

Symposium: Political Governance

## Political Obligation: Its Scope and Limits in Islamic Political Doctrine

by *Muhammed Salahuddin*

### I. Political Allegiance: Nature and Extent

The need for and the importance of government in Islam has been the subject of extensive research and debates since the early days of Islam. Naturally, there is a general consensus among Muslim jurists on the obligatory nature of installing a government or a kind of central authority to safeguard the very existence of the community.<sup>1</sup> Although obedience to legitimate authority is qualified and conditional, the Shari'ah attaches great importance to fulfillment of the Muslims' obligations toward their legitimate government and considers it a religious obligation of the highest degree. As Muhammad Asad pointed out correctly, what is at stake here is the unity of the Community:

So long as the state conforms in its principles and methods to the demands of the Shari'ah, a Muslim citizen's duty of obedience to the government is a religious obligation. In the words of the Prophet, "He who withdraws his hand from obedience [to the *amīr*] will have nothing in his favor when he meets Allah on the Day of Resurrection; and he who dies without having considered himself bound by a pledge of allegiance [literally, 'While there is no pledge of allegiance on his neck'] had died the death of the Time of Ignorance [i.e., as an unbeliever]."

In accordance with the principle of Muslim unity so strongly emphasized in the Qur'an and Sunnah, any attempt to disrupt that unity must be regarded as a crime of the highest order—in fact, as high treason—and must be punished severely. Consequently, the Pro-

---

Muhammad Salahuddin, publisher of *Arabia: The Islamic World Review*, is currently doing research in political science at the University of Michigan.

<sup>1</sup> Mahmud Abdul-Majeed Al-Khalidi, *Basis of Government Systems in Islam* (Kuwait: Scientific Research House, 1980), pp. 237-258; Muhammad Fathi Osman, *Some Fundamentals of Islamic Political Thought* (Beirut: Muassasat Al Risalah, 1979), pp. 364-371.

phet commanded:

“Whoever it be that goes forth to divide my community, smite his neck.” “If, while you are united under one man’s leadership anyone tries to break your strength or to disrupt your unity, kill him.”<sup>2</sup>

But do the words of the Prophet imply the citizens’ right to rise in rebellion against the government whenever it contravenes any of the *shari’ah* laws? Obviously not; for the Prophet has ordained that, “He who has pledged allegiance to a leader (*imām*), giving him his hand and the fruit of his heart, shall obey him if [or: ‘as long as’] he can.”

This allegiance lasts as long as the *imām* upholds the values of Islam in general and does not deliberately forsake its aims. An occasional lapse on his part does not entitle the citizens—at least so long as the majority of the community has not pronounced itself against him—to revolt against his government. Thus, the Prophet said:

“If anyone sees in his amir something that displeases him, let him [nevertheless] remain patient; for, behold, he who separates himself from the united community by even so much as a handspan and died thereupon has died the death of the Time of Ignorance.”<sup>3</sup>

Consequently, if the government fulfills the requirements imposed by the *Shari’ah*, its claim to the allegiance of the citizens is absolute. They are bound “to hear and to obey, in hardship and in ease, in circumstances pleasant and unpleasant”; in short, they must stand united behind the government and must be prepared to sacrifice for this unity all their private comforts, interests, possessions, and even their lives—for “Behold, Allah has bought of the Faithful their persons and their possessions, offering them Paradise in return . . . .”

It follows therefore that a government ruling in the name of Allah and His Prophet and in obedience to the Law of Islam has the right to call upon all the resources of the citizens—including their personal possessions and even their lives—whenever the interests of the community and the security of the state demand such an effort.<sup>4</sup>

<sup>2</sup> Asad, *The Principles of State and Government in Islam* (Gibraltar: Dar Al-Andalus, 1981), pp. 75-76.

<sup>3</sup> *Ibid.*, pp. 77-78.

<sup>4</sup> *Ibid.*, pp. 69-70.

Needless to say, the religious nature of this political obligation makes it more thorough, conscientious, zealous, and omnibus. A Muslim is taught to fear the accountability toward Allah who is almighty and omniscient before taking into account any worldly accountability. This is why the pledge of allegiance he may give is so powerful and deep in his conscience:

O you who have attained to faith, Be true to your covenants.

Qur'an 5:1

And be true to your bond with Allah whenever you bind yourselves by a pledge, and do not break [your] oaths after having [freely] confirmed them and having called upon Allah to be witness to your good faith: behold Allah knows all that you do.

Qur'an 16:91

And be true to every promise—for, verily, [on judgment day] you will be called to account for every promise you have made.

