



The Scope of Legitimacy of Competitions

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Abstract

Over the last few centuries, sports and competitions were either for entertainment or for gaining defensive preparation. In the current age, the competitions are extremely varied in terms of goals, types and functions. This issue creates some juridical questions; including this important question that concerning the recent transformations in the motivation and function of the competitions, is the permission only reserved for stipulated competitions or it has wider range? The current study will analyze the above-mentioned questions with juridical analysis method. The results indicate that the permitted competitions are not limited to the stipulated competitions; because the taboo competition is only about gambling. Gambling only holds true to an action which has game nature accompanied by winning and losing. As a result, all the competitions which don't have winning and losing or don't have game nature, like scientific competitions, book reading or any type of useful and valuable competition, even accompanied by winning and losing, are permitted.

Keywords: *Competition; Sport; Stipulated Competitions; None Stipulated Competitions*

Introduction

Competition is one of the ancient topics of jurisprudence and has been associated with it almost since the beginning of the compilation of this science and has been discussed under the title of "precedence and archery". However, in the present era, this topic has taken on very broad and new dimensions; because in addition to the fact that the competitions themselves have become very diverse and numerous, they have also become different in terms of their goals and functions. In the past, competitions were held either for defensive preparation or for entertainment. But today, it is done with motivations such as earning money and health, and for many people it is considered a lucrative job, and in this regard, many companies and institutions have been formed and are operating.

These changes raise numerous jurisprudential questions: Does a change in the purpose and function of a competition lead to a change in its ruling? Does a horse and camel race, which has now lost its past purpose and function, have the same prescribed and past ruling? In general, what is the ruling on the principle of competition, without the use of a secondary title? What is the nature of business and

earning money through sports and competition? What is the ruling on watching existing competitions, in person or through the media, and giving and receiving money for this?

One of the important issues that needs to be examined in this field is the scope of the legitimacy of competitions, because although the permissibility and principle of the legitimacy of competitions in general are certainties of jurisprudence and are the subject of consensus among Muslims, its scope is highly disputed, and the most important dispute is whether it is permissible to extend from stipulated competitions to non-prescribed ones. This issue constitutes the subject of the present study. Therefore, the main question of the study is: Can the ruling on the permissibility of competitions be extended from stipulated to non-prescribed ones?

It is clear that this issue is jurisprudential and follows a specific jurisprudential method. In this research, an attempt has been made to collect and present all the statements and evidence related to the issue. We begin the discussion by stating the background of the discussion, the concept of competition and its types, and then we follow the issue by examining the principle of competitions, stipulated and non-prescribed competitions, the existing views in this field, and the evidence for each.

1. Background of the Research and Statement of Its Necessity

Jurists have usually discussed this subject under the title of "Sabq and Ramaya." Perhaps there is no complete jurisprudence book (new or old) that does not address this subject; of course, a large part of the discussions in these books focus on archery and horse and camel racing, which are less common today. Among the available sources, some of them are more important due to their thoroughness in discussion, relative comprehensiveness, and attention to new dimensions of the subject. These include *Ma'wara al-Fiqh* by Sayyid Muhammad Sadr, *Fiqh al-Sadiq* by Sayyid Sadiq Hosseini Rouhani, and *Jawaher al-Kalam* by Muhammad Hassan Najafi.

In this regard, there is also a master's thesis entitled "Competitions in Islamic Jurisprudence" written by Hossein Ali Rezaei, which was written in 2006; but it does not address the issue under investigation in this research. We can also mention the doctoral thesis of Mr. Mohammad Ebrahim Zaki, which was written in 2017 and entitled "Rules of Specified Sports and Its Foundations in Imami Jurisprudence" and in terms of content, although it is about sports, not competitions; nevertheless, it is close and related to the subject under investigation.

Among the articles, two are more important and relevant: one is entitled "The Jurisprudential Rulings of Competitions from the Perspective of Agha Jamal and Sayyid Ahmad Khansari" by Abul Qasim Yaqoubi, published in the *Journal of Fiqh of the Ahl al-Bayt*. This article, as its title suggests, is more of a report of a point of view than an argumentative discussion. The other is entitled "Al-Qamar wa al-'A'lab wa al-Masabaqat" by Sheikh Ali Dahani, which is in Arabic. In general, an examination of the content of the available sources shows that no serious and dedicated research has been conducted on the subject under study.

