

Relation of intellect to criminal law in Imamiyya

Mohammad Reza Zafari¹

Abstract

In any fair criminal system, the rational rules are precisely expressed in the form of legal materials, but Islamic punishment code 2013 consists of the *Imami* jurisprudential rules which are based on the *hadiths* and the divine revelation. Accordingly, how much does the human intellect play a role in it? In this research, with a descriptive -analytical method, firstly, it will be tried to show that a relation of causation between the intellect and the criminal law should present in two domains: legislation and interpretation; and the *Imamiyye* criminal system has both of them according to the pure intellectual arguments. Secondly, the validity of *Imami* criminal sources is also proved with the pure rational arguments, and hence, in comparison with the Western criminal law, the *Imami* system is located in a higher level of perfection.

Key Words: intellect, punishment, jurisprudence and the Western law.



1. Assistant professor, Criminal law and criminology, Payame Noor University, Tehran, Iran: Mr_zafari@pnu.ac.ir

1-Introduction

According to the type of the criminal politics of any country, a special connection may exist between intellect and criminal law. In the Western legal systems, the origins of the human affairs including the sources of the criminal law consist of the scientific and rational findings. But the Muslim countries have generally inclined to a mixture of Islamic – Western laws because of adopting a combined criminal politics. This priority and precedence of intellect on law in the criminal systems of the secular Western countries and semi – secular Muslim states are based upon the idea of rationalism.

However, in the Imami criminal politics, the existence of relationship between intellect and criminal law are defined in the framework of Imamate jurisprudence or fiqh. It means that for example, penal code should be developed in the scope of Imami legal sources. In other words, although the Imami criminal politics is relied on the divine revelation, but it is not contrary to the intellect, because the creator of the wisdom i.e. God which is the very source of intellect, has sent down the Islamic precepts according to the intellectual rules. Accordingly, it is not strange that those who are the wise, are addressed by the holy Quran in order to think about the qisas crimes or retaliation (Baqara, 17); and similarly, Islam proclaimed that the legislative origins of the criminal offences such as murder, fornication and eating orphan`s property are based on the wisdom or hikma (Asra, 39). As a result, the holy Quran has considered the Islamic punishments as the indicators of the intellectual rules, otherwise, they were not addressed the wise, and the wisdom was not declared as the source of their legislation.



Probably, for the same intellect, the legislature has enacted the Islamic punishments as the rational – jurisprudential findings in the Islamic punishments code 2013. Based upon this justification, since the human intellect has a kind of perfection and priority over the criminal law, it can extract the rational rules as the potential laws from the jurisprudential sources, and change them to the form of a collection of criminal statutes. So apparently, although the Imami legal system is based upon the sharia sources, but it eventually is nothing unless expression of the rational rules.

Although the above argument seems to be justified, but it is vague at least from this point that it does not make clear how much the intellect influences on the appearance and emergence of the Imami criminal system; because this basic question also arises: what is the share of intellect about that? In particular, the nature of Islamic punishment code 2013 is attained with legalizing the rules of the criminal jurisprudence, though the section of ta'zirat punishments uses from certain rational and scientific maxims of the criminal sciences.

In a brief answer, it can be said that the intellect plays an important role in the Imami criminal system, because the intellect displays the legislator's mental attitude to the life with the language of the criminal statutes. This attitude exists in his mind which regarded as the internal or mental existence by the Muslim philosophers; this very mental existence is reflected with the external existence i.e. the criminal statutes. In this manner, the intellect from the beginning to the end, maintains its effective relation with the Imami criminal law.

In the other word, if the intellect logically moves from the legislator's mind to the criminal statute or the text, the process of law making has come to a result. However, the



main question is that how can the intellect manage wayfaring from the mind to the legal text? Similarly, in the opposite direction which is called interpretation, how can wayfaring from the text to the legislator's mind be resulted?

In this research, for the first time, it will be tried to reply these such questions and based on a descriptive -analytical method, express the causative relation between the intellect and the penal code or criminal text according to the Imami doctrine of law. Therefore, at the first stage, the terms of the research title including intellect, criminal law and relation will be defined and later on, aspects of influencing the intellect on the criminal law will be analyzed.

