

Studying Jurisprudence Principles of Imam Hussein's Uprising and Interpretations of Imam Khomeini and Shahid Mutahhari

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ABSTRACT

Uprising of Imam Hussein and Ashura has always been studied by analysts. However, ignoring the basis of this uprising and unilateral view on this movement in one hand, and lack of documents and historical evidenced on the other hand make enemies of Alhe-Bayt to rise some doubts on its truth and legitimacy. This research studies jurisprudence points of this holy uprising based on jurisprudence context- with little reference to Sunni resources-, historical books and offering views of Shia jurists. One of the principles of this uprising is enjoining the good and forbidding the evil that is the center of Imam's uprising, which their condition and level has been accord with his uprising. Legitimate movement of Imam Hussein and cruel ruling of Yazid and the way of his getting on the throne, necessitates standing against Yazid and his violent reign; the act which is impossible with reservation. It can be honestly said that, enjoining the good and forbidding the evil make uprising of Imam Hussein a true pattern of standing against despotism and violence and can be followed in all eras.

Keywords: Imam Hussein, enjoining the good and forbidding the evil, reservation, allegiance, Imam Khomeini and Shaheed Mutahhari

1. INTRODUCTION

Although the uprising of Ashura happened as an event of a special time and place and finished with martyrdom of the dearest people of Islam, but in a short time have changed to a rich and long-lasting culture, the effect of which has extended during times and eras.

Absolutely, one way of its fecund lasting is its entrance to jurisprudence discussions which influence Islamic law and daily life of humanity. However, if this uprising is discussed from jurisprudence point of view, it can be a comprehensive pattern to determine Muslims' issues in all ages. Historical and moral aspects of this uprising have been studied by many researchers, but less attention has been on its jurisprudence aspects.

In this research, some jurisprudence aspects of Imam Hussein uprising, historical contexts and ideas of some of Shia jurists, such as Imam Khomeini and Shaheed Mutahhari, have been studied; so that, research objectives was "Enjoining the good and forbidding the evil, 2- not obeying violent ruler in era of violence and injustice to characterize the obligations of other Islamic uprisings".

Research questions are 1) What are jurisprudence principles of Imam Hussein's uprising? 2) What are the causes of rejecting reservation by Imam Hussein? 3) Whether his movement in Karbala is applicable in other areas or not?; and research hypotheses are A) Uprising of Ashura has various jurisprudence aspects, such as "enjoining the good and forbidding the evil", and "not obeying violent ruler"; B) While reservation is one of the necessities that Imams believe in some situations, but when the basics of Islam are in danger of decline and destruction, reservation is not acceptable, and Muslims should fight even if it ends with murder of two sides; and C) Uprising of Imam Hussein is for upholding enjoining the good and forbidding the evil and establishing Islamic regime, and is considered as a complete pattern for all humanity, a worldly pattern effecting forming revolutionary desires in all eras.

There are many books and thesis considering uprising of Ashura and the way of martyred of families of Imam Hussein and their enslavement from view point of history, morality, etc. From jurisprudence point of view, Najafi Chaleshtary has a thesis entitled "*Jurisprudence Study of Uprising of Ashura*", in Qom University. There are also some books on this topic such as "*Ashura In Jurisprudence*" of Mortazavi, and "*Hussein Epic*" of Shaheed Mutahhari.

2. MATERIAL AND METHOD

In this research, library method was used and notes were taken from Arabic jurisprudence contexts and using different historical and jurisprudence software and internet.

Lexical meaning of reservation:

In word, reservation is defined as follow: "the root of word is "وقى، يقى" and "أبقى، يبقى"

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After translating the word “وقى” as maintaining, saving and preservation, Shaheed Mutahhari states the accurate meaning of “reservation” is maintaining. According to different statements from various books and narratives, it can be said that reservation in terms is in two types:

1. General meaning: caring to avoid what is harmful, whether worldly damages or hereafter. In reservation, the wisdom is dominant, which independently commands and the sentence of lawgiver suggests the command of wisdom.
2. Special meaning: agreeing with others in speech or act that is against God, to avoid harms of others.

