



Supporting Individual Freedoms in Imamiyyah Jurisprudence

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Abstract

Freedom is considered one of the most important human rights after the right to life, and on this basis, since human beings are created free, the privacy of their freedoms must always be protected from any kind of harm so that no one can encroach on their legitimate freedoms. One of the most important manifestations of freedom is individual freedoms; Individual freedoms are those rights and freedoms that the government does not have the right to interfere and limit, but it is the civil society that should support these freedoms; From the perspective of Imamiyyah jurisprudence, mechanisms have been provided to support individual freedoms, which is the subject of this research, the examination of these mechanisms with emphasis on their examples and based on the government style of the leaders of Islam. Mechanisms for protecting individual freedoms are divided into two categories; Some of the mechanisms are in the form of encouragement and support, and some of the mechanisms are in the form of punishment and criminal protection of individual freedoms. The results of this research show that Imamiyyah jurisprudence has supported individual freedoms such as: privacy, freedom of thought, freedom of expression, the right to choose and determine one's destiny, and emphasized on punishing those who threaten individual freedoms. From the point of view of Imamiyyah jurisprudence, the scope of individual freedom is to preserve the freedom of others and the interests of society. The current research is based on documentary study and analytical-descriptive research method.

Keywords: *Imamiyyah Jurisprudence; Freedom of Speech; Freedom of Thought; Citizenship Rights; Individual Freedoms*

Introduction

The existence of individual freedoms in a society indicates its dynamism and vitality, and the enjoyment of such freedoms by individuals is considered one of the important characteristics of democratic systems. Individual freedoms are one of the most important topics in the category of freedom,

to the extent that some people believe that individual freedoms are the "mother of freedoms" (Davari& others,1993p:7) Imamiyyah jurisprudence emphasizes the freedom and lack of coercion and reluctance of man because he was created independent and free, and it is of the opinion that all human duties must be accompanied by free will and even the acceptance of religion is based on free will. And the freedom of people should be. Because the value of worship and religious duties is based on its optionality; According to the ideas from the Holy Quran, human freedom is a right given to him by God and he is presented as a sovereign and free being:" Surely We have shown him the way: he may thankful or unthankful "(Quran, AL_INSAN/3) (إِنَّا هَدَيْنَاهُ السَّبِيلَ إِمَّا شَاكِرًا وَإِمَّا كَفُورًا) Human freedom has different dimensions, and one of its dimensions is individual freedom. From now on , Imamiyyah jurisprudence strongly supports human freedom; This right is in his nature; Human individual freedoms are based on human nature and nature. Allameh Tabataba'i, a Muslim jurist and commentator, writes in this regard: "In his nature, a human being has the right to do or leave what he wants, in parallel with his creative right. Therefore, he can do or leave what he wants, and this is the meaning of the natural freedom of man. (Tabataba'i,1995/VL.16p:68) Mohammad Taqi Jafari, another contemporary Muslim jurist and philosopher, points out two basic principles in the discussion of human individual freedoms: First, everyone has authority and authority over himself, and secondly, no one has authority and authority over others. According to the first principle, every human being in his free relations with others has authority over his affairs, relationships and all the quality of his life and can choose any method and means for his life, unless there is a legal prohibition to do something. Be like harming yourself and others. He has emphasized the foundation of individual freedoms, which is free self-determination and self-determination of human beings and the lack of domination by non-human beings. (Abdullah Nasri, Struggle of Thoughts, pp. .(252-253)

The support of individual freedoms in the political and governmental life of the Prophet of Islam (pbuh) and Imam Ali (pbuh) whose behavior is considered the basis of Imamiyyah jurisprudence can also be clearly inferred.

A. The Concept of Individual Freedoms

Knowing individual freedoms depends on knowing and understanding the concept of freedom. Regarding the concept of freedom, it should be said that until now, thinkers have not given a comprehensive definition for it; Because according to Isa Berlin's study and research, due to the existence of different presuppositions, morals and professions, more than two hundred definitions of freedom have been expressed throughout history, and it is possible to express a comprehensive definition of freedom that is acceptable to everyone. It is not, and this is the reason why a precise understanding of freedom will forever remain unimaginable. (Berlin & Movahed, 2013,p:25) Nevertheless, in a book entitled "Two Concepts of Freedom", Isaiah Berlin talks about negative and positive freedom and writes: "Negative freedom means not imposing obstacles and restrictions on the part of others, and positive freedom (or freedom for)" It means the ability to pursue and reach the goal, and on the other hand, it means independence or self-control against dependence on others.(Ibid:31). John Stuart Mill also considers freedom to mean freedom in action and freedom to mean the absence of threats.)Westbrooks, Logan Hart,2008,p:134) Others have also written that freedom, in the broadest sense of the word, is a state in which something is not limited by other things and can move in space, and in the case of humans, it is a state in which personal will is not hindered in reaching its goal. (Ashuri, 1994, p.: 20) Among Muslim scholars, they have expressed definitions of freedom; For example, Morteza Motahari writes: Freedom means freeing a person from the constraints that hinder his growth and development (Motahari, 2006, p. 97). Seyyed Mohammad Baqir Sadr also defines freedom as the negation of sovereignty and domination. (Sadr, 1984, p. 87). From what has been said, it is understood that most thinkers do not consider unconditional freedom as a part of the concept of freedom in any way; because absolute freedom is opposed to the freedom of others as well as the law; And since humans live socially, they cannot have absolute freedom; Because the boundless freedom of an individual leads to the trampling of

