

Political Position in Confronting With the Arbitration (Hakamiat): A Case study of Imam Ali's Arbitration

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ABSTRACT

Arbitration with Imam Ali political leadership has direct relation with his effort for establishing Islamic government based on leadership of infallible. Because Imam has got the power by public agreement (or Satisfaction), Moavia in guise of revenge for Ottoman imposed a war against Imam Ali government. He could not win a military victory, and when he was very close to defect then created a trick. He orders to put Qurans over the spears. Then He asks for the arbitration of Quran. Imam Ali disagrees but his army does not accept, then they force Ali to accept the arbitration surly Imam Ali is right. Why he abandons from his right, in order to accept arbitration. According to Khavaraj's quotes he is suspect about his leadership. From another point of view the importance of the subject is not about the time of event, because it has relation with political leadership and action for being pattern and necessity of following him in all aspects especially in political subject to discovering facts is very important for Islamic communities. Many believed that imam accepted the arbitration because he was threatening to be killed by some of his armies. But others mention that it could not be a convincing answer, because imam never sacrificed the policy of Islam for saving his life. If it was his duty, he will do it very carefully. As Imam Hussein choose the martyrdom. So accepting arbitration may have other reasons. It was the request of the majority of his followers for accepting arbitration. It is the center point of this article, so this article is a new approach toward arbitration that criticizes the reasons of accepting arbitration in above mentioned theories.

KEYWORDS: Imam Ali, Arbitration, Khavaraj, Moavia, Saffin War, Hakamiat.

1- INTRODUCTION

Arbitration caused the greatest issue in the history of Islam. The issues of acceptance arbitration by Imam Ali made a lot of debates, and the formation of Khavaraj was rooted in this turn. There is a Lot of direct ideas among the researchers about this subject that what caused Imam Ali to accept arbitration. Present study is aimed to assess the reasons that Imam Ali accepted the arbitration during Saffin war, which were documented by Islamic historians. Meanwhile some brief review on the Khavaraj thoughts was provided. It should be noted that present study is relied only to the Speeches of that holy imam which explains the reasons directly or indirectly for accepting of arbitration. Arbitration is known as a political act that the Imam Ali in a certain situation established. According to Shi'a thoughts and based on many narrations and traditions (Amini, 1992, vol.1, pp60-66) Imam Ali has been chosen as a leader by divine order and, therefore the heads and the public of the people accepted him as a Leader. Different aspects were rose to answer the question of why he and his armies were satisfied with the arbitration and if they press imam to accept it. According to Khavaraj he was suspected about his own leadership (Ameli, 1998, p67). From another point of view its importance is not only for that time, because as we mentioned/ before this affair has direct relation with political leadership and the effort for creating Islamic government. Because Imam is a pattern for his followers and people must obey him in all aspects especially in political affairs it is very important for Islamic world and Islamic Republic of Iran (that Imam's government is an ideal pattern of governance) that it becomes obvious.

So based on the frame given above the importance of issue and secondly finding suitable answers for above mentioned questions and finally the contrast between reasons from other point of view are the main aim of present paper. A numerous studies were discussed about the arbitration and based on historical documents come up with several reasons to explain the acceptance of arbitration by Imam Ali. Most of them (Ameli, 1998, p190) believe that imam had to accept the arbitration because he was threatened to be killed by most of his army. But this reason may not be acceptable since Imam never preferred saving his life instead of policy of Islam. If his duty was to resist in front of his armies and to be killed, he would do it certainly, as Imam Hussein chose the martyr dam between Mary dam and allegiance. So I recognized that it needs more research and the previous researches are not logic and

much enough. The main concern in present paper is to answer the question of what was the most important reason for accepting arbitration by Imam. The other area may cover by this paper is concern about following questions:

A – What was the difference between Imam Ali and Moavia that had been referred to arbitration? In other words what was the subject of arbitration that some judges had been chosen to judge about it.

B – What was the effect of Imam Ali's army in facing with the arbitration? Which based on the literature there was in two sided; those agree and those disagree.

