

Reviewing the Permissibility of Using Sword as Mentioned in the ĀYA of Saif

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Abstract

Amongst the beliefs of the Salafi and Takfiri groups is the necessity of murdering the opponents for not saying prayers and/or avoiding to pay Zakat and/or their exercising of polytheism and so forth! In this article, the thing that is the writer's major concern is the investigation and exploration of the documents and evidence of such beliefs. Amongst the documents of the Salafi groups are the incorrect perceptions of the holy Quran's ĀYĀT by their righteous predecessors. Although they realize individuals other than the great prophet of Islam (may Allah bestow him and his sacred progeny the best of His regards) as being allowed to make a mistake, it appears based on these perceptions that they know their antecedents as being completely righteous and unmitigated. The present article investigates one of the most original documents known as ĀYA of Saif and it has been concluded that these perceptions are alienated to the ĀYĀT's style and also that they are refuted according to interpretation of the holy Quran based on itself; moreover, they are not also confirmed by the Sunnah of the great prophet of Islam (may Allah bestow him and his sacred progeny the best of His regards). However, ĀYA of Saif can be substantiated as a proof for justifying the legitimate defense and it does not imply preliminary jihad.

Keywords: ĀYA of Saif, preliminary war, terror and murder of the polytheists, legitimate defense

INTRODUCTION

Statement of the Problem:

The fifth ĀYA of the honorable SŪRAH TAWBEH is amongst the holy Quran's ĀYĀT debated in various notions some of which have led to the emergence of cruel behaviors away from the spirit and truth of Islam. Some of these violent perceptions have not been made during the present time rather they belong to the first hegira century.

As believed by some, all of the ĀYĀT that had been revealed before regarding forgiving and amnesty of and turning face away from the polytheists and Kaffirs were rendered obsolete! [1-3]. In such perceptions, Islam is portrayed with a completely violent visage devoid of humanity and Muslims should be always in a state of readiness for war against non-Muslims even outside the battlefields. Of course, Takfiri groups do not suffice to war rather they realize it necessary to murder their opponents even in states other than war! In this article, efforts will be made to investigate the interpreters and jurisprudents' ideas regarding this ĀYA in a brief manner and find answers to the questions raised about this ĀYA. The followings are the present study's questions: is this ĀYA amongst the proofs of preliminary Jihad or legitimate defense? Is it not permissible based on the implications of ĀYA of Saif for the Muslims to live a peaceful life along with non-Muslims? Should the individuals not saying prayers or

paying no Zakat or not participating in Friday Prayers be killed based on the ĀYA of Saif? Is murdering and engaging in battle the only way of inviting to monotheism and destroying the roots of polytheism and ignorance as ordered in the ĀYA of Saif? Shouldn't the non-Muslims, including the fellows of the divine books and others like communist countries and so forth, have the life and citizenship right based on the ĀYA of Saif? Should the Muslims engage in a battle against polytheism and blasphemy at least once every year after the forbidden months based on the ĀYA of Saif?

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These are but some questions that can be posited about this ĀYA and the correct answers to them separates the fates of the Takfiri and ISIS-like groups from Islam and Muslims.

Study Background:

In rejecting the beliefs of the Takfiri groups like heretics and ISIS-like cohorts, there are numerous articles and books written from the early advent of Islam till the present era; recently, as well, the “global congress on the extremist and takfiri streams from the perspective of Islamic scholars” has been held headed by His Highness Ayatollah Makarem Shirazi and the experts’ articles have been compiled in eight volumes. In between, the discourse holding the avoidance of violence and extremism and promoting Islam that neither accepts tyranny nor abuse to any individual(s) and does not also coerce anybody to accept Islam and advertises the peaceful life along with the opponents needs more fundamental and vaster research. In the present study, efforts will be made to deal with issues having more radical effects on the recognition of such subjects as jihad and legitimate defense.

Conceptualization:

ĀYA of Saif: amongst the holy Quran’s ĀYĀT, the ones about the war and verdicts of war have become known as ĀYA of Saif [using sword]. Amongst these latter ĀYĀT, the fifth ĀYA of the honorable SŪRAH of TAWBEH is most well-known. There are also other ĀYĀT like ĀYĀT 29, 36 and 73 in SŪRAH TAWBEH and ĀYA 5 of SŪRAH HAJ, as well, known as ĀYA of Saif [4]. ĀYA of Saif or ĀYA permitting the murder) (ĀYA of sword and battle) which is the fifth ĀY in the honorable SŪRAH TAWBEH orders that “so, after the forbidden months were expired, kill or imprison the polytheists wherever you found them and siege them and hide to ambush them from every hiding place; but, if they repented and started saying prayers and paying Zakat, you should leave them alone because the God is very merciful and kind”. Some realize this ĀYA as the obliterator of many of the ĀYĀT bearing subjects like forgiving and turning face away from the polytheists as well as amnesty, reconciliation, tribute and ransom and so forth in respect to them [5]; some others realize this ĀYA as the main obliterator for it has rendered 124 ĀYĀT obsolete [6]; it means that this ĀYA obliterated the ĀYĀT implying the permissibility of turning face away from the polytheists, forgiving and amnesty of them, reconciliation with them as well as the ĀYĀT indicating peaceful symbiosis with them and so on and sees fighting with polytheists as the only way of expanding Islam and uprooting ignorance and polytheism! On the contrary, there are individuals believing that this ĀYA does not obliterate any other ĀYA rather it is related to the other ĀYĀT on war and jihad in an absolute and constrained and specific and general manner and, like them, it is a piece of common verbal but detached evidence; however, due to the interpreters’ lack of contemplation over many of ĀYĀT, this ĀYA has been claimed to obliterate the ĀYĀT after which it has been revealed while the holy Quran’s ĀYĀT interpret and explain one another and there is no conflict between these ĀYĀT [7].