2- Concepts

2-1- Intellect

2-1-1- Definition

The intellect denotes the Arabic word of 'aql; also reason and wisdom are its synonyms. In the Arabic dictionaries, 'Aqql is generally used in the sense of thinking and understanding (Farahidi, 1989, vol. 1, p.159). These same concepts of intellect have been used by the holy Quran with forty nine repetitions (Tabarsi, 1994, v.1, p.284; Hoseini Shirazi, 2002, p. 413). God says in His Book: wa mā ya'qiluhā 'illā al-'ālimūn (i.e. and no one understand it unless the scholars); here ya'qilu means understand (ch. 2, v.75; ch.29, v.43).

According to the Imami hadiths (sayings), there is a faculty which is bestowed on the human being for understanding the good and evil and distinguishing them from each other. That power which call on us to choose the good and avoid from the evil is described as the intellect or 'aql in the Islamic traditions. (Majlisi Isfahani, 1984, vol. 1, pp.25-27).

But in law, it has several concepts. The Constitution in a brief passage has considered the effects of the intellect as



“the human advanced sciences, technologies and experiences”, and also named it as one of the four sources of Islamic law and jurisprudence (Constitution, article. 2, paragraph. 6); because the rational and scientific achievements are not confined to the special people, and those such achievements including foreign criminal law can be utilized in any territory provided that they are appropriate and fair.

However, under Imamiyya jurisprudence (Tabatabayi Hairi, vol. 2, p.512) and Islamic punishment code 2013, art. 140, the intellect is considered as one of the several conditions for proving the mens rea of a crime and criminal liability, and of course, even a person of unsound mind also has such an intellect (Muhacqiq Damad, 2006, vol.1, p. 67). Under art.149 of I.p.c 2013, the purpose of this intellect is absence of mental abnormality and having the will and power of discretion in such a way that when one of these conditions does not exist, the accused is not criminally responsible.

2-1-2- Nature

Although, the definitions which are mentioned above did not made clear the essence of intellect, they have merely stated its various functions in the different scientific branches. For understanding its nature, it should be studied from philosophical view point.

In Islamic philosophy, the intellect, for the first time, was divided into two parts of theoretical and practical intellects in the words of the Muslim grate philosopher Mulla Hadi Sabzewari (۱۷۹۸-۱۸۷۲) (Sabzewari, 2005, p.383). The first part is subject matter of the study for philosophy, mathematics and physics, and the second one is considered in the knowledge like jurisprudence, law and linguistics.



Under this division, Sabzewari showed that the essence of the intellect is the same in all the sciences.

In the other words, for studying the nature of the intellect, in the first step, the human soul is required to be realized and known, because as our philosophers have precisely expressed, while the soul has various faculties such as intellect and emotion, but it is united with them (Hassan Zade Amuli, 2001, p.115). when the intellect is one of the soul's faculties, so the intellect's nature is the very essence of the soul and, that is, the intellect has all of the soul's characteristics. For example, the intellect like the soul, while being unit essence, has tashkiki levels. Levels of Tashkik or gradations of intellect mean that the intellect has the different levels from deficient degree to perfect level; the criterion of perfection and deficiency of the intellect is the intellect itself. Therefore, the intellect's essence in the weak and strong levels, or in the perfect and deficient levels is the same, but the gradation of intellect is completely different in any level.

These different levels can be inferred from this holy verse: *wa man yarghabu an millate Ibrahim illa man safiha nafsahu?* i.e. who will abandon Abraham's religion except who makes himself silly?

Based on this Quranic verse, the highest level of the intellect is the spiritual light and insight which can distinguish right from wrong, and causes to follow the divine religion; and the lowest level of the intellect makes a man forsake the right path.

2-2- Criminal law

A collection of statutes or legal provisions concerning crimes and punishments, and principles of criminal procedure are called as criminal law. Criminal law is regarded as the legislator's act i.e. his written language. The



character and nature of verbal and lingual acts is obedience of the intellect (Abdollahi, 2006, p.102); so the legislative materials which are results and fruits of the verbal acts, shall convey the intellectual maxims to the addressed persons with the legal language.

In other words, the human intellect transfers his knowledge and concepts to the others with the verbal and written language. Accordingly, relation of language with intellect is the very relation of effect with cause, and since the criminal law is the written language of the legislator, then his statute in fact, is effect of the intellect and the intellect is also the cause of it. As the Muslim philosophers say, the cause ('illa) must more completely have all of the existential levels of the effect (ma'lūl) in order to create the effect (Ashtiani, 2003, p.460). As a result, the intellect must imagine all the exact legal maxims in the mind, approve their interests and utilities based on the aims of the Islamic society, and then in the second step, legalize the mentioned rules in the form of the appropriate penal code and the like.