the freedom of other members of the community; It is for this reason that every society with certain social, political and economic laws and regulations supports the freedoms of the people of that society and sets limits for such freedoms so that the legal freedoms of others are not violated and the society also Stay away from chaos. Based on this, it can be said that the meaning of individual freedom is that "each person has the right to do anything that does not harm anyone else and does not conflict with social laws." Some people have written in the definition of individual freedoms: "Individual freedoms mean that anyone can freely and without restrictions hold public, political and social jobs in their country, or freely express their ideas, thoughts and opinions in assemblies. express it appropriately." (Tabatabai Motamani, 2006, p. 96). Some others also believe that individual freedoms are one of the characteristics of public freedoms; Because public freedoms sometimes take an individual form and individuals enjoy it alone, such as freedom of speech, and sometimes they enjoy it as a group, such as the freedom of partisanship (Hashemi, 2014, 213).

B. The Position of Individual Freedom in the Political Thought of Islam

According to the logic of Islam, the central sign of the creation project of man is his freedom and choice over the two paths of good and evil, which should never be taken away from people and societies, and in fact, it should be taken away by religious or political imposition and any other imposition. , means confronting the divine purpose of human creation. Because as it was said in verse 3 of Surah Al-Insan, God created man free. It can also be said that one of the most important missions of the prophets was to call people to God and avoid tyrants, and the most important characteristic of tyrants is tyranny and enslaving people and destroying their freedom of action and choice. In this world, God Almighty identifies one of the obstacles to human individual freedom as the existence of a tyrant and despotic ruler and says: And in truth, We raised up a prophet in the midst of blasphemy [to ask the people] to worship God and avoid tyranny" (AL-Nahl: 36) (وَ لَقَدْ بَعَثْنَا فِي كُلِّ أُمَّةٍ رَسُولًا أَنِ اعْبُدُوا اللَّهَ وَ اجْتَنِبُوا الطَّاغُوتَ فَمِنْهُمْ مَنْ هَدَى اللَّهُ وَ (مِنْهُمْ مَنْ حَقَّتْ عَلَيْهِ الضَّلَالَةُ فَسِيرُوا فِي الْأَرْضِ فَانظُرُوا كَيْفَ كَانَ عَاقِبَةُ الْمُكْرِبِينَ Also, other verses have clarified and emphasized the need for prophets and religious missionaries to avoid imposing belief, ritual, ethics, spirituality, and worship on people that contradicts the power of choice and human freedom, and the duty of the prophets is only speech, which means "recommendation of religion." to humans and not more" and warned them that they do not have the right to follow the people, to persist in calling, to force and to dominate: (Al-Ghashiya/21-22) and (Al-Baqarah/256) Based on this, the Qur'an not only forbids humans from being slaves of tyrants, but also believes that humans should not be slaves of chosen humans like divine prophets, because servitude is only worthy of the essence of divine beauty, which should be based on evidence and wisdom. be done. Professor Morteza Motahari writes about this: "In the declaration of human rights, the golden sentence that begins with this declaration is: "God created human beings free", but Islam said in 1200 years before them: "Never a slave." Don't be anyone because Almighty God created you free. (Motahari, 1993, vol. 1, p. 156).

The interesting point in Professor Motahari's article is that his understanding of the narration of Imam Ali (AS) is completely the same as what is stated in the declaration of human rights about freedom, and therefore he mentions it as a golden sentence of the aforementioned declaration. With this introduction, it can be said that individual freedoms have a high position in the political philosophy of Islam, to the extent that it can be claimed that freedom is prior to justice. Explanation that there is a difference of opinion among thinkers whether freedom comes before justice or justice comes before freedom? Socialists believe in the priority of justice over freedom, but some liberal thinkers believe in the existential priority of freedom over justice. (Hoda Nazi, 1384, 65).

