

## Views of Imamiyyah Scholars on State Ownership

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### ABSTRACT

In this study, the researcher deals with (the views of Imamiyya scholars in the ownership of the state), which aims first: to indicate the evidence of those who said from Imamiyya scholars that the state does not own the funds it possesses, and that they are what is called (the unknown owner), according to the denial of the human personality of the state, and this saying is famous among jurists, and they also said that these funds are disposed of according to the provisions of the unknown owner prescribed in the books of jurisprudence, that they must be charity, or taken as a gift by the legitimate ruler, and the like provisions. On the other hand, we find that there are those who said the ownership of the state and proved the human personality of the state, and therefore that the funds in the possession of the state are not from the unknown owner, but are funds whose owner cannot be accessed for several reasons, so the state is one of the custodians of these funds, whether this state is legitimate or illegitimate, and it is the most common in Islamic countries, as well as non-Islamic, and each of the disputing parties has relied on several evidence that the researcher tries to review and discusses and any evidence accepted, and any other evidence to reach the desired result of the study.

**Keywords:** *Imamiyya Scholars, State Ownership, Jurisprudence, Islamic Law and Funds Management*

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### 1. INTRODUCTION

Praise be to Allah, Lord of the Worlds, and prayers and peace be upon the faithful Prophet Muhammad and his good people, the infallible, the righteous, the infallible, the gift of the nations and their masters, who lead the way and their problems.

The science of jurisprudence is considered one of the most honorable and noble human sciences, because it regulates the nature of the relationship between the Creator and created by an understandable and clear discourse, but this discourse and the aging of time has become unknown to most people as a result of their distance from the time of the divine legislation enacted by Allah and His Messenger Muhammad (peace be upon him and his family). The Imams of the Household (peace be upon them) have a prominent role in clarifying the concepts and ambiguous rulings of those entrusted with these rulings from the general public, and after them the jurists came to complete the march and take the role that the jurists played, albeit in several ways and the most important diligence and exertion in clarifying the jurisprudential rulings, especially the new ones. The problem of money in the possession of illegal governments in Islamic countries is a characteristic that makes them unauthorized in disposing of these funds and public property, and what is related to the affairs of citizens, do these governments own to act or not? There must be a solution that makes it easier for believers to deal in cash between them and the illegitimate Muslim countries, or between them and the countries of disbelief. As a matter of priority, and not to differentiate between the owners of the address and the owners of those in charge of it is what created the dispute between the jurists, so the famous went to deny the ownership of the state, while some went on to say that the state is the owner, but under the title that it is the custodian of these funds, there was talk and dispute between the jurists that the state and the banks have the money they have? Which stems from the fact that it is not an endorsement of the unknown owner, and is included in his judgment, or are they not owners, and therefore the rule of the unknown owner is applied? Which is

necessary to say that it is not permissible for the state and banks to dispose of these funds, because it will be in order to dispose of the property of others, reviewing the opinions of jurists and their differences, and indicating that this difference takes two forms, the first of which is that it is not a owner, which is the famous saying, and the second: that it is a owner in order to be a trustee of those funds, as some of them went to it, noting that the statement of those who denied the ownership of the state and the bank is not in order that the entity does not own; because ownership is a legal matter, but that the entity has a fait accompli outside, as the property of the detainees of the stopped eye, as if one of them stopped a collector of the people of a town, they own although they are a public entity and are not specific people, so if the ownership of the entity is something, why not go beyond the ruling to include the state and the bank, for example. Accordingly, the study was divided into two topics: the evidence of those who say that the state does not own property, and it contains three demands, and the second: the evidence of those who say that the state owns property, and it contains four demands.

#### Definitiona of research Terms :

As a result of the convergence of the research vocabulary, and because each of them is not known except by knowing the other vocabulary, we will try to clarify those vocabulary, so we will mention them:

The king is a language: His king by breaking is a king by breaking the meme, and this thing is a right-handed king and a right-handed king, and the conquest is more eloquent, and the king of the woman married her , and the slave king, and his king of the thing made him a king for him, it is said that his king is money and the king is king<sup>1</sup>.

Terminology: Property: What the hand has of money and servants, property: what is owned, and disposed of, property: the king, or ownership<sup>2</sup>.

The state is the language of: The state: The reversal of time from the state of misery and harm to the state of bliss and pleasure, the state: the obstacle in money, and the state by annexation in ownership and Sunnahs that change and replace the era, that state<sup>3</sup>.

Idiomatically: A group of individuals who permanently reside and settle in a specific geographical region, and are subject in the organization of their affairs to a political authority that is essentially independent of those who exercise it<sup>4</sup>.

#### **The first topic: Evidence of those who say that the state does not own property:**

The survival of these funds on the property of their owners with the unknown amount depends on two things:

First: The government's ownership of the funds under its supervision.

