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The Scope of the Imperative and non-Muslim Responsibility to Shari'a Duties

Whether or not non-Muslims are subject to Shari'a responsibilities has been treated in various contexts in works of *uṣul al-fiqh* and *fiqh*. Across schools of thought the prevalent view has been that non-Muslim are indeed subject to sharia responsibilities before God. This position is endorsed by Imāmi Shī'a legal theorists such as Sharīf al-Murtaḍā (d. 436/1044), Shaykh al-Ṭūsī (d. 460/1067), and 'Allāma al-Ḥilli (d. 460/1067). Each of these considered the question within the context of the linguistic discussions of *uṣul al-fiqh* framed within enquiries regarding the scope of the imperative. Does the imperative include the non-Muslim and the slave as it includes the Muslim and the free person? This paper will examine how this position has been nuanced by some modern Shī'i *Uṣūlī's*, in response to an *Akhbārī* rejections of the prevalent view, by distinguishing between universal moral responsibilities applicable to all and particular Shari'a addresses only incumbent upon believers. The paper will further point to some contemporary implications of this distinction for our understanding of the nature and practice of Shari'a in plural contexts.



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After completing an undergraduate degree and professional qualifications in Optometry, Ali-Reza Bhojani began studying at the Al-Mahdi Institute, graduating from its Hawza programme in 2008. He then moved to Durham University for 1+3 ESRC funded doctoral programme with the Centre for the Advanced Study of the Arab World (CASAW). He was awarded a distinction for an MA in Research Methods (International Relations and Politics) and graduated from the doctoral programme at the Institute for Middle Eastern and Islamic Studies in 2014. His thesis was published as *Moral Rationalism and Shari'a* (Routledge, 2015).

He has held academic posts at the Al-Mahdi Institute where he lectured on legal theory, theology, and ethics, the Markfield Institute of Higher Education, the University of Nottingham and the University of Oxford, and is currently a Teaching Fellow in Islamic Ethics and Theology at the University of Birmingham as well as an Associate Research Fellow at AMI.