to rectify this wrong thinking and

identify the points which led to it. In order to make it clear that throughout their life the imams played an active role in defending their mission and creed, we propose to study their life as a driving force of human history.

Though the tyrants of the day by employing various fraudulent means had set aside the imams from government, the imams on their part considered themselves to be responsible for protecting the mission of Islam from any deviation and preserving its original features, in order to ensure the observance of the religious commandments. Whenever there was a deviation from the Islamic tenets in society, or society was confronted with any difficulties threatening the position of Islam and the rulers of the day were unable to solve the problem, the rightly-guided imams with their infallible insight took proper steps to avert the danger.

In short, the imams of the Shi'ah (peace be on them) devoted all their efforts to preserve the Islamic character of society, to protect the correct doctrines and to see that deviations do not grow to the extent of threatening the ideology itself. What we mean is that they played a positive role in safeguarding the interests of Islam and the Muslims and in defending the basic doctrines of the religion.

This basic role is clearly visible in the life of Imam Ali. We see how boldly he protected his society from deviation and played his role positively.

Once Umar asked people from the pulpit how they would treat him if he deviated from the truth to the falsehood. It was Ali the first Imam of the Shi'ah, who boldly said: "We would set aright your crookedness with sword".

We also see how Imam Husayn, dutiful son of Imam Ali forestalled the danger of deviation. When Yazid decided to do away with Islam, he averted the threatening danger

by offering armed resistance and laying down his own life.

We see when the tyrannical government of his time found itself unable to solve a problem facing it, Imam Sajjad, ignoring the fact that it was a usurper-government rose to the occasion with great serenity and safeguarded the position of Islam.

The details of the fact are that during the reign of Abd al-Malik ibn Marwan, the Roman emperor wrote a letter to the caliph, who found himself unable to write a suitable reply to it. Imam Sajjad drafted such a reply that it saved the position of the government as well as the dignity of the Muslim nation.

During the reign of Hisham ibn Abd al-Malik the unbelieving Roman government threatened the sovereignty and independence of the Muslim government. He wanted to impose the Roman coinage on it. Imam Baqir, the fifth Imam of the Shi'ah met the threat by proposing Islamic coinage to Hisham and thus saved the economic independence of Muslim society.

Thus we find that the imams played their great and earnest role of protecting Islamic society and the Muslim governments from errors and failings at a time when they were in serious conflict with these usurper-governments and were opposing them tooth and nail, though mostly their opposition was passive and they did not resort to armed conflict. Nevertheless, they played a positive role in championing the cause of Islam and protecting its values, morals and doctrines.

As the cruel governments of the usurpers were trying to distort the image of Islam by introducing various alterations, the mission of the true imams was to restore its image and to make clear through their ceaseless efforts the difference between the Islam of the holy prophet and that

of the caliphs. Thus they crystallized Islam at the popular level, and purged it of the distortions of the caliphs.

It appears to be in the fitness of things to cite a little example to make this point clear and to throw light on the extent to which the imams worked to protect society from the deviations of the caliphs.

Recall to your mind this picture: Since long the seventh Imam, Musa ibn Ja'far is in the prison of the caliphs. His safety is in danger. His body has so dwindled that when he prostrates himself during prayers it appears as if a piece of cloth is lying on the ground. No body can think that actually a human being is prostrating. To this very Imam an envoy of the government comes and says: The caliph is sorry for what happened. He has ordered your release, provided you present yourself before him, make an apology and gain his pleasure.

The Imam suddenly flares up with indignation and spurns the offer. He is ready to be poisoned, but not willing to help the selfish government succeed in its treacherous aims. He would not allow the dirty actions of the despotic government to take the colour of sanctity and thereby pollute the mission of the holy prophet.

Again we see that the imams played an active and positive role in the fructification of the doctrinal field of the Islamic society. They dedicated their lives to the cause of Allah and stood as a bulwark against the flood of deviations which threatened the objectives of the mission of Islam. They did not allow the Muslim ummah to be alienated from the genuine Islamic achievements in the very beginning of the divine movement.

These great leaders made such an arrangement that they were able to neutralize every treacherous plan made against Islam and the Muslims. They protected the newly-



founded Muslim society from every deviation. It is on this basis that Imam Hasan al-Askari, the eleventh Imam while he was living in Medina, warned Kindi of his misunderstanding. Kindi was an Arab intellectual, who wrote a book named *Mutanaqizat al-Qur'an*. When a report about this book reached the Imam, he called Kindi to himself, and convinced him that his book had no genuine basis and was glaringly incorrect.