Second: The validity of the illegal government's disposal of the funds in its possession<sup>5</sup>.

That is, to say that the ownership of the state and the permissibility of disposing of those funds in the first sense, and that the state, even if it is illegal, but its disposal of funds is correct and permissible by any title whatsoever in the second sense.

As for the first thing, it depends on the existence of evidence of the validity of (the legal personality), which means that dealing with money is not limited to one or several known persons, but includes institutions or countries, so they have the capacity to dispose of money morally as a person has a fact, that is: it is not valid and diagnosed with a specific person, and for this several opinions were mentioned in the denial of that human personality and proving it in a way that invalidates the aforementioned evidence and returns it in several ways, and the evidence of the famous:

#### **The first requirement: The first evidence: to prove the legal personality of the state:**

What was mentioned by Martyr Sadr II: It is the case of the inference of the current biography, and the custom based on it, and his recognition of such a personality, and his treatment of it as a legal person based on that, the case of the real person, which is a biography if it is proven and proven by the accompanying human personality as well, and he discussed this to the effect that: (((This is done and is an argument by the evidence of the biography and the silence of the infallible, and thus his signature leading to its argument if this biography is contemporary to the infallible (peace be upon him), or reaches his time, but it is not, it was found after a late time from the time of the infallible (peace be upon him), and thus invalidates the inference to it)))<sup>6</sup>.

#### **This statement was discussed in three discussions:**

The first discussion: It is not recognized that the biography must be contemporary to the infallible (peace be upon him),

<sup>1</sup>- Al-Razi, Muhammad bin Abi Bakr bin Abdul Qadir, (d. 666 AH), Mukhtar Al-Sahah, Part 1, p. 642, Investigation: Mahmoud Khater, Lebanon Library/ Publishers, 1415AH.

<sup>2</sup>- Abu Jib, Saadi, Jurisprudential Dictionary of Language and Terminology, Part 1, p. 329, Dar Al-Fikr/ Damascus, printing year 1408AH.

<sup>3</sup>- Al-Zubaidi, Muhammad Mortada Al-Husseini, (d. 1205 AH), Taj Al-Arous from Jawaher Al-Qamous, Part 1, p. 7069, Investigation/ Abdul Sattar Ahmed Al-Farraj, Kuwait Government Press, printing year 1986AD.

<sup>4</sup>- Mohsen Khalil, Political Systems and Constitutional Law, 1:22, Dar Al-Nahda Al-Arabiya/ Beirut, 1391AH.

<sup>5</sup>- See: Al-Ta'i, Qasim Abd, (d. 1445 AH) State Ownership and Unknown Owner, 66-67, Media Office, 1429AH.

<sup>6</sup>- See: Al-Sadr, Muhammad bin Muhammad Sadiq, (d. 1419 AH), Beyond Jurisprudence, 3: 417-418, House of Lights, Printing Year 1414, First Edition.

but in the sense that it is received from the previous generation and so forth for the infallible (peace be upon him), and he inferred from his words that this is unrealistic compared to the nature of life and circumstances, and that the justifications for the emergence of the biography are required by the nature of the prevailing culture at the time and being changing, which leads to the fact that if a general behavior is created from one of these justifications, there is no trace of its historical extension, and it has no implications in the past.

I say: It is clear that the disagreement of my building, and relying on it needs to discuss the origin of this disagreement, especially since it is rarely said.

The second discussion: We summarize it by saying: Contemporaneity can be interpreted in another way, which is to say: It is not intended for the contemporaneity of the infallible (peace be upon him) in person and his apparent existence, but more generally than them, which is his moral existence of his words, actions and acknowledgment, because it remains authentic after his death. But saying it leads to the violation of the famous and what the jurists of the sect believe that the contemporary is carried out by the flow of this general behavior referred to in front of the eyes of the infallible (peace be upon him), - which is most likely; with a presumption that saying this will lead to the expansion of the circle of biography and its lack of discipline at a certain time and control - or: ((Recognizing the great contemporary but in a different sense to what the famous went to, and the truth that it is a departure from what is intended by reasoning with biography to infer from others, unless it is proven and with clear evidence of some individual or social practices in the time of the infallible (peace be upon him) without having a certain specificity that makes it one of the competencies of his time so that it is possible to spend a year))<sup>7</sup>.

The third discussion: With the acceptance of the well-known contemporary, it is possible to prove the contemporary in one of three ways, one of which is sufficient to prove the plaintiff, namely:

The first way: To say that as long as the biography arises from intellectual foundations rooted and entrenched in the mountain of every sane person, and whatever its historical location, it requires:

First: The exclusion of the biography turning to the opposite of what it was so that you believe that it was not absolute, such as being a new authenticity that was not previously entrusted as a result of the evolution and bifurcation of life.

