

# POLITICAL RIGHTS OF PEOPLE IN ISLAM\*

Mohsen Kadivar

## Introduction

Let us first define key words such as political rights[1], people and Islam: political rights are part of the human rights, which concern themselves with rights in political area. They include things such as self-determination, political measures and the right to political freedoms. By people is meant the entire human race regardless of opinion, religion, sect, sex, race, color, language and nationality. Islam embraces the teachings proclaimed to man by Prophet Muhammad the Last Prophet and the Book and Sunnat[2] constitute its most important sources. This article discusses the two important Islamic sects: Shiite and Sunni. It attempts to study the political rights of people based upon Islamic teachings without considering the historical differences between the Sunnis and the Shiites. [3]

It might be maintained that the language of religion is the language of obligation. As any discussion on right is non-religious, there is no room for political rights of people in Islam. However, it must be said that the issue of obligation is of great importance in religion. By religious obligation is meant the divine right towards human beings, which is a unilateral right.

Not only does Islam deal with the relationship between God and man but with the relationship between man and man, and man and nature. In Islam, there is the question of obligation and right between these two relationships. Each human person has rights towards other human beings these rights put some obligations on others.

All human rights (the rights man has towards others and to nature) are bilateral. Obligation is the due right. From any right one can determine an obligation for others. And from the acceptance of any obligation, a right is provided for people. For God religion is an obligation but for men, it is a combination of right and obligation.

The Almighty introduces His immutable Word to His servants on the basis of justice, mercy and generosity. "He has prescribed for Himself mercy." [4]

Jurisprudence discusses religious obligations (arising from God's right towards people) and non-religious obligations (political, civil rights) and the jurisprudence have endeavored to recognize religious obligations. However, the jurisprudential issues are not related to obligations and rules and the rights of man and God are the important topics of discussion in jurisprudence[5]. In issue of principles of religious rights is included in theology, and the interpretation and Hadith provide the roots for religious rights.

In general, there are two ways in Islam to understand the rights of people. Firstly, direct reference to the Holy Qur'an, the Sunnat of the innocent, and through verses and traditions, which directly or indirectly recognize people's rights. Some of the political rights of people are accessible in this way. From among the most evident religious texts on the political rights of people in Islam are Imam Ali's explications in Nahj al-Balaghah. Let us, for instance, consider the following sermon by Imam Ali:

The Almighty God has appointed me as your Imam, thus vesting you some rights towards me. O people, I have a right over a right over you and you have a right over me. Right is the broadest affair in description and the rarest affair in moment of action and justice. No one has rights towards others unless others unless they have rights towards them. If someone has rights towards anyone, the rights are particular to the Almighty God. So the Almighty God has proclaimed necessary some rights towards some people and proclaimed them equal as compared to some others and has proclaimed some of them incumbent as compared to others. Some of these rights are not achieved unless the cost of some others. The greatest rights proclaimed necessary by the Almighty God is the right of people towards their Imam and the right of their Imam towards them.[6]

The second method is referring to the conducts of the sages. If a case is proved as an innate or natural right by virtue of reason, religion recognizes this right as well for religious or jurisprudential sources or rights as stemming from the conduct of the sages and through reason. Some of the human rights ignored by religious scholars were ushered into the realm of contemporary religious thought[7]. It is evident that these intellectual rights may not contradict any religious principles for if such rights lead to the analysis of unlawful and the ratification of lawful, the necessary law is not endorsed. Attention to intellectual subjects on human rights sheds light on some hidden comers of religious texts and enriches the contemporary religious thought.