It is probably better to say that since the criminal maxims are originated from the intellect, they follow the intellectual rules, and reflect them with the language of the law; because, existence of criminal law in the stage of intellect is the very existence of it in the level of the criminal statutes, and when the rational rules are applied to the criminal law, in fact, the intellectual rules have been made in the form of criminal statutes.

Therefore, criminal statutes are the external form of what exist in the legislator's mind, and show his mental imagine in the external existence i.e. the criminal statutes. Logically, the external existence of the law is the very mental picture which is available before the intellect and vice versa. In any way, the essence of the mental and external existence of the



objects will unite, but the former is located inside of mind and intellect, and the latter is placed outside of them (Sabzewari, 2001, v.2, p.122; Motahhari, 2009, v.9, p. 2009, p. 213). This is the case about the relationship between the criminal law and intellect, or jurisprudence and intellect, and vice versa.

2-3- Relation

In this research, relation refers to the type of the effect of the intellect on criminal law and their relevance and connection on each other. As it was mentioned before, since the intellect has the levels of defect and perfect, the legal systems have no the equal ability for application of intellectual maxims. Accordingly, it seems clear that the connection between intellect and criminal law in any system is not resulted in the same intellectual rules. For this reason, this relation between them in the Imami criminal law differs from the other systems. In the Imami doctrine, the legislator should transform his intellectual achievements or the people's desires into the criminal Acts based on the framework of the four jurisprudential evidences or *adilla arba`ah* (the holy Quran, tradition, consensus and intellect), but the other systems have no such limitations.

It should be noted that both of the theoretical and practical intellects shall influence on the criminal legislation and, interpretation of legal text; in this manner, the intellect will have four kinds of relation with criminal law. In the following, the interaction between them will be considered according to the Imami School of law.

3- Relation of theoretical intellect with criminal law

As we said above, the connection between theoretical intellect and criminal law will be in two stages: making law and interpretation; these two levels are analyzed as follows:



3-1- Criminal law making

In the democratic systems, the legislators usually make the social values and the people's beliefs in the form of criminal materials, both of substantive and procedural criminal statutes. In this stage, the theoretical intellect and philosophical arguments play a basic role in order to prove these values as the foundations of criminal law. This realm of criminal law is recognized as the criminal schools of thought; because the first problem for any law maker is that under what criminal doctrine, the criminal law making should be based. Although this question may not directly arise for a legislator, but it plays an active part in legislator's mind for making the laws and it limits his selection.

At least, there are five criminal theories which are regarded as the foundations of the contemporary criminal systems; this includes: legal theory of Abrahamic religions, natural legal theory, ethical theory, theory of social contract and theory of positivism (Zafari, 2020, p.69). When one of these theories is accepted by the legislators in accordance with the arguments of the theoretical intellect, the legality and binding of the criminal Acts will be convincing based on the selected demonstration.

This is the case in the Imami law too; e.g. someone may be faced to this question: why have hudud (fixed penalties in the Imami jurisprudence) or qisas (retaliation) been provided by the Imami jurisprudence and Islamic punishment code 2013? The answers to this question will be possible only by the theoretical intellect. Here it can be replied that: Since God has created the human being, and He precisely knows his characteristics and needs, then, the Creator of man will provide the most appropriate and best laws for him. This is the first reasoning, and the second is:



God is creator of all the human beings, and for this reason, the absolute sovereignty is only for God not for His weakened creatures including the human governors. Based on these persuasive arguments, all the human beings have the equal rights and have no sovereignty on another. As a result, the human-secular legal systems have no the legality and binding of law, because forming a government or making law is only for the creator of man or with His permission.

This is called as monotheistic attitude that strongly proves the foundations of Imami criminal justice system, and makes any human – secular criminal system with the challenge of injustice and inequality. Because the human being does not know his real needs, so he cannot provide the adaptable criminal statutes to the real needs. As the result, it will be natural that the human legal system shall be faced to the permanently changeable laws and provisions, and cannot solve oppress and discrimination in the society. Accordingly, by proving the basis of the monotheistic – Imami criminal theory, and rejection of the human doctrines such as positivist law, it can be said that criminalization and determining the Imami punishments against the committing the crimes are adaptable to the justice and social and individual interest.

