

**Arab Spring and Ulama's Discourse on *Khurūj*: (Dis)connecting  
Classical Political Concept to Modern Context**

**A Thesis**

**Submitted to the Master's Study Program of Islamic Studies at the Faculty of  
Islamic Studies in partial fulfillment of the requirements for the degree of**

**Master of Arts (M.A.)**



by:

**Muhammad Faris Ibrahim**

**01212210015**

UNIVERSITAS ISLAM INTERNASIONAL INDONESIA

DEPOK

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## ABSTRACT

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One of the characteristics often attributed to *Sunnī* political discourse is its permissive attitude towards political despotism. This perception gained further relevance starting in 2010 during the Arab Spring revolutions when prominent ulama such as ‘Alī Jum'a, the *Muftī* of Egypt, ‘Abd Allāh ibn Bayyah, the head of the *Fatwā* Council of the United Arab Emirates, and Sa’īd Ramaḍān al-Būṭī, the head of the Union of Ulama in Syria, chose to oppose the revolutionary movements and legitimize the power of the status quo regimes. In justifying their anti-revolutionary stances, they referred to the views of pre-modern ulama who rejected the legitimacy of rebellion against unjust or corrupt ruler (al-khurūj alā al-ḥākim al-ẓālim aw al-fāsiq). This study aims to trace the development of this *khurūj as a* concept from the early Islamic period through the medieval era and how it was subsequently referenced in the context of modern nation-state during the Arab Spring by ‘Alī Jum'a, Ibn Bayyah and al-Būṭī in opposing the revolutions. This research employs Peter L. Berger's theory of social reality construction, arguing that social reality is essentially formed by the process of externalization, where individuals project their thoughts, ideas, and experiences into the social world. This is precisely the role played by these three ulama in shaping the political reality during the Arab Spring. Additionally, this study adopts a comparative approach to compare the pre-modern and modern ulama's discourses with paying attention to Foucault's genealogy concept that focuses on shifts that led to the emergence of new ways of thinking of *khurūj* as a concept in Islamic political law (*siyāsa shar’iyya*). This study found that resistance to political despotism has been present since the early Islamic period and continued through the medieval era, manifesting in both violent opposition, such as armed rebellion (*khurūj*), and peaceful opposition, including verbal protests and mass actions like demonstrations, strikes, and sit-ins. However, by the end of the followers (*tābi’īn*) period, peaceful approaches became the predominant method among the ulama, with a consensus claim emerging among ulama to prohibit armed rebellion (*khurūj*) against unjust rulers. This research argues that the tendency of ‘Alī Jum'a, Ibn Bayyah, and al-Būṭī to selectively adopt specific pre-modern ulama's views on the concept of *khurūj*, based on their anachronistic reasoning regarding the complex realities (*wāqi’*) of the Arab Spring, has shaped their anti-revolutionary discourses, which directly or indirectly legitimize political despotism.

Keywords: *Khurūj, Ulama, Arab Spring, Rebellion, Islamic Political Law*

## ملخص البحث

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الدراسات الإسلامية

الجامعة الإسلامية العالمية الإندونيسية

من الخصائص التي تُنسب غالباً إلى الخطاب السياسي السني هو تسامحه مع الاستبداد السياسي. هذه النظرة اكتسبت أهمية إضافية بدءاً من عام 2010 خلال ثورات الربيع العربي عندما اختار علماء بارزون مثل علي جمعة، مفتي مصر، وعبد الله بن بيه، رئيس مجلس الفتوى في الإمارات، وسعيد رمضان البوطي، رئيس اتحاد العلماء في سوريا، معارضة الحركات الثورية وتبرير قوة الأنظمة القائمة. في تبرير مواقفهم المضادة للثورة، احتجوا بآراء العلماء ما قبل الحداثة الذين رفضوا شرعية الثورة ضد الحاكم الظالم أو الفاسق. تهدف هذه الدراسة إلى تتبع تطور هذا المفهوم أي الخروج منذ الفترة الإسلامية المبكرة ثم العصور الوسطى وكيف تم الإشارة إليه لاحقاً في سياق الدولة القومية الحديثة خلال الربيع العربي من قبل علي جمعة وابن بيه والبطوطي في معارضة الثورات. تعتمد هذه الدراسة على نظرية بناء الواقع الاجتماعي لبيتر ل. بيرجر (Peter L. Berger)، التي تقول بأن الواقع الاجتماعي يتشكل من خلال عملية الإخراج حيث يقوم الأفراد بإسقاط أفكارهم وخبراتهم في العالم الاجتماعي. وهذا هو الدور الذي لعبه هؤلاء العلماء الثلاثة في تشكيل الواقع السياسي خلال الربيع العربي. بالإضافة إلى ذلك، تتبنى هذه الدراسة نهجاً مقارناً لمقارنة خطابات العلماء ما قبل الحداثة والحديثة مع الاهتمام بمفهوم الجنيولوجيا لفوكو (Foucault) الذي يركز على التحولات التي أدت إلى ظهور طرق جديدة في التفكير في مفهوم الخروج في السياسة الشرعية. وجدت هذه الدراسة أن المقاومة ضد الاستبداد السياسي كانت موجودة منذ الفترة الإسلامية المبكرة واستمرت خلال العصور الوسطى، متجلية في المعارضة العنيفة مثل الثورة المسلحة (الخروج) والمعارضة السلمية بما في ذلك الاحتجاجات اللفظية والأعمال الجماعية مثل المظاهرات والإضرابات والاعتصامات. ومع ذلك، بنهاية فترة التابعين، أصبحت الأساليب السلمية هي الطريقة السائدة بين العلماء، وظهر ادعاء بالإجماع بين العلماء على حظر الثورة المسلحة (الخروج) ضد الحكام الظالمين. احتجت هذه الدراسة بأن ميل علي جمعة وابن بيه والبطوطي إلى تبني آراء محددة لعلماء ما قبل الحداثة بشأن مفهوم الخروج، بناءً على تفكيرهم الاسترجاعي حول الواقع المعقد للربيع العربي، قد شكّل خطاباتهم المضادة للثورة، مما يضيف الشرعية بشكل مباشر أو غير مباشر على الاستبداد السياسي.

الكلمات المفتاحية: الخروج، العلماء، الربيع العربي، الثورة، السياسة الشرعية

# TRANSLITERATION GUIDE

## IJMES TRANSLITERATION SYSTEM FOR ARABIC, PERSIAN, AND TURKISH

### CONSONANTS

A = Arabic, P = Persian, OT = Ottoman Turkish, MT = Modern Turkish

	A	P	OT	MT		A	P	OT	MT		A	P	OT	MT
ء	ʾ	ʾ	ʾ	—	ز	z	z	z	z	ك	k	k or g	k or ñ	k or n
ب	b	b	b	b or p	ژ	—	zh	j	j				or y	or y
پ	—	p	p	p	س	s	s	s	s				or ğ	or ğ
ت	t	t	t	t	ش	sh	sh	ş	ş	گ	—	g	g	g
ث	th	ṯ	ṯ	s	ص	ṣ	ṣ	ş	s	ل	l	l	l	l
ج	j	j	c	c	ض	ḍ	ẓ	ẓ	z	م	m	m	m	m
چ	—	ch	ç	ç	ط	ṭ	ṭ	ṭ	t	ن	n	n	n	n
ح	ḥ	ḥ	ḥ	h	ظ	ẓ	ẓ	ẓ	z	ه	h	h	h <sup>1</sup>	h <sup>1</sup>
خ	kh	kh	h	h	ع	ʿ	ʿ	ʿ	—	و	w	v or u	v	v
د	d	d	d	d	غ	gh	gh	g or ğ	g or ğ	ي	y	y	y	y
ذ	dh	ẓ	ẓ	z	ف	f	f	f	f	ة	a <sup>2</sup>			
ر	r	r	r	r	ق	q	q	q	k	ال	a <sup>3</sup>			

<sup>1</sup> When h is not final. <sup>2</sup> In construct state: at. <sup>3</sup> For the article, al- and -l-.

