

# Imam Ali and Citizens' Rights

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## Abstract

There is controversy as to whether or not the subjective sense of right (in the sense of a privilege claimable against an assignable person or persons) is found in the ancient time. It is definite, however, that in the 17<sup>th</sup> century Hugo Grotius (1583-1645), Thomas Hobbes (1588-1679), Samuel Pufendorf (1632-1694), and John Locke (1632-1704) made explicit attempts at conceptualising rights. The main claim of this paper is that Imam Ali (599-661), the most revered religious scholar among Shiite Muslims, made the first explicit attempt to conceptualise rights in the history of political thought.

I would present Imam Ali's political theory as a variant of 'welfare limited guardianship', which embodies several innovations made by him in the history of political ideas. The concept of welfare state, as well as the concept of publicly confirmed guardianship, registers Imam Ali as a definite original political thinker in history. Further, his concept of citizens' rights that guarantees his view of limited government should be received as another innovation in the history of political thought. Unfortunately, however, the influence of his original political theory had to wait until Nā'īnī (1861-1936), the political theorist of the 'Iranian Constitutionalist Revolution' (1905-1911), developed Imam Ali's political theory with a flavour of modernity.

## Introduction

There is controversy as to whether or not the subjective sense of right is found in the ancient time. The 'objective sense of right' is contrasted with 'wrong'. When you say that 'Drinking water is right', it merely means that this action is not wrong and you are not under any obligation to refrain from drinking water. The 'subjective sense of right' means the possession of a privilege, benefit, or a choice that correlates with an obligation borne by others towards an assignable person. When you say that 'I have the right to the money you borrowed from me', it means that the other person has an

obligation to give your money back. In this second sense, a right means a claim against someone who is obliged to fulfil a corresponding obligation. As the obliged side can be a person, it can be a group or everyone.<sup>1</sup>

The subjective sense of rights is 'something one can have or be given, earn, enjoy, or exercise. They are something one can claim, demand, assert, insist on, or secure or what one can waive, surrender, relinquish, or forfeit. They can be recognized and protected or disregarded, altered, abridged, infringed, whittled away, violated, or destroyed'.<sup>2</sup> The focus of the examination of this paper is the subjective sense of rights, which concisely means a privilege or a choice claimable by a person against other assignable person or persons.

According to Peter Jones, 'the common wisdom is that neither the ancient Greeks nor the ancient Romans possessed the concept of a right'.<sup>3</sup> By contrast, Brian Tierney asserts that although we cannot find an explicit exposition of the concept of rights in ancient Greece and Rome, the concept was implicit in some of their moral principles. Tierney, oddly, proposes that evidence to the existence of the concept of rights in the ancient time is their commandment 'Thou shalt not steal', which implies a right to property. According to Tierney, however, an explicit expression of the concept of rights appeared in the late Middle Ages in the writings of Henry of Ghent (1217-1293) when he proposed that each person had a natural right to self-preservation and property in his own body.<sup>4</sup>

As opposed to Tierney, Alasdair MacIntyre (1929-) argues that before about 1400, there was no concept of right or any Hebrew, Greek, Latin, or Arabic word by which the subjective sense of right could be expressed. Likewise, Benjamin Constant (1767-1830) and Kenneth Dover (1920-2010) suggest that the concept of rights is a modern concept.<sup>5</sup> However, it is definite that the explicit conceptualisation of the subjective sense of rights occurred in the 17<sup>th</sup> century by Hugo Grotius (1583-1645),

Thomas Hobbes (1588-1679), Samuel Pufendorf (1632-1694), and John Locke (1632-1704).<sup>6</sup>

The main claim of this paper is that Imam Ali (599-661) made the first explicit attempt to conceptualise rights in Arabic Islamic political thought. In this paper, I would, firstly, draw a rough picture of Imam Ali's political theory. I would reconstruct his political thought in the form of a theory of the state, showing that he supports a theory of 'welfare limited guardianship'. Further, I shall examine his particular conceptualisation of citizens' rights that reinforces his conception of welfare state, as well as limited government. As will be demonstrated, not only is Imam Ali the first political theorist who has conceptualised citizens' rights, but he also accords a significance role to rights in his political theory.