3. RESULTS AND DISCUSSION

Idiomatic concept of reservation:

Definition of reservation from view point of Sunni has no difference with Shia; the only difference is their interpretation and word structure of idiomatic concept of reservation. However, they all believe that reservation is not lying to deceiving the others. Reservation is: “denying truth and coordinating with enemies, to be saved of worldly and religious damages and harms”

The origin of reservation:

Reservation dates back to the creation of humanity. Prophets not only invite their companions to be conservative and not disclosing it, but in some cases they were using it as a shield to avoid disasters. Since family of prophet, as the second base of Islam is considered as preserver of Sharia and religious honors, reservation and avoiding armed uprising is the best way of saving them from murder. To save life of commanders and themselves and hold Islamic groups, Imams pretended they are not against rulers and not thinking of revolt against them. Imams not only themselves accepted reservation, but command their followers to behave in this way in front of rulers.

Reservation from view point of Shaheed Mutahhari:

In Shia, reservation has reasonable and prudent meaning which is approved by Quran and wisdom, and is defined as using justifiable technique to save forces and avoid unnecessary wasting of forces and weakening powers. Its root is the word “وقى”, that is, to save more and beat less. Today, this word has lost its real meaning and is defined as anti-fighting. From view point of blessing, reservation is to leave the field and give it to enemies and only use controversy and discussion. It’s true that sometimes people pass lives of their loved ones to achieve higher goals, strengthen rights and destroy wrongs, but no one dare to put their lives in danger without any important aim? Islam allowed people to temporarily deny right when their life, wealth, or honor is in danger and no significant results are achieved by saying the right. Quran says: “الا من اكره وقلبه مطمئن بالايمان” (An-Nahl, 106). The point is that reservation has not a firm interpretation everywhere and every time, sometimes it is obligatory, sometimes Haram and sometimes lawful. When the life of people is in danger without any significant result reservation is obligatory, but when reservation cause promoting false and misleading people and strengthen tyranny, it’s Haram and forbidden.

In this base, all objections in this regard will be answered. In fact, if critics had research on this subject, they would understand that Shia are not alone in this idea but sometimes reservation is an absolute intellectual order which agrees with human nature, since all wise and intellectual people when encountering a two-way in which they should ignore their inner belief or put their wealth and body in danger, advise to be conservative.

Evidences of legitimacy of reservation in Islam:

Legitimacy of reservation is granted in Shia and there are many narratives in reliable books of Shia which absolutely proves this idea and there is no need for other proofs.

Prophet Mohammad (PBUH) defines reservation as a condition for faith and refers to verse 28 of chapter Al-E-Imran in Quran. He also considers the one who denies reservation as the one who leaves praying God.

He says:

تارك النقيه كتارك الصلوه
لا ايمان لمن لا تقيه له، و يقول: قال الله، الا ان تتقوا منهم تقاه

Sometimes reservation is used in its general meaning and is defined as saving what is in danger of loss; it’s like when an ill person takes drug for remedy.

Nature: some experts believe legitimacy of reservation is natural issue and some believes even if was not stated by religion, its legitimacy could be proved by human nature. Some says that nature is common instinct between human and animal and is natural in all human and animal when encountering danger and trying to save life.

It seems, this statement of dangers is in fact the wisdom reason and can't be considered a separate reason.

Wisdom: Some experts have detailed or brief discussion about wisdom reason:

Avoiding harm: some explain wisdom reason as: Wisdom necessitates reservation to avoid harms, jurists believe in it. Even Shia needs not proving necessity of reservation. Some other experts believe that reservation is evaluated by the judge of wisdom, and wisdom has two verdicts to explain reservation:

One is that wisdom independently necessitates reservation, so it's said that wisdom believes religious orders as a way of eternal happiness of human. When this happiness is achievable only through hiding believes from enemies, wisdom orders reservation, such as reservation and silence of Imam Ali in his right to save religion.

Second, wisdom is not independent in necessitating reservation. Holy lawgiver considers that if there is danger of murdering or such things, but religious order necessitates doing it, in that case the damage is considered more important than religious order since "لا ضرر و لا ضرار في الاسلام و احل الله ما اضطرر اليه". In this case dependent wisdom and law obligate reservation.

The way of wisdoms:

Some believe that ways of wisdoms are conforming reason of wisdom. For example it has been said that reason of reservation is wisdom and quotes.