### VOWELS

	ARABIC AND PERSIAN	OTTOMAN AND MODERN TURKISH
<i>Long</i>	ا or آ ā	ā
	و ū	ū
	ي ī	ī
		} words of Arabic and Persian origin only
<i>Doubled</i>	آي iy (final form ī)	iy (final form ī)
	وو uw (final form ū)	uvv
<i>Diphthongs</i>	او au or aw	ev
	اي ai or ay	ey
<i>Short</i>	ا a	a or e
	و u	u or ü / o or ö
	ي i	i or i

For Ottoman Turkish, authors may either transliterate or use the modern Turkish orthography.

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Last but not least, I dedicate this thesis to all the martyrs of the Arab Spring revolution. May Allah place them in His highest *janna*. Killing flowers will never delay the spring. One day, spring will surely return, as Allah has promised to make the oppressed the future leaders and inheritors of the land.

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## CHAPTER I INTRODUCTION

### 1.1. Background

It has been fourteen years since the Arab Spring, marked by revolutionary movements opposing authoritarian regimes deemed responsible for a variety of crises, including rampant corruption, poor living conditions, and a lack of electoral transparency in countries such as Tunisia, Libya, Egypt, Yemen, and Syria.<sup>1</sup> Interestingly, several ulama have played a significant role in interpreting these revolutionary phenomena in a manner that diverges from popular resistance against political despotism (*al-tughyān al-siyāsī*). Instead of aligning with the people to oppose such regimes, these ulama have chosen to support the legitimacy of the status quo regimes, thereby resisting the revolutions aimed at overthrowing them.

In opposing the revolutions, ulama such as the *Mufī* of Egypt, ‘Alī Jum’a, the Head of the United Arab Emirates *Fatwā* council, ‘Abd Allāh ibn Bayyah, and the Chairman of the Association of Syrian Scholars, Sa’īd Ramaḍān al-Būfī, reference the classical Islamic law concept concerning rebellion against ruler (*al-khurūj alā al-ḥākim*).<sup>2</sup> What is noteworthy is that despite invoking Islamic law’s concept regarding rebellion, their respective countries do not fully implement Islamic law, except in limited areas such as family law. Furthermore, their reasoning for opposing the revolutions by employing the concept of *khurūj* is fundamentally based on the assumption that the presidents of these countries are analogous to caliphs or sultans, even though the qualifications and methods of their selection differ significantly from those outlined in classical Islamic political law (*siyāsa al-shar’iyya*).

Thus, there exists a gap between the *fatwā* issued by those contemporary ulama such as ‘Alī Jum’a, Ibn Bayyah, and al-Būfī during the Arab Spring, and the concept of *khurūj* as understood by pre-modern ulama like the four *fiqh*’s Imams of the early Islamic period, and medieval ulama such as al-Māwardī (450 AH/1058 CE), Ibn Ḥazm al-Andalusī (d. 456 AH/1064 CE), Abū Ya’lā al-Farrā’ (458 AH/1066 CE), al-Juwaynī (d. 478 AH/1085 CE), al-Ghazālī (d. 505 AH/1111 CE), Ibn Qudāma (d. 620 AH/1223 CE), Ibn Taymiyya (d. 728 AH/1328 CE), and Ibn Jamā’a (733 AH/1332 CE). One crucial aspect that warrants further discussion is their tendency to view peaceful mass protests as

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<sup>1</sup> Taufiqul Hadi et al., “Al-Khurūj ‘alā al-Ḥākim fī al-Fiqh al-Siyāsī al-Islāmī: Dirāsa ‘alā Ma’nā al-Thawrah,” *Al-Ahkam* 33, no. 1 (April 30, 2023): 113–32, <https://doi.org/10.21580/ahkam.2023.33.1.14948>.

<sup>2</sup> *Khurūj alā al-ḥākim* is a concept in classical Islamic political law, referring to the armed rebellion against an *imām* or *sultān* deemed unfit to attain or maintain their leadership. This unfitness may arise due to disbelief, immorality, or incapacity to fulfill their obligations as a ruler, including upholding religious rulings, ensuring the rights of their subjects, and managing state affairs. Read: Hadi et al.; ‘Abd al-Qādir ‘Awda, *Al-Islām Wa Awḍā’unā al-Siyāsa* (Cairo: Mu’asasa Ḥandāwī li l-Ta’līm wa l-Thaqāfa, 2014), 162; Muḥammad ‘Abd al- Karīm, *Tafkīk Al-Istibḍā: Dirāsa Maqāṣidiyya fī Fiqh al- Taḥarrur Min al- Taghallub* (Beirut: Arab Network for Research and Publishing, 2013), 136.

acts of *khurūj*, whereas in the terminology of pre-modern ulama, the term *khurūj* specifically referred merely to armed rebellion (al-*khurūj* bi l-*sayf*).<sup>3</sup>

And in reality, the legal status of armed rebellion (*khurūj* bi l-*sayf*) against an unjust ruler, despite having strong foundations among early Islam ulama, has gradually reached a discursive position later among pre-modern ulama that tends to prohibit it, due to the greater harm and damage it causes compared to its benefits. Nevertheless, the the Arab Spring revolutions have prompted ulama to revisit this concept within the new political reality of modern nation-state, not only to prevent armed rebellion (*khurūj*), but also to curb all forms of opposition aimed at holding rulers accountable. While Western countries have been more successful in preventing political despotism, these ulama, through their reasoning on *khurūj*, have seemingly justified the accusation of an authoritarian *Sunnī* political discourse that tends to be permissive towards the tyranny of rulers and opposed any actions to resist them (political non-resistance).<sup>4</sup>

Thus, through this problem, in this research, I aim to analyze how the discourse of *Sunnī* ulama opposition to political despotism has evolved over time. In reality, such opposition has never been absent from the discourse of ulama since the early period of Islam, whether through armed rebellion (*khurūj*) or peaceful protests, both verbal and through mass actions. Gradually, this opposition tended to shift towards the latter approach by the pre-modern medieval period, with the majority of ulama claiming consensus to prohibit armed rebellion (*khurūj*). However, the Arab Spring events seem to have prompted *ulama* to revisit this concept and its relevance in the context of modern nation-state. Therefore, in this research, I will analyze to what extent are the *khurūj* discourses of ‘Alī Jum’a, Ibn Bayyah, and al-Būṭī in legitimizing political despotism influenced by the *khurūj* discourses of pre-modern ulama, to compare whether their discourse is connected or disconnected?

## 1.2. Formulation of Problem Statement

Since the early period of Islam, particularly after the era of the rightly-guided Caliphs (*khulafā’ al-rāshidīn*), political issues began to surface, marked by the emergence of tyrannical rulers (*mulūk jabābira*). To address these issues, there emerged at least two approaches towards tyrannical rulers who insisted on maintaining their legitimacy. Some ulama adopted a hard stance, seeking to depose these rulers through violence, a practice subsequently referred to as *khurūj*. Conversely, other ulama opted for a different approach, choosing peaceful opposition. Over time, peaceful opposition to tyrannical rulers, in various forms such as verbal criticism or peaceful protests, became more dominant in the discourse of the ulama. They increasingly preferred to collectively prohibit *khurūj* against tyrannical rulers. Although some ulama continued to legitimize

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<sup>3</sup> ‘Abd Allāh ibn ‘Umar al-Damījī, *Al-Imāma al-‘Uzmā ‘Inda Ahl al-Sunna wa l-Jamā’a* (Riyāḍ: Dār al-Ṭayyiba, n.d.), 679.

<sup>4</sup> Muhammad Al-Marakeby, “Al-Majāl al-‘Ām al-Islāmī Qabla al-Ḥadātha: Naḥwa Sardiyya Mukhtalifa,” 1st ed., Maghārib, al-kitāb 1 (Fās: Markaz Maghārib, 2018), 59–70; Hadi et al., “Al-Khurūj ‘alā al-Ḥākīm fī al-Fiqh al-Siyāsī al-Islāmī.”

*khurūj*, their discourse became marginalized within the broader discourse of the majority of Sunnī ulama.