Imam Ali is the first Muslim political theorist and the author of the first Islamic political essay. He is, also, the fifth ruler in early Muslim society. After the demise of the Prophet in 632, Imam Ali took the spiritual leadership of Shiite Muslims, as his political leadership was confirmed in 656 by Muslims after Abū Bakr, Umar, and Uthmān. He ruled the Muslim society from 27 June 656 to 31 January 661, when he was martyred by a member of an opposition group.<sup>7</sup>

Imam Ali's letters and lectures were delivered from 632 to 661, that is, after the demise of the Prophet in 632 up until the end of his own life in 661. Yet, most of his letters and lectures were delivered during his five-year rulership from 656 to 661. His selected works, including several political letters and lectures, were collected by al-Sharīf al-Raḍī (970-1014) in 1010 in a book named by the collector *Nahj al-Balāgha* (The Way of Eloquence).<sup>8</sup> The subjects covered by Imam Ali's book are broad, including metaphysics, theology, morality, politics, history, preach, prayer, the Qur'an, and others.<sup>9</sup>

Imam Ali has delivered several letters and lectures concerning political theory. Among his political works is a major political essay, which should be conceived of as the first Islamic political essay, which draws a picture of the ideal Muslim state. He wrote this major political essay in 660 as a collection of directives to Mālik al-Ashtar al-Nakhaʿī when he appointed the latter as the governor of Egypt.<sup>10</sup> Before the collection of *Nahj al-Balāgha* in 1010, this political essay had been preserved among Shiites as an independent book, which was one of 400 original Shiite sources of traditions. This letter is named by the collector of Imam Ali's works 'Kitābuhū lil-Mālik al-Ashtar, which means his letter to Mālik al-Ashtar. Yet, since this letter embodies a collection of obligations borne by *any* Islamic rule,<sup>11</sup> I would prefer to call it 'Directives to the Muslim Ruler'.<sup>12</sup>

To appreciate that Imam Ali is the author of the first Islamic political essay, we should note that the Qur'an, as the first and the highest source of Islamic doctrines and morals, did not systematically examine major issues of politics. Rather, it gives scattered directives and ordinances with regard to different issues of life in its own method, including political matters. Hence, in order to arrive at a Qur'anic political theory, one needs to engage in a careful interpretation of several related views and concepts, which altogether make a systematic political theory. Nor did the Prophet through his letters and lectures supply a comprehensive and systematic picture of the ideal Muslim society and government. Nor did Abū Bakr, Umar, and Uthmān engage in political theorisation before Imam Ali. Therefore, Imam Ali was the first Muslim who engaged in political theorisation through one major political essay, along with several other political letters and lectures.

### **Imam Ali's Theory of the State**

In order to more systematically introduce Imam Ali's political theory, I would prefer to reconstruct his views and put them in the form of a theory of the state, which

should address three major questions centring on the state, that is, (1) Who should rule?, (2) How should one rule?, and (3) Why do we need government? Taking into account all these three aspects of a theory of the state, the legitimate political system for an Islamic society, according to Imam Ali, is what I would call 'welfare limited guardianship'. Hence, to the question 'Who should rule in an Islamic society?', his answer confirms a type of guardianship. Further, his answer to the question 'How should the guardian rule?' confirms the idea of limited and accountable government. Finally, as for the purposes of government, his view is that welfare or distributive justice is the major purpose of an Islamic government. Now, I explore the major features of the Islamic political system he prescribes for an Islamic society.

## **Guardianship**

The first feature of the legitimate political system for an Islamic society concerns the question 'Who should rule?' Imam Ali's answer to this question proposes the concept of 'guardianship'. There are several Arabic terms in Imam Ali's discussions concerning the question 'who should rule' that connote the English notion of guardianship: (1) *Imāmah*<sup>13</sup> or Imamate, the adjective of which is Imam<sup>14</sup> meaning leadership,<sup>15</sup> (2) *willā*<sup>16</sup> and *wilāyah*<sup>17</sup>, the adjective of which is *waliyy*<sup>18</sup> and *wāliyy*<sup>19</sup>, which can well be equated to the English term guardianship,<sup>20</sup> (3) *ulū al-amr*<sup>21</sup> meaning the person who possesses authority.<sup>22</sup> All these terms have been understood by Shiite scholars as indicating guardianship.

Imam Ali maintains that an Islamic society should be governed by a competent figure possessed of the 'knowledge of Divine laws', as well as 'self-restraint' required for implementing those laws.<sup>23</sup> Yet, the type of guardianship Imam Ali supports is different from Platonic guardianship. For, although the guardian is competent for assuming the political power in Islamic society, the public acceptance of the guardian, according to Imam Ali, is necessary. In this regard, Imam Ali quotes a saying, in which the Prophet

addressed him and said: 'You are the guardian of my people after me. Hence, if they accept your guardianship and consent to it, take the position, and if they disagree on your guardianship, leave them with their situations'.<sup>24</sup> Hence, it seems appropriate to call Imam Ali's conception of guardianship as 'publicly confirmed guardianship'. It seems that in comparison to Plato's conception of guardianship, Imam Ali's theorisation of 'the publicly confirmed guardian rule' should be considered as a step forward in political theory at his time.

However, the publicly confirmed guardian rule should be distinguished from the democratic rule. For, although the public consent is required both in the democratic rule and the publicly confirmed guardian rule, the role of consent is different in each case. Whilst in the democratic rule the public convey their authority to the elected representatives, in the publicly confirmed guardian rule the public confirm the competency of the guardian for rulership. What supports this explanation of Imam Ali's conception of guardianship is his suggestion that once the public confirm the competency of a person for rulership, they would have no option to withdraw their acceptance.<sup>25</sup> Hence, whilst Imam Ali's conception of legitimacy proposes 'social contract' as necessary, his social contract should be distinguished from the 'democratic social contract'.