The best statement about the way of wisdoms in reservation is that:

Whenever a person is in danger due to his beliefs or doing his tasks and harms of this danger is more than its benefits, and person can avoid these harms by hiding or not pretending his beliefs, wisdoms let them to be conservative and in some cases they obligate reservation. Based on this comment, wisdoms prefer the considering benefits.

Quran texts: there are two types of verses in Quran which can be considered as reasons of reservation: first, those verses which imply reservation, and second one which contain general sentences include both reservation and issues other than reservation.

a) Verses which imply reservation include:

لا يَتَّخِذِ الْكَافِرُونَ اَوْلِيَاءَ مِنْ دُونِ الْمُوْمِنِيْنَ وَمَنْ يَفْعَلْ ذَلِكَ فَلَيْسَ مِنَ اللّٰهِ فِيْ شَيْءٍ الْاَلَا اَنْ تَتَّقُوا مِّنْهُنَّ مَا وُجِّدَ رُكْمَ اللّٰهِ نَفْسُهُ و اِلَى اللّٰهِ الْمَصِيْرُ

Let not the believers take disbelievers for their friends in preference to believers. Whoso doeth that hath no connection with Allah unless (it be) that ye but guard yourselves against them, taking (as it were) security. Allah biddeth you beware (only) of himself. Unto Allah is the journeying. (Al-E-Imran, 28)

Other verses include Al-Ghafer Chapter, verse 28 and so on.

b) Verses which include reservation and other than reservation

وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّيْنِ مِنْ حَرَجٍ

Hath not laid upon you in religion any hardship (Al-Hajj, 78)

So, one of the cases of hardship is to perform Islam rules against disbelievers when there is physical or financial danger, which is denied by this verse and lawfulness of reservation, is proved.

Other verses about this issue include verses 19 and 20 of Kahf and 119 of Al-Annam.

Exceptions of reservation: while reservation in most of the cases is accepted and sometimes it's obligatory, but in some cases in no way reservation is accepted.

Some cases in which reservation is Haram include:

Corruption in religion: sometimes pretending coordinating with styles and ways of enemies makes one of principles of Islam to be in danger or one of the foundations of the religion be unstable, or strengthen parts of disbelief, such as destroying Kaba or tombs of Imams and prophets, or denying Islam and misinterpreting Quran that devaluating it and is according with views of unbelievers. In these situations reservation is not allowed and benefits of Islam should be defended. A Muslim should firmly stand against these issues and insists on it.

Imam Khomeini says: in fact, reservation is used to save Islam and its principles and the groups of Muslims who uphold religion and its principles. When reservation causes their destruction, it should be avoided. There are many reasons to prove the fact that reservation is not acceptable when damaging religion:

Imam Hussein says:

...ان للتقيّه هو كذا أزالها عن مواضعها لم تستقم له... مكان التقية مما يؤدي الى الفساد في الدين...

"Reservation has a limit and anyone who goes beyond it is not forgiven... reservation is in the places where religion is going to be corrupted.

In this regard, no one is allowed to be conservative just because Islam had let him to behave in accordance with unbelievers but hate what is he doing, or be unstable in front of them and let these cruel rulers do whatever they want in the society. It's obvious that in that case society will be such that Prophet Mohammad

had predicted: society is like a sinking boat, and people are as their members. Abominable deeds of people are like making hole in boat which leads the boat to sink. Enjoining the good and forbidding the evil is the factor that can save the boat from sinking.

Manslaughter: the second exception of reservation is manslaughter. Imam Mohammad Bagher in his narrative says:

انما جعل التَّقِيَّةَ لِيَحْفَظَ بِهَا الدَّمُ ، فاذا بَلَغَ الدَّمُ فَلَيْسَ تَقِيَّةً

Indeed, reservation is to save blood, when there is bleeding reservation is no longer acceptable.

Therefore, reservation is to save life, wealth and honor of self and religious brothers. It should be considered that reservation is to save life or to save religion; therefore, when religion and life is in danger there is no need of reservation. Sometimes human should ignore the life to save religion, like what Imam Hussein did to save Islam and sacrifice his life and his family's life in God's way.