Qur'an 17:34

Muslim jurists a millenium ago were the first to describe the relationship between the community and the head of state as a “contract” requiring mutual consent.<sup>5</sup> Therefore concludes Manzooruddin Ahmad:

Since the *khilāfah* is founded on a contract between the *imām* and the *ummah*, therefore it is obligatory to fulfill all conditions of the contract by the contracting parties. If the *imām* establishes effectively *ḥuqūq al-ibād* (human rights) and *ḥuqūq Allah* (rights of Allah) within the *ummah*, then it becomes compulsory for the *ummah*, in its turn, to render individually and collectively obedience and support to the imam as long as the latter continues to act according to the mandate.<sup>6</sup>

<sup>5</sup> (i) Abul-Hasan Al Mawardi, (d. 1012 A.C.), *Sultanate Rulings and Religious Sovereignities* (Cairo: Mustafa Albabī Al-Halabī Co., 1973), p. 7

(ii) Muhammad Imarah, *Al-Mutazilah and Revolution* (Beirut: Establishment for Studies and Publishing, 1977), pp. 9-11

(iii) Abul-Ma'ali Al-Joaini (d. 1050 A.C.), *Ghiath Al-Oman Fi Iltiyath Al-Zulam* (Alexandria, Egypt: Al-Da'wa House, 1979), pp. 49-52.

(iv) Muhammad Fathi Osman, *Some Fundamentals of Islamic Political Thought* (Beirut: Muassassat Al Risalah, 1979), pp. 390-424.

(v) Al-Khalidi, pp. 138-196.

(vi) Khallaf, pp. 25-30.

(vii) Abdu-Zahrah, pp. 213-229.

(viii) Al-Nadi, *Methods*, pp. 225-243.

<sup>6</sup> Manzooruddin Ahmed, *Islamic Political System in the Modern Age* (Karachi, Pakistan: Saad Publications, 1983), p. 229.

Muhammad Asad and a majority of Muslim jurists contend that the pledge of allegiance (*bay'ah*) received by the head of state from the Community, is not only from the majority that had voted for him but also from the minority whose votes had been cast against him, for in all communal decisions not involving a breach of any *Shari'ah* law, the will of the majority is binding on every member of the Community,<sup>7</sup>

nevertheless it has to be pointed out that this pledge is not compulsory. If for any reason a group of Muslims chooses not to give this pledge they are absolutely free as long as they do not use force or violate laws, even if they indulge in abusing the head of the state or threaten publicly to kill him.<sup>8</sup> In case they start preparations to use force, some jurists contend that their preparations should be stopped; others prohibit the government from taking any action unless and until the rebellious group starts the actual fighting.<sup>9</sup> Even in the latter case those jurists insist that the government should negotiate with them first and try to remove any injustice they may feel or any misunderstanding they may have. This attitude is backed by the Qur'anic ordinance:

Hence, if two groups of believers fall to fighting, make peace between them; but then, if one of the two [groups] goes on acting wrongfully towards the other, fight against the one that acts wrongfully until it reverts to Allah's commandment; and if they revert, make peace between them with justice, and deal equitably [with them]: for verily, Allah loves those who act equitably!

All believers are but brethren. Hence, [whenever they are at odds,] make peace between your two brethren, and remain conscious of Allah, so that you might be graced with His mercy.

Qur'an 49:9-10

It must be noted here that in spite of such differences of opinion so severe that they lead to fighting, the Qur'an describes the two belligerent parties as "believers" and considers them "brethren" of the Community. There are extensive legal discussions and rulings covering all aspects of such unlawful rebellions against the legitimate leadership of the Community. This article is designed to show that political obligation in the *Shari'ah* is not a rigid notion that cannot accommodate rebellion or dissent even against the will of the majority and the legitimate government.

One more aspect of political obligation in Islam is worth mentioning.

<sup>7</sup> Asad, p. 69.

<sup>8</sup> Abdul-Qader Odah, *Islam and Our Political Affairs* (Cairo: Al-Mukhtar Al-Islamic, 1978), pp. 687-688.

<sup>9</sup> *Ibid.*, pp. 688-689.

In addition to the fact that the Qur'an made it very clear that no-one, not even the Prophets, has any "God-given rights," superiority, or privilege over other people, the tribal, social and political setting from which the Muslim Community emerged had been enjoying full and absolute freedom centuries before the advent of Islam. Therefore the notion of absolute monarchy or God-given royal rights and privileges is totally alien to the Arabs.<sup>10</sup>

It must be noted that political obligation in Islam is governed also by positive duties, by "calling unto what is good, enjoining the right and preventing the wrong," which is the ultimate mission and foremost duty of the Community according to the Qur'an. In other words, if a Muslim ruler or a Muslim government does not allow its citizens to perform this sacred duty among themselves and towards their rulers, by restricting the freedom of speech, freedom of association, or freedom of the press, or by any other means, this ruler or government is no longer legitimate according to the Shari'ah and the people owe him no obedience.<sup>11</sup> In a well-known tradition, the Prophet clearly considered "advice" as an essential part and requirement of a Muslim's pledge of allegiance to Allah, his Apostle, the rulers of Muslims and the Community<sup>12</sup> In another tradition.