It should be noted, however, that there is controversy as to whether the guardian rule is exclusively confined to the Shiite Imams who are generally believed to be 'infallible' and possessed of the 'true knowledge of Divine laws', or 'self-restrained but fallible' Shiite scholars possessed of an 'imperfect knowledge of Divine laws' should be considered as competent quite the same as the Shiite Imams. Put another way, is Imam Ali's view of guardianship valid at the present time when the Shiite Imams are absent from Islamic society? If not, is another type of government legitimate for Muslim societies at the present time? Faced with this question, Shiite scholars have proposed

four theories of the state: (1) the theory of guardianship, (2) the theory of Islamic deliberative democracy, (3) the theory of mixed government or semi-democracy, and (4) the non-ideal theory.

Muhammad Bin Hassan al-Tūsī (995-1068), the first great Shiite jurist received as the leader of the Shiites after the Imams<sup>26</sup>, explicitly rejects the competency of anyone except the Shiite Imams for ruling Muslim society.<sup>27</sup> According to al-Tūsī, in the absence of the Shiite Imams, as the present time, there can be no legitimate rule in Islamic society. Hence, he provides some guidelines for Shiite Muslims with regard to political engagement in the absence of the Shiite Imams.<sup>28</sup> This is what I call the non-ideal theory.

In a sharp contrast to al-Tūsī, Imam Khomeini (1900-1989) argues that 'self-restrained but fallible' Shiite jurists are almost as competent as the Shiite Imams for assuming the political power in Islamic society. Hence, in the absence of Shiite Imams, the guardianship of Islamic society has been entrusted to pious jurists.<sup>29</sup> This is what can be called the theory of guardianship.

A third Shiite political theory has been suggested by Muhammad Hussein Nā'īnī (1861-1936), the political theorist of the 'Iranian Constitutionalist Revolution' (1905-1911). He supports a type of legitimate Islamic rule, which I call 'mixed government' or 'semi-democratic rule', in which political powers are divided between self-restrained but fallible Shiite jurists and the public who act through their representatives. Along with his approval of the guardianship of self-restrained but fallible Shiite jurists,<sup>30</sup> he attaches much importance to freedom, equality, public participation, the rule of law, and limited government.<sup>31</sup> Hence, his commitment to the guardianship of Shiite jurists should be interpreted as quasi-guardianship.

## Limited Government

The second feature of the legitimate political system for an Islamic society concerns the question 'How should one rule?' Imam Ali's answer to this question proposes the concept of limited government. Hence, as for the dichotomy of absolutism/constitutionalism, Imam Ali definitely advocates constitutionalism or limited government. The guardianship, which he supports, is not an absolutist form of rule. By proposing the idea of limited government, Imam Ali takes one more step away from Platonic guardianship. There are two ways in which Imam Ali expresses his commitment to limited government, that is, the restriction of political obligation and the accountability of the ruler to the public.

Firstly, Imam Ali confirms that political obligation is limited to the extent that the ruler employs his power rightly. In a letter he sent to Egyptians after appointing al-Ashtar as their governor, Imam Ali asked them to obey al-Ashtar to the extent that his commands correspond to the right.<sup>32</sup> Hence, since political obligation is required by the legitimate rule, wherever there is no political obligation, there would be no legitimate rule. Further, wherever political obligation is limited, the legitimacy of government is limited. Therefore, Imam Ali's suggestion that the political obligation of Muslim citizens is limited should be taken as indicating his commitment to limited government. What more forcefully illuminates Imam Ali's commitment to constitutionalism lies in his innovative conceptualisation of citizens' rights against the ruler. This issue will be discussed in detail later in this paper.

Secondly, Imam Ali's view concerning the accountability of the ruler to the public is another indicator of his commitment to limited government. In what I call 'Directives to the Muslim Ruler', Imam Ali advises the Muslim governor to refrain from dictatorship. There, he says: 'Do not say: "I have been given authority, I should command and should be obeyed", for this attitude is corruptive of the heart, destructive



of the faith, and potential for overthrowing you'.<sup>33</sup> The opposite of dictatorship here is accountability to the public, an idea that Imam Ali explicitly expresses elsewhere in the same Essay.