2. The Concept of Competition

competition (Sabq) means to overtake one another in running, galloping, fighting, etc. This word is opposite to the word "lahuq" which means to join and contains a kind of concept of competition, advance and forerunner. The one who reaches the destination earlier than others and wins over the opponent is called the former, the winner and the forerunner (Ibn Manzur and Mustafavi, the article on Sabq).

The word "competition" is mostly used by jurists in relation to a specific contract, which is thought to be its true meaning. For this reason, it is usually interpreted as a competition contract, a contract of preemption, and a contract of preemption, and its permissibility and necessity are discussed.

Although the words "sabq" and "masabeqeh" are usually used alongside archery and wrestling, and in the sense of a four-way competition, such as a horse and a camel, this does not mean that the concept of competition is limited to those three things, because it is also widely used in other areas. For example, the term "competition" has been used in the case of wrestling, stone throwing, swimming, etc., and its permissibility or non-permissibility has been discussed.

Therefore, just as the literal meaning of competition is general and includes any type of competition, its idiomatic meaning is also general and includes any type of competition. The fact that in jurisprudential discussions, shooting is mentioned alongside competition is due to some specific rulings on shooting; not that the definition of competition does not apply in that case.

3. Types of Competition

Competition has divisions and types based on the type of action, function and purpose:

- a) Competition with or without a prize;
- b) A sporting or other competition (cultural, scientific, religious);
- c) A competition with or without gambling;
- e) A competition for business or otherwise. Business in sports means that the main purpose of holding a competition is business and financial and material gain; for example, a competition is held to receive money from spectators.

4. Presupposition in Competitions

The legitimacy of the principle of competition, regardless of the prize and its scope, is a certainty of jurisprudence, and rational and narrative evidence indicates its legitimacy in general. From the perspective of reason, there does not seem to be any obstacle to the permissibility of the principle of competition; especially since many competitions have physical, mental, individual and social benefits that make them preferable to conduct in the eyes of reason. Based on this, it can be said: any type of competition is permissible in the eyes of reason, unless it encounters an obstacle.

There are also numerous narrations in this regard, some of which have a sound chain of transmission and, in terms of implication, prove the legitimacy of the principle of competition in general (Danesh, 47 to 56).

5. Specified Competitions

All competitions can be divided into prescribed and non-prescribed competitions. Prescribed competitions are those competitions for which the Sharia text specifically indicates their permissibility. The most important text that exists in this regard and which is the basis of the views of the jurists is the following authentic hadith: "Competition or giving bribes is not permissible except in camel racing, horse riding, or archery, i.e., archery competitions." (Harr Ameli, v. 19, p. 253).

Jurists have always relied on this narration and issued fatwas based on it. Only the late Khoei had doubts about its chain of transmission and considered it weak (Khoei, *Misbah al-Fiqaha*, 1, 380); however, this narration has also been narrated with another chain of transmission that has no problems (see: Danesh, 53-54). Assuming that the chain of transmission is weak, its weakness is compensated by a well-known practice.

According to this hadith, permissible competitions are limited to three things: khuf, hafer and nasl. Khuf originally means a shoe and what a camel has instead of the hooves of a horse or donkey (farsan). And here the meaning of the owner of the hoof is a camel. Hafer means a riding animal with

hooves; such as a horse, a donkey and a donkey. Nasl is used for the head of a spear, an arrow and the blade of a knife and a sword. Therefore, it includes all types of spears, swords and arrows (See: Majma' al-Bahrayn, Lisan al-Arab, Sahih al-Ahl'ah and Muqays al-Ahl'ah, articles: Khaf, Hafr, and Nasl.).

The word “sabq” in this narration has two readings; with the prefix “fath” and the suffix “sukun”. In the first case, it means “reward” and “prize”. According to this reading, what is negated in the exception and proven in the exception is the permission to give and possess “reward”, which also proves the permission of the competition itself with a binding implication. However, according to the suffix “sukun”, which is an infinitive and means the act of competition, it only indicates the lack of validity or legitimacy of the competition in matters other than the threefold matter; since it is not possible to negate the nature of the competition, the closest punishment must be applied, which is the negation of all rulings or the negation of validity and legitimacy. In both cases, the permission and validity are negated (Hayeri, v. 10, p. 239).