Therefore, in order to answer the study questions, this ĀYA will be further discussed below.

And, there is no success except by Allah on whom we rely and towards whom we return.

As believed by some, after this ĀYA was revealed, all the other ĀYĀT that had been revealed regarding the amnesty and forgiving of and turning face away from the polytheists and Kaffirs were obliterated [1-3].

Of course, it has been narrated that the SŪRAH TAWBEH or disavowal has been revealed in the ninth hegira year in Medina and Mecca was conquered in the eighth hegira year ... It has also been stated that this SŪRAH does not begin with “In the Name of Allah, the Most Compassionate, the Most Merciful” because the foresaid expression serves granting amnesty and immunity but this SŪRAH serves removing amnesty and immunity and there is an ĀYA in it known as ĀYA of Saif meaning ĀYA of Sword [8].

Thus, it is insensible to overlook the polytheists’ mistakes and treating them leniently and reconciling with the opponents who are living under the support of Islam’s flag or outside the support realm of the Islam’s flag and the opponents should be killed unless they find faith, say prayers and pay Zakat! That is because the Holy Quran states in this ĀYA that “so, after the forbidden months were expired, kill or imprison the polytheists wherever you found them and siege them and hide to ambush them from every hiding place; but, if they repented and started saying prayers and paying Zakat, you should leave them alone because the God is very merciful and kind!”

Salafi groups state that the preliminary verdict of this ĀYA that obliterates the ĀYĀT on amnesty and forgiving of and turning face away from the polytheists clarifies our duty in respect to our opponents and that would be engaging in preliminary jihad with the opponents and, of course, we can and we should kill all our opponents even if not within the format of the common rules of war and even though through terror and/or siege and other ways of the like! That is because this ĀYA states that “you should kill them wherever you found them ... and you should hide to ambush them ...!” [9].

In Reddeh battles [fight against atheists] in the era of the first caliph who had permitted the murder of the individuals avoiding the payment of Zakat, when the caliph is asked why has he ordered the murder of those who say prayers, he answers that “I do not cause separation in what has been put together by the God”. Some researchers consider it likely that the first caliph’s intention of this saying has been the ĀYA of Saif [1, 3, 10].

Shafe’ei, as well, rules the murder of the individuals not saying prayers and substantiates his reasoning on the same ĀYA [11].

The individuals basing their reasoning on this ĀYA state about preliminary Jihad, including by Shiites and Sunnis, that

polytheists have two ways; they should either convert to Islam or get killed ^[12, 13].

In *Ahkām Al-Quran*, Ibn Arabi states that “this verdict of the ĀYA is well clear in the command by the great prophet of Islam (may Allah bestow him and his sacred progeny the best of His regards) who ordered that “I was commissioned to engage in a fight with the people until they say ‘there is no other God than Allah’ and start saying prayers and paying Zakat ...” ^[13].

The followings were made clear up to here based on the perceptions from this ĀYA:

1. The individuals not saying prayers and not paying Zakat will be killed even if they are Muslims.
2. The Muslims should hide to ambush and kill the idolaters unless they submit to Islam and start saying prayers and paying Zakat.
3. Killing is done in two ways: one in a preliminary jihad and the other in ranks other than Jihad such as hiding to ambush and terror and so forth.

However, these perceptions are inconsistent with some of the teachings the accuracy of which is ensured. The following list presents some of these materials so that it can be an introduction to the investigation of the intended ĀYA.

1. In the Muslims’ way of conduct from the early advent of Islam, there have been various controversies with the Zanadeqeh [Dualists], Dahriyeh [pantheism], Brahmans and others and they continued living a peaceful life along with Muslims even after being presented with unquestionable proof and being defeated with the Muslims being in the peak of authority and capable of readily finding and killing them ^[14].
2. There are many ĀYĀT in the holy Quran indicating peace, peaceful life and quitting of war and ordering Muslims not to abuse the enemies when they stopped exercising enmity. About the individuals who have become annoyed of the fruitless political engagements and controversies and are not willing to keep on doing so and are also not willing to attend the engagements and get involved in the controversies neither in favor nor against the Muslims and wish a peaceful life with everyone, the Holy Quran orders that “so, if they stayed away from you and stopped fighting with you and set plans of peace with you, the God does not [anymore] open a way for you [to abuse them]” (NISĀ’A, ĀYA 90).
3. Amir Al-Mo’menin Imam Ali (PBUH) orders in a letter to Malek Ashtar that “the people fall in two groups: they are either sharing a religion with you or they share their creation with you” ^[15]. Thus, non-Muslims, including the followers of the divine books, have citizenship right.
4. If it is permissible to kill polytheists for their practicing of polytheism, the children of the polytheists are also to be viewed as polytheists; so, why the life right of the girls who were buried alive should be defended in the holy Quran? (TAKVIR, ĀYĀT 8 and 9)

5. The verdicts of the polytheists’ marriage in the Islamic society have been presented in two SŪRAHs that are indicative of the idea that they also have civil rights in the civil society (Noor, ĀYA 3 and BAQARAH, ĀYA 221).
6. In the conduct way of the great prophet of Islam (may Allah bestow him and his sacred progeny the best of His regards), there is no report indicating the enforcement of the death penalty for the individuals who do not say prayers and such a verdict has not also been issued by any of the immaculate Imams (peace be upon them).