To explain his view of the accountability of the ruler to the public, Imam Ali asks his governor to publicly provide information about his decisions and performance. The Muslim ruler, according to Imam Ali, should have direct communication with the public in order to inform them of the governmental decisions and practices. Furthermore, whenever the public hesitate about the appropriateness of some governmental practices, Muslim authorities should try to justify their performance to the public.<sup>34</sup> The obligation of the ruler to give information to the public and to justify governmental decisions is, definitely, equal to the accountability of the ruler to the public. The accountability of the ruler in its turn is an opposite of the absolutist rule. For, if the authority of the ruler is absolute, he will be free to act as he sees fit. Further, if the ruler is free to act as he sees fit, he will not be accountable to anyone. By contrast, if the ruler has to explain and justify his decisions to the public, he will possess limited authority. Imam Ali's view of limited government had a full influence upon Nā'īnī.

As was indicated above, Nā'īnī is the first Shiite scholar who discussed modern political concepts, such as the rule of law, freedom, equality, public participation, elections, representation, and constitutionalism. It should be emphasised here that his major concern was with setting restriction on political power. Hence, he classifies political regimes into 'constitutional' and 'authoritarian', and denounces the latter for preventing individuals from the basic level of freedom. According to Nā'īnī, the only effective solution to the problem of authoritarianism is limited government in which the public take partly the control of their fate.<sup>35</sup> Therefore, in Nā'īnī's political theory, we find the first manifestation of Imam Ali's view of limited government presented with a flavour of modernity.

## Welfare State

The third feature of the Islamic rule concerns the question 'Why do we need government?' Imam Ali's answer to this question puts much emphasis on a conception of 'needs-based distributive justice'. The idea of distributive justice on the basis of needs is, definitely, an innovation by Imam Ali found neither in ancient Greek and Roman philosophy, nor in ancient Chinese philosophy. Further, although the Qur'an has some rules for taking care of the needy, it does not ground them in term of justice. Rather, the Qur'anic rules concerning the distribution of goods according to needs are in the form of some advice to the rich with no clear explanation of the enforceability of this moral duty through political power. Moreover, although the Qur'an has a conception of justice, it is desert-based, rather than being needs-based. Hence, Imam Ali is the first who conceptualised a theory of 'needs-based distributive justice', of course quite in line of the Qur'anic teachings.

In several lectures, he proposes that the Islamic rule is not something valuable *per se*; rather, political power is intended to provide some 'common goods' for the ruled unavailable in anarchical societies. An Islamic government is obligated, according to Imam Ali, to provide the following goods for society:<sup>36</sup> (1) security and peace,<sup>37</sup> (2) economic development,<sup>38</sup> (3) social justice,<sup>39</sup> (4) and individual virtues.<sup>40</sup> Unfortunately, he does not provide us with a priority rule, which balances these purposes when conflict arises. This is not, however, something unexpected in fourteen centuries ago. This is a task that should be discharged by contemporary Shiite political theory.

With regard to justice, the Arabic terms used by Imam Ali are *al-'adl*,<sup>41</sup> which is equal to justice, and *al-insāf*,<sup>42</sup> which is equal to fairness. Imam Ali conceives of justice as including the following cases: (1) formal justice,<sup>43</sup> (2) retributive justice,<sup>44</sup> (3) compensatory justice,<sup>45</sup> (4) transactional justice,<sup>46</sup> and (5) distributive justice.<sup>47</sup> Three preliminary points should be mentioned with regard to Imam Ali's conception of

distributive justice. Firstly, his discussion of distributive justice has been put in term of fairness. Secondly, among all areas of justice, distributive fairness occupies the highest position in his discussion of justice. Thirdly, it is in his discussion of distributive fairness that Imam Ali introduces his innovative concept of citizens' rights.

Imam Ali's conception of distributive justice is not egalitarian. He does not support equality of income and wealth for all citizens. Nor does his conception of justice directly necessitate reducing or removing the gap between the rich and the poor. In other words, Imam Ali's conception of justice is not comparative.<sup>48</sup> Confirming the entitlement of the rich to their property, his conception of distributive justice requires meeting the basic needs of the poor.

As for the entitlement of the rich to their property, in 'Directives to the Muslim Ruler', he advises his governor to pay attention to the 'merchants' and 'industrialists' by respecting their self-esteem, as well as providing security for their job, along with taxing them appropriately so that taxation does not damage their motivation. To motivate his governor for discharging his duty towards the merchants and industrialists, Imam Ali resorts to two 'utilitarian' grounds. Firstly, he argues that merchants and industrialists supply necessary goods for society, as well as paying taxes required for public expenditures. Secondly, he suggests that merchants and industrialists are pacifist persons, and hence are not dangerous for the stability of society.<sup>49</sup>

However, it should be noted that when Imam Ali grounds the necessity of respecting the merchants and industrialists in their usefulness to society, he does not conceive of them merely as a means to meeting the needs of the poor. For, he acknowledges the worth of every human being in general, firstly, by confirming that every individual is the subject of morality,<sup>50</sup> and secondly, by proposing that justice should be applied even to one's enemy.<sup>51</sup> Therefore, according to Imam Ali, Islamic

society should acknowledge the entitlement of the rich to their property and their unequal shares.

