

# Diplomacy Principles: An Islamic Sufi Approach

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## Abstract

**Purpose:** The general rules of diplomacy and the manner of the Islamic government's behavior with other nations and governments from the viewpoint of Sufi mystics are investigated. The aim of diplomacy in Islam is not only summarized in getting benefits for her country. The aim of diplomacy in Islam is to develop human transcendence by divine teachings and is superior to just material benefits and privileges exchange. Basically, the Islam's government does not look at the other countries as a source of exploitation but as a brother or neighbor attempting to organize relations. In the current system of international relations in the world, so much attention has been paid to material benefits; but ethics and spiritualities are ignored.

**Design/methodology/approach:** Islamic diplomacy with the aim of improving the moralities and spiritualities attempts to create relations with other countries. Some principles for reaching this goal based on Islamic Sufism standpoints are provided.

**Findings:** 23 principles are introduced.

**Research limitations/implications:** Comparative researches in other religions' Gnosticism will be helpful.

**Practical implications:** These principles can be used for applied debates in the field and be ended to new international regulations.

**Social implications:** Delicateness, truthfulness, and righteousness of Islamic Sufism, may turn the attentions of scholars and researchers to this viewpoint, and a new set of regulations to be codified.

**Originality/value:** Political scientists have not touched the topic from a Sufi point of view. This paper brings this approach to a new challenging arena for those who are engaged in.

**Keywords:** Diplomacy, Islamic Sufism, Mysticism, Gnosticism

**Paper type:** Conceptual paper

## Introduction

Two general meanings are ascribed to the term "diplomacy". Diplomacy, in its first meaning, is the guidelines or policies of a state about international political issues, regarding to foreign states or different regions, and also concerning the treaties whether international or regional. The second meaning of diplomacy is the skill in or art of negotiation for reaching to a common understanding in the international scene. Anyhow, it is, "the conduct of relations and communication", which makes both meanings to become comprehensible<sup>2</sup>. In this chapter, we are going to explain the Islamic attitudes towards the said meanings of diplomacy in conduct of international intercourse<sup>3</sup>.

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<sup>2</sup> The meaning of "diplomacy" also consists of the said two meanings. Although its literal meaning is also "hypocrisy".

• Sir Ernest Satow, A guide to diplomatic practice, Longmans, Green & Co. London & New York, 1917. Now in 5<sup>th</sup> ed. (1998).

• The rise of the great powers: 1648-1815 Derek McKay and H.M. Scott (1983).

<sup>3</sup> Aladpoosh, Ali and Ali-Reza Totonchian (1993) Diplomacy and diplomats, Foreign Ministry Publication and Printing Organization. 46 definitions for diplomacy are given which could be categorized into the above said two concepts.

In current world's political systems the foundation of diplomacy is based on constituent factors of power such as geographical position, military forces, economical power, social and humanitarian characteristics, political stability and popularity amongst other states, which everyone of them plays special role for a state's interaction in the global system. For instance the size, situation, regional factors, natural conditions as geographical points of view could be the cause of power and dominance of a state in a region. Or the air force, the navy, the ground forces and/or the systems of mobility of forces - which is called "push button age" in this period of time - and strategic weapons and their ranges, constitute the military component of the power. Firms, production technology, economy, and contribution of state in international and regional trade all conform economic component of the power. The national characteristics, individual's morale in the society, solidarity of and homogeneity of people, ethnical-racial particularities of people, national zeal, patriotism and many other factors are among constituent elements of humanitarian -social components of the power of state. The political stability and other characteristics, which lead to the political stability of the government of a state and international prestige of country in the public opinions of the world and other states, are also considered as other components of the power of a state.

The history of human societies shows that whenever there has been a balance of powers in the international scene, infringement of rights of states and nations has seldom been occurred, and international social contract (as it has been propounded by Jan Jack Rousseau - but in its global range) has been observed to a greater degree. But whenever one of the states has acquired a better position with regard to the power, it has started the infringement of rights of the other states and nations. There are too many examples of the said subject in the history of nations, which numerous books are required to mention all of them. The history of humankind is full of this phenomenon.

Our objective in this paper is to inquire into the general rules of Islamic diplomacy and how Islamic government should behave towards other states and nations. As it has already been mentioned, in the history of Islam, the true Islamic government has only been established at the early Islam and few years of the last part of Imam Ali's life. In other periods, whether in time of Omayyad or Abbasids or other times which several kings have reigned in the Muslim's territories -although they have ruled in the name of Islam- the real objectives and outward forms of their government have been quite different compared with real Islamic government.

In official relations among the states, there are several issues, which could be observed clearly. In other words, the practical diplomacy is based on numerous principles, which the methods of establishment of international relations, leadership of diplomacy, the basic motives and ideologies behind the diplomacy, its aims, and processes and tactics of reaching the objectives are all important factors of diplomacy. The current diplomacy and Islamic diplomacy have some differences in their principles and characteristics, which we are going to discuss the important ones now.

The main objective and motive of diplomacy is principally because of establishment of communication/relation with others in the world. The said motivation has been different due to various ages and world's political systems. For instance, the aims of diplomacy could be different in the following situations, such as: different kinds of international systems, unipolar international power, bipolar or multipolar international balance of powers, the reign of law in the international relations, international feudal system, and so on. But the main common objectives among all forms of diplomacies are, and have been, acquiring security and interests.

Security means survival and self-protection, as defined by theories of political sciences. The following cases could be included in the subjects of security such as: protecting the existing situation against others (status quo), foresight to overtake the others in future, fear of losing the possessions, fear of aggression and many other cases. The acquiring interests and benefits could also be included in the following cases, such as: taking advantages from establishment of communication/relation and economic-political relations, or temptation to invade the other's possessions and/or enhancement of international credibility and reputation, and political or economic stability. Acquiring profits, which results from international trade and economic relations, has a major topic in international economics, which we are not going to discuss about it here.

During the history, the security has been established just by strengthening of the military forces, stationing the populations in safe and secured areas, and construction the protective fortifications. After growth of technology and development of communications and getting access to the long-range weapons, there has been a change in the conditions of acquiring security. Concluding multilateral treaties, using the method of Machiavellism and causing discord and disunion among other states, struggling for self-sufficiency and relative independence in national technology, and monitoring international or regional economic-political changes, they all have been among the measures and peculiarities of acquiring security in last century, although most of the said methods have also been used as methods of acquiring security in old times. Most of the said methods are considered as the bases of diplomatic procedures in acquiring security, which through establishment of international relations are manifested, in the forms of practical diplomacy.

The objective of diplomacy in Islam is not just restricted to acquiring security and benefit. In spite of paying attention to obtain all components needed for establishing security and acquiring interest for the nation and government, Islam follows a higher objective regarding planning diplomacy and establishment of international relations. In noble verse of (Al-Hujurāt XLIX, 13): **"O, mankind! Verily, We created you all from a male and female and appointed for you tribes and nations to be known. Verily, in Allāh's sight the most honorable of you is the most pious of you"**. The objective of creation is declared to be, devotion (servitude) and knowledge (gnosis). In another verse, it is said (Al-Dhariat LI, 56): **"And I have not created the Jinn and men except that they should worship Me"**. In the latter verse the phrase **"that they should worship Me"** is also reinterpreted as **"that they should know Me"**. That is to say, the objective of creation is knowledge, gnosis, awareness, and devotion (servitude). Some people believe that the term "to be known" is an adverb for nations and tribes; that is to say, the objective of the creation has been knowing each other in the nations and tribes. Anyhow, the said verse propounds the means to the ends of creation as similarity of humankind and knowing the others, in other words, establishment of relations amongst tribes and nations.

Multiplicity of nations and tribes is one of the peculiarities of creation. Some people have protested that why Almighty God has not created all human beings in one nation or tribe. In Glorious Qur'ān it is said (Al-Mā'idah V, 48 and several similar verses): **"For each of you, We have given a code of law and an open method and way; and if Allāh had intended, He would have made you one nation. But Allāh's will is to try you in what He has given to each of you. You people should compete one another in goodness. To Allāh is return of you all; and then He shall inform you about what you disputed"**.

In another verse it is said (Al-Hajj XXII, 67 also XXII, 34): **"And to every nation, We have appointed ways of worship and rites which they act upon. So they should not dispute with you about the matter, so call them to the way of your Lord, surely you are on the straight path"**. It means that the laws, regulations, and ways of each nation are respectful for themselves. Therefore, let them be on their religious rites and you on your own religious rites, although your religious laws are shorter and more straight way compared with other religious laws.

It would not be too far from the reality if it be argued that the reason for making various nations, and the will of divine providence to create different tribes and communities, had been their disobedience, because it is said (Yūnus X, 19): **"Mankind were but one community, then they differed"**. And in another noble verse it is said (Al-Baqarah II, 213): **"At the beginning, people were one nation; then Allāh sent Messengers as givers of glad-tidings and warners; and sent down (with them) the book with the truth to judge between men in whatever they differed"**.

The objectives of Islamic diplomacy is extension of human exaltation under the divine teaching, which says (Al-Taubah IX, 6): **"And if anyone of the idolaters seek refuge in you (O, Messenger) grant him, so that may hear words of Allāh and then escort him to where he can be secured, that is because they are a people who lack knowledge"**. This verse is addressed to the honorable Messenger of Islam. He is told that you should make the idolaters hear the words of Allāh; you should grant them shelter and then escort them to a secured place; you have to suffer the hardship of making them hear the words of Allāh through your statements, therefore they might change their way of living and get closer to

the path of Allāh. This kind of confrontation reveals the objective of diplomacy in Islam. It teaches us how there should be the method of conducting relations in Islam. In other words, one of the methods of Allāh to make the people approach nearer to His path is that He makes His messenger to suffer hardship until the idolaters being able to hear the words of Allāh through the statements of the messenger. And these words are neither an authoritative order, nor a command and not a prohibition, but just a conversation like common negotiations. This kind of invitation could be seen with subtlety in sūrah of al-Nahl which says (Al-Nahl XVI, 125): **"Invite (mankind) to the way of your Lord with divine reasoning and fair preaching and argue with them in the best manner. Truly your Lord is in the supreme position to know who has gone astray from His path and who are the guided ones"**.

The topic of conducting diplomacy returns to the subject, definition and particularities of Islamic government. The Islam's government is principally under the control and sovereignty of the prophet, divine guardian or divine executor, otherwise the government bears only the name of Islam. In Islamic government religious adherence is obligatory, but in those governments which bear only the name of Islam there is no religious obligation to obey them. For instance, there is no religious obligation to obey the tyrant caliphs of Omayyads and Abbasids and/or the like governments. On the contrary, cooperation with them might cause weakness of the impeccables. As it is mentioned in the story of Safwān Jammāl, who was cautioned by His honorable Imām Sadiq (A) not to lease out his camels to the caliph. The story is explained in the narrational books in details. His honorable criticized Safwan on this very point that: "Because you desire your camels return back safely, consequently you desire heartfully that the caliph be also back safely, even this amount of your hearty inclination is not desirable.

Anyhow, if the authorization of the prophets and divine guardians and divine executors be attached to the government authorities, then the government would be considered as Islamic government, that is to say, in one way or another the sovereignty is under the control of those persons who are religiously authorized or under the control of the holders of the authority, which is said (Al-Nisa IV, 59): **"Obey Allāh and obey messenger and those governors among you who have received divine authorities"**. Otherwise, obedience on the basis of religious laws shall not be applicable but obedience on the basis of statutory laws as well as legal legitimacy is justified. Because it is based on "social contract" among the people of the society which is respectable and binding within the realm of law.

In political systems, the management and conducting diplomacy is under the control of the head of executive power and his executive organizations. This subject has its own special differences in various systems. In Islamic government the prophet, or divine guardian or divine executor are responsible for the management and conducting the diplomacy. As a general rule, the holders of authority have the responsibility of management and conducting diplomacy as well as leadership of the society.<sup>4</sup>

The methods of conducting diplomacy are almost alike in political systems, which are performed through negotiations. According to the said methods, the establishment of international relations is influenced by the bargaining conditions and exchanging privileges. In a manner that the governments normally define their relations with other governments just by taking the exchanged privileges into consideration among themselves.

Diplomatic procedures in Islam are superior to material process of exchanging privileges. The Islamic government basically does not take other countries as the sources of acquiring profit. On the contrary, they will be taken as brothers and/or neighbors for establishment of relations. The brotherly and neighborly tasks are quite different from national and international mutual understanding and friendship as defined in today's world that are all based on martial concerns. Of course, the material things and economy are not precluded by Islam but they are not the main goal of relationship. In other words, material things and economy are used as means for spiritual and moral exaltation of the society and they are not used just for the welfare and bodily pleasures, in Islam. Whereas in international relations of global system, the attention is only focused on acquiring material things so that morality and spirituality are trampled down by economic concerns. Therefore, Islamic diplomacy by taking the moral and spiritual

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<sup>4</sup> Bidabad Bijan and Abdulreza Harsini (2003), Religious-economic analysis of insurance and characteristics of Islamic government. Monetary and Banking Research Academy, Central Bank of Iran, 2003. <http://bidabad.com/doc/bimeh6.html>.

exaltation of the society into consideration attempts to establish relationship with other countries; and for achieving the said goals follows significant principles that we are going to enumerate some of them.