This trend can be observed in the medieval period, where the discourse of the ulama tended to prohibit *khurūj* but with more complex Islamic legal reasoning than the ulama of the early Islamic period. The inclination to prohibit *khurūj* and to accept and maintain the imamate of tyrannical rulers subsequently reinforced the perception in the modern era of the despotic nature of Eastern societies, as these societies incorporated Islamic principles into their political life. The events of the Arab Spring seemed to further reinforce this perception. Ulama such as ‘Alī Jum’a, Ibn Bayyah, and al-Būṭī employed the concept of *khurūj* to reject the Arab Spring revolutions and legitimize the power of authoritarian regimes. In bolstering their arguments, they referenced the pre-modern ulama’s discourse on *khurūj*, applying it anachronistically<sup>5</sup> to the context of modern nation-states, which, through democratic principles, are inherently antagonistic to political despotism.

Departing from this problem, my research will attempt to answer the following questions: How has the discourses of ulama opposition to political despotism, through both armed rebellion (*khurūj*) and peaceful protests, evolved from the early era of Islam until the end of pre-modern era, and under what conditions did a consensus tendency to prohibit armed rebellion (*khurūj*) emerge? And in the context of the Arab Spring in the modern era, I will analyze to what extent their selectivity of specific views of pre-modern ulama on *khurūj* has shaped their anti-revolutionary discourses based on their reasoning about the realities (*wāqī’*) occurring during the Arab Spring? Additionally, what are the similarities and differences between their discourse and that of the pre-modern ulama, to compare whether their discourse is connected or disconnected?

### 1.3. Objective of Study

This research will investigate the evolution of the discourse on rebellion (*khurūj*) against oppressive rulers from the early Islamic period, particularly after the era of the rightly-guided Caliphs (*khulafā’ rāshidīn*), through the medieval period before modern era, particularly before 19<sup>th</sup> century. It will examine how the discourse of ulama during those times was negotiated within the existing political realities, and the portrayal of peaceful opposition as an alternative to acts of rebellion. As a continuation from those eras, this study will also elucidate the discourse of ulama in the modern era within the context of nation-state, analyzing the discourse of ‘Alī Jum’a, Ibn Bayyah, and al-Būṭī during the Arab Spring as a case study. By first outlining the socio-political factors influencing their stances, it will compare the similarities and differences in their reasoning in rejecting revolutions and legitimizing authoritarian regimes. Finally, it will

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<sup>5</sup> An anachronism involves attributing to the original and learned thinkers of the past ideas and methods that align not with their own assumptions and abilities, but with those of our contemporary context. Read: Anthony Grafton, *Forgers and Critics: Creativity and Duplicity in Western Scholarship* (Princeton, New Jersey: Princeton University Press, 1990), 118.

examine the extent to which their tendency to selectively adopt arguments from pre-modern ulama on *khurūj* has shaped their anti-revolutionary discourse.

#### 1.4. Literature Review

Numerous works have engaged with the discourse of rebellion against ruler (al-*khurūj alā al-ḥākim*), yet significant gaps remain in need of further refinement. Existing discussions on *khurūj* predominantly grapple with elucidating the "why" behind the ulama's legitimization of such events. However, what remains conspicuously understudied is the "how" – the methodological nuances through which the ulama formulate their arguments. Therefore, this research seeks to address these gaps by delving into both the "why" and the "how" in the context of the ulama's perspectives on *khurūj* particularly in the period of Arab Spring started from 2011.

Regarding "why" questions, Antony Black (2011), for instance, argues that the concept of *khurūj* as a political concept historically emerged among Sunnīs in the early 11th century CE. Its primary objective was to protect the Abbasid Caliphate, considered the legitimate government, from the *khurūj* (rebellions) by the Shīʿa Imāmiyya and Ismaʿīliyya factions, who sought to seize the caliphate. Thus, during that period, according to Black, the stance of political non-resistance towards the ruler became a common norm among Sunnīs to maintain political stability.<sup>6</sup>

Similarly, Ebrahim Moosa (2015), in the context of the Arab Spring, delves into the "why" question regarding why ulama like ʿAlī Jumʿa and Saʿīd Ramaḍān al-Būfī tended to adopt anti-revolutionary stances. Moosa argues that they were influenced by the political theology of the medieval period, which leaned towards authoritarianism.<sup>7</sup> Amr Osman (2015) further elaborates on Moosa's argument, suggesting that the anti-revolutionary tendencies of the ulama during the Arab Spring, which manifested as authoritarianism, were due to a preference for stability and a strong opposition to any form of disorder caused by *khurūj* (rebellion) against the ruler.<sup>8</sup>

The aforementioned studies hint at a discussion of *khurūj* that considers only the Islamic political-legal tradition as the reason for the ulama's influence in justifying authoritarian regimes and counter-revolution. In contrast, Mohammed Fadel (2016) presents a breakthrough argument, questioning the adherence of ʿAlī Jumʿa to classical

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<sup>6</sup> Antony Black, *The History of Islamic Political Thought: From the Prophet to the Present*, NED-New edition, 2 (Edinburgh University Press, 2011), 169, <https://www.jstor.org/stable/10.3366/j.ctt1g0b63h>.

<sup>7</sup> Ebrahim Moosa, "Political Theology in the Aftermath of the Arab Spring: Returning to the Ethical," in *The African Renaissance and the Afro-Arab Spring: A Season of Rebirth?*, ed. Charles Villa Vicencio and Erik Doxtader (Washington DC: Georgetown University Press, 2015), 114–16.

<sup>8</sup> Amr Osman, "Past Contradictions, Contemporary Dilemmas: Egypt's 2013 Coup and Early Islamic History," *Digest of Middle East Studies* 24, no. 2 (2015): 303–26, <https://doi.org/10.1111/dome.12071>.

Islamic discourses. Fadel contends that Jum'a's commitment to these discourses is dubious. However, 'Alī Jum'a's focus is not on democratization of Egypt; rather, it is on maintaining orthodoxy and preserving the role of al-Azhar as the principal reference for religious authority.<sup>9</sup> This Fadel's argument, signifies a study that transcends classical Islamic concepts in understanding the "why" behind the ulama's stance on anti-revolution.

David H. Warren's (2017) argument aligns with Fadel's in expressing skepticism regarding 'Alī Jum'a's adherence to classical Islamic traditions (*turāth*) when justifying the coup and labeling the demonstrators supporting Mursī's legitimacy as *khawārij*. Warren argues that 'Alī Jum'a was instead influenced by the discourse of Muslim modernists such as Rifā'a al- Ṭaḥṭāwī, who prioritized the future welfare of the nation even if it had to be through justifying violence, even massacre as happened in the 2013 Egyptian coup.<sup>10</sup> Thus, it is not the classical Islamic concepts that exert influence, but rather modern concepts such as nationalism and a consequentialist approach, wherein any means to achieve public good (*maṣlaha*) are justified.

Furthermore, in the context of the Arab Spring in Egypt, some scholars even did not prioritize highlighting the classical Islamic and modern discourses behind the coup like Fadel and Warren. In contrast, Khaled Abou El Fadl (2013 & 2014), highlighted Egypt's stifled development under prolonged military rule<sup>11</sup> and the failure of democratization due to secular intellectuals' support for the military regime.<sup>12</sup> Similarly, Aria Nakissa (2015) examined the differing legal methodologies of pro-revolution and anti-revolution ulama. Nakissa found that pro-revolution ulama innovated within Islamic legal literature, creating the Fiqh of Revolution (*fiqh al-thawra*), while anti-revolution ulama adhered to conventional legal frameworks.<sup>13</sup>

From the previous literature, it can be concluded that there has not been sufficient effort to examine "how" ulama build their reasoning in legitimizing the legitimacy of anti-revolution regimes by using the discourse of *khurūj*. This is where Muḥammad Rofiq Muzakkir's (2019) research takes on that role when he specifically discusses 'Alī Jum'a's discourse, which he argues is based on concepts in the Islamic intellectual tradition such as *taghallub ahl al- shawka* (the conquest by the possessor of force/military), *al- Imām*

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<sup>9</sup> Mohammad Fadel, "Islamic Law and Constitution-Making: The Authoritarian Temptation and the Arab Spring," *Osgoode Hall Law Journal* 53, no. 2 (January 1, 2016): 472–507.