As for the necessity of meeting the basic needs of the poor, again in 'Directives to the Muslim Ruler', he argues that individuals from the lower class, including the poor, the bedridden, the elderly, and the orphans, should have a share in public resources to the extent that their situation becomes good.<sup>52</sup> The goodness of the situation of the needy should be understood as the satisfaction of their basic needs. Not only does he propose that the basic needs of the needy should be met, but he also puts this needs-satisfaction in terms of fairness. Moreover, Imam Ali maintains that there should be a governmental body he calls 'the fairness-fraternity department' (*ummāl al-insāf wa al-rifq*) for distributing basic goods to the needy. In addition to the requirement of satisfying the basic needs of the poor, the expenses of all governmental branches, including the 'military department', the 'administration department', the 'judiciary department', and 'the fairness-fraternity department', should be paid by taxation.<sup>53</sup>

In all cases, Imam Ali's conception of distributive justice requires that the situation of everyone should be good, compared to the particular efforts he makes to the common good. Hence, we can infer that he does not interpret justice as providing a unified level of prosperity for all citizens. Rather, he incorporates into the concept of justice proportionality between the public burdens everyone bears with public benefits that person receives. His conception of distributive justice can be capsulated into the following maxim: 'distribution according to everyone's needs as well as his contribution to the common good'. This conception can be demonstrated as the following two principles of justice in order:

1. The Islamic government should provide basic goods for each citizen.
2. Having provided basic goods for all citizens, the Islamic government should distribute public resources according to different efforts citizens make in promoting the common good.

It should be noted that a similar conception of distributive justice appeared in the political theory of a thirteen Shiite philosopher, Khāji Naṣīr al-Dīn Tūsī (1201-1274). Examining different principles of justice in his moral and political philosophy book entitled *Akhlāqī Nāṣirī*, he suggests that the legitimate ruler should equally distribute 'common goods' to all citizens. Tūsī's list of common goods includes 'healthcare', 'self-steam', and 'property'. The second criterion for distributive justice, according to Tūsī, is distribution according to everyone's entitlement.<sup>54</sup> Although the latter can be connected to one's effort made to promote the common good, Tūsī is not as clear as Imam Ali on conceiving one's effort as the ground for his entitlement.

So far, I have attempted to introduce Imam Ali's theory of the state, by suggesting that he conceives of 'welfare limited guardianship' as the legitimate political system for a Muslim society. His view of welfare state and limited government brings us to his conceptualisation of citizens' rights, which is intended to provide the most sufficient means to restricting the authority of the guardian. In the following section, I shall attempt to explore his innovative conceptualisation of citizens' rights.

## **Imam Ali's Conceptualisation of Rights**

In Arabic, as in English, there is one term signifying the objective sense of right and the subjective sense of right. The word *ḥaqq*<sup>55</sup> is the Arabic term equal to the English word right. Its plural form is *ḥuqūq*. In all cases, where the word *ḥaqq* is used in its objective sense, the preposition 'al-' comes before it. This preposition is equal to the English preposition 'the'. When Imam Ali intends to use the term *ḥaqq* in its subjective sense, usually the pronoun 'hū' or 'hūm' comes with it. The pronoun *hū* is equal to the pronoun his, whereas the pronoun *hūm* is equal to the pronoun their. Hence, in most cases, where Imam Ali uses the subjective sense of right, the term *ḥaqquhū*, meaning his right, or *ḥuqūquhūm*, meaning their rights, are employed.

According to Imam Ali, a right is a 'benefit' for the right-holder, as it is a 'burden' upon the duty-bearer. Hence, there is a correlation between a right and a duty. In this regard, Imam Ali, as the ruler, addresses the public and says: 'Definitely, I have a right against you, and you have a right against me'.<sup>56</sup> Here, he defines a right as something, from which one party benefits, and for which the other party bears responsibility. Hence, the first feature of Imam Ali's concept of rights is the 'correlation of rights and duties'.

In addition to the correlation between a right and a duty, Imam Ali defines a right as something mutually possessed. Wherever a party possesses a right, the correlated duty-bearer possesses a corresponding right. Hence, the possession of rights is reciprocal. In other words, when a duty-bearer respects a right possessed by the right-holder, the former is entitled for a benefit, that is, a right. In this regard, Imam Ali says: 'God the Immaculate has confirmed a right for me, as your ruler, against you, and you have a corresponding right against me. A right is easily described but respected with difficulty. Wherever a right exists to the advantage of a person, a right exists against the same person. Likewise, wherever a right exists against a person, a right exists to the advantage of the same person ... There are rights for some persons against some others on balance. Some rights bring about some other rights, and some rights are confirmed by some other rights'.<sup>57</sup> Therefore, the second feature of Imam Ali's concept of rights is the 'reciprocal existence of rights'.