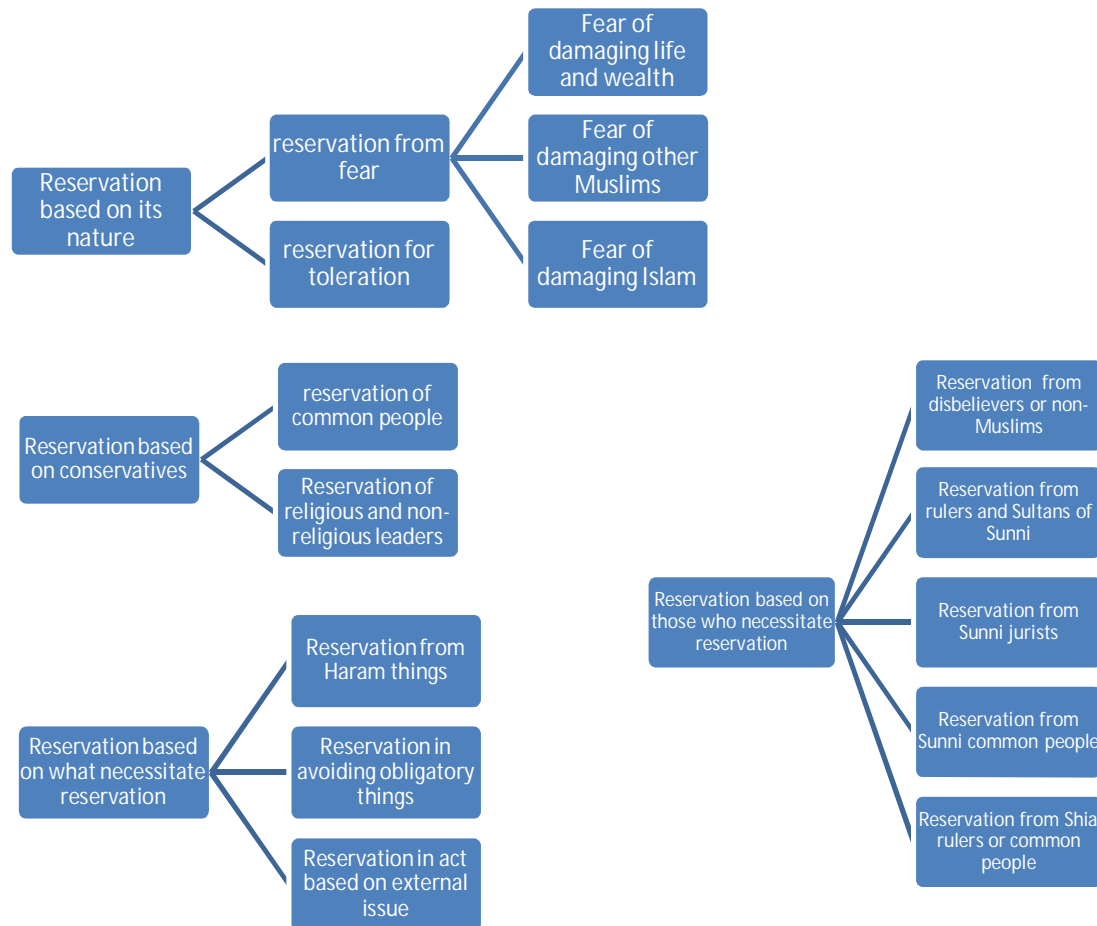
Imam Khomeini says: when there is danger of changing or destroying one of the principles and necessities of religion, reservation is not allowed. Such that cruel perverse wants to change one of the principles of Islam or basics of religion, in which reservation is not acceptable.

Different types of reservation:

There is a long history of reservation and its different types, from time of Abraham to Moses, Abutaleb, and Mohammad. This method which belongs to prophets and special saints of God, have continued after death of Mohammad.

Sheikhe Mofid divides reservation to four parts and says reservation: 1) Sometimes is obligatory, so it's better to do it; 2) Sometimes it's necessary but not obligatory; 3) Sometimes being conservative is better than not being; 4) Sometimes not being is better than being conservative even the doer is possible or is pardoned.

Graph 1. Graph of different types of reservation from Imam Khomeini viewpoint



Imam Khomeini has divided it in two parts: 1. Reservation based on nature that is conservational, 2. another type of reservation including secrecy, tolerable, and reluctance.