This interpretation is similar to the interpretation of “There is “No monasticism or Najsh in Islam” in Islam.” Just as that interpretation denies the legitimacy of monasticism in Islam, this interpretation also denies the legitimacy of competition in matters other than the threefold. Other possibilities have been proposed for the meaning of the hadith, all of which contradict the apparent meaning (Sabzwari, Kifayah al-Ahkam, 1, 718).

Due to the lack of proof of a reading, the implication of this narration is generalized and cannot prove anything other than the permissibility of the principle of competition in three matters. However, jurists have usually prescribed competition in three matters in an absolute form (with or without compensation) by citing this narration and have assumed it to be certain. The other aspect is that according to the words of Shahid Thani, the reading of Fath is famous (Shahid Thani, 6, 87). And others have not rejected it; rather, they have confirmed it or have passed by it with silence showing satisfaction. There is also evidence that strengthens the reading of Fath, and that is the narrations that indicate the permissibility of betting in these three matters. Betting means betting and indicates the permissibility of competition with compensation in three matters.

Another narration in this regard is that of Alaa ibn Sayyaba, who narrates: “I asked Imam Sadiq (a.s.) about the testimony of someone who was betting on pigeons. The Imam said: If he is not known to be guilty, there is no problem. I said: Those who are with us say: Umar said: The pigeon fancier is the devil.” The Imam said: “Glory be to Allah! Don’t you know that the Messenger of Allah (s.a.w.s.) said: The angels go when betting and curse the one who makes it, except for the four hooves, camels, feathers and arrows. So the angels are present in these cases, and the Messenger of Allah (s.a.w.s.) set up a race with Usama ibn Zayd and made him race a horse” (Sadduq, 3, 48).

The authenticity of this narration is disputed because of Alaa ibn Sayyaba; but in terms of its implication, its sub-paragraph specifies the scope of the permissibility of the rahan and limits it to four things. There is also a dispute about the meaning of the word “al-Rish” in this narration. If we take it to mean special feathered arrows, then it includes shooting and is consistent with limiting the competition to three things; but it is not consistent with the pigeon that is mentioned in the beginning of the narration and this sub-paragraph is used to argue for its permissibility. However, if we take this word to mean a bird that has feathers, then the pigeon becomes one of its examples and the sub-paragraph and the sub-paragraph are consistent with each other; but it is inconsistent with limiting the competition to three things. The second meaning is more appropriate both in terms of the meaning of the word and with the expression “playing with the pigeon” that is mentioned in the beginning of the narration. In any case, the narration is not authentic in terms of its chain of transmission. However, it may be able to be a parallel and an interpreter for similar hadiths.

6. Unspecified Competitions Without Change

Unregulated competitions are generally divided into competitions with compensation and without compensation, and useful and unprofitable competitions. Also, the compensation may be from one of the parties or from another person or institution. The benefits of a competition may be related to war and defense matters or otherwise.

6-1. Ideas

There are ideas about unspecified matches without change:

1. Absolute Prohibition: According to the ancients, this is a well-known view, but according to Sahib Riyad (may Allah be pleased with him), it is a consensus (Hairi, 2, 41). Allameh Hali (may Allah be pleased with him) has considered the permission of competition in many cases of Tazkira to be unique in three matters; But in the rules, after the exclusivity statement, it is written: "There is an opinion on the sanctity of non-three things" (Helli, 2, 373). Mohagheq Karaki attributes the view of sanctity to the appearance of religion and says that its face is not obvious (Moghagheq Karaki, 8, 326). Sheikh Ansari (may Allah be pleased with him) also said this (Sheikh Ansari, 2, 46).
2. Absolute Permissibility: Contemporary jurists usually have this view. For example, you can read from the late Khoi (Mesbah al-Faqaheh, 380-381). Seyyed Mohammad Sadegh Rouhani (Hosseini Rouhani, 14, 407). Seyyed Mohammad Sadr (Sadr, 5, 126 to 128). Seyyed Mohammad Sadegh Shirazi mentioned that they agree with this point of view.
3. Description: From the point of view of the author of Jawaher alkalam, the match without exchange has two modes:
 - a) it is done in the form of a transaction and with a contract;
 - b) It is non-transactional and non-contractual. In the first case it is permissible and in the second case it is not permissible (Saheb Javaher, 28, 222).

6-2. Reason for Not Being Allowed and Its Criticism

The most important reason for those who argue that it is not permissible is the hadiths that indicate that competition is limited to three things, according to which any competition in matters other than these three is not permissible. However, these hadiths cannot indicate the prohibition of competition without compensation, because:

1. As mentioned earlier, the recitation of Fatah Ba - which is a well-known recitation - indicates the negation of betting and betting; not the negation of the match itself. Even Sheikh Ansari (may Allah have mercy on him) says that it does not indicate the prohibition of betting and only indicates its corruption; because the negation of compensation is apparent in the negation of its entitlement, and the intention to negate the permissibility of betting is very unlikely (Sheikh Ansari, 1, 381).
2. In some narrations, the terms "rahan" and "marahana" are used, and it is stated that "rahan" is permissible only in three or four cases, and in other cases, it is an example of gambling and is forbidden. These terms are consistent with the reading of Fatah and can be a proof that the reading of Fatah is correct. Consequently, what is negated is the competition with a reward in other than exceptional cases; not the competition without a reward.
3. If the reading of Fatah is not accepted, the content of the narration becomes general and cannot be relied upon for the absolute sanctity of competition. It can only be used to prove the certainty of the outcome (the sanctity of competition with compensation in matters other than the threefold).

Some have argued for the sanctity of this type of competition by considering it gambling or entertainment. In the following discussion, it will be clear that gambling does not include this type of

competition in any way, and the fact that the action is entertainment does not make it sanctity. In addition, the competition can be held with rational goals so that it is not considered entertainment.

6-3. Evidence of Permission

1. Hadiths: In addition to the basic principle of permissibility and the lack of evidence for prohibition, there are also narrations that indicate the permissibility of competitions without compensation - in other than the three cases. Although these narrations have a weak chain of transmission, they can support the requirements of the principle of permissibility. Such as the narration of Imam Hassan and Imam Hussein (AS) wrestling in the presence of the Messenger of God (PBUH) and his encouragement of Imam Hassan (AS) (Sadooq, Al-Amali, 446). And the Messenger of God (PBUH) himself wrestling with a Arab (Nuri, 14, 82). And the competition of Imam Hassan and Hussein in calligraphy and collecting beads from the necklace of their mother, Hazrat Zahra (PBUH) (Majlisi, 43, 309).
2. Muslim tradition: The definitive tradition that prevailed among Muslims - both scholars and ordinary people - regarding swimming, wrestling, correspondence, poetry, and so on, indicates the permissibility of competition without compensation (Hosseini Rouhani, 28, 357 and Sahib Jawaher, 8, 220, 221, and 223).

The fact that the author of Jawaher (may Allah have mercy on him) considered this tradition to be only aimed at non-contractual matters is without providing any evidence or witness. In the tradition itself, there is no indication that these competitions were in the form of contracts; rather, the scope and appearance of the competitions indicate generality.

7. Unregulated Competitions with Compensation

The author of Riyadh says: In matters other than the three, competition with a reward is not permissible according to the consensus of the jurists (Hayeri, 10, 237). The author of Jawaher also writes: In this matter, I did not find any disagreement among the Imamiyyah jurists, and both types of consensus exist in this matter (Sahib Jawaher, 28, 219). The researcher Khoei says in the discussion of gambling: "It appears that there is no disagreement between the Shiites and the majority of the general public regarding the prohibition of betting in games in an absolute manner, even without gambling tools" (Khoei, Misbah al-Fiqahah, vol. 1, 374).

This discussion is one of the most important parts of this research. To reach a clear and acceptable conclusion, it is necessary to fully examine the arguments for permissibility and prohibition and then state the selected point of view with its arguments.

7-1. Reasons for Allowing a Competition with Change in Matters Other Than Triathlon

The following general arguments can be used to justify the permissibility of competition with others, in matters other than the threefold, in an absolute sense or only in matters of war and defense:

- a. Verse 60 of sorah Anfal says: "Prepare against them whatever you can of [military] power and war-horses".

Criticism: Most jurists have argued about this verse. However, the meaning of the above verse is not clear; Because what is ordered in it is defensive preparation against enemies, which is also obtained through non-competition. In other words, the verse expresses the principle of the necessity of preparation against enemies; Not in terms of methods of preparation to adhere to its application.

- b. Verse 148 of sorah Baqara and 48 of sorah Maadah say: "Outdo each other towards good deeds".

In this verse, it is ordered to surpass and compete in good deeds, of which customary competition - with or without exchange - is one of its examples.

Criticism: Adhering to the generality of this noble verse, it is possible when the goodness of a match is confirmed and there is no prohibition against it from the Shariah. Both problems exist here and with this verse, it is not possible to prove the legality and goodness of the act of competition with Awad. In addition, the appearance of the noble verse is an order to overtake and hasten in good deeds against laziness and failure. This action is different from conventional and idiomatic competition.

- c. Verse 17 of Sorah Yusuf says: "They said: Father! we went While we were busy with the competition and we left Yusuf near our furniture; The wolf ate him. You will never believe us, even if we are honest".

Criticism: a) It is not known whether their competition was with Awad or without it. b) Also, it is not known whether their competition is exempted in one of the three matters or not. c) On the assumption of acceptance of Istihab of the Sharia of past religions, this is if the Sharia does not prohibit it. Hesar traditions can be a reason for prohibition.

- e. The purpose of the legitimacy of competitions in the specified cases is to prepare for Jihad and acquire abilities; Therefore, racing with new tools and rides is also allowed; Because these things currently have the above applications (Hosseini Rouhani, 19, 236).

Criticism: In the existing texts regarding the license of competition, something that could be the reason for the ruling is either not mentioned at all, or it is the wisdom of the ruling, not the reason for it. Like the honorable verse "And promise them what you can do" (ibid., 19, 236).

7-2. Evidence of Non-Permissibility of Competition with Change in Unspecified Cases

1. Ijma, which is non-religious and has evidence.
2. The hadiths of the competition are limited to three or four things that were mentioned before. Although many of these hadiths are weak; But some of them have correct documents and are used and cited by scholars. The interpretation of "la Sabq" which is found in two correct narrations, according to both readings, indicates the sanctity of competition with Awad, otherwise it means three things. According to Fatah's reading, the text is correct; Because in this case, the exchange has been negated in other cases. According to the reading of the stillness, the legitimacy of the principle of the competition has been negated in other than the three matters, which includes the competition with and without exchange.
3. The validity of gambling on competition with Awad. This article is one of the most important parts of the discussion that needs detailed explanation and investigation.

7-3. The Concept of Gambling and Its Adaptation to the Competition with Change

In the concept of gambling, there is a difference whether the condition for its realization is playing with a special gambling tool or playing with winning and losing, or both together. The origin of the difference is the use of this article in the word and narrations in different meanings.

From the book "Al-Bahrin Assembly" it is found that gambling with Kasr Qaf means winning and losing and also means playing with special tools (Tarihi, 3, 463). The same interpretations are also found in the Arabic language; But he clarified that the main meaning of gambling is betting (Ibn Manzoor, 5, 115).

According to a research, most of the jurists consider the pledge to be a condition for the truth of the concept of gambling, and the fact that some scholars use the interpretation of gambling on a game

with gambling devices but without winning or losing, is not unlikely to be a matter of tolerance; Because lenient usages are seen a lot in the words of jurists (Rahmani, No. 17 and 18, 310).

Mohaghegh Khooi writes: "The use of the words of the people of tradition and language is that it is established that gambling and also the possibility to play with winning and losing with anything. Therefore, playing with gambling tools without winning and losing is technically and objectively outside the absolutes" (Khoei, Misbah al-Faqahah, 1, 372).

The point that confirms this point of view is that gambling tools cannot be involved in the concept of gambling; Because using the term "gambling tool" depends on the non-interference of the tool in the concept of gambling; As this article applies to other tools related to actions, professions and jobs (Sheikh Ansari, 1, 382). In other words, interpreting gambling as playing with special gambling instruments is far from obvious (Khoei, Misbah al-Faqahah, vol. 1, 375).

It is also used in some narrations that the validity of gambling depends on the pledge, and the competition with Awad is considered as an example of gambling, except in exceptional cases:

1. The narration of Alaa bin Siyabah from Imam Sadiq (a.s.) who said: "The Messenger of God (p.b.u.h.) held a horse-riding race, and he also raced, and he said that angels appear when betting on camels, horses, and feathers, and other than these cases, gambling is forbidden" (Har Amili, 19, 253).
- 2.3. Imam Sadiq (a.s.) was asked about the words of Almighty God, "'And do not consume your wealth among yourselves unjustly.'" He said: "Quraysh used to gamble with other men with their wealth and family, so God forbade them from doing this."
3. Imam Sadiq (AS) narrates from Imam Baqir (AS) that: He forbade eating the walnuts that children get from gambling and said: It is forbidden" (Cliny, 9, 676).
- 4.5. I said to Imam Sadiq (a.s.): Children play and gamble with walnuts and eggs; He said: Do not eat from it, it is truly forbidden" (Kilini, 9, 678).
5. "Imam Kazem (a.s.) sent one of his slaves to buy eggs for him. Ghulam took one or two eggs and gambled with them. Then he brought them to Imam (a.s.) and he ate them. After eating, one of his slaves said: These eggs were from gambling. Imam (a.s.) asked for a plate and vomited the egg into it. (Cliny, 9, 674).

The first narration is clear that the competition with Awad is gambling in other cases; But its document is weak. From other hadiths, most of which are authentic, it is found that gambling is any kind of gambling with Awad; Even if it is gambling without special tools, it is like playing with balls or eggs, and the money that is obtained in this way is haram and is worthless.

7-3-1. The View of Imam Khomeini (RA)

He believes that gambling usually refers only to gambling with its special tools. All other forms, including, trading with Awad without the use of special tools, are not considered gambling; Not that gambling is allowed. Clear examples of this are competitions in calligraphy, reciting and memorizing the Qur'an, reading books, etc., which is not called gambling and tradition is the best witness. Also, the permission to compete with Awad in three cases confirms this claim; Because it is a noble verse; "Indeed, wine, gambling, stones, and arrows are an abomination from the work of Satan." (Al-Ma'idah: 90), which is the reason for the sanctity of gambling, it refuses any allocation and restriction and does not allow gambling and miser in any way (Khomeini, 2, 8 and 25).

According to the opinion of the late Imam, the competition is not considered gambling except in exceptional cases; because gambling tools are not used in it; But because of the narration of the limit, it is added to it in terms of ruling.

7-3-2. The View of Seyyed Mohammad Sadr (RA)

According to him, it is obtained from the understanding of custom and law that the truth of gambling is the circuit of wealth and prize; Because what people often aim for in these games is to gain money through betting. Therefore, if a game without a prize is called gambling, it is considered permissible; Even if it is with special gambling tools.

He divides the contested action into two categories and considers each one as having a different ruling:

- A) Stupid work that is done only for fun, pleasure and entertainment (play) and does not benefit the individual or the society. This situation, if it is accompanied by winning and losing, is an obvious example of gambling.
- B) b) The action subject to the contest has benefit (individual or social, spiritual or physical, religious or worldly, etc.). In this case, it is not considered gambling and it is not haram. A clear example of it is a scientific and research competition to discover something new (Sadr, 3, 168-170).

The important thing is that in conducting the competition, the goal should be to achieve rational benefits and interests; Otherwise, the action is considered useless. Therefore, a sports game like football, if it is done to gain physical and mental health, is a useful action, and if it is motivated by money, fame, and the like, it is considered a foolish action (Sadr, 3, 173).

7-3-3. Selected View

It is necessary to research that several things are involved in realizing the concept of gambling:

1. The existence of betting, financial gains and losses, and what is considered property and has financial value; Like working for free, feeding and partying. This article is almost a coincidence; Jurists, people of words and tradition have always considered this feature for gambling.
2. Payment of property by the loser for the winner; not from the third party; Because this is the sure measure of the fulfillment of the meaning of gambling (Sadr, 3, 169).
3. The existence of two sides; Therefore, gambling alone or without two parties intending to win and lose is not realized (Sabzwari, Mahezab Al-Ahkam, 16, 143).
4. Playfulness of the act of competition and betting. This matter, as well as the non-interference of gambling tools in its truth, needs further investigation and explanation.

7-3-4. Not Involving Gambling Tools in Its Concept

In addition to what was previously quoted from the late Sheikh Ansari and researcher Khoei, with the following analysis and considering some signs, it can be clearly proven that the gambling tool does not play a role in realizing its concept.

1. Gambling equipment is a tool dedicated to playing games with winning and losing and is a means to do it. Therefore, the main issue of sanctity is the game with winning and losing, and the use of tools becomes haram accordingly. The fact that in many cases, only the tool is the subject of the ruling, is because at that time, playing with this tool was usually accompanied by wins and losses. The probability of this is also sufficient.

In other words, profession and action always have precedence and originality compared to their tool, and it is the profession and action itself that a tool is attributed to. Therefore, a specific tool is not involved in the realization of the concept of a practice and profession, and that profession and practice can be realized without that tool or with another tool.

2. Prohibition of gambling is definitely because of the corruptions that exist in it. What is clear and rationally accepts it is the corruptions related to the act of gambling itself; By any means.
3. Throughout history and from one society to another, gambling tools may differ. What is stable in all societies and the criterion for recognizing the means is the act of gambling itself.
4. Assigning tools to an action is gradual. Can it be said that before allocation, there was no problem in winning and losing with non-specific tools? Also, sometimes or in a society, there may not be a dedicated tool; Can it be said that in such a society, the act of gambling is not realized?
5. After all, it is certain from the hadiths that the sanctity of a game with a bet, and the sanctity of a game without a bet, is doubtful. So, there is no reliable reason to respect the game without betting. The promise of severe punishments in the traditions for playing with chess and backgammon is unlikely to be without change for the game. This doubt and exclusion causes doubts about its sanctity and the principle is also permissible (Makaram Shirazi, 373).

It can be justified on this basis that some jurists consider playing chess without problems at the present time; That is, it belongs to the dignity and example of gambling, winning and losing; Because this tool is not considered a dedicated tool for winning and losing, there is no problem playing with them.

7-3-5. The Concept of Play and Its Effect on the Discussion

In the definition of scholars and jurists for gambling, there is usually the word game; But it seems that the necessary attention has not been paid to it and the necessary conclusions have not been drawn from it; While the nature of gambling depends on it and has an important impact on the discussion and makes us look at the competition and gambling differently. The only person who - according to the author's search - has paid attention to this issue is the late Seyyed Mohammad Sadr in *Mawra' al-Fiqh*, which was mentioned before.

"Someone play" is said when he does not have a correct goal for his work (Ragheb Esfahani, 741). "play" means the opposite of being serious. The movements of the sea waves are called play because they take people to other than their destination. Whoever does something that does not benefit him, it is said that you are a player (Ibn Manzoor, 1, 739). The same meaning is also mentioned in *Majma al-Bahrin* (Tarihi, 2, 166). In the research, it is stated that the main meaning in this article is a word or an action that does not have a beneficial intention and a wise person does not want to do it (Mustafawi, 10, 197).

Considering the concept of gambling and its central role in shaping the nature of gambling, it can be concluded that any kind of betting cannot be considered as gambling. Gambling only applies in cases where gambling is the subject of betting; It means a pointless act that has no reasonable benefit other than entertainment; Like walnut game and egg game, which are introduced as examples of gambling in some narrations.

Therefore, competition in matters such as calligraphy and memorizing the Qur'an and betting on them - which was the problem of Imam Khomeini (RA) - is not considered gambling and is completely outside the issue of gambling; Because in such cases, gambling is usually not applicable, so betting on it is gambling.

Also, the hadiths that limit permissible competitions to three things and prohibit the rest and consider them to be gambling, can be interpreted and justified on this basis. With the explanation that at that time, useful and rational competitions were the same three things, and other than them were useless and useless, and according to the interpretation of the author of *Transcendental Jurisprudence*, foolishness, which in the case of betting, gambling was applied to it.

It is clear from here that the permission of competition and betting in the three cases was due to the useful and valuable nature of the action at that time, which did not apply to gambling at all; Not that it

is considered gambling, but it has been excluded in terms of the ruling, so that other forms of the late Imam appear, which the honorable verse and other proofs of the sanctity of gambling, avoid appropriating and restricting.

But are new sports, such as football, volleyball, wrestling, etc. examples of games, so that betting on them is considered gambling or not? In this regard, refer to the author's original treatise (Jurisprudential rules of sports competitions and their prizes, 116 to 123) and different parts of two valuable works of Ismail Shafi'i Sarostani, titled "The Story of Western Sports" and "Tarbiat Pahlavani".

8. Abolition of the Character and Revision of Manat

One of the arguments that can affect the discussion and scope of the legitimacy of competitions is the abolition of the character and revision of manat. In the sense that the prescription of triathlon matches is not specific and the goal is to obtain defensive preparation; Rather, its scope can be expanded and competition in anything useful can be considered permissible. Abolition of character has two meanings and two uses:

- a) It means that manat is discovered from a verbal document, with the help of which the ruling mentioned in the proof can be spread to other cases. In this case, what is desired is to discover the criteria and manat of the ruling with the help of reason, which is not enough except to decide.
- b) Abolition of character is sometimes used along with the occasion of sentence and subject. In this case, it means that it is used according to the occasion of the ruling and the subject, that word is not specific and the scope of the ruling is wider. For example, in a narrative question and answer, it should be entered like this: "The man of doubt in the mosque between the three days and the four days and the strange bane of Yabni Ali al-Akshar". In this speech, the custom for being a man and the mosque does not have an effect on the ruling; It means that the characteristic is abolished from it. Since this type of cancellation is related to the meaning of the word and common understanding, the emergence is sufficient in it and there is no need to cut it (Alidoost, p. 477).

Abolition of character, in the second sense, certainly cannot be applied here; Because on the one hand, there is a limitation that is not compatible with the development and cancellation of character, and on the other hand, the words in the narration do not have the capacity to expand their concepts to all useful matches.

However, there are several evidences that show that the main purpose and criterion of ruling on competitions is to gain combat and defense readiness; It can even be said that war and defense are not specific and there are many other things in which competition is very useful; Like competing in Quranic matters, learning Islamic teachings and rules. Especially, it is not possible to increase the defense power without increasing the scientific and economic power. One of the signs is the verse "And prepare against them whatever force you are able". This verse, which is one of the evidences for the permission of the competition, clearly orders to increase the defense power. From this honorable verse, it can be understood that the desire and goal of Sharia is to increase the defense power of Muslims.

Obviously, it is not possible to achieve this goal in the same way at different times; Because the defense was sometimes with horses and swords, and sometimes with primitive guns and sometimes with advanced weapons. Therefore, the three exceptions are used in a specific period of time and cannot always be recommended and one of the ways to act on the above verse of Crimea. It can even be said: the competition in triathlon is not only limited to the license; Rather, according to the purpose of the competition and the current use of horses and camels, the possibility of sanctity of the competition goes with them; Because they have no war use at the moment.

Another sign is that the jurists have generally considered competitions to be permissible in accordance with the aforementioned verse of the Crimea, and for this reason, they have found a difference of opinion in the competition of some four-legged animals, such as donkeys and elephants, as to whether competition with them is permissible or not. The source of the dispute is that their effectiveness in the war was doubtful.

If the real goal is to increase the defense power, why are the matches limited to three things? There are two possibilities:

- A) It is about allegory. This possibility is not compatible with other limitations and negations; Because if it was intended to provide an example, other cases should not be negated.
- b) At that time, these three things were the most useful and harmonious matches with the goals of Sharia; That is, competition in these three things has been effective in strengthening the defense base of the Islamic society. This possibility is closer to reality.

Conclusion

From this research, it can be concluded that the legitimacy and permissibility of the principle of competition is subject to the consensus of Muslims and the confirmation of reason and narration, and the prescribed competitions are unique in three things: Khaf, Hafar and Nasl. In these three cases, it is permissible to compete with or without replacement.

Competition without exchange in matters other than triads is not permissible according to the famous ancients, and it is permissible according to the later and contemporary ones. The non-scripted competition with Awad, except for the three cases, is not allowed by the jurists, because of the narration of Hesr, and they usually consider it as gambling or is similar to it. Only a few contemporaries disagreed with this view. But it is clear that gambling, is true where its characteristics and conditions exist. According to this research, in addition to the presence of winning and losing in an action, having the nature of a game (play) is one of the most basic conditions for realizing the nature of gambling, which has been neglected. Based on this, matches with Awad, which are not in the nature of a game, are not subject to the prohibition of the hadir traditions, and as a result, there is no problem in doing them. In addition, the necessity of canceling the character and revision of manat is also not limiting the competition to triads and other things are permissible.

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