Nevertheless, it seems that from the perspective of Islam, there is no conflict between freedom and justice, how can justice be established in a society where there is no freedom? And can we talk about freedom without justice? However, it seems that from a conceptual point of view, freedom is prior to justice, because freedom institutionalizes justice in a person's life and makes him a person who does not

bow down except before God and does not become a slave to others. In the hadith sources, the Muslim hadiths have prioritized the hadiths related to reason and knowledge over the hadiths related to monotheism, faith and disbelief, which indicates that reason independently and self-evidently dictates that the imposition of belief, faith, morals and Political and... it lacks value and it is in the context of free choice that matters such as monotheism, spirituality, worship and Sharia find meaning and desirability. What can be said that freedom is ranked ahead of the principles and branches of religion.

C. Mechanisms to Support Individual Freedoms in Imamiyyah Yyah Jurisprudence

In Imamiyyah yyah jurisprudence, individual freedoms are supported in two ways, sometimes in the form of encouragement and sometimes in the form of punishment; In the incentive mechanism, all freedoms such as: freedom of speech, freedom of thought and thought, freedom of opinion, freedom to hold a job and work, freedom to freely publish thoughts and expression, and privacy are supported and individuals and governments are prohibited from their role. has done In the punishment mechanism, in addition to prohibiting the interference and violation of individual freedoms, the violators of individual freedoms have been promised worldly punishment and punishment in the hereafter. In this position, we can mention the rule of negation of harm to protect privacy, this jurisprudential rule is one of the most important rules that can demonstrate the protection of the dignity, status, reputation, dignity and social status of individuals on the one hand and on the other hand It should play an important role regarding the type of support and compensation for damages caused by the violation of privacy in the field of family relations.

C.1.) Supporting individual freedoms in the form of incentive mechanisms

C.1.1) Freedom of thought

Freedom of thought is one of the important manifestations of individual freedom. One of the characteristics of humans that makes them special from other animals is the ability to think. Imamiyyah jurisprudence and Islamic thought supports the freedom of thought, and it is on this basis that Muslim jurists do not condemn the questioning and research of a Muslim person in the field of religious knowledge and his complete freedom to ask questions and conduct research, as well as the complete freedom of non-Muslims. They have decided to research and think about Islam while fully preserving their sanctity.

Based on this, it can be said that in the field of questioning, research and discovery of truth and thought, there is not the slightest obstacle in front of thinkers, and the verses, traditions and words of Muslim jurists indicate the existence of freedom of thought and, in principle, forcing others to It is not possible for them not to think about a subject or to force them to think in a certain way; Because thought is an internal thing. As it was said, the political and social system of Islam was formed based on respect for freedoms, especially individual freedoms. Shahid Motahari writes in this regard: "Islam declared freedom until it emerged. If later there was a problem in Muslim rulers and governments and oppression, injustice and tyranny occurred, it should not be written in the name of Islam. During the reign of Ali (a.s.), some did not pledge allegiance to him; But Imam Ali (a.s.) said that the authority is with them; They want to pledge allegiance, they want not to pledge allegiance. He did not force them. He did not cut the quota of these from the treasury. Mental and psychological security and life did not destroy these. He became the protector of their lives and property. The Kharijites officially became rebels, that is, they rejected Ali's (a.s.) government after they pledged allegiance to Ali (a.s.) and said that we do not accept Ali (a.s.) and excommunicated him. However, as long as they did not disturb others and only expressed and propagated their opinion freely and spoke, Ali (a.s.) did not disturb them. (Motahari, 2016, vol. 25, pp. 139-140).

C.1.2) Freedom of opinion

Freedom of opinion is one of the most important dimensions of individual freedoms, having a free opinion and the freedom to express it is important; Freedom of opinion has different forms; These pictures are:

Freedom to have an opinion

Freedom to express opinion

Freedom from inspection of opinion

Freedom from imposition of opinion.

From the perspective of Imamiyyah yah jurisprudence, choosing a religion and having a free opinion is of special importance, and the Holy Qur'an has also emphasized the freedom of opinion:

(Al-Baqarah/256) لا إكراه في الدين قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ (There is no compulsion in religion Truly the right way has become clearly distinct from error)

In this verse, it is stated that there is no reluctance in accepting religion, because the right path has been explained from the deviant path. One of the important areas of freedom of belief in the life of the Prophet (PBUH) is manifested in the Charter of Medina. In this charter, which was approved for the organization of the city of Medina, the Prophet (PBUH) allowed freedom of belief for all tribal and religious minorities and recognized it and stipulated in Article 18 of this charter: The Jews of Bani Auf with Muslims are under the rule of one nation and are united and free in their religion. In article 19 of this charter, it is stipulated: The Jews of Madinah belong to the Bani Auf tribe and are free to have their own opinion. (Ebrahimi, 2007, Vol. 1, 481)

