

Dar al-Islam and Dar al-Kufr in Shia International Relations' Jurisprudence

Pouya Kalantari*

Received: 2019/29/09

Accepted: 2019/11/11

Abstract

The question of the division of countries in today's international system and its adaptation to the types of assets in Shi'a International Relations jurisprudence are among the questions that are dealt with in International Relations Jurisprudence. In the present article, the authors have discussed the idea that it is possible to reconcile jurisprudence with today's international system. For this purpose, in the first step based on the library and documentary method, the required information was collected and then using content analysis method to identify the conceptual system of the Shiites in Shi'a jurisprudence. The result of the discussion suggests that the jurisprudential view of Islamic and non-Islamic lands is not only obsolete but also in the jurisprudential works of jurists of the Islamic Revolution and jurists of this period, in their jurisprudential view of international relations, have adhered to the same jurisprudential divisions of the previous jurists and have attempted to present jurisprudential rulings in the field of international relations under these divisions.

Keywords:

International Relations Jurisprudence, States, Dar al-Islam, Dar al-Kufr

*MA Student of Islamic Studies and Political Sciences at Imam Sadiq (A.S.)
University
kalantari@isu.ac.ir

Introduction

This article intends to examine the different types of states or countries from the perspective of Shi'a International Relations jurisprudence and states what sub-categories and categories exist in the general classification of Dar al-Islam and Dar al-Kufr in Shi'a International Relations Jurisprudence and its criteria for matching countries What they are formed on the basis of nation-state.

The divisions of Dar al-Islam and Dar al-Kufr from the perspective of jurisprudence date back to the early Islamic ages, where imamat jurists have used these concepts for centuries to explain the relationship between the Islamic world and the world of disbelief from the perspective of political jurisprudence and international relations jurisprudence. After the Islamic Revolution and the subsequent establishment of the Islamic Republic of Iran in Iran, today more than ever before, scholars and activists are exploring and exploring these concepts in international relations jurisprudence and examining how they fit into the conditions of today's international system. The field of international relations seems necessary.

The main question of this article is what Shi'a jurists, other than Dar al-Islam and Dar al-Kufr, believe in, and what is the criterion for comparing them with modern countries? In addition to answering the above question, the evolution of these divisions is also examined. The hypothesis of the paper is that in jurisprudence, there are two general categories of Dar al-Islam and Dar al-Kufr that each have subdivisions such as Dar al-Harb, Dar al-Hudna, Dar al-Dhimma, etc., and these divisions are still valid and valid in the contemporary jurisprudential period. This article examines the view of jurists on international relations and the types of territories available in two jurisprudential terms. In the first period, which is dedicated to the Qajar era and the constitution, the views of the great jurist of this period, Mohammad Hasan Najafi are examined, and in the Islamic Revolution period

which covers from 1342 onwards, the jurisprudential views of the Imam Khomeini are examined.

1. The Qajar Period

1.1. Mohammad Hasan Najafi

A. Sphere of Dar al-Kufr

1. Dar al-Ahd

Mohammad Hasan Najafi considers Dar al-Ahd as a general title that applies to all contracts entered into between Dar al-Islam and Dar al-Kufr. In this regard, Najafi considers Dar al-Hudna to be a kind of ceasefire contract (The Jewel of Al-Qamishli, vol.21: 293).

2&3. Dar al-Estezaf and Dar al-Hijra

Mohammad Hasan Najafi documents the necessity of emigration from the land of recession through the 5 verses of the Qur'an and mentions verse 97 of Surat al-Nisa, as a reason for the necessity of emigration for one who lives in a place where his religion is affected, and he or she is unable to perform his religious duties (The Jewel of Al-Qamishli, vol. 21:35) and according to this verse he issues a fatwa that if one is in a non-Muslim clan and cannot maintain his religious rites, he have to emigrate.