#### IMAMS' DEVOTION TO THE UMMAH

The story of the life of the imams provides enough evidence to show that they paid special attention to the interests of the ummah and dedicated their whole life to the guidance of society.

Anyhow, we must remember that the imams did not secure the leadership of the Muslim ummah just by chance. Nor did they get this position simply because of their kinship with the holy prophet. There were many others who were also likewise related to the holy prophet, but none of them could obtain a similar position. Actually it was because of their devotion to the ummah and their earnest efforts for the cause of Islam that the Shi'ah community accepted them whole-heartedly as its imams. Though the governments of the caliphs did their utmost to prevent the imams from assuming its leadership, the ummah still accepted them as its leaders.

The people saw how the imam worked hard for their cause. They genuinely believed that he was of them and for them. Every moment they felt his presence. He was there to solve all their problems. They observed how he protected the human mission of society. It was because of this knowledge and feeling that the leadership of the imams was accepted. For this very reason Ali became the

ideal of the people, who revolted against Uthman. The same story was repeated during the times of all the imams.

Imam Musa, the seventh Imam said to Harun: "Harun, you should know that you rule over the bodies of the people, but I rule over their hearts".

What Abdullah ibn Hasan said to Imam Sadiq is a living witness to this fact. When Abdullah wanted that people should pledge their allegiance to his son Muhammad, he came to Imam Sadiq and said: "If you accept my plea and pledge your allegiance, none will hesitate to do the same. No two persons, whether from among the Quraysh or the non-Quraysh, will be found to be disagreeing with me".

This statement shows how devoted the people were to their rightful imams. Their devotion was the result of the special interest which the Imams took in the welfare of the ummah and the hardships which they endured for the cause of Islam and the Muslims.

Think of the well-known incident of Islamic history which incited the noted Arab poet, Farazdaq to recite his celebrated ode in respect of Imam Zayn al-Abidin, the fourth Imam. This incident shows clearly that the grandeur of Hisham's government and his power could neither endear him to the hearts of the people nor persuade them to make way for him to the Black Stone.

On the other hand, the spiritual influence of the holy family was so overwhelming that as soon as Imam Zayn al-Abidin arrived in the precincts of the House of Allah, the people went aside and left the way open for the Imam to kiss the Black Stone with ease and comfort.

History says that once angry people raided Mamun's palace, protesting against the treatment meted out to their eighth Imam, Imam Riza. Mamun was so frightened that

he had to seek to help of the Imam himself to pacify the people.

Addressing Mamun, the Imam said: "For the way you treat the Muslim ummah and for the way you rule, you should have fear of Allah. You have ignored the interests of the Muslims and have entrusted their affairs to the persons who are unfit for the job. Injunctions of Allah in respect of the Muslims are being overlooked".

These are some examples of the popular leadership of the imams in the society in which they lived. Their special interest in the affairs of the ummah shows that our imams played a positive role in their society and that they energetically and effectively defended Islam and guided the Muslims.

#### **IMAMS' POSITIVE ROLE IN THEIR RELATIONS WITH THE RULERS**

It is possible to study the life of the imams from another angle and reach the same conclusion at which we arrived in our foregoing discussion. We know that the activities of the imams, especially during the period of their imamate extremely scared the governments of the day. The hearts of the rulers were filled with terror. That is why they always kept the imams under a strict surveillance and tried at every cost to sever their contact with the people. When all this control and watch failed to produce any result, they resorted to putting the imams to death.

It was not a mere chance that the tyrants took all these actions. Did they kill the imams just as a pastime? Naturally the answer is in the negative. Had the role of the imams in society not been positive, the criminal-minded rulers would not have risked their honour and prestige by committing such heinous acts.

Actually the criminal-minded rulers were aware of the situation very well. They knew from which side they were threatened. They saw the positive and active role of the imams in its true perspective, and so decided to put them to death in cold blood.

The imams' martyrdoms, banishments and imprisonments are a living testimony to the fact that every moment of their life was devoted to effort, activity and the promotion of their movement.

#### **WERE THE IMAMS DESIROUS OF POWER?**

The only question which has remained unanswered and which often comes to the mind of the people is whether all the activities of the imams aimed at capturing government and overthrowing the usurping and despotic rulers or they endeavoured only to defend Islam, to safeguard the interest of the Muslim ummah and to save Islam and the Muslims from deviations.