Thus, in order to investigate the ĀYA of Saif, the revelation atmosphere and cause of this ĀYA as well as those of the other ĀYĀT in the course of which the foresaid ĀYA has been revealed will be explored so that a just and wise verdict can be extracted in such a way that it can be also consistent with the other ĀYĀT in the holy Quran, as well.

Due to the same reason, in order to avoid the issuance of imperfect and/or incorrect verdict, all these ĀYĀT are investigated together so that the verdict of the fight against polytheists can be clarified thought he well-known decree is engagement in a preliminary jihad with the polytheists not the terror of the non-Muslims in places other than the battlefield and/or murdering of the Muslims who are not saying prayers or not paying Zakat as ruled in the fifth ĀYA of SŪRAH TAWBEH. So, it can be stated that the first sixteen ĀYĀT of the disavowal SŪRAH are in one style and revealed in an identical atmosphere ^[16]; the foresaid sixteen ĀYĀT offer the reason for the battle against the polytheists.

[These ĀYĀT] introduce the announcement of disavowal [and non-commitment] by the God and his prophet in regard of the polytheists with whom a peace pact has been concluded (1 ĀYA of SŪRAH TAWBEH). “So [O’ polytheists], travel around on earth four more months [in perfect security] and know that you cannot wear out the God and this is the God that divulges the Kaffirs (2 ĀYA of SŪRAH TAWBEH. And, [these ĀYĀT] present a declaration by the God and His prophet to the people on the day of the great Haj that the God and His prophet have no commitment in respect to the polytheists. [However] if they repent [from their atheism], it is better for you and, if you turn your faces away from them, know that you will not cause God’s ineptness and those who have exercised blasphemy should be informed of a painful chastisement (3 ĀYA of SŪRAH TAWBEH) unless the polytheists with whom you reached an agreement and have not fallen short [of their commitments towards you] and have not supported anyone against you, so, keep your promises to them till [the end of] its term because the God likes the pious persons (4 ĀYA of SŪRAH TAWBEH). Then, after the forbidden months were expired [a respite of four months], kill or imprison the polytheists wherever you found them and siege them and hide to ambush them from every hiding place; but, if they repented and started saying prayers and paying Zakat, you should leave them alone because the God is very merciful and kind (5 ĀYA of SŪRAH TAWBEH). And, if

one of the polytheists asked refuge from you, provide him with protection so that he might hear the God's words and, then, get him to a safe place because they are an illiterate clan (6 ĀYA of SŪRAH TAWBEH). How polytheists can have a treaty with the God and His messenger except those with whom you signed a pact at the side of Masjid Al-Haram. So, as long as they keep [their promises] with you, you keep your promises to them because the God likes the pious individuals (7 ĀYA of SŪRAH TAWBEH). How can you enter an agreement [with them] while they will neither observe kinship nor keep their promises if they take control of you; they make you satisfied with their tongues while denying it in their hearts and most of them are deviants (8 ĀYA of SŪRAH TAWBEH). They sold the God's ĀYAT for a trivial price and prevented [the people] from stepping on His path; they have truly performed a bad deed (9 ĀYA of SŪRAH TAWBEH). They do not observe kinship and they do not keep any of their promises about any believer and they are the real abusers (10 ĀYA of SŪRAH TAWBEH). So, if they repent and start saying prayers and paying Zakat, they are in this case your religious brothers and we express [our] ĀYĀT in great details to the group that knows (11 ĀYA of SŪRAH TAWBEH). And, if they broke their oaths after concluding an agreement and treated you sarcastically in your religion; you should subsequently fight with the blasphemy leaders because they do not keep any promises; may they stop [breaking promises] (12 ĀYA of SŪRAH TAWBEH). Why are you not fighting with the group that broke its promises and decided to expel the [God's] messenger and it was them who initially started a war with you? Are you afraid of them? While, if you believe, God deserves more to be afraid of (13 ĀYA of SŪRAH TAWBEH); Fight with them so that the God may chastise and divulge them by your hands and grant you victory over them and soothe the believers' hearts (14 ĀYA of SŪRAH TAWBEH) and take away the wrath in their hearts and the God accepts the repentance from whom He wants and the God is the omniscient and the wisest (15 ĀYA of SŪRAH TAWBEH). Do you think that you have been left on your own and the God does not divulge those of you who have engaged in jihad and taken nobody other than the God and His messenger and believers as their confidant and the God is aware of what you are doing (16 ĀYA of SŪRAH TAWBEH).

At first and before investigating the ĀYA of Saif meanwhile exploring the aforesaid ĀYĀT, the questions that may strike the mind are proposed and answers will be subsequently found to these questions so that the intended ĀYA can be more precisely investigated.

1. Have Muslims been commissioned in these ĀYĀT to breach the treaties unilaterally?
2. Are Muslims assigned to enter a battle with and kill the polytheists who have not violated their promises after the expiration of the pact's term?
3. What should Muslims do in respect to the polytheists who have been bound to the contents of their pact and have remained so even after the expiration of it and have not made and are not making any abuses? (What should

be done if they want to keep on their peaceful life and remain in peace and live a peaceful life along with Muslims?)

4. Do polytheists have no life and citizenship rights and they should convert to Islam or get killed?
5. Should the polytheists and the followers of creeds other than the divine religions (including the fellows of the self-constructed creeds like communists and so forth) be killed wherever they are in the world?
6. Is it permissible based on the order of these ĀYĀT to kill the individuals not saying prayers and/or not paying Zakat?