He also refers to verse 56 of the Ankbut, saying that the use of the necessity of migration from this verse is that the concept of migration is to move from one place to another, from a land where worship is not in Mysore, to a land that is possible. He also refers to verse 100 of Nisa as referring to the obligatory use of this verse based on the idea that migration means physical migration means moving from one territory to another, and in the verse it is quite desirable and conceivable. Najafi also refers to verse 58 of the surah Hajj. The reasoning for this verse is similar to the preceding one. He regards the next verse as verses 41 and 42 of Surah Nahl. Therefore, in their view, due to the migration from the land of infidelity on the assumption that

it is impossible to perform the rituals, a Muslim stay in such a land is forbidden.

One can use the statements of Najafi, who also believes in the existence of Dar al-Estezaf, where he argues that it is obligatory to defend Dar al-Islam in his absence when it is stated that the infidels only want to destroy Islam and abolish the religion law And they have to ridicule Islamic rituals. But if the disbelievers only take over part of the Islamic lands and conquer it and conquer all the Islamic blessings, without disturbing the Muslims in preaching Islamic rituals, but freeing them to practice their religious orders, in such an assumption It is not obligatory to defend and fight the infidels. Rather, some have forbidden it, because it is impossible to risk one's life without the permission of the Sharia and the narratives of war against the infidels during their absence, except in exceptional cases, include this assumption (The Jewel of Al-Qamishli, vol. 21:46). Although Najafi does not criticize this fatwa it, it may be an implied endorsement that there was a similar view among jurists during this period. Therefore Najafi uses the above three general headings, which can accommodate as many Dar al-Kufr as there are.

4. Dar-al-Harb

Najafi in Dar al-Harb's definition says that it is not permissible to start a war with infidels unless they are called to goodness or salutation, which is martyrdom and other principles of religion, and refuse to accept and give Jizyah (The Jewel of Al-Qamishli, vol. 21:49). Elsewhere, he says, in the absence of hostility to Islamic doctrines and not being subjected to Islamic precepts, war with them is not obligatory but legitimate, but if they want to destroy Islam and eliminate its doctrines, war with them is obligatory. (The Jewel of Al-Qamishli, vol. 21:47).

5- Dar al-Aman

Najafi also names Dar al-Aman as one of Sphere of Dar al-Kufr. He believes that the Imam's view is a condition for the legitimacy of

the Imam's contract, and that the Muslims, with the consent of the Imam, can give the letter to the non-Muslims (The Jewel of Al-Qamishli, vol. 21:94). He does not consider the request for infidelity to be fulfilled and the legitimacy of the marriage contract (Amid 1367: 286 and Najafi, The Jewel of Al-Qamishli, vol. 21: 92). On the other hand, according to the traditions, the development of Aman is even permissible even in the case of cities by Muslim individuals (Amid 1367: 286 and Najafi, The Jewel of Al-Qamishli, vol. 21: 97). He considers the Aman contract even in the last moments of the war and on the eve of the victory of the Muslims, only on the condition that it is not corrupt (and there is no expedient in it) and does not mention the validity of the Aman contract (Amid 1367: 286 And Najafi, The Jewel of Al-Qamishli, vol. 21: 100).

Najafi points out that in the marriage contract, the infidel's claim, as well as the case of the spouse, is life and property because it is permissible to have the life or property of either of them or something else (The Jewel of Al-Qamishli, vol. 2: 92).

6. *Dar al-Hudna*

Mohammad Hasan Najafi has detailed discussions about the conditions of the Hudna and refers to it as peace and considers it a kind of peace in which the infidels give their lands completely to the Muslims (The Jewel of Al-Qamishli, vol. 21: 174). Najafi says that when peace is annulled, action will not be required (Amid Zanjani 1367: 314). Najafi believes unlawful conditions in Islam should not be included in the marriage contract, such as delivering weapons to infidels, returning Muslim women to Dar al-Harb, paying unnecessary damages, granting discretionary power to the infidels, confiscating property In Dar al-Harb, he declares the infidels one of the unlawful conditions of the Hudna contract. He says that the conditions upon which reconciliation would make the divine law or the law forbidden divine, invalidate the Hudna contract (Amid 1367: 291-292). He also

considers the Hudna contract with all non-Muslim groups to be legitimate (The Jewel of Al-Qamishli, vol. 21: 294).

Najafi in the Hudna debate considers its license to be a consensus among all jurists. He and most jurists, unlike Allamah Al-Hilli, assumes the necessity of reconciliation and restraint, in view of the inability to kill and confront the enemy (Mortazavi, 2006).

7. Dar al-Sulh

Although it is said that the peace treaty is for the purpose of curbing the conflict and the purpose of the peace process is to eliminate hostilities and disputes, jurists such as Najafi consider such restraint as necessary to make the peace unnecessary and the likelihood of disagreement. And they have considered the struggle sufficient for the legitimacy of peace. Najafi even considers the likelihood of future conflict to be a condition of the terms of the peace agreement (Haghparast 405-406 et al., Political jurisprudence: 496-495).

Of course, Najafi's interpretation of the peace treaty also includes the Dhimma, in which case Dar al-Sulh can be both under Dar al-Kufr and under Dar al-Islam. He also considers Dhimma's contract as a result of peace with the infidels. He says one type of Dar al-Sulh is land owned by Muslims for the purpose of protecting their land, which means Dar al- Dhimma (The Jewel of Al-Qamishli, vol. 21: 174). From this jurisprudential statement of Najafi, his belief in the Peace and Dar al-Sulh contract can be deduced.

8. Dar al-Riddah

Mohammad Hasan Najafi has reviewed the Apostle's Orders in Volume 6 of The Jewel of Al-Qamishli. For example, Najafi points to the infidelity of Kharijites and says that the norms and criteria of apostasy are an essential denial of religion, even though they themselves do not (al-Hussein's base, Java 6:46). His jurisprudential expression indicates his belief in the class.

B. The Territories under the Jurisdiction of Dar al-Islam

1. Dar al-Dhimma

Mohammad Hasan Najafi believes that Dar al-Dhimma refers only to lands where People of the Book contracted with the Muslims, so if the land of the disbelievers isn't People of the Book, that land cannot be called Dar al-Dhimma (The Jewel of Al-Qamishli, vol. 21: 228). Najafi also writes about how to deal with a Dhimmi criminal, when Dhimmi commits one of the offenses that are forbidden in the Dhimma religions and is also prescribed in Islamic law, as a Muslim is punished under Islamic law (The Jewel of Al-Qamishli, vol. 21: 318). This confirms that Najafi considers the Dar al-Dhimma under the group of Dar al-Islam.

Mohammad Hasan Najafi is also referred Dar al-Dhimma as like as Dar al-Sulh because he considers Dar al-Dhimma's contract as a result of peace with the infidels. He says one type of Dar al-Sulh is the land that its owners give to Muslims by preserving their land which means Dar al-Dhimma (The Jewel of Al-Qamishli, vol. 21: 174). In the contract with the people of Dhimmi, which is very important, only the Islamic ruler or the person appointed by him should comment and should not be left to the people of the Islamic nation. The contract of Dhimma, including the affairs of the government, is in the ruler's jurisdiction, and so only the imam or his representative can be a party to such a contract (The Jewel of Al-Qamishli, vol. 21: 263).

Therefore, from the Shi'ite point of view, the contract of Dhimma is condemned in every age and the effects of authenticity are regulated, whether at the time of the infant's presence or in the evening, either by the special vice of the Imam or by his general vice during the absence. In the era of absenteeism, if the righteous jurist is not at the head of the government, but rather competent jurists are sitting on the documentary of the caliphate, then the contract of Dhimma with the people of the Book will be condemned to be valid and the Jizyah will

receive the right and the Dhimmi will conclude the contract. (The Jewel of Al-Qamishli, vol. 21: 263-264).