The Apostle of Allah said: "Help your brother, be he a wrongdoer or wronged." Thereupon a man exclaimed: "O Apostle of Allah! I may help him if he is wronged, but how could I [be expected to] help a wrongdoer?" The Prophet answered: "You must prevent him from doing wrong: that will be your help to him."<sup>13</sup>

## II. Disobedience: Right or Obligation?

What should the Muslim Community do if a legitimate and just ruler deviates from the right path and becomes a tyrant? And what should the Community do in case a usurper seizes power by force to start with? There is a clear-cut general consensus among all Islamic schools of jurisprudence and all jurists on the following points:

- 1) Muslims obey rulers or governments as long as they comply fully with the *Shari'ah*.

---

<sup>10</sup> Ibn-Khaldun, *The Muqaddima, An Introduction to History* (New York: Pantheon Books, 1958), p. 306.

<sup>11</sup> Jalaluddin Al-Amry, *Enjoining the Right and Forbidding the Wrong* (Kuwait: Ray Publishing, 1980), pp. 93-107.

<sup>12</sup> Ezzeddin Ibrahim, *Forty Hadith An-Nawawi's*, (Salimiah, Kuwait: International Islamic Federation of Student Organizations, 1985), p. 44; Imam Nawawi, *Gardens of the Righteous* (London: Curzon Press, 1980), p. 47.

<sup>13</sup> Asad, p. 33.

- 2) Muslims have the absolute right and obligation to resist any violations of Shari'ah, and force the ruler by peaceful and decent means to make amends.
- 3) If all peaceful means are exhausted and the ruler or government insists on such violations, the Community has the right then to remove or oust such a ruler, and, in fact, *must* do so.

The *Shari'ah* thus elevates the right of disobedience and makes it a religious obligation which has to be fulfilled.

Unfortunately, except for some general statements, which can be interpreted and tailored to anybody's liking, Muslim jurists have failed to explain precisely:

- 1) What kind and what extent of violation justifies the ousting of a ruler?
- 2) What kind of peaceful process or procedures should be taken in order to advise the ruler, convince him, or force him to change course and amend such violations, especially if the tyrant closes every channel of communication and controls all possible ways of free expression, as they usually do?
- 3) Most importantly, who from among the Community will decide about the nature and the magnitude of such violations, the action that has to be taken, and, if necessary, declare the ruler a tyrant and release the Community from its pledge of allegiance?
- 4) Muslim jurists also have differed widely on the permissibility and limits of using force in case all peaceful means have been exhausted and nothing remains but force to oust the tyrant.

In fact the *Shari'ah* provides Muslims with a clear-cut moral and legal framework for rebellion against tyranny. It remains for Muslims to systemize this framework and put it into practice:

- A. The Qur'an, to start with, enjoins justice, prohibits injustice, and both condemns and warns against oppression:

Allah [Himself] proffers evidence—and [so do] the angels and all who are endowed with knowledge—that there is no deity save Him, the Upholder of Equity: there is no deity save Him, the Almighty, the Truly Wise.

Qur'an 3:18

O You who have attained to faith! Be ever steadfast in upholding equity, bearing witness to the truth for the sake of Allah, even though it be against your own selves or your parents and kinsfolk, and whether the person concerned be rich or poor; for Allah can best protect both [without concern for wealth or status]. Do not, then, follow your own desires, lest you swerve from justice: for if you distort [the truth], behold, Allah is indeed aware of all that you do!

Qur'an 4:135

O you who have attained to faith! Be ever steadfast in your devotion to Allah, bearing witness to the truth in all equity: and never let hatred of anyone lead you into the sin of deviating from justice. Be just: this is closest to being God-conscious. And remain conscious of Allah: verily, Allah is aware of all that you do.

Qur'an 5:8

Say, My Lord enjoins justice. . .

Qur'an 7:29<sup>14</sup>

Say: My Lord forbids only indecencies, such of them as are apparent and such as are within, and sins and trespasses against truth or reason. . .

Qur'an 7:33<sup>15</sup>

Behold, Allah enjoins justice. . .

Qur'an 16:90

Indeed, [even aforetime] did We send forth Our apostles with all evidence of [this] truth; and through them We bestowed Revelation from on high, and [thus gave you] a balance [wherewith to weight right and wrong], so that men might behave with equity; and We bestowed [upon you] from on high [the ability to make use of] iron, in which there is awesome power as well as [a source of] benefits for man: and [all this was given to you] so that Allah might mark out those who would stand up for Him and His Apostle, even though He [Himself] is unseen.

Verily, Allah is powerful, almighty!

Qur'an 57:25

B. It follows that the Qur'an orders the believers not to accept and be content with injustice and oppression:

Lo! as for those whom the angels take (in death) while they are wronging themselves, (the angels) will ask: "In what were you engaged?" They will say: "We were oppressed in the land." (The angels) will say: "Was not Allah's earth spacious that you could have migrated therein?" As for such, their habitation will be hell, an evil journey's end;

except the feeble among men, and the women, and the children who are unable to devise a plan and are not shown a way.