Second: The elimination of conscience by extending this biography to what is related to the time of the infallible (peace be upon him), and if this is done, it is said: The current mental biography among the wise on the ownership of the title and its independence in economic dealings that do not lead naturally to injustice, which is required by the nature of the wise, which governs the need to regulate relations between human beings, and this necessity may translate differently from what it was in previous eras, which extends historically to the time of the infallible. This gave him a lot of durability.

The second way: It is said that the actual biography based on the independence of the title is one of the things that are based in the minds of the wise people as it is based in our minds, and it is the largest biography that exists, which provides that the signature that reveals silence is considered, that is: the major biography, not the biography itself, because the function of the street is to correct behavior, and this biography was not one of the competencies of a segment of the wise people without another segment, but rather its flow includes all mental societies, with their differences in their culture and stripes, and this reveals that this biography was not born of these cultures, otherwise How it agreed and proved, which indicates that this biography referred to is appropriate for the requirement of general rational character, and if this biography is contemporary to the infallible, it does not mean that it is the same as what is going on now; because it is unacceptable; for the evolution of life and the diversity of the methods of some practices and their change over time, which is exactly what we are in, the historical transfer proves that the current biography of the infallible is the ownership of the money house of the funds in it, which is not denied by jurists, and they do not disagree with it, but their difference in the behavior of the illegal state in funds, and whether the infallible spent this Disposal or not, the purpose of the matter is that the national treasury was called the House of Money, and if the signature is proven to have the right to dispose of the House of Money, it is fixed in the national treasury, and the difference in the designation does not harm the original signature<sup>8</sup>.

The words of Sheikh Fayyad in differentiating between the address of the bank and the government:

It may be said: that the bank represents a government entity, so its ownership is linked to that government on the basis that it is one of its financial branches, and it has been said: that the government does not have, nor does he say, that it does not have the funds it possesses, and Sheikh Al-Fayyad has touched on this and distinguished between the personality of the government and the personality of the bank. He said: that the personality of the bank is independent, so it owns the money in its name and address, not with the government's address, nor with the address of the agency for others, or the address of guardianship over them, so the government is a mechanism that works with the title of the agency for the religion, or the parishioner, represented by them with the title of guardianship over them, and therefore its ownership of the funds depends on one of two things: either the agency for them, or guardianship over them, as well as the influence of its actions, whether the ownership is from the creditors of others, or by taking over the revival or possession, and it is known that governments

<sup>7</sup>- Al-Ta 'i, State Ownership and Unknown Owner, 35-37.

<sup>8</sup>- Al-Ta 'i, State Ownership and Unknown Owner, 43.

in Islamic countries are missing both conditions, so their disposal is not effective in the funds<sup>9</sup>. Which led him to say that these funds will be from public permissions.

Sheikh Al-Tai discussed this and said that his answer is from several faces:

The first aspect: The adoption of the independent personality on the king is incorrect to say that the state - the government - does not have an independent personality, as shown by his words, and the bank has an independent personality.

The second aspect: The bank is one of the branches of the government in the financial field and is based on it. Without the government, the bank does not exist. According to the advanced assumption of Sheikh Fayyad that the government has an automatic personality, the bank is supposed to be so. How can the bank have an independent personality and the government from which the bank branches has an automatic personality?, which if we say the branch is more than the original and it is forbidden<sup>10</sup>.

The researcher believes that Sheikh Al-Ta'i wanted to prove that the bank has a human personality as the government does, and that is the right, so how can the bank have a human personality and the government does not have?!?. Although it is a branch of it and its existence, and if the government does not exist, the bank does not exist, nor vice versa. In addition, the state must exist in any form, and the public order must not be disturbed, and the ruler and the state must exist to regulate the affairs of people and their livelihood, regardless of whether this state is just or unjust, with the axiom of reason, and the words of the Commander of the Believers Ali (peace be upon him): ((And that people must have a righteous or ungodly prince, who works in his faithful command, and enjoys the infidant God, in which the term is collected, and the enemy is fought, and the ways are believed in, and taken for the weak of the strong until he rests righteousness, and rests from the wicked))<sup>11</sup>.

The third way: It is based on the rationing of public addresses, such as banks and banks in two parts or two types of rationing:

First: It was not due to the real personality such as joint stock companies, in which a number of real people contribute.

The second: Which is not due to the real personality such as government banks, and considering the people working in it as mere employees who have nothing to do with the ownership of the bank at all.

If one of them can be returned to the other originally and vice versa, the signature of one of them was the signature of the other, and according to the assumption that was made, the first is signed, so is the second after canceling the difference between them in terms of that the real personality and the house of money, each of them has spent the street ownership of the money under his hand, then he said: It can be said with some tolerance: that those in charge of the first type are absolutely owners, that is: for the origin of the capital and its profits, and they have to lose if the founders are responsible for it, otherwise they have their profits and he has to lose them if he is others, and those in charge of the second type are also owners, but for his profits or part of them, and they have the benefit of the business and its success and their loss and failure falls on them<sup>12</sup>.