2. Dar al-Baghi

Mohammad Hasan Najafi knows Dar al-Baghi who have rebelled against the infallible Imam or his Imam (The Jewel of Al-Qamishli, vol. 2: 324). Najafi considers baghi those who take action against the infallible and unholy government for material and worldly (not spiritual and afterlife) purposes because the Prophet fought for worldly purposes against the rule of the infallible Imam. He said to Ammar you were martyred by the rebellious group (The Jewel of Al-Qamishli, vol. 21: 326).

3. Dar al-Hijra

Dar al-Hijra is also mentioned as part of Dar al-Islam by Mohammad Hasan Najafi. This assumption applies to a Muslim who resides in Dar al-Kufr, and because of the tribulations and persecutions of the infidels, does not have the ability and freedom to practice his religion and to reveal Islamic doctrines. Jurists in such circumstances consider migration to be obligatory and this may be the case for jurists. Najafi writes about it I saw no difference in this matter (The Jewel of Al-Qamishli, vol. 21:34). In the eyes of Najafi, the migration of such people is obligatory unless those who due to an excuse like sickness and old age cannot migrate to Dar al-Islam. Najafi also mentions Mustahab emigration, which relates to those who reside in Dar al-Shirk and have the ability to do their religious work because of certain motives such as having a tribe. In this category, immigration to Dar al-Islam is not obligatory because in addition to the principle of non-necessity in such circumstances, some verses are also used that measure the necessity of immigration for some Muslims, their incapacity against the infidels and there is no assumption here. The reason why it is mustahab is that with migration, the population of Dar al-Shirk decreases and Muslims are prevented from associating with infidels. Immigration is also permitted to those

who are in trouble and have no freedom in religious affairs but cannot migrate to Dar al-Islam due to an excuse such as sickness and old age, who holds Najafi of the oppressed among them (The Jewel of Al-Qamishli, vol. 21:36).

2. The Era of the Islamic Revolution

1.2. Imam Khomeini

A. Sphere of Dar al-Kufr

1. Dar al-Ahd

Imam Khomeini in Tahrir al-Wasilah uses the word infidel of the treaty (Imam Khomeini, Tahrir al-Wasilah: 910) and this expression and the interpretations he makes in his speeches can be used to make the Imam Dar al-Ahd as a general title for various possessions. Considered below are Dar al-Kufr and Dar al-Islam. Imam Khomeini's political approach and endorsement of various contracts that he concluded with non-Islamic states during his reign could confirm this jurisprudential view.

2&3. Dar al-Estezaf and Dar al-Hijra

It can be deduced from Imam Khomeini's words and materials in his jurisprudence and in his lectures that Imam Khomeini believed in Dar al-Estezaf, or in other words, Dar al-Estekbar are both on the same coin. In fact, it can be both Dar al-Harb and in parts of Dar al-Kfar. In this sense, Muslims do not have the freedom to practice their Islamic rites and have the free power to think.

Imam Khomeini, for example, in a written message in the year 51, says that Israel was born with the collusion of the colonial governments of the West and the East, created for the suppression and colonization of the Islamic nations, and today is supported and supported by all colonists (Sahifa vol. 2: 438). In another message, he describes Zionism as the fierce enemy of Islam and humanity (Madani 2010: vol. 2: 170). The Imam also introduced America at the head of the enemies. This statement confirms a resurgent view of a part of the

land of infidels where there are difficult conditions for Muslims and the oppressed.

4&5. Dar al-Harb, Dar al-Hudna

Imam Khomeini says in the confessions that if Nasrani is not subject to the rules of the Islamic State in the Islamic Blade, he is a disbeliever (Khomeini, collection of words, 2: 125). In other cases, the Imam refers to all kinds of infidels, including the infidels of the infidels (Khomeini, Collection of Words, Commentary on the most trustworthy loop: 188). The Imam also refers to the infidel in the discussion of marriage (Khomeini, collection of words, Tahrir al-Wasilah: 731) as well as in the treatise of salvation of al-Abad (Treatise of Najah al-Abad: 2006: 191-200). He has repeatedly used the jurisprudence of al-Harb (al-Makaseb al-Muharram, vol. 1: 233-223) and the infidel of the harlot (Tahrir al-Wasilah: 97), (Imam Khomeini Tahrir al-Wasilah: 910), and his decrees. In addition to using the infidelity of the Arabs and Dar al-Harb, the Imam introduced concepts such as arrogance and considered America the Great Satan; the reference to the abolition of the Zionist regime in his speech may also be based on the same legal concept of Dar al-Harb (Khomeini, collection of words, Sahifeh-ye Imam vol. 21: 68-69).

On the other hand, it is natural that Imam Khomeini's belief on Dar al-Harb is belief on Dar al-Hudna. In both his jurisprudence and his political approach, the Imam has displayed his jurisprudential view of peace and security in the matter of peace with Iraq and the issue of Arab-Israeli peace issue.

6- Dar al-Aman

The Imam uses the term infidel in Tahrir al-Wasilah (Imam Khomeini, Tahrir al-Wasilah: 910). Applying this concept shows that the Imam agrees to sign the Aman agreement with the non-Islamic states or to grant Aman the infidelity.

7. *Dar al-Sulh*

Imam Khomeini regards Islam as a religion of peace and does not regard war as Islam (Khomeini, Surat al-Hamd Commentary: 240). Imam Khomeini admits to having a peaceful relationship with other countries, provided that this peace treaty is honorable (Sahifeh-ye Imam, vol. 17:29). From these statements and other Imam's statements on peace, it can be deduced that the Imam believed in another treaty called the peace treaty.

8-*Dar al-Riddah*

Imam Khomeini also mentions apostasy in Tahrir al-Wasilah and other texts (Tahrir vol. 2: 625). He regards the execution of the sentence of apostasy as specific to the Imam of the Muslims and introduces it to the Imam and the ruler of the Sharia (Tahrir al-Wasilah, vol. 1: 463 Book of Famous Imams). Imam Khomeini issued an apostasy decree in Salman Rushdie's case.

Imam Khomeini has given apostasy to the necessary denial of religion as a condition of necessary intention, and this argument actually goes back to the details between the apostate of the world and the ignorant because it has been said before that one of the types of apostasy is the denial of the necessary teachings of religion. From the approach of Imam Khomeini's political jurisprudence, one can deduce his belief in Dar al-Riddah and its rules.

B. The Territories under the Jurisdiction of Dar al-Islam

1. *Dar al-Dhimma*

Imam Khomeini also considers Dar al-Dhimma to be a subset of Dar al-Islam. He refers to the people of Dhimmi in his Treatise of Exegesis (Khomeini, Collection of Words: 279). The Imam also refers to the Dhimma in the discussion of marriage (Khomeini, collection of words, Tahrir al-Wasilah 731) as well as the Treatise of Salvation of Al-Abad (Treatise of Najah al-Abad: 2006: 191-200). He points out that the people of Dhimmi must obey Islamic law and are not even

permitted to build temples such as synagogues and monasteries and the like in Islam, and if they do, it is obligatory on the Muslim governor to destroy it (Tahrir al-Wasilah: 901). He also addresses issues such as the right to preach and endowment, etc. which may be related to the relationship between a Muslim and a religious person; this indicates his belief in the existence of religious infidels in the current society.

He points out in Tahrir al-Wasilah that any child of the Dhimmi who reaches adulthood is obliged to either accept Islam or to give up, and if he refuses to do so, he becomes a devil. Those who reach maturity among the people of Dhimmi must be concluded with Dhimmi, and the contract that their fathers concluded is not sufficient for them (Haghparast, 1383: 337).

2. Dar al-Baghi

In this regard, the Imam has much in his speeches. In their remarks, the Imam described Saddam's act of invasion as an obvious example of Saddam's rebellion against Iran. Imam Khomeini refers to Qur'anic verses such as the famous verse of the Hajj verse 9. He also considers those who formed a team house in the 1960s and 61s to assassinate the people and who had militarily acted against the Islamic system as a total rebellion, referring to them in its eight-item decree. Also, what is said about the words in Islamic Penal Code can be considered as Imam's legal opinions (Mostofi, 2013).