Another example of protection of individual rights and freedoms in the Prophetic era is the existence of dhimma contracts between the Prophet (PBUH) and the tribes. For example, in the Dhimma agreement between Muslims and the people of Najran and Sinai, it is stipulated that the Islamic government collects taxes for providing government services and ensuring their comfort and security, and according to the agreement of the parties, the Prophet (PBUH) ensures their religious freedom. (Motahari, 2005, vol. 20, p. 262)(

Among the other effects of supporting freedom of belief in the Prophetic era, we can mention the agreement between the Prophet (PBUH) and the Christians in the second year of Hijra. In this agreement, he promised that he would not force any priests or monks to change their beliefs, and would not expel any religious people from their monasteries, and would not allow any kind of imposition or humiliation on them.(Balazari, 1993, p.77).

The four forms of freedom of belief were supported and protected in Imam Ali's (a.s.) government. Kharijites, who were short-sighted and reactionary people, were free in both having an opinion and expressing it. Because whenever having an opinion is free, it is also free to express it. Amir al-Mu'minin (a.s.) not only did not use the means of imposing opinion on this stone-walled group, but he did so with clarity and explanation. Martyr Motahari says in this context: "Amir al-Mu'minin treated the Khawarij at the extreme level of freedom and democracy... He did not imprison them or flog them, and he did not even cut off their quota from the treasury... They were free to express their opinions everywhere and His

Holiness and his companions faced them with an open mind. Perhaps this amount of freedom is unprecedented in the world, that a government has treated its opponents to such a degree with democracy."(Motahari, 2007, p. 143).

Yes, when those instigators of sedition practically and publicly rose up to fight against Imam Ali (a.s.), after being completely disappointed with the effect of his advice and his companions, he went to war with them and turned a blind eye to sedition. (Nahj al-Balaghah/Khotbah 91:

C.1.3) Freedom of expression.

Freedom of speech is one of the important individual rights and freedoms of people. From the perspective of Imamiyyah jurisprudence, freedom of speech has a significant effect on improving social conditions and intellectual perfection of human beings, because it is in the shadow of freedom of speech that people have the power of choice and the ground for their intellectual growth is created. In this context, the Qur'an advises people to listen to the words and choose the best. Those who listen to the word, then follow the best of it Those are they whom Allah has guided And those it is who are the men of understanding.

(Alzomar/18)

الَّذِينَ يَسْتَمِعُونَ الْقَوْلَ فَيَتَّبِعُونَ أَحْسَنَهُ أُولَئِكَ الَّذِينَ هَدَاهُمُ اللَّهُ وَأُولَئِكَ هُمْ الْأُولِيَاءُ

The usual way of the Prophet (PBUH) shows his support for the right to freedom of speech. It goes without saying that this way of life is based on verses from the Holy Qur'an, where God responded to the Jews and Christians who said that no one except the Christians and Jews will enter Paradise, and asked them to provide evidence to prove their claim. (Al-Baqarah: 111)

It is also narrated in a narration that a person named Safan Khemit served the Messenger of God (PBUH) and requested him to allow him to research and study Islam for two months, and if the correctness and truth of this religion for He became enlightened and believed in Islam. At this time, the Messenger of God (PBUH) said: "I will give you four months to choose your own path freely and voluntarily" (Ghorbani, 1987, p. 481).

He also said: The Holy Prophet, peace and blessings of God be upon him, said: "One of the things for which my Ummah will never be punished is that a person thinks about the creation of God and the world and becomes obsessed in his heart." Imam Ali (AS) also protected and supported the citizenship rights and individual freedoms of people during his rule. His Holiness said in this world: "O people, do not give birth to a slave or a slave woman, and all people are free" .

(Koleyni, 1980, vol. 8, p. 69)

«ايها الناس ان آدم لم يلد سيذا و لا امة و ان الناس كلهم احرار»

Imam Ali (a.s.) also addressed the people at the beginning of his government's formation, which seems to have never been mentioned before in any place regarding the support of freedom of expression. He said in khutba 214of Nahj al-Balaghah: Do not address me as you speak to tyrants and oppressors, do not use pompous titles for me, express to me the considerations and expedient agreements that are expressed in front of autocrats. Don't socialize with me in a compromise style, don't think that if something is said to me rightly, it will be hard on me. Or should I ask someone to honor and bow to me, that whoever hears the truth or is offered justice is unpleasant and burdensome to him, doing the truth