The simultaneous use of the two methods stated above introduces the Islamic stance on human rights. Multi-dimensional attention to some religious duties have paved the way for discovering some of the human rights as the attention to the inalienable human rights which are considered religious rights has led the jurisprudence and the Muslim thinkers to formulate some duties and some new principles. This reciprocity between the two areas of reason and tradition has helped advance the human rights as viewed by Islam. The acceptance of the political rights of people in religious thought doubles the binding guarantee of the exercise of those rights because the social contract is the support of these rights other than religion and the violation of them entails worldly punishment whereas recognizing them by religion renders them dependent upon religious principles and religious conscience. And the violation of them besides the worldly punishment entails spiritual punishment as well. If the political rights of people are institutionalized in juxtaposition with the rights of people in the religious society, religion and faith become a sure haven for the exercise of these rights. Therefore, it is natural that the religious society is expected to observe the rights of people more than other societies.

Political rights are directly associated with anthropology.

The recognition of political rights of people came from the belief in human dignity:

“We have honored the children of Adam, carried them on lands and sea and provided them with good things. And preferred them greatly over many of these.[8]

“And when thy Lord said to the angles, I am settling in the earth a viceroy.”[9]

“We offered the trust to the heaven and the earth and the mountain but they refused to carry it and were of afraid of it and man carried it. Surely he is sinful, very foolish.”[10]

Or it believes in man's responsibility, "God changes not what is in a people, until they changes what is in themselves."<sup>[11]</sup>

"So let him who pleaseth believe; and let him who pleaseth disbelieve."<sup>[12]</sup>

Or it believes in a sublime nature of man "When I have shaped him and breathed my spirit in him, fall you down, bowing before him."<sup>[13]</sup>

"Surely we created man in the best structure."<sup>[14]</sup>

In general, the Holy Qur'an is optimistic about man whereas pessimists and cynics that lay the foundation on man's being removed from social affairs believe all the dignities pronounced in the Holy Qur'an as being particular to the elite and consider man as being conquered by Satan, thus depriving him of numerous rights.

The believer accepts the priority at God's will in all spheres of life, believing that pure happiness lies in following it. He holds that the absolute authority of God over them depends entirely upon mature wisdom and belongs to God. The Almighty has assigned for man certain responsibilities and recognized certain rights. These rights and responsibilities stemming from a divine source may not contrast each other. Thus, religious obligations, that is, the obligatory and the prohibited, have priority over man's will and humane rights, including the individual and the collective ones, are of secondary importance. This priority or posteriority is concomitant of man's servitude towards God.

The reference area to people's rights is the area of the permissible and in this area which is often called Mantaqat al-Faragh<sup>[15]</sup> (The Area of Separation), man is free to make decisions and of course he is responsible for his decisions. Here, socio-political freedom is the intended meaning rather than the philosophical one. Mantaqat al-Faragh is not a small place but an extensive one. The political rights of people become manifested in this place. Attention to the principle cited above shows clearly that enumerating the political rights of people does not at all mean violating the obligatory and the permissible; on the contrary, not recognizing these rights, which are parts of the legitimate rights of people means to encroach upon religion and its tenets, he who abandons the rights of God and he who violates them shall be forgiven by an act of repentance but he who violates the rights of people ought to repent and ask forgiveness from the people.<sup>[16]</sup>

Man's bliss is dependent upon his righteousness. Righteous deed is one, which is dependent upon religious principles. Religious teaching or the pattern for righteous deeds is divided into two parts: some part of it is focused on man's individual life and some other part on social conventions and principles. The Almighty has placed the exercise of these principles on the believers. In other words, the exercise of divine teachings is incumbent upon all Muslims. This is a public duty. And the collective duty does not hinder the prediction of some special conditions for exercising some of these principles because faith, religious conscientiousness, truth worthiness, competence, and skill in administering the religious affairs and other affairs such as justice, ijtihad, jurisprudence are necessary. Thus, people are obligated to observe all the rules enumerated by the theologian and select the ministers from among the reliable people imbued with religion.

Given the points stated above, we should deal with the most important political rights of people. This right plays an important part in fundamental rights.

The acceptance or rejection of it exercises a fundamental influence on political rights without recognizing the changes.

This is self-determination. We shall be discussing it in three parts; the first part deals with the imaginary principles of this right; the second part deals with the principles or its approbation. And the third part discusses it in international human rights documents.

- **Part one**

#### The presumed principles Of Self-determination and political Matters

The most important principle of political rights Self-determination dominating all political atmospheres. Who does the political atmosphere belong to? Who is to determine the major policies? Who is to choose the main formulators? Who should one get permission from in interfering in public realm? Who is responsible for it?

As the believer holds that whatever is in heaven and earth belongs to God, and that he alone is able to interfere in the earth and the heaven, religious belief necessitates that whatever God decides is for the sole bliss of mankind. Then, God's immutable tradition is such that he does not interfere in any sphere without intermediary. In political sphere, it is obvious that God does not directly take part in the administration as in other affairs. God has recognized that Man has the right to take part in social sphere. That is why he gives the trust to him.

To understand the different dimensions of this divine right, let us consider the following points:

This right originally belongs to God and to man. Hence, man is responsible to God in the public spheres. What we mean is that man is the right of man to man. Not the right of man to God. This is a God-given right emanating from a divine source. Man, as God's viceroy has such a right.

The public sphere belongs to man<sup>[17]</sup>. On this basis, in any society, the administration of general area belongs to all who live in that society,

As it is very difficult and sometimes difficult to ears, others believe that in the public spheres the practical solution is that the criterion for political matters should be the consent of others.<sup>[18]</sup>

In using the God-given rights in the public spheres, man is obliged to consider sublime goals such as dignity, justice and magnanimity and observe them carefully.

Regardless of the two duties stated above, no interference is allowed in the public spheres except by consent of the owners of rights. In other words, as the late Imam Khumaini stated the criterion is the vote of people and any kind of interference is forbidden.

The authorities perform these duties as representatives of people. There are the chosen representatives of people. The representatives are bound to satisfy people's desires. Also, the realm of their authorities in transactions is to be determined by the satisfaction of the

people. In this deal, the duration for deputyship for public services and its conditions is mentioned. [19]

The authorities are responsible for people and perform these duties under the supervision of right owners. The authors of public services may be put aside by people-owners of right. This may happen due to their perversion.

As the use of this God-given right depends on following religious principles, a group of chosen clergies assume the responsibility of these two[20]. In general the representatives choose positions in which certain duties such Ijtihad, jurisprudence, etc. are considered.

The two positions of prophecy and Imamate are beyond the realm of people's choice and determined only by divine command. In general, in all cases prescribed by the religious representatives, the cases shall go beyond the Mantaqat al-faragh and people shall not find the chance to choose or give comments.[21]

- **Part Two**

Affirmative principles as Self-determination of political matters

Evidences and reasons stemming from wisdom on self-determination and political administration are possible. Not all these cases enjoy a unique unity. This includes:

**Rational Demonstration:** Reason recognizes the right to self-determination and political matters. This principle exactly corresponds with the recognition of rational demonstration. Whatever man owns-material and spiritual individual and social-is independent. The familiarity with public realm or politics is enough to lead Reason to approve the conducts of any society.

Besides, the invasion of the bully in determining the political destiny in the course of history has taken place in these ways: firstly, without the consent of individual and the society; secondly with the choice and consent of people.

The first method is manifestly rejected. It is religiously deemed an immoral act to interfere in the political decisions of the society. The administration of the society compared with people's consent lies in the acceptance or rejection of people.

As the first part is rejected by virtue of reason, the second part is proven.

**Principle of the Lack of leadership[22]**

All human beings are the masters of their destiny. In Islamic thought, the principle is that man should be good and wise.

Everyone is entitled to choose for them unless there is a contrary reason. In short, people are the masters of the destiny in public spheres. And being under guardianship demands reliable reason. Everyone is allowed to administer his or her own affairs unless the reliable reason of being under guardianship is proved. The proofs presented on the basis of the lack of interference of people of people in public spheres are not sufficient and

cannot prove the priority or guardianship in this regard. [23]Based n this principle, people are in control of their affairs.

### **The Principle of Sovereignty**

Practical reason accepts the sovereignty of people over their properties. The intellectuals regard the violation of others' properties as false, forbidden and odious. In this regard, there is a hadith by the holy prophet that says,

“All people are the masters of their properties.” When people are in control of their properties,[24] they can do any kind of ownership in what they have, and others have no right to interfere in their properties unless by their permission, and others have no right interfere in his political and social affairs without permission, and the individual himself has priority in choosing his political destiny[25]. The comparison of properties with the political affairs bespeaks the importance and majority of influence and the priority of political affairs over material properties. The pivot of the discussion in both cases is the necessity of gaining the satisfaction of the owner and the respect for usurping without permission.

### **Consulting with people**

The almighty God has considered the will of people as being the realm of public affairs and has bidden people to consult each other in this regard. “And those who respond to their Lord, and establish prayer, and conduct their affairs with counsel among themselves.[26]” It is clear that by saying “and conduct their affairs with counsel among themselves” is not meant the divine responsibilities or principles because in the realm of religious responsibilities, the vote of people is not the criterion. The reference is to the Mantaqat al-faragh in which police takes place on the basis of public counsel. In other words, in the public realm decisions are made with attention to people's satisfaction acquired by counseling them. If people lack rights in public realms, why are the authorities bound to counsel with them?

### **Verses of Viceroyship[27]**

The verses implying the Viceroy ship of Man by God fall under several groups:

#### **Part one- Verses of Viceroy ship and Trust Holding**

“And when thy Lord sad to the angels, I am setting in the earth a viceroy.”[28]

“We offered the trust to the heavens and the earth and mountains, but they refused to carry it and were afraid of it; and man carried it. Surely he is sinful, very foolish.”[29]

From the first verse, one can reason in the following way:

First: He who granted Viceroy ship was God, not the previous generation nor the angels and jinn.

Second: The humankind is God's viceroy, not Adam alone.[30]

Third: Man, which is God's viceroy has the responsibility to spread justice, exercise self-determination, and determine political and social destiny.

Fourth: Every man as God's viceroy shall have the right to take part in determining his political destiny. Thus, leadership is particular to everyone.[31]

From the second verse, we can reason in the following way:

Thrust is the divine leadership of mankind[32], including leadership self-determination and political administration.

Only the humankind has the quality to bear the divine trust.

Betrayal of divine trust comes from tyranny and ignorance resulting in hypocrisy and paganism and the believer exercises divine trust out of knowledge and justice.[33]

Every man is the bearer of divine trust, and has the right to take part in the political destiny of his country.

### **Second group, Verses of Viceroys of the Earth**

“It is He who has appointed you viceroys in the earth, and has raised some of you rank above other, that he may try you in what he has given you.”[34]

“He who answer the constrained, when he calls unto him, and removes the veil and appoints you to successors in the earth”[35]

“It is he who appointed you viceroys, in the earth. So where disbelieves, his unbelief shall be charged against him.”[36]

Resorting to this group of verses to prove the right the in question depends on the acceptance of this group of verses to prove the right in question, depends on the acceptance of the following points:

He who granted Viceroyship is God, not others.

Man is God's viceroy, not a particular nation from old. In other words these verses discuss verity-proposition, not actuality- proposition.

The act of appointing includes other genetic appointment (creation) and divine appointment (appointment of man as God's viceroy)

It includes divine authority, self-determination and political administration.

Every man as God's viceroy can take part in determining the political destiny of his county.

### **Third group of verses: Leader ship of the right believers**

“God has promised these of you who believe and do righteous deeds that he will surely make you successors in the land, even as he those who were before them successors, and will given them in change after their fear, security,”[37]

“Yet we desired to be gracious to these who abased in the land and to malice the leaders and to make them the inheritors.”[38]

“For we have written in the psalms, after the Remembrance, “the earth shall be the inheritance of my righteous servants”[39]

“Surely the earth is God’s and he bequeaths it to whom he will among his servants. The issue ultimate is to the god-fearing.”[40]

Resorting to this group of verses to prove the right involved, depends on the acceptance of the following points:

He who granted Viceroyship is God, not the tyrants.

God’s viceroy and the inheritor of the earth refer to upright believers.

God’s viceroys have the right to self-determination.

Every upright Muslim has such a right.

### **The Verses Guaranteeing Social Duties**[41]

Social issues constitute a considerable part of Islamic teachings. The Muslim Ummah are the addressees of these verses. Although the society shows no other entity beyond its own members, People of the Society, and they have the duty to bid others to work righteousness and to enjoin others to avoid evil. As mentioned before, the necessity of observing some conditions does not contradict any belief or idea. The society chooses the heads of such affairs from among the qualified people. If people were not qualified, the society would not have the quality to assume such affairs and could not gain the competence to be addressed by God.

That the believers are considered the exercisers of religious principles shows their having a right in this regard.

In the following, there are a few social verses addressing upright people:

“Make ready for them whatever force and string of horses you can, to terrify thereby the enemy of God and your enemy and others beside them that you know not.” [42]

“If two parties of the believers fight, set thing right between, if one of them is insolent against the other, fight the insolent one till it reverts to God’s commandment. If it reverts, set things right between them equitably, and be just. Surely God loves the just.”[43]

“You are the best nation ever brought forth to men, bidding to honor, and forbidding dishonor, and believing in God.”[44]



“This is the recompense of those who fight against God and his messenger and hasten about the earth to do corruption there; they shall be slaughtered or crucified, or their hands and feet show alternately or be struck off or they shall be banished from the land”[45]

“The fornicates and the fornicator scourge one of them a hundred times”[46]

### **General Guardianship of Faithful Men and Women [47]**

By general guardianship, We mean the guardianship of victory and friendship. The Muslim Ummah love and assist each other. The viceroys of faith, the foundation of the Muslim society and solidarity of the Muslim community are dependent upon this public guardianship of the Muslim:

“And the believers, the men and the women, are friends of one of the other: they bid to honor and forbid dishonor; they perform the prayer, and pay them alms, and they obey God and His messenger.”[48]

The principles of the guardianship of the believers can be enumerated in the following way:

All the Muslim Ummah are friends of one another.

In general guardianship, there is no difference between Muslim men and women.

In general guardianship, the only advantage is the authority of the holy Prophet[49] and those who are like prophets, namely the infallible Imams[50]. Then, everyone is equal to other fallible creatures and in the time of Imam Mahdi’s absence.

General guardianship leads to internal and national friendship. On the other hand, it leads to national cooperation and on the third degree, it leads to a kind of participation in policy making the result of which is bidding to honor, forbidding dishonor, establishing prayer, paying religious taxes, and obeying God and the holy prophet. In other words, public guardianship is the social backdrop of upholding religion.

The result of public guardianship is national unity of the Muslim Ummah.

Any interference in the general area should be done with the permission of the authorities and within the framework of laws. General guardianship is particular to men and women who are under the guardianship of God and His Messenger.

The necessity of getting permission from authorities indicates the fact that believers have rights in this realm.

The reasons of bidding others to honor and forbidding them dishonor.

One of the most important social teachings in Islam is bidding the leaders of Islamic community to honor as forbidding them dishonor. All these principles are incumbent upon everyone.

Bidding others to honor and forbidding them dishonor shows them the social duties of Muslims. If people do not have the competence to interfere in political matters, they would never be given important responsibilities.

This is the right of other members of the society to put this responsibility on others shoulders. If a Muslim does not bid the Muslims, especially the leaders to honor or forbid them dishonor; he has violated the rights of others.

These verses indicate the two social responsibilities: “You are the best nation ever brought forth, bidding others to honor and forbidding them dishonor.”[51]

“And the believers, the men and the women, are friends of one of the other: they bid to honor, and forbid dishonor; they perform the prayer, and pay them alms, and they obey God and His messenger.”[52]

The holy prophet stated, “there are three things which may not be betrayed by the men, pure deeds for God, doing good to religious leaders and assisting them”. [53]Imam Ja’far Sadiq states, “It is incumbent upon the believers to give advice to others in public or privately”[54]

### **Imam Ali’s Explications in Nahj al-Balaghah**

Here we shall refer to some of his words:

Of the affairs, you should go for the one, which does not violate the truth, does not fail and that which encompasses justice and appeals to people.[55]

Here, three criteria are mentioned; affairs to be loved by the true guardian, justice and the satisfaction of people.

“If people presumed you were tyrannizing over them, discuss your excuse with them openly, thereby diminishing their doubts so you may prove yourself just, you treat them fairly and with the excuse you make you will reach what you want and lead them to truth.”[56]

Does recognizing the right of question by people of the guardian hold any other meaning then considering them rightful in the public spheres?

“And the greatest right prescribed by the Almighty is the right of the guardian towards people and the right of the people towards the guardian and this right God has regarded incumbent upon people and guardians alike.”[57]

“Therefore it is incumbent upon you to give advice in the exercise of that right and assist each other. No one can reach the truth of the true obeisance of God although they may be longing to satisfy Him and strive hard to be his true servants. Among the rights of God towards people is giving advice and assisting each other in the light of their powers and no one is needless-in what the Almighty has prescribed upon him-of getting assistance. However great his status may be, and however he has succeeded in religion, there is no one inferior to him to help or to be helped although people consider him small and he may him small in their eyes.”[58]

“There may be people who regard praise to come after sweet works, so do not praise me for my obeying God, my good conducts but ask me of the rights I have not exercised or the obligatory things I am impelled to do.”[59]

So do not avoid telling the truth and counseling for I am not infallible or safe unless God renders my self more powerful than me.”[60]

Contemplation upon the concepts cited above and alike leave no doubts that the words and deeds of Imam Ali suggested the acceptance of the right of people in the public spheres, especially the right to self-determination and political fate. The Alavite conduct is none but this. There are abundant evidences to this right in the sermons and letters of Imam Ali. And what was cited was a few examples to mention.

- **Part Three**

Self-determination and political decrees in human rights documents

The subject matters of self-determination and political decrees have been clearly stated in International Human Rights bolls and the human rights in Islam and in the constitution of the Islamic republic of Iran. Here we shall briefly point out to some of them.

Article 21 of the universal Declaration of human rights:

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Everyone has the right of equal access to public service in his country.

The will of the people will be the basis of the authority of government; this shall be expresses in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or equivalent free voting procedures.

Article 23, Universal Declaration of Human Rights in Islam.

Authority is a trust; and abuse of malicious exploitation of it is absolutely prohibited, so that fundamental human right may be guaranteed.

Everyone shall have the right to participate, directly or indirectly in the administration if his country’s public affairs. He shall also have the right to assume public office in accordance with the provision of Shari ah.

The constitution of the Islamic republic of Iran

Article 6

In the Islamic republic of Iran, the affaire of the country should be conducted according to the votes of the people either through electing a president of the republic, representatives of the Islamic Assembly, Members of the councils and so forth or through a referendum as provided in other articles of this constitution.

#### Article 7

According to the Quranic instructions, “Their affair being counsel between them” “Take counsel with them in the affair”, the counsel country’s affairs. The National Assembly Council, Provincial Councils, Municipal Councils, Town Councils, Neighborhood councils, district councils, village councils, and so forth the instance and manner of formation, the extent of authority and the method of establishing them and the responsibilities of these councils will be specified in the present constitution and the law proceeding from it.

#### Article 8

In the Islamic republic of Iran, calling people to virtue, enjoining the good and prohibiting evil is a universal and mutual duty towards one another and of the government with respect to the people and the people with respect to the government. Law establishes the specifications, limitations and nature of this duty. “And the believers, the men and the women, are friends of one another they bid to honor, and forbid dishonor.” [61]

#### Article 56

God is the absolute authority over the entire world. He has made man the master of his social destiny. No one is allowed to deny him of this right or direct it in his own favor; the people shall have the right to exercise this law through the following provisions.

#### Article 77

The articles purporting the republican system of the government in Iran as well as those relating to Valayat-Amr, the Imamate of the Ummah, those stipulating the administration of the affairs of the country based on national referendums and those indicating the official religion in Iran.

Considering the above discussion, one can conclude the self-determination and political administration has been officially recognized by Islamic teachings. It is hoped that I may find an opportunity to analyze other political rights, namely, the right to freedom, equality and justice.

- **The Proceedings of the International Congress on Islam and Human Rights, Tehran, 1998, (*Islamic Views on Human Rights*), Al-Hoda International Publications, Tehran, 2001, pp.107-124.**

#### Reference

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[1] The term political rights are used with the term civil rights in the texts concerning human rights. However, in public rights, the term basic rights is used in lieu of political rights.

[2] The traditional portion of the Muslim law, based on the words and acts of prophet Muhammad.

[3] One ought to explain the varying aspects of a hypothesis in its critical analysis and in comparing that hypothesis with other hypotheses. Due to some reasons, however, the writer has ignored this method and contented himself with a positive criticism. For further familiarization with views of the present writer on the critique of other hypotheses in thisregars, see Muhsin Kadivar, *Hukumat-I Walayi, (Andishi-yi Siyasi dar Islm2)*, Tehran, Nashr-I Nay, 1998, part one.

[4] Sura of cattle, verse 12; *Nahj al-Balaghah*, aermin 216, p.333

[5] For further information on the views of jurisprudences concerning rights of men, see Muhammad Ali tawhidi,. *Mesbah al-Fiqahat*, vol. 2, views on Rights, pp.36-50; also wahbat Zuhiti , *all-Fiqh al-Islami Adillat*, vol.4 Views on Rights, pp.7-39

[6] *Nahj al-Balaghah*, Sermon 34, pp. 332 & 333. Also, *ibid.* sermon 34p. 79 *Ibid*, letters 50, p. 426. Abu Muhammad al-Hasan ibn Ali al-Hurrani, *Tuhaf al-Uqul an Ali al-Rasul (Sa)*, (Qum, 1404 A.H.), p.261

[7] For further information, see murtaza Mutahhari, *Mabani Avvaliyyi huquq az Nazar-I Islam (First principles of law in Islam)*, Bist Guftar, )Tehran 1978), p. 51.

[8] Sura of the Night Journey, verse 70.

[9] Sura of the Cow, verse 30.

[10] Sura of the Confederates, verse 72

[11] Sura of thunder, verse 11.

[12] Sura of the Cave, verse 29.

[13] Sura of Al-Hijr, verse 29.

[14] Sura of the Fig, verse 4.

[15] For further information see Muhammad Baqir Sadr, *Iqtisadina, Mantaqat al-Faraq fi al-Tashri al-Iqtisadi*, (Beirut, al-Tab'at al-sadisat Asharat, Asharat, 1981), p. 400

[16]For further information see *Thaqat al-Islam Kulaini, Al-Kafi Kitab al-Iman wa al-Kufr*, Vol. 2, Bab al-zulm, Hadith 2, p.331

[17] For further information see Mahdi Hain Yazdi, *Hikanat wa Hukumat (Wisdom and Government)*, (London, 1994), pp. 69 – 71.

[18] For further information see Muhammad Ali Kazim Khurasani, *Fava is al –Usul*, (Qum, 1983), vol.1, pp.321-336

[19] For further information wee Husayn Ali Muntazari Najaf Abadi, *Derasat fi walayat al-foqih wa figh al-Dawlat al-Islamiyyag*, vol.1, p.576

[20] For further information see Muhammad baqirsadr, al-Islam yqud al-hauat, lumhat fiqhiyyat tamhidiyat an mashru dastur al – Jumhuriyyat al- Islamiyyah fi Iran wa khalaqay al-Insan wa shahadat al-Anbiya

[21] For further information see Husaynn Ali Muntazari Najaf Abadi, Ibid, vol. 1, p.405

[22] For further information see jafar Kashif al-Ghata Kashf-ol-Aza An Mobhamat al- shariah al-Qara (chap Sangi), p. 454 and all explanation and writings on al-makasib by jurisprudence after him; Jafar subhan, resala fi al-Ijtihad wa al-Yaqlid, Tahxib-ol-usual, (Qom,1993) vol3, pp. 143 –145; ruhullah al-musuvi al-Khumaeni , risala fi al –Ijtihad wa al-taqlid al- rasa el, (Qom, 1978), pp. 100-101.

[23] For further information, see Muhsin Kadivar, the same book, part II

[24] Allamah majlisi, bihar al-Anwar, vol. 2, Kitab al-Ilm, chapter33, Hsirh 7, p.272; also see rasa il al – shi ah , vol; 13 , abwab ahkam al-Wasaya, chapter 17, hadith 2, p/ 381

[25] For further information, see Husayn Ali Muntazari Najaf Abadi, Ibid, vol. 1, p. 495.

[26] Sura of counsel, verse 38

[27] For further information, see Muhammad Baqir Sadr, ibid., Husayn Ali Muntazari Najaf Abadi, ibid, vol.1, pp. 501-503.

[28] Sure of the cow , verse 30

[29] Sure of the confederates, verse 72

[30] For further information about the first and second introduction of Allamah Tabatabai, al-Mizan fi tafser al- Qur an, Sura of the Cow, Verse 30.

[31] For further information see Kazim Husayni Hain, walayat al-bmr fi asr al-Ghaybat, pp. 175-178

[32] Allamah Tabatabai, ibid, sura of the confederates, verse 71.

[33] Tbid

[34] Sure of cattle, verse 165.

[35] Sura of the Ant, verse 62.

[36] Sura of the Angels, verse 39.

[37] Sura of light, verse 55.

[38] Sura of story, verse 5.

[39] Sura of the prophets, verse 105

[40] Sura of the battlements, verse 128

[41] For further information see Husayn Ali Muntazari Najfabadi, *ibid*, vol. 1, pp. 449-501.

[42] Sura of the spoils, verse 60

[43] Sura of Apartments, verse 9.

[44] Sura of the House of Imran, verse 104

[45] sura if the Table, verse 38

[46] sura of light, verse 2.

[47] For further study, see Muhammad Baqir sadr, *ibid*; Mahdi Shams al-din, *nizam al-Hikam wa al-Idarat fi al- Islam*, vol. 3 (Qom), pp. 419-420; Mahdi Shams al-din, *Ahliyyat al-Mir at li at- Tawali al-aSultah*, (Beirut, 1415 A.H.), p.127; Mahdi Shams al-din, *al- Nor Magazini*, no.42, p.9.

[48] Sura of Repentance, verse 71.

[49] Sura of the confederates, verse 6.

[50] For further information see, sura of the House of Imran, verse 61; aura of the table, verse 55.

[51] Sura of the House of Imran, verse 104.

[52] Sura of Repentance, verse 71.

[53] *That al-Islam Kulayui*, *ibid*, chapter of Amr al- Nani (SA) B al-Nasiat al- A'immat al-Muslinin... hadith 2, pp. 403-404; Also, *Musnad Ahmad ibn Hanbal*, vol5, p. 183; *Sunan Dari*, vol.1, pp.74 &75; *Sunan Ibn Majid*, vol 1, p. 84; *Sunan Tarmazi*. Vol. 4, p 141.

[54] *Thaqat al-Islam Kulayni*, *ibid*, chapter of Nasihat al Mumin, hadith 2, p. 208.

[55] *Nahj al-Balaghah*, Letter 53, p. 429

[56] *Ibid*, p.442.

[57] *Ibid*, Sermon 216, p. 333.

[58] *Ibid*, p.334

[59] *Ibid*, p.335

[60] *Ibid*

[61] The mentioned articles haven't undergone any change in reconsideration of constitution in1989