Each of these divisions has their own special definition: Different types of reservation from obligatory orders view: some jurists divide reservation to five different types: 1. Obligatory reservation: where benefits

necessitate it such as when without reservation, physical and financial harms will be on him; 2. Haram reservation: when lack of reservation will cause death of a Muslim or corruption in religion or deviation of God orders and a sin happen that its fault is more than reservation; 3. Recommended reservation: such as participating in Sunni ceremonies to save unity and integration of Muslims against enemies; 4. Abominable reservation: when it's better not to be conservative such as not using profane words stating from well-known people such as Rashide Hejry and Haja Ibn Oday; 5. Lawful reservation: when there is equality of benefits of reservation and there is no prevalence on them.

Examples of reservation:

One of the most significant examples of reservation is Imam Hassan adjacent the time of Imam Hussein. Imam Hassan defines one of main reasons of his peace as to save blood of Muslims especially Shia. As we all know, after entering to Kufa, Muaviyeh breached the peace contract and did not obey its provisions. In this time, Imam Hassan and Imam Hussein used reservation method and prayed God behind Marvan ibn Hakam, ruler of Madinah.

Since the basic of uprising of Imam Hussein is enjoining the good and forbidding the evil, and revolting against unfaithful and violent ruler who had destroyed the rules of God and extended religious deviations. In this time Imam Hussein did not use reservation to save religion and establishing God rules, the time in which reservation was not useful in enjoining the good and forbidding the evil. It shows that reservation is not principally accepted in main issues which depend on the basic of Islam. In another word, when reservation causes destruction of Islamic sanctities or values of religion, reservation is not allowed. Imam Khomeini defines the followings as examples of main and important issues which forbids reservation: elimination of Holy Book, destruction of its copies, interpretation of Quran which misleads people, destruction of Kaba and eliminating its effects, destroying tombs of prophets and Imams, etc.

As it was mentioned in Imam Hussein's stance, silence and reservation is forbidden when the ruler is violent and destroying basics of religion; silence against violence of government is equal to death and death is considered better than this kind of life:

الأترون ان الحق لا يعمل به وان الباطل لا يتناهى لميغب المومن فى لقاء الله محققا فانى لاارى الموت الا سعادة والحياة مع الظالمين الا برما.

Fear should be abandoned and mental and physical health should be encouraged:

افيا الموت تخوفنى وهل يعدوا بكم الخطب ان تقتلونى ما ادرى ما اقول لك ولكن اقول كما قول اخو الاوس لا بن عمه و هو يريد نصرة رسول الله فقال اين تذهب فانك مقتول فقال: سامضى فما بالموت عار على الفتى اذا ماتوى حقاً وجاهد مسلماً

If Imam Hussein were using reservation, this silence would help destruction of religion, not saving or maintaining it.

In this regard, Imam Khomeini says:

When considering ruling of a violent and cruel ruler among people, Imam Hussein believed that they should stand against him and prevent him, with all power, and army.

4. CONCLUSION

Uprising of Ashura is one of the categories which became pattern of Shia and inspiration for all freedom men all over the world during history. Studying jurisprudence principles of this uprising can have an extended and key role in expansion of religion in society. This great epic had many benefits from it's time to now. It has been said that the causes of continuation of Islam, prophecy of prophet and continuity of that bloody revolution are Imam Hussein and his family and followers.

Enjoining the good and forbidding the evil is one of the most important religious practices which sometimes leads to revolution and is administrative support of other rules and guarantees other obligations and forbids. Imams say that without enjoining the good and forbidding the evil, blessing is not to the earth, disbelievers dominate believers and there would be no helper in the world and heaven. One of the main motives of Ashura uprising is enjoining the good and forbidding the evil which is stated in speeches of Imam Hussein.

One of the conditions for enjoining the good and forbidding the evil is possibility of its influence on its performance. Unidirectional viewing and not analyzing historical evidences cause some doubts from enemies of Ahle-bayt. Influence means to have reflection on performing enjoining the good and forbidding the evil, whether direct reflection or indirect. One example of obligation of enjoining the good and forbidding the evil is when there is innovation in Islam which leads to its violation or weakens believes of Muslims, or strengthen cruel which was observed mostly during ruling of Moaviyeh. Therefore, influence should be considered as general or typical, since enjoining the good and forbidding the evil may have influence on others.

The conditions set by jurists on enjoining the good and forbidding the evil is acceptable when it is in individual domain, but when one of the sentences of detailed issues are in danger of destruction, or the basic of religion and most of its sentences are in danger of destruction, there is no need of the conditions set for enjoining the good and forbidding the evil, and they should be defended in anyway. Undoubtedly, uprising of Ashura was one of its examples. Looking at speeches of Imam Hussein, it is considered that all of the conditions of enjoining the good and forbidding the evil are observed in his uprising.