---

<sup>14</sup> Mohammad Marmaduke Pickthall, *The Meaning of the Glorious Koran* (New York: New American Library, n.d.), p. 123.

<sup>15</sup> *Ibid.*, p. 124.

As for such, it may be that Allah will pardon them. Allah is ever Clement, Forgiving.

Whoever migrates for the cause of Allah will find many a lonely road but also abundance in the earth, and whoever forsakes his home, a fugitive unto Allah and His messenger, and death overtakes him, his reward is then incumbent on Allah. Allah is ever Forgiving, Merciful.

Qur'an 4:97-100<sup>16</sup>

C. One step further, the Qur'an orders the believers to rebel against injustice and tyranny:

And [remember that] whatever you are given [now] is but for the [passing] enjoyment of life in this world—whereas that which is with Allah is far better and more enduring.

[It shall be given] to all who attain to faith and in their Sustainer place their trust; and who shun the more heinous sins and abominations; and who, whenever they are moved to anger, readily forgive; and who respond to [the call of] their Sustainer and are constant in prayer; and whose practice [in all matters of common concern] is consultation among themselves; and who spend on others out of what We provide for them as sustenance; *and who, whenever tyranny afflicts them, defend themselves.*

But [remember that an attempt at] requiting evil may, too, become an evil: hence, whoever pardons [his foe] and makes peace, his reward rests with God—for verily, He does not love evildoers.

Yet indeed, as for any who defend themselves after having been wronged—no blame whatever attaches to them: blame attaches but to those who oppress [other] people and behave outrageously on earth, offending against all right: for them there is grievous suffering in store!

But withal, if one is patient in adversity and forgives—this, behold, is indeed something to set one's heart upon!

Qur'an 42:36-43

D. Finally, the Qur'an makes it obligatory on the believers to fight against oppression and save the oppressed:

And how could you refuse to fight in the cause of Allah and of the utterly helpless men and women and children who are crying:

---

<sup>16</sup> Ibid., pp. 88-89.



“O our Sustainer! Lead us forth [to freedom] out of this land whose people are oppressors, and raise for us, out of Your grace, a protector, and raise for us, out of Your grace, one who will bring us succour!”

Qur'an 4:75

E. In fact, the first Muslim Community had not been allowed to resort to fighting except after they suffered thirteen years of oppression, and thus fighting has been ordained only to stop the oppressors and protect liberties.

Applied to actual warfare, the term *jihad* has been used in the Qur'an exclusively to denote a war of defense – defense of man's freedom of religion, of his country, and of the liberty of his community:

Permission to fight is given to those against whom war is being wrongfully waged – and Allah is indeed able to help them – : those who have been unjustly driven from their homes only because they said, “Our Lord is Allah.” And had not Allah enabled some people to repel others, it is certain that cloisters and churches and synagogues and mosques, in which the name of Allah is so often extolled, would have been destroyed.

Qur'an 22:39-40

It is to be borne in mind that this is the earliest reference in the Qur'an to the problems of *jihād*: on this point there is complete agreement in all available Traditions. In the above two verses the Qur'an lays down the fundamental principle of self-defense against aggression, which alone can make a war morally justifiable; and the reference to “cloisters and churches and synagogues and mosques” makes it amply clear that this defense of political and spiritual freedom must be accorded by the Muslims not only to their own community but also to all the non-Muslims living in their midst.

On no account does Islam permit its followers to wage a war of aggression:

Fight in the way of Allah against those who fight against you, but do not yourselves commit aggression: for, behold, Allah does not love aggressors. And fight against them until there is no more persecution and men are free to worship Allah [literally, “and all religion belongs to Allah”]. But if they desist, then all hostility shall cease, except against the oppressors. With regard to those [of the unbelievers] who have not made war against you on account of [your] religion and have not driven you out of your homes, Allah does not forbid you to show kindness to them and to deal with them justly: behold, Allah loves the doers of justice.

Qur'an 2:190, 193; 60:8<sup>17</sup>

<sup>17</sup> Muhammad Asad, *The Principles of State and Government in Islam* (Gibraltar: Dar Al-Andalus, 1981), pp. 71-72.

F. On the *Sunnah* side we find the same Qur'anic attitude, through the sayings of the Prophet:

Allah says, O My servants, I have forbidden oppression for myself and have made it forbidden amongst you, so do not oppress one another.<sup>18</sup>

By Him in Whose Hand I repose! You must enjoin right and forbid wrong, or else Allah will certainly send down chastisement upon you; then you will call to Him, but He will not respond to you.

