

عنوان مقاله:

The Rule of 'Negating Aggression' and its Link with Identifying the Right to Live in Peace in the Shiite Political Jurisprudence

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خلاصه مقاله:

One of the measures taken with the aim to realize international peace and security and to ease the individuals' access to a peaceful life is identifying the human right called 'right to peace' emphasized in international documents. However, the existence of some rules in Islam that denote the necessity of fighting and jihad with infidels and polytheists has caused an ambiguity: whether the necessity of jihad is in contrast with the non-Muslims' right to peaceful life or not. The question dealt with in this article is as follows: "Can we extract a general rule or principle from the Quran and the Infallibles' sunnah as well as the rational foundation to the effect that those who are not to fight Muslims – even if they are non-Muslims – have the right to live in peace?" To answer this question, it seems that we may adduce religious evidences to extract a general rule or principle entitled 'negation of aggression' (nafy i 'tidā) based on which, fighting with those who are not to fight Muslims is aggression and transgressing divine limits, hence forbidden and illicit. Thus, non-Muslims have the right to live with Muslims in a peaceful atmosphere. To evaluate this hypothesis, the present article adduces genuine religious sources and infer from them in the form of one introduction and three chapters – in the process of analyzing the main concepts – the evidences for validity and authority of the rule of 'negation of aggression' and its exception in Imamiya jurisprudence.

کلمات کلیدی:

jurisprudence, jurisprudential rules, political jurisprudence, fighting, jihad, negation of aggression, peace, human rights, right to peace

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