This can be discussed: The imposture is clear in this face, and it needs better evidence than mere memorization, but it is a good attempt from him, and he hinted himself that the three ways are not the same by force and repayment, and pointed out that the third way is the worst way in the event that it is discussed in one of these ways by anyone<sup>13</sup>.

### **The second requirement: the second evidence: on the proof of the legal personality of the state:**

It is the second evidence of Sayyid Muhammad al-Sadr: This biography leads to the era of the infallible (peace be upon him), as there is no doubt that such institutions existed or that society viewed them more broadly than its members and workers, that is, they are seen as an existing entity, whether its members remained in it or changed to others, and they represented it in their contemporaneity with the state of the Umayyads and the Abbasids, which are countries that possess that aforementioned personality, so the biography is present as well as its authenticity. He himself said: If we accept the existence of this biography, the condition of recognizing it and working on a platter to its effect is that it is possible to deter and prevent it, which is impossible to achieve piety as an example, so silence about it is a reason for piety and not recognition, so it is not justified to adhere to the originality of the entity because it is incomplete))<sup>14</sup>.

As for the shapes of the chest, it includes:

First: The impossibility of the prohibition, the lack of which has been made a condition for the authenticity of the biography, has problems in the denominator, especially since the issue is general, and most of the taxpayers are involved in it; because

<sup>9</sup>- Fayyad, Muhammad Ishaq, Banks, 41-42, Dar Al-Kafeel, printing year 1439 AH.

<sup>10</sup>- See: Al-Ta'i, The Ownership of the State and the Unknown Owner, p. 45.

<sup>11</sup>- Mughniyeh, Muhammad Jawad, (d. 1400AH) in the shadows of the rhetorical approach, 1: 250, Dar Al-Ilm for Millions/ Beirut, 1978AD, first edition.

<sup>12</sup>- See: Al-Tai, State Ownership and Unknown Owner, 47-48.

<sup>13</sup>- Al-Ta'i, State Owner and Unknown Owner, 48.

<sup>14</sup>- Al-Sadr, Beyond Jurisprudence, 3 : 417-418.

of the social necessity to deal with such parties, which requires clarifying the status of dealing, even to get rid of the infallible people (peace be upon him), and some close people, and where nothing like this has reached us, it is reassured that it will not be issued with its possibility.

Second: Clinging to and relying on the judgment of piety, if it is true, means that it is not possible to forbid what is claimed to be true at all and in all resources, because the infallible (peace be upon them) were at their most severe in a way that does not allow them to state the factual judgment, and then it is common to say that most of the judgments issued by them were for piety, and no one says it, although a breakthrough has occurred during the era of the sincere Imam (peace be upon him), especially since he could have forbidden such a biography without the warning of piety<sup>15</sup>.

The researcher believes that his speech is correct and useful, in addition to that, many judgments that are as important as or equal to our resource, have reached us with their judgments available, and sometimes in abundance, despite the fact that the resource of piety was present.

### **The third requirement: The third evidence: On proving the legal personality of the state:**

This is what Mr. Al-Haeri mentioned about nullifying the adherence to Quranic evidence releases. It is said that if a legal company or institution sells something that was one of the customary sale approvals, it falls under the launch of the Almighty saying: {And may God bless the sale}<sup>16</sup>, noting that the intent of the street from the sale is what was a sale in his view, not what was a sale in the view of custom; because seeing the street that this is a subject of the advanced launch or not a subject that differs from the custom that he sees as an object, and if the legitimate vision differs, it does not justify adherence to the launch, because the sale from such parties is not a sale in the eyes of the street, even if it is a sale in the view of custom, then the inference stated that adherence to the launch needs two jokes:

First: Proving the subject in advance by anchoring; so that the field of verbal release is adhered to.

Second: Adhering to the maqam launch, claiming that if the street had a sale other than the sale at the custom, it would have had to declare; because the customary man by nature applies the street shootings to his endorsements, unless he reaches a deterrent, and he said that its application in our resource, as the custom and the street agree that the sale is only between two parties, and the subject of the dispute here is that the Sharia does not recognize the moral juridical personality of the company or the bank, for example, so that it may be a party to the sale, while the custom recognizes it, of course, If it is possible to invalidate this sale in the eyes of the street, this was not a specialization for the ruling of the aforementioned verse, but rather it stems from the difference of Sharia and custom in a legislative vision that has an impact on the place of judgment, and then it gave solutions to correct this and said: ((As for recognizing the moral juridical personality of this pillar, but it is a return to the first aspect and I have known its invalidity – because of the difference of Sharia vision between Sharia and custom – or correcting it with the mandate of the jurist, and as for the prestigious release to prove the conformity of the street view with the view of custom, which is done by observing the contemporary view of the infallible time (peace be upon him), which is a return. To prove the capacity of the anchoring circle in the time of the infallible and I knew its invalidity. Accordingly, he decided that what was considered evidence was useless by releasing evidence))<sup>17</sup>.