Allah's punishment may not always be limited to the individuals who are remiss in this respect: it may well, as the Prophet has pointed out, affect the destinies of the entire community:

Nay, by Allah, you must enjoin right and forbid wrong, and you must stay the hand of the wrongdoer, bend him to conformity with justice [*al-ḥaqq*] and force him to do justice—or else Allah will set the hearts of you all against one another.

[And]: If people see a wrongdoer but do not stay his hand, it is most likely that Allah will encompass them all with His punishment.<sup>19</sup>

When my Community lacks the courage to face the tyrant and to say: "You are a tyrant," then this is its demise.<sup>20</sup>

Taking into consideration the three main points upon which Muslim jurists have a general consensus (page-above), and the unanswered questions (page-above), differences among jurists center on the use of force in any rebellion, where we can distinguish three major trends:

- 1) Those who contend that once force becomes the last resort, it must be used regardless of any consequences. They fall back naturally on the above-mentioned Qur'anic and prophetic ordinances, and stress the devastating damages a tyrant can inflict on the Community as a whole.
- 2) Those who believe that force is permissible but should not be used unless the chances of success outweigh the chances of failure. In other words, the Community should accept the lesser of two evils. But in case the Community is unable to enforce the change without much damage to its security, unity, and welfare, it should

<sup>18</sup> Ezzeddin Ibrahim, *Forty Hadith An-Nawawi's* (Salimiah, Kuwait: International Islamic Federation of Student Organizations, 1985), p. 80.

<sup>19</sup> Asad, pp. 81-82.

<sup>20</sup> Jalahuddin Al-Amry, *Enjoining the Good and Forbidding the Wrong* (Kuwait: Ray Publishing, 1980), p. 153.

not accept tyranny but keep resisting and preparing for the revolt. *Imām Zayd Bin Ali* (698-740 A.C.) believes<sup>21</sup> that once the rebels reach the same ratio in numbers against the opponent as the Companions who fought at the battle of Badr with the Prophet (approximately 1:10), they will have no excuse but to fight against the tyrant. This, of course, has been outdated by the mammoth growth of the modern state and its might, in addition to sophisticated and modern warfare.

3) Those who insist that any public revolt against the central authority will definitely result in disastrous anarchy and more injustice and sufferings than the existing tyranny. In the meantime, this group does not blame those who prefer to take chances and risk revolting, and do not consider them sinful as long as they rebelled against a tyrant by *Shari'ah* definition, and are well-known to be themselves just and good.<sup>22</sup> Consequently, they propagate patience and advice. Basically, they are for change provided it should take place peacefully without shedding any blood. They also advocate the notion of accepting "the lesser of two evils," but on the understanding that revolt is, in any case, the worst evil. To be sure, this group is well-armed by many traditions related to the Prophet as follows:

You are obligated to hear and to obey in prosperity and adversity, willingly or unwillingly, and even when you are treated unjustly. (Muslim)

Salamah ibn Yahid Jo'ffi asked the Holy Prophet: Tell me, if our rulers should be such that they should require from us their due and should refuse to render to us our due, what would be your direction for us? The Holy Prophet turned away from him, but he repeated his question, whereupon the Holy Prophet said: Hear them and obey them. They are accountable for their obligations and you are accountable for yours. (Muslim)

There will be discrimination after me and things that you will dislike. He was asked: Messenger of Allah, how would you direct those of us who should encounter these things? He answered: Discharge your obligations and supplicate Allah for your rights. (Bukhari and Muslim)

<sup>21</sup> Imam Zayd, *Musnad Al-Imam Zayd* (Beirut: Al-Hayat Bookshop, 1966).

<sup>22</sup> Muhammad Bin Abi-Bakr Al-Razi, *Mukhtar Al-Sihah* (Cairo, Ministry of Education, 1950), p. 354; Ibn-Khaldun, *The Muqaddimah, An Introduction to History*, Vol. 1 (New York: Pantheon Books, 1958), pp. 443-448.

If a person experiences something unpleasant at the hands of a ruler he should bear it with equanimity, for he who departs from obedience a hand's breadth dies in error. (Bukhari and Muslim)

He who dishonours the ruler is dishonoured by Allah. (Tirmidhi)<sup>23</sup>

In fairness, this group urges, in common with other groups, that the obligation of "enjoining right and preventing wrong" must be practiced by the Community in order to reduce the magnitude of injustice as much as possible and put pressure on the tyrant.

The latter two groups, 2), and 3) recognize the status quo, both in case a usurper takes over the government by force, or a legitimate ruler becomes a tyrant, on the grounds that considering both cases illegitimate will render all the acts, decisions, and contracts of the government, governors, judiciary and other authorities null and void, and thus will inflict great damage and chaos on the Community and disrupt its entire life.