In answering the first question that whether Muslims have been commissioned to unilaterally breach the pacts or not, it has to be stated that the ĀYA of disavowal is a verdict issued by the God indicating the instances of violation of the pacts and promises made with the polytheists and the subsequent vivid witnessing of their breaking of their promises; however, the pacts and promises that had not been breached by the polytheists were continued and they were not violated [by the God and His messenger] ^[17].

Such a unilateral violation of the pact has not been performed by the Muslims and, in fact, it was after Hodaybiyeh Pact that the great prophet (may Allah bestow him and his sacred progeny the best of His regards) entered pacts with polytheists for quitting war (with these battles being continuously started by the polytheists and ended most predominantly with their defeat) and, then, those pacts were violated by the same polytheists; it was so until the ninth hegira century that a verdict was revealed from the God indicating that the pacts that have been violated by the polytheists would no longer have any effect and that they have a respite of four months to decide to either convert to Islam or leave the Muslims' lands (for the abuses they have done to the Muslims and their lands) or get ready for a just war ^[4]. Thus, in these ĀYĀT, no talk has been made of the unilateral violation of the pacts by the Muslims and there is also made no statement about the terror and murder of non-Muslims and the thing that has made it necessary to engage in a battle with the polytheists-and not killing of them, is their contesting, war-seeking and pact-breaching and not the preliminary combat with the polytheists and not also the unilateral breaching of the pact and not even the permissibility of their murder wherever they are found. Thus, these ĀYĀT do not recommend abusive war by the Muslims for inviting to Islam though they speak about repelling of the abuses by the invaders and their concomitant invitation to Islam and rule that the God is merciful and most forgiving if they stop exercising enmity and submit to Islam and that their submission would compensate and invalidate their sins and abuses as if they have been reborn ^[4].

But, the second question that is needed to be answered in the course of these ĀYĀT's investigation is that whether Muslims are commissioned, after the termination of the pact's

term, to enter a battle with or kill the polytheists who have not violated their pacts.

The answer is that the God addresses the Muslims in an order that they should remain bound without any time limitations to the contents of the pact they have concluded with the polytheists at the side of Masjid Al-Haram as long as they stay bound thereto and realizes it as a sign of piety. Thus, Muslims cannot at all annul the pact unless they themselves breach the contents thereof and, of course, these ĀYĀT are silent about the battle with polytheists after the termination of the term set in the pacts and the verdict of this latter issue should be extracted from the other ĀYĀT which is beyond the scope of this short article.

The thing that can be discerned from all of these ĀYĀT is the clarification of the intention of this command that “kill the polytheists wherever they are found” because this part of the command speaks about the state of war meaning that the polytheists who want to enter a battle with you should be killed wherever they are found not all the polytheists in every corner of the world and in any other state. This command of the ĀYA speaks of a special period of time and the subject of the aforesaid verdict of the ĀYA, as well, includes certain individuals. The ĀYA orders that “after the expiration of the months given as a respite [i.e. the four months that have been given as an intermission to the pact-breaching, war-instigating and warring polytheists not the four forbidden months], you should kill those pact-breaching and contesting polytheists who have instigated battles against the prophet and know it now that the time has come for the war and war has been commenced wherever they are found not every polytheist in every place and in any state”. Thus, this ĀYA does not issue a command for murdering all the polytheists or all the other individuals not following one of the heavenly religions^[4].

Thus, giving the name Saif [sword] to the fifth ĀYA of SŪRAH TAWBEH and inferring preliminary Jihad from it does not seem to be true because this ĀYA expresses the verdict of engaging in a battle and killing the invading, war-seeking and pact-breaching polytheists. Thus, it is not correct to consider this ĀYA as obliterating the other ĀYĀT implying no coercion for religion’s acceptance and/or invitation to the religion through means of wisdom and good preaching and peaceful negotiation as well as the ĀYĀT that encourage benevolently treating the non-Muslims who do not want to fight with Muslims or expel them from their lands. And, all these ĀYĀT are robust and cannot be obliterated. In general, God does not open a way for Muslims’ domination and defeat by the non-Muslims, including the atheists or idolaters who do not want to engage in battle with Muslims and wish to live a peaceful or impartial or abstinent life^[4].

Thus, the duty of Muslims is accordingly made clear regarding the polytheists who have been bound to the contents of their pact during its term and after its termination and no abuse has been performed and is being performed by

them. It means that if they want to continue their peaceful life and stay in peace with Muslims, they have the citizenship and life right and they are free to choose their own religion and the Muslims are obliged to invite to their religion through wisdom and good preaching and benevolent negotiation each of which has its own various methods and intellectual and reasonable solutions and they can be discussed individually in great details^[4].

If it is stated that only the polytheists who have remained bound to their promises can be excluded and granted immunity as stated in these ĀYĀT, the polytheists who had not had any pact with Muslims so that they could have remained bound to it still stay in the inclusion circle of the four commands mentioned in the fifth ĀYA of SŪRAH TAWBEH and it is obligatory to perform preliminary jihad and attack against this set.

It can be stated in an answer that the substantiated ĀYA does not speak of the duties in respect to this set and, as explicitly mentioned by the scholars of jurisprudential principles, the preliminaries of reaching a wise conclusion are not perfect in such cases and signification extraction would be flawed.

Thus, the polytheists and individuals other than the followers of the heavenly religions (including the followers of the self-constructed creeds like communism and so forth) are not killed wherever they are in the world rather they enjoy the right to live as well as freedom to choose a religion and opinion and also the right to live a peaceful life along with the others so the war against them is allowed only when it is more of a legitimate defense nature and, in fact, the war is instigated against those who want to enter a battle against the Muslims and are envisioned as invaders^[4, 18].