### **1- Principle of: The assignment based on authorization**

In Islam, attaining religious, judicial, political and executive assignments are based on authorization. Nobody has the right to interfere and/or make decision using his own discretion, even, in trivial secondary issues. In Āyat-al-Korsi (the Throne verse) of Glorious Qur'ān, the intercession is exclusively based on authorization, which says (Al-Baqarah II, 255): "**Who dares to intercede in Allāh's presence without His leave**". According to the said verse, the intercession and consequently the oath of allegiance and connection to God and as a general rule "the religion" are exclusive rights of the holder of authorization. The Leader of the believers, Imām Ali (A) addresses Shoreih (the judge) and says: "O, Shoreih, the position you are holding is the position where only the prophet or divine executor and/or a wretched person shall hold it",<sup>5</sup> That is to say, the position of judging and making decisions on ramifications of the religion and trivial religious issues are all exclusive rights of the prophets or their appointed divine executors; and the truth of the said issues are restricted to the holders of authorization. Therefore, at present time, the true religious scholars observe the narrational authorization. They connect their narrational authorization through correct ways/connections to the impeccable. And he who has no authorization for narrating the traditions, shall be even excused and forbidden to narrate or state the narrations and traditions, otherwise their rulings would be the cause of lewdness, injustice and disbelief of the persons who give the rulings. Because it is said in Glorious Qur'an that (Al-Mā'idah V, 44): "**And whosoever does not judge by Allāh's words of decrees, such are the disbelievers**". And following the said verse says (Al-Mā'idah V, 45): "**such are the unjust**". And then follows that (Al-Mā'idah V, 47): "**such are mischief makers**". Almighty God due to the importance of the subject has repeated it for three consecutive times in Glorious Qur'an.

In early Islam all official positions were assigned by the Messenger of Allah which was due to the importance of authorization, and obedience of all persons from the holder of the decree. Because Allāh has restricted the obedience to Himself and His messenger and the holders of the authority (Al-Nisā IV, 59), and this obedience is prerequisite of growth in inward guidance and keeping order in political government of Islam. In other political governments, only the second part of the latter is taken into consideration but in Islam the spiritual growth and human moral transcendence of people is also taken into consideration. The said transcendence and evolution would not take place unless through the guidance of those persons who are assigned to train and educate the people, which said (Al-Kahf XVIII, 17): "**So whom He guides, he is on the right path and whom He leaves in his astray, for whom there has not been any guiding guardian**".

So that the official positions of taking oath of allegiance, guidance, proselytizing, directing, narration of the traditions and issuing religious rulings, whether during the occultation and/or at the time of advent are restricted to the Upholder of Muhammad's progeny or his representatives, and judicial, political and emissary positions at the time of rising of his honorable and assuming the control of the government would also be restricted to him and those representatives who are appointed by him. It should be noted that all official positions, which leads to the governance over the people, belongs also to his honorable; and the kings and rulers have usurped and appropriated them wrongfully and are ruling over the people without having authorization from the Almighty God. Glorious Qur'an says (Yūnus X, 3): "**There is no intercessor, save after Allāh's leave**".

In international diplomacy, similar issues could also be observed. The official representatives who are accredited by the head of a government act as the main mediators. The titles and diplomatic hierarchy in accordance with the conditions of those days had been propounded in Vienna Congress (1815) and Aix la Chapelle (1818). The Vienna Convention<sup>6</sup> (18 April 1961) on Diplomatic Relations, binds contracting parties to observe the formalities of presenting the credentials of the ambassadors to the officials of

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<sup>5</sup> Al-Kafi 1, 406.

<sup>6</sup> American journal of international law (1961) pp. 1062-1082.

receiving state. And if, for any reason, one of the parties (whether sending state or receiving state) loses its legal legitimacy then the ambassador's assignment would also be terminated. For instance after replacement of the king or the president, the ambassadors should present their credentials to the new king. Or whenever the diplomatic rank of a diplomat is changed, his competency should be renewed and when the assignment of an ambassador is terminated his successor should present his credential to the head of receiving state.<sup>7</sup> Another instance is when there is a change in the governments. When a government or sovereign is changed in a country, whether legally or through using force, renewing the covenant with other states or governments and with the representatives and ambassadors of new government is necessary. This procedures and formalities are similar to the ceremony of renewing the oath of allegiance in Islam. That is to say, after demise of the viceroy of Allāh in each time, the believers should swear (renew) oath of allegiance with the new viceroy and/or his representatives again. The story of Qadir-e-KHom (the pond of Qadir) and setting up a tent by Imam Ali (A), which all believers took oath of allegiance with His Excellency even prior to demise of honorable Messenger of Islam is, due to its importance, recorded in the history. Glorious Qur'an says (Al-Baqarah II, 134): "**They were a nation who passed away; they shall receive the reward of what they did, and you of what you did; and you shall not be questioned of what they did**". It denotes this very point that subsequent governments and sovereigns should ratify and confirm the past decrees, assignments and treaties again.

## **2- Principle of: Obeying the holders of authority**

As it has been already mentioned, holding religious positions in Islam and social positions in Islamic government are all based on authorization, and every measure taken without having the permission of the holders of authority would be considered as meddle in the Almighty God's affairs. Therefore, it is only ordered to obey Almighty God, the messenger (S) and the holders of authority, and this obedience is obligatory. The Glorious Qur'an says (Al-Nisā IV, 59): "**O, you who believe! Obey Allāh and obey messenger and those from among you who have received divine authorities. If you differ in anything among yourselves, refer it to Allāh and His messenger, if you believe in Allāh and in the Last Day, this is better and more suitable for final conclusion**".

This principle is one of the principles, which has deterrent effect on self-imitated diplomacy, or discretionary judgments, which could be one of the sources of diplomatic corruption in the international scene. Therefore, these kinds of powers are removed from the common people and are granted to the holder of authority who has the merits of establishment of Islamic laws and regulation throughout the world.

## **3- Principle of: Diplomatic responsibility**

In common usage of international diplomacy and according to the Article 3 of Vienna Convention on Diplomatic Relations, the political mission/agents and diplomats are sent to perform some special functions. The said functions consist in:

- a- Representing the sending state in the receiving state.
- b- Protecting the interests of the sending state.
- c- Negotiating with the government of the receiving state.
- d- Reporting the conditions and developments in the receiving state to the government of sending state.
- e- Promoting and developing the economic, cultural and scientific relations between the sending state and the receiving state.

The purport and content of the responsibility of Islamic government's political agent, with regard to all of the abovementioned functions, is much broader than those which are taken into consideration by other governments. As a general rule the Islamic agents are not excused but they are all responsible for

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<sup>7</sup> About the said subjects and similar issues see: Kazemi Aliasghar (1986), Modern diplomacy in the age of changes in international relations, the Bureau political and international studies, affiliated to Foreign Affairs Ministry, Tehran, Iran.

their actions.<sup>8</sup> That is to say, they are under obligation to perform their functions in such a way that leads to establishment of right rather than performance of their nominal functions. In other words the political agent's missionary in Islam is prevalence of the justice (right) against injustice, in the vast meaning of justice and injustice as it has been already explained. "Justice" (right) means optimum of activities and "injustice" means non-optimal activities as it is used in mathematical and economic terminologies. The functions of political agent in Islam are not just protecting national, ethnical and/or individual interests. And when he is sent as representative or negotiator or reporter and/or for promoting relation, he is principally sent to protect the humankind's interests. He is not sent to protect the interests of sending state or his chief and/or his own interests. Because in the said missionary his tasks are protecting and taking care and paying attention to all bondmen of Allah, according to their dignity and position. For this very reason that Allah loves all His creatures. He has created them and all creatures are cherished by Him. So that His agent should also respect them all, otherwise his Lord, namely God would be filled with anger with his actions. On the said subject, the following verse is the words of Allah who says (Al-Mu'minun XXIII, 115): **"Did you think that We created you in vain and you will not return to us?"** In this way, the diplomats or agents are held accountable for their actions. They are all responsible for their actions and related consequences in front of divine court, whether in this world or in the Hereafter. As a general rule, Glorious Qur'an says (Al-Tur LII, 21): **"Everyone is in pledge of his own deeds"**. The Leader of the believers Imam Ali (A) in the decree to Malik Ashtar says: "O, Malik, when you hear the orders of your superior officer, you should compare it with the commandment of Allah. If Almighty God forbids you to do such an action, beware not to sacrifice the creator's decree in the way of the creature's desires. Never say that I am an agent and excused from any responsibility. Never say that I am ordered to do so, and I have to obey unquestioningly. Never be tempted that other peoples should obey you unquestioningly. Never impose your leadership on other people just for this reason that you are backed by the position of caliphate."<sup>9</sup>

#### **4- Principle of: Political immunity and social or personal non-immunity for diplomats**

From faraway times up to the present time, diplomatic immunity has been of the most important issues of practical diplomacy which various changes as well as ups and downs have been occurred in the range of its validity. Once there was a custom that, to give a serious warning to the sending state, their ambassadors were decapitated and their heads were sent to the king or the ruler of the sending state. On the contrary there have been occasions that by establishment of the rules of capitulation, the non-political attaché of specific governments were excused from being tried in the courts of domestic governments. In Roman Empire, political immunity was considered as one of the divine rights and/or human rights by Cicero. Montesquieu introduces the ambassador as the tongue of sending ruler and says: "the tongue of the king and/or the ruler should be free (from any restriction)".<sup>10</sup> Diplomats' immunities consist of two different parts, namely political immunity and personal immunity.

As to the political immunity the Article 3 of the Vienna Convention on Diplomatic Relations declare that "nothing in the present convention shall be construed as preventing the performance of consular functions by a diplomatic mission". And according to Article 29 "the person of diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention".

The political immunity is also respectable and acceptable in Islam; and pervious or newly agreements in this regard are considered to be obligatory. Political immunity covers all diplomatic activities of sending state in the receiving state and vice versa. As it was mentioned, the functions of diplomats within the enumerated cases in Vienna convention are respected and accepted by Islam. Moreover, the Islamic agent is also bound to protect the interests of other nations by taking the glorification of the right and removal of the injustice and exaltation of humankind into consideration. No

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<sup>8</sup> Behar-Alanwar, 72, 38.

<sup>9</sup> Decree of Imam Ali (A) addressed to Mālik Ashtar, printed by the Ministry of Economic and Financial Affairs, (1992), p. 14.

<sup>10</sup> See: Ali Asghar Kazemi (1986). New diplomacy in the age of change in international relations, the Bureau of Political and International Studies, affiliated to Foreign Affairs Ministry, Tehran, Iran.

fundamental discrepancies could be seen between Islam's position and the Vienna convention. Other kinds of immunities of diplomats such as inviolability of their correspondence, premises, and commodities from inspection and seizure, should be observed as they are observed for other individuals in the society. The topic of espionage is an important issue that we discuss about it in another section. On the basis of Vienna convention, whenever a diplomatic agent perpetrates an immoral or illegal action, the receiving state has the right to declare that the agent being returned to the sending state. And the delinquent diplomat would be returned to his country with impunity. Although this kind of immunity is an extravagant use of diplomatic immunity but is enacted just to prevent the spitefulness of belligerent states, and it will be acceptable by Islam, because they are enforced within the framework of the rules of covenants and agreements made among societies, unless the said rules contradict with the Islamic laws and regulations. For example, if a diplomat deliberately commits a murder, in Islam's country, the blood-wits have the right to ask for retaliation and execution of divine punishment (Hodood), and the Islam's government is bound to protect the rights of the blood-wits. Therefore, we should say that, if a diplomat infringes the rights of other persons, which requires execution of religious punishment (Hodood) on the basis of Islamic laws and regulations; he will not be exempted from the punishment. But when there is no private complainant and the crime perpetrated is not considered as one of the crimes related to the private right, then by taking the interests of Islam's government into consideration, the diplomat would be pardoned or returned to his country. And since this kind of actions are based on international usages and would be responded mutually therefore measures taken should be on the basis of forgiveness to prevent the enmity amongst nations and states.