CONCEPT OF ARBITRATION

First it is necessary to give some explanation about the meaning of arbitration or Hakamiat. Hakamiat means Judging. Amide's dictionary (p.101) says arbitration is judging between two or more persons and solving the problems out of the Courts. In Arabic it is Al-Hokomah and it is infinitive form, which in Arabic dictionaries like Al-Munjad and Meqais Al-Loquat means preventing any injustice. From judicial point of view arbitration is a method of judgment that both sides agree to go to an independent judge which is not a number of judicial system. In other words arbitration is a method of judgment that a group of persons do for the request of both Sides. At the same time it means judges are respected by both Sides and they may solve the problems between persons, countries and etc. Arbitration is based on free will. The order of judge is an obligation, but it could not be performed by force. In present study arbitration means the election of Abu-musa ashari from Imam Ali's army (people of Iraq) and Amro-as from Moavia army (people of Syria) as the judges for judgment and solving the problems between two groups according to holy Quran and tradition of the prophet (Sunat Al-Rasul).

RESEARCH THEORY

So we assumed that firstly arbitration is a lawful method of judgment for solving the problems in Islam. Second the agreement of the majority of the people is main condition for creating Islamic government and manifests the outside of the Imamate and government.

METHODOLOGY

The aim of the research is to assess the reason of acceptance the arbitration by Imam Ali. Therefore the appropriate method is documentary method to assess the main documents about the issue. In order to discover the facts several references books and resources were studied and several documents from Al-Sunnah and Shi'a resources collected (Bahrani, 1988), and evaluated to support the research objective. One of the main document that were referred in this study was one the oldest resources about Imam Ali's speech due to discover the Facts and reasons. The reasons of accepting arbitration is assessed in two part which first discussion is about the existence difference between Imam Ali and Moavia that has been referred to arbitration and subject of Arbitration will be discussed. In the second discussion the position of the persons who agreed with arbitration will be discussed from Imam Ali point of view. In addition the position and idea of Imam Ali and his friends that were minority in the army will be argued. Final conclusion would be based on the analyze the data from both sides and then verifying the details of the theory.

ARBITRATION

The difference between Imam Ali and Moavia is the Ottoman's Killing, how he is killed and who are killer. Moavia falsely announce that Imam is killer or he is the people who stimulate the rebels for killing Ottoman. Imam refuses this accusation. He says that he is innocent. But the fact is another Point. Forwarding revenge for Ottoman's blood is an accuse for suppressing Imam from governing and occupying the seat of power. He pretends that Imam must deliver the killers to him but he mixes it with one condition that manifests his hidden aim. In fact he wanted to tide the power, so this was the best chance for him to rob the power. Analyze the speeches of Imam Ali and Moavia about this claim might be important. Imam says to Moavia in a letter that:

“So you hurried for taking the world and power, and then accused me about something, that I was not involved even with my hand and words. It is accusation of the Syrian people and you to me” (Fayz al Eslam, 1991, p432)

Imam is writing in another letter that:

“You know that I was the most hatred parson toward blood of Ottoman. You know I avoid that. I took the remote. So you accused me. Then you wanted to entrap me in the accusation”(Ibid, p453).

He wrote another letter toward Kuffi people about Syria people, he says there was no problem between us and there is no difference between us except about Ottoman blood. So it is observed that Imam says Moavia has expensed the blood of Ottoman. He has imposed the Saffain war against Imam and Islamic government. In other words Imam describes the reason of disagreement and difference between Moavia and himself. Moavia also apparently disagrees with Imam because he has interfered in the killing of Ottoman. That is why he avoids allegiance. So he told to some reciters of the Quran before war that:

“I do not claim that I have the companionship of the Prophet like Ali nor his immigrant, nor his relative, nor his background. I do not want to fight with him, but did not you know that Ottoman was killed cruelly”(Ibid, p195).

Afterward he told “yes” and so:

“Ali must deliver his killers to us in order that we kill them instead of Ottoman”(Abd al-Maghsoud, 1974, p.215).