<sup>10</sup> David H. Warren, "Cleansing The Nation of The 'Dogs of Hell': 'Ali Jum'a's Nationalist Legal Reasoning In Support of The 2013 Egyptian Coup and Its Bloody Aftermath," *International Journal of Middle East Studies* 49, no. 3 (August 2017): 457–77, <https://doi.org/10.1017/S0020743817000332>.

<sup>11</sup> Khaled Abou El Fadl, "The Praetorian State in the Arab Spring," *University of Pennsylvania Journal of International Law* 34, no. 2 (January 1, 2013): 305–14.

<sup>12</sup> Abou El Fadl Khaled, "Failure of a Revolution: The Military, Secular Intelligentsia and Religion in Egypt's Pseudo-Secular State," in *Routledge Handbook of the Arab Spring* (Routledge, 2014).

<sup>13</sup> Aria Nakissa, "The Fiqh of Revolution and the Arab Spring: Secondary Segmentation as a Trend in Islamic Legal Doctrine," *The Muslim World* 105 (July 1, 2015), <https://doi.org/10.1111/muwo.12098>.

*al- Maḥjūr* (detained ruler), *binā'an alā sha'b* (the will of the people), and also *khurūj* (rebellion).<sup>14</sup> However, his research only took 'Alī Jum'a as his object of study, and the focus of the discourses he analyzed was too broad, encompassing more than just *khurūj*, resulting in 'Alī Jum'a's discourse on *khurūj* being discussed only briefly.

A similar approach was taken by Yomna Helmy (2021) when discussing the discourse of 'Abd Allāh ibn Bayyah. Helmy analyzed the "how" of Ibn Bayyah's reasoning in justifying Islamic autocracy. However, her study focused primarily on how Ibn Bayyah politicized the theory of *maqāsid* to justify his anti-revolutionary stance. She only briefly explained Ibn Bayyah's discourse on *khurūj* during the Arab Spring. According to Helmy, Ibn Bayyah played a crucial role in promoting the long-held classical *fiqh* principle that rebellion (*khurūj*) against the ruler must be prohibited and that there should be no opposition to the ruler in any form.<sup>15</sup>

Inspired by Muzakkir and Helmy, this thesis will examine the discourses of 'Alī Jum'a, 'Abd Allāh Ibn Bayyah, and Sa'id Ramaḍān al-Būṭī on *khurūj* in opposing revolutions and supporting the legitimacy of authoritarian regimes. Unlike Fadel or Warren, I emphasize the significance of the Islamic tradition (*turāth*) as a foundational reference without merely replicating it. My approach entails analyzing the reasoning of ulama through a modern perspective, acknowledging the inevitable intersection between these ulama and the realities of the modern nation-state system.

Furthermore, rather than solely framing this discourse of *khurūj* in terms of the dichotomy proposed by Usaama al-Azami (2021) between ulama who support or reject it within the context of democracy versus autocracy<sup>16</sup>—a perspective that remains entrenched in the "why" research framework—I will also delve into the "how" aspect. A similar approach to that of al-Azami has also been employed by Taufiqul Hadi (2023), whose research may be the closest to this research. He examined the contestation between Yūsuf al-Qarḍāwī and Sa'id Ramaḍān al-Būṭī during the Syrian revolution, focusing on the concept of *khurūj alā al-ḥākīm*.<sup>17</sup> However, unlike my research, I do not employ a contestation framework; instead, I broaden the scope of my research to include the Arab Spring.

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<sup>14</sup> Muhamad Rofiq Muzakkir, "Understanding the Discourse of 'Alī Jum'ah on the Military Coup During the Arab Spring in Egypt," *Ilahiyat Studies* 10, no. 2 (2019): 229–63, <https://doi.org/10.12730/13091719.2019.102.196>.

<sup>15</sup> Yomna Helmy, "From Islamic Modernism to Theorizing Authoritarianism: Ibn Bayyah and the Politicization of the Maqāsid Discourse," *American Journal of Islam and Society* 38, no. 3–4 (April 22, 2022): 36–70, <https://doi.org/10.35632/ajis.v38i3-4.2934>.

<sup>16</sup> Usaama al-Azami, *Islam and the Arab Revolutions: The Ulama between Democracy and Autocracy* (London: Hurst & Company, 2021), 14–30.

<sup>17</sup> Taufiqul Hadi, "Maḥmūd al- Khurūj 'Alā al Ḥākīm al Dhālim: Dirāsa Muqārana Li Fikr Muḥammad Sa'id Ramaḍān al Būṭī wa Yūsuf Qarḍāwī" (Doctoral thesis, Uin Sunan Kalijaga Yogyakarta, 2023), <https://digilib.uin-suka.ac.id/id/eprint/59744/>.

Unlike Hadi, I also focus exclusively on ulama other than al-Būṭī, namely Ibn Bayyah and ‘Alī Jum’a, who were anti-revolutionary, and examine the extent of their commitment to the Islamic legacy (turāth) regarding rebellion against rulers. Like Talal Asad, I believe that a scholar studying Islam must consider an individual's specific discourse, which depends on its continuity with classical discourse.<sup>18</sup> Furthermore, this thesis will examine “how” ulama such as ‘Alī Jum’a, ‘Abd Allāh Ibn Bayyah, and Sa’īd Ramaḍān al-Būṭī construct their discourse on *khurūj*. I will compare their discourses with each other and with those of pre-modern ulama to assess the connections and disconnections in the context of opposing revolution during the Arab Spring. Additionally, I will also consider the “why” question, which is the socio-political contexts that shape the discourses of these ulama.

### 1.5. Research Significance

In general, the significance of this research in the field of Islamic Studies lies in its attempt to conduct a critical reading of the assumption that one characteristic of *Sunnī* political discourse tends to be permissive towards political despotism. One concept frequently employed by ulama to justify this, directly or indirectly, is the concept of *khurūj*, originally meaning in classical Islamic law as armed rebellion to overthrow a ruler, later interpreted to encompass any form of opposition to rulers, including peaceful protests demanding unmet rights. Consequently, the significance of this research lies in my effort to demonstrate that in the pre-modern era, amidst claims of consensus, there were still ulama legitimizing armed rebellion against oppressive rulers, alongside numerous examples of peaceful protests as alternatives to armed rebellion. This research is also significant in illustrating how Islamic political law concepts, particularly the concept of *khurūj*, were interpreted by jurists in the context of nation-state, which differed in reality during the pre-modern era. Thus, the discourse of ‘Alī Jum’a, Ibn Bayyah, and al-Būṭī on the Arab Spring events portrays negotiations between Islamic law tradition and modernity. Eventually, the significance of this research lies not only in addressing the "why" question that seeks to explore the socio-political context behind the anti-revolutionary stance of these ulama but also in answering the "how" question. This involves examining how the ulama construct their reasoning regarding the concept of *khurūj* to legitimize political despotism.

### 1.6. Theory Framework

In examining the discourse of *khurūj* among ulama during the Arab Spring, I rely on the theory of social construction of reality developed by Peter L. Berger. Berger posits that society is fundamentally a human product, created through a three-stage process. The first stage is externalization, where a group of individuals generate reality by expressing their thoughts, ideas, and experiences into the social world. The second stage,

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<sup>18</sup> Talal Asad, “The Idea of an Anthropology of Islam,” *Qui Parle* 17, no. 2 (December 1, 2009): 1–30, <https://doi.org/10.5250/quiparle.17.2.1>.

objectification, involves the social construction created by this group being perceived as an objective reality, which becomes a recognized and observable part of the real world for everyone within the society. Finally, the third stage is internalization, where individuals assimilate the socially constructed reality that has been objectified, integrating it into their understanding of the world. This process encompasses the acceptance of established norms, values, and beliefs within the society.<sup>19</sup>

I observe that ‘Alī Jum’a, Ibn Bayyah, and al-Būṭī played crucial roles in the first stage, externalization. As Islamic jurists, through their *fatwā*, writings, and lectures, they articulated political and legal Islamic concepts, such as the concept of *khurūj alā-ḥākīm* (rebellion against ruler). This articulation created a specific reality during the Arab Spring events, where their views on *khurūj* and its interpretations, once externalized, began to be regarded as part of the objective reality by society. This reality was then internalized through a process of socialization, becoming accepted as Islamic legal and political norms. This highlights the significant role these three ulama played in shaping the political reality during the Arab Spring.