The Islam's government is expecting its diplomats to be treated in the same way and on the basis of mutual confrontation, that is to say whenever an Islamic diplomat commits an infraction which is related to the private issues, to be legally prosecuted just the same as Islamic regulations. It should be noted that in spite of inferences made in political jurisprudence of Islam,<sup>11</sup> the said subject, on the basis of international usages rests on mutual agreement of the parties, but it is not a certain subject, because it is one of the political issues which is based on international agreements. Of course, it should not be contradictory to Islamic laws and Allāh's commandments. At present time and according to Article 31 of Vienna Convention it is internationally agreed that the political agents shall enjoy immunity from criminal jurisdiction of the receiving state. They shall also enjoy immunity from its civil and administrative jurisdiction. The premises of sending state situated in the territory of the receiving state are also exempted from regular taxes of the receiving state. And political agents while entering the territory of the receiving state are exempted from payment of customs duties. It is believed that most of the said cases are in excess of what should be given as additional rights to the political agent but since they are in accordance with the agreements and accepted by the parties on the basis of statute laws, therefore it cannot be religiously criticized.

As it was already mentioned, before and after the advent of Islam, there was a custom that the ambassadors of state were killed just to punish the sending state. In Glorious Qur'an, the inherent obscenity of those kinds of actions is expressly declared. In sūrah of Ale-Imran, it is said (Ale-Imarn III, 21): **"Those who disbelieve in the signs of Allāh and slay the messenger unjustly and slay those who enjoin equity, give them good news of a painful chastisement"**. Although the said verse relates to the messengers, but the ambassadors are, in a way, also a messenger from a government to another one, and by interpreting the said verse (with regard to the subject in question) we can infer that slaying the ambassadors are also an obscene action. On the other hand the term **"unjustly"** which is used in the said verse shows that if the slaying of an ambassador is done justly, that is to say he has committed a crime which is liable to be retaliated, consequently his immunity would be cancelled. To sum up the meaning of the said verse, we can say that, an ambassador enjoys political immunity, but he does not enjoy personal immunity, that is to say, he is immune while acting within the range of his political activities, but while acting within the range of his personal activities he would not enjoy the said immunity.

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<sup>11</sup> For a discussion on this subject, look at Khaduri, Majid (1956) War and peace in Islam, translated by Gholamreza Sa'eedi, Eqbal Publication; and Ahmad Rashid (1974) Islam and public international law; translated by Hussain Seyyedi.



## **5- Principle of: Propagation by deeds and restriction on verbal enjoining and forbidding**

This principle is one of the delicate topics of pedagogical psychology, which is also applicable in the scene of international law. There has always been a contest among the nations - in the past centuries and at the present time - that, which country should take the leadership of Christianity or Islam in the world. Because of this competition, the states used to send religious missionaries to other countries to introduce their religion or sect or even start propagation through mass media. Performing this kind of propagation is not acceptable by Islam. In some jurisprudential works, there have been several notifications that these forms of propagation and imitation (adherence) are somehow problematic. Because the foundation of a religion is based on proper following (imitation), but this kind of imitation is quite different from the situation where a clergyman writes a practical treatise and to be gifted by a missionary and the people follow the instructions written in that book. The proper imitation happens when the holder of authority is found and adherence to him is fulfilled. A thorough description of the said subject could be found in the mystical works.<sup>12</sup>

If the said method of propagation not be observed, consequently, our imperfect reasoning and statements would make other nations to keep away from Islam, which not only would be of no benefit to Islam, but it would cause harm to it. Therefore, by the way of education, this subject must be made clear to diplomats and Muslims that their propagation should be based on their proper deeds. The verbal propagation is restricted to those persons whose authorizations are hand-to-hand (consecutively) received from the infallibles, otherwise they have no right to enjoin the good and forbid the evil verbally. Ayatollah Hussain Noori enumerates seventy two prerequisites<sup>13</sup> for acting as religious preachers as well as enjoining the good and forbidden the evil. The prerequisites of "authorization", "effectiveness", and "independent judgment" for the preachers, which are mentioned in the said book, would suffice us to declare that a few people would have the right to propagate verbally. Moreover the method of preaching must be in accordance with the following verse, which is addressed to honorable Messenger (S) who says (Al-Nahl XVI, 125): **"(O, Messenger!) Invite mankind to the way of your Lord with divine reasoning and fair preaching and argue with them in the best manner. Truly your Lord is in the supreme position to know who has gone astray from His path and who are the guided ones"**.

Nevertheless, the preaching should be effective, which Almighty God addresses His Messenger that (Al-Nisā IV, 63): **"Those are the ones whom only Allāh knows what is in their hearts; so turn aside from them but admonish them and speak to them with penetrating words to reach their hearts"**. Good words are also one of the requirements of "effectiveness" which says (Al-Isrā XVII, 53): **"Tell my worshippers: To speak only with the best and thoughtful words"**. And also said (Al-Baqarah II, 83): **"Speak nicely to the people"**. In spite of the emphasis made on "speaking with the best words" nevertheless "to enjoin the good and forbid the evil" as well as propagation of Islam should be based on proper deeds, which says (Fussilat XLI, 33): **"And who is more excellent in speech than he who invites people to Allāh's path and does righteous deeds and say: I am one of the Muslims"**. That is to say, he invites people to Allāh's path by his righteous deeds and introduces himself as a Muslim.

Anyhow, argumentation and contending is something that the honorable Prophet has also been forbidden to do it. In glorious Qur'an it is said (Al-Hajj XXII, 67-69): **"And for every nation we have appointed ways of worship and rites who they act upon; so they not dispute with you about the matter, and call them to the way of your Lord. Surly you are on the straight path. And if they contend with you, say: Allah is the more knower of what you do. And Allāh will judge between you and them on the Day of Resurrection about what you differed in"**. And in the sūrah of Al-Ankabūt says (Al-Ankabūt XXIX, 46): **"Do not dispute with the people of the book, except the wrongdoers of**

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<sup>12</sup> For more explanation about the said subject, refer to the following books written by His Excellency Hajj Mullah Sultan-Mohammad Sultan-Alishah: *Besharat-ol-Mu'minin*, Haqiqat Publication, 1981, Tehran; *Sa'adat-Namah*, rectification and marginal notes by Hussain-Ali Kashani Beydokhti, Haqiqat Publication, 2000, Tehran; *Valayat-Namah*, Haqiqat Publication, 2000 Tehran; *Majma-o-Sa'adat*, Haqiqat Publication, 1999, Tehran.

<sup>13</sup> Hajj Sheikh Hussain Noori the owner of *Mostadrak-al-Wasileh*, has explained the detailed conditions in "Lo' Lo' and Marjān".

them, but with proper and sound reasoning; so tell them: We believe in the revelation which have been sent down to us and to you; we both worship our only God and to His will all submit our wills". And about disbelievers it is said (Al-Kafirūn CIX, 1-6): "Say: O, disbelievers. I do not worship what you worship. Nor you worship what I worship. And I shall not worship what you worship. Nor you will worship what I worship. So for you your religion and for me my religion". Because (Al-Baqarah II, 256): "there is no compulsion in religion. The guidance is henceforth distinct from error".

#### **6- Principle of: Prohibition of imposing opinions**

In Islam, it is not authorized to impose one's opinion and ideas on other persons. On the contrary, freedom of (belief) is regarded as a principle. Basically, the faith is a divine bounty (grace of God) and it is not something to be instilled by force and/or imposition in other persons. The Glorious Qur'ān says (Yūnus X, 99): "And if your Lord has willed, verily, all those who are on the earth would have believed; do you compel people against their wish to become believers?" The disconnected response to the said question is: "No, you should not compel them, and if you compelled them, nobody would have believed you". In another verse, it is said (Al-Baqarah II, 256): "There is no compulsion in religion. The guidance is henceforth distinct from error". And it is addressed to the honorable Messenger (S) which says (Al-Kahf XVIII, 29): "Say, This word of truth is from your Lord, so let him who please believe in it, and let him who please disbelieve in it". And in another verse it is said (Al-Hajj XXII, 78): "And He has not made the religion something hard on you". On the contrary it is ordered to invite (people) by divine reasoning, fair preaching, and arguing in the best manner, which is addressed to honorable Messenger (S) (Al-Nahl XVI, 125): "Invite mankind to the way of your Lord with divine reasoning and fair preaching and argue with them in the best manner". In another verse, it is said (Fussilat XLI.34): "Repel the wrongdoing of men with good treatment instead, then your enemies will turn into intimate friends". In another verse, it is said (Al-Ankabūt XXIX, 46): "Do not dispute with the people of the Book, but in the best manner except the wrongdoers of them". At the same time (Al-Zūmar XXXIX, 14-15): "Say, I worship Allāh making my religion pure for Him. So worship what you choose instead of Him". That is you are free to select the religion you choose and worship whoever you like. And (Al-Nahl XVI, 9): "And guidance to the straight path is with Allāh, and there are ways that are perverted from the truth, and had Allāh willed He would have led you all to the right path". And the task of prophets is only conveying the message, which said (Al-Nahl XVI, 35): "Is there any responsibility upon the messengers save to clear convey of the message?". The response to this verse can be found in another verse, which is addressed, to the honorable Messenger (S) (Al-Ra'ad XIII, 7): "You are only a warner and to every nation there is a guide". It means that the Messenger (S) is bound to warn (people) and he is not even responsible to guide them. As it is stated in Glorious Qur'ān, the words of His Reverend have no effect on the ears of many people, let alone the advice of the missionaries who act upon their own judgments.<sup>14</sup> And says (Al-Naml XXVII, 80, 81): "You cannot invite the dead to listen, and you cannot make them hear, those who are deaf, particularly when they turn away from the Truth in their retrograde. And you cannot guide the blind who have diverted from the straight path. You can only make those hear your voice who believe in our signs and are Muslim (submitted)".

We may conclude that there never exists any imposition of opinion in Islamic beliefs. On the contrary, liberty and freedom of conscience is the accepted principle in Islam. There are many other verses that we can infer the said subject from them. In the sūrah of Al-Mā'idah it is said (Al-Mā'idah V, 99): "The Messenger's duty is but to convey the message".<sup>15</sup> And in sūrah of Al-Baqarah it is said (Al-

<sup>14</sup> "Men-endeeyeh" are those people who without having any authorization from the prophets or divine guardians or divine executors begin to propagate the rules and regulations of the religion and interfere in the life of the worshippers.

<sup>15</sup> And also Al-Noor, 54 and Al-Ankabūt, 18: "The responsibility of the messenger is but to convey the obvious message", and Ya-Sin XXXVI, 17: "And our duty is but to deliver the obvious message", and also Ale-Imran III, 2 and Al-Nahl XVI, 82: "Then if they turn away, your duty is only to convey the message", and Al-Shurā, 42: "Your only duty is to convey the message".

Baqarah II 272): **"You are not responsible for guiding them; but Allāh guides aright whomsoever He wills"**. And in another verse in sūrah of Al-Mā'idah says (Al-Mā'idah V, 92): **"And obey Allāh and obey messenger and keep away (from the disobedience); but if you turn away know that it is for Our messenger only to convey the obvious message"**.

In this connection there is a message sent to the international Conference of Peace of Religions, which reads as follows:<sup>16</sup> "... Religious beliefs are totally personal issue, and could not be imposed on other persons. Obviously, the followers of any religion would think that their beliefs are superior to others, that is why they have chosen their own religion from among all existing religions. The common point of all religions is the "faith", namely accepting the beliefs and spiritual teachings, and being bound and submitted to a special social spiritual system. We as Muslims have chosen Islam as our religion, and believe it to be the religion of peace, sincerity and liberty. We are in spiritual cooperation with all honoured beings (children of Adam), because, we believe that (Al-Baqarah II, 256): **"there is no compulsion in accepting religion"**. Therefore, we maintain this very right -or even duty- for everybody to look for the better spiritual system of thought, and the requirements for having freely the capability of such a searching is establishment of universal peace throughout the world. Our standpoint on this subject is that all human beings, especially the followers of the religions in the world, are duty bound to protect and establish this peace. The mystical journey is especially needed for all the followers of the religions. Because mysticism which is the real meaning and spirit of all divine religions, is means of communication and common points among them ...".

Certainly, we have to mention that the beliefs are considered as "faith". Therefore not being bound to individual duties of religious rules of Islam, as long as it does not infringe other's rights, could not be opposed to. But since the social rules of Islam, requires observing other's rights, therefore they can not be ignored and as a general rule the citizens are bound to observe them. So that we should say freedom of conscience and thought and choosing religion bear some restrictions in Islam. The borderline of the said restrictions are nearly those issues that are discussed and mentioned in the principle of today's democracies. That is to say, the range of individual liberties could be extended up to the point where it does not injure other's liberties. In Islam, the range of individual liberties is also authorized to be extended up to the point where they do not injure the liberties and religion of other persons.

### **7- Principle of: Respecting others' opinion and prohibition of inquisition**

In Islam, everybody is free to hold his own opinion and belief and there is no compulsion and/or duress concerning this issue. The most distinguished opinions and ideologies in human societies are religious beliefs, which all persons are free to choose the said beliefs. The following verse (Al-Kafirūn CIX, 6): **"For you your religion and for me my religion"** is a declaration by honorable Messenger addressed to disbelievers, namely everybody shall have his own religion and there should be no opposition and protest against each other's opinion and belief. On the issue of accepting a belief, it is mentioned in sūrah of Al-Zūmar (Al-Zūmar XXXIX, 17,18): **"So, give the good news to the obedient, those who listen to different speeches and follow the best among the variety"**.