and justice is more burdensome on him. In this sermon, he clearly asks the people not to hold back his advice and warning words and express them without fear. His Holiness's way of dealing with the Khawarij, who used to insult him during prayer, and by reciting the verses of polytheism and disbelief, were polite to him, and when he delivered his sermons, they made noise so that people could not hear his sermons. To benefit from it, despite this, the Prophet dealt with them with utmost patience and in the face of the irregularities of the critics and opponents, he said: "You have three things (rights) with us: 1- We will not prevent you from praying in the mosque. 2- We will not cut off your right to public property as long as your hand is in our hands; (as long as you don't touch the sword). 3- Until you start the war, we will not fight (we are not the initiator of the war with you). One of the prominent manifestations of Imam Ali's (a.s.) government is supporting the rights of religious minorities. He considered it necessary to defend their rights like other Muslims. In this context, he says, "I have received news that a man from the Sham Army entered the house of a Muslim woman and a non-Muslim woman who were under the protection of the Islamic government, and looted their anklets, bracelets, necklaces, and earrings. While they had no means to defend themselves, except crying and begging. The Sham soldiers left with a lot of booty without even one of them being wounded or shedding a drop of blood. If a Muslim dies out of regret for this tragic incident, he will not be blamed, and in my opinion, he deserves it. The occurrence of this tragedy and the speech of Imam Ali (AS) in support of the rights of non-Muslim women, and the interpretation that he has for it, cannot be found in the history of human rights. Another bright manifestation of supporting the right to freedom of expression is the right to protest against the ruler. In the rule of Amir al-Mu'minin (AS), the people have the right to protest. In the last days of his blessed life, he said to the people: "Don't leave enjoining good and forbidding evil, because evil people will dominate you, then no matter what you pray for, your prayers will not be answered." It is clear that his intention is to forbid evil, to forbid evil in political affairs and to warn, protest and criticize rulers. Perhaps it can be claimed that the principle of enjoining good and forbidding evil has been established in response to people's objections and reminders to rulers. The Holy Prophet also said in another place: But more important than all of this is the speech that is said to defend justice against a tyrannical leader.

(Nahj al-Balaghah, Hikmat:374).

و افضل من ذلك كله كلمة عدل عند امام جاي

In these two propositions from Nahj al-Balagha, Imam Ali (AS) has clearly emphasized the right of the people to protest. Regarding commitment to something, it is possible to claim that the Imam also believed in the principle of the right of the people to protest and publicly criticize the ruler. It has and its accessories, that is, the duty of the government to protect this right and freedom of expression; This is why he says to criticize me in public and in secret and orders his governor to allocate time to listen to people's protests away from the eyes of the military and security forces.

Also, Imam Ali (a.s.) in his loving words not only considered protest and criticism to be the right of the people, but he also said to benefit me from your benevolent advice and criticism: "You are friends of the truth and religious brothers. On the day of battle, you are like shields guarding each other. You are our secretaries, not other people. By your power, I will defeat those who turn away, and I expect obedience from those who turn away. So help me with your kindness and advice. Instructions free from any wrongdoing and safe from any doubt and hypocrisy. I swear to God; I am above the people before the people themselves. Mu'tazili, 1986, vol. 2, p. (272).

أَنْتُمْ الْأَنْصَارُ عَلَى الْحَقِّ وَالْإِخْوَانُ فِي الدِّينِ وَالْجُنُنُ يَوْمَ النَّبَاسِ وَالْبَطَانَةُ دُونَ النَّاسِ، بِكُمْ أَضْرِبُ الْمُدْبِرَ وَ أَرْجُو طَاعَةَ الْمُقْبِلِ.
فَاعِينُونِي بِمَنَاصِحِ خَلِيَّةٍ مِنَ الْعَشِيرِ، سَلِيمَةٍ مِنَ الرَّيْبِ، فَوَاللَّهِ إِنِّي لِأَوْلَى النَّاسِ بِالنَّاسِ.

In another place, he also said: "Fallikum baltnasah fi zalak wa hasan al-taawon against" So it is up to you to advise each other in this regard, and to uphold the right of cooperation,

(Nahj al-Balaghah/Khotbah/118)

فعلیکم بالتناصح فی ذلك و حسن التعاون علیه

Also, Imamiyyah jurisprudence, by establishing the command of good and the prohibition of evil, which is based on the right to criticize and protest and the freedom of speech of the people towards the government and the ruler, loudly declares that the people are free to protest and criticize the government and the ruler. Rather, people are obliged to report any problem in the implementation of the law, and if it is not useful, to protest. This is the mechanism of enjoining good and forbidding evil, which God explicitly commands in the Qur'an: "And you are a nation that invites others to good and enjoins good and forbids evil."

(Al-Imran/104).

وَأنتكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَئِكَ هُمُ الْمُفْلِحُونَ

From the perspective of Imamiyyah yyah jurisprudence, the right to protest against the ruler based on commanding what is good and prohibiting what is bad is considered one of the most important mechanisms to support freedom of expression. Imam Ali (a.s.) said: abandoning the command of good and forbidding evil leads to the rule of evil people over the people. (Koleini1986, VI 5, p.: 56).

Some Imamiyyah jurists have considered the mechanism of enjoining good and forbidding evil as a jurisprudential rule to recognize the right to criticize, protest and freedom of expression. Among the other mechanisms that have been established to protect and support freedom of expression in the Imamiyyah yya horizon is the guidance of Muslim leaders; The Holy Prophet (PBUH) said: "Whoever does not pay attention to the affairs of Muslims, is not one of them." Anyone who does not give advice and sincerity to God, His Messenger, His Book, and his Imam and all Muslims, morning and evening, is not one of them. (Tabrani, 1998, 2, p.: 50)

C.1.4) Support the right to choose and determine the title

The freedom of the people to choose the ruler is one of the other important areas of support for individual freedom in Umayyad jurisprudence and especially in the Islamic government system. The freedom of educators in choosing a ruler is important from the point of view of Imam Ali (a.s.) to the extent that he theologially considers the legitimacy of his government in the freedom of the people to choose a ruler. Explaining that the office of Imamate is a divine office and its legitimacy comes from God Almighty, but its acceptance and actualization depends on the acceptance of the people. In this context, Hazrat believes that if he was not accepted and accepted by the people, he would not be willing to accept the post of rulership and leadership over Muslims. Imam Ali (a.s.) complains about the breaking of the agreement between Talha and Zubir and says: I swear by God, I did not want the caliphate and I was not interested in ruling, but it was you who forced me to invite and forced me to rule.

(Nahj al-Balagha/Letter (205) ... وَاللَّهِ مَا كَانَتْ لِي فِي الْخِلَافَةِ رَغْبَةٌ وَلَا فِي الْوِلَايَةِ إِزْبَةٌ، وَ لِكُنْتُ دَعَوْتُمُونِي إِلَيْهَا...

At different times and times, in protest with his opponents, he emphasized on the people's discretion and freedom in choosing that Imam for leadership. This luck of the people to hand over the responsibility of governing the Islamic society to Imam Ali (a.s.), although after that it was accompanied by many breaches of the agreement, in the beginning, the Imam was completely optional and far from coercion and reluctance. After the death of Uthman, the people brought him to the shrine and despite his reluctance, many people encouraged him to take over the Islamic government. In one of his sermons in this world, he said: "You turned to me like a female lion who turns to her children with passion and desire, while you were saying: Allegiance!" I closed my hand, but you opened it; I pulled my hand out of your hands, you pulled it towards you.

(Nahj al-Balagha, Letter (137))

بَسَطْتُمْ يَدِي فَكَفَفْتُمْهَا، وَمَدَدْتُمْ مَوْهَا فَفَبَيْضْتُمْهَا، ثُمَّ تَدَاكَكُمْ عَلَيَّ تَدَاكَ الْإِبِلِ الْهَيْمِ عَلَى حِيَاضِهَا يَوْمَ وَرِيدِهَا، حَتَّى انْقَطَعَتْ النَّعْلُ،
وَسَقَطَ الرَّدَاءُ، وَوُطِئَ الضَّعِيفُ، وَبَلَغَ مِنْ سُرُورِ النَّاسِ بِيَبِعْتِهِمْ إِيَّايَ أَنْ ابْتَهَجَ بِهَا الصَّغِيرُ، وَهَدَجَ إِلَيْهَا الْكَبِيرُ، وَتَحَامَلَ نَحْوَهَا الْعَلِيلُ،
وَحَسَرَتْ إِلَيْهَا الْكِعَابُ

Imam Ali (a.s.) said about the eager and general approach of the people and their free allegiance to him: "He freely and persistently said to them for the leadership of the society: I did not go after the people, but they turned to me. I didn't pledge allegiance to them, but it was these people who insisted and pledged allegiance to me.

(Nahj al-Balagha, letter (54))

أَنِّي لَمْ أُرِدِ النَّاسَ حَتَّى أَرَادُونِي وَ لَمْ أَبَايِعُهُمْ حَتَّى بَايَعُونِي، وَ إِنَّكُمْ مِمَّنْ أَرَادَنِي وَ بَايَعَنِي

Amir al-Mu'minin, in arguing for the acceptance of the government, says: Imam Ali, peace be upon him: If it were not for the presence of that crowd and the end of the argument with the presence of helpers and helpers, and if it were not for the fact that God has made a covenant with the wise not to consent to the oppressor's rule and the hunger of the oppressed, then indeed I put the reins of the Caliphate camel on his shoulder

Nahj al-Balagha, letter (3)