Therefore, the legislators based on their theoretical intellect's arguments, will choose their viewpoints concerning the world, society and human being, select an appropriate criminal school of thought, and enact the criminal statutes in accordance to the mentioned school. For this reason, any justification for the necessity and legitimacy of the Imami criminal statutes is based on the theoretical intellect` argument.



3-2-Interpretation of legal text

As the Imami legislator makes the people's beliefs and viewpoints concerning the social and individual life in the form of the criminal statutes, the judges or the prosecutors as the formal interpreters of the legal texts must understand the criminal texts in accordance with the same monotheistic viewpoint, otherwise they are not able to understand exactly the legal texts, or their interpretations will be contrary to the purposes of the legislators or meanings of the legal materials. In the other word, the legislator makes apparent his desires and purposes in the form of the criminal texts; accordingly, if an interpreter (like a judge) can understand the meaning of the criminal text, in fact, he will be able to achieve its purposed meaning or the desire of the legislator in a reverse method. So, while the process of the interpretation is in a reverse route of legislation, but the foundations of them are the same, and need to be proved by the theoretical intellect.

Unfortunately, some authors who are even elite, have not paid attention to the effect of the monotheistic perspective on understanding the Imami criminal text. Accordingly, they could not realize depth of their words and unintentionally rejected the Quranic text of the retaliation on relying somebody's belief like Mahatma Gaundi (Gholami, 2017, p. 11). This is nothing but preference of a materialistic viewpoint to the monotheistic, and as we analyzed before, it is in the end of the weakness.

Certainly, the monotheistic worldview concerning legislation and interpretation of the criminal texts will cause the Imami legislators to choose the especial sources for criminal law making. Thus, in this system, the rational foundation and legality of the legislations are connected to the independent argument and reasoning of theoretical



intellect. As we mentioned them before, from this respect, the Imami law will be in the highest degrees of intellectual perfection in comparison of other human criminal systems.

The important point is that the Imami criminal system has mainly provided the substantive justice in the form of hudud, qisas, diyat and ta`zir crimes according to the Imamiyya jurisprudence, but enacted some contemporary criminal institutions concerning the procedural justice and the substantive justice in the code of criminal procedure 2013 and the Islamic punishment code 2013 based on the Western law: the jurisdiction of the criminal courts, powers of the public prosecution office, competence of the criminal courts, and of the public prosecution office are instances of the former, and mitigating and aggravating factors, the various types of postponement and suspension of punishments, systems of semi – discharge and conditional discharge are examples of the latter. Thus, although these institutions are the products of the independent theoretical intellect, the Imami criminal system has accepted them along with the sharia punishments.

4- Practical intellect`s relation to criminal law

The practical intellect also relates to the criminal legislation and interpretation; both of them will be considered as follows:

4-1- Criminal legislation

When we speak of practical intellect`s effect on criminal substantive and procedural statutes, in fact, we have entered into the realm of the sciences of criminal law or criminal jurisprudence of Imamiyya. The subject matter of these scientific branches is inference of criminal statutes and practical precepts from legal or jurisprudential sources.



Given that all the human affairs are dependent upon the mankind's world view, it is not surprising that criminal law and the Imami jurisprudence are strongly under influence of the theoretical intellect; and as a result, in accordance of legislator's viewpoint concerning the criminal schools of thought, the legal sources are selected (Allama Tabatabayi, 2000, p.156). By this reason, the Imami scholars have expressed that the sharia sources should be preferred over the other resources in the process of lawmaking.

The criminal sources suitable to the monotheistic criminal theory are as follows: the holy Quran, the innocents' tradition, the jurisprudents' consensus, and the intellect. These are the permanent sources of the legislations in Imami criminal system (Motahhari, 2009, vol. 3, p.178), and from aspect of the rank, they are the same, that is, the Imami jurisprudents can infer and realize a suitable precept from one of the mentioned sources of law without especial order among them; because there is no a hierarchy among the four Imami legal sources, and any of them has no priority on another, while there is an especial hierarchy between the Sunni legal sources, and the intellect's position is in the end of them (Awda, 1983, vol. 1, p.164).

Consequently, when the Imami legislator regards the Almighty as the sole lawmaker, he will not reject the Imami criminal sources, and will criminalize the criminal acts which are based on the Imami legal sources, such as the hudud (determined), qisas (retribution), diyat (blood money) and ta'zir (discretionary) crimes, because the monotheistic theory prevents him to deviate from the path.

