

**Readdressing the Issue of Tashhir (Public Exposure) in Imamiyah Jurisprudence  
(With an Analysis of Imam Khomeini's Views)<sup>1</sup>**

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**Introduction**

Research Paper

There is no doubt that the Islamic law has given a special value to the dignity of a person as well as his life; To the extent that he has made it obligatory to defend it and also considered it permissible to abandon the most important obligations in order to preserve it. However, in some cases, a person's own actions may cause him to be deprived of some social rights, and taking into account the interests of the society, some matters that are forbidden to be disclosed are considered permissible for him. In Islamic Sharia, one of the cases of applying and prescribing such a thing is "publicity" of certain criminals, which the Holy Sharia has tried to forge such a punishment based on the nature of the crime as well as its goals and objectives. Considering the importance of preserving the inherent dignity of human beings and the need to protect one's reputation and prevent its desecration as long as there is no definite reason to the contrary, this article tries to examine the positions of publicity in Imami jurisprudence. Imami will go to the jurisprudential documents and proofs and examine their significance in the scales of ijtilah and jurisprudence.

**Research background**

What is obtained from the review of the background of the research in the reliable scientific systems is that so far, a comprehensive research with a special jurisprudential approach has dealt with the analytical-critical rereading of the discussion premise and extracted the publicity cases from the hearts of jurisprudential opinions and while enumerating them, with a view Critically, it has not been done to criticize the opinions of jurists as well as the documents used, and considering the necessity of compliance of the relevant laws with the standards of Sharia, conducting such a research can lead to

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the enrichment of research resources and help the legislator to understand the position of Imami jurisprudence in the debate. Advertising helped.

### **Research Methodology**

The present research is organized in a descriptive and analytical way and by referring to library sources. In collecting research materials, the comprehensive software of Ahl al-Bayt 2 jurisprudence, affiliated to Noor Islamic Sciences Computer Research Institute, has been used a lot.

### **research findings**

Following the legacy of written jurisprudence shows that the Imami jurists have mentioned the punishment of publication in at least six positions. The first criminal title that is punishable by defamation in Imami jurisprudence and according to the author, it has been approved by famous jurists, is defamation of a person who testifies falsely. In this context, the late Imam Khomeini also accepts the publicity of force witnesses and states that it is obligatory to publicize and introduce the witnesses of force in the city or neighborhood in order to avoid the martyrdom of people like them. The second example of the discussion is the promotion of Qadzif. However, it seems that due to the lack of a valid reason for the implementation of the punishment of defamation in the case of Qadzif, the principle of non-disclosure in the issue, as well as the acceptance of an unpopular promise, will be more compatible with the principle of caution in punishment and the principle of acquittal. The third case is the promotion of panhandling. Despite the fact that the late Imam Khomeini expressed his opinion about the amount of whipping and the exile of the pimps; However, with regard to publicity and gambling, by changing the context of the words, they attribute such a punishment to a celebrity and avoid making an explicit comment. This way of expression apparently conveys Imam's doubt about the issue. The fourth case is the defamation of a fraudster, the defamation of a fraudster by its nature is not subject to obligatory evidence, and some Imami jurists have also stated that prescribing such a punishment can be considered as a matter of government. The fifth case is the defamation of a cunning person, which must be said since many of the predecessors as well as many of the later ones, including Imam Khomeini, did not state their position on the assumption of the issue and silently passed by it, therefore accepting such a punishment as long as there is no evidence It is not possible to be valid. The sixth case is bankruptcy publicity. Some jurists have stated that it is obligatory for the ruler of Sharia to announce the ruling of the bankrupt to others. But despite the alleged consensus, some other jurists have considered advertising the bankrupt as a mustahab.

### **Discussion and conclusion**

Although the primary principle in Sharia teachings is to preserve the Muslim's reputation; However, under special conditions and in order to secure part of society's interests, Imami jurists have prescribed the punishment of "publicity" in certain cases. The first criminal title that deserves such punishment is defamation of a person who gives false testimony. The results of the research showed that the documents provided by the jurists in this field are valid and the promotion of a false witness is based on authentic narrative texts. The second example is in the case of Ghadzeif, where the analysis of the evidence shows that due to the lack of a valid reason for the execution of the punishment, the principle of absence applies to the issue. Regarding the third case,

that is, the promotion of gambling, it should be said that the opinion of the jurists who doubted the implementation of such a punishment is stronger. The fourth example of publicizing is about the fraudster who, according to the following, although some jurists have considered the obligation to publicize him; However, in the analysis of this point of view, the conclusion was reached that the publicity of the fraudster by its very nature is not subject to mandatory evidence, and ultimately prescribing such a punishment with the discretion of the ruler of Sharia can be considered as a governmental matter. It is also concluded that there is no reason that justifies such a ruling. And finally, the advertisement of the bankrupt also lacks an authentic Sharia document, and of course this does not contradict the existence of centers to inquire about the debt status of individuals; Because this matter is not generally ugly and does not mean publicity. What is worth mentioning is that apparently the only instance of "publicity" that resulted in Imam Khomeini's explicit approval was crystallized in "Lying Witness"; Other examples that have sometimes resulted in the approval of famous jurists, if not to say that they were not accepted, at least they were accompanied by their serious doubts.

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