It is very important to respect others' beliefs in the world and at the level of nations, because the variety of states and nations has caused many varieties of beliefs to come into existence among the people and nations throughout the world. Islam holds that the belief of each person is respectful with respect to himself, and as it is mentioned in the principle of "prohibition of insulting and mocking other persons", in Islam there is no permission to mock other persons no matter what kind of beliefs he holds.

There is an exception to this principle in Islam that is about paganism (idolatry). For persuading the idolaters to renounce their antiquated beliefs - which they worship the idols as their God - there is a

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<sup>16</sup> The text of inauguration message, by His Excellency Hajj Dr. Noor-Ali Tabandeh, Majzoob-Alishah to the Conference of Peace of Religions, Foundation for Religious Harmony and Universal Peace, April, 18-20 2005, India, New Delhi. The said letter is addressed to Mr. Maharishi Kapil Adwait. Peace of Religions, Iran's Mysticism, collection of essay, compiled and edited by Dr. Seyyed Mostafā Azmāyesh, No. 22, Haqiqat Publication, 2005, pp. 5-9. A short excerpt of the said conference is printed in the said book under the article by Hussein-Ali Kashani, Conference of Foundation for Religious Harmony and Universal Peace, pp. 125-136.

disrespectful attitude towards the said belief. In other cases the beliefs of all people and nations in the world, whether individually or collectively are respectful. This matter was explained by the principles of "disdain from the idolaters" and "prohibition of imposing opinions".

### **8- Principle of: Harmonization and conformity of words and deeds**

This principle propounds a special pragmatism in the unity of knowledge and action in Islam, which could be applicable in all practical fields. Islam takes action on those things which believes; and whatever it does is what is based on its belief. The Islamic teachings are first of all for the Islamic government, the believers and Muslims, and it does not impose any responsibility on other nations. If any method or action is correctly prescribed for a nation, any group of the said nation and/or its government, surely, then it is prescribed for the Islamic government as well. In sūrah of Al-Baqarah it is said (Al-Baqarah II, 44): **"Do you enjoin right conduct and piety on the people, and forget (to practice it) yourselves and yet you recite the Scripture"**? This unity of knowledge and action would produce a profound solidarity in the international scene, which is one of the obligations of Islamic government. For instance if terrorism is prohibited in Islam, then its perpetration is also prohibited in every and all places, whether being secretly or apparently.

On the inconsistency between words and deeds, the Glorified God says in Glorious Qur'ān (Al-Saff, LXI, 2, 3): **"O, you who believe! Why do you say that which you do not do? It causes Allāh's wrath gravely that you say and promise something that you do not fulfill"**. In other verses, it is emphatically said that the statements should be in conformity with the beliefs. In sūrah of Al-Fat'h while blaming some Bedouin Arabs says (Al-Fat'h XLVIII, 11): **"They say what the do not mean in their hearts"**. And while blaming those persons who act as hypocrites says (Ale-Imran III, 167): **"They were nearer to disbelief than to belief; they speak with their mouths what is not in their hearts"**.

### **9- Principle of: Disagreeability of political and economic deception**

There is a maxim, which says: "salvation is in truthfulness". This motto is one of the origins and fundamental principles in Islam. As it has been already mentioned "principle" is terminologically something on which other things are based or founded.<sup>17</sup> Honesty and truthfulness are also considered as "principles" in Islam and there are too many rulings which are based on the said principles. These rulings can be easily extended from individual life to family, job-related, social and international subjects.

There are several verses about "deception" and the punishment for deceitful person in Glorious Qur'ān which blame this kind of actions and enumerate severe torments for its perpetration. The meaning of stratagem and deception or cunning trick is directly related to the infringement of others' rights to the benefit of oneself. It is done by devising a plot in a way that the holder of the right consciously (knowingly) or unconsciously (unknowingly), voluntarily or involuntarily, with due consent or without consent renounces his legal rights to the benefit of the opposite side, without receiving a fair consideration.

Giving a definition to the term of "deception" it is said: "Deception is to disguise the purpose and expressing something different because of inability to reach the goal openly. Given this definition, it is not authorized to attribute "deception" to God, unless by the way of resemblance".<sup>18</sup> On the basis of this definition it seems that the deeds and behaviours of nearly most of the people in the world are full of deception. As far as the said deception is changed to truthfulness and honesty, the healthiness of the soul will increase accordingly. But this is a burdensome duty which common human beings are not able to perform and change the delicate cunning tricks of his soul to the honesty. From both social and political points of view, the consciences of an individual or the society shall themselves understand and distinguish the deceptions and tricks devised for gaining the individual and/or social interests. It is far from the Islam's dignity to practice deception to appropriate others' rights just for protection of its interests and

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<sup>17</sup> Sharhe Amsaleh, Jame-ol-Moghadamat, p. 62, Dar-ol-Fekr Publications, Qom 1998.

<sup>18</sup> "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 3, p. 265 under the verse 54: **"And they plotted, and Allah also devised a plot and Allah is the Supreme-Deviser"**.

take the rights and interests of others into its possession. Islam, Islamic government, prophet, divine guardian, and divine executor are all considered as guardians of humankind. Their purpose is exaltation of humankind rather than their own interests or groups, folks and or national interests. In the same manner that Islam does not believe in borderline at the international scene, therefore at the position of paternity, it will have a fatherly role over the people of the world. A father of a family would never try to gain benefit from his children through tricks and deception. On the contrary, he attempts that all his children prosper and become affluent.

Anyhow, in Glorious Qur'ān it is said (Al-An'ām VI, 123): **"They do not plot unless against themselves, and perceive it not"**. That is to say, they shall bear the harms originating from the deception. And says (Al-Nahl XVI, 45): **"Those who conspire evil plot feel secure that Allāh will not cause them to be swallowed by the earth, or to bring affliction upon them from where they have no idea about?"** In sūrah of Al-Fātir it is said (Al-Fātir XXXV, 10): **"Those who plot evil, for them will be severe chastisement and their plot will be perished"**. And in the same sūrah also says (Al-Fātir XXXV, 43): **"They rebelled in the land arrogantly and devised plots, but the evil plots will trap the plotters themselves"**. This verse could also be interpreted as international rebellion against weak countries and evil plotting to misappropriate their indisputable rights. In other words devising evil plots for national arrogance and selfishness causes their harms go back to themselves. In a comment, it is said: "Deception and cunning trick will destroy nobody save the plotter, because the deceitful person becomes the object of derision by Satan and is surrounded by him and will be under his control. Entering under control and sovereignty of Satan is the immediate chastisement against the humanitarian aspect of the man before his deception affects his victim, namely the deceived person. When deception affects the victim, then the deceived person would be upgraded in this world as well as in the Hereafter, or only in the Hereafter, and the plotter will be degraded in this world as well as in the Hereafter or only in the Hereafter".<sup>19</sup>

Devising evil plot in commercial affairs is similar to the abovesaid cases. Every step or measure taken to hide the reality in achievement of national interests is among the prohibited issues in Islam. In Glorious Qur'ān it is said: **"Do not devour one another's property unjustly nor use it as a bribe to the judge that you may devour a part of the property of others wrongfully"**. And in another verse says (Al-Baqarah II, 188): **"O, you who believe! Do not devour each other's wealth in vanity and illegal way. The profit obtained should be by trading or mutual consent"**. The said two verses have not been particularized for a determined person as the owner of the property, which whose property not to be devoured. The interpretation of the said verses, from public international law aspect would be that, the Islamic government has no right to misappropriate the property of other states or nations through devising plots and tricks - rightfully or wrongfully and/or by bribing or subornation of others - whether collectively or individually. The only way of appropriation of other's property is through mutual consent trading. And while trading, it should act on the basis of just scale, and even its scale must show heavier which says (Al-Muminun XXIII, 102-103): **"And those whose scale show light weight, they are the ones who have caused loss to themselves and they will be the inhabitants of the hell forever"**. This is the command of Allāh that (Al-An'ām VI, 152): **"And give full measure and full weight with justice"**. And says (Al-Shū'arā XXVI, 181-183): **"Give full measure and do not cause loss to the buyer by diminishing the weight of their things. And weigh with true and correct scales; and do not diminish the things that you sell to the people and do not spread mischief and cheating in the land"**. And is sūrah of Al-Mutaffifin the verse of **Woe** has not revealed for those persons who cause decrease in measure which says (Al-Mutaffifin, LXXXIII, 1-5): **"Woe to those sellers who cause decrease in measure and weight while selling things to the people. Those who when they buy something they demand full and exact weight, but when they sell something to the people decrease their right and give them less than the due weight and measure. So they not think that there will be a judgment day which they will become alive and (this will happen) in a Great Day"**. And also it says (Hūd XI, 84, 85): **"Do not give short measure and short weight, I see your salvation. I fear for you the chastisement of the surrounding Day. O, people! Give full measure and exact weight, and do not diminish the goods of**

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<sup>19</sup> "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 12, pp. 157-158.

**people; and do not make mischief in the land"**. All of the abovesaid verses indicate the obligation of Islamic government for observing the correctness of international transactions.

To complete this discussion we should make the following remark that **"deception"** and **"Cunning tricks"** mentioned in the abovesaid verses are evil plots, but there are many tricks which could be considered as good plots and Almighty God while talking about His plots, is referring to this kind of plans which says (Al-e-Imrān III, 54): **"And they plotted and Allāh also devised a plot and Allāh is the Supreme-Deviser"**. The cunning tricks of Almighty God are whether for punishment and awareness and guidance of the people, or giving reward for humankind's actions. Almighty God's plots will be devised when He wants quicken divine providence to materialize and brought into effect from potentiality faster than development of creative production. One of the said cases is to respond to the tricks of arrogant or unjust plotters. In this case, the Almighty God's tricks are for removing the deceptions practiced by the plotters, which said (Al-Naml XXVII, 50-51): **"They plotted a wicked and cunning plot and We made a strong divine plan against their plot. See! What was the end of their cunning plot"**. And also says (Al-Anfāl VIII, 30): **"They were plotting and Allāh also was planning (against their plot) and verily Allah is the Supreme-Planner"**. And Almighty God says (Yūnus X, 21): **"Say Allāh is supreme swift planner"**. Therefore, on the basis of the said verses we understand that permission for devising a plot is when the unjust plotters are practicing their tricks, so that we shall be able to punish the criminal plotters because of their evil actions. The following verses clearly stipulate that (Al-An'ām VI, 124): **"Humiliation and disgrace and a severe torment from Allāh will soon overtake them for that which they cunningly plotted"**. And again says (Al-Fātir XXXV, 10): **"Those who plot evil, for them will be a severe chastisement and their plot will be perished"**. All of the above said verses indicate that there should be a response and punishment against evil plots, even by devising a plan.

One of the practical cases of this discussion is devising plots during the fighting, and as it was mentioned in the section of war and its regulations and laws, fights and wars in Islam are based on holy intentions such as defensive wars. Therefore, devising plots against the evil plots of aggressors not only is permitted but it is obligatory. This situation has been observed while His Excellency Ali (A) was fighting with Amr-ibn-Abdowod who was a strong and brawny man and one of the well-known warriors among the Arabs. On the contrary His Excellency Ali (A) was short and seemed to be very weak in hand-to-hand combat. So His Excellency - in the battlefield - told him: You are boasting about your bravery, so why have you brought such an army to help you? Amr-ibn-Abdowod proudly turned to take a look at the army and at this very moment His Excellency cut his feet by the sword, and he fell down. When His Excellency sat down on his chest, suddenly he spat on the face of His Excellency, so he stood up and did not kill him and waited until his anger subsided. Amr-ibn-Abdowod asked him: Why did you not kill me promptly? His Excellency answered: When you spat on me, it infuriated me, so that if I had killed you at that time, I would have had done it just to please my "self". That is why I waited until the anger be subsided. Because I am obedient to God and I fight for the truth not to satisfy my "self"....<sup>20</sup>

## **10- Principle of: Honesty in negotiations**

During the past history, always the representatives of powerful states, while making contracts with the weak and undeveloped states, have tried through various methods and by practicing deceptions and political tricks, to insert some tricky terms in the contracts which have been against the interests of the deprived nations of the said states; consequently they have misappropriated the national interests of the weak countries to the benefit of their own states. Most of the said contracts were considered as friendly contracts but practically they have been the cause of taking advantage from the weakness and backwardness of the contracting nations. This kind of actions is prohibited in foreign policy and diplomacy of Islamic government. The task of Islamic government is not just to obtain material benefits for itself. Islamic government has a greater goal, which is exaltation of humankind that goes beyond the specified borders and spreads its grandiose and bountiful patronage over all nations, especially the

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<sup>20</sup> Full explanation of the said story could be found in the book of Mathnavi, Mevlana Jalal-e-Din Molavi, in the story of "while the enemy spit on Imam Ali (A) and he throws away his sword" and two other stories.

oppressed ones in the world.