This question requires a detailed answer which does not fit in this article.

A large number of the traditions which have come down to us show that they did not consider it enough to carry out an armed revolution and form a government. They did not believe that to set up a virtuous government was enough. In their opinion the correct policy was to infuse the true Islamic spirit in the ummah and to prepare it to believe properly in their imamate and infallibility before launching on armed movement and overthrowing the usurper-government. They thought it necessary that the people should consider the obedience of Islam to be binding and understand the important goals of their leadership. Only on the basis of this obedience and understanding a government of the imam could be set up and



the achievements of a revolutionary movement of the Muslim ummah could be safeguarded.

You must have heard the story of that man (Sahl bin Hasan) of Khurasan who called upon Imam Sadiq and requested him to give support to the revolt of the Khurasani revolutionaries. The Imam gave him no immediate reply and decided to put him to test. One day he asked him to enter the furnace full of fire. The Khurasani was terror stricken. He declined to enter the furnace. In the meantime Abu Basir,\* who was one of the companions of the Imam, arrived and heard the order of the Imam. He without any hesitation plunged into the furnace which was full of fire. The Imam turned to the Khurasani and asked him: "How many Abu Basirs have you in Khurasan?" Thus the Imam rejected the proposal of the Khurasani.

It was on this basis that Imam Ali could accept the rulership, for in those days there did exist a group of the Muslims, who had cognition of imamate and obeyed the Imam.

#### DEVOTION OF THE SHI'AH TO IMAMATE

We know that the common goal of our imams throughout their life was the protection of Islamic society from deviations and decadence. This point, as we have explained, implies several aspects of their common role. But there is one aspect to which we have not referred so far. It is the aspect of their continuous supervision of the special education and training of their followers.

The imams of the Shi'ah always maintained a direct contact with their followers, and totally controlled their

\* Some historians have mentioned this companion as Harun Makki (Muntahul Āmal, Shaykh Abbas Qummi).

conduct. On many occasions they gave support to their position in society. They made strenuous efforts to widen the outlook of their followers and to guide them in every respect to the straight path of Islam. Their aim was to lift their followers to the level of the faithful and responsible soldiers and zealous pioneers knowing their duty and being willing to lay down their lives for Islam.

This is not a mere passing assertion. A little study of the life of the imams will show with what zeal and fervour they supervised their followers. Sometimes they paid attention even to their personal differences and financial difficulties.

We come across an example of their intervention in the affairs of their followers in the case of Mu'alli ibn Khunays. There are many other instances on record about the instructions given by the imams to their followers concerning their private affairs. Of course, these instructions varied in accordance with the requirements of time, place and the living conditions of those concerned.

We think that this much is enough for the purpose we had in view. We have raised the necessary points to encourage the study of the life of the imams. It is hoped that this brief discussion will help others make further investigations and open new ways of approach to the imams' life.

In the end we ask Allah to grant that we all become the true followers of our imams, live under their guidance and abide by the standards fixed by them.



*Freedom in Qur'an*



Freedom has such a conception that man is overwhelmed by a particular sort of feelings on hearing this word. The sentimental attachment to freedom that man feels in himself is not a new phenomenon in human history, nor is it a part of the achievements of modern capitalist or communist societies.

The exploitation of this conception by certain modern cultures which have misused man's sentimental attachment to it, itself show how deep the relation between man and freedom is. Throughout history this relation has manifested itself in so many ways.

If we study the story of man through history we will notice that in spite of many differences and variations in the methods and the goals of the wars waged by the adherents of various ideologies on the basis of their doctrines, there has always been one common factor behind every human struggle. Throughout history, and till today, man has fought to obtain freedom. This sentimental feeling, which is both constructive and motivating, has always from his very inception existed in the heart of man, guiding his will.

Man, besides having his organic and psychic systems is equipped with the power of will. That is why he loves freedom. Freedom is the actual and practical demonstration of man's will and his ability to use this power.

Man, from the very beginning, has believed that absolute freedom is not possible for one who lives in society, for absolute freedom of all individuals will amount to the loss of freedom by all and will culminate in total chaos and disruption.

This fact makes it clear that the conception of absolute freedom is no more than an idea. From the beginning of his social life the important question which has confronted man is that of the delimitation of the freedom of an individual in society in such a way that others may not be deprived of their freedom.