It must be noted, however, that for both groups, this recognition does not mean *legalization* but is a *temporary* acceptance until this illegitimate usurper or tyrant can be changed by means acceptable to either party and replaced by a legitimate government. 'Imām Abū-Ḥāmid Al-Ghazālī (d. 505 A.C.), looks to this "temporary" recognition through the well-known rule in Islamic jurisprudence: "necessities make the forbidden permissible" and give the analogy of sanctioning the carrion that is prohibited for Muslims, but only under dire necessities, i.e. when the alternative is death. In other words, such sanction does not make carrion per se permissible but only sanctions it under certain circumstances.<sup>24</sup>

One more qualification is very crucial to all groups in regards to lawful rebellion. The leadership of any revolt should be well-known for justice, piety and goodness, in order to be a lawful revolt that can claim the allegiance and support of Muslims. Such lawful rebellion is known as *Khurūj* in the terminology of Islamic jurisprudence, meaning ending the allegiance and obedience to a tyrant. Some think that such leadership should possess the same qualifications as required in an Imam. This is why the availability of the Imam is so vital in the *Shī'ī* doctrine, since one he is available no Muslim has any excuse not to join him when he revolts. Thus the Islamic Revolution in Iran was made! But, in any case, Muslims are not allowed under any circumstances to help or join usurpers or power seekers. Such unlawful rebellion is known as *Baghy* in Islamic jurisprudence in which people revolt against

<sup>23</sup> Imam Nawawi, *Gardens of the Righteous* (London: Curzon Press, 1980), p. 136.

<sup>24</sup> Al-Razi, p. 349.

a legitimate *Iman*, or usurpers and tyrants war against one another.<sup>25</sup>

Tyrannicide has not even been mentioned, except in a very few references and in a very casual way.<sup>26</sup> Total attention has been given always to collective action. Muslim jurists by and large deal with tyranny as a system rather than an individual, hence they have discussed in great detail the scope of responsibility of various categories of people who are helping a tyrant. Khumayni, for example, classifies those who "accept office from unjust rulers" into four categories according to their motives. Khumayni first shows that even the term tyrant or unjust (*ẓālim* or *jā'ir*) is ambiguous and must be clarified before judgment can be passed on those described as such, and then he differentiates between four groups of tyrants.<sup>27</sup>

It is apparant, however, from the above-mentioned views, representing various Muslim approaches toward the use of force as a last resort against the tyrant, that tyrannicide will have both pros and cons in Muslim jurisprudence. Most of those who oppose such an act do so not because they believe that tyrants should not be killed or do not deserve capital punishment, but because of the very dire consequences that will result from leaving judgment in such a serious matter, as it is indeed, up to an individual who might be misled, overwhelmed, or influenced by a host of factors and circumstances. The same dilemma arose during the trial of the assassins of former President Anwar Al-Sadat in Cairo, when the jurists brought in by the defense confirmed to the court that according to the *Shari'ah*, Al-Sadat was a tyrant and should be killed, while the jurists brought by the prosecutor, and who were government employees, insisted that under no circumstances does the *Shari'ah* allow an individual or group of individuals to take the law into their hands and pass judgment and execute it without the victim or victims having a fair trial in front of their natural judge. The problem here is twofold. Tyrants never operate with, or buy such logic; in the meantime, most of those militant youngsters who commit tyrannicide are very religious and they usually act upon the advice of some jurists whom they trust.

### III. The Higher Call to Action

It is evident from surveying the views of various schools of Islamic jurisprudence that all jurists have been influenced naturally by the settings

<sup>25</sup> For the details of various views in these three major trends, see: Al-Nadi, *The Principle*, pp. 347-407; Al-Rayis, pp. 349-364; Abu-Zahrah, pp. 231-247; Maududi, *Caliphate*, pp. 139-186; Imarah, *Al-Mutazilah*.

<sup>26</sup> Al-Razi, p. 351.

<sup>27</sup> James P. Piscatori (ed.), *Islam in the Political Process* (Cambridge: Cambridge University Press, 1983), p. 171.

and environments they lived in, and that they interpret the *Shari'ah* in light of the circumstances prevailing in their age and the knowledge and experiences available to them.<sup>28</sup>

To bridge the gap of centuries, to learn its lessons, and to address the burning issues that confront the Muslim Community in modern times, very little has been done indeed.

The Muslim Community was the single superpower in the whole world for almost ten centuries until the recent fall of the Ottoman Empire. Within this span of time, the Muslim world was ahead of modern Europe in civilization, industry, knowledge, principles, and technology. What brought the Community to its knees and left it in this miserable state of enslavement and oppression can be summarized in one word: TYRANNY.