The principle of honesty and justice is of the issues that should be observed by Islamic government during negotiations. The said duty becomes obligatory on the basis of several Qur'an's verses that say (Al-An'ām VI, 152): "**When you speak, be just, though it may be against your relatives**". In sūrah of Al-Baqarah says (Al-Baqarah II, 42): "**And do not cloak truth with falsehood, nor conceal the truth when you know it well**". In another verse, it is said (Ale-Imran III, 71): "**O, people of the Book! Why do you dress up the truth with falsehood and conceal the truth while you know it**". These words which is addressed to the people of the Book is also addressed to the Muslims at this period of time, because the Muslims are now the same as the people of the Book at the early Islam who do not know the prophet or divine guardian or divine executor of the end of time and deny him because they think he is in occultation. The behaviours of the people of the Book are also applicable to the present day Muslims which said (Ale-Imran III, 187): "**And when Allāh took a covenant from the people of the Book stating: Make the truth known and clear to mankind, and do not hide it. They ignored and exchanged with some worthless gain and indeed the worst was the bargain they made**". And the Muslims at this time are from among those groups who have been given the book.

In sūrah of Maryam says (Maryam XIX, 54): "**And mention (Ishmael) in this holy Book, verily, he was true to promise and he was our emissary and messenger**". In this verse, the term "**true to promise**" is used which means being honest when making promise to other persons. Diplomatic negotiations in the international scene whether in the past or at the present time all have been based on political give-and-take. Therefore, the diplomats always try, by taking the said principle into consideration, to get more privileges in exchange of giving less privilege. This kind of negotiation and bargaining for obtaining benefits is of contemporary diplomatic procedures and customs. In Islam, negotiations are conducted for restoration of rights rather than acquiring benefits. When the right in question belongs to the opposite side, it should be given to him. It should not be taken for himself or his government through dishonesty. Because it will be misappropriation of usurped property that is not authorized in Islam. Therefore the principle of honesty in negotiation is based on this issue that the duty and responsibility of an appointed diplomat in negotiations is to restore the right to its real owner even if it be against the interests of his own nation. In Glorious Qur'ān it is said (Al-An'ām VI, 152): "**And do not approach the property of an orphan unless it is in the best manner till he attains his maturity; and give full measure and full weight with justice; We do not task any soul beyond his ability, and when you speak be just, though it may be against your relatives. And fulfill Allāh's covenant, thus Allāh does enjoin you by those decrees. So that you may be mindful**". Since in the international relations, the "**relatives**" can be interpreted to (considered as) Islamic nations and the "**orphans**" to non-Muslim nations, therefore in the said verse the decree of honouring covenant and performing duty, as far as abilities permit, can be interpreted to the responsibility of Islamic agent or diplomat.

In multilateral negotiations, also they should back and support that side which is honest. In Glorious Qur'ān it is said (Al-Toubah IX, 119): "**O, you who believe! Fear from disobedience of Allāh's commands, and be with the truthful**". From this verse, backing and accompanying with the truthful in all individual, social, national and international fields are deducible.

### **11- Principle of: Prohibition of fabrication of words and political lies and false accusations**

Regretfully, the scene of diplomatic activities and foreign policy in today's world - without due attention to human moral dignity - is not free from false accusation and lying against various states. It is even seen that false accusation and lying have practically taken the common procedure of international relations and international diplomatic activities towards a special direction that it is impossible to be leaved without paying expense. This international custom is relatively different among statesmen of different countries due to their beliefs in the principles of honesty and truthfulness. The said differences are originated from this principle that: The politicians have been and are always at the service of capital owners around the world and their endeavors and decisions are made just to protect and secure their interests. They are not able and do not want to confess honestly to this issue; that is why the lying process starts at this very point. The election and even appointment of politicians in the world are based on giving

promises or threatening to the public and commitments and giving assurances to the owners of wealth and power. It has seldom been observed that the elected or appointed politicians being assigned to the office just due to their practical, moral and scientific eligibilities, capacities and competencies. This introduction indicates the profiteering and presidency seeking of nearly most of the rulers in the world, whether in the past or present or in the future. Therefore we should expect them while in action and confronting the realities, in case of need, fabricate words, lie, make false accusation, and practice untruthfulness and so on.

The said issue is not a new discussion about behaviors of humankind. This kind of deeds have been existed in the past and there exist at present and will exist in the future. However, its severity and/or weakness are different among nations and followers of different religions and in different times and places. In Glorious Qur'ān there are indications of fabrication for words and their falsifications. In various sūrahs by using phrases such as (Al-Nisā IV, 46): "**deliberately displace words from their original places**" or "**to change the words**"<sup>21</sup> it has been alluded to this kind of fabrication. To tell lies and attributing them to others and disseminating the faults namely making false accusation, slander or calumny are all prohibited and rejected in Islam. It is said (Al-Jathiyah XLV, 7): "**Woe to sinful liar!**" And said (Al-Zūmar XXXIX, 3): "**Allāh deprives of His guidance the disbelieving liars**". And says (Al-Nahl XVI, 105): "**Verily, those who forge lies they are those who do not believe in Allāh's signs and revelations and they are indeed the liars**". And says (Al-Nisā IV, 112): "**And whoever commits a fault or a sin and casts (the blame) upon some innocent person, he indeed burdens himself with a falsehood and flagrant sin**". This rule is applicable from smallest unit of human society, namely the family and relations between the spouses up to the international level. It is said (Al-Nisā IV, 20): "**But if you intend to substitute your wife by another and you have given the former a large amount of wealth for marriage-portion, do not take a bit of it back, would you take it by slandering her which is an obvious sin**".

To summarize the discussion, we should say that for approaching political goals one should not resort to fabrication of words, lies, slander, and calumny in the international scene. During the history, many occasions have been observed that the governments have committed wrongdoings and have attributed them to other states or nations. These kinds of actions are prohibited in Islam as well as conscience rules to their sinfulness.

## **12- Principle of: Unauthorization of insulting or mocking**

Vilification, insulting and/or mocking are not relevant to the dignity and status of Islam, Islam's diplomats and the Muslims; and are severely prohibited by in Glorious Qur'ān. In sūrah of Al-An'ām it is said (Al-An'ām VI, 108): "**Reville, not those unto whom they pray besides Allāh**". And in another place it is said (Al-Humaza CIV, 1): "**Woe to those persons who expose others' faults and shortcomings through mockery**". These verses indicate that any kind of defamation, chanting slogans such as death to, down with, drawing caricatures, putting into fire the effigies of the heads of other states, to make faces, to put into fire the national flag of a country or to throw it down on the ground, pacing the national flag of a country or its picture on the ground and under the feet of the people for the purpose of its degradation, showing comedy TV shows or telling jokes or singing obscene songs about a country for the purpose of being broadcast from the radio stations and some other actions, they are all against the Islamic instructions, which not only do not bring splendour to Islam, but, on the contrary they would degrade Islam. In sūrah it is said (Al-Hujurāt XLIX, 11): "**O, you who believe! Do not let some men of your group or tribe make fun of other group: It may be that the ones whom are laughed at, are better than the ones who make scoff at others. And should not the women of a group make fun of the women of another group: May be those women who are laughed at, are better than the ones who make scoff at them. And do not be sarcastic about one another and do not insult one another by unpleasant nicknames. It is bad to call a newly believer with a name of bad connotation; and those who do not desist, are considered of the wrongdoers**". As a general rule in sūrah of Al-Baqarah it is

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<sup>21</sup> Al-Fat'h XLVII, 15 "**They wish to change Allah's Words of Ordainment**". And Al-An'ām 15, 35 and Al-Kah'f, 27 "**And none can alter His Words of Ordainments**". And Yūnus, 64: "**No change can be there in the Words of Allāh**".



said (Al-Baqarah II, 231): **"And do not take the signs of Allāh for a mockery"**. Signs of Allāh consist of all creatures in the world, which are considered as His signs.

In sūrah of Al-Nisā it is said (Al-Nisā IV, 148): **"Allāh does not like the shouting of evil words except by one who has been oppressed"**. In other words, nobody has the right to contempt, mock, degrade or ridicule other persons in any form or manner. But the oppressed ones have the right to implore justice. He may shout his protests until the oppression is removed.

### **13- Principle of: Greeting and responding in fair and giving reward by the best**

One of the principles of Islamic ethics is to encounter the people in friendly manner and responding them in a fair way and giving a greater reward than the other party's deed. This is one of the most important social-ethical principles which, regretfully we, as Muslims, pay less attention to it, whereas too many verses have been sent down on this subject in Glorious Qur'ān; and ignoring the said principle have caused other nations and the followers of other religions not to show high tendency towards Islam. Because according to individual and social psychological considerations the humankind is attracted by good tempers and are repelled by bad tempers. There are few people who do not care about the character or temper, and just focus on the truth or the truthfulness of the subject or assertion. In Glorious Qur'ān it is addressed to the honorable Messenger (Ale-Imran III, 159): **"(O, Messenger). Thus it is a grace of Allāh that you were gentle to them. Had you been severe or hard-hearted, they would surely have dispersed away from around you, therefore, forgive them and seek pardon for them from Allāh; and consult them in the affair, but when you resolve a matter, then put your trust in Allāh alone, for Allah is affectionate to those who put their trust in Him"**. It is addressed to His Reverend (Al-Qalam, LXVIII, 9): **"They desire that you should compromise with them, so that they too compromise with you"**. In a comment on this verse it is said: "The term **"modahenah"** which means flattery and is translated as **"compromise"** in the verse is to state something contrary to what is in one's mind and it also means dissimulation. They like your dissimulation, hypocrisy and compromise which is stating something contrary to what is in your mind, so that they will be able to compromise with you constantly after that".<sup>22</sup> In other word, it is explaining the psychological states of the opponent persons. On this basis the honorable Messenger is ordered that (Al-Isrā XVII, 53): **"Tell My worshippers: To speak only with the best and thoughtful words since Satan provokes dissensions among them"**.

Although retaliation and recompense is stipulated in Glorious Qur'ān but it has made the highest degree of benevolence and kindness more meritorious than reciprocity and says (Al-Shūrā XLII, 40): **"And a recompense for any harm is an equal harm, but if one forgives and makes reconciliation, his reward will be with Allāh, since Allāh does not like the oppressors"**. And in sūrah of Fussilat it is said (Fussilat XLI, 34): **"The good and evil are not equal. Repel the wrongdoing of men with good treatment instead, then he, between whom and you there was an enmity (will become) as though he was a bosom friend"**. And says (Al-Mūminun XXIII, 96-98): **"Repel their evil with goodness. And say: O, my Lord! I seek shelter in you from the devil's temptations. And I seek shelter in you from their coming around me"**.

The said verses were all about responding the evil deed rather than the good deeds. In sūrah of Al-Qasas it is addressed to the Honourable Messenger that (Al-Qasas XXVIII, 77): **"And be good and generous to the people as Allāh has been good and generous to you"**. And also says (Al-Rahmān, LV, 60): **"Is there any recompense for goodness other than goodness?"** And says (Yūnus X, 26): **"For those who have done good, there is a goodly reward and more achievement"**. It is said (Al-Nisā IV, 86): **"When you are greeted with a nice greeting, greet in return, with a better one or return it (at least) with equal courtesy"**.

At the end of this section, we should point out this subject matter that is said (Al-Isrā XVII, 7): **"If you do good, you do it for yourselves, and if you do evil, you do it against yourselves"**. And in sūrah of Fussilat it is said: **"Whoever does righteous deeds, it is for his own benefit and whoever does evil,**

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<sup>22</sup> "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 14, p. 267.

it is against himself; your Lord is never unjust to His human creatures".<sup>23</sup> That is to say, if the behaviours of the Moslems have been the cause of degradation of Islamic societies in the world, it has been the effect of our deeds rather than the result of the God's injustice Who said (Al-Anfāl VIII, 53): "That is so, because Allāh will never change the bounty which has bestowed upon a people unless they change themselves". And says (Al-Raad XIII, 11): "Verily, Allāh will not change the good and the bestowed condition of a people until they change themselves".

#### **14- Principle of: Unsupporting the traitors and authorization for reciprocity**

Betrayal (treason) is one of the prohibited and wicked attributes, which Almighty God has forbidden its perpetration by the believers, and in surāh of Al-Anfāl it is said (Al-Anfāl VIII, 27): "**O, you who believe! Do not betray Allāh and Allāh's messenger, nor misuse knowingly properties entrusted to you**". In another verse in the same sūrah, again betraying Allāh's Messenger has been considered as betraying Allāh and says (Al-Anfāl VIII, 71): "**If they intend to betray you (O, Messenger), no wonder, since they have betrayed Allāh too**". And also says (Al-Hajj XXII, 38): "**Verily, Allāh does not like the ungrateful traitors**".