The western culture has made a persistent stand on this question and tried to offer the maximum freedom to the individual, though of course, to the extent that it does not undermine the freedom of others. The freedom of an individual reaches its highest point when it begins to encroach upon the limits of others' freedom.

Anyhow, the western culture after giving this kind of freedom does not attach much importance to such questions as: How will it be utilized? What will be its effects on society? What intellectual and psychological reactions will it produce?

On the basis of the western brand of freedom man is free in regard to his actions, his conduct and his behaviour. He can give a practical shape to his desires.

For example, a drunkard can have as much liqueur as he likes and can lose his consciousness and self-control absolutely. On the basis of this interpretation of freedom, man has every right to make use of his freedom so long as the freedom of others is not affected.

The pleasures afforded by this kind of freedom kept man intoxicated for long. He thought that it was for the first time that he had got rid of all the restrictions under which he laboured for many years. He was happy to be able to do whatever he liked openly and without any fear.

Anyhow this sweet dream did not last long.

Little by little man woke up from his slumber and regained his consciousness.

He realized that this so called freedom had actually captivated him, changed his personality and put him on the wrong path.

How did man come to know this bitter truth? How could he regain his real freedom? These are the points which Islam had identified some fourteen hundred years ago. Islam has not been content with freedom in its superficial sense, which is extolled by the West, despite all the contradictions existing in the experimental life of the man there. Islam has gone much further than the West and visualized freedom in a deeper and more extensive sense. This may be called "a big revolution in the conception of human freedom".

Islam through this revolution does not visualize a control of human aspirations through external restrictions and restraints. It aims at a spiritual and mental change culminating in the achievement of real human freedom. Thus it grants man the highest and the best kind of freedom which he has ever known through history.

The freedom given to man by western culture begins with liberty and ends, as we will explain, in various kinds of bondage and subjection. On the other hand, according to the Islamic conception of freedom, which is diametrically opposed to that of the West, freedom begins with servitude of Allah and devotion to Him and ends at liberty from every worldly bondage and subjection.

The Qur'an says: *"Let us come to an agreement between us and you: that we will worship none but Allah, that we will associate nothing with Him and that none of us shall take others as lords besides Allah"*. (Surah Ale Imran, 3:64)

Do you see how the Qur'an has made man's liberation from every kind of bondage conditional on the acknowledgement of his servitude of Allah!

Do you observe how the Qur'an has declared the relation between man and Allah, the firm basis of man's relations with his fellow beings in society and likewise with all other things of nature?

Islam begins man's freedom with a change in the content of the individual. As you know, freedom does not mean that a man is given a free hand and told: "This way is open to you; you go along with it", and then he is left alone. Islam considers only that freedom necessary and useful through which man may be able to preserve his humanity and personality throughout his life. The whole thing depends on one point: Man should first of all liberate himself from the bondage of his passions and evil desires. He should act in such a way that his passions (insinuating spirit) should serve him as a warning, but should in no case dominate his will and leave him helpless in his individual actions in life.

Evidently if a man's will is dominated by his passions and evil desires, from the beginning he will be a loser. He may think that he has a free hand, but if his mind and other outstanding qualities which distinguish him from an animal are in bondage, no doubt he will not be able to do his work properly.

We know that the freedom of man is totally different from that of an animal, though both of them do their work of their own will. Man has another power in addition to his will. That is the power of controlling his sensual desires. He uses this power in accordance with the behest of his logical reasoning.

Hence if we take freedom exclusively in its external sense of the freedom of action and conduct and provide man all opportunities of fulfilling his sensual and evil desires, as has been done by western culture, gradually



man's freedom of thought and his intellectual freedom will be hampered and suppressed by the animal aspect of freedom, which means the satisfaction of animal desires.

A time will come when in the middle of the road man will suddenly wake up from his slumber, but at that time he will find himself helplessly dominated by his will and desires and not being in a position to control them.

In contrast, if we remould this very man and foster him on the correct lines, we will certainly produce a man who will on the whole be perfect, possess a human personality and fit in society well.

Man must realize that he has not been created only to satisfy his sensual desires like an animal. He must educate himself in such a way that he may be able to liberate himself from the bondage of his sensual desires and may become the master of his own will.

Only then a free men will come into existence — a man who can say 'yes' or 'no' to his desires and his insinuating spirit and who does not degrade himself by being a captive of his carnal desires and passing pleasures.