Required by the reciprocal existence of rights is the 'reciprocal respect of rights'. Hence, the third feature of rights, according to Imam Ali, is that individuals should respect the rights of those who respect their rights. Otherwise, by respecting the rights of those who violate the rights of a person, the latter damages his dignity and freedom. In this regard, Imam Ali has two short sentences. Firstly, he maintains that 'Whoever respects the rights of the person who does not respect his rights has made himself his slave'.<sup>58</sup> Put it more clearly, if person A respects the rights of person B, while person B

violates the rights of person A, person A has made himself a slave to person B. Therefore, the respect of rights has a crucial part in the dignity and freedom of persons. In a complementary comment, Imam Ali suggests that one should not dispose of his basic freedom. In an advice to his son, he says: 'Do not make yourself a slave to another person, for God has made you free'.<sup>59</sup> Therefore, Imam Ali describes claiming one's rights as a means to preserving one's natural freedom and dignity. Hence, freedom and dignity is equal to claiming one's rights.

What complements Imam Ali's concept of citizens' rights is his proposition that individuals who live in an Islamic society possess rights against the ruler and vice versa. Recall that, according to Imam Ali, rights exist reciprocally and should be respected reciprocally, too. Now, he suggests that the 'most important rights' are those that are held in the relations between the ruler and the ruled. In this regard, he states that 'The greatest rights among human beings confirmed by God is the right of the ruler against the ruled and the right of the ruled against the ruler ... Hence, when the ruled respect the right of the ruler and the ruler respects the right of the ruled, the truth gets powerful between them, ... life becomes enjoyable, the stability of the state is guaranteed, and the enemies become hopeless'.<sup>60</sup> Imam Ali, hence, has a concept of citizens' rights, which hold between the ruler and the ruled in an Islamic society.

To the question 'What is the right of the ruler against the ruled, and vice versa?', Imam Ali's response confirms that citizens have 'a right to prosperity', 'a right to education', 'a right to moral progress', and 'a right to the good-will of the ruler', which can altogether be called 'welfare rights'. Reciprocally, the ruler has 'a right to obedience'.<sup>61</sup> The respect of the right of the ruler requires that citizens obey his commands. When citizens obey the ruler, their right to welfare is confirmed. By contrast, if the ruler fails to provide welfare for citizens, he will forfeit his right to obedience. Likewise, when the ruled fail to obey the ruler, they will forfeit their right to welfare. This

view concerning citizens' rights sheds light on Imam Ali's conception of limited government, as well as political obligation.

As discussed earlier in this paper, Imam Ali rejects authoritarianism and supports limited government. What reinforces his commitment to limited government is his concept of citizens' rights. The scope of the authority of the Islamic government is limited by citizens' rights. Citizens are morally obliged to obey the ruler so long as the ruler provides them with welfare. As soon as the ruler proves not to respect citizens' rights, the former forfeits his right to obedience. Put another way, the scope of the political obligation of citizens is limited to the situation where the ruler provides them with welfare. As soon as the ruler proves not to respect citizens' rights, the latter get rid of their political obligation. Therefore, Imam Ali's concept of citizens' rights reinforces his theory of the welfare state, as well as his theory of limited government, along with his particular concept of social contract.

There is room, however, for incorporating into Imam Ali's list of citizens' rights other rights correlated with different obligations borne by the Islamic rule, including 'a right to security', and 'a right to economic development'. Hence, every obligation borne by the Islamic rule confers a right possessed by citizens. Reciprocally, the obligation of citizens to obey the ruler confers on the ruler a right to obedience.

## Notes

<sup>1</sup> David D. Raphael, *Justice and Liberty*, (London: The Athlone Press, 1980), pp. 2-3.

<sup>2</sup> Alan R. White, *Rights*, (New York: Oxford University Press, 1984), p. 1.

<sup>3</sup> Peter Jones, *Rights*, (New York: Palgrave, 1994), p. 1; see also: Kenneth Dover, *Greek Popular Morality in the Time of Plato and Aristotle*, (Berkeley: University of California Press, 1974), p. 157-8; Alasdair MacIntyre, *After Virtue*, (Northridge: Northridge University Press, 1981), p. 67; Tibor R. Machan, *Individuals and their Rights*, (La Salle, Illinois: Open Court Publishing Company, 1989), p. 3.

<sup>4</sup> Michael Freeman, *Human Rights*, (Cambridge: Polity Press, 2002), pp. 15, 17.

<sup>5</sup> William A. Edmundson, *An Introduction to Rights*, (Cambridge: Cambridge University Press, 2004), pp. 4-5.



<sup>6</sup> Edmundson, *An Introduction to Rights*, pp. 17-30.

<sup>7</sup> Muhammad Hussein Ṭabāṭabā'ī, *Shia dar Islam*, (Qom: Markazi Maṭbū'āti-yi Dār al-Tablīghī Islamī, 1967), pp. 125-30.