It remains inaccurate, however, to claim that Muslim jurists or '*Ulamā'*' had made submission to tyranny "the ruling political doctrine among the majority of Muslims of all sects."<sup>29</sup> Such claimants do not examine thoroughly even the theories of those jurists to whom they limit their reading, who were, as admitted, "high ranking functionaries in the administrations of the Abbassids, Seljuks, and Mamlukes."<sup>30</sup> It is equally inaccurate to suggest that the '*Ulamā'*' gave their verdict (fatwa) to the effect that the Qur'an and *Hadīth* enjoin all believers to render passive obedience to the rulers under all circumstances" while the opposing minority faction, e.g. the Khawārij, the Ismā'īlīs, and the Shī'īs, tended to cultivate the theory of resistance against the ruler backed by the dominant majority.<sup>31</sup> There is not a single jurist of significance who ever gave such a verdict with such wordings, let alone the other inaccuracies in the above-mentioned statement.

Any fair assessment with adequate knowledge of the heritage of Muslim jurists contradicts such inaccurate statements as those above. If the reigning dynasties put their weight behind disseminating the notion of such blind obedience and raised to prominence those who were ready to support such notions, the fact remains that the majority of the '*Ulamā'*' stood fast behind the *Shari'ah* and were entitled to give their own independent and sincere judgments, which were not supportive of total and passive obedience. It is quite evident that the Prophetic traditions calling for patience and passive obedience contradict not only the Qur'an but also the other authentic traditions that are in

---

<sup>28</sup> Abu-Zahrah, pp. 232-234; Manzooruddin Ahmed, *Islamic Political System in the Modern Age* (Karachi, Pakistan: Saad Publications, 1983), p. 148; Muhammad Asad, *The Principles of State and Government in Islam* (Gibraltar: Dar Al-Andalus, 1980), pp. 16-17; 95-107.

<sup>29</sup> Hamid Enayat, *Modern Islamic Political Thought* (Austin, Tex.: University of Texas, 1982), p. 12.

<sup>30</sup> *Ibid.*, p. 11.

<sup>31</sup> Ahmed, p. 227.

line with the Qur'anic ordinance. Here are some suggestions to resolve this contradiction:

- 1) *Imām* Ibn Hazm, the great jurist (994-1064 A.C.) ruled that the jurists' call for patience and obedience was in the early days of Islam when Muslims were weak. Consequently the call for rebelling against tyranny, which is consistent with the Qur'an, invalidated the early call for patience and obedience.
- 2) Others contend that the traditions calling for obedience in spite of injustice are relevant only in case the rebellion will result in more harm and suffering than that of the existing tyranny.
- 3) It is argued also that obedience and patience do not invalidate or contradict "enjoining the right and preventing the wrong," a duty which should prevail under all circumstances.
- 4) Patience and obedience does not require from a Muslim or justify for him carrying out the tyrant's orders that violate *Shari'ah* and harm the Community, otherwise he will share the responsibility with the tyrant.
- 5) If a Muslim chooses to act according to these traditions of patience and obedience, it may prevent him from resisting tyranny by force. Even if he does not actively resist it by force, he should not be part of this tyranny and must resist it by all other means.<sup>32</sup>
- 6) With the usurpers jumping over one another to seize power, to whom does the Community owe its allegiance? Or should the Community follow whoever conquers? Consequently this notion of obedience and patience reduces the Community to a plaything of one usurper after another and relegates the individual Muslims to the status of helpless and unconcerned onlookers who see their fate tossed like a ball from the foot of one player to another.
- 7) It seems to me that the traditions under consideration could be considered as an option for those feeble elements among the Community who do not possess, due to no fault of their own, enough moral or physical strength to rebel against injustice. Naturally people do vary in their mental, moral, and physical abilities, which has been taken into consideration in all acts of worship and religious duties. Some people can fight, some people cannot. Some love to give charity, while others may give less or do not give at all, and so on. We need only real authentic traditions like the following:

---

<sup>32</sup> For a full discussion of the subject see: Al-Nadi, *The Principle*, pp. 370-407; Al-Razi, pp. 349-364; Maududi, *Caliphate*, pp. 175-186; Ijarah, *Mutazilah*, pp. 9-42.

No obedience is due in sinful matters: behold, obedience is due only in the way of righteousness.<sup>33</sup>

The highest kind of *jihād* is to speak up for the truth in the face of a tyrant.<sup>34</sup>

Nay, by Allah, you must enjoin right and forbid wrong, and you must stay the hand of the wrongdoer, bend him to conformity with justice and force him to do justice, or else Allah will set the hearts of you all against one another.<sup>35</sup>

Reading the above-mentioned traditions, which are but a few examples, along with the clear-cut Qur'anic ordinance, one cannot help but believe that the traditions calling for passive obedience are not *the* pattern of attitude chosen for the believers but *a low degree* for the weak and helpless among them, as the Prophet himself explained in the well-known tradition:

If any of you sees something evil, he should set it right by his hand; if he is unable to do so, then by his tongue, and if he is unable to do even that, then within his heart—but this is the weakest degree of faith.