Therefore Moavia has made an excuse from blood of Ottoman. He announces I am the avenger of Ottoman's blood. Then he accused Imam Ali in killing him or at least he says he was involved in killing or encouraged the killers. He says:

“I am avenger of Ottoman's blood. He has killed mercilessly. Allah says whoever has been killed innocent we put some power for revenge”(Ibid, p220).

He writes to Imam Ali and indicated that Imam Ali encouraged the immigrants against Ottoman. You avoid Anwar (friends) from his help. Moavia accused Imam in order to avoid the allegiance. He has referred to it by these words. He says:

“Jarir Ibn Abdullah invited me to allegiance with Ali. If Ali had not killed the Ottoman, He was the best one”(Ibid, 242).

But as we mentioned before it is an excuse for taking the power of caliphate. Because he mixed another condition that show his hidden aims, that for example transferring the subject of caliphate to a council. It could be understood from his speeches completely. When busy for going to Saffain war he writes this letter to people of Mecca.

“We only ask for the revenge of his blood. We wanted Ali to give us the killers to us. Then we will them according to the rules by the Quran. If Ali delivered them to us, we will draw in our hands, and then we transfer the case to a council like council of Omar Ibn Khattab among Muslims”(Ibn Asir, 1986, vol.3, p316).

He writes in another letter to Imam:

“People of Sham (Syria) will not do fight any thing until you deliver them the killers of Ottoman. If you did, then the off-air will be investigated by a council”(Ibid, 321).

Imam was aware of the Moavia's intention accurately. He refers to that in the answering Letter:

“I am astonished about Moavia that he fights me about caliphate. He avoids my background and leadership. He imagines that He has more efficiency than me about caliphate”(Fayz al- Eslam, Ibid, p215).

He wrote a letter to Moaviah:

“What time did you deserve to rule over the Muslim? In your dreams you want to revenge Ottoman blood, although you know better than others that where He have been killed. It is not suitable for the Persons who do not have Islamic background like Ahlul Bait to fight with them about something that they are more deserving”(Ibnabi al- Hadi, 1971, vol.1, p290).

Finally Moaviah apparently for revenging Ottoman blood started Saffain war against Imam Ali. But He not only could not take military victory, but also by attacking Malik–Ashtar the commander of Imam Ali accepts a heavy defeat. So he designs a trick then by putting Qurans on the spears he asks for arbitration and judgment of Quran. Ali does not accept. And Imam Ali told:

“I am the living Quran”(IbnAsir, Ibid, vol.3, p316).

Imam Ali didn't accept and indicated that it is a trick by Moaviah, because we are close to victory, so fighting with the enemy is our choice. But his armies did not accept his speech. They insist on accepting arbitration. Ashbin quiz and Masaralbn AL–Kandy Fadaki Tamimi were two persons who lead Khavaraj group and told to Imam Ali when he asked for continuing war:

“They invite us to book of Allah (Quran) and you invite us to Sword?”(Ibid, p327)

So after this trick Moaviah could avoid the results or the defeat. Then arbitration was forced on Ali. So Moaviah asked for arbitration to judge a bout which Subject? They must clarify that Ottoman had been killed justly or not? And Imam Ali has been involved in that or no? Is Moaviah right for asking about revenge of ottoman blood or no? So during arbitration judges had been chosen to judge about these cases according to the Quran and tradition of prophet in order to solve the problems between Syria and Iraq army. So if Ottoman had been killed wrongly and Imam is involved in his killing, Moaviah has right for revenging and he is the avenger of blood. But if Ottoman had been killed right and imam did not involve, Moaviah has not right for revenging. Cones queenly Judges were not fixed for removing or appointing of the caliphate. There was not such topic first. It is obvious from the speeches of Judges. Amro-as asked Abu-musa:

“Do you know that ottoman was killing wrongly, yes; you know Moaviah wanted to revenge his blood. Allah Says one who has been killed wrongly, we set some power for his assistance. Why you do not stand in front of Moaviah” (Tabari, 1983, vol.6, p3362).

But judges gradually passed the limitations and they did what that was not their duty. When people heard the Judger's votes they screamed:

“No they voted against what has been told in the book of Allah and contrary to the conditions”(Ibid, p3371).

So the difference between Imams with Moaviah was about the killing Ottoman and revenge of his blood. Also who has the right to Judge about this Moaviahsays Imam has killed Ottoman or he has aroused people for killing him. He is avenging Ottoman blood. He wants to for bidden Imam about Judging Ottoman affair, then as a result Imam will be dismissed from caliphate and then fixing the new leader will be according to the council decision. But Imam was aware of the Moaviah's intention. He indicated about his innocent about these accusations. In any case Moaviah insist on fighting and avoids allegiance. Then he started Saffain war against Imam. After feeling the defeat he asks arbitration for removing the differences. The Judges has been chosen for judging about Ottoman method of killing and how it must be compensated in order to solve the problems according to the book and tradition. But they passed the border of their duties then they voted against the book and tradition.

Imam Ali's Army Position in Arbitration

Opposition Group

After Moaviah insisted on disagreement and hostility toward Imam, he prepared an army from Syrian people for fighting with him. He started Saffain war. Imam Ali provided one army from people of

Kuffia and started going to war in order to remove the roots of discord in Islamic society. The two armies arrived in Saffain place and started fighting. In the first days the activities Programming was in hand or Imam's soldiers. The army of Moavia was growing thin day by day. In Lailatul-Harrier after a Lot of harsh fighting one could see the signals of the victory in Imam Ali's armies and defeat of losing the Moavia army. Imam Ali and his friends decided to continue until final victory. They know that Moavia and their friends could not be corrigible (adjustable) and there is no way except killing them. Moavia tries to create a chance, because he saw the defeat is very close. So after counseling with Amro-as, Moavia ordered to the armies to put holy Qurans over the lances in order to create diversity between Imam Ali's army. Then they invite Imam Ali and his armies perform what has been written inside the books. So some division established between Imam Ali's army. Some accepted and others disagreed. Imam did not accept and told to the army:

“Uh the slaves of Allah insist on your right side and continue your fighting. Surely Moavia and Amro-as and Amro Ibn Abeamit and Habib Ibn Abi-Sarhand Zahak, are not friends of religion and Quran. I know them better than you and for long time. They were the worst children and the worst adults at all the times. They tricked you when they put Qurans on the Lances” (Ibn Asir, Ibid, vol.3, p.316)

But the prejudice army of imam who were not aware about Moavia's intrigues has been cheated by this motto. They insisted on accepting arbitration. Imam told them again I fight with them that they submit to the book of Allah. They arrogated against good's orders. They forgot their responsibility and left the book. But his advice was useless. Most of the army and some of the Khavaraj leader want Imam accept ceasefire and arbitration. Only Imam Ali and Some minority of his friends wanted to continue the war. Malik was fighting hard with Syrian army. They advanced to the close or enemies head quarter. It was shooter than jumping a horse to kill Moavia, and then the war would be finished. But Ali's army threatened him several times and told him to tell Malik to come back for stopping the war. Imam Ali had no other choice except telling Malik to come back. Intrigue by Moavia had its effect and most of the army accepted arbitration. Only imam and some of his friends disagreed. But they had to Submit by force and pressure of the opponents.

Agreed Group

After inviting imam's army by Moavia, army majority of them accepted arbitration the most important point is that they forced imam to be satisfied with this and stop the war. In this section we want to study the reasons for accepting arbitration by analyzing the position of agreed persons that we could it in the Imam Ali's speeches. Then we can verify it. So first we discuss the imam's speeches about accepting arbitration. He says it was because of the agreement of the majority of the armies. They insist on it. When people refused obeying imam and they force him to accept arbitration He says to them:

“I was Amir Al-Mumenin yesterday. I am functionary today. I tried to forbid you today you forbid me. You like to survive. It is not my duty to force you to something that you do not like” (Fayz al -Eslam, Ibid, 662).