Furthermore, one noteworthy point here also is how these three ulama, as modern Islamic jurists, interpret multiple layers of realities within the realm of Islamic law according to their limited imaginations. This leads to a tendency to justify certain realities through a subjective approach to realistic *fiqh* (*fiqh al-wāqī’*), which differs from one scholar to another.<sup>20</sup> Through this approach, I will examine ‘Alī Jum’a, Ibn Bayyah, and al-Būṭī’s interpretations of the realities (*wāqī’*) during the Arab Spring revolutions being employed to justify specific realities, particularly to legitimize political despotism.

### 1.7. Research Methodology

This research utilizes qualitative research using a comparative approach to compare the pre-modern and modern ulama's discourses with paying attention to Foucault's genealogy concept that focuses on ruptures, conflicts, and shifts in power that led to the emergence of new ways of thinking of *khurūj* as a concept in Islamic political law (*siyāsa shar'iyya*).<sup>21</sup> I will use this approach to examine the changes and developments of *khurūj* as a concept in Islamic political law (*siyāsa shar'iyya*) from time to time, and also to compare the ulama's discourses on rebellion against ruler (*khurūj alā*

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<sup>19</sup> Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (England: Penguin Books, 1991), 78–79; Ferry Adhi Dharma, “The Social Construction of Reality: Peter L. Berger’s Thoughts About Social Reality,” *Kanal: Jurnal Ilmu Komunikasi* 7, no. 1 (September 1, 2018): 1–9, <https://doi.org/10.21070/kanal.v6i2.101>.

<sup>20</sup> Alexandre Caeiro, “Facts, Values, and Institutions: Notes on Contemporary Islamic Legal Debate,” *American Journal of Islam and Society* 34, no. 2 (April 1, 2017): 42–74, <https://doi.org/10.35632/ajis.v34i2.767>.

<sup>21</sup> Gabrielle M. Spiegel, “Foucault and the Problem of Genealogy,” *The Medieval History Journal* 4, no. 1 (April 2001): 1–14, <https://doi.org/10.1177/097194580100400101>; Michel Foucault, *The Archeology of Knowledge*, trans. A.M. Sheridan Smith (New York: Pantheon Books, 1972), 135–98.

al-ḥākim) with the pre-modern ulama's discourses to defend the legitimacy of the status quo authoritarian regimes in the Arab Spring. As for the sources related to this research, to discuss the development of the *khurūj* concept, especially in the pre-modern era, my primary sources refer to books on Islamic political law (*siyāsa shar'iyya*) that discuss the concept of rebellion against ruler (*khurūj alā al-ḥākim*). Furthermore, to delve into the socio-political backgrounds of these ulama on that period, I will also draw upon classical biographies of ulama (*tarājim al-ulamā'*). Additionally, in exploring their reasoning regarding *khurūj* during the Arab Spring, I will consult a wide array of textual and digital sources, including lectures and published writings that directly or indirectly responded to the Arab Spring revolutions in that period. The selection of 'Alī Jum'a, Ibn Bayyah, and al-Būṭī is deliberate due to their classification as jurists of the state (*fuqahā' al-dawla*), as categorized by Motaz al-Khatīb.<sup>22</sup> These ulama played pivotal roles in shaping public opinion during the Arab Spring, owing to their prominent positions in their respective countries: 'Alī Jum'a as the Grand *Mufī* of the Arab Republic of Egypt, 'Abd Allāh ibn Bayyah as the Chairman of the UAE *Fatwā* Council, and al-Būṭī as the Head of the Union of Scholars in Syria, and the Imam of the historical Damascus Mosque in Syria, who also engaged closely with their government's official media outlets.

### 1.8. Outline

This research will contain several chapters. The first chapter is the introduction. This chapter will reflect an introductory explanation of the study such as background, formulation of problem statement, literature review, research significance, theory framework, research methodology, and outline. In the second chapter, I will discuss the ulama's discourses on *khurūj* in early Islam, specifically after the era of the Rightly-Guided Caliphs (*khulafā' al-rāshidīn*), spanning from the 1st to 3rd AH/ 8th to 9th CE. This chapter will begin by exploring various classifications of *khurūj* to understand the legitimacy of violent opposition against unjust rulers (*khurūj*) as well as peaceful opposition. Following this, I will elucidate the discourses of the ulama based on these two classifications, covering both violent opposition (*khurūj*) and peaceful opposition. In the third chapter, I will discuss the discourse on violent opposition (*khurūj*) among medieval ulama 5th -9th AH/11th -15th CE, while also examining various forms of peaceful opposition actions, such as demonstrations, strikes, and sit-ins from that medieval period up to the 13th century AH/18th century CE, before the modern era. Furthermore, in the fourth chapter, I will delve into modern era *khurūj*'s discourses among contemporary ulama during the Arab Spring, focusing on three prominent figures: 'Alī Jum'a, Ibn Bayyah, and al-Būṭī. I will first elucidate the socio-political context of each scholar, then their respective discourses on *khurūj*, and compare their discourses with one another, as well as comparing them with those of pre-modern ulama. In the final chapter, I will summarize my findings from this research and explain how the Arab Spring serve as a critical moment for revisiting the discourse on *khurūj* in the modern era.

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<sup>22</sup> Mutaz Al-Khatib, "Muslim Jurist and the state during the Arab uprisings," *Tabayyun*, 9, 3 (2014): 63–84.

## CHAPTER II ULAMA DISCOURSES ON KHURŪJ IN EARLY ISLAM

### 2.1. Introduction

Since the early period of Islam, particularly after the era of the rightly-guided Caliphs (khulafā' al-rāshidīn), political issues began to surface, marked by the emergence of tyrannical rulers (mulūk jabābira). Thus, this chapter delves into the ulama discourses surrounding armed rebellion (khurūj) during the early Islamic epoch, and non-violent opposition against ruler with particular emphasis on the 1st to 3rd century AH within Islamic chronicles (8-9 AD). This temporal span assumes significance as it witnessed the inception of established legal schools and theological doctrines under seminal figures. During this period, there was also a notable presence of opposition to rulers perceived as unjust and deviant, such as Yazīd ibn Muāwiyya, al-Hajjāj ibn Yūsuf al-Thāqafi, and regimes from the Abbasid Dynasty who believed in the Quran as a created entity (khalq al-Qur'ān), such as 'Abd Allāh al-Mā'mūn and al-Wāthiq bi Allāh. My findings elucidate a discernible evolution in the discourse of armed rebellion (khurūj) towards the period's conclusion, marked by the ulama-sponsored armed rebellions' failure. These setbacks, fraught with considerable bloodshed, prompted the ulama to reassess prevailing realities, advocating a consensus (ijmā') denouncing the armed rebellion. Nonetheless, a contingent of ulama persisted in espousing armed rebellion, even resorting to armed resistance against perceived oppressive rulers. Consequently, this discourse probes into the viewpoints and discourses of such ulama, whose perspectives eventually waned within the rebellion discourse. In the first section I will explain the classification of non-violent opposition and violent opposition (khurūj), and then discuss the ulama's discourses in the early Islamic period with reference to this classification.