In fact Islam has taken steps to make such a man. Just as Islam has lifted man from the earth, has alienated him from his limited objectives and opened for him higher avenues, it also wants to alienate him from his insinuating spirit. The Qur'an says: *"Alluring for the people is the love of the joys that come from women, sons, boarded treasures of gold and silver, horses of mark, cattle and plantations. All these are the bounties of this worldly life, but in the life to come Allah has the best abode. Say: Shall I tell you of something better than that? For those who practise piety, with their Lord are gardens underneath which rivers flow. They shall abide in them forever with their purified spouses and Allah's grace. Allah knows all*

*about His slaves*". (Surah Ale Imran, 3:14 – 15)

This verse specifies the nature of the struggle for making the internal content of man free. It also lays down the basis of free life as envisaged by Islam. Without this basis any freedom is superficial and ostentatious, and is bound to culminate in nothing but bondage.

We find that in order to liberate man from the shackles of his base desires and libertinism the Qur'an has judiciously adopted the same method which on the whole Islam invariably uses to educate man in all other spheres of his life.

By laying stress on divine unity Islam has liberated man from the servitude of his worldly desires and the passing pleasures. It has established his relation with the heaven, Paradise and the pleasure of Allah. Divine unity is one of the extensive dimensions by means of which Islam liberates man from his egoism and other internal constraints.

One example will be enough to show the significant results of this freedom, namely the freedom from sensuality. This example will also make clear the vast difference between the real freedom granted to man by the Qur'an and the artificial freedom which is the product of western culture.

The Muslim community which was brought up by Islam and liberated by the Qur'an could give up drinking and eradicate this bad habit absolutely from the routine of its life as soon as the use of the intoxicants was prohibited by the Qur'an, the guide of its life. This happened in spite of the fact that the drinking of alcoholic liquor was previously a part and parcel of the life of this community. Only one word was enough to put an end to this habit, for the Muslims believed in the guidance of the Qur'an,

and knew that it could liberate them from terrestrial servitudes and subjection to base desires, and could convert them into the chosen people of Allah 'living in an ideal city'.

In contrast, we find that the community which western culture has produced and to which it has granted freedom of its own brand, in spite of this apparent freedom is in no way master of its will and cannot control itself. The freedom which has been given to it has not liberated it from its base desires. That is why it always succumbs to sensuality and passing pleasures.

For example, despite the vast campaign launched for prohibition in America it could not be successfully enforced, though the campaign was supported by the administration with all the material and military powers at its disposal. The real cause of the failure was nothing but the fact that the western man lacks 'real freedom'. Unlike the man of the Qur'an he cannot say 'no' to his sensual desires. That is why he could not liberate himself from his subjection to alcohol. He has sacrificed the real freedom, that is his spiritual and intellectual freedom, for the sake of his palpable and carnal freedom.

From the point of view of the Qur'an the conception of freedom is not confined to man's emancipation from his passions and base desires alone. It has other dimensions also. The Qur'an after liberating man from his insinuating spirit as a first and important step, has turned its attention to the social freedom of the individual. As Islam censures and does away with the internal idols of man, it discards other social idols also. It emancipates man from the servitude of another man.

*"Say: People of the Scriptures, let us come to an agreement between us and you: that we will worship*

*nothing but Allah and that none of us shall take other lords besides Allah*". (Surah Ale Imran, 3:64)

The adoration of Allah makes all men stand in one row side by side with each other and without any distinction to worship their Creator and Lord. The moral drawn from this feature of worship is that no group or class has a right to exploit another group or class. Just as no individual can enslave another individual or individuals, and no individual has a right to encroach upon the rights and freedom of others, similarly no individual has a right to turn himself into an object of worship for others.

We observe that in its war of liberation the Qur'an uses the conception of "Divine Unity" in all its dimensions. Through his worship man not only brings himself closer to Allah, but he also rejects all false gods which subjugate him, confuse him and cause him to go astray. There are two factors which are the root cause of the phenomena of idols and idol-worship.

First, an individual's servitude to his base desires which makes him a captive in the hands of those human idols which can meet his desires.

Second, ignorance and inability of an individual to notice the weak points of the idols of the day cloaked in false garbs.

That is why, Islam not only opposes the servitude of man to sensuality and base desires, but also repudiates all false pretensions. It is but natural that Islam is against all idols and deviation factors and opposes their adoration, by the Muslims in any form.