Sheikh Al-Tai discussed this evidence: After the completion of the proof of the signature of the human personality in the first way mentioned above, the correspondence between the vision of Sharia and custom occurs, and the sale becomes the subject of the launch of the aforementioned verse, and therefore this launch is adhered to to prove the validity of the sale, but the proof of this conformity is not related to the observation of the contemporary custom and reason of the infallible time (peace be upon him)<sup>18</sup>.

After discussing the negative evidence of the moral juristic personality of the state and the bank, and putting forward new evidence in proving it, whether the first or second side, which is in fact complementary to the first face, or the third side, which is subordinate to the words of Mr. Haeri as mentioned above, and he considered it an independent path, so he criticizes: There is no need to prove this personality by adhering to the guardianship of the jurist as some of them went to it, and if it is true with the vision of the guardian of the jurist to interest in it, but he collides that the famous originally do not say the guardianship of the jurist as is clear, it is true for those who say it without those who did not say it<sup>19</sup>. The inference of the mandate of the jurist to prove the juridical or legal personality needs many words that we have refrained from mentioning because it is not agreed upon as mentioned above, and the generalization of the verdict with its evidence is useless, and going into it takes us away from the subject of research.

From the above, it appeared that Sheikh Al-Tai goes to the validity of the proof of the human personality, as evidenced by the fact that the rational consideration was based on its validity, and therefore it is possible to deal with banks that are within the institutions of the state on the basis of the validity of the human personality and not only deal with it if it depends on the real personality as claimed by Mr. Mohammed Al-Sadr and made the invalidity of the human personality one of the

<sup>15</sup>- See: Al-Tai, State Ownership and Unknown Owner, p. 55.

<sup>16</sup>Qur'an 2: 275

<sup>17</sup>- Al-Haeri, Jurisprudence of Contracts, 1: 89.

<sup>18</sup>- Al-Ta 'i, State Ownership and Unknown Owner, 58.

<sup>19</sup>- See: Al-Tai, State Ownership and Unknown Owner, 59.



reasons for considering the money in the bank and becoming what is called the unknown owner, and of course, the difference in Maliki or the number of them is based on the statement of what is the unknown owner, and is it permissible to apply the idea of the unknown owner to the money in the possession of the government, as is the famous saying of those who say nothing or can not? Thus, they say that the state owns the money it possesses, and the speech in the owner's anonymity in detail is now irrelevant.

### **The second topic: Evidence of state ownership:**

After paying the article of those who say that the state does not own property and they are famous jurists as mentioned above, and that the money in their possession is treated as unknown owner, Sheikh Al-Tai began to erect evidence of the ownership of the positivist state.

### **The first requirement: The opinion of Sheikh Sindh:**

Some jurists went on to say that the ownership of the state is true and legitimate, as is the ownership of individuals, even if it is illegal: what Sheikh Muhammad al-Sind said, but he expressed it with a downloading property, and he set up a composite evidence of three premises:

The first introduction: The address or entity has a custom, and in the legal tradition it is called the legal owner, and the individual is called the real owner, which is discussed in it as mentioned above.

The second introduction: There is no doubt that the government has an address that has a custom.

The third introduction: It is common for this government to have an Islamic character, so its money is respected from this side, which leads to the fact that it is also a legitimate owner, and it is represented by the sons of the public, in terms of that despite the deviation of their faith and practices, the holy street has recognized their ownership and the fact that their money is respected, as the basis of ownership is present and realized, which is apparent Islam, which is evidenced by the bloodshed, the preservation of the vagina, and the general Islamic character is the basis of legitimate ownership, and it is achieved in most Islamic countries, and it has mentioned forms that are destined to happen: It is how its ownership is legitimate, and its guardianship is illegal?, and he replied that there is no correlation between legitimate property and legitimate guardianship<sup>20</sup>. This statement can be supported by the rule of Sharia in that for the unbelievers and according to what may be benefited from some narrations as in Sahih Ali bin Jaafar (peace be upon him) said: ((I asked him about carrying Muslims to trade? He said: If he does not carry a weapon, it is okay))<sup>21</sup>, the beneficiary of which is the signing of their actions and the guardianship of their governments over the funds, while acknowledging the public ownership of those funds, although the rule governs their non-ownership and the fact that what they have in their hands is nothing but a pretext for Muslims to seize, and that is only to make it easier for Muslims to deal commercially and financially with the infidels, with its lack of imposition<sup>22</sup>. Al-Shaykh al-Ta 'i's reasoning is that it is a priority that the street license of the violating Muslims is more certain and right than that of the infidels, as is clear to all.