However, act of criminalization is not always and easily resulted in a desired consequence. Because sometimes a new behavior should be criminalized that probably, it has no a precedent in the written jurisprudential evidences i.e. the



Quran or Sunna. Therefore, there is only based on an intellectual arguments such as social order, or expediency of society, human experiences of the other societies and the like that an act can be criminalized, provided that with observance of the justice and interest of the society, it is not to be beyond the sharia`s aims or at least, not to be contrary to these four evidences.

The 4th principle of the Constitution calls this condition as the title of “Islamic criteria” (mawāzīn). Thus, in the appropriate conditions, the legislator can even make a criminal offence such as consuming an intoxicating substance subject to the hudūd punishment of drinking wine (Islamic punishment code 2011, art. 264 -266). He can also stop the execution of an hudūd punishment, or suspend it to a special period; e.g. right now, the stoning punishment (rajm) in the adultery crime has been stopped or changed its executing conditions (Islamic punishment code 2013, art. 225). With criminalizing some acts such as abduction, organized crimes, trafficking women and children, etc. the legislator can also create new concepts in the Imami criminal system (Islamic punishment code 2013, paragraph b and c of art.47).

It is clear that such new legal concepts and institutions are mainly prescribed as the criminal rules in the Islamic punishment code 2013, while most of them have been effected on the findings of criminal sciences or borrowed from the European law. However, the legitimacy of all of them is uphold by the Guardian Council of the Constitution. These show the function of the practical intellect in the field of the legislation.



4-2- Criminal interpretation

In the stage of the interpretation, an interpreter or a judge should try to understand precisely the meanings of the legal texts, both of the substantive and procedural statutes. Firstly, interpretation of the substantive criminal law will be considered.

4-2-1- Interpretation of substantive criminal law

The legislator will transmit his thought to the judge through the legal text, thus, the judge should achieve the legislator's opinion from the text of the statute. In fact, the text is the effect of the author, and hence, the text is the best source of achieving the desired meaning of the legislator. If a judge carefully move the opposite direction of the legislation i.e. from the text of law to the mind of the legislator, he will understand the legal rules of the texts with the rational maxims. In this case, when the judge imagines the desired meanings of the statute's words, his interpretive activity will end.

It is evident that the stage of the criminal interpretation is also under control of the practical intellect. However, the criterion of the selecting criminal text's meaning is not the same in the most of the criminal systems of the world. Because there are at least three criminal interpretive sources: the legislator's intention, the purpose of a legal text, and the judge's intention. Under any intention, three theories seem to be apparent: the author's intention theory, the interpreter's intention theory, and the legal text's purpose theory. Given that both of the process of the criminal interpretation and legislation always follow up the same criminal theory, in Imami system, the interpreter similar to the legislator will select the monotheistic criminal theory based on the theoretical intellect, and according to the practical intellect, he will choose the legislator's



intention theory; because this theory is adaptable to the monotheistic opinion. Accordingly, as penal code or code of criminal procedure should derived from the four jurisprudential sources, the interpretation of both of them has not to be contrary to the sharia. It means that the judge has no right to infer a conflicting meaning to the criminal text based on his own criterion.

4-2-1-Interpretation of procedural criminal law

Until now, our discussion was mostly concentrated on the substantive criminal law; right now, we should continue the argument about the law of criminal procedure.

Concerning the texts of the procedural criminal law, with induction of the sharia ordinances, the intellect will find that the sharia enacts the precepts under the people's expediencies and corruptions, or their utilities and harms. Of course, sometimes the intellect is independently able to discover and understand these such expediencies and corruptions too. For instance, in one hand, about the criminal institutions such as the public prosecutor's office, the intellect not only denies their harmfulness, but also discovers their utility and usefulness for the society, and emphasizes on the necessity of them. In the other hand, since there is no the sharia's command or prohibition contrary to them, they are not considered as contradictory to the general principle and sprit of sharia, and justice and fairness too. Accordingly, the legislator (or the jurispudent i.e. Mujtahid) can enact any injunction based on the discovered expediencies, and make the system of the public prosecutor's office or the method of the executing the sharia's penalties in the framework of the Imami sources. It is clear that all these activities are dominated by the practical intellect.