However, considering the well-known verdict indicating that all the lands are divided into two territories, namely the territory of Islam which is resided by the Muslims and fellows of other religions under the ruling of the Muslims and the territory of warring non-Muslims with whom the Muslims are in a constant fight, the Muslims should be at least once a year engage in invitation to Islam and, in case of non-acceptance, get involved, if affordable, in a battle with them and kill them wherever they are found and capture their wives and children. It is hard to accept such a ruling unless we know that there are other decrees, as well, in contrast to this well-known verdict, which are more consistent with the explicit purports of the Holy Quran’s ĀYĀT, Islam’s spirit, freedom in choosing a religion, non-coerciveness of the Islam’s acceptance and Islamic policy. Thus, according to the importance of the pact and treaty in Islam and Holy Quran and the necessity of keeping promises by the Muslims even in respect to the dualists and materialists and even the apparent Kaffirs, it is seen that some of the Muslim scholars and jurists mention the territory of those with whom an agreement has been reached at the side of the two abovementioned territories and realize it as being ruled by certain verdicts and opine that the Muslims should keep their

promises towards the individuals with whom they have reached an agreement in such a territory ^[18].

Furthermore, there are some groups or countries that choose an impartial position in the clashes between Kaffirs and Muslims and prefer not to get involved in them; the territory of such groups has been called impartial territory by some according to the Holy Quran. The territory of impartial groups or the territory of abstinence is a term given to the land and country that adopts a neutral position in political and ideological relations as well as the controversies between the territory of Islam and the territory of warring groups and exercises no-involvement policy and preserves its impartiality in the military engagements and conflicts between the territory of Islam and the territory of warring parties without any bias and any support for any groups or parties of the engagement. In this case, as well, Muslims cannot enter a fight with the non-Muslims for their being polytheists or for not believing in any of the divine religions and/or for their not being under the protection of the Muslims. About the individuals who have become fed up with the fruitless political clashes and engagements and do not have any inclination for getting involved in them and are not willing to attend the engagements and interventions and clashes neither in favor nor against the Muslims and wish to live a peaceful life with everyone, the holy Quran uses the term “abstinence” and orders that “so, if they stayed away from you and did not enter a battle with you and concluded peace treaties with you, the God does not [anymore] open a way for you [to attack them]” ^[18].

According to the ĀYĀT pertinent to abstinence, it can be concluded that Islam does not oppose the non-Muslim nations’ keeping away and non-involvement from and in the political clashes as well as their military impartiality in military engagements and values this state in the international relations and restricts the Islamic territory from violating the pacts and starting an invasion.

These ĀYĀT limit the set of ĀYĀT that generally expresses a command for jihad and, as so-called in jurisprudential terms, specifies its significations ^[18].

Therefore, Muslims are not to engage as ordered by Islam in a war against any nation that does not submit to the Islam’s verdicts or does not sign a temporary peace pact rather they are permitted to fight against the nations that want to start a war against them.

In the history of the great prophet of Islam (may Allah bestow him and his sacred progeny the best of His regards)’s political relations with the tribes in the Arabian peninsula and its neighboring states, cases of exercising impartiality methods are seen. Some of them have been pointed out beneath:

1. In Moote War, although some of the tribes residing the borders of Rome had formed a hostile front against Islam, Banu Qanam Tribe announced impartiality and it was not invaded by the great prophet of Islam ^[19].

2. The authors expert in research on ways of conduct have described Habesha as a country that was not raided by the Islamic forces and remained intact; such an exceptional situation came about due to the reason that the government and nation of Habesha had proved their good standpoint as the powerful supporters of the great prophet of Islam (may Allah bestow him and his sacred progeny the best of His regards) and Muslims against the attacks by Quraysh from the very beginning. On the other hand, the behavior of Habesha government towards the migrating Muslims and the answer by Najashi, governor of Habesha, to the letter of the great prophet of Islam (may Allah bestow him and his sacred progeny the best of His regards) have been so affectionate and peaceful that incited doubt and wonder in many of the Christian writers regarding the reactions of Najashi and his companions and made them declare that the hadiths related to Habesha are dubious and fake ^[18].
3. There are hadiths in the book “Wasayel Al-Shi’ah” indicating the quitting of war with the residents of Habesha and Turks as long as they do not attack Muslims. These hadiths are reflective of the idea that the Islamic wars are more of a defensive nature and no Muslim seminally engages in an abuse and fight ^[20]. According to the principle of “inferring the best proof” in jurisprudence and verification of the non-specificity of the hadith’s subject, i.e. Habesha and Turks, its generalization to all the countries and states that do not attack Muslims and exercise impartiality can be possible.

It was made clear based on the above-presented explications that the polytheists who have remained bound to the contents of the pact during its term and after its termination and have not performed and are not performing any abuses should not be attacked and they can continue their peaceful life with Muslims without any annoyance. Thus, the polytheists have the life and citizenship rights and their rights should be venerated. The perception that the polytheists and the followers of creeds other than the divine religions (including the supporters of the self-constructed schools like communism and so forth) should be killed wherever they are found around the world is not correct and such an inference cannot be reached from these ĀYĀT.

However, is it necessary based on the order of ĀYA of Saif to kill the Muslims who do not say prayers or pay no Zakat?! It is quite surprising that it has been inferred from the ĀYA five of SŪRAH TAWBEH (ĀYA of Saif) that the individuals who have quitted saying prayers and those who have ruled the permissibility of quitting saying prayers have to be killed ^[21]. In Tazkerah, Allameh has presented the decrees of the Muslim jurists, Shiite and Sunni, in this regard in great details based on the narrations and the fifth ĀYA of SŪREH TAWBEH. Thus, the well-known idea in this regard is that the individuals who have quitted saying prayers and those who are not paying Zakat and the others who are not fulfilling any other compulsory obligation should be killed ^[22].