و لا حضورُ الحاضر، و قيامُ الحجَّةِ بوجودِ الناصر، و ما أخذَ اللهُ عَلَى الْعُلَمَاءِ أَنْ لَا يُقَارُوا عَلَى كِظَّةِ ظالمٍ، و لا سَعَبِ مَظْلومٍ ،
لَأَقْبِيْتُ حَبْلَهَا عَلَى غَارِبِهَا

Hazrat Amir (a.s.) says in the direction of free allegiance and not by coercion or coercion of the people, he says: The people pledged allegiance to me, not because of the dominance and power of the government that forced them, nor because of the wages and rewards that were given to them. considered to be pledgers. (Nahj al-Balagheh, Book 54) Imam Ali (AS) says in his other letter: All the people pledged allegiance to me, of course, neither by force nor by reluctance, but they pledged allegiance with passion and desire, freely and freely. (Nahj al-Balagha/Letter 1) [لِحُرْصِ] وَ إِنَّ الْعَامَّةَ لَمْ تُبَايَعْنِي لِسُلْطَانِ غَالِبٍ وَ لَا [لِحُرْصِ] Therefore, in Alevi politics and religious government from the point of view of Nahj al-Balagha, there is the freedom of public participation of the people in choosing the leader of the society in an optimal and complete manner. Abbasi, 2012, pp. (15-16)

C. 1.5) Protection of the right to privacy of individuals

One of the most important grounds of individual freedom is the freedom of privacy; Imamiyyah yah jurisprudence has declared the violation of the privacy of individuals as prohibited and the violators deserve to be punished. Prohibition of spying on the affairs and circumstances of others, with its application and generality, includes all examples of privacy, meaning that any digging, searching, curiosity and access to people's information, which they may have hidden, is prohibited from the point of view of Imamiyyah yah jurisprudence. In verse 12 of Surah Hujarat, God has forbidden believers from spying on the privacy of individuals, and the prohibition is a sign of sanctity; This verse explicitly prohibits Muslims from spying on other people's affairs and does not allow Muslims to be curious about other people's secret affairs. In other verses, such as verses 27 and 28 of Surah Noor, in order to protect the privacy of believers, the Qur'an forbids them from visiting people's homes without permission, and in verse 30 of the same surah, it instructs believing men to avert their eyes from unlawful glances. People's private affairs should be covered because looking and staring at people's bodies and private positions is considered a violation of their privacy; In fact, from the point of view of Imamiyyah yah jurisprudence, any kind of looking at the positions of people trying to hide them is considered their privacy and forbidden and is respected and the believers are prevented from looking at it. In the hadiths, the prohibition of violating the privacy of individuals has been mentioned in many ways, so that in some hadiths those who seek to look at women's bodies and those who look at someone else's house without the permission of the owner of the property are promised punishment. In fact, the holy law has tried to provoke the inner factor of humans to prevent the violation of privacy by making it a sin to violate privacy. Among other narrations indicating the protection of privacy of individuals, there are narrations indicating the prohibition of eavesdropping and revealing the head, both of which indicate the observance of the right to privacy.

D: Criminal Protection of Individual Freedoms

In addition to encouraging support, Imamiyyah yah jurisprudence has also supported the mechanism of punitive support and punishing violators of individual freedoms. Imamiyyah yah jurists have mentioned the mechanism of criminal protection regarding the violation of privacy. By prohibiting the spread of prostitution, Imamiyyah yah jurisprudence has prohibited others from entering the privacy of individuals. In a narration, the Prophet of Islam (PBUH) said that whoever spreads prostitution is like the person who committed it (Hor Amili, 1987, 12, P.: 296)

This narration actually prohibits the privacy of individuals; In this way, it is possible for someone to commit an act forbidden from a religious point of view in his privacy, but no one has the right to publish it if he gets to know about this act. For this reason, Imamiyyah yah jurisprudence has taken a difficult way to prove the act of adultery. In order to prove it, he has specially emphasized the need for four fair witnesses, and in fact, this condition is very difficult and cannot be easily proven, and anyone who makes a claim in this regard but cannot prove that act due to the protection of privacy The private person of the person spreading the news will be punished (Najafi, 1986, vol. 41, p. 235).