This argument complies with the concept of *mentaqt al-faragh* (Martyr Sadr, 1996, p.689) and it includes some cases in which the sharia does not issue any injunction about compulsory of an act or omission, but the leader of the *Omnia* (Islamic society) is permissible to command, forbid or permit any behavior. However, if there is a definite precept for a behavior i.e. the sharia expresses the necessary or prohibition of a thing, the intellect has no right to recourse to a probable expediency, and it does not issue a contradictory judgment against it. In the Imami jurisprudence, this is the so called *Ijtihad* (intellectual independent reasoning) in the face of *nass* (the legal text), and issuing such a precept is contradictory to the Islamic *mawazin* (criteria) (Sobhani, 1425, vol.2, p.85) and the Imami principles and jurisprudence (the Constitution, art. 72).¹

In any way, since adopting an especial procedure of criminal law is not conflicting to the principles of the Imami criminal law, the practical intellect approves its necessary, and it can be even called as the Islamic criminal procedure too.

5- Conclusion

There are two results that can be inferred from the Imami law about the relation of the intellect to the criminal law as follows:

1-In any criminal system, whether human or divine, the intellect deeply influences on the criminal law in both of theoretical and practical aspects. From the first aspect, with a firm demonstration, the intellect proves the legislator and

1. The Islamic Consultative Assembly cannot enact laws contrary to the official religion of the country or to the Constitution. It is the duty of the Guardian Council to determine whether a violation has occurred, in accordance with Article 96.



the judge's desired values which are in fact, their criminal theory. The materialistic criminal theories such as theory of social contract and positive theory do not have philosophically the required strong arguments for their criminal systems. But in the Imami criminal law, the intellect's firm argument for the monotheistic theory, theoretically place the penal code in the highest level of its perfection. Accordingly, it should not be considered the Islamic characteristic of the Islamic punishment code 2013 as the meaning of lack of the intellect's relation to this criminal law.

2- In the criminal law, the practical intellect as one of the four jurisprudential evidences, has an equal function alongside to the other sharia's reasons. It means that if this intellect is based on the definite evidence not a suspected reason, it will be able to restrict, limit or stop the execution of the sharia` punishments as some of them are mentioned in this paper.

6- References

1. The holy Quran
2. Islamic Penal Code 2013 (IPC)
3. Iran`s constitution (IC)
4. Abdullahi, Mohammad Ali, 2015. "Nazariye af`ale Goftari", Pazhuheshhaye falsafi va kalami, 24.
5. Awda, `Abd al-Qadir, 1983, Al-tashri` al-jinayyi al-islami, Beirut, Al-risala institution.
6. Ashtiani, S. Jalal al-Din, 2003, Sharh bar zad al-musafer, Qom, Daftar Tablighat Islami, 3ird edition.
7. Farahidi, Khalil b. Ahmad, 1989, Kitab al-ayn, Qom, Hijra.



8. Gholami, Hosein, 2017, Keyfarshenasi, Tehran, Mizan pub.
9. Hoseini Shirazi, Sayyed Mohammad, 2002, Tabyin al-quran, Beirut, Dar al-elm pub.
10. Hassan Zade Amuli, 2001, Khayr al-athat dar radde jabr va qadar, Qom, 4TH edition.
11. Majlesi Esfahani, Mohammad Baqer b. Mohammad Taqi, 1984, Mirat al-`oqul, fi sharh akhbar Ale al-rasul, Tehran, Dar al-kotob al-Islamiyya.
12. Mohaqqueq D. Mostafa, 2006. Qavaed Fiqhe Madani, Tehran, Markaze nashre `ulume Islami.
13. Motahhari, Mortaza, 2009. Majmu`ah Athar, vol.20, Qum, Sadra publication.
14. Sabzewari, Molla Hadi, (2005), Asrar al-hekam, edited by Karim Feyzi, Qom.
15., 2001, Sharh manzuma, Tehran, Nab pub.
16. Sadr, S. Mohammad Hoseeini, 1996, Eqtesadona, Daftare tablighate islami, Qom.
17. Sobhani, Ja`far, 2004, Rasail wa Maqalat, Qom, Imam al-Sadeq institution, 2nd edition.
18. Tabarsi, Fazl b. Hasan, 1994, Majma` al-bayan fi tafsir al-quran, Tehran, Naser Khosro pub.
19. Tabatabayi Hosein., 1999. Shiite in Islam, Qum, Islamic Publication Centre.
20. Tabatabayi Haeri, S. Ali b. Mohammad, (n.d.), Riyad al-masael, Qom, Alo-bayt pub.
21. Zafari, Mohammad Reza, 2020, Mabani adulate jazayi dar hoquqe Islami, Tehran, Amir kabir pub, 2nd edition.