The result of the above three introductions is that money belongs to the state, not to Muslims, and the House of Money is not an external permissibility, as is the doctrine of Sheikh Fayyad, nor is it unknown who owns the famous, and therefore it is inevitable to arrange the effects of the king in dealing with the government, with the following:

First: The idea of the unknown owner cannot be applied to the state funds that it has at its disposal.

Second - The address of the government is not an owner and that falls under the absolute title, it is a copy of the title of the state and governance, and it makes no sense to add funds to it in the form of ownership, but in terms of the title, the customs are still underway that the government does not own the funds it has at its disposal, and this means that the address of the government is outside a specialty of the general title that we have said its ownership.

Third: It is the opinion of the famous that the state does not own the funds, so its order is not without it to be the owner of the disposal of these funds under its possession. First, it is so, and therefore its actions are also illegal, and its mandate is also illegal, so dealing with it is based on judging the funds it has in its financial institutions as being unknown to the owner, and therefore it is not entitled to dispose of them except with the permission of the legitimate ruler, and if it does not have the right to dispose of them according to their lack of ownership as mentioned, is there a legitimate permissible for this behavior? So that we can dismantle the ownership of the property and the ownership of the disposal, so that the first is not permissible and the second is permissible and let's call the Isthmian property between the king of the property and not its ownership at all, or as was done through the discount property. This is a solution to a real-life problem if we say both things together<sup>23</sup>.

<sup>20</sup>- See: Sind, Muhammad, Ownership of the Positivist States, 42-43, Report of/ Sayyid Jaafar Al-Hakim - Sheikh Ahmed Al-Mahzouzi, Publisher/Baqiyat, Year of Printing 1440AH, Third Edition.

<sup>21</sup>- Al-Hurr al-Ameli, Muhammad ibn al-Hasan, (d. 1104 AH), The Shia Means of Achieving the Purposes of Sharia, 17: 103, Aal al-Bayt Foundation for the Revival of Ahl al-Bayt Sciences, year of printing 1409 AH, first edition.

<sup>22</sup>- Al-Ta 'i, State Ownership and Unknown Owner, 143.

<sup>23</sup>- Al-Ta 'i, State Ownership and Unknown Owner, 164-163.

Accordingly, the validity of the government's actions must be proven by the money in its hands and possession in accordance with the fact that these governments are not Sharia, which is predominant in the governments of this time, (peace be upon him), which ended with the truce of Imam Hassan (peace be upon him) with the effect of the Muslims abandoning him. In fact, these resources approved by the street can be explored and the validity of these actions is inherent to the government, while recognizing that their work is forbidden, that is: it disintegrates between the positivist and the mandatist passports, so it is said that it is permissible to put it in a position; as a qualitative facilitation for the taxpayers, and not permissible to assign; for the sanctity of working with the dark sultans, and these resources are:

#### **The second requirement: The first resource: Accepting the gifts of dark sultans:**

There are a number of novels that prove this and make it happen, and here we do not dwell on it. However, the issue of accepting the gifts of darkness is permissible by agreement, and we refrain from mentioning the novels in which there is a problem, and we mention the novels that have words in their implications, and these novels include:

The first narration: It is true that Abu Walad is about Abu Abdullah (peace be upon him). He said: (What you see in a man who follows the actions of the Sultan has no gain except from their actions, and I pass by him, so he adds me and does me good, and perhaps he orders me to wear dirhams and clothing, and my chest is tired of that, and he said to me: Eat and take from him the good fortune (luck) and upon him the burden))<sup>24</sup>.

The researcher believes that this novel, according to Sheikh Al-Ta'i, is a sign of taking the gifts of the Sultan with the positive, non-cost passport, and it contains many of the discussions that the Sheikh replied to, and we present other forms to it, which are: The novel indicates the acceptance of the gifts of the sultans in the event of necessity, as in the sentence (he has no gain except from their work), so its significance is subject to consideration.

The second novel: Sahih Abu Bakr Al-Hadrami said: ((I entered Abu Abdullah (peace be upon him) and he had Ismail, his son said: What prevents the son of Abu Al-Samal (Al-Sammak) and in the (Al-Shamal) version that young Shiites come out and enough people, and give them what people give, then he said to me: Why did you leave your bid? He said: Fearing for my religion, he said: What prevented Ibn Abi al-Samal from sending you your gift, did he not know that you have a share in the house of money?<sup>25</sup>)), and it is clear from the novel that Al-Sammal or Al-Sammak had a position in the Diwan of the Caliphate, related to financial matters.

Sheikh Al-Tai mentioned some of the benefits that are useful in the research, including:

The first benefit: The signature of Imam Al-Sadiq (peace be upon him) for the work of Ibn Abi Al-Samal with the positivist government represented by the illegitimate caliphate, and while he is an employee with them on leave, and this signature is what clearly indicates the validity of employment with the illegitimate government, as the jurists said.