Criminal protection of individual freedoms is not limited to privacy, but Imamiyyah yah jurisprudence has also provided criminal protection for freedom of speech. They are to you, and accept them personally in a public meeting and be humble in front of them for the sake of God who created you. Allow your bodyguards and armed forces to attend that assembly so that their spokesperson can talk to you without stuttering, because I have heard the Messenger of God (PBUH) say many times: "There will never be a nation in which the rights of the weak and the strong are clearly stated." And if it is not taken without stuttering, it will not be purified and it will not see the face of happiness. Try to tolerate their harsh treatment and their inability to speak, and prevent any harshness and violence towards them" (Nahj

al-Balaghah/ Letter 19). This part of the letter has a warning tone and it is like this that if the governor by the order of the Imam If Ali (a.s.) refuses, he will be impeached and punished. Because he attached great importance to people's issues and their right to protest and criticize. In addition to that, it is mentioned that the happiness of the government is that the rights of the weak are taken from the powerful without stuttering, the opposite concept is the misery and misfortune that afflicts the government and the ruler, and he must answer before God for the non-fulfillment of the rights of the people. otherwise he will suffer punishment and torment. Imamiyyah yah jurisprudence has laid down the rule of prohibition of harm, which is one of the important rules of jurisprudence, and has emphasized the prohibition of harming others, especially their spiritual dignity, including their privacy, opinions, and freedom of rejection. This rule was established by the Prophet of Islam (pbuh) where a person threatened the privacy of others under the pretext of visiting his garden and property, the Prophet first forbade him and then offered him an alternative and he In both cases, he refused to accept the Prophet's (pbuh) suggestions. Finally, he ordered to ban corruption and to forbid damage to the spiritual dignity and privacy of people, and ordered that the person who violates the rights of others be punished.

In fact, from the perspective of the Prophet's (PBUH) government policy and Imamiyyah jurisprudence, regarding the protection of individual freedoms, one should first encourage people to protect the rights and freedoms of others, and then punish and punish those who violate the rights of others. The jurisprudential rule of negation of harm, although it is related to the protection of privacy as one of the most important aspects of individual freedoms, we Imamiyyah yah jurists have considered it general and general and this rule can be applied in any case where people face difficulties, hardships, material limitations and spiritual, limit and threaten and get caught, based on the rule of prohibition of harm, remove any harm from the victim. This topic is general and includes all rights and duties. (Mohaqiq Damad, 1985, vol. 2, p. 26). As it was said that the rule is one of the important rules of jurisprudence in such a way that some jurists put it before all Islamic rules and rulings . (Mustafavi, 1999, p.: 246)

Also, this rule is implemented in all legal chapters, both criminal and civil, based on this, whenever someone wants to limit and threaten the individual freedoms of people in any way, he will fight it based on the rule of prohibition of harm to others, and in If a person insists on his forbidden act, he will be punished, just like the Prophet (PBUH) did.

Conclusion

The study of Imamiyyah jurisprudence and the governmental and practical life of the Prophet (pbuh) and Imam Ali (a) shows that the protection of individual rights and freedoms is very important in Imamiyyah jurisprudence; Therefore, they have tried to support the individual freedoms of the people by choosing organizations.

In Imamiyyah jurisprudence and the government policy of the Prophet (pbuh) and Imam Ali (pbuh) two mechanisms of encouragement and punishment are mainly used to support the individual freedoms of the people. have supported it; and in this way, they ordered their governors to protect individual freedoms away from the eyes of the security and military forces, so that the voice of people's criticism and objection regarding the limitation and threat of individual freedoms such as freedom of speech, thought and opinion to hear

One of the most important incentive mechanisms is the institution of enjoining good and forbidding evil; By founding this mechanism, Imamiyyah jurisprudence has supported people's right to freedom of expression; Because basically this mechanism was established for people to protest against the ruler. The Prophet of Islam (PBUH) made agreements with religious minorities such as Jews and

Christians, leaving them free to express their opinions. In this way, not only were they free to express their opinion, but even scientific debates were held to prove the validity of their religious beliefs between the leaders of religious minorities and the Prophet of Islam, which showed their freedom to have and express their opinion, and the legal system Islam, relying on verses from the Qur'an, rejects coercion and reluctance in accepting religion and belief.

During the reign of Imam Ali (a.s.), individual freedoms were supported in the best possible way, and this is clear from the study of his practice and the way he interacted with the opposition. From the perspective of Imamiyyah jurisprudence, the right to protest and criticize as one of the important dimensions of freedom of speech, in a case where it is not only permissible, but also if something negative happens, it is obligatory for citizens to protest and criticize the ruler of the Islamic society. During his reign, Imam Ali (AS) not only did not limit individual freedoms, but encouraged people to claim their rights, saying: Do not talk to me the way you talk to Jabazan. The Holy Prophet was not only responsible for these government orders, but he also ordered his appointed rulers to accept protests and listen to people's criticism.

Imamiyyah jurisprudence has emphasized the protection of privacy by establishing the rule of prohibition of harm; And this rule, with its application, has superiority over many rulings; The above rule is used not only in civil matters but also in criminal matters; One of the reasons for the application of this rule is to use it to punish the violators of individual freedoms.

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