Substantiation on this ĀYA for ruling the necessity of killing those who have quitted saying prayers or are not paying Zakat is in this way that it is said that the individuals who quit saying prayers and simultaneously opine that it is faultless and hold that it is permissible for the individuals to quit saying prayers are atheists and the atheists should be killed. In this ĀYA, the Eminent and Sublime God suspends the non-murdering of the polytheists to the coexistence of three things: one is stating of repentance; the other is saying prayers and the third is paying Zakat. There is no doubt that quitting saying prayers by the polytheists is out of its permissibility for the polytheists do not believe in the necessity of saying prayers [23, 24].

Some others realize the justification of a person's blasphemy and necessity of murdering the Muslims who have quitted saying prayers as a guardianship matter and, according to the entire narrations on the intention of the ĀYA and the resultant conclusion of their rulings, they know the quitting of the prayers as the cause of the blasphemy's justification hence murder's necessity when the quitting of saying prayers stems from belittling and humiliating prayers; so, the ĀYA's signification is limited by such constraint [25].

However, Abu Hanifeh believes that prayer is entrusted in the human beings by the God and it is a matter related to the God so the individuals who have quitted saying prayers should not be disturbed [26]. Some jurisprudents, as well, object to the well-known reasoning and believe that this verdict is related to the polytheists and the murdering of the polytheists is permissible as long as the aforesaid three conditions do not exist together and this is due to the polytheists' prior exercising of polytheism but it is not necessary to murder others for the absence of one of the three conditions. In more explicit terms, this ĀYA is related to the polytheists for their practicing of polytheism but it is not clear if it can remain so for others. In addition, some interpreters believe that those who have quitted polytheism and become committed to the fulfilling of prayers and paying Zakat have submitted to Islam and saved their blood [and, the saying of prayers and paying of Zakat are not to be viewed as preconditions] [27, 28]. According to the numerous narrations presented in regard of the revelation instance of SŪRAH TAWBEH, some others believe that tributes should be received from the fellows of the divine books, magi and Arab and Non-Arab polytheists as well as from the other idolaters [polytheists' submission to Islam and their fulfilling of Salah and paying of Zakat are not prerequisites in the case of the polytheists]. And, it is as if the conduct way of the great prophet of Islam (may Allah bestow him and his sacred progeny the best of His regards) in his highness's treating of the polytheists has been more of a governmental not divine and ideological nature [29]. Thus, polytheists are not forced to say prayers and their quitting of saying prayers does not make it necessary to kill them.

It appears that the disavowal ĀYĀT, including the fifth ĀYA of SŪRAH TAWBEH which is the focal point of the discussions herein, have been revealed when the Islamic

government prohibited the polytheists from entering Mecca and, particularly, Masjid Al-Haram, for their abnormal behaviors such as practicing polytheistic rituals which caused the diminishing of the Islamic society's unity and blemishing of haj ceremony and set such a condition as repentance for granting permission to them for entering Masjid Al-Haram and the sign of such repentance was saying prayers and paying Zakat. In order to be granted permission for entering Masjid Al-Haram and fulfilling Haj rites, they had to become obliged to the fulfilment of Salah and payment of Zakat to the government and it was only under such conditions that the way was opened for them for entering Masjid Al-Haram and they were allowed to take part in Haj. It can be also understood from the narrations that polytheists had a safe zone after the disavowal ĀYĀT were read by His Highness Imam Ali (PBUH) though such a safe zone could have not been Masjid Al-Haram; they had not been forced to accept Islam and/or say prayers and/or pay Zakat and they had also been granted a right to enter a pact and agreement. His Highness Imam Ali (PBUH) was shouting four things amidst the polytheists: 1) no polytheist is allowed to enter Mecca after being granted immunity; 2) no naked person is allowed to perform circumambulation around Kaaba; 3) nobody would enter the paradise except those who have submitted to Islam; and, 4) the agreement previously reached between the prophet and the others is still holding for its term [30].

Several points are well extractable from this narration:

1. For entering Mecca and circumambulating about the God's house, there were regulations stipulated by the Islamic government.
2. Polytheists had a safe zone for themselves other than Mecca and they enjoyed social rights in there.
3. The agreements and pacts endorsed between the polytheists and the God's prophet (may Allah bestow him and his sacred progeny the best of His regards) were still being enforced by the prophet so these polytheists were not to be abused.

It seems that inferring the necessity of murdering those who have quitted saying prayers from this ĀYA is not devoid of flaws and it is as if this ĀYA pertains to the polytheists who had breached their promises and instigated wars and avoided paying taxes; such polytheists had to express repentance and, in order to be allowed to enter Masjid Al-Haram and fulfill Abrahamic Haj, they were to be obliged to perform Masjid Al-Haram's rituals which were circumambulation while wearing certain clothes and not nakedly and saying prayers and so forth and they had to also pay taxes to the Islamic government. We have many narrations indicating that polytheists can also be required to pay tribute and taxes. Thus, non-payment of tribute and the subsequent breaching of the promises and assisting the Muslims' enemies as well as exhibiting abnormal behaviors caused the permissibility of a fight with them at the side of Masjid Al-Haram that was disrespected by them. So, the Holy Quran orders that "kill them wherever you found them" meaning that the Muslims are permitted to kill them in Mecca and in the divine holy

shrine [it seems that the order for killing polytheists everywhere they are found has been issued after a declared prohibition serving the removal of illusions about the murdering of polytheists in the holy shrine and Mecca] and its intention is that they, to wit Mecca's polytheists, did disrespected the holy shrine and perpetrated other crimes and depravities and sins so they have to be killed wherever they are found inside the holy shrine even if they are clinging to the curtain of Kaaba unless they express repentance and become obliged to the saying of prayers inside Masjid Al-Haram and pay Zakat to the Islamic government. In more clear-cut terms, ordering the murder, capture, siege and ambush are all suspended over the expiration of the forbidden months. It means that it is after the termination of the days wherein the armed and coercive treatment has been prohibited that they can take such measures.