When interpreting cruel government, jurisprudence views of Shia set against Sunni, since Sunni don't deny legitimacy of the regime. Fighting against cruelty and corruption and innovations in Islam is duty of all Muslims from enjoining the good and forbidding the evil viewpoint. In fact, this duty is for Imam Hussein which has been born and grown in the Holy family. Therefore, Imam Hussein questions legitimacy of this regime and considers allegiance with the cruel ruler as destruction of Islam and religion.

One of the situations in which reservation is not allowed is corruption in religion. Regarding illegitimacy of Yazid regime, no way is for silence, since this silence is considered as participating in his cruelty and violation, which its only aim is to destruct principle of Islam and reservation was a way to help destruction of Islam not saving it.

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REFERENCES

1. Tarihy, F. 1980. *Majma-al-Bahrayn*, Hosseini, A., Al-Tabat al-Mohaghaghat al-sanyah, Mortazavyieh publication, Tehran
2. Mutahhari, M. 1995. *Dah Goftar*, Sadra publication, Qom, (n.d.) pp. 187-213
3. Fazel, M.J. 1992. *Resalat fi Al-taghyah*, Almotamar al-sheikh al-azam al-ansari, Tehran
4. Ghorbani, Z.A. 1982. *Causes of Progress of Islam and Decline of Muslims* Farhange Islamic publication, Tehran
5. Vatheghy Rad, M.H. 1999. *Principles and Place of Reservation in Jurisprudence Arguments*; Feghh publication, Qom
6. Mutahhari, M. 2006. *Causes of Orientation to Materialism, a Journey is Methods of Imams and Prophets* , Sadra publication, Qom
7. Makarem Shirazi, N. 1992. *Tafsir Nomouneh*; Dar al-ketab al-Eslamiat, Qom
8. Hussein Momen Zadeh, A. 2009. *Jurisprudence Principles and Innovations of Shaheed Mutahhari*, Sadra publication, Tehran
9. Al-Ameli, Z. 1996. *Al-Rozeh Al-Bahyat fi Sharhe Al-Lameat Al-Dameshghiat*; edited by Kalantar, M., Esmaelian Institute, Beyrout
10. Majlesi, M. B. 1983. *Bahar al-Anvar*; Dar al-ketab al-eslamiat, Tehran
11. Safari, N. 2002. *The Effect of Reservation in Deduction*; Boustan Ketab institute, Qom
12. Saleh Al-Moallem, M.A. 1997-1999. *Al-taghyat fi Feghh Ahle-Bayt*; Al-Elmiyat publication
13. Makarem Shirazi, N. 1994. *Reservation, a Shield for Deeper Combats* Matbouati Hadaf publication, Qom
14. Ibn Manzour, A. 1984. *Lesan Al-Arab*; Adab Al-Hozeh publication, Iran
15. Ghorbani, Z.A. 2005. *Tafsir Jame Ayat al-ahkam*; Sayeh publication, Qom
16. Khomeini, R.A. 1995. *Makaseb Moharameh*; Institute for Compilation and Publication of Imam Khomeini's works, Tehran
17. Hor Ameli, M. 1982. *Vasael Al-Shia*; Ehya al-trath al-Arabic publication, Beirut
18. Khoda Karami, A. 1998. *Reservation, Key for Lasting*; Nashr al-Eslam publication, Qom
19. Tabarsi, A. 1993. *Majma al-Bayan fi Tafsir al-Quran*; researcher: Mir Bagheri, A. Farahani publication, Qom
20. Fazel, M. J. 1992. *Resalat fi al-Taghyat*; Sheikh Azam Ansari publication, Tehran
21. Khomeini, R.A. 2006. *Rasael, Al-Ejtehad and Al-Taghlid*; second volume, Esmaelian institute, Qom
22. Ansari, M. 1999. *Makaseb* Thaghalein publication, Qom
23. Seytouti, J. 1992. *History of Kholafa*; Al-Ola publication, Saadat, Beirut
24. Islamic Propaganda Organization 2007. *Seeking the Way from Speeches of Imam*; AmirKabir publication, Tehran