In the following verses, the honorable Messenger has been forbidden to support the traitors while judging among people (Al-Nisā IV, 105-109): "**Verily, We have sent down to you the Book in truth, so you may judge/govern among mankind by means of what Allāh has shown you; so do not be a pleader for the treacherous ones. And seek forgiveness of Allāh, verily, Allāh is the Merciful Forgiving. And do not plead on behalf of those who betray themselves; verily, Allāh does not like any sinful traitor. They hide themselves from people, but they cannot hide from Allāh. For Allāh is with them while they hold nightly discourses which displeases Him, since Allāh's knowledge does encompass all they do. Behold! You are those who may argue for those men in the life of this world, but who will contend with Allāh for them on the Day of Judgment, or who will then be their defender**".

In Glorious Qur'ān, not only the honorable Messenger is instructed to refrain from defending the traitors, but he is also instructed to act mutually. In sūrah of Al-Anfāl the honorable Messenger is commanded that (Al-Anfāl VIII, 58): "**And if you (O, Messenger) fear treachery from any people, throw back their covenant to them on term of mutuality, for Allāh does not like the treacherous people**". In the subsequent verses necessary instructions are instructed to His Reverend to how to prepare the army and their equipments.

The following cases could be considered as instances of betrayal in the international affairs and diplomatic issues, such as operations of spies which have betrayed their duties, or the governmental agents and delegates who have been neglectful in their tasks, and the foreign states, which have not fulfilled their obligations.

The betrayal of the spies and governmental delegates are considered as one of the most important occasions of treachery. Because, due to their political and executive authorities in various fields of affairs they are able to transgress the rights of people, whether foreigners or national citizens and infringe their rights and as a result, in performing their duties that should be giving service to Islam and exaltation of the religion and Islamic government and the whole humanity commit treachery. The past historical records show that the most treacherous deeds have been committed by the said group against the nations, governments and humankind.

#### **15- Principle of: Unauthorization of giving or receiving bribes**

Giving and accepting bribes are prohibited in Islam. There is only one exception of giving bribe, which is just for restoration of right. Since the political borders and national community are not considered as first grade issues in Islam, and the borderline of Islam is the whole world and Islamic community covers human community, therefore majority of laws and regulations which are enforceable

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<sup>23</sup> Fussilat XLI, 46 and Al-Jathiyah, 15 "**If a man does a righteous deed it is his own benefit and if he does evil, it will be against himself**".

in small society and concerns individuals could be extended to the international society and beyond the state.

In Glorious Qur'an and on blaming the illicit gains<sup>24</sup> and bribery it is said (Al-Māidah V, 62-63): **"And you see many of them hurrying in committing sin and transgression and consuming forbidden things. Evil indeed is what they do! Why do not the learned priests and rabbis forbid them from uttering sinful words and eating forbidden things? Evil indeed is what they do!"**. So that from the Islamic international law standpoint, giving any kind of money to the international organization or other states or their agents and/or representatives for concealment or perversion of the truth in favour of own or other countries are forbidden.

#### **16- Principle of: Prohibition of usurpation and unlawful ownership of other nations' and states' properties**

One of the cases which is usually observed among various states is that, under some pretexts, they take it for granted to take possession of, confiscate or lien on the properties, estates banking accounts and tangible or intangible assets/properties of other states and their dependents, and/or take them as a pledge. These kinds of actions are neither acceptable in domestic Islamic law nor in international Islamic law, unless under certain conditions of real war – and not cold war - which is for preventing others to support the hostile parties. In other cases, no permission has been given to perpetrate such transgressions.

On the prohibition of unjust devour (consuming) of other's properties, it is expressly prescribed in Glorious Qur'an that (Al-Baqarah II, 188): **"Do not devour (consume) (Akl) one another's property unjustly nor use it as bribe to the judges that you may consume a part of the property of others wrongfully while you know"**. The literal meaning of Arabic word "Akl" which is used in the said verse is "to eat" and "to swallow the morsel", but it does not have the said meaning in the verse. Its real meaning is "to take possession".<sup>25</sup> This kind of possession does not imply just real possession of properties, but it also includes constructive and legal possession, namely acquisition and appropriation<sup>26</sup>. It is said (Al-Nisā IV, 29): **"O you who believe! Do not devour each other's properties in vanity and illegal way; except by trading on mutual consent. And do not kill yourself; Allah is highly Merciful towards you"**.

Usurpation is also similar to forcible possession of other's property, belongings or rights. On the basis of Islamic instructions the usurper should give back (restitution) the property to its owner and if the usurped property be destroyed the usurper will be responsible to give something identical or its price to the owner. The rule of unauthorization of usurpation could be inferred from the following verse<sup>27</sup> (Al-Baqarah II, 194): **"The Sacred Month for the Sacred Month, and for the prohibited things there is a law of retaliation: Then whoever commits aggression against you, react you likewise against him (retaliate in the same manner), and fear from the disobedience of Allāh's commands, and know that Allāh is accompanying the pious"**. There are other verses which contain the ruling for usurpation, and it is said (Al-Shurā XLII, 40): **"And a recompense for any harm (ill-deed) is an equal harm, but if one forgives and makes reconciliation, his reward will be with Allāh, since Allāh does not like the oppressors"**. In the latter verse the first action is usurpation, that is to say the first ill-deed is usurpation and the second harm doing is its recompensation.

The said principle prohibits devouring (consuming) properties, rights and tangible and intangible assets of other nations or states, unless for some exceptions we have already mentioned them.

#### **17- Principle of: Prohibition of the acts of terrorism**

Glorious Qur'an after giving an explanation about the story of Abel who was murdered by Cain,

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<sup>24</sup> The Arabic word "Soht" which is translated to illicit gain is another meaning of bribery. See: "Mo'jam Mofradat Alfaz Al-Qur'an, Ragheb Isfahāni, Dar-ol-Fekr Publication.

<sup>25</sup> Kanz-ol-Irfān exegesis, vol,2, p.33 and Zohdat-ol-Bayān, p.427. Maktab-al-Mortazawiyah.

<sup>26</sup> Gorji, Abolqasim, (2001), Ayat-ol-Ahkām (civil and criminal) Mizān Publication p. 24.

<sup>27</sup> See: Gorji, Abolqāsīm, Ayāt-ol-Ahkām (civil and criminal), Mizan Publication, pp. 70-73.

which both of them were children of Adam, declares a general rule and says (Al-Mā'idah V, 32): **"If anyone killed a person, unless it be for retaliation of murder or because of making mischief in the land, it would be regarded as if he has killed the mankind as a whole; and he who saves a man's life shall be considered as one who has saved the life of the mankind as a whole"**. The Cain's action in killing his brother was clandestinely and was perpetrated as an act of terrorism without having permission for retaliation or authorization for confronting a corruption. In sūrah of Al-Isrā it is said (Al-Isrā XVII, 33): **"And do not kill anyone whom Allāh has forbidden, except for a just cause, and whoever is killed unjustly We have given to his heir authority (and right of retaliation), so that (he) not exceed the limit in killing"**.

The said verses are indicating the crime of murder and acts of terrorism. When the criminal intends to kill somebody and the killing is done, the crime committed is called murder (intentionally killing). The punishment for perpetration of murder is prescribed in the following verse which says (Al-Nisā IV, 93): **"And whoever kills a believer intentionally, his recompense is the hell fire, therein dwelling forever, and Allāh shall wrath and curse on him, and prepare a grave chastisement for him"**.

As it was mentioned in concerned section, the legal institution of retaliation is prescribed in Islam; therefore the murderer could be killed justly. This kind of killing is not even harmful for the survival of the society; on the contrary it will be beneficial. But the rules of retaliation shall be applicable only when a person intentionally kills another person which its punishment is retaliation. It does not apply to a person who, without the said justification and only based on his own judgment commits murder or kills another person by acts of terrorism. For example there are some groups of people who just through their own judgment and imagination and by their own thinking and investigation recognize and presume somebody to be a cruel and an unjust person and consequently kill him through acts of terrorism. There is no authorization for such activities, whether the said groups be Islamic groups or non-Islamic groups, to have a religion or being atheists in any case they have no right to commit acts of terrorism. There are certain conditions while enforcing the rules of retaliation, that is to say, the bloodwits have the right of retaliation. Moreover the bloodwits are to be encouraged to forgive the murderer prior to retaliation.

On the other hand, let us assume that a high ranking official has been unjust and has committed several crimes. First of all the question is: Who is the authority to judge his probable crimes and make final decision that he must be killed? Second: Did he have the opportunity to defend himself? Third: Are we authorized to kill the companions of a certain person who is to be killed because of retaliation (for example by explosion)? Forth: While we decide to harm a person or his country, are we allowed to kill his fellow citizens and/or attack the civilians? There are so many questions similar to the said questions which their answers are all negative. Almighty God has only permitted that the murderer to be killed just by observing the rules of retaliation which requires certain conditions and says (Al-Anām VI 151): **"And do not kill the soul which Allāh has forbidden, save in the course of justice"**. On the other hand the word **"brother"** is used while indicating the said murderer and says (Al-Baqarah II, 178): **"O, you who believe! The law of retaliation in punishment is prescribed for you in cases of murder: The freeman for the freeman, the slave for the slave and the female for the female. But if any remission is made to any one by his (aggrieved) brother, then prosecution should be made according to usage, and payment should be made to him in a good manner. This is an alleviation from your Lord and a mercy; so whoever exceeds the limit after this, he shall have a painful chastisement"**.

### **18- Principle of: Respecting and generosity towards the guest**

Making a careful study of different historical and juridical aspects of former nations reveals that, amongst societies, respecting the guest has always been different with regard to their social knowledge and awareness and general perception (of the world), during the history. Whenever the various aspects of unity have been increased in the viewpoints and perceptions of the members of the society and/or the governments, consequently paying attention to the rights of foreigners have been increased. Referring to historical documents would give us some information about the situations of the foreigners in the ancient countries. Among those nations which their political systems were based on religion, the foreigners' conditions were more severe than those countries which their principles of politics have been based on

economic affairs and trading. The general principle in those societies which followed the fanaticism of religion was that the foreigners were unclean and unbeliever, so that were deprived from the given rights of the local individuals. In India the law of Manou was making a general distinction among Brahmane and Soutra. Because the Brahmane were victorious and authoritative while the Soutra were captive and subjugated, and they could not have family and/or legal relations with the Brahmane class. There was another lower class than the Soutra class with the name of Paria which their members had no right even being as the slaves of the Brahmane.

In Egypt, during the period of ruling Pharaoh - namely the government of so-called-clergymen of Noah's religion - while the leaders of the religion and the pharaohs were in power, the foreigners were hated and ill-treated. The Egypt's religious leaders were of the opinions that the rules of divine wrath must be enforced against foreigners, namely those unclean and unbeliever creatures. The Jews nation who thought they were the preferred and chosen nation by God, were not allowed to associate with the foreigners. The bloody massacre of foreigners in Palestine committed by so-called Jewish in past centuries to prevent contacting with them has been recorded in the history. Of course there are several rules of being compassionate towards the foreigners within the rules brought by Moses (A); and even there has been no difference among the Jews and foreigners with regard to the laws of punishment, and the gates of holy places had never been being closed to let foreigners for taking sanctuary. Nevertheless the superiority of the Bani-Isreal and inferiority of foreigners were a political issue which the so-called-clergymen of Jews have always been emphasizing it.

The Iranian governments whether during the period of the Achaemenian or Sassanid were all mostly hegemonic governments but they also were encouraging trade. In Bābakān Artaxerxes' rites and regulations which was considered as Iran's constitution in the period of Sassanid dynasty, it was expressly prescribed that: "If the foreigners see our hospitality and justice, they will convey our benevolence and justice to other people, therefore other nations shall come to our country with their goods, and merchandise and consequently our country would become prosperous and developed. In the inscriptions and historical documents there could also be observed that the Achaemenian and especially Cyrus the great - who is called Zolqarnain and his story has been explained in the sūrah of Al-Kahf<sup>28</sup> and several evidences have been introduced to prove his messengership - have greatly taken the honorability of human beings into consideration. After the Advent of Jesus Christ (A) the former so-called-clergymen in Rome, used to use the Christians foreigners as food of savage animals, and in Iran those who showed to observe the foreigner's customs were not free of persecution as well. After the advent of Islam, the Muslims were under severe torture and hardship in Christian countries, especially in Spain; and in Muslim countries the non-Muslims were subject to more severe laws, such as the rules of taking usury from non-Muslim which was lawful (allowed) and taking usury from Muslims were forbidden and non-Muslims were also obliged to pay poll-tax.<sup>29</sup>

The law jurists have introduced different theories on the cases of foreign nationals. Aubry and Rau, are of the opinion that in all countries, the foreign nationals should enjoy all the rights usually the civilized nations enumerate them as the natural rights of humankind or the laws of the said nations practically have accepted them; and on the contrary, those rights which are especially prescribed for one or several nations and their extension to the foreign nationals are not considered as prima facie, or those rights which their establishments are of innovation for a special nation, should not be recognized for foreign nationals. The said theory has been criticized on this very point that the natural laws are not easily distinguished from, those laws which are not known as natural laws. According to Demangeat and Valette, foreign nationals have the same civil rights which the citizens of state are eligible to have them, and also should enjoy those rights which by virtue of the express texts of law are not deprived from them, because divestment of the rights from foreign national is against justice and equity, especially when there

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<sup>28</sup> His Excellency Hajj Sultan Hussein Tabandeh Gonābadi. The Glorious Qur'an and three mysterious mystical stories", 3<sup>rd</sup> edition, 1986, Tehran, Haqiqat Publication.