It can be argued that what is apparent from the Imam's statement is the acceptance of giving and not the validity of working with the Sultan of injustice and illegitimate. As for employment, it is entrusted with the leave of the infallible, as is the case with Ibn Yaqteen (may God have mercy on him) and others.

The second benefit: It is permissible to accept the gifts of the unjust and illegitimate Sultan, by approximating: ((The gift is one of the meanings of the gift, as if the Imam (peace be upon him) said: Why did you leave your gift? However, this graduation was not accepted, as the word "gift" does not refer to the share prescribed for the person from Bayt al-Mal<sup>26</sup>. And he's very good.

Al-Shaykh al-Ta'i pointed out that these and other advanced narratives indicate the permissibility of accepting the gifts of the sultans, as well as the street's passing of the financial practices of the authority or the state of positivism, but what is inherent between them, in the place of research, he mentioned approximations on this, including:

First: This is as a matter of financial transactions, regardless of whether they are free or compensatory, and if one of them is permissible, the other is permissible, and as a rule of proverbs in what is permissible and one is not permissible.

Second: The negation of privacy, because the signature of the acceptance of gifts by the Sultan or the state has no privacy, but it is taken in an ideal way, there is no privacy that necessitated the restriction and jurisdiction of the judgment of permissibility on the specificity of the gift only<sup>27</sup>.

#### **The third requirement: The second supplier: the guardianship of the unjust Sultan:**

In order to speak here, it is imperative to clarify the meaning of guardianship, which according to Mr. Clanter: Doing the thing and dominating it, and owning the reins of things, and in this sense it is general to include kings, presidents and successors, and each of them is called a governor, and it is often in our time that the use of this word is concerned with

<sup>24</sup>- Al-Tusi, Abu Jaafar Muhammad bin Al-Hassan, (d. 460 AH), Tahdhab Al-Hakam, 6: 286, Dar Al-Kutub Al-Islamiya/ Tehran, 1365AH, fourth edition.

4- Al-Hurr Al-Ameli, The Means of Achieving the Purposes of Sharia, 17: 214.

<sup>26</sup>- See: Al-Tai, State Ownership and Unknown Owner, 167.

<sup>27</sup>- See: Al-Tai, State Ownership and Unknown Owner, 187-188.

whoever the king or president sends or appoints in other areas under his authority and influence; to deputize him from taking over and ruling on his behalf and naming him a governor<sup>28</sup>.

This has been evidenced by several novels, some of which may amount to elaboration, and in which there is confidence in the issuance of some of them because there is discussion in others, and therefore they can be made dependent in terms of fatwas, in addition to that this issue has been worked out by scholars of the doctrine, and among those novels:

The first narration: It is the goodness of Al-Walid ibn Sabih, Muhammad ibn Ya 'qub said: ((I entered Abu Abdullah (peace be upon him), so he received me and Zara outside from him, and he said to me: O Walid, do not you wonder who Zara? He asked me from the works of these people, what did he want? He wants me to tell him: (No) He tells that to me, then he said: O Walid, when did the Shiites ask about their actions! Rather, the Shiites used to say: It is eaten from their food, drunk from their drink, and shaded by their shadow, whenever the Shiites ask about this!))<sup>29</sup>, and the novel shows that the sanctity of working with the oppressive sultan is a concentrated matter that can be seen from the expression of Imam (peace be upon him) whenever the Shiites ask about their actions, with its astonishment for that, especially from the example of Zarara.

The second novel: Yahya bin Ibrahim bin Muhajir said: ((I said to Abu Abdullah (peace be upon him): So-and-so read you peace, and so-and-so, and so-and-so, and he said: Peace be upon them, I said: They ask you to pray, he said: And what is their money? I said Abu Jaafar locked them up and he said, "What about them?" I said, "I will use them," and he locked them up. He said, "Their money and his money?" Haven't I finished them? Haven't I finished them? They are the fire, they are the fire, then he said, "O Allah, make them stop their authority." He said, "So we left Mecca and asked about them, and they were taken out after three days of talking<sup>30</sup>.")) The significance of the narrative is very clear from the statement of Abu Abdullah (peace be upon him) that I did not finish them, and the assertion by saying: They are the three fires that mean the unjust authority.

These narratives include:

The first thing: The street has spent the unjust sultan taking the external funds, shares, and zakat, and it does not absolve the donor unless he disburses them in the resources prescribed for them, and the unjust is outside these resources.

The second thing: It is in the street leave to buy these funds from the Sultan. He spent this purchase in terms of owning them to the buyer and there is a lie in it, but this is permissible and it is taken for granted<sup>31</sup>.