### 2.2. Classification of *Khurūj*

Within this section, an exploration of various manifestations of rebellion (*khurūj*) action is undertaken, delineating the divergent perspectives of Islamic jurists regarding appropriate responses to each manifestation. *Khurūj* presents both a challenge necessitating resolution and a potential avenue for evaluating a ruler's adherence to obligations towards their populace, with manifestations ranging from peaceful to violent means. Al-Māwardī contends that obedience and support are due to a ruler as long as his condition does not change, whether in terms of moral rectitude or physical well-being. However, should a ruler deviate from these standards, in which that the ruler becomes *fāsiq*, or physically unable thereby abdicating effective leadership (kharaja min al-imāma),<sup>23</sup> as outlined by al-Māwardī, the scenario changes. Furthermore, Islamic law

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<sup>23</sup> Alī ibn Muḥammad ibn Muḥammad ibn Habīb al-Baṣrī al-Baghdādī Al-Māwardī, *Al-Ahkām al-Sultāniyya* (Cairo: Dar al-Hadith, n.d.). 42.

assigns rulers dual responsibilities: upholding religious tenets (iqāma al-dīn) and managing state affairs within prescribed limits (idāra al-shu'ūn al-dawla).<sup>24</sup>

Should the ruler persist in moral transgressions (fisq) and oppressive behavior (dhulm), Islamic law does not condone impunity. Subsequently, the ulama established a legal framework for the possibility of the people going out (khurūj) against their ruler. This segment will delineate the various aspects of *khurūj* (khārijīn) and expound upon their distinctions. The faction of individuals engaging in khurūj (al-khārijīn) is, according to the majority (jumhūr) of Islamic jurists (fuqahā'), classified into three categories:<sup>25</sup>

1. *Khawārij*: they are those who rebelled against 'Alī ibn Abī Ṭālib, declaring those who commit sins and many companions as unbelievers, permitting the bloodshed and seizure of property of fellow Muslims except those who joined their rebellion. This type of rebellion is mandated to be fought against, in accordance with the authentic hadith heard by 'Alī, stating that fighting against them is rewarded.<sup>26</sup>
2. *Muhāribūn*, a faction that departs from obedience to the ruler without legitimate grounds (ta'wīl sāigh), hence they are considered as highway robbers (qaṭā' al-ṭarīq) who spread corruption on earth. This type of rebellion also warrants combat, as elucidated in Sūrah al-Māida verse 33.
3. *Bughā*, a faction that ceases to obey a just ruler and rebel against his authority, seeking his removal through interpretations (ta'wīl) that are deemed permissible, and they possess a formidable force requiring military action to restrain them, hence they are termed as *bughā*. Distinct from the preceding categories, this group is not to be combated initially. If they have legitimate grievances, these should be addressed, and if there are doubts, they must be clarified; only if they engage in combat should they be fought against, as outlined in Surah al-Hujurat verse 9.

From the above explanation, it can be discerned that there are three categories of *khurūj* perpetrators (khārijīn) according to the majority of Islamic jurists (jumhūr al-fuqahā'): *al-Bughā*, *al-Khawārij*, and *al-Muhāribūn*. *Bughāh*, among the provided elucidations, consistently pertains to rebellion against a just ruler (imām al-ḥaq), or a ruler whose leadership is firmly established (thabat al-imāmatuhu) through consensus, as defined by the Hanāfiyya<sup>27</sup> and Mālikiyya.<sup>28</sup> Similarly, the *Khawārij*, who rebelled against a just ruler like 'Alī in the past, hence it is not surprising that the *Khawārij* are

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<sup>24</sup> 'Abd al-Qādir 'Awda, *Al-Islām Wa Awdā'unā al-Siyāsa* (Cairo: Mu'asasa Handāwī li l-Ta'līm wa al-Thaqāfa, 2014). 162.

<sup>25</sup> 'Abd Allāh ibn 'Umar al-Damījī, *Al-Imāma al-'Uzmā 'Inda Ahl al-Sunna wa al-Jamā'a* (Riyād: Dār al-Ṭayyiba, n.d.). 679.

<sup>26</sup> Abū Abd- Allāh Muḥammad Ibn Ismā'īl al- Bukhārī, *Al-Jāmi' al-Musnad as-Ṣaḥīḥ al-Mukhtasar Min Umūr Rasūli Allāh ṣalla Allāhu 'Alaihi Wa Sallam Wa Sunanih Wa Ayyāmih*, vol. 3 (Aṭā'āt al- Ilm- Mawsūa Ṣaḥīḥ al- Bukhārī, 1437 AH). 356.

<sup>27</sup> Muḥammad Āmīn ibn 'Ābidīn, *Radd Al-Mukhtār 'alā al-Dār al-Mukhtār (Dār 'Ālam al-Kutub*, 2003) 6 vols. (Riyād: Dār 'Ālam al-Kutub, 2003). 411.

<sup>28</sup> Shams al-Dīn al-Dusūqī, *Ḥāshiyā Al-Dusūqī 'alā al-Sharḥ al-Kabīr*, 4 vols. (Cairo: 'Īsa al-Bābī al-Ḥalabī, n.d.). 298.

often equated with the *Bughā*<sup>29</sup> The difference lies in that *Khawārij* rebel without permissible interpretations (ta'wīl), as defined by the Hanāfiyya, and they also permit the shedding of Muslim blood.<sup>30</sup> Likewise, the *Muḥāribūn* who rise against a legitimate ruler by taking up arms without permissible interpretations (ta'wīl), seizing the property of individuals, whether by killing or not.<sup>31</sup>

All the categories mentioned above concur regarding rebellion against a just, legitimate ruler, whose leadership is deemed valid, consistent with the concept of *khurūj* as interpreted by Islamic jurists (fuqahā'), signifying opposition to the ruler, which can entail either non-recognition of his imamate or even warfare with the sword.<sup>32</sup> Furthermore, this aligns as well with a hadith transmitted by Muslim, indicating that *khurūj* is deemed to occur when an individual departs from obedience by separating from the congregation (mufāraqa al-jamā'a), meaning the annulment of allegiance, and also signifies *khurūj* in the sense of taking up arms against the community (umma).<sup>33</sup> From this explanation, it can be inferred that the various categories of *khurūj* always refer to rebellion against a just ruler and taking up arms, and all such instances are to be combated when they engage in warfare. However, what about *khurūj* against an unjust ruler, whereas those who depart are in the right? As the question arises, what about expressing dissenting opinions against the unjust ruler, whether orally or in writing, or in a form of peaceful protest stance that not involving violence or military force? Is its legal status the same as the various forms of *khurūj* mentioned earlier?

4. Therefore, some Islamic jurists (fuqahā') assess that there exists a fourth category among those who depart (khārijīn), apart from the *Bughāh*, *Khawārij*, and *Muḥāribūn*, namely, a group of adherents of truth (ahl al-haq) who are just individuals armed rebelling (khurūj) against oppressive rulers (jā'ir). According to Ibn Ḥajar, this last group should not be combated. He exemplifies those falling into this category such as Ḥuseyn, son of 'Alī, the inhabitants of Medina during the Ḥarra incident, and those who rebelled against al-Hajjāj.<sup>34</sup> Although taking up arms, this *khurūj* is justified by some ulama, referring to these events, as the perpetrators are deemed to be in the right position.

Eventually, when *khurūj* manifests solely as expressing dissenting opinions against the ruler, whether orally or in writing, or just as a protest stance, in reality it is not

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<sup>29</sup> Sadia Tabassum, "Combatants, Not Bandits: The Status of Rebels in Islamic Law," *International Review of the Red Cross* 93, no. 881 (March 2011): 121–39, <https://doi.org/10.1017/S1816383111000117>.

<sup>30</sup> Muḥammad Āmin ibn 'Ābidīn, *Radd Al-Mukhtār 'alā al-Dār al-Mukhtār*. 411.

<sup>31</sup> Hadī et al., "Al-Khurūj 'alā al-Ḥākim fī al-Fiqh al-Siyāsī al-Islāmī."

<sup>32</sup> 'Abd Allāh ibn 'Umar al-Damījī, *Al-Imāma al-Uḡmā 'Inda Ahl al-Sunna wa l-Jamā'a*. 491.

<sup>33</sup> Muḥammad Fu'ād 'Abd al-Bāqī, *Al-Musnad al-Ṣaḥīḥ al-Mukhtaṣar Bi Naql al-'Adl 'an al-'Adl Ilā Rasūl Allāh Ṣalla Allāh 'alayh Wa l-Salām*, vol. 3 (Beirut: Dār Iḥyā' al-Turāth al-Arabī, n.d.), 476.

<sup>34</sup> 'Abd Allāh ibn 'Umar Sulaymān al-Damījī, *Al-Imāma al-Uḡmā Inda Ahl al-Sunnā wa al-Jamā'a*, 2 ed. (Dār Ṭayyiba, 1987). 494-495.