<sup>29</sup> See: Āmeri, Jawād, (1984), pp. 77- 80.

is no expressly prescribed law for such a deprivation<sup>30</sup>.

On the basis of the principle of respecting the guests, whosoever enters the Islam's country, not only enjoy most of the individual rights as well as his own acquired rights but he also enjoys special rights which are specifically known for the guests. On the basis of the said principle a guest who enters the Islam's country would be honoured and consequently the Islam's government is responsible to secure some of his necessities. For example on the basis of many Quran's verses, the wayfarers are entitled to receive different kinds of alms. The wayfarers are those foreigner and people from other cities and towns who enter the Islam's country or travel from one city to another city but cannot afford the charges of their journey. In sūrah of Al-Baqarah, verse No. 177 defines the righteousness with several qualities which includes the actions such as giving one's wealth to the wayfarers<sup>31</sup>. In another verse it is said (Al-Baqarah II, 215): **"They ask you (O, Messenger) concerning what shall we spend (in the way of Allah). Say: "It is good whatever of wealth and properties you spend for parents and relatives or orphans and the poor who beg and the wayfarers. And whatever you do of good deeds, verily, Allah is the knower of it"**. In sūrah of Al-Taubah, verse No. 60 the alms have been allocated to eight groups of persons whom one of them are wayfarers<sup>32</sup>. It is the same in sūrah of Al-Anfāl verse No. 41 which one of the cases for spending the one-fifth (Khoms) of gains - which is also defined as revenues - is to give them to the wayfarers<sup>33</sup>. The said wayfarers are not restricted to the Muslims<sup>34</sup>. Having left no money and being exhausted during a journey is one of the special characteristics of the travelers. Whenever a traveler needs other services, he should enjoy the said services, according to his status, just the same as other individuals of the society. In this case the Glorious Qur'an says: **"Give to the relatives their due rights and also spend in needy and the wayfarer; but do not spend your wealth wastefully"**.<sup>35</sup> And the criterion for the said issue is described in sūrah of Al-Hashr which depends on the Honorable Messenger (S) decision and says: **"So take what your Messenger gives you, and whatever he forbids you, abstain from it"**.<sup>36</sup>

When His Reverend Joseph (A) prepared the camel loads of his brothers then he told his brother (Yūsuf XII, 59): **"I am the best host"**. So that, when the Islam's government is under guardianship of prophet, divine guardian and divine executor as it is mentioned in the said verse, has duty to act like the best host towards the entrants. It is certain that the said characteristic of Joseph (A) should be existed with the higher degree in the subsequent prophets and divine guardians.

The aforementioned remarks are applied to those entrants who enter the territories of Islam's government as guest. If they intend to acquire citizenship and/or seek asylum, then it is obligatory for Islam's government to grant them citizenship and/or giving refuge to them - if we say that all human beings are in one way or another the citizens of Islam's government and are under the protection of Islam's government we would not be away from the tasks of Islam's government. Since a person who

<sup>30</sup> See: Āmeri, Jawād, (1984), pp. 89-93.

<sup>31</sup> Al-Baqarah II, 177: **"It is not (the only symbol of) righteousness that you turn your faces towards the east or to the west (in prayer), but true righteousness is to believe in Allāh, and the Day of judgment, and the angel and the book and the Messengers and also to spend one's wealth (in the way of Allāh) despite of love for it, to the kinsmen, to the orphans, and to the needy, and to the wayfarers, and to the poor who beg, and to ransom the slaves, and to perform prayers, to pay alms; and those who fulfill their promises when they make and those who are patient in extreme poverty and ailment and at the time of war, such are the people who are truthful and they are indeed the pious"**.

<sup>32</sup> Al-Taubah IX, 60: **"Verily, alms are only for the poor and the needy and the workers and those whose hearts should be attracted (to Islam) and the ransoming of the slaves and for those in debt and in the way of Allāh and for the wayfarers; it is a duty decreed by Allāh and Allāh is the Knowing Decreeer"**.

<sup>33</sup> Al-Anfāl, VIII, 41: **"And know that whatever of things that may gain. One fifth of it is assigned to Allāh's way and to the Messenger and to the relatives and to the orphans, and the poor who beg and the wayfarer"**.

<sup>34</sup> Motashabeh-ol-Qur'an, 2, 174.

<sup>35</sup> Al-Isrā XVII, 26: **"Give what is due to your relatives, and also to the needy and the wayfarers, but do not spend your wealth wastefully"**. The same subject is also mentioned in sūrah of Al-Rūm, 38: **"Give what is due to your relatives, and also to the needy and the wayfarers. This will be good for those who seek Allāh's Face and they are successful"**.

<sup>36</sup> Al-Hashr LIX, 7. **"What Allāh has put at the disposal of His Messenger, taken from the people of the townships, belongs to Allāh, to His Messenger and relatives and orphans and to the poor and to the wayfarers; since these booties should not fall in the hands of the wealthy men among you; so take what messenger gives you, and whatever forbids you abstain from it"**.

utters the words of: "**There is no God but Allāh**" he will enjoy the immunity to his life, property, honour, and reputation under the shelter of this "**goodly saying**" and nobody shall have the right to transgress the said person's rights. And if we say again that all mankind are under the shelter of this **goodly saying** our words would not be futile. Certainly this section needs detailed discussions which could be found in other articles.<sup>37</sup>

Seeking refuge even by idolaters, in Islam's government is also obligatory to be accepted by Islam's government. It is said (Al-Taubah IX, 6): "**If any one of the idolaters seek refuge in you (O, Messenger) grant him, so that he may hear the word of Allah and then escort him to where he can be secured, that is because they are a people who lack knowledge**". This verse, not only binds the Honorable Messenger to grant asylum, but it has also taken the religion of the applicant into consideration as unimportant and has made His Reverend to take the applicant to a secure place.

The acquired nationality which is originated from seeking asylum and/or application for immigration are both the basis of granting citizenship rights of Muslims to the applicant person. The said person principally should not enjoy any of the social rights less than other Muslims in the society. The exception to the said rule is rare and in the case of governance of prophet, divine guardian or divine executor would not happen easily. This issue concerns the political asylum and precautions taken because of hostilities and secret enmities which are taking place under the cover of asylum or seeking nationality and there is no impediment in granting the civil (private) rights. Moreover, on the basis of the "rule of international respect to acquired rights"<sup>38</sup> the acquired rights of refugees or applicants of immigration should be accepted and respected.

#### **19- Principle of: Prohibition of banishment and revoking the nationality**

By virtue of the following two verses, it may be argued, as a general rule that Islam's government is not authorized to banish the people, whether in national or international domains (except in certain cases). Therefore it will not be authorized to revoke the nationality of the individuals as well. In Glorious Qur'an it is said (Al-Baqarah II, 84-85): "**And remember when we took your covenant (stating): 'Shed no blood of your people, nor expel one another from your homeland'. And this you solemnly ratified, and to this you bore witness. (But) after that it is you who kill one another and expel a party of your people from their homes; and assist each other in sin and transgression against them, and if they are brought to you as captives you free them by taking ransom, although their expulsion was forbidden to you. Do you believe in part of the scripture and disbelieve in the other part? So what shall be the recompense of those among you who behave like this, except disgrace in this life and in the Hereafter? They shall be consigned to the most grievous chastisement, for Allāh is not heedless of what you do**".

The exception of the said rule rebellion against God and His messenger or those persons who do mischief in the earth, which says (Al-Mā'idah V, 33-34): "**The punishment of those who raise war against Allah and His messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off from the opposite sides or be banished from the land. This is their disgrace in this world and a grave torment for them will be in the Hereafter. Except those who repent before you gain power over them; you should know that Allāh is the Merciful Forgiving**". Interpretation of the said verses was mentioned in the section of confrontation with the rebellion.

#### **20- Principle of: Freedom of movement and cancellation of visa formalities**

The command of Allāh is traveling on the land who says (Al-An'ām VI, 11,137 and Al-Nahl, 36):

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<sup>37</sup> See: Bidabad Bijan and Harsini Abdol-Reza (2003), Non-usury Bank Corporation and contemporary usury and non-usury banking operations. Proceeding of the 3<sup>rd</sup> Biennial Islamic Economics Conference (Islamic economic theory and Iranian economy), pp. 193-224, Economic Research Institute, Tarbiat Modares University, Tehran, Iran, 24-25 December 2003. <http://www.bidabad.com/doc/sherkat6.htm>

<sup>38</sup> Concerning "the acquired rights" see: Ameri, Jawād, private international law, Agāh Publication Institute, 1983, Tehran.

**"Say (O, Messenger)! Travel on the land and see what was the end of those who belied the divine signs".** In sūrah of Al-Naml (Al-Naml XXVII, 69) the said action is ordained for seeing the end of the criminals. In sūrah of Al-Ankabūt the traveling on the land is ordained for observing the beginning of the creation and the end of the last creation, which says: **"Say (O, Messenger)!"Travel through the land and observe how He creates the first creation, then Allāh creates the latter creation"**<sup>39</sup>. The said subject has been revealed in sūrah of Al-Rūm (Al-Rūm XX, 42) for taking a lesson from the destiny of idolaters who lived before. In sūrah of Yūsuf (Yūsuf XII, 109) the said issue is propounded as a question for studying the destiny of the past generations. In sūrah of Al-Hajj it is said (Al-Hajj XXII, 49): **"Have they not traveled on the land, so that they would have the hearts with which to understand, or ears with which to hear? For surely it is not the eyes that are blind, but blind are the hearts which are in the breasts".** In sūrah of Sabā it is said (Sabā XXXIV, 18): **"And between them and the cities which We blessed We set small towns and related to one another. Travel therein securely by night and day".**

As it is understood from the said verses, going on journey and traveling on the land is of divine decrees and the said command should not be prevented by such obstacles like visa formalities and so on. The Islam's government should provide the necessary conditions for carrying out Allāh's command. Moreover it must remove the requirements of acquiring visas for foreign travelers and also ask other states to cancel the formalities of issuing visa. The term **"land"** in the said verses refers to all countries of the world and it is addressed to all people who live in this planet and has not been particularized to the Muslims and/or the believers.

Regretfully the daily political problems of the world's states such as constant fear of terrorism and/or apprehension of espionage and security problems provided some excuses for strengthening the intelligent and security organizations in the states. As a matter of fact the said problems are the main cause of establishment of the said groups in the society and the latters for protecting and strengthening their own social, administrative, and organizational positions are always increasing the fear originated from insecurity and even they perform some operations which lead to insecurity of the society, consequently the necessity of establishment of military, police, intelligence and security forces being reasonable. One of the repercussions of the said problem in international relations concerns the entrance to and exit from a country. It is the intelligence-security control and inspection on this issue which makes the phenomenon of visa to be seemed very important in relations among the states. It is obvious that in the present world, establishing communication need not people's movement. The communication means are so extensive that every person in every place in the world village is able to exchange the information, and there is no need for movement personally. Therefore, restrictions with regard to the movement of people seem to be disturbing rather than being realistic.

Immigration is also one of the subjects which the states argue that visa is necessary to be issued for. This subject needs a detailed discussion, but it will be mentioned in relevant place that immigration and emigration both are of the rights of the citizen, and the foreigners and/or citizens could not be deprived from the said rights unless in very rare occasions.

## **21- Principle of: Freedom of migration and domicile for all human beings in the world**

The earth belongs to the Creator of human beings and is the homeland of all humankind. Every person has the right to reside in any country who wishes or immigrate to and/or emigrate from it as well. Migration has been permitted by Almighty God to His bondsmen, and says (Al-Nisā IV, 97): **"Was not the land of Allah vast enough for you to migrate therein?** The Honorable Messenger also says: "All places are the Towns of Allāh so that wherever pleases you, reside there in"<sup>40</sup>. On the said subject it is said that: <sup>41</sup> "During the period of formal (outward) caliphate of the Leader of the Believers, Ali (A) some

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<sup>39</sup> Al-Ankabūt XXIX, 20 **"Say: Travel through the land and observe the creation of the creatures of all sorts; and think about the issue that how Allāh has started creation and thus he will create the last creature".**

<sup>40</sup> Nahj-ol-Fasāhah.