It might be appropriate to add here that the role of the *Sunnah* in relation to the Qur'an is threefold: a) to confirm, b) to explain and detail, and c) to add. But the *Sunnah* never will contradict the Qur'an:

Lo! as for those whom the angels take (in death) while they wrong themselves, (the angels) will ask: "In what were you engaged?" They will say: "We were oppressed in the land." (The angels) will say: "Was not Allah's earth spacious that you could have migrated therein? As for such, their habitation will be hell, an evil journey's end;

except the feeble among men, and the women, and the children who are unable to devise a plan and are not shown a way.

As for such, it may be that Allah will pardon them. Allah is ever Clement, Forgiving.

Qur'an 4:97-99<sup>36</sup>

<sup>33</sup> Al-Bukhary and Muslim.

<sup>34</sup> Imam Al-Nawawi, *Gardens of the Righteous* (London: Curzon Press, 1975), p. 49.

<sup>35</sup> Asad, p. 81.

<sup>36</sup> Mohammad Marmaduke Pickthall, *The Meaning of the Glorious Koran* (New York: New American Library, n.d.), p. 123.



Although Ḥasan Turabī of the Sudan has often pointed out that the institutions of *ijmā'* (consensus), *shūrā* (consultation), and *Shari'ah* with an independent judiciary, constitute a system of checks and balances, to my knowledge, none of our jurists, ancient or contemporary, except Muhammad Asad and Shaikh Muhammad Abu-Zahra<sup>37</sup> have called for a system of government that explicitly prevents the occurrence of tyranny to start with, a system with all the checks and balances that are thought to eliminate any possible abuse of power. Through centuries of struggle, Western democracies have developed a system of government designed to ensure two fundamental safeguards against any abuse of power:

- 1) Full participation of the Community in running the state's affairs and supervising the elected government and changing it if needed.
- 2) A system of checks and balances that keeps every branch of government under tough control so that no branch will exceed its limits and abuse its powers.

In spite of many loopholes and shortcomings in the Western system, it is by and large the best product of human genius until now. Nothing prevents Muslims from adapting this Western experiment and developing it more if they wish. According to the Prophet, the believer is a truth and wisdom seeker; wherever he finds wisdom he should be the first to apply it. Dr. Muhammad Fathī Osman explains how the early Muslim state since the time of the second Caliph after the Muslim conquest of the two ancient Empires adopted many regulations, systems, and administrative procedures of Roman or Persian origin. All these systems, be they financial, military, or administrative, were Islamized and integrated within the Muslim society to become part of the Islamic heritage.<sup>38</sup>

The Prophet warned his Community in a well-known tradition<sup>39</sup> that the loops holding the structure of Islam together will be undone one after another. The first loop to be torn down according to the Prophet is *government* and the last is *prayer*. He further warned that this would happen thirty years after his death when the Caliphate would be replaced by an absolute monarchy which would defend its authority and privileges at any cost.<sup>40</sup>

This took place when the Muslim Community surrendered all its basic rights to the Umayyad dynasty, where for the first time in Islamic history one family seized all levers of power, set themselves above the law of the Community *Shari'ah*, and consequently did whatever would secure their sur-

<sup>37</sup> Asad, pp. 51-107; Abu-Zahrah, pp. 231-234.

<sup>38</sup> Osman, footnote 1 above, pp. 21-47.

<sup>39</sup> Imam Ahmad Ibn Hanbal.

<sup>40</sup> Abu-Zahrah, p. 222; Maududi, *Caliphate*, p. 94.

vival and utilized everything to protect their privileges and interests against the interests of the whole Community.

This is also the first time that the *Shari'ah* lost its de facto sovereignty over the state and the actual separation between religion and statecraft took place in the world of Islam.<sup>41</sup>

Under the *Shari'ah*, Muslims have one Community, one leadership, one law and one interest or public good, but under the Umayyad dynasty, Muslims had two communities, i.e. the dynasty and the people, and consequently two laws and two conflicting interests, and two leaderships, one to rule and exert dynastic sovereignty, and another subjugated leadership for prayers and purely personal affairs. It was the foremost mission for all these tyrant dynasties to secure their survival by confining the *Shari'ah* to the remotest corner of their communities' lives. Emanating from these early days, this ceaseless struggle between the usurpers and the Muslim Community has been waged throughout Islamic history.

Since Muslims are required by the *Shari'ah* to look into their own history and the history of other nations and learn its lessons, they can easily realize that tyranny always has been the most costly and destructive of the two evils and that the price paid by any Community for freedom and justice has been far less than the dreadful cost paid for tyranny.

All development is on the side of freedom and against slavery. The mammoth growth of the modern state has increased its might considerably, but made it more vulnerable to the might of the individual citizens in concert and more in need of them and their support and cooperation. Persons acting together in submission to Allah can peacefully conquer any tyrannical power, provided they have the will, the determination, and the unity; and this is undoubtedly the foremost sacred obligation in Islam. We should always remember that when the person listens, Allah answers, and when the Community obeys, Allah acts.

---

<sup>41</sup> Al-Nafisi, *When Islam Governs*, p. 109.