#### **The fourth requirement: The third resource: Dealing with the infidels:**

The rule in this, according to what is known to the legislator, is for Muslims, and there is no sanctity for their money, and it can be owned only by seizing, but it appears from some accounts that the street approved what they have of money by allowing them to deal with them for necessity and urgent need; in order to facilitate the believers in their commercial activity with the disbelievers, and this recognition and signature is contrary to the requirement of the rule, and if it is permissible to sign and approve what is in the hands of the disbelievers of money and what they are traditionally entrusted with, then the transfer of what is in the hands of the Muslims from what they are entrusted with, with the fact that their mandate is illegal, it is a matter of priority, If this is not accepted, we say: It is a matter of internalizing these resources for what we are in, and if it is formed by denying this priority and that it has no face, then it is said: If it does not recognize the priority in the subject matter, there is nothing less than the equality between the two things in imposing dealings, and dealing with the illegal Islamic state, if not worse than dealing with the infidels, then at least it is equal to it; in order to facilitate the believers as a matter of urgent and necessary need, considering that the states of the infidels had economic control previously and in a way that is more certain now, in a way that cannot be evaded for the individual in these countries<sup>32</sup>. Several novels indicate this content, including:

The first novel: Al-Hadrami's novel: He said: ((We entered on Abu Abdullah (peace be upon him), and Hakam Al-Sarraj said to him: What do you see in what is carried to the Levant of the saddles and their tool? He said: It is okay, you are today like the companions of the Messenger of Allah (peace and blessings of Allah be upon him) that you are in a truce, and if the building is it is forbidden for you to carry to them saddles and weapons))<sup>33</sup>. And the butter of the inference: His saying (peace be upon him) to the Levant means the Byzantine or Roman state that existed at the time, otherwise if he wants the Umayyad caliphate that exists there, it is not true; because it is not limited to the Levant but extends to all Islamic countries, and the title of our issue is dealing with the infidels, and it is clear that the Umayyads are Muslims on the surface, and it is clear that what is meant is the state of the Umayyads; the presumption of the novel that follows as it will come.

<sup>28</sup>- See: Clinter, Muhammad, Commentary on the gains, (1420AH), 4: 291, Al-Nour Foundation for Publications/ Lebanon, Printing Year 1410AH, First Edition.

<sup>29</sup>- Al-Kashi, Abu Amr Muhammad bin Omar bin Abdulaziz, (d. 350AH), Al-Kashi Men, 1: 152, Investigated by Hassan Al-Mustafawi, Publishing Institution/Mashhad University, printing year 1348AH.

<sup>30</sup>- Al-Kulayni, Abu Ja 'far Muhammad ibn Ya 'qub, (d. 329 AH), Al-Kafi, 5: 159, Al-Fajr Publications, 1428AH, first edition.

<sup>31</sup>Al-Ta 'i, State Ownership and Unknown Owner, 189.

<sup>32</sup>- See: Al-Tai, State Ownership and Unknown Owner, 254.

<sup>33</sup>- Al-Kulayni, Al-Kafi, 5: 167.



The second novel: Muhammad bin Qais said: ((I asked Abu Abdullah (peace be upon him) about the two groups that meet from the people of falsehood, I sell them weapons, and he sold them what they have of armor and slippers and so on))<sup>34</sup>. The polytheists and the unbelievers are certainly people of falsehood, yet the Imam (peace be upon him) has permitted the sale of what they possess, such as shields and others.

The researcher believes that it is not clear what Al-Ta 'i mentioned in what is meant by the words of the questioner in the first novel (To the Levant) in the enclosure of this novel, as he said, and it is apparent that the opposite of what he memorized is true, and that what is meant is the Byzantine or Roman state, and that Ibn Qais's novel is foreign about his memorial, and it is a support for the novel that preceded it.

### Research Finding

Thus, we talk about the four aforementioned resources, in which the aforementioned lieutenant is explained, that is: the validity of these actions for the government, while recognizing that its work is forbidden by mandate, and therefore we conclude from the whole research and summarize them as follows:

First: The characterization of public funds as being from the unknown owner is not correct.

Second: It is not correct to describe these funds as public permissions, and that it is true that they are owned by the Muslim House of Money, and it includes the title of the owner and the owner, which is another expression of the national treasury.

Third: The validity of dealing with the official illegal state, without the need to include the permission of the legitimate ruler, as the famous person went to him, according to what they said about the anonymity of the owner of these funds, so that the institutions of these countries, like private institutions in terms of their commercial dealings, are inviolable and sweet, with the inviolability of working with them and taking over with them.

It is based on the opinion of Sheikh Al-Ta 'i: The state owns the situation and the fact that the funds in its possession are not unknown to the owner, the end of the matter is that it is the custodian of these funds.

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<sup>34</sup>- Al-Tusi, Abu Jaafar Muhammad bin Al-Hassan, (d. 460AH), Insight into what I disagree about from the news, 3: 58, Dar Al-Kutub Al-Islamiya/ Tehran, in the year of printing 1490AH, third edition.

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