<sup>41</sup> His Excellency Hajj Sultan Hossain Tabandeh, Religious standpoints on Universal Declaration of Human Rights"



of his followers migrated to Syria (Shām) and joined Mo'āwiah. His Excellency was requested to prevent their emigration, because of possibility of occurring disturbances. But His Excellency did not accept the proposal and said: "They are free. Sahl-ibn-Honayf who was appointed by Imam Ali (A) as governor of Medinā wrote to His Excellency that the followers of Mo'āwiah were making the people to break their oath of allegiance with him and encouraged them to emigrate to Syria (Shām) and asked permission to prevent their emigration, but he said: Let them be free. And the governor of Imam Ali (A) in Basra wrote a letter nearly with the following wording that: Several well-known persons and heads of tribes are intending to emigrate to Syria (Shām); do I have to give them permission to leave or should I prevent them from doing so? His Excellency responded: Let them go and do not be sorry that their numbers are decreasing, because they are mammonist (avaricious) and are looking for the vain desire of this world. They are well aware that when we are enforcing the rules of justice, they are as equal as other peoples."

At present international system, entrance and immigration to the states require issuance of visa and residence permit whether permanent or temporary, whereas it is not acceptable by Islamic government. Whosoever applies for immigration to Islam's country, the Islam's government is bound to give him entrance and residence permit, and since the applicant while entering the country is considered as guest, therefore the rules of "respecting the guests" will be applicable to him and most of his lawful necessities should be provided. If the immigrants be the followers of other religions, then they will be free to observe their own rites and religious laws. They are even free to resort to their own courts of justice (for their lawsuits). As to the Islamic jurisprudence a tributary (non-Muslims) is authorized to lodge complaint against a person in the highest position of the Islamic government, in front of Muslim's judge<sup>42</sup>. It should be noted that residence of the tributary while residing within the territory of Islam are required to pay poll-tax. The tributary shall be under protection of Islam's government provided that they make covenant that they would not fight against Muslims and would accept the Islamic criminal law about themselves and pay poll-tax. The disabled persons, the insane, children and women are excused of paying the poll-tax. The amount of poll-tax is based on per capita and determined by the Islam's government. That is to say a male person who is of age and healthy should pay each year an amount of money as poll-tax by his own hands. It is said (Al-Taubah IX, 29): **"Until they pay tributary tax with their own hands"**. And this is to show their observance of the covenant which they have made. Anyhow the tributary are excused to pay other kinds of taxes which the Muslims are bound to pay, and they are also excused from military service and fight. The tributary just by uttering the following words namely "I testify that there is no God besides Allāh" shall be excused from payment of poll-tax. Anyhow whosoever likes to reside in the territory of Islam will be free and shall enjoy all social and security rights of the Muslims. In the book of religious standpoints on Universal Declaration of Human Rights" it is written: "Article 15 also refers to freedom of choosing one's nationality. As it was already mentioned, after the occasion of "Arbitration" and advent of group of Khawarij and their exiting disturbances in the city of Kūfa, Imam Ali (A) was told to prevent their actions or make them leave Kūfa. His Excellency said: They are free, and as long as their opposition is a private one and against my person, they are free in their actions unless their deeds and actions be against the public interest (expediency) and against the security. That is why when they (Khawarij) gathered outside of the city and started their rebellion and murdering and plundering activities, then Ali (A) planned to repel them."<sup>43</sup>

## 22- Principle of: Obligation to concealment of the secrets

Concealment of the secrets is clearly ordained by Glorious Qur'ān which says (Ale-Imran III, 118): **"O, you who believe! Do not take as intimate friends, those who are outside your religion, since they will not fail to do their best to betray you. They desire affliction for you; hatred has already been appeared from their mouths (through their words), but what breasts conceal is far worse (than what they say by tongue)"**. It is said (Al-Nisā IV, 83): **"When there comes to them news regarding safety or fear, they spread it everywhere, but if they had referred it to messenger and to holder of**

<sup>42</sup> Bihār-ol-Anwār, volume 2, p. 595.

<sup>43</sup> His Excellency Hajj Sultān Hussein Tābandaeh, "Religious standpoints on Universal Declaration of Human Rights", pp. 59-60.

**authority from among them who could draw the truth in it, they would have known the truth".**

#### **94- Principle of: Prohibition of inquisition into personal and private affairs of people**

Basically, inquisition (espionage) is not admirable in Islam, because the faults and shortcomings of people would be revealed by inquisition; and even if the acquired information is not to be accessible others, however the inquirer himself by interference with privacy of a person would become spiritually suspicious about the said person or similar ones in his heart; so, the foundation of brotherhood within social system and consequently political system of a society would become weak. That is why the Glorious Qur'an has prohibited the inquisition into the faults of people, and has called the information acquired through inquisition as suspicion rather than certain fact. The reason is that, there might be only half of the reality of an event being revealed to the inquirer; as a result he might make unfounded accusations. For example, the inquirer might find out that two persons have committed adultery, whereas he has not been aware of the first half of the reality of the said event; that is to say this fact that they have been already married. Concerning this issue the Glorious Qur'an says (Al-Hūjurat, XLIX, 12): **"O, you who believe! Avoid much suspicion, for verily some suspicions are sins; and not make inquisition and do not backbite about one another. Does one of you like to eat the flesh of his dead brother? You would hate it, and be careful of (your duty to) Allāh. Verily, Allāh is the Merciful Repentance Acceptor"**.

The inquisitive activities, apart from its method of performance are called espionage, whether to be performed by means and equipments of espionage or without them. The inquisitor (spy) should not interfere with the privacy of the people. Interference with the privacy of the people is not only prohibited by walking into, looking at or eavesdropping, but it is also prohibited with every other possible means. In sūrah of Al-Nūr it is said (Al-Nūr, XXIV, 27-29): **"O, you who believe! Do not enter the houses other than yours without asking permission and salute the house holder; this is more appropriate for you, and you should be mindful about this advice. And if you did not find anybody therein (and your request for permission was not responded) do not enter the house until permission is given to you; and if it is said to you: "Go back, then go back. This is more appropriate for you; and Allāh is aware of what you do. There is no sin on you if you enter the houses not used for living in, where you have deposited some property of yours; and Allāh has knowledge of what you disclose and what you conceal"**. With regard to the contents of the said verse it may be concluded that interference with the privacy of the people, without asking their permission, and apart from the applied methods, is prohibited. For example, interference with the privacy of the people should not be even performed by using binoculars or microphones or other means of information collecting. Using the said means of information collecting is just the same as entering the house from the back of the houses. In Glorious Qur'an it is said (Al-Baqarah, II, 189): **"It is not proper and virtue that you should enter your houses through the back, but the righteous is those who enter the houses through the doors"**. By taking the contents of the said verses into consideration it may be concluded that interference with the privacy of the people is forbidden and unlawful in Islam.

If a person, in one way or another, was informed about the faults and shortcomings of other persons and desired to spread them, he shall be committing a prohibited action which is forbidden by Glorious Qur'an (Al-Nūr XXIV, 19): **"Those who fancy of spreading rumours against the believers, for them there will be a grave chastisement in this world and in the Hereafter. Allāh knows and you do not know"**. One of the meanings of the said verse is that, if a fault has been observed from a believer, nobody has the right to reveal it in any place. It is on the basis of this reasoning that the Compassionate God has called **"a spiteful person"** the man who has transmitted the news and says (Al-Hūjurāt XLIX, 6): **"O, you who believe! If a spiteful person comes to you with certain news, try to verify it before making any decision, lest you may unknowingly harm other people and then become remorseful of what you have done when it becomes obvious"**.

All of the said warnings are applicable when the information received to be correct. But if somebody mixes the news with incorrect information or changes it in a way to cause perversion of the reality, then another crime would be added to the previous one which says (Al-Baqarah II, 181): **"So**

**whosoever alters after he has heard something, the guilt shall be on him who made the change. Truly Allāh is the Knower Hearer**". In another place alludes to this group and the said changing which says (Al-Mā'iadah V, 41): **"O, Messenger! Do not let them grieve you, those who haste in disbelief; some are men who say with their mouth: "We believe", whereas their hearts do not believe; and some are the Jews who listen to falsehood, also as spies they listen to other folks who themselves have not come to you, those who change the words from their original places and they say to the people: "If you are given this (decree) then take it; but if you are not given it, beware"! (O, Messenger) whomsoever Allāh intends to inflict, you cannot do anything to save him; those are the ones whom Allāh does not intend to purify their hearts; for them there is a disgrace in this world and a grave torment in the Hereafter"**". In a comment on the said verse it has been said<sup>44</sup>: "The intention in altering the words or changing the words for changing the form of the words, namely adding or omitting some words, as it has been narrated about some verses, or changing its meaning or changing the object of the word which Almighty God or His messenger have made for it. The meaning of the sentence: **"Those who change the words from their original place"** is to change the words after placement in the right position". According to sūrah of Al-Mū'minūn these persons are introduced by Almighty God in Glorious Qur'ān as devils, and addressing the Messenger (S) says (Al-Mū'minūn XXIII, 97): **"And say (O, Messenger!): O, my Lord! I seek shelter in you from evil suggestions of devils"**. And in sūrah of Al-Qalam in continuation says (Al-Qalam LXVIII, 11): **"A fault-finder who goes around with slander"**. And in sūrah of Al-Hūmazah the verse of **"Woe"** has been revealed for the perpetrators of the said action which says (Al-Hūmazah CIV, 1): **"Woe to every taunter and ill-will backbiter"**.

Due to the above mentioned discussions we may expressly declare that inquisition within people's privacy is forbidden in Islam. This subject-matter could be applied in the international level from this point of view that Islam's government has no right to inquire or interfere with the privacy of political or non-political individuals of the other states in the world. Of course being alert and supervising the hostile measures and movements of the enemies and foreigners are excluded from the said rule, which shall be discussed in its place. As it has been already mentioned, in some cases, inquiry into the activities of those who are the suspect of collaboration with the enemy in war time or those who act as spy for the enemy are authorized.

### **23- Principle of: Obligation for inquisition into performance of government officials, foreigners, enemies and crimes detection**

As it has already been mentioned inquisition into people's private affairs (privacy) is forbidden. But there are five categories of inquisition which are known to be authorized in Islam:

1. Inquisition into activities and performance of government officials' duties and those persons working in public sector to prevent their wrongdoings.
2. Inquisition in the borderlines to prevent the entrance of harmful goods to the public safety and entrance of enemies as well.
3. Inquisition into the activities and movements of foreigners, whether enemies or others, to establish safe conditions and protect the life of the citizens from others' aggression.
4. Investigation for crime detection and punishment of the criminals and restoration of the rights to their owners.
5. Inquisition into activities and performance of inquisitors (nowadays it is called counter-espionage function)

There are various descriptions and discussions<sup>45</sup> with regard to the abovesaid subjects which are all based on traditions and narrations<sup>46</sup>.

<sup>44</sup> "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah", translation, volume 4, p. 331.

<sup>45</sup> "Investigation, information and espionage", Hussein-Ali Montazeri and chapter 7 of the book: "Fundamentals of Islamic government", Ja'afar Sobhāni.

<sup>46</sup> "Welāyatnāmah", His Excellency Hajj Sultan Mohammad Gonābādi, Haqiqat Publication, 2001, pp. 154-163.

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<sup>47</sup> His Excellency Hājī Dr. Nūr-Ali Tābandeh, Majzūb Ali Shah, "Religions peace", text of inauguration message to the peace conference, Foundation for Religious Harmony and Universal Peace, 18-20 April 2005 New Delhi, India, Iran's Mysticism (Journal). Collection of Articles, compiled and edited by Dr. Seyyid Mostafā Azmāyesh, No. 22, Haqiqat Publication, 2005, pp. 5-9, Tehran and Paris.

<sup>48</sup> His Excellency Hājī Sultān Hussein Tābandeh, "Religious standpoints on Universal Declaration of Human Rights". Salih Publication, 2<sup>nd</sup> ed., 1975.

<sup>49</sup> His Excellency Hājī Sultān Hussein Tābandeh, "Glorious Qur'an and three mysterious mystical stories", 3<sup>rd</sup> ed., Tehran, Haqiqat Publication, 1986.

<sup>50</sup> His Excellency Hājī Sultān-Muhammad Beydokhti Gonābādi. "Bisharat-el-Mu'minin", Haqiqat Publication, 1981, Tehran.

<sup>51</sup> His Excellency Hājī Sultān-Muhammad Beydokhti Gonābādi, "Bayan-a-Sa'adah-fi-Maqamat-al-Ebadah". Translated to Farsi by Heshmatollāh Riyazi and Muhammad Aga Reza Khāni. The Organization of Publication and Printing of the Ministry of Culture and Islamic Guidance, 1998, Tehran.

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