<sup>8</sup> Imam Ali, *Nahj al-Balāgha*, [632-661], collected by al-Sharīf al-Raḍī [1010], ed. by Ṣubḥī Ṣāliḥ, (Beirut: Dār al-Kitāb al-Lubnānī, 1967), 853 pp; Imam Ali, *Tamāmu Nahj al-Balāgha*, [632-661], collected by al-Sharīf al-Raḍī, [1010], complemented and reorganised by Ṣādiq al-Mūsavī, (Qom and Mashhad: Mu'assasa al-Imam Ṣāḥib al-Zamān, 1997), 1070 pp.

<sup>9</sup> Murtaḍā Muṭahharī, *Sairī dar Nahj al-Balāghah*, (Tehran, Intishārāti 'ainullahī, 1980), p. 31.

<sup>10</sup> Imam Ali, *Nahj al-Balāgha*, pp. 426-45; Imam Ali, *Tamāmu Nahj al-Balāgha*, pp. 917-41. However, it should be noted that al-Ashtar was killed on his way to Egypt and could not act as its governor.

<sup>11</sup> Muhammad Fāḍil Lankarānī, '*Āyīni Kishvardārī az Didgāhi Imam Ali 'Alaihi al-Salām*', ed. Hussein Karīmī, (Tehran: Daftari Nashri Farhangi Islamī, 1991), p. 28; Muhammad Taqī Ja'farī, *Hikmatī Uṣuli Siyāsi-yi Islam*, (Tehran: Bunyadi Nahj al-Balāghah, 1990), p. 15.

<sup>12</sup> Although political theorising in the form of 'instruction to princes' dates back to Hesiod, the Greek poet of the seventh century BC, Imam Ali issued his Directives to the Muslim ruler as the sovereign, rather than a thinker. Hence, it seems to be more like a collection of laws made by the competent guardian of Muslim society. For Hesiod's method of political theorising see: Kurt A. Raaflaub, 'Poets, lawgivers, and the beginnings of political reflection in Archaic Greece', in Christopher Rowe and Malcolm Schofield (eds.), *The Cambridge History of Greek and Roman Political theory*, (Cambridge: Cambridge University Press, 2000), pp. 34-7.

<sup>13</sup> امامة

<sup>14</sup> امام

<sup>15</sup> Imam Ali, *Nahj al-Balāgha*, khuṭba 105, p. 142; khuṭba 164, p. 234-5; khuṭba 173, p. 248.

<sup>16</sup> ولاء

<sup>17</sup> ولاية

<sup>18</sup> ولي

<sup>19</sup> والى

<sup>20</sup> Imam Ali, *Nahj al-Balāgha*, khuṭba 131, p. 189; Imam Ali, *Tamāmu Nahj al-Balāgha*, kitāb 75, p. 881.

<sup>21</sup> اولى الامر

<sup>22</sup> Imam Ali, *Tamāmu Nahj al-Balāgha*, khuṭba 23, p. 309.

<sup>23</sup> Imam Ali, *Nahj al-Balāgha*, khuṭba 131, p. 189; khuṭba 173, p. 248; kitāb 62, p. 452.

<sup>24</sup> Imam Ali, *Tamāmu Nahj al-Balāgha*, kitāb 75, p. 881.

<sup>25</sup> Imam Ali, *Nahj al-Balāgha*, khuṭba 173, p. 248.

<sup>26</sup> Āghā Buzurgi Tehrani, 'Hayāt al-Shaikh al-Tūsī', in Muhammad Bin Hassan al-Tūsī, *Tafsīr al-Tibyān*, (Beirut: Mu'assasa al-A'ālamī lil-Maṭbū'āt, 1966-9), Vol. 1, p. 14.

<sup>27</sup> Muhammad Bin Hassan al-Tūsī, *Al-Iqtisād al-Hādī ilā Ṭarīq al-Rashād*, (Tehran: Maktabi Jāmi'i Chihil Sutūn, 1980), p. 218.

<sup>28</sup> Muhammad Bin Hassan al-Tūsī, *Al-Nihāya fī Mujarrad al-Fiqh wa al-Fatāwā*, (Qom: Intishārāti Qudsi Muhammadi, [?]), p. 356.

<sup>29</sup> Imam Khomeini, *Wilāyati Faqīh*, 7<sup>th</sup> edition, (Tehran: Mu'assisia-yi Tanzīm wa Nashri Āthāri Imam Khomeini, 1998), p. 60-1.

<sup>30</sup> Muhammad Hussein Nā'īnī, *Ta'līqa 'alā Makāsib al-Marḥūm al-'Allāma al-Anṣārī*, ed. Muhammad Taqī Āmulī, (Tehran: Būzarjumihri Muṣṭafawī, 1953), pp. 334, 336-7.