*khurūj*, because as explained above, *khurūj* only to military action against the authority. As most Islamic jurists (jumhūr) perceive it, according to Ibn Qudāma, if a group espouses *khawārij* views, such as declaring major sinners as unbelievers, forsaking the congregation, sanctioning the shedding of Muslim blood and seizure of their property, yet they do not physically depart (lam yakhrujū) from the authority of the ruler and do not spill blood, then they should not be killed or fought against. This is the view of Abū Ḥanīfa, al-Shāfi'ī, and the majority of Islamic jurists (fiqh). Their basis lies in the stance adopted by 'Alī ibn Abī Ṭālib when he guaranteed safety to someone who said to him, "There is no judgment but Allah's," then 'Alī assured him that he would not prevent him from entering the mosque, nor would he withhold his share of spoils (fay'), nor would he initiate fighting against him, unless they initiated aggression first.<sup>35</sup> Thus, both armed rebellion and nonviolent opposition may constitute distinct categories that are widely sanctioned by the ulama.

### 2.3. Ulama in Early Islam: between Non-Violent Opposition and *Khurūj*

In the previous section, various categories of *khurūj* were discussed, concluding that both armed rebellion (*khurūj bi-l-sayf*) by just individuals against unjust rulers and non-violent opposition, whether oral or written, or stances are legitimized by some Islamic jurists, unlike the categories of *Bughā*, *Khawārij*, and *Muḥāribūn*. Therefore, in this section, I will first elucidate the perspectives and stances of ulama in the early Islamic period who engaged in non-violent opposition to the ruler, without resorting to violence. Second, I will also explain the stances and views of ulama during the same period who either engaged in or legitimized acts of *khurūj*, meaning taking up arms against rulers deemed oppressive. This explanation will encompass the views of ulama with a focus on the 1st to 3rd century AH of Islamic history (8-9 AD). This era is of utmost importance as it witnessed the materialization of legal schools and theological doctrines by their founding figures.

Regardless of whether opposition against unjust ruler takes the form of violence (*khurūj*) or non-violence, opposition to rulers indeed has its precedents among ulama in the early Islamic period. However, it gradually dwindled into a discourse of political non-resistance -non-violent opposition- prioritizing societal stability over confronting oppressive (dhālim) rulers.<sup>36</sup> Thus, towards the end of the era of the old *tābi'īn*, there emerged a claim of consensus (ijmā') regarding the prohibition of armed rebellion.<sup>37</sup> Nevertheless, in the final part of this section, I will elucidate the discourse of ulama who still legitimize *khurūj*, rejecting directly or indirectly the claim of consensus, although their perspectives eventually became marginalized from the majority of Islamic jurists (jumhūr al-fuqahā').

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<sup>35</sup> Muwaffāq al-Dīn Abū Muḥammad 'Abd Allāh ibn Ahmad ibn Muḥammad Ibn Qudāma, *Al-Mughnī*, ed. 'Abd Allāh ibn 'Abd al-Muḥsin al-Turkī and 'Abd al-Fattāḥ Muḥammad al-Ḥalw, 1st ed., vol. 9 (Riyād: Dār 'Ālam al-Kutub, 1997). 8.

<sup>36</sup> Osman, "Past Contradictions, Contemporary Dilemmas."

<sup>37</sup> Abd al-Mālik ibn Aḥmad Ramaḍānī, *Ujāla Al-Mutawassib li l-Khurūj Alā al-Hākim al-Mutaghallib*, 1st ed. (Madinah: Maktaba Dār al-Barāzī, 2015). 65.

### 2.3.1. Non-Violent Oppositions

Indeed, discussions about opposition in its peaceful form are part of the discourse on preventing wrongdoing (*munkar*). Those who adopt this stance do not imply acquiescence or surrender to injustice, nor do they refrain from advocating and defending truth and the oppressed. Rather, they choose opposition to the ruler not by believing that preventing wrongdoing with their hands is superior and must be prioritized. Instead, they view that often the damage and loss in fighting against the ruler with weapons outweigh the benefits. Therefore, they opt for opposition only verbally or through advice and admonition. Additionally, their peaceful opposition can also take the form of their absence in aiding the oppressive ruler or redirecting their efforts to study *fiqh* or *hadīth*, while advising the ruler and providing guidance to the people (*umma*).<sup>38</sup> The validity of this stance is attributed to the companions and the *tābi'īn*, along with examples thereof.

#### a. Opposition to Mu'āwiyya ibn Abī Sufyān

After the passing of Muḥammad, political upheavals began to emerge, including issues in the relationship between the people and their rulers. A ruler who is perceived as deviant or arbitrary has triggered opposition. Furthermore, opposition in peaceful forms was actually represented in the early Islamic period by the companions whose stances and perspectives are documented in various biographical accounts (*tarājim*). For instance, the opposition of Abū Dhar al-Ghifārī against Mu'āwiyya ibn Abī Sufyān, who at the time served as a governor under the reign of Uthmān ibn Affān. Abū Dhar criticized Mu'āwiyya's extravagant lifestyle, citing Quranic verse, al-Tawba: 34, but Mu'āwiyya argued that the verse referred to the extravagance of the People of the Book (*ahl al-kitāb*). This dispute led Mu'āwiyya to complain to Uthmān, resulting in the exile of Abū Dhar.<sup>39</sup> Eventually, Abū Dardā' adopted a similar stance in criticizing Mu'āwiyya for selling a cup above its weight, to which Abū Dardā' reminded him, but Mu'āwiyya refuted, leading to Abū Dardā' becoming furious and determined not to live alongside Mu'āwiyya in the same territory.<sup>40</sup> Both Abū Dhar and Abū Dardā' are known as figures who narrated numerous hadiths.

#### b. Opposition to Yazīd ibn Mu'āwiyya

Furthermore, still within the realm of peaceful opposition against Mu'āwiyya, this time it was 'Abd al-Raḥmān ibn Abī Bakr, the son of the first caliph, who refused to pledge allegiance to Yazīd ibn Mu'āwiyya, appointed by Mu'āwiyya, his father, as his successor. When Marwān ibn Ḥakam, Muawiyah's governor in the Hijaz region, read out the decree appointing Yazīd in the Mosque of Medina, 'Abd al-Raḥmān stood up to oppose him, arguing that the practice of inheriting power to one's offspring was akin to

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<sup>38</sup> Naveen Abdel Khalek Mostafa, *Al-Mu'arafa Fi l-Fikr-l-Siyāsī al-Islāmī*, 1st ed. (Cairo: Maktaba al-Malik Faiṣal al-Islāmī, 1985). 352.

<sup>39</sup> Aḥmad ibn Alī ibn Ḥajar al-A'sqalānī, *Fath al-Bārī Sharḥ Ṣaḥīḥ al-Bukhārī*, vol. 3, 13 vols. (Dār al-Rayyān li-l-Turāth, 1986). 322.

<sup>40</sup> Abū 'Umar Yūsuf ibn 'Abd Allāh ibn Muḥammad ibn 'Abd al-Barr, *Al-Istidhkār al-Jāmi' Li Madhāhib Fuqahā' al-Amsār*, vol. 19, 30 vols. (Dār Quṭaiba- Dār al-Wa'y, 1993). 193.

the behavior of Heraclius, whereas even Abū Bakr, his father, did not pass on any authority to his children and family. ‘Abd al-Rahmān viewed Muāwiyya’s stance as nothing more than granting privileges to Yazīd.<sup>41</sup>

Similarly, ‘Abd Allāh ibn ‘Umar, despite his politically neutral stance—which can be observed later in his opposition to the armed rebellion (khurūj) of the people of Medina against Yazīd ibn Mu’āwiyya—did not remain silent in his protest against Mu’āwiyya’s desire to pass the caliphate to his sons. It is narrated that Ibn ‘Umar once said to Mu’āwiyya, “Indeed, there were caliphs before you who had sons better than your son, and they did not see in their sons what you see in your son, but they chose for the Muslims what they knew to be the best choice.”<sup>42</sup> These are some examples of peaceful opposition demonstrated by the companions, all indicating that peaceful khurūj finds precedence among prominent companions in the early Islamic period.

