



The Rule of Prohibition of Foreign Dominance and Membership in International Organizations

Mohammad Ali Ekhlasi

An Academic Member of Faculty of Law, Goharshad University, Kabul, Afghanistan.

<http://dx.doi.org/10.18415/ijmmu.v12i7.7033>

Abstract

The rule of "negation of domination or prohibition of foreign dominance" (Nafy al-Sabil) is one of the most important principles upon which the basis of Muslims' relations with non-believers (kuffar) must be formed. This rule encompasses all individual and collective relations, and according to it, any relationship between Muslims and non-believers that results in the domination of non-believers is prohibited. To prove this rule, arguments are drawn from the four primary sources of Islamic jurisprudence—namely, the Quran, Sunnah, consensus (ijma'), and reason (aql). International organizations have different natures, but membership in some of them undoubtedly leads to the domination of non-believers over Muslims and thus falls under the rule of "negation of domination." However, like many other legal principles, this rule is subject to exceptions, and within Islamic Sharia, certain pathways have been anticipated that count as exceptions to this rule, such as the principle of "negation of hardship" (Nafy al-Haraj), consideration of "the objectives of Sharia" (Maqasid al-Sharia), attention to "public interest" (Maslahah)—which includes the principle of "conflict between more important and less important matters" (Tazahum al-Aham wa al-Muhim)—and consideration of "time and place" (Zaman wa Makan).

Keywords: *Negation of Domination (Prohibition of Foreign Dominance), International Organizations, Negation of Hardship, Public Interest, Objectives of Sharia*

Introduction

At first glance, discussing the principle of "negation of domination" (Nafy al-Sabil) and membership in international organizations might seem futile and unnecessary, as there is hardly any Islamic country left that has not already joined international organizations. Now that this reality has materialized and Islamic countries have become members of such organizations, one might argue that there is no further need for this discussion. However, this debate remains beneficial and essential for two reasons.

First, from a practical perspective: Given the major transformations that have recently taken place in the Islamic world—with the possibility of further changes in the future—new political realities are emerging. Previous systems have collapsed, and new regimes with Islamic orientations are rising (such as

the fundamental changes seen in Syria and Afghanistan). In light of these developments, it is pertinent to ask: From an Islamic viewpoint, and considering the principle of "negation of domination," is membership in international organizations acceptable under Sharia or not?

Second, from a theoretical perspective: Since Islam is an eternal and everlasting religion, and the Prophet Muhammad (peace be upon him) is the final messenger of God, does Islam provide answers to all human needs in line with the rapid changes of the modern world? Or, as some claim, is Islam a religion of the past with nothing substantial to say about contemporary developments? Thus, while it is true that Islamic countries have joined international organizations, does this action imply a disregard for the principle of "negation of domination"—or, in other words, a theoretical weakness in Islamic law? Or has Islamic law already devised solutions within its framework to navigate such dilemmas and similar challenges?

Therefore, this discussion is not only necessary, but one could argue that few debates are as crucial as this one. This article examines the topic in three sections:

Section One: The meaning, scope, and evidence of the principle of "negation of domination."

Section Two: The nature and functioning of international organizations.

Section Three: Possible alternatives.

First speech: The provisions and limits of the rule of Negation of Domination and the sources of this rule

Paragraph One: The provisions and limits of the rule of Negation of Domination

The meaning of the principle of "negation of domination" (Nafy al-Sabil) is that Almighty God, in legislating Islamic rulings, has not established any law whose implementation would lead to the domination and influence of non-believers over individual Muslims. Therefore, any ruling whose application necessitates the establishment of domination (sabil) by non-believers over a Muslim individual or the Muslim ummah is not by divine will and, by the requirement of this principle, should not be implemented. (Muhammad Hassan, Bojnourdi, Al-Qawwaad al-Fiqhiyah, Fum, Daalil Ma, 2003, Vol. 1, p. 193)

This explanation of the principle's content points to the following aspects:

First, the principle does not negate all forms of interaction between Muslims and non-believers; what it negates is specifically domination-based relationships between non-believers and Muslims.

Second, the principle's content is not limited to either a jurisprudential ruling (prohibition) or a legal ruling (invalidity and corruption); rather, both aspects were considered by the Legislature in establishing this principle.

Third, what the principle entails and how jurists understand it is the negation of domination and influence by non-believers over the Muslim ummah or over individual Muslims. Therefore, whenever an action leads to the domination of a non-believer over a Muslim individual, that action will be prohibited - even if it does not result in domination over the Muslim ummah as a whole (Abolghasem Alidoost, The Rule of Negation of Domination, Articles and Reviews, Fiqh Office 76(3), Fall and Winter 2004, p. 233.). From this, it can also be inferred that if an action leads to the domination of a group of non-believers over the Muslim community, it will all the more clearly fall under this principle. Thus, the principle of "negation of domination" provides a broad and comprehensive umbrella that covers all types of political, economic, social, cultural, and other relations where non-believers' domination over Muslims is at issue. (Morteza motahari, Islam and the Needs of Today's World, Tehran: Islamic Republican Party, 1982, p. 38.)

Most jurists have discussed individual applications of this principle, emphasizing the prohibition of marriage between a Muslim woman and a non-Muslim man, the employment or enslavement of a Muslim by a non-Muslim, the authority of a non-Muslim over a Muslim, and other similar cases, based on evidence that will be examined later (Bojnourdi, op. cit., pp. 193-207.). Perhaps this is because Shiite jurists were not involved in governmental affairs. However, Imam Khomeini (may God have mercy on him) addressed the social dimensions of this principle and considered this issue in various contexts. He stated: "If commercial relations with non-believers create fear for the Islamic domain, abandoning such relations becomes obligatory for all Muslims." (Imam Ruhollah Khomeini, *Tahrir al-Wasilah* (trans.), Islamic Publications Office affiliated to the Society of Seminary Teachers of Qom, 1987, Vol. 2, p330). Here, there is no difference between political, cultural, or spiritual domination by the enemy - establishing such relations is forbidden, and any treaties concluded in this regard are invalid.

He also described the negligence of leaders of Islamic countries regarding the requirements of the principle of "negation of domination" and their conclusion of agreements that pave the way for foreign domination over Islamic countries as betrayal, considering such betrayal as grounds for their disqualification from leadership. (Ibid., p. 328.)

Therefore, while Islamic governments are free to conclude any agreements aimed at developing and strengthening international relations, they are not permitted to conclude those agreements that create grounds for domination by foreigners and non-believers over Muslims. Imam Khomeini stated in this regard: "If the political relations of Islamic governments with foreigners lead to their domination over Muslim lands, lives or property, or result in the political subjugation of Muslims, it is forbidden for the leaders of Islamic governments to maintain such relations and treaties, and their agreements are invalid." (Ibid)

From all the above, it becomes clearly evident that the honor and greatness of Muslims, and the sovereignty and independence of Islamic society, are among the inviolable principles of Islam and the Islamic state, which must be dealt with according to Islamic standards and criteria.

Paragraph 2: Documents on the rule of negation of the domination

The principle of "negation of domination" (Nafy al-Sabil) can be substantiated by each of the four primary sources of Islamic jurisprudence (Quran, hadith, consensus (ijma), and reason (aql)). However, the most widely accepted and explicit evidence is the Quran, to the extent that the terminology used in the formulation of this principle is derived directly from Quranic wording. Therefore, we will briefly review each of the aforementioned sources.

1. Quran

The primary evidence for establishing the principle of "negation of domination" (Nafy al-Sabil) is verse 141 of Surah An-Nisa', which states: "And never will Allah grant to the disbelievers a way (to triumph) over the believers." In explaining how this verse supports the principle, it has been said that the apparent meaning of the verse is that Allah has never established or legislated any ruling that would allow domination or a means for non-believers to gain influence over Muslims. (Bojnourdi, previous, pp. 187-188.) Rather, Islamic law emphasizes the dignity of Muslims, and such dignity is incompatible with being under the domination of non-believers. Therefore, the relationship of this principle to other primary evidence is that of a governing proof (dalil hakim) over a governed one (dalil mahkum) - meaning that if any of the primary evidence were to indicate the establishment of domination or control of non-believers over Muslims, this principle would negate it. (Habibullah Taheri, *Rules of Jurisprudence*, Qom, Printing and Publishing, first edition, 2008, vol. 1, p. 342.) It is important to note that the verse refers to the negation of legislative rulings (hukm tashri'i), not existential ones (hukm takwini) - meaning that in Islam, no ruling has been established that would cause the domination of non-believers over Muslims. (Ibid., p. 343)

2. Hadith

There is an unattributed (mursal) hadith from the Prophet (peace be upon him) which states: "Islam is superior and nothing is superior to it." Although this hadith is mursal, it has been widely accepted and acted upon by jurists. This may be because Sheikh Saduq narrated it in his book "Man La Yahduruhu al-Faqih," in whose introduction he stated: "I consider everything I have included in this book to be reliable between myself and Allah, and I have omitted the chains of transmission for brevity." (Muhammad ibn Ali, Sheikh Saduq ibn Babawayh, *In the Presence of the Faqih*, Tehran, Dar al-Katib al-Islamiyyah, 1970, vol. 4, p. 243.) Therefore, for jurists who consider the widespread practice and citation of a narration as evidence of its reliability, this hadith will be considered authentic.

Moreover, certain narrations like the one under discussion have gained such widespread recognition that their texts have become slogans among Muslims. Anyone who researches religious texts even briefly or lives among Muslims for a short time will encounter them repeatedly. The author believes that such narrations do not require authentic chains of transmission or proof of their widespread citation, as any researcher becomes certain that these narrations originate from the Infallible and constitute valid evidence. (Alidoost, previous, p. 234.)

Regarding the hadith's indication of the principle, some have accepted it as evidence. (Bojnourdi, previous, vol. 1, p. 190- Taheri, previous, p. 345). However, others, considering the possibility that this narration relates to the existential realm (takwini) rather than the legislative realm (tashri'i) - as evidenced by the phrase "Islam" being used rather than "Muslims" - find its indication of the principle debatable. (Alidoost, previous, p. 234)

3. Consensus (ijma)

All Islamic jurists have claimed consensus that no ruling has been legislated in Islam that would give the infidel the upper hand over the Muslim, but rather that all the rulings of the Sharia have been observed by Muslims. This consensus is conclusive and definitive. However, the only thing is that this consensus is not a term in the science of principles that reveals the saying of the infallible, but rather a consensus of evidence. (Taheri, previous page 346.)

4. Reason (aql)

Mr. Bojnourdi has explained this rational understanding under the title of "appropriateness of ruling and subject." He states:

"The fourth evidence for the principle is the appropriateness of ruling and subject, meaning that the honor and dignity of Islam require that no ruling which would lead to the humiliation of Muslims should be established in Islam." (Bojnourdi, previous, p. 192.)

However, others have explained the rational evidence through the correlation between rational and sharia rulings, expressing that when reason recognizes the subject (the domination and influence of non-believers over Muslims) and the resulting corruptions, it finds no doubt in the impermissibility and reprehensibility of such an act. Since this rational understanding is part of the chain of causes for rulings, it falls under the principle of correlation (whatever reason rules, sharia rules) and thereby establishes the sharia ruling. (Alidoost, previous.)

Second Speech: The Nature and Functioning of International Organizations

International organizations, regardless of their nature, have become an inseparable part of international life today. It is inconceivable to imagine managing world affairs in the current circumstances without these organizations. Despite having different and sometimes contradictory objectives that they seek to achieve through membership in international organizations, states share a consensus on this issue: participation in international organizations has become unavoidable. Therefore, even if states object to the

current state of international organizations, they are compelled to actively participate in such forums. This is because active social life at the international level – if not exclusively, then predominantly – manifests itself through these very institutions. (Marzieh Mousavifar, *The Rule of Mustache Denial and Membership in International Organizations*, Foreign Policy, Vol. 1, No. 1996, p. 126.)

The nature of international organizations is highly diverse. International organizations with cultural, artistic, environmental, economic, political, and other orientations have emerged. The principle of member equality is incorporated in the charters of most of them. However, real equality is not achieved merely through regulations included in charters, as in many cases factors such as force, wealth, possession of trained and technical personnel, etc., shift the balance in favor of particular states. In international organizations, "weighted votes" are decisive, and the owners of such votes are usually specific countries.

Decisions in international organizations depend on the amount of capital (in economic assemblies), power (in military alliances), and knowledge and technology (in other spheres). On the other hand, it is observed that the roles of member states in establishing them have differed, with powerful states playing and continuing to play the fundamental role. Naturally, with such a trend, international organizations become the translators of the desires and needs of major powers. (Ibid)

The actual nature of some international organizations is such that in some cases it leads to tangible foreign domination, while in others there is at least fear of such domination. In what follows, we will refer to some of these organizations:

First Section: The League of Nations

Although the League of Nations has ceased to exist and there is no longer a League whose membership or non-membership we can discuss, the end of World War I and the establishment of the League of Nations marked the first serious confrontation and test case for the nature of relations between Islamic countries and international organizations, we are compelled to address it. Despite the humanitarian objectives emphasized in the League's covenant - which were also in line with Islamic principles and thus created optimism and encouragement for Islamic countries to join - unfortunately, the consequences of this relationship were not favorable for Muslim nations. World War I had devastating consequences for Islamic countries, in which the League of Nations played a decisive role.

As a result of World War I, the great and ancient Islamic empire - the Ottoman Empire - collapsed. Based on decisions made by the League of Nations, the territories of the Ottoman Empire were partitioned and their mandates were granted to colonial powers such as Britain and France. (Covenant of the League of Nations, Article 22.)

Among these actions, the granting of the Palestinian mandate to Britain was one of the most significant roles the League of Nations played in shaping the future map of the Middle East and the Islamic world. It was these very actions that laid the groundwork for the creation of a Jewish state called Israel, the consequences of which Islamic nations continue to suffer today.

Section Two: The United Nations

Undoubtedly, the establishment of the United Nations marks a turning point in the history of international organizations. On one hand, the UN is a comprehensive and global organization, and on the other hand, it is highly effective and active in various fields.

The United Nations is based on valuable principles accepted by all religious and non-religious schools of thought. If properly implemented, these principles could provide a suitable platform for all ideologies to cooperate towards the organization's objectives.

However, unfortunately, the United Nations' record regarding Muslim countries has not been brilliant either. By recognizing the state of Israel, the UN completed the unfinished mission of its predecessor, the League of Nations, in confiscating and occupying Palestinian territory.

The issue of Palestine and the actions taken by the General Assembly and Security Council regarding it can serve as a good indicator of the performance of international organizations in general, particularly towards Muslims.

In Resolution 273 of 1949, the General Assembly recognized the state of Israel and described it as a peace-loving state. But the most important point is General Assembly Resolution 3379 of 1975, which explicitly equated Zionism with racism and apartheid. Had this action continued, it would have at least increased hope in this UN body among various countries, including Islamic nations. However, this resolution was revoked in 1991 under continuous pressure from the Zionist regime and its powerful lobbies, through another General Assembly resolution, Resolution 4486. (Mohammad Hassan Khani, *Islam and International Relations*, edited by Dr. Hossein Pourahmadi, Tehran, Imam Sadeq University (A.S.), 2010, p. 508.) This marked the first time an international organization had revoked its own resolution without any change in the circumstances or conditions that had prompted the original resolution. This action by the General Assembly demonstrates how much even this body - which had a more acceptable record compared to the Security Council - is under the control and pressure of powerful states.

The Security Council is another highly controversial and questionable organ of the United Nations. The unlimited powers granted to this body under various provisions of the Charter, particularly Chapter VII, have made it the undisputed ruler in important UN decisions. According to Articles 41 and 42 of the UN Charter, the Security Council both determines whether international peace and security have been threatened and decides what measures should be taken. These fundamental powers belong to the Security Council - an organ where five powerful countries enjoy veto power as permanent members.

Unfortunately, the Security Council and its permanent members have always considered only their own interests in various global issues, paying minimal attention to the humanitarian objectives outlined in the UN Charter. Regarding the most important issue for Islamic countries - the Palestinian question - the Security Council has issued more than 200 resolutions, with their main orientation being the preservation of the status quo and support for Israeli interests in occupying Palestinian lands. Even in rare cases where Israel's actions have been condemned, the Security Council has taken no practical steps to implement the provisions of these resolutions. Currently, in dealing with issues such as the Islamic Republic of Iran's nuclear dossier, Syria, Bahrain, Yemen, and other matters, it has acted selectively based on the interests of certain veto-wielding powers and their regional allies.

In general, it can be concluded that the United Nations is largely under the control of the world's major powers, and this perception is growing stronger day by day.

Section Three: Organizations of an Economic Nature

Among international organizations, those with an economic nature - such as the World Bank, International Monetary Fund, World Trade Bank, and affiliated institutions - hold significant importance to the extent that the economic pulse of many developing and underdeveloped countries is controlled by these UN-affiliated entities.

In the International Monetary Fund, each country has a predetermined share that reflects its level of participation and voting power in the Fund's decisions. Meanwhile, according to the Fund's complex regulations, some Islamic countries have less than one percent voting rights - only 0.96% to be precise. (Mohsen Noorbakhsh, *The International Monetary Fund and the World Bank are the organs of the expansion and continuation of the capitalist system in the world*, www.zendagi.com, accessed: 26/02/2019.)

The Fund's Board of Directors is appointed by member countries on an equal basis. The Board consists of a Managing Director as chairperson and 22 executive directors. The executive board comprises 22 members, five of whom are appointed by countries holding the largest shares in the Fund. The Fund's executive responsibilities include processing financial assistance requests, providing economic consultation to member countries, and developing Fund policies. All these points demonstrate that countries with greater economic power play a more substantial role in the Fund's policymaking. (Mousavifar, previous, p. 131)

The International Bank for Reconstruction and Development (World Bank) similarly has a Board of Governors consisting of all member countries, and in its executive board, 5 out of 21 members are appointed by countries holding the largest shares in the Bank. (Ibid)

Considering that these institutions operate on the principle of weighted voting, and noting that three-fourths of the Fund's shares belong to the United States, Britain, France, Germany, and Canada - consequently giving them two-thirds of voting rights - their influence over the Fund's decisions becomes quite obvious. While superficially the U.S. has one representative just like other countries, the voting power of this representative exceeds the combined votes of 50 representatives from underdeveloped countries. (Taghavi, Mehdi. *International Trade*. Tehran: Pishro Publications, n.d., p. 263.)

A similar situation prevails in the World Bank. According to Article 5 of the Agreement, each founding member receives 250 votes plus one additional vote for each \$100,000 beyond their initial subscription. This provision has allowed the United States to control one-third of the total votes in the Bank and consequently oversee its policies. (Mousavifar, previous, p. 132)

Section Four: International Courts

Among the international institutions that must be mentioned are two judicial bodies: the International Court of Justice and the International Criminal Court. The International Court of Justice is one of the principal organs of the United Nations and its judicial branch, playing a decisive role in the peaceful settlement of international disputes. The International Criminal Court is an independent international institution established through the efforts of the United Nations that plays an important role in administering justice for international criminals.

It is essential to mention these two institutions because their primary function is adjudication and arbitration. Since their judges are in most cases non-Muslims, accepting their judgments constitutes a clear example of submission to non-Muslim authority (*sabil wa sulta*).

From the above examination, we conclude that despite differences among international organizations in terms of their nature and functions, membership in some of them represents clear instances of non-Muslim domination (*sabil al-kuffar*) which is prohibited according to the principle of negation of domination. The fundamental question now arises: assuming it is proven that relations with foreign countries or international organizations are based on domination, what should be done? Should we completely abandon establishing such relations and forfeit all benefits, or are there alternative approaches that would make such relations permissible from both Sharia and Islamic legal perspectives while maintaining these connections? The answer to this question can be found in the third section.

Third Speech: Possible Options

The previous discussions have clearly demonstrated that membership in certain international organizations constitutes instances of domination and subjugation (*sabil wa sulta*) which are prohibited according to the established principle. However, Islamic states cannot completely sever ties with these organizations merely because they sometimes become instruments of superpowers. If an Islamic government has accepted life in the modern era with its requirements and limitations, it must necessarily consider international organizations as players in this competitive arena.

Furthermore, the nature of international organizations is not uniform: some are non-governmental while others are intergovernmental; some are heavily dependent on superpowers while others are less so; some operate politically while others have a less political character. Although the UN Security Council has permanent members with veto power, the United Nations as a whole remains an organization whose cooperation offers benefits for Islamic states. On the other hand, if Islamic countries refrain from joining these organizations, powerful states would not cease using their influence against Islamic governments and the Muslim ummah; rather, superpowers could more easily achieve their national objectives without such organizations. The UN General Assembly has managed to bring together nearly all governments. While its resolutions are not legally binding, few can deny the impact of its decisions. The General Assembly serves as an appropriate platform for Islamic states to convey the message of Islam to others. (Seyyed Sadeq Haghghat, *Foundations, Principles and Objectives of the Foreign Policy of the Islamic State*, Qom, Islamic Science and Culture Research Institute, first edition 2006, p. 283.)

Therefore, while it is true that according to the principle of negation of domination (*nafy al-sabil*), any relationship establishing non-Muslim domination over Muslims is impermissible and invalid, current circumstances compel Islamic governments to maintain membership in these organizations despite such dominant relationships. In such situations, Islamic jurisprudence has anticipated various solutions to overcome these impasses, some of which I will briefly outline below:

Section One: Peaceful Relationship with Infidels from the Perspective of Islam

Islam permits establishing peaceful and just relations with those non-Muslims who do not engage in hostility against Muslims and have not taken the path of war and bloodshed. It considers kindness and fair treatment toward them as permissible. The Holy Quran eloquently states this principle:

"Allah does not forbid you from dealing kindly and justly with those who have not fought you on account of religion nor driven you out of your homes. Indeed, Allah loves the just." (Surah Al-Mumtahanah, verse 8)

In accordance with this noble verse, Islam permits relations with non-Muslims in absolute terms, except with those who wage war against Muslims and seek to undermine their faith. (Mahmoud Alavi, *Jurisprudential Principles of International Relations*, Tehran, Amir Kabir, 2006, p. 33.)

Islam does not consider persistent hostility as befitting an Islamic society, and throughout the Quran, it emphasizes that if signs of peace emerge from an opposing enemy, Muslims should incline toward peace and end hostilities:

"And if they incline toward peace, then incline toward it as well, and place your trust in Allah. Indeed, He is the All-Hearing, the All-Knowing." (Surah al-anfal: 61)

From the above, the permissibility of just and peaceful relations between an Islamic state and non-Islamic states is established. Proving the legitimacy of peaceful relations between an Islamic state and international organizations is even easier than with non-Islamic states, because regardless of an organization's identity, its nature differs from that of non-Muslim states, as it typically includes members from various countries, including Islamic ones. The competitive arena, freedom, and democratic processes in some states sometimes lead to varying outcomes in the functioning of international organizations. For example, in 1983, UNESCO caused the United States to withdraw from the organization, despite the fact that the U.S. was its primary funder. (Ibid) In 2011, despite opposition from major powers and obstruction by Israel and its allies, UNESCO admitted Palestine as a member.

In 2024, numerous resolutions were passed by the General Assembly and Security Council against Israel, contrary to the wishes of major powers. For instance, General Assembly Resolution A/RES/ES-10/26, issued on December 11, 2024, called for an immediate, unconditional, and permanent ceasefire in Gaza, the immediate release of all hostages, and full access to humanitarian aid. It also reaffirmed its commitment to a two-state solution—Palestine alongside Israel. Similarly, General

Assembly Resolution A/RES/ES-10/24, issued on September 18, 2024, demanded that Israel end its occupation of Palestinian territories within 12 months, halt all settlement activities, and allow the return of Palestinian refugees.

Section two: The Principle of Negation of Hardship (Nafy al-Haraj)

One of the exceptions to the principle of "negation of domination" (Nafy al-Sabil) in cases involving hardship and constriction (Usr wa Haraj). There may be situations where relations with non-Muslim countries or international organizations could constitute a form of domination, yet severing these ties would also create significant difficulties for the Islamic government. In such intractable cases, another jurisprudential principle known as "negation of hardship" (Nafy al-Usr wa al-Haraj) provides a way out, enabling the Islamic state to resolve such dilemmas.

It should be noted that this principle operates only as a limited exception, applying exclusively to cases of genuine constriction. In this context, the principle of negation of domination remains the primary rule, while negation of hardship serves as the exception. (Alavi, previous, p. 200.)

Like many other jurisprudential principles, the rule of negation of hardship applies both at the individual level (to personal religious obligations) and at the collective/governmental level. However, in Shiite jurisprudence – which has historically engaged less with governmental affairs – the individual applications of such principles have received greater attention.

To prevent misinterpretations of this principle, we must properly understand its scope. In this regard, we should clarify that hardship in human life manifests in various forms, not all of which fall under this principle:

1. hardship may refer to difficulties beyond human capacity. The principle of negation of hardship certainly does not apply here, as imposing obligations beyond one's capacity is rationally reprehensible and inconsistent with a Wise Creator.

2. hardship may not reach the level of being beyond capacity but would disrupt human behavioral patterns and social order. This also falls outside the principle's scope, since imposing such obligations is rationally objectionable, given that the Sacred Legislator's purpose in establishing religious laws is not to disrupt human society.

3. the difficulty may be less severe than in the above two cases but would still cause harm to life, property, or honor. Such matters also lie beyond this principle's application.

4. the hardship may not reach any of the aforementioned levels but still involves considerable difficulty and struggle in performance. It is precisely this category of matters that falls under the principle of negation of hardship, which lifts the obligation in such cases. (Ibid., pp. 203-204)

Section Three: Expediency

The term "maslahah" (expediency/public interest) lexically means "benefit" and is the opposite of "harm." In *Lisan al-Arab*, it is stated that "reform" is the opposite of "corruption," and *maslahah* means rectitude and appropriateness. (Ibn Manzoor, *The Language of the Arabs*, Beirut: Dar al-Jabal, the article of peace)

Much discussion has taken place regarding the role of *maslahah* in Islamic rulings, and many books have been published on this subject. *Maslahah* holds an esteemed position in both Shiite and Sunni jurisprudence, with the difference that in Sunni jurisprudence—unlike in Shiite jurisprudence—*maslahah* is considered an independent source for deriving rulings. (Seyyed Kazem Seyyed Bagheri, *Shiite Political Jurisprudence*, Tehran, Printing and Publishing Organization, 2009, p. 178.)

Chapters such as "conflict of obligations" (tazahum), consideration of "hardship and constriction" (usr wa haraj), "necessity" (idhtirar), prioritizing "the more important over the important" (al-ahamm wa al-muhim), the principle of "no harm or reciprocation of harm" (la darar wa la dirar), and many other jurisprudential principles considered in the determination of secondary rulings (ahkam thanawiyyah) demonstrate the existence of interests (masalih) and ensure that higher interests are prioritized over lower ones by the Islamic ruler when issuing rulings and fatwas.

The *maslahah* we are discussing pertains to the stage of issuing rulings, not fatwas. However, *maslahah* does not mean arbitrary expediency. Rather, it means examining whether, under the given circumstances, the criteria introduced by Islam in that domain can be properly applied and implemented. (Ibid., p. 183.)

Therefore, based on the principle of *maslahah*, membership in international organizations is also subject to evaluation. First, it must be established whether joining an international organization would lead to the domination of non-believers over Muslims, because, unfortunately, in the current circumstances, many factors have contributed to the weakness of Muslims. This growing inability of Muslims in various fields has itself paved the way for the domination and influence of foreigners. Thus, most of the time, the relationship between Islamic countries and international organizations is one of domination, but this domination is not caused by the membership of Islamic countries in these organizations. Rather, it stems from other factors that would persist even if Islamic countries did not join these organizations—indeed, the domination might even intensify.

Regarding who has the authority to determine the presence or absence of domination (*sabil*), various hypotheses can be proposed, but the most important one is that the authority lies with the legally responsible person or persons (*mukallaf* or *mukallafun*) tasked with carrying out an action that may lead to the domination of non-believers over believers—even if they seek the counsel of others in doing so. (Alidoost, previous, p. 233.)

Once it is established that the membership of an Islamic country in an international organization would lead to its domination, the next step is to examine whether, despite such domination, there exists a higher *maslahah* that justifies this membership.

Among the manifestations of *maslahah* that can resolve many dilemmas—and which may be highly relevant to our discussion—is prioritizing one position over another based on "the more important over the important" (al-ahamm wa al-muhim). In this case, there is a conflict between the practical applications of two rulings, and the *mukallaf* cannot fulfill both. According to the majority of scholars, including Ruhollah Khomeini, both rulings remain in effect, although the *mukallaf* is excused when neglecting the less important matter while fulfilling the more important one. (Seyyed Ruhollah Khomeini, *Tahdhib al-Usul*, Qom, Dar al-Fikr, vol. 1, pp. 304-311.)

Another significant manifestation of *maslahah* is the "role of time and place" in deriving Islamic rulings. Most scholars, including the late Mirza Naini, divide Islamic rulings into fixed (*thabit*) and variable (*mutaghayyir*) categories, considering the latter subject to the interests of different eras and regions, and thus changeable accordingly. (Mirza Mohammad Hossein Nayini, *Punishing the Nation and Enlightening the Nation*, with an introduction and explanation by Seyyed Mahmoud Taleghani, Tehran, Publication Joint Stock Company, 9th edition 1999, p. 30.)

In the discussion of membership in international organizations, if domination (*sabil*) is established, all the aforementioned considerations can be useful, and these are all legitimate solutions approved by the Sacred Legislator of Islam.

Section Four: Paying Attention to the Objectives of Sharia

The consideration of the objectives of Sharia (*maqasid al-sharia*) in the process of deriving Islamic rulings is among the issues that have received significant attention across various disciplines.

Here, the term "objectives of Sharia" refers to the divine purposes behind the legislative and practical regulations in Islam. While differing perspectives exist on the role of these overarching objectives in legal derivation—a discussion beyond the scope of this article—our focus is to emphasize that jurists, when deriving rulings from authoritative sources, must account for the Sharia's objectives. This approach often leads to interpretations of textual evidence that differ from those reached without such consideration. (Abolghasem Alidoost, in the book *The Goals of Sharia*, translated by Seyyed Abolghasem Zharfa, Tehran, Islamic Culture and Thought Research Institute Publishing Organization, 2009, pp. 43-44.)

In relation to the topic at hand, the following points warrant careful attention:

1. The Universality of the Prophet's Mission

A crucial matter to recognize is that the Prophet Muhammad, as the final messenger, brought a complete religion intended for all humanity across all generations. During his lifetime, he bore the responsibility of conveying this divine message to the world. Upon his passing, this duty transferred to his followers. The Quran affirms this shared responsibility between Muslims and the Prophet in delivering the message:

"You are the best nation produced for mankind: you enjoin what is right, forbid what is wrong, and believe in Allah..." (Al-Imran 3:110).

This verse indicates that the distinction of this ummah (community) lies in its divine appointment to guide humanity from darkness to light. Thus, its superiority is inseparable from its mission: liberating people from servitude to others and directing them to worship God alone. (Zharfa, previous, p. 171)

The verse further designates Muslims as the best community entrusted with the duty of *amr bi-l-maruf* (enjoining good) and *nahy an al-munkar* (forbidding evil) toward all people. Notably, "good" (*maruf*) encompasses all virtuous deeds, while "evil" (*munkar*) includes every reprehensible act. Consequently, officials of an Islamic state, as ambassadors of the Muslim ummah, are tasked with propagating Islam.

Inviting others to Islam and disseminating its message of salvation are foundational principles of Islamic foreign policy. Hence, participation in international organizations may serve this vital objective. (Abolfazl Shakuri, *Political Jurisprudence of Islam*, Volume 2, First Edition, Nowhere, Nowhere. Page 398.)

A community entrusted with such a monumental mission cannot retreat into isolation out of fear of harm. Therefore, any evaluation of relations between Muslim-majority countries and non-Muslim entities—or international organizations—must account for Islam's universal scope and the responsibility borne by Muslims.

2. The Dignity of Islam

A core principle of foreign policy is upholding the dignity (*izza*) of Muslims. Allah states in Surah al-Munafiqun (63:8):

"Honor belongs to Allah, His Messenger, and the believers..."

Here, *izza* denotes invincible strength. While other verses (e.g., 35:10) attribute honor exclusively to Allah, this verse extends it to His Messenger and the believers, as they derive their honor from Him. (Nasser Makarem Shirazi, *Tafsir al-Numno*, (Noor al-Anwar 3), vol. 4, p. 169.)

The principle of *nafy al-sabil* (preventing domination by non-Muslims) involves two dimensions: First, avoiding relations that enable outsiders to dominate Muslims. Second—and more critically—recognizing that Allah has furnished Muslims with the means to live with dignity. Thus, interactions with non-believers must reflect strength, not weakness.

Given that the Quran does not prohibit relations with non-Muslims, *nafy al-sabil* primarily obliges Muslims to secure the means of their God-given dignity, ensuring all interactions are conducted from a position of strength.

This understanding aligns with the modern world's evolution, where—at least theoretically—coercion has yielded to dialogue, the binary division of *dar al-harb* (abode of war) and *dar al-ahd* (abode of treaty) has faded, and peaceful coexistence prevails. Therefore, *nafy al-sabil* does not reject engagement but mandates that Muslims cultivate the foundations of their dignity, ensuring all interactions are rooted in honor and sovereignty.

3. Advocacy and Proactive, Positive Pragmatism

Allah praises those servants who actively pursue justice, reject oppression, and refuse to accept degradation. He states:

"...Except those who believe, do righteous deeds, remember Allah often, and defend themselves after being wronged..." (al-Shoara: 227)

And:

"Those who, when oppressed, defend themselves" (al-Shura: 39).

Ibn Taymiyyah observed that the opposite of advocacy is helplessness, while the opposite of patience is rashness. Thus, there is no virtue in passive endurance when faced with injustice or wrongdoing—a pitfall many, including religious individuals, succumb to by displaying helplessness rather than principled resistance. (Ibn Taymiyyah, *Tafsir al-Kabir*, quoted from the book *The Purposes of the Sharia*, p. 174.)

Any Muslim acquiescence to inferiority, backwardness, or disengagement from constructive interaction with moderate nations and organizations whose charters align with Islam's core humanistic principles contradicts proactive pragmatism.

In today's world—where the foundations of international relations (at least formally) have shifted—Muslim-majority countries and communities face two paths: Active, positive engagement with nations and international bodies, grounded in the tolerance and compassion exemplified by the Prophet, or Withdrawal and negativity, ceding ground to oppressors.

Undoubtedly, the first option aligns with Islam's global objectives and is the superior choice.

Conclusion

The principle of *nafy al-sabil* (prevention of domination) encompasses a broad scope of relations between Muslims and non-believers. Every interaction—whether individual or collective—must adhere to this principle, which categorically rejects any relationship based on subjugation. The membership of Islamic countries in international organizations must also align with this rule. However, joining certain international organizations constitutes a clear instance of *sabil* (domination), and under this principle, Muslims are prohibited from becoming members of such entities. Yet, the realities of the contemporary world leave us no alternative but to participate in these organizations. Since Islam is an eternal religion with laws applicable to all times, its legal framework anticipates solutions for such dilemmas.

In the issue at hand, numerous avenues exist—though this article will only briefly address some of them. Principles like *nafy al-haraj* (elimination of undue hardship), consideration of *maṣlaḥa* (public interest), and attention to the objectives of Sharia (*maqasid al-sharia*) can be employed to resolve this perceived problem. In this paper, the focus on *maqasid al-sharia* has particularly captured the author's attention. The merit of this approach lies in fostering a profound understanding of core Islamic principles,

enabling the derivation of contextually appropriate rulings from authoritative sources in any circumstance. Through this lens, it can be argued that in the subject under discussion, the principle of nafy al-sabil emphasizes dignity-based relations far more than it emphasizes the rejection of domination-based relations.

In conclusion, while the principle of nafy al-sabil prohibits membership in international organizations that entail the domination of non-believers, other legitimate Islamic mechanisms exist to facilitate such engagement when necessary.

Sources

Books:

1. Ibn Manzur, *Lisan al-Arab*, Beirut: Dar al-Jabal.
2. Bujnardi, Muhammad Hasan, *Al-Qawa'id al-Fiqhiyya*, Qom: Dalil Ma, 424 AH, Vol. 1.
3. Taqvi, Mahdi, *International Trade*, Tehran: Pishro, n.d.
4. Haqiqat, Sayyid Sadiq, *Foundations, Principles, and Objectives of Foreign Policy in an Islamic State*, Qom: Islamic Sciences and Culture Academy, 1st ed., 2006.
5. Khani, Muhammad Hasan, *Islam and International Relations*, ed. Dr. Husayn Pur-Ahmadi, Tehran: Imam Sadiq University Press, 2010.
6. Khomeini, Sayyid Ruh Allah, *Tahrir al-Wasila*, trans., Islamic Publications Office of Qom Seminary Teachers' Society, 1987, Vol. 2.
7. Khomeini, Sayyid Ruh Allah, *Tahdhib al-Usul*, Qom: Dar al-Fikr, Vol. 1.
8. Jurfa, Sayyid Abu al-Qasim, *Objectives of Sharia (Maqasid al-Sharia)*, Tehran: Islamic Research Institute of Culture and Thought, 2009.
9. Sayyid Baqiri, Sayyid Kazim, *Shiite Political Jurisprudence*, Tehran: Printing and Publications Organization, 2009.
10. Shakuri, Abu al-Fadl, *Political Jurisprudence of Islam*, Vol. 2, 1st ed., n.d., n.p.
11. Shaykh Saduq Ibn Babuya, Muhammad ibn Ali, *Man La Yahduruh al-Faqih*, Tehran: Dar al-Kutub al-Islamiyya, 1970 AH, Vol. 4.
12. Tahiri, Habib Allah, *Jurisprudential Rules (Qawa'id Fiqhiyya)*, Qom: Chap va Nashr, 1st ed., 2008, Vol. 1.
13. Alavi, Mahmud, *Jurisprudential Foundations of International Relations*, Tehran: Amir Kabir, 2006.
14. Mutahhari, Murtada, *Islam and the Needs of the Modern World*, Tehran: Islamic Republic Party Publications, 1982.
15. Makarim Shirazi, Nasir, *Sample Commentary (Tafsir-i Nimuna)*, (Nur al-Anwar 3), Vol. 4.
16. Na'ini, Mirza Muhammad Husayn, *Tanbih al-Umma wa Tanzih al-Milla*, with introduction and commentary by Sayyid Mahmud Talaqani, Tehran: Sharikat-i Sahami-i Intisharat, 9th ed., 1999.

Articles, Theses, and Documents:

17. Alidust, Abu al-Qasim, "The Principle of Nafy al-Sabil," Articles and Reviews, Fiqh Department, No. 76(3), Autumn-Winter 2004.

18. Musavi Far, Marziyya, "The Principle of Nafy al-Sabil and Membership in International Organizations," Foreign Policy Journal, No. 1, Year 1996.
19. Nurbakhsh, Muhsin, "The IMF and World Bank as Instruments for the Expansion and Perpetuation of Capitalism," www.zendagi.com, accessed: 16 May 2020.
20. Charter of the United Nations.
21. Covenant of the League of Nations.

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).