



Muhammad Haniff Hassan

CIVIL
DISOBEDIENCE
IN ISLAM

A Contemporary Debate



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PREFACE

WHAT IS THIS BOOK ABOUT?

This book seeks to capture contemporary debates on civil disobedience in Islam within the rich Sunni tradition, especially during the height of the non-violent people's revolution in various Arab countries which is popularly known as the Arab Spring.

It illustrates in great detail the Islamic theological and jurisprudential arguments by those who either permit or prohibit acts of civil disobedience for the purpose of changing government, political system or policy.

The author offers his analysis of the debate and his viewpoint on how a theological position on civil disobedience should be formulated today.

WHAT IS THE SIGNIFICANCE OF THIS BOOK?

First, this book is a significant and original contribution to the study of civil disobedience and non-violent political actions from an Islamic viewpoint because, currently, there is no published work in English in the form of a book or journal on civil disobedience in Islam that meets the interest of English-speaking readers and researchers.

The significance of this book is further magnified by the fact that the study of non-violence in Islam remains an under-studied and under-researched field. Thus, the book could be considered as an important contribution to the existing corpus of knowledge in this area.

Second, after the events of 9/11, the study of Islam and politics has been heavily influenced by the discourse on violent jihad, terror-

ism and armed revolution. The newly emergent study that provided discourses on Islam and non-violence was suddenly eclipsed. The non-violent revolution that occurred in Muslim countries, known as the Arab Spring, has had little impact on the prevalent discourse due to its limited success and the emergence of the brutal ISIS shortly afterwards. The constant bombardment of news and discourses on violence perpetrated by Muslims in the name of Islam has convinced some sections of society that violence is the only means of political change known to Muslims. This is clearly far from the truth. Like other religions that have produced non-violent justifications for political action and discourse, Muslims have been using and promoting non-violent means for political change for centuries. One important and forgotten figure is Abdul Ghaffar Khan, who founded a non-violent army known as Khudai Khidmatgar in the North West Frontier Province of India during British occupation. Other examples can be found in the first chapter of this book.

There is a need to correct this misperception and provide alternative discourses to violence and terrorism vis-à-vis Muslims' attempt to effect change in the political domain. This book humbly contributes to this end, demonstrating that Islam has a rich tradition going back to the classical period that can provide discourses and arguments for non-violent political action which could allow Muslims to address pressing issues via non-violent initiatives.

There are many studies on the role of discourses in influencing people's minds and behaviour. Discourses on Islam and civil disobedience would present a potential alternative to those provided by violent jihadists. Admittedly, from a policymaker's viewpoint, the former does not eliminate the political problem of people's resistance to [bad] authority. Nevertheless, at the very least, it is still an alternative to violent political action such as jihadism, terrorism and armed rebellion.

More details will be provided on these points in Chap. 1.

WHO SHOULD READ THIS BOOK?

This book is suitable for academicians, researchers and policymakers who are interested in the study of Islam and politics, Islamic contemporary thought, non-Western viewpoints on politics and political actions, religion and non-violence and various thoughts on non-violent political actions.

HOW IS THIS BOOK ORGANISED

The book is divided into six chapters.

The first chapter is introductory. It begins with a brief explanation of the rationale for this study and illustrates why the theme of civil disobedience was chosen as the research subject. In addition, the rationale will summarise the value of this study. The chapter then proceeds by introducing the book's research focus, objectives and questions. It introduces the basic concept of civil disobedience, its meaning and use for the purpose of this study, which is positioned within the broader theme of political action in Islam. Finally, it explains the book's research approach and methodology.

The second chapter seeks to capture views that prohibit civil disobedience in Islam and details their theological arguments. It covers two strands: those prohibiting primarily on theological grounds and those which do so on rational grounds. The chapter illustrates how civil disobedience is linked to the traditional concept of *khurūj* by proponents, despite its non-violent nature. It also highlights how civil disobedience could be prohibited even if its objective is not the overthrow of an unjust ruler.

The third chapter studies arguments for the permissibility of civil disobedience in Islam, albeit with conditions that may vary in strictness. The conditions may have resulted in the impermissibility of civil disobedience in certain contexts, but the difference between this position and the one mentioned in the preceding chapter is that the former, in principle, upholds the permissibility of civil disobedience. Its impermissibility on the other hand is due to other factors, and not simply because civil disobedience itself is forbidden. This chapter illustrates four views that permit civil disobedience.

Forms of civil disobedience are as contentious as the concept itself. The fourth chapter discusses the theological debate on four specific forms: commonly found in the reviewed literature and employed in practice: public demonstrations, labour strikes, hunger strikes and boycotts.

The fifth chapter covers issues related to civil disobedience in Islam which are found in the reviewed materials but did not fit comfortably into the three preceding chapters. The first is *takfīr* (to rule that a Muslim has become a disbeliever/apostate). The issue is discussed because all viewpoints agree *kufr* is a persuasive factor for the permissibility of civil disobedience. The chapter discusses at what stage a Muslim ruler falls into *kufr* such as to permit their Muslim subjects to conduct civil disobedience against them, who has the authority to decide on or declare *takfīr*, and

what process needs to be taken in order to declare it. The chapter then proceeds with a discussion of Islamic jurisprudential conditions for civil disobedience to be permissible as propounded by those who permit it, regardless of purpose. The final issue in this chapter concerns organising and participating in civil disobedience in a non-Muslim country against a non-Muslim government. Although this issue is not the primary focus of the study, it is incorporated in the chapter to supplement the whole study and to capture a relevant viewpoint found in the reviewed materials.

The sixth and final chapter contains the author's analysis and comments based on the debates that have been presented earlier regarding Islam's theological positions on civil disobedience. It analyses the scriptural evidence related to civil disobedience utilised by the two opposing viewpoints to support each position. After a thorough analysis, the study finds that the subject of civil disobedience in Islam, theologically speaking, is a valid and recognised *khilāfīyah* (contentious) issue because neither of the two viewpoints is supported by definitive scriptural evidence. Moreover, non-definitive scriptural evidences could not tilt the balance in favour of either side. The study then locates the factor that would be decisive as *maṣlaḥah-mafsadah* (benefit-harm) assessment. The chapter also concludes that the theological ruling on civil disobedience is not determined by scriptural texts alone; this finding is supported by examples of context's role in influencing Muslim scholars' theological standpoints on civil disobedience. Finally, the chapter consolidates all the earlier findings of this study and concludes that it has succeeded in achieving the objectives and answering all the questions raised in Chap. 1.