Conclusion

Based on what has been studied in this article in the two periods of Qajar and Islamic Revolution, it has been found that there are different divisions mentioned in Dar al-Islam and Dar al-Kufr jurisprudence in the past and these are not new ones. Studies have shown that the following jurists have been mentioned in different jurisprudential periods under Dar al-Islam. These include:

1. Dar al-Dhimma: They are in fact People of the Book that lives under Islamic dominance and they pay Muslims Jizyah in exchange for their security. Given that non-Muslim European countries were rapidly expanding and empowering after the Middle Ages, and at the same time Islamic countries stopped progressing for a variety of reasons, including the domination of incompetent corrupt governments, now the Muslim countries They are in a time of weakness and stagnation, and under modern international law they cannot overcome the non-Muslim countries of the Book, so there is no country in the world today that is considered to be Dhimma and pay Jizyah.

2. Dar al-Baghi: The people of Baghi are people of Islam but have risen up because of their insecurity against the infallible or imam and have been able to take control of the land. Territories under the control of the Baghi are called Dar al-Baghi. As a result, Taliban-controlled territories in Afghanistan, Boko Haram-controlled Nigeria, ISIL-controlled Syria, Iraq, the Philippines, and Afghanistan were named Dar al-Baghi.

3. Dar al-Hijra: All Islamic lands mean that Muslims can perform their Islamic duties there. As a result, it can be said that many Muslim countries are now considered to be Dar al-Hijra.

It was also found that the following assets could be identified in the following:

1. Dar al-Ahd: Dar al-Ahd are said to be governments and territories where their people will enjoy peaceful relations with the Muslim nation along with Dar al-Islam and their political, economic, military, and so on relations will be governed by a joint treaty. In fact, it can be said that every Dar al-Hudna, Dar al-Aman and in general, any infidel state that has entered into a covenant with Muslims is also a form of Dar al- Ahd.

2&3. Dar al-Estezaf and Dar al-Hijra: Dar al-Estezaf refers to a country where the conditions and security of life for Muslims are not

based on beliefs and beliefs and pressures and harassment by the government or the people cause the Muslim to fail to perform his duties and obligations. Islam itself, act. In contrast, those parts of the infidel states, where Muslims can freely perform their worship, are regarded as Dar al-Hijra.

So all countries that are under Dar al-Kufr but Muslims can live there without disturbing the infidels and do their religious rites are considered Dar al-Hijra, and any country that is not Dar al-Hijra is naturally Dar al-Estezaf. In the current world, all countries except the Zionist regime are considered Dar al-Hijra. Even in countries such as the United States, Britain and France, given the liberalism and secularism that prevails in them, Muslims can live in those countries and practice the individual rituals of Islam; therefore, it seems that even those countries They are also considered Dar al-Hijra.

4. Dar al-Sulh: It is a general title that can be applied to various types of infidel governments' contracts with the Islamic State. At the same time, the peace treaty can also refer to a specific kind of contract between Muslims and infidels. Dar al-Sulh in its specific sense refers to a land whose inhabitants were at war with Dar al-Islam, but after some time they reached an agreement with the Muslims and concluded a peace treaty with each other.

5- Dar al-Aman: It can refer to the various types of contracts that the infidel government has concluded with the Islamic State. At the same time, the Aman contract can also refer to a specific type of contract between Muslims and infidels. In other words, Dar al-Aman means, in a special sense, a land that has been signed with the Muslims of Aman, meaning that they have agreed to live in Aman for a definite period (e.g. one year) and that they will have no war.

6. Dar al-Harb: These people are in fact non-Muslims who have a hostile relationship with Muslims and try to harass Muslims in various fields. In the current world, only two US states and the Zionist regime are considered Dar al-Harb because they are practically fighting the

Muslims in various military, economic, cultural, diplomatic and other fields and are trying to harm the Muslim countries. Some scholars believe that countries such as England, Germany, France, etc. are also considered Dar al-Harb because they too seek to overthrow the Islamic Republic of Iran; this is the correct word, but in this article, the criterion for determining Dar al-Harb is the proclamation policy of various countries and since countries such as England, France, Germany, etc. have stated in their current proclamation policies that they do not seek to overthrow the Islamic Republic, so they are not part of Dar al-Harb.

Countries such as Saudi Arabia, whose government officially speaks about overthrowing the Islamic Republic of Iran, are excluded from the Dar al-Harb area because they are Muslims because it is a dispute between the two Dar al-Islam and one of our arguments is that one or the other conflict. Multiple Darussalam with one or more Darussalam is out. The Holy Qur'an also foresees these differences in verse 9 of Sura al-Hajj and offers a solution for that and separates the discussion of these differences from the disagreement with Muslims. As mentioned in the verse, the Holy Qur'an refers to this kind of conflict as a conflict between two faithful clans (the two Dar al-Islam) and separates the discussion from the clash of Muslims with infidels or polytheists, and even a solution to this problem. The type of dispute it offers is different from the solution it offers to resolve the dispute with the infidels.

7. Dar al-Hudna: The people of Hudna are said to be territorial people who have entered into a ceasefire contract between them and Muslims. In other words, the people's relationship with the Muslims has become so hostile that they have even reached the war stage but are currently in a state of truce for whatever reason. Under the current international system, the Zionist regime can be described as Dar al-Hudna when it signs a ceasefire agreement with Palestine.

8. Dar al-Riddah: These people are Muslims who are out of religion and resist their innate commitment, in other words to the country where most of them were Muslim and then to the changing times or the majority of the population who were Muslims. In today's world there is no such country. Even in the Communist countries that forced people to abandon their religion, people remained Muslim and only governments abandoned Islam.

Research studies of this article have shown that these jurists can be identified and distinguished in different jurisprudential periods and jurists when focusing on international relations and following the precepts of interaction between Dar al-Islam and Dar al-Kufr. Therefore, the above subdivisions have as much meaning and meaning for jurists as they did in the past in the international system, and not only is the expiration date of these subdivisions not exhaustive, but they remain in force. Even the scholars of the Islamic Revolution have tried to expand on these concepts and adapt them to the conditions of today's international system.

References

- Amid Zanjani, Abbas Ali, 1367, Political Jurisprudence, Volume III, International Law of Islam, Amirkabir Publications.
- Amid Zanjani, Abbas Ali, 2004, Political Jurisprudence, Volume Eight, Jurisprudence and Politics: The Evolution of the Foundations of Political Thought in Shia Jurisprudence, Amirkabir Publications.
- Haghparsat, Sha'ban, 2004, Ways to End the War on Islamic Law, Legal Magazine, Journal of International Legal Services, No. 30, Spring, pp. 329-393.
- Khomeini, 1363, Tahrir al-Wasilah, Qom: Al-Islamic Institute of Public Relations.
- Khomeini, Ruhollah, 1385, N Resaleh al-Abad, Tehran: Publisher: Imam Khomeini Publishing Institute, Print run: Second.
- Khomeini, Ruhollah, 1999, Commentary on the most trustworthy loop, Tehran: Institute for the Design and Publication of Imam Khomeini's Words, Second Edition.
- Khomeini, Ruhollah, 2005, Tahrir al-Souli, Tehran: Institute for Designing and Publishing Imam Khomeini's Words, Second Edition.
- Khomeini, Ruhollah, 2006, al-Makaseb al-Muharram, (2 vols.) Tehran: Institute for the Design and Publication of Imam Khomeini's Words, Second Edition.
- Khomeini, Ruhollah, 2009, Political-Theological Testament of Imam Khomeini, Tehran, Publisher: Institute for Arrangement and Publication of Imam Khomeini's Words, print twenty-ninth.
- Khomeini, Ruhollah, 2009, Tafsir Surah Hamad, Subject: Tafsiri, Tehran: Publisher: Imam Khomeini Publishing Institute, eleventh edition.
- Khomeini, Ruhollah, compact disc containing collection of words, publishing institute and arrangement of Imam Khomeini's words.
- Khomeini, Ruhollah, Estafat, Volume: 3, Tehran: Imam Khomeini's Institute of Organizing and Publishing, Imam Khomeini's Collection of Words.
- Khomeini, Ruhollah, Sahifeh-ye Imam (21 vols), Subject: Lecture Series ..., Tehran: Publisher: Imam Khomeini Publishing Institute.

- Khomeini, Sayed Ruhollah, 2008, Commentary by Imam Khomeini, Subject: Jurisprudence, Tehran: Publisher: Imam Khomeini Publishing Institute, seventh edition.
- Madani, Seyyed Jalaluddin, 2010, Contemporary Political History of Iran, Qom: Islamic Publications Office affiliated with the Teaching Society.
- Mohaghegh Damad, Sayyed Mostafa, Escape from Resignation, Bagher Al-Olum Research Institute, Humanities and Islamic Sciences Researcher Website, May 3, 2012.
- Mortazavi, Sayyed Zia, 2006, Reflection of Ashura in Shiite Political Jurisprudence, Islamic Government Quarterly, No. 27, March 27, 2006, Available at the Basis Information Database.
- Mostofi, 2013, Director of Education Department of Imam Khomeini Institute of Publications and Publication, Jamaran Information and News Database, Every Imam's instructions must comply with their Sharia and Fatawa, 8/10/1392.
- Najafi, Mohammad Hassan, 1981, The Jewel of Al-Qamishli, The Revival of Al-Thrash Al Arabi, Issue 7, 1981, Beirut, Lebanon, Research by Sheikh Ali Akhoundi and Dar al-Maktab al-Islamiyah, Tehran, Soltani Bazaar, Issue 7, pp. 244-245.
- Najafi, Mohammad Hassan, The Jewel of Al-Qamishli, Tehran: Dar al-Kutub al-Islamiyah, Volume 21.
- Sadatinejad, Seyyed Mohammad, Younes Kolivand, Pouya Kalantari Dehaghi, 1396, A Study of the Criteria for Determining Dar al-Islam, Dar al-Kufr and Dar al-Harb and Its Adaptation to the Current Conditions of the International System, Published in Foreign Policy Quarterly, Spring 1396.

دارالاسلام و دارالکفر در فقه شیعی روابط بین الملل

پویا کالانتاری *

تاریخ دریافت: ۱۳۹۸/۰۷/۰۷

تاریخ پذیرش: ۱۳۹۸/۰۸/۲۰

چکیده

مسئله تقسیم کشورها در نظام بین الملل امروز و تطبیق آن با انواع تقسیمات در فقه شیعی روابط بین الملل از جمله موضوعاتی است که در فقه روابط بین الملل بدان پرداخته شده است. در مقاله حاضر، نویسندگان این ایده را مورد بحث قرار داده اند که فقه را می توان با نظام بین الملل امروز آشتی داد. برای این منظور، در مرحله اول مبتنی بر گردآوری کتابخانه ای و روش اسنادی، اطلاعات مورد نیاز جمع آوری و سپس از روش تحلیل محتوا برای شناسایی نظام مفهومی شیعیان در فقه شیعه استفاده شده است. نتیجه بحث حاکی از آن است که نگاه فقهی به سرزمین های اسلامی و غیراسلامی نه تنها منسوخ نشده بلکه در آثار فقهی فقهای انقلاب اسلامی و فقیهان این دوره نیز نسبت به روابط بین الملل مورد استفاده قرار گرفته است و سعی شده احکام فقهی در زمینه روابط بین الملل تحت این تقسیمات ارائه گردد.

واژگان کلیدی

فقه روابط بین الملل، دولت ها، دارالاسلام، دارالکفر

* دانشجوی کارشناسی ارشد معارف اسلامی و علوم سیاسی دانشگاه امام صادق علیه السلام