Next to man's internal freedom from his base desires and his external freedom from all false gods whether they be nations, groups or individuals, for Islam rejects all false gods, whatever be their form, comes the stage of



man's freedom of action and behaviour as a member of society.

In this respect also Islam differs from western culture, which does not believe in any limitation on the individual freedom vis-a-vis society. As we have seen Islam gives utmost importance to the moral and practical freedom of the individual against sensuality and submission to false gods. It educates him in such a way that he should not transgress the divine injunctions and laws.

The Qur'an says: *"He has created for you all that is on the earth and made whatever there is in the heavens and the earth of use to you"*.

According to this verse Allah has put everything at the disposal of man. Anyhow, his freedom is limited by the divine injunctions in keeping with the spirit of his internal freedom from base desires and from attachment to the territorial and material things.

Man is not free in the matter of worship, adoption of human idols or going the way that may lead him away from his real mission in life. These are the things which are not allowed by Islam at all, for they lead man astray and away from his mission.

Some people have interpreted the verse which says: *"There is no compulsion in religion. True guidance has now become distinct from error"*.

They think that like modern culture, Islam also has left man free to choose his religion, and that there exists no compulsion in religion, etc. Actually this impression is entirely wrong. Islam which has come to emancipate man from every kind of servitude on the basis of monotheism, can never allow him to degrade his personality to the extent of adoring earthly gods. Besides, Islam regards itself as the only true basis of human development.

As there is no possibility that western democracy, in spite of its belief in individual freedom of every member of society, would ever convert itself into fascism or dictatorship, similarly Islam cannot allow a revolt against its basic principles and the renunciation of its fundamental doctrines.

The prohibition of compulsion in the Qur'an indicates that a clear distinction has been made between good and evil and between right and wrong. Now it is easy for everyone to find out with proof what is correct and what is not. So there is no need of any compulsion. Anyhow, it may be added that religion is not simply a dry statement to be repeated. It is an ideology and a way of thinking. Hence by its nature, it cannot be forced on anyone.

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**A**t this critical juncture of its history the Muslim ummah is facing the onslaught of the hostile trends and movements which possess enough resources to sow the seeds of doubts in the hearts of the Muslims, and to undermine their faith in Islam and its ideal law.

However, the present circumstances also provide a golden opportunity for Muslims to frame an Islamic constitution which may meet their requirements in all spheres of life.

The present opportunity is a great challenge to the thinking Muslims conscious of the value of their ideology. On the one hand it gives them hope and on the other it makes them afraid of the grave consequences should the experiment fail to fulfil the hopes cherished by our ummah all through its intellectual and ideological conflicts with other trends.

In case this experiment does not succeed, it is feared that the morale of Muslims will be impaired and their confidence in Islamic ideology will be shaken.

In view of the gravity of the problem we urge all those who are taking part in this experiment to utilize all the potentialities of the various schools of law for framing a constitution derived from Islam in such a manner that it may cater for all contemporary needs.

As we all know, the old works on Islamic law do not contain material which may be readily converted into a constitution of a country. The application of opinions expressed in them can no longer fulfil the hopes of Muslims in regard to the restoration of their glory and honour, especially in view of the fact that most of the Islamic schools

have closed the doors of *ijtihad* since long. Hence, in most cases these opinions are not in keeping with the prevailing circumstances and do not satisfy all the contemporary needs. However it is not possible to discard them totally and have recourse to modern systems or to graft the modern systems on the old Islamic opinions, for doing that will amount either to giving preference to human law over the Divine law or falling into the dualism of accepting Islam and atheism.

As such there is an utmost need that those who apply themselves to framing a constitutional formula, should not keep themselves bound to the framework of any particular school of law.

When we demand that the views of the Shi'ah jurists be regarded as one of the sources to be consulted for framing an Islamic constitution, we are not only prompted by the feeling that the Shi'ah, both quantitatively and qualitatively, form an important segment of the Muslim ummah for which the constitution is intended, but, we have other cogent reasons also.

It is essential to avail of the services of that school the jurists of which have kept the door of *ijtihad* open and who continue to tackle the new and contemporary problems through the deduction of the Islamic injunctions from the Qur'an and Sunnah direct.

We are of the opinion that the legal formulae evolved by the Shi'ah scholars in Iran and Iraq as the result of the continuous development of *ijtihad* are the richest juristic treasures which should be utilized for framing an Islamic constitution.