Eventually, during the era of the *tābi’īn*, characterized by numerous armed uprisings (khurūj bi l-sayf), some ulama of this period remained committed to their principle of peaceful opposition. Among them was Sa’īd ibn al-Musayyib, the intellectual (ālim) of the inhabitants of Medina and the master of the *tābi’īn* generation (sayyid al-tābi’īn), esteemed among the jurists of Islam (faqīh al-fuqahā’).<sup>43</sup> His stance was evident during the armed uprising against Yazīd, in the Battle of Ḥarra, where al-Musayyib chose to remain in the mosque, refusing to involve himself in the turmoil.<sup>44</sup> Nevertheless, al-Musayyib did not hesitate to express his dissenting opinions. ‘Abd al-Mālik ibn Marwān instructed al-Musayyib to pledge allegiance to his two sons, al-Wālid and Sulaymān, but al-Musayyib refused, citing the prohibition by the Prophet against pledging allegiance to two individuals simultaneously.<sup>45</sup> As a consequence of his refusal, Sa’īd was lashed 100 times,<sup>46</sup> yet he remained steadfast in his principle of opposition until the end of his life.

### c. Opposition to al-Ḥajjāj ibn Yūsuf al-Thāqafi

Another renowned ulama among the *tābi’īn* known for his stance of peaceful opposition was Ḥasan al-Baṣrī. Al-Baṣrī lived during the Umayyad Dynasty, particularly at a time when there were numerous armed uprisings against al-Ḥajjāj ibn Yūsuf al-Thāqafi, the governor of Iraq. One of the largest-scale uprisings, with many ulama participating, was the rebellion led by Ibn al-Ash’at. However, al-Baṣrī was among those who advocated against rebelling (khurūj) against the Umayyad regime, as it would lead to

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<sup>41</sup> Jalālu-l- Dīn ‘Abd al- Rahmān ibn Abī Bakr al- Suyūṭī, *Al- Dur al- Manthūr*, 1st ed., vol. 13, 15 vols. (Markaz Hījr, 2003). 328.

<sup>42</sup> Jalāl al-Dīn al-Suyūṭī, *Tarīkh Al-Khulafā’*, ed. Ḥamdī Damardāsh, 1st ed. (Maktaba Nizār Muṣṭafā al-Bāz, 2004), 150.

<sup>43</sup> Shams al-Dīn Muḥammad ibn Aḥmad ibn Uthmān al- Dhahabī, *Siyar A’lām al-Nubalā’*, vol. 4 (Muassasah al- Risalah, 2001), 224.

<sup>44</sup> Shams al-Dīn Muḥammad ibn Aḥmad ibn Uthmān al- Dhahabī, *Siyar A’lām al-Nubalā’*. 229.

<sup>45</sup> ‘Abd Allāh ibn Qutayba, *Al- Imāma Wa-l- Siyāsa*, vol. 2, 2 vols. (Cairo: Muṣṭafā al- Ḥalbī, 1969). 55.

<sup>46</sup> ‘Abd Allāh ibn Qutayba. 56.

bloodshed and only exacerbate the oppression and injustice of the ruler.<sup>47</sup> Yet, it does not mean that al-Baṣrī condoned the tyranny and oppression of al-Hajjāj; rather, as Ibn al-Murtaḍa mentioned, al-Baṣrī referred to al-Hajjāj as the most sinful among the sinners (afsaq al-fāsiqīn) and the worst among the criminals (akhbath al-akhbathīn), cursed by the inhabitants of the heavens and cursed by the inhabitants of the earth.<sup>48</sup> Thus, although acknowledging the tyranny of al-Hajjāj, al-Baṣrī chose only to oppose peacefully.

#### d. Opposition to ‘Abd Allāh al- Ma’ mūn

During the Abbasid Dynasty, al- Imām Aḥmad Ibn Ḥanbal (d. 241/855), from the generation of tābi’u al-tābi’īn, exemplified peaceful opposition when he resisted al-Ma’ mūn, regarding the issue of the Qur’an as creation (khalq al-Qur’ān), for which he was tortured. However, despite this, his stance on rebelling (khurūj) against the ruler was clear: he prohibited it.<sup>49</sup> Even though this ruler was a usurper of power and unjust, according to Aḥmad, he remained the Leader of the Believers (amīr al-mu’minīn).<sup>50</sup> Once, the Islamic jurists (fuqahā’) of Baghdad gathered to express their determination to rebel, but Aḥmad instead dissuaded them, saying, "You must be cautious in your dissent, and do not release your hands from obedience, and do not break the unity of the Muslim community."<sup>51</sup> Thus, although Aḥmad disagreed with the ruler whom he deemed unjust and deviant in his view regarding the Qur’ān, he chose the path of peace rather than violence to oppose.

In conclusion, such are examples of peaceful opposition stances and perspectives. Though not explicitly stated, their stances and views have served as a reference against taking up arms against unjust rulers. Apart from the Companions and the tābi’īn mentioned above, this school of thought also refers to those who avoided the turmoil between ‘Alī and Mu’āwiyya, such as Sa’ad ibn Abī Waqqās, Usāma ibn Zayd, Muḥammad ibn Maslama,<sup>52</sup> and Abū Bakra.<sup>53</sup> However, unlike the opposition stances mentioned earlier, they tended to prefer not to oppose either verbally or in writing, and only avoided political conflicts among fellow Muslims. Nevertheless, as Ibn Taymiyya conveyed, peaceful opposition, the main topic of this session, is renowned as the school

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<sup>47</sup> Sultān ibn Khālīd ibn Haslīn, *Al- Fuqahā’ Wa al- Khulafā’ : Mawāqif al- Fuqahā’ Min al- Sulthah al- Siyāsiyyah Fī al- Ahdayn al- Umawī Wa al- ‘Abbāsī al- Awwal (60- 245 H)* (Dār Amār li al- Nashr wa al- Tawzī’, 2000). 78, 79.

<sup>48</sup> Aḥmad ibn Yahyā ibn al- Murtaḍā, *Al- Maniyya Wa-l- Amal Fī Sharḥ al- Milal Wa-l- Niḥal* (Haydar Abad al- Dakan: Dāira al- Ma’ārif al- Uthmāniyya, 1316 AH). 14

<sup>49</sup> Aḥmad ibn Hanbal, *Al- Aqīda*, ed. Abd- al- Azīz Sirwān (Damascus: Dār al- Qutayba, 1987). 124.

<sup>50</sup> Han Hsien Liew, "Ibn Al-Jawzī and the Cursing of Yazīd b. Mu’āwiya: A Debate on Rebellion and Legitimate Rulership," *Journal of the American Oriental Society* 139, no. 3 (2019): 631–46, <https://doi.org/10.7817/jameroriesoci.139.3.0631>.

<sup>51</sup> Mustafā Ḥilmī, *Niḍām Al- Khilāfa Fī-l- Fikr al- Islāmī* (Cairo: Dār al- Anṣār, 1977). 246.

<sup>52</sup> Abū Muḥammad Ahmad ibn Sa’īd ibn Hazm al- Andalusī, *Al- Faṣl Fī al- Milal Wa al- Ahwā’ Wa al- Niḥal*, vol. 4 (Cairo: Maktaba al- Khanjī, n.d.). 171.

<sup>53</sup> Ismā’īl ibn Umar Ibn Kathīr, *Al- Bidāya wa l-Nihāya*, vol. 9 (Dār Ālam al-Kutub, 2003). 135.

of Imam Ahmad and *Ahl al-Hadith*<sup>54</sup> in general, advocating against armed rebellion against unjust rulers.<sup>55</sup> This view is claimed by ulama like al-Nawawī<sup>56</sup> and the teacher of al-Bāqilānī, Ibn Mujāhid al-Ṭā’ī,<sup>57</sup> to have reached a consensus (*ijmā’*), as I will explain in the last section, this claim is still debated.

### 2.3.2. Violent Opposition (*khurūj*)

In the previous section, I discussed the discourse of ulama who engaged in peaceful opposition. In this section, I will delve into the discourse of ulama in the early Islamic period who supported or even participated in armed rebellion against rulers deemed as immoral (*fasiq*). Similar to the previous discussion, *khurūj* with violence is inherently part of the discourse regarding preventing wrongdoing (*munkar*). Those who legitimize armed *khurūj* against unjust and corrupt rulers believe that preventing wrongdoing with the sword (*sