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Government and Justice

The Nahj al-balaghah on State

One of the frequently discussed issues in the *Nahj al-balaghah* is that of government and justice. To anyone who goes through the book, it is evident to what extent 'Ali ('a) is sensitive to the issues related to government and justice.

He considers them to be of paramount importance. For those who lack an understanding of Islam but have knowledge of the teachings of other religions, it is astonishing why a religious personage should devote himself to this sort of problems. Don't such problems relate to the world and worldly life! Shouldn't a sage keep aloof from the matters of the world and society? They wonder.

On the other hand, such a thing is not at all surprising for one acquainted with the teachings of Islam and the details of 'Ali's life; that 'Ali was brought up from childhood by the Holy Prophet of Islam, that the Prophet ('s), having taken him from his father as a child, had reared him in his home under his own care, that the Prophet ('s) had trained 'Ali ('a) and instructed him in his own characteristic way, teaching him the secrets of Islam.

'Ali's spirit had assimilated within itself the doctrines of Islam and the code of its laws. Therefore, it is not strange that 'Ali should have been such; rather it would have been astonishing if he wasn't such as we find him to be. Doesn't the Qur'an declare:

"Indeed, We sent Our messengers with the clear signs, and We sent down with them the Book and the Balance so that men might uphold justice ..." (57:25)

In this verse, establishment of justice has been declared as being the objective of the mission of all the prophets. The sanctity of justice is so stressed that it is considered the aim of all prophetic missions. Hence, how were it possible that someone like 'Ali ('a), whose duty was to expound the teachings of the Qur'an and explain the doctrines and laws of Islam, might have ignored this issue or, at least, accorded it a secondary importance?

Those who neglect these issues in their teachings, or imagine that these problems are only of marginal significance and that the central issues are those of ritual purity and impurity (*taharah* and *najasah*), it is essential that they should re-examine their own beliefs and views.

The Importance of Politics

The first thing which must be examined is the significance and value attached to the issue of government and justice by the *Nahj al-balaghah*. Indeed, what is essentially the importance of these problems in Islam?

A thorough discussion of this question is obviously outside the scope of this book, but a passing reference, however, seems inevitable. The Holy Qur'an, in the verse where it commands the Prophet ('s) to inform the people that 'Ali ('a) would succeed him as the leader of the Muslims and the Prophet's khalifah, declares with extraordinary insistence

“O Messenger communicate that which has been sent down to thee from thy Lord; for if thou dost not, thou will not have delivered His Message !” (5:67)

Is there any other issue in Islam to which this much importance was attached? What other issue is of such significance that if not communicated to the people should amount to the failure of the prophetic mission itself?

During the battle of Uhud, when the Muslims were defeated and the rumour spread that the Holy Prophet ('s) had been killed, a group of the Muslims fled from the battlefield. Referring to this incident, the Qur'an says:

“Muhammad is naught but a Messenger; Messengers have passed away before him. Why, if he should die or is slain, will you turn about on your heels?” (3:144) ¹

Allamah Tabataba'i, in an article entitled *Wilayat wa-hakumat*, derives the following conclusion from the above verse: 'If the Messenger ('s) is killed in battle, it should not in any way stall, even temporarily, your struggle. Immediately afterwards, you should place yourselves under the banner of the successor to the Prophet ('s), and continue your endeavour. In other words, if, supposedly, the Prophet ('s) is killed or if he dies, the social system and military organization of the Muslims should not disintegrate.'

There is a *hadith*, according to which the Prophet ('s) said: “If (as few as) three persons go on a journey, they must appoint one out of themselves as their leader.” From this one may infer to what extent the Prophet regarded as harmful the disorder and absence of an authority that could resolve social conflicts and serve as a unifying bond among individuals.

The *Nahj al-balaghah* deals with numerous problems concerning the State and social justice, a few of which, God willing, we shall discuss here.

The first problem to be discussed here is that of the necessity and value of a State. 'Ali ('a) has repeatedly stressed the need for a powerful government, and, in his own time, battled against the views propagated by the Khawarij, who, in the beginning, denied the need for a State, considering the Qur'an as sufficient.

The slogan of the Khawarij as is known was "The right of judgement (or authority to rule) is exclusively God's" (*la hukm illa li-Allah*), a phrase adopted from the holy Qur'an. Its Qur'anic meaning is that the prerogative of legislation belongs to God or those whom God has permitted to legislate. But the Khawarij interpreted it differently.

According to 'Ali ('a), they had imparted a false sense to a true statement. The essence of their view was that no human being possesses any right to rule others; sovereignty belongs exclusively to God. 'Ali's argument was:

Yes, I also say *la hukm illa li-Allah*, in the sense that the right of legislation belongs solely to God. But their claim that the prerogative to govern and lead also belongs to God is not reasonable. After all, the laws of God need to be implemented by human beings.

Men cannot do without a ruler, good or evil.¹ It is under the protection of a State that the believers strive for God's sake, and the unbelievers derive material benefit from their worldly endeavours, and men attain the fruits of their labours. It is through the authority of State that taxes are collected, aggressors are repelled, the security of highways is maintained, and the weak reclaim their rights (through courts of law) from the strong.

(This process continues) until the good citizens are happy and secure from the evils of miscreants. (*Nahj al-balaghah, Khutab 40*)

'Ali ('a), like other godly men and spiritual leaders, despises temporal power and political office for being lowly and degrading when an instrument of gratification of lust for power and political ambition. He looks down upon it with extreme contempt when it is desired as an end-in-itself and aspired as an ideal of life.

He considers such kind of power to be devoid of any value and considers it to be more detestable than 'a pig's bone in a leper's hand.'

But the same power and leadership if used as a means for the establishment and execution of social justice and service to society is regarded by him as a thing of paramount sanctity, for which he is willing to fight any opportunist and political adventurer seeking to grab power and illegitimate wealth. In its defence, he does not hesitate to draw his sword against plunderers and usurpers.

During the days of 'Ali's caliphate, 'Abd Allah ibn al-'Abbas once came to him. He found 'Ali mending his old shoes with his own hand. Turning to Ibn al-'Abbas, 'Ali asked him, "How much do you think is this shoe worth?" "Nothing," replied Ibn al-'Abbas. 'Ali said, "But the same shoe is of more worth to me than

authority over you if it were not to me a means for establishing justice, recovering the rights of the deprived, and wiping out evil practices.” (*Khutab* 33)

In the sermon 216, we come across a general discussion about human rights and duties. Here, 'Ali states that every right always involves two parties.

Of the various Divine duties the ones which God has ordained are duties of people towards people; they are framed in such a way that each right necessitates a duty towards others; each right which benefits an individual or a group, holds the individual or group responsible to fulfil some duty towards others. Every duty becomes binding when the other party also fulfils his duty. He says further regarding this issue:

But the most important of the reciprocal rights that God has made obligatory is the right of the ruler over the subjects and the rights of the subjects over the ruler. It is a mutual and reciprocal obligation decreed by God for them. He has made it the basis of the strength of their society and their religion. Consequently, the subjects cannot prosper unless the rulers are righteous. The rulers cannot be righteous unless the subjects are firm and steadfast.

If the subjects fulfil their duties toward the ruler and the ruler his duty to them, then righteousness prevails amongst them. Only then the objectives of the religion are realized, the pillars of justice become stable and wholesome traditions become established. In this way, better conditions of life and social environment emerge. The people become eager to safeguard the integrity of the State, and thus frustrate the plots of its enemies. (*Khutab* 126)

Justice, a Supreme Value

The first consequence of the sacred teachings of Islam was the influence exercised on the minds and ideas of its adherents. Not only did Islam introduce new teachings regarding the world, man, and his society, but also changed the ways of thinking. The importance of the latter achievement is not less than the former.

Every teacher imparts new knowledge to his pupils and every school of thought furnishes new information to its adherents. But the teachers and schools of thought who furnish their followers with a new logic and revolutionize their ways of thinking altogether, are few.

But how do the ways of thinking change and one logic replaces another? This requires some elucidation.

Man by virtue of being a rational creature thinks rationally on scientific and social issues. His arguments, intentionally or unintentionally, are based on certain principles and axioms. All his conclusions are drawn and judgements are based on them. The difference in ways of thinking originates precisely in these first principles or axioms, used as the ground of inferences and conclusions.

Here it is crucial what premises and axioms form the foundation for inference, and here lies the cause of all disparity in inferences and conclusions. In every age there is a close similarity between the ways of thinking of those familiar with the intellectual spirit of the age on scientific issues.

However, the difference is conspicuous between the intellectual spirits of different ages. But in regard to social problems, such a similarity and consensus is not found even among persons who are contemporaries.

There is a secret behind this, to expound which would take us outside the scope of the present discussion.

Man, in his confrontation with social and moral problems, is inevitably led to adopt some sort of value-orientation. In his estimations he arrives at a certain hierarchy of values in which he arranges all the issues. This order or hierarchy of values plays a significant role in the adoption of the kind of basic premises and axioms he utilizes. It makes him think differently from others who have differently evaluated the issues and have arrived at a different hierarchy of values. This is what leads to disparity among ways of thinking.

Take for example the question of feminine chastity, which is a matter of social significance. Do all people prescribe a similar system of evaluation with regard to this issue? Certainly not. There is a great amount of disparity between views.

For some its significance is near zero and it plays no part in their thinking. For some the matter is of utmost value. Such persons regard life as worthless in an environment where feminine chastity is regarded as unimportant.

When we say that Islam revolutionized the ways of thinking, what is meant is that it drastically altered their system and hierarchy of values. It elevated values like *taqwa* (God-fearing), which had no value at all in the past, to a very high status and attached an unprecedented importance to it. On the other hand, it deflated the value of such factors as blood, race and the like, which in the pre-Islamic days were of predominant significance, bringing their worth to zero.

Justice is one of the values revived by Islam and given an extraordinary status. It is true that Islam recommended justice and stressed its implementation, but what is very significant is that it elevated its value in society. It is better to leave the elaboration of this point to 'Ali ('a) himself, and see what the *Nahj al-balaghah* says. A man of intelligence and understanding puts the following question to Amir al-Mu'minin 'Ali ('a):

“Which is superior, justice or generosity?” (Hikam 437)

Here the question is about two human qualities. Man has always detested oppression and injustice and has also held in high regard acts of kindness and benevolence performed without the hope of reward or

return.

Apparently the answer to the above question seems both obvious and easy: generosity is superior to justice, for what is justice except observance of the rights of others and avoiding violating them; but a generous man willingly foregoes his own right in favour of another person.

The just man does not transgress the rights of others or he safeguards their rights from being violated. But the generous man sacrifices his own right for another's sake. Therefore, generosity must be superior to justice.

In truth, the above reasoning appears to be quite valid when we estimate their worth from the viewpoint of individual morality, and generosity, more than justice, seems to be the sign of human perfection and the nobleness of the human soul. But 'Ali's reply is contrary to the above answer. 'Ali ('a) gives two reasons for superiority of justice over generosity. Firstly he says:

Justice puts things in their proper place and generosity diverts them from their (natural) direction.

For, the meaning of justice is that the natural deservedness of everybody must be taken into consideration; everyone should be given his due according to his work, ability and qualifications. Society is comparable to a machine whose every part has a proper place and function.

It is true that generosity is a quality of great worth from the point of view that the generous man donates to another what legitimately belongs to himself, but we must note that it is an unnatural occurrence. It may be compared to a body one of whose organs is malfunctioning, and its other healthy organs and members temporarily redirect their activity to the recovery of the suffering organ.

From the point of view of society, it would be far more preferable if the society did not possess such sick members at all, so that the healthy organs and members may completely devote their activities and energies to the general growth and perfection of society, instead of being absorbed with helping and assisting of some particular member.

To return to 'Ali's reply, the other reason he gives for preferring justice to generosity is this:

Justice is the general caretaker, whereas generosity is a particular reliever.

That is, justice is like a general law which is applicable to the management of all the affairs of society. Its benefit is universal and all-embracing; it is the highway which serves all and everyone. But generosity is something exceptional and limited, which cannot be always relied upon. Basically, if generosity were to become a general rule, it would no longer be regarded as such. Deriving his conclusion, Ali ('a) says:

“Consequently, justice is the nobler of the two and possesses the greater merit. This way of thinking about man and human problems is one based on a specific value system rooted in the idea of the fundamental importance of society. In this system of values, social principles and criteria precede the

norms of individual morality. The former is a principle, whereas the latter is only a ramification. The former is a trunk, while the latter is a branch of it. The former is the foundation of the structure, whereas the latter is an embellishment.”

From 'Ali's viewpoint, it is the principle of justice that is of crucial significance in preserving the balance of society, and winning goodwill of the public. Its practice can ensure the health of society and bring peace to its soul.

Oppression, injustice and discrimination cannot bring peace and happiness—even to the tyrant or the one in whose interest the injustice is perpetrated. Justice is like a public highway which has room for all and through which everyone may pass without impediment. But injustice and oppression constitute a blind alley which does not lead even the oppressor to his desired destination.

As is known, during his caliphate, 'Uthman ibn 'Affan put a portion of the public property of the Muslims at the disposal of his kinsmen and friends. After the death of 'Uthman, 'Ali ('a) assumed power. 'Ali ('a) was advised by some to overlook whatever injustices had occurred in the past and to do nothing about them, confining his efforts to what would befall from then on during his own caliphate. But to this his reply was:

A long standing right does not become invalid!

Then he exclaimed: “By God, even if I find that by such misappropriated money women have been married or slave-maids have been bought, I would reclaim it and have it returned to the public treasury, because:

There is a wide scope and room in the dispensation of justice. [Justice is vast enough to include and envelop everyone;] he who [being of a diseased temperament] finds restriction and hardship in justic should know that the path of injustice and oppression is harder and even more restricted. (*Khutab* 15)

Justice, according to this conception, is a barrier and limit to be observed, respected, and believed in by every person. All should be content to remain within its limits. But if its limits are broken and violated, and the belief in it and respect for it are lost, human greed and lust, being insatiable by nature, would not stop at any limit; the further man advances on this interminable journey of greed and lust, the greater becomes his dissatisfaction.

Indifference to Injustice

'Ali ('a) regards justice to be a duty and a Divine trust; rather, to him it is a Divine sanctity. He does not expect a Muslim who is aware and informed about the teachings of Islam to be an idle spectator at the scenes of injustice and discrimination.

In the sermon called '*al-Shiqshiqiyah*', after relating the pathetic political episodes of the past, 'Ali ('a)

proceeds to advance his reasons for accepting the caliphate. He mentions how, after the assassination of 'Uthman, the people thronged around him urging him to accept the leadership of Muslims.

But 'Ali ('a), after the unfortunate events of the past and being aware of the extent of deterioration in the prevailing situation, was not disposed to accept that grave responsibility. Nevertheless, he saw that should he reject the caliphate, the face of truth would become still more clouded, and it might be alleged that he was not interested in this matter from the very beginning, and that he gave no importance to such affairs.

Moreover, in view of the fact that Islam does not consider it permissible for anyone to remain an idle spectator in a society divided into two classes of the oppressed and the oppressor, one suffering the pangs of hunger and the other well-fed and uneasy with the discomforts of over-eating, there was no alternative for 'Ali ('a) but to shoulder this heavy responsibility. He himself explains this in the aforementioned sermon:

(By Him who split the grain and created living things,) had it not been for the presence of the pressing crowd, were it not for the establishment of (God's) testimony upon me through the existence of supporters, and had it not been for the pledge of God with the learned, to the effect that they should not connive with the gluttony of the oppressor and the hunger of the oppressed, I would have cast the reins of [the camel of] the caliphate on its own shoulders and would have made the last one drink from the same cup that I made the first one to drink (i.e. I would have taken the same stance towards the caliphate as at the time of the first caliph).

(Then you would have seen that in my view the world of yours is not worth more than a goat's sneeze.)
(*Khutab 3*)

Justice Should not be Compromised

Favouritism, nepotism, partiality and shutting up of mouths by big morsels, have always been the essential tools of politicians. Now a man had assumed power and captained the ship of the caliphate who profoundly detested these things.

In fact his main objective was to struggle and fight against this kind of politics. Naturally, with the very inception of 'Ali's reign, the politicians with their hopes and expectations were disappointed.

Their disappointment soon grew into subversive conspiracies against 'Ali's government, creating for him many a headache. Well-meaning friends, with sincere goodwill, advised 'Ali ('a) to adopt greater flexibility in his policies for the sake of higher interests. Their advice was: "Extricate yourself from the ruses of these demagogues, as is said, 'sewing the dog's mouth with a big morsel'.

These are influential persons, some of whom are from the elite of the early days of Islam. Presently, your real enemy is Mu'awiyah, who is in control of a rich and fertile province like Syria. The wisdom lies

in setting aside, for the time being, the matter of equality and justice. What harm there is in it?"

'Ali ('a) replied to them:

Do you ask me to seek support through injustice [to my subjects and to sacrifice justice for the sake of political advantage]? By God! I will not do it as long as the world lasts and one star follows another in the sky [i.e. I will not do it as long as the order of the universe exists]. Even if it were my own property I would distribute it with justice, and why not when it is the property of God and when I am His trustee? (*Khutab* 126)

This is an example of how highly 'Ali valued justice and what status it held in his opinion.

The Rights of the People

The needs of a human being are not summarized in the phrase 'food, clothing, and housing.' It may be possible to keep an animal happy by satisfying all its bodily needs; but in the case of man, spiritual and psychological factors are as important as the physical ones. Different governments following a similar course in providing for the material welfare of the public might achieve differing results, because one of them fulfils the psychological needs of society while the other doesn't.

One of the pivotal factors which contribute to the securing of the goodwill of the masses is the way a government views them, if it regards them as its slaves or as its masters and guardians, if it considers the people as possessing legitimate rights and itself only as their trustee, agent, and representative.

In the first case, whatever service a government may perform for the people is not more than a kind of the master's care of his beast. In the second case, every service performed is equivalent to discharging of duty by a right trustee. A State's acknowledgement of the authentic rights of the people and avoidance of any kind of action that implies negation of their right of sovereignty, are the primary conditions for securing their confidence and goodwill.

The Church and the Right of Sovereignty

At the dawn of the modern age there was a movement against religion in Europe, which also affected more or less other regions outside the Christendom. This movement was inclined towards materialism.

When we examine the causes and roots of this movement, we discover that one of them was the inadequacy of the teachings of the Church from the viewpoint of political rights. The Church authorities, and some European philosophers, developed an artificial relationship and association between belief in God on the one hand and stripping the people of their political rights by despotic regimes on the other.

Naturally, this led to the assumption of some necessary relation between democracy on the one hand and atheism on the other. It came to be believed that either we should choose the belief in God and

accept the right of sovereignty bestowed by Him upon certain individuals who have otherwise no superiority over others, or deny the existence of God so as to establish our right as masters of our own political destinies.

From the point of view of religious psychology, one of the causes of the decline of the influence of religion was the contradiction between religion and a natural social need, contrived by religious authorities, especially at a time when that need expressed itself strongly at the level of public consciousness.

Right at a time when despotism and repression had reached their peak in European political life and the people were thirstily cherishing the ideas of liberty and people's sovereignty, the Church and its supporters made an assertion that the people had only duties and responsibilities towards the State and had no rights.

This was sufficient to turn the lovers of liberty and democracy against religion and God in general and the Church in particular.

This mode of thought, in the West as well as in the East, was deeply rooted from ancient times. Jean-Jacques Rousseau, in *The Social Contract*, writes:

We are told by Philo, the Emperor Caligula argued, concluding, reasonably enough on this same analogy, that kings were gods or alternately that the people were animals.

During the Middle Ages, this outlook was revived again; since it assumed the status of religious faith, it induced a revolt against religion itself. Rousseau, in the same book, writes:

Grotius denies that all human government is established for the benefit of the governed, and he cites the example of slavery. His characteristic method of reasoning is always to offer fact as a proof of right.

It is possible to imagine a more logical method, but not one more favourable to tyrants. According to Grotius, therefore, it is doubtful whether humanity belongs to a hundred men, or whether these hundred men belong to humanity, though he seems throughout his book to lean to the first of these views, which is also that of Hobbes. These authors show us the human race divided into herds of cattle, each with a master who presents it only in order to devour its members.²

Rousseau, who calls such a right 'the right of might' (right=force), replies to this logic in this fashion:

'Obey those in power.' If this means 'yield to force' the precept is sound, but superfluous; it has never, I suggest, been violated. All power comes from God, I agree; but so does every disease, and no one forbids us to summon a physician.

If I am held up by a robber at the edge of a wood, force compels me to hand over my purse. But if I could somehow contrive to keep the purse from him, would I still be obliged in conscience to surrender

it? After all, the pistol in the robber's hand is undoubtedly a power. 3

Hobbes, whose views have been referred to above, although he does not incline to God in his totalitarian logic, the basis of his philosophic position regarding political rights is that the sovereign represents and personifies the will of the people and he actually translates the will of the people itself into his actions.

However, when we closely examine his reasoning, we find that he has been influenced by the ideas of the Church. Hobbes claims that individual liberty is not contrary to unlimited power of the sovereign. He writes:

Nevertheless we are not to understand that by such liberty the sovereign power of life and death is either abolished or limited. For it has been already shown that nothing the sovereign representative can do to a subject, on what pretence soever, can properly be called injustice or injury, because every subject is the author of every act the sovereign does, so that he never wants right to anything otherwise than as he himself is the subject of God and bound thereby to observe the laws of nature.

And therefore it may and does often happen in commonwealths that a subject may be put to death by the command of the sovereign power and yet neither do the other wrong—as when Jephtha caused his daughter to be sacrificed; in which, and the like cases, he that so dies, had the liberty to do the action for which he is nevertheless without injury put to death.

And the same hold also in a sovereign prince that puts to death an innocent subject. For though the action be against the law of nature as being contrary to equity, as was the killing of Uriah by David, yet it was not an injury to Uriah but to God. 4

As can be noticed, in this philosophy the responsibility to God is assumed to negate the responsibility toward the people. Acknowledgement of duty to God is considered sufficient in order that the people may have no rights.

Justice, here, is what the sovereign does and oppression and injustice have no meaning. In other words, duty to (God is assumed to annul the duty to man, and the right of God to override the rights of men. Indubitably, Hobbes, though apparently a free thinker independent of the ideology of the Church, had ecclesiastical ideas not penetrated into his mind, would not have developed such a theory.

Precisely that which is totally absent from such philosophies is the idea that faith and belief in God should be considered conducive to establishment of justice and realization of human rights. The truth is that, firstly, the belief in God is the foundation of the idea of justice and inalienable human rights; it is only through acceptance of the existence of God that it is possible to affirm innate human rights and uphold true justice as two realities independent of any premise and convention; secondly, it is the best guarantee for their execution in practice.

The approach of the Nahj al-balaghah

The approach of the *Nahj al-balaghah* to justice and human rights rests on the above-mentioned foundations. In sermon 216, from which we have quoted before, 'Ali ('a) says:

Allah has, by encharging me with your affairs, given me a right over you and awarded you a similar right over me. The issue of rights, as a subject of discourse, is inexhaustible, but is the most restricted of things when it comes to practice. A right does not accrue in favour of any person unless it accrues against him also, and it does not accrue against him unless that it also accrues in his favour.

As can be noticed from the above passage, God is central to 'Ali's statement about justice, rights, and duties. But 'Ali's stand is opposed to the aforementioned view according to which God has bestowed rights on only a handful of individuals solely responsible to Him, and has deprived the rest of people of these rights, making them responsible not only to Him but also to those who have been granted by Him the unlimited privilege to rule others.

As a result, the ideas of justice and injustice in regard to the relationship between the ruler and the ruled become meaningless.

In the same sermon 'Ali ('a) says:

No individual, however eminent and high his station in religion, is not above needing cooperation of the people in discharging his obligations and the responsibilities placed upon him by God. Again, no man, however humble and insignificant in the eyes of others, is not too low to be ignored for the purpose of his cooperation and providing assistance.

In the same sermon, 'Ali ('a) asks the people not to address him in the way despots are addressed:

Do not address me in the manner despots are addressed [i.e. Do not address me by titles that are used to flatter despots and tyrants]. In your attitude towards me do not entertain the kind of considerations that are adopted in the presence of unpredictable tyrants. Do not treat me with affected and obsequious manners.

Do not imagine that your candour would displease me or that I expect you to treat me with veneration. One who finds it disagreeable to face truth and just criticism, would find it more detestable to act upon them. Therefore, do not deny me a word of truth or a just advice.

The Rulers are the People's Trustees Not Their Lords

In the last chapter, we said that a dangerous and misleading view became current in the thought of some modern European thinkers interlinking in an unnatural fashion the belief in God on the one hand and negation of peoples rights on the other.

This correlation played a significant role in inducing a group to incline towards materialism. Duty and responsibility to God was assumed to necessarily negate the duty and responsibility to the people. Divine obligations completely displaced human obligations.

The belief and faith in God (Who, according to the Islamic teachings, created the universe on the principles of truth and justice) was considered to conflict with and contradict the belief in innate and natural human rights, instead of being regarded as their basis. Naturally, belief in the right of people's sovereignty was equated with atheism.

From Islamic point of view the case is actually the reverse. In the *Nahj al-balaghah*, which is the subject of our discussion, the main topics are *tawhid* and *'irfan*; throughout the talk is about God, whose Name occurs repeatedly everywhere in its pages.

Nevertheless, it not only does not neglect to discuss the rights of the people and their privileges vis-a-vis the ruler, in fact regarding the ruler as the trustee and protector of their rights, but also lays great emphasis on this point.

According to the logic of this noble book, the imam and the ruler is the protector and trustee of the rights of the people and responsible to them. If one is asked as to which of them exists for the other, it is the ruler¹ who exists for the people and not vice versa. Sa'di has a similar idea in his mind when he says:

It's not the sheep who are to serve the shepherd, But it is the shepherd who is for their service.

The word *ra'iyyah* (lit. herd), despite that it gradually acquired an abominable meaning in the Persian language, has an original meaning which is essentially good and humanitarian. The word *ra'i* for the ruler and *ra'iyyah* for the masses first appears in the speech of the Prophet ('s) and is literally used thereafter by 'Ali ('a).

This word is derived from the root *ra'a*, which carries the sense of 'protection' and 'safeguarding'. The word *ra'iyyah* is applied to the people for the reason that the ruler is responsible for protecting their lives, property, rights, and liberties.

A tradition related from the Holy Prophet ('s) throws full light on the meaning of this word:

Truly, everyone of you is a *raii* responsible for his *rai'yyah*. The ruler is the *ra'i* of his people and responsible for them; the woman is the *ra'i* of her husband's house and responsible for it; the slave is the *ra'i* of his master's property and responsible for it; indeed all of you are *ra'i* and responsible [for those under your charge]. 5

In the preceding pages we cited some examples from the *Nahj al-balaghah* which illustrated 'Ali's outlook regarding the rights of the people. Here we shall give sample quotes from other sources, beginning with the following verse of the Holy Qur'an:

“God commands you to deliver trusts back to their owners; and that when you judge between the people, judge with justice ... “(4:58)

Al-Tabarsi, in his exegesis *Majma' al-bayan*, commenting upon this verse, remarks:

There are several opinions regarding the meaning of this verse; firstly, that it is about trusts in general, including the Divine and the non Divine, the material and the non-material trusts; secondly, that it is addressed to the rulers, and that God, by making the returning of the trusts an obligation, is commanding them to observe the rights of the people.

Then he further adds:

“This is corroborated by the verse immediately following it: O believers, obey God, and obey the Messenger and those in authority among you ...” (4:59)

According to this verse the people are bound to obey the commands of God, His Messenger and those in authority (*wulat al-'amr*). While the preceding verse mentions the rights of the people, this one reiterates the complementary rights of those in authority.

It has been related from the Imams ('a) that 'one of these two verses is ours (i.e. it establishes our rights in relation to you), and the other is yours (i.e. it outlines your rights in relation to us)' ... Al-Imam al-Baqir ('a) said that the performanee of *salat*, *zakat*, *sawm*, and *Hajj* are some of the trusts (mentioned in 4:58).

One of the trusts (*amanat*) is that the *wulat al-'amr* have been commanded to justly distribute the *ghana'im*, *sadaqat*, and whatever is a part of the rights of the people, among them.

In the exegesis *al-Mizan*, in the part of the commentary upon this verse which deals with tradition, the author relates a tradition from *al-Durr al-manthur* from 'Ali ('a) that he said:

It is incumbent on the imam to rule according to the decrees revealed by God, and to discharge the trusts that he has been charged with. When he does that, it is incumbent upon the people to pay attention to the Divine command (about obeying the *wali al-'amr*), to obey him and respond to his call.

As noticed earlier, the Holy Qur'an considers the ruler and the head of the State as a trustee and a guardian; it regards just government as a fulfillment of a trust entrusted to the ruler. The approach of the Imams('a), in particular that of Amir al-Mu'minin 'Ali ('a), corresponds with the view which can be inferred from the Holy Qur'an.

Now that we know the Qur'an's view of this matter, we may go on to examine the statements of the *Nahj al-balaghah* on this issue. More than anything else, we must study 'Ali's letters to his governors, especially those which were meant to be official circulars.

It is in these letters that we would find glimpses of the teachings of Islam regarding the functions of the

ruler and his duties towards the people as well as their rights. Ali ('a), in his letter to the governor of Adharbal'ijan, reminds him of his duties towards the people in these words:

Beware lest you consider this assignment as a bait [for acquiring personal gain]; rather, it is a trust lying on your neck. You have been charged with caretaking [of the people] by your superior. It is not for you to betray your duties with respect to the people (*ra'iyyah*). (*Kutub* 5)

In another letter written as a circular to tax collectors, after a few words of advice and admonition, 'Ali ('a) says:

Fulfill the demands of justice in your relationship with the people and be patient in matters regarding their needs; because you are treasurers of the people (*ra'iyyah*), representatives of the community (*Ummah*), and envoys of your imams. *Kutub* 51

In the famous epistle to Malik al-'Ashtar, which contains elaborate instructions about various aspects of government, he writes:

Awaken your heart to kindness and mercy for the people (*ra'iyyah*) and love and tenderness for them. Never, never act with them like a predatory beast which seeks to be satiated by devouring them, for the people fall into two categories: they are either your brethren in faith or your kindred in creation ... Do not ever say, 'I have been given authority' or 'My command should be obeyed.' Because it corrupts the heart, consumes one's faith, and invites calamities.

In another letter sent as a circular to army commanders, he says:

It is an obligation that an official should not behave differently with the people (*ra'iyyah*) on account of a distinction he receives or material advantage that he may achieve. Instead these favours from Allah should bring him nearer to God's creatures and increase his compassion towards his brethren. *Kutub* 50

'Ali ('a) shows an amazing sensitivity to justice and compassion towards the people and a great respect for them and their rights, which, as reflected in his letters, is an exemplary and unique attitude towards this issue.

There is another letter in the *Nahj al-balaghah* consisting of instructions to the collectors of *zakat*, and is entitled: 'To the officials assigned to the job of collecting *zakat*'. The title indicates that it was not addressed to any particular official but sent either as a general instruction in writing or delivered as a routine oral instruction.

Al-Sayyid al-Radi has included it in the section of *kutub*, or letters, with the clarification that he is placing this letter here to show to what extent 'Ali was meticulous in matters pertaining to justice and rights of the people, being attentive not only to main points but also to minute details. Here are 'Ali's instructions:

Set out with the fear of God, Who is One and has no partner. Do not intimidate any Muslim. Do not

trespass upon his land so as to displease him. Do not take from him more than Allah's share in his property.

When you approach a tribe, at first come down at their watering place, stay there instead of entering their houses. Approach them with calm dignity and salute them when you stand amongst them, grudge not a proper greeting to them. Then say to them "O servants of God, the *Wali* and *Khalifah* of God has sent me to you to collect from you Allah's share in your property. Is there anything of His share in your property?"

If there is, return it to His *Wali*. " If someone says 'No', then do not repeat the demand. If someone answers in the affirmative, then go with him without frightening, threatening, or compelling him. Take whatever gold and silver he gives you. If he has cattle or camels, do not approach them save with his permission, because the major part belongs to him.

When you arrive (into the cattle enclosure), do not enter upon them in a bossy and rude manner ...
Kutub 25, also see 26, 27 and 46

The passages quoted above are sufficient to throw light on 'Ali's attitude as a ruler toward the people under his rule.

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1. That is, in the absence of a righteous government, an unjust government, at least preserves law and order in society, which is, of course, better than chaos and rule of jungle.
 2. Jean Jacques Rousseau, *The Social Contract* (trns. by Maurice Granston Penguin Books, 1978, p. 51
 3. (Ibid p. 53)
 4. Thomas Hobbes, *Leviathan*, The Liberal Arts Press, New York, 1958, p. 173
 5. Bukhari, *Kitab al Nikah*, vol. VIII

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