<sup>31</sup> Muhammad Hussein Nā'īnī, *Tanbīh al-Umma wa Tanzīh al-Milla*, [1909], Introduction and Annotation by Maḥmūd Ṭāliqānī, 3<sup>rd</sup> edn., (Tehran: 1955), pp. 11-12, 123-4, 28, 51-5, 69, 78-9, 98, 136.

<sup>32</sup> Imam Ali, *Nahj al-Balāgha*, kitāb 38, p. 411.

<sup>33</sup> Imam Ali, *Nahj al-Balāgha*, kitāb 53, p. 428.

<sup>34</sup> Imam Ali, *Nahj al-Balāgha*, kitāb 53, pp. 441-2.

<sup>35</sup> Nā'īnī, *Tanbīh al-Umma wa Tanzīh al-Milla*, pp. 8-12.

<sup>36</sup> As for freedom, although Imam Ali confirms freedom of religion and rejects the imposition of the true religion upon the citizens of Islamic government, to speak of freedom as a 'purpose' of the Islamic government seems odd. On his view of freedom of religion, see: Imam Ali, *Nahj al-Balāgha*, khuṭba 192, p. 292.

<sup>37</sup> Imam Ali, *Tamāmu Nahj al-Balāgha*, kalam 142, pp. 668-9.

<sup>38</sup> Imam Ali, *Nahj al-Balāgha*, kitāb 53, pp. 426-7.

<sup>39</sup> Imam Ali, *Nahj al-Balāgha*, khuṭba 105, p. 152; kitāb 53, p. 429; Imam Ali, *Tamāmu Nahj al-Balāgha*, kalam 142, pp. 668-9.

<sup>40</sup> Imam Ali, *Nahj al-Balāgha*, khuṭba 105, p. 152; khuṭba 164, pp. 234-5.

<sup>41</sup> العدل

<sup>42</sup> الانصاف

<sup>43</sup> Imam Ali, *Nahj al-Balāgha*, kitāb 59, p. 449; Imam Ali, *Tamāmu Nahj al-Balāgha*, 'ahd 3, p. 928.

<sup>44</sup> Imam Ali, *Nahj al-Balāgha*, ḥikma 220, p. 507.

<sup>45</sup> Imam Ali, *Nahj al-Balāgha*, khuṭba 136, p. 194; ḥikma 341, p. 534.

<sup>46</sup> Imam Ali, *Nahj al-Balāgha*, kitāb 53, pp. 438, 441.

<sup>47</sup> Imam Ali, *Nahj al-Balāgha*, kitāb 53, pp. 431-2, 438-9; ḥikma 328, p. 533.

<sup>48</sup> Feinberg distinguishes between two main kinds of justice. The first kind, which he calls 'noncomparative' justice, regards those cases in which one due can be determined independently of his relation to other people. The second kind, which he calls 'comparative' justice, one's due can only be determined with reference to his relation to other people. See: Joel Feinberg, 'Noncomparative Justice', *The Philosophical Review*, Vol. 83, No. 3 (Jul., 1974), p. 298.

<sup>49</sup> Imam Ali, *Nahj al-Balāgha*, kitāb 53, pp. 432, 436, 438; Imam Ali, *Tamāmu Nahj al-Balāgha*, 'ahd 3, p. 933.

<sup>50</sup> Imam Ali, *Nahj al-Balāgha*, khuṭba 167, p. 242.

<sup>51</sup> Hassan Bin Ali Bin Shu'ba al-Ḥarrānī, *Tuḥaf al-'Uqūl 'an Āli al-Rasūl*, [332], (Beirut: Mu'assasa al-A'ālamī lil-Maṭbū'āt, 1974), pp. 63, 150.

<sup>52</sup> Imam Ali, *Nahj al-Balāgha*, kitāb 53, pp. 438-9.

<sup>53</sup> Imam Ali, *Nahj al-Balāgha*, kitāb 53, p. 431.

<sup>54</sup> Khaji Nasir al-Din Tousi, *Akhilāqi Nāshirī*, ed. and Intro. Mujtabā Mīnawī and Ali Riḍā Haidarī, 5<sup>th</sup> edn., (Tehran: Intishārāāti Khārazmī, 1994), p. 307.

<sup>55</sup> حَقٌّ

<sup>56</sup> Imam Ali, ***Nahj al-Balāgha***, khuṭba 34, p. 79.

<sup>57</sup> Imam Ali, ***Nahj al-Balāgha***, khuṭba 216, pp. 332-3.

<sup>58</sup> Imam Ali, ***Nahj al-Balāgha***, ḥikma 164, p. 500.

<sup>59</sup> Imam Ali, ***Nahj al-Balāgha***, kitāb 31, p. 401.

<sup>60</sup> Imam Ali, ***Nahj al-Balāgha***, khuṭba 216, p. 333; Imam Ali, ***Tamāmu Nahj al-Balāgha***, khuṭba 61, p. 493.

<sup>61</sup> Imam Ali, ***Nahj al-Balāgha***, khuṭba 34, p. 79.