Additionally, there are narrations showing that the case of the fifth ĀYA in SŪRAH TAWBEH is about certain polytheists and that the polytheists, as well, have citizenship rights in the Islamic society on the condition that they remain bound to the regulations and pay taxes and they are not forced to accept Islam and also that they are not killed in case of accepting Islam; these narrations also indicate that the necessity of killing the individuals who have quitted saying prayers cannot be inferred from this ĀYA. In fact, by prayers, saying and fulfilling of Salah in Masjid Al-Haram is intended and, by paying of Zakat, payment of tribute to the Islamic government is meant. The following is the list of some of these narrations¹:

1. Mas'adah Ibn Sadaqeh quotes Imam Sadeq (PBUH) in the following order: "when the great prophet (may Allah bestow him and his sacred progeny the best of His regards) wanted to send a commander for a small army, his highness used to advise him and his assistants about having subtle piety and belief in the magnificent and glorious God; then, his highness would order: 'and, upon facing the Muslims' enemies, invite them to one of the three things and if they positively answered you, accept it from them and leave them alone: invite them to Islam and if they accepted, accept it from them and leave them alone; ask them to migrate following their submission to Islam and if they accepted, accept it from them and leave them alone and if they preferred not to migrate and wanted to stay in their lands and refrained from moving to the migration land [Dar Al-Hegira], consider them as believer Arabs so they should be treated as believer Arabs are treated but they are not to be given anything from the specified portion and ransom unless they migrate for the sake of God; if they withdrew from one of the abovementioned actions, ask them to pay tribute in utmost humbleness and meekness; then, if they paid tribute, accept it from them and leave them alone and, if

they refused to pay, ask assistance from the God and engage in a battle with them on the path of God ...'"^[20, 31]. The document of this narration is authentic and reliable and its significations also includes the individuals other than the followers of the divine books, as well, or it has possibly been so that most of the dispatches by the great prophet (may Allah bestow him and his sacred progeny the best of His regards) have been towards the groups of individuals other than the followers of the divine books. It becomes clear from this narration that non-payment of tribute was considered as an instance of uprising against the government hence punished by a battle for requiring them to do so^[29].

2. Solayman Ibn Borideh quotes his father in the following words: the great prophet of Islam (may Allah bestow him and his sacred progeny the best of His regards) used to send a commander for a military mission or army by recommending him and his assistants to the practicing of piety and benevolence and ordering that 'upon facing an enemy of yours from the polytheists, you should invite them to one of the following characteristics [or ways of survival]; then, accept it from any of them who submitted to either of the ways and leave him alone; then ask them to migrate from their land to the land of migrants and join the Islam's army and remind them that if they do so, they will be given whatever is given to the migrants and they are obliged to perform whatever the thing migrants are obliged to do; if they refrained from doing this and preferred to stay in their land, tell them that you will be treated like Muslim Arabs and the verdicts enforced for the Muslim Arabs will be also enforced for them but they are not given any share of the ransoms and tributes unless they engage in jihad along with Muslims. If they refused to do so, ask them to pay tributes and if they accepted, accept it from them and leave them alone but if they refused to do so, ask assistance from the God and engage in a battle with them'"^[32]. after narrating parts of this narration in the book "Nil Al-Awtar", Shokani writes: "the apparent thing is that there is no difference between Non-Arab and Arab Kaffirs as well as between those following or not following divine books". Malek and Awza'ei and a group of scholars have accepted this same idea but Shafe'ei has an opinion against them and believes in a well-known notion in this regard; he holds that tribute can be taken from the followers of the divine books and magi but polytheists should convert to Islam and no tribute is accepted from them. Abu Hanifeh opines that tribute is not accepted from Arab polytheists and they should convert to Islam or get killed but tribute can be accepted from non-Arab polytheists and followers of the divine books [and, they are not to submit to Islam to save their lives]^[33]. In Tahzib, a document has been presented from Abi Al-Bakhtari quoting Ja'afar who narrates the following

¹ These narrations are numerous and we only present three of them to avoid verbosity; see also Najaf Abadi, Hussein Ali Montazeri, basics of Islamic government's jurisprudence, v.7, p.111 on).

words from his father: “Imam Ali (PBUH) orders that ‘fighting is of two types: fight against the fellows of polytheism who are not left alone until they become Muslims or they should pay tribute in inferiority and the fight against the conspirators who are not left alone till they return to the practicing of what God has ordered or get killed’” [31]. This narration has also been cited in Wasayel in a quotation from his highness (PBUH) [20].

It can be understood from these narrations that it has not been so that the fight against or murdering of the polytheists could have been quitted on the condition that they converted to Islam rather they were left alone in case of having paid tribute and they were subsequently given citizenship right.

Moreover, the honorable ĀYA has not only commanded them to murder the polytheists but it has also additionally spoken about taking tributes from them and putting them in siege. In fact, other than murder, there are predicted to other solutions, as well: “capturing and sieging”. About the expression “Khozūhom”, Tantavi states that “this word points to capturing them for Arabs use the term “Akhz” to mean capture” [34]. Siege can be also perceived from the expression “Wa Ohserūhom”. Considering the fact that the expression “Wa Ohserūhom” has been interpreted as “Oqtelūhom”, it can be stated that capturing is another solution other than murdering but not in such a way that capturing can be an introduction to murdering. In fact, the ĀYA seeks expressing that one of the solutions should be sought based on the governing conditions and expediencies in respect to the polytheists who have engaged in a war against the Muslims and they have been repeatedly found breaking their promises [17].

As it was mentioned, a large number of the interpreters have realized ĀYA of Saif as the obliterator of the entire ĀYĀT signifying peaceful living with and turning face away from the polytheists. However, Qartabi has quoted it from Zahhak, Soday and Ata’a that they believed in the idea that this ĀYA has been obliterated by the fourth ĀYA of SŪRAH Muhammad wherein it is ordered “Fa Emmā Manna Ba’ado Wa Emma Fedā’a”. It has been stated that a captive is not to be killed whereas Mojahed and Qatadeh believe that the polytheist captives are to be incumbently killed. Qartabi continues with presenting a saying by Ibn Zaid who believed that none of these two ĀYĀT obliterate one another rather both of them are authentic. Qartabi realizes Ibn Zaid’s saying about these two ĀYĀT as being correct and adds that “man”, “Qatl” and “Fedā’a” have always been atop of the agenda of the great prophet (may Allah bestow him and his sacred progeny the best of His regards) [1]. Zohaili, as well, explicitly points to this idea that imprisonment is carried out for murdering, sacrificing or conferring favor as deemed expedient by the leader [17].

Thus, it cannot be stated that the polytheists are not provided with any ways other than conversion to Islam or getting killed. However, this ĀYA intends to express the law of war

with the invaders and it is possible in a war to siege, capture or kill the polytheists and this is the natural law of war.

The other point that should be noted is that this ĀYA pertains to war state and setting; so, individuals who do not engage in battle should not be killed. It is accordingly narrated that the great prophet of Islam (may Allah bestow him and his sacred progeny the best of His regards) faced a woman that had been killed in the battlefield. His highness ordered that “this woman was not amongst the fighters; why has she been killed?!” Then, his Highness sent a man to remind Khalid Ibn Valid that the children and women should not be murdered [35-37].

According to the abovementioned cases and the non-popularity of polytheists’ killing, opining the ĀYA of Saif’s obliteration of all the other ĀYĀT related to defense and ĀYĀT pertinent to the intellectual verdicts and rules of war and ĀYĀT pertaining to peace and ĀYĀT related to turning face away from polytheists and forgiving and amnesty of them needs more precise scrutiny; furthermore, the Muslims who have quitted saying prayers or not paying Zakat cannot be murdered through substantiation on this ĀYA.

CONCLUSION:

The followings are some of the important points and verdicts that can be extracted in an investigation of ĀYA of Saif in the course of the above-presented ĀYĀT’s exploration:

1. Declaration of polytheists’ disavowal and cancellation of the pact in the first ĀYA is not in a unilateral and preliminary manner but in response to the violation of the pacts and in an answer to uprising against the ruling of the Islamic government.
2. Four months have been given after announcing disavowal as a respite for studying and scrutinizing in Islam to the same promise-breaching polytheists who engaged in conspiracy against Muslims so that they may convert to Islam (ĀYA 2).
3. According to the verdict of the fourth ĀYA, the polytheists who did not break their promises and remained bound to the contents of their agreements were given immunity and Muslims were prohibited from engaging in battle with them.
4. The polytheists who announced their submission to Islam during this four-month respite were envisioned as the believers’ religious brothers.
5. If a polytheist requested refuge for studying Islam and staying in the land of Muslims, he was granted immunity so as to hear the God’s words and he was returned to his safe zone afterwards (ĀYA 6).
6. Polytheists had a safe zone for themselves outside Mecca and they had the life and citizenship rights therein.
7. Some of the polytheistic groups were not attacked as far as they did not break a promise they had made to the Muslims; their promises and pacts were endless.

8. After the termination of the four-month period and following the engagement in a war, the polytheists who converted to Islam were granted mercy and beneficence of the God hence forgiven even if they were found having broken a promise before and the Muslims were prohibited from abusing them (ĀYA 4).
9. The violation of the pact by the polytheists was envisioned as the cancellation of the pact by the eminent and sublime God and the great prophet of Islam (ĀYA 7).
10. Another reason for disavowing the polytheists and declaring the cancellation of the pact with them was the vivid and public depravities by the majority of them and they did not observe kinship and promise and pact if they had their hands on the monotheists (ĀYA 8).
11. The other reason for the disavowal of the polytheists was their abusive and aggressive dispositions; they used to constantly break their promises and they did not observe kinship with the Muslims (ĀYA 10).
12. If the polytheists repented and said prayers and paid Zakat, they were viewed as Muslims' religious brothers and could enter Masjid Al-Haram and perform Haj rituals and the Muslims were obliged to keep the path open for them (ĀYĀT 5 and 11).
13. The necessity of murdering the Muslims who have quitted saying prayers or not paying Zakat is not discerned from the fifth ĀYA of the honorable SŪRAH TAWBEH.

Thus, these ĀYĀT do not signify preliminary jihad and coercing the polytheists to conversion to Islam and saying prayers and paying Zakat rather they express the annulment of the broken promises and the re-invitation to Islam. These ĀYĀT order retaliation and countermeasure and, in fact, they command legitimate defense against invaders.

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