Here Imam says frankly that because people accepted arbitration, so they do not like his leading. Then He has tolerated the judgment. It is obvious from his speech that when Imam told to the people and has shown the good and bad road, this people's duty to select whatever they want. So there is no force or obligation in selection. It is not Imam's duty to force people to accept political leadership, because if it was his duty, he would do it certainly. When Malik does not accept the contents of arbitration, he says:

“I swear to Allah that I'm not satisfied with this. I did not like that you agreed. But you insisted. That is why I said ok” (Ibn Asir, vol.3, p322; Tabari, vol6, p2576).

So we can conclude from these speeches that imam does not have duty to force people to his own vote (Disagreement with arbitration). He does not want people follow him by force. He also does according to the people's vote, although it is against his own interests may faint his Leadership when he is in minority. After imam accepted arbitration Khavaraj criticized him (why you accepted arbitration) and Imam replied:

“I prohibited you from Judging but you did not accept my Idea, when you insisted we undertook the judges to Vote according to Quran.” (Ibid)

During Saffain War that the army does not accept imam's advices for refusing arbitration, He says:

“If you wanted to obey me, you must continue war if you do not want to obey me do whatever you like.”(Fayz al Eslam, Ibid, 234)

When Ashasbn Quiz asks him, this people are satisfied, they are agreeing to arbitration of the Quran, so I wanted to go to Moaviah in order to ask him what he wants. Imam replied, if you want go and ask him. So we can conclude that when Imam saw people are satisfied to arbitration, put the responsibility of deciding to him. It shows that although leadership is an appointment position, but it will manifest when most of the people accept it. Imam confirmed it during his lecture in allegiance day with people. He told:

“To people that you hear me, this government belongs to you. Nobody has any tight about this only the person that you per nit him. So be aware that I will not do a thing except with your agreement. The Keys of your belongings is in my hand. But I do not spend the smallest Coin without your Satisfaction.”(Tabari, vol6, p2338)

He says about this subject in another meeting that:

We have some tight that if you be kind we will take it and if you prohibit us we will tide on our camels and Leave it, although it will be a long time for us.”(Mahallati, 1976, vol.2, p257)

He writes in a Letter to Moaviah and indicated that:

“The people who swear allegiance with Abu-Bakr and Omar did it in the same way with me”(Fayz al-Eslam, Ibid, p.84).

So if all the persons agreed with someone leadership, He will be the leader and go dissatisfied by his Selection. We can conclude that forming government is related to the public satisfaction. It could be performed by people's acceptance. So it will be a popular – divine government. In other words establishment of Islamic government is in the hands of people. Although the leadership is by God and government is fixed by divine rules. So when people did not accept Imam's idea and advice, he submitted to their and demand. Imam after revealing differences about arbitration told:

“First I tried to prohibit you, but you did not obey, so our condition is like that man who was in Havazen tribe. He told I am a person from Qazia tribe. If that tribe is misled so on the wrong road I am also on the wrong road, if that tribe is on the right road, I am also.”(Ibid, p.116)

Later Imam told to the Khavaraj that he was disagreed with arbitration:

“I prohibited you, but you disagreed like the opponent persons. So I behaved according to your own interest. It goes without saying when People broke their Promise and avoid supporting imam He had been forced to accept arbitration.”(Ibid, p.120)

In addition Imam says in another place that he accepted arbitration because of the minority of his friends. He refers that if he had enough army and supporting persons, he wanted to continue war. Malik and some minority of the army wanted to continue war. So it is understood that because most of the people did not agree with imam's idea, he did not continue fighting and if they agreed with him, He wouldn't accept arbitration. He told:

“I swear to Allah that if I ordered you to something that you didn't like it or I forced you to the tight road and if you wanted I was able to lead you it was all true, but with whom and where?”(Ibid)

When Khavaraj protest to accepting arbitration they ask him why you did not force us by sword to obey god's orders? Imam replied:

“God Says, do not destroy yourself by your own hand. You were a lot of persons, while my friends and I were few persons.”(Yaqubi, 1980, vol.2, p192)

It seems that Imam tells I accepted the arbitration, because I was threat end to be but with killed. Attention to other speeches of Imam that we told before it is obvious that he means another thing. Because Imam never believes in saving his life in comparison to Islam, if it was his duty to fight with a deviated group of his armies, he would do it certainly. Then He would be killed or wined as when he was threatened to death, he told to people:

“God has provided me a strong shield. It would save me. While it is time for my death that shield will fall on the ground. I will die on that day and the arrow will be landed on the right place. There is no remedy on that day.”(Ibid, p120)

It shows imam is not afraid of death. So He does not want to endanger the Muslim's interests because of his death. He does not want to avoid his duties. Also in Saffain war when he hesitates for fighting with Moavia's army, some people imagine that He is afraid of killing but he told:

“But your word that my hesitation is fear of death I swear that I do not have any fear about death or even death comes to me suddenly.”(Ibid, p110)

Imam says frankly that he is not afraid of being killed as he told if it was his duty, he would do it certainly, although at the price of his death. So threatening could not be the reason for accepting arbitration. Then he refers to Quran and says you were a lot of persons. My friends and I were few. So we can conclude that it was not fear of death, but because majority of the army were Satisfied, he accepted. Only few of his friends and He by himself preferred to continue war. So it caused that imam did not continue the war. His speeches confirm the theory indirectly. It had been concluded from imam speech that although the political leadership is in the hands of imam and there is no difference between referring people to him and not referring, his leadership will not be destroyed. Because severity belongs to God, then it will be performed from his representative on the earth. It is duty of the prophet and his succeed sores. But for establishing Islamic government and performing its order another diminution is necessary. It is the agreement of people that we called it in Islamic narrations as *Razeya Al-Ameh* (public sati's faction). According to this important manifest in Islamic government we can understand that why imam was satisfied with arbitration when he saw the lack of supporting by the people. So with attention to the material and speeches from Imam Ali that had been discussed about accepting arbitration, the theory of this research will be proved.

CONCLUSIONS

The main aim of present paper was to assess the reason for accepting arbitration by Imam Ali during Saffain war from his own point of view. After assessment of several documents two main reasons for accepting arbitration were found, mostly based on Imam's speeches in *Nahjul-Balaqa* and several referred books. These reasons can present as follow:

1. Imam accepted arbitration because he was afraid of being killed. The armies threatened that they will kill him unless he stops the war and accept *Hakamiat* (arbitration).
2. People's satisfaction and their insistence on accepting arbitration was the reason for accepting it.

However as we mentioned earlier the first reason may be rejected, since Imam never preferred his life over Islamic policy. Second he has told frankly that I am not afraid of death. So the second point we can accept as a logic theory. It says the most important reason for accepting arbitration is the public satisfaction as a manifest in performing Islamic affair and Imam Government. Finally by reviewing all the lectures of *Nahjul-Balaqa*- and words of Imam in historical books about arbitration and *Khavarajwe* can come up with three main categories including:

1. The speeches that prove the theory directly
2. The speeches that confirm the theory indirectly.
3. Speeches that confirm the reason in part one but by comparison with other Imam's speech it becomes clear that these words also confirm the first theory indirectly.

Furthermore Moavia pretended that he wanted to avenge blood of Ottoman from Imam Ali. In fact he wanted to remove Imam from caliphate and taking it by himself. So he called Saffain war against

Imam. When he saw the defeat tried to create a trick. He asked for arbitration. The judges were selected to judge about killing of Ottoman and revenge for his blood in order to solve the problems according to the book and tradition; however they crossed from the line of their duties. After discussing arbitration some argument formed in Imam's army. Most of them wanted Imam accept arbitration. In spite of Imam's advice they did not accept. They forced imam to accept arbitration. With attention to this case that public Satisfaction is very important in manifesting Islamic government, when Imam saw that they do not follow him, he accepted the idea of majority by accepting arbitration. So it could be concluded that public satisfaction and the majority idea in manifesting government has a main role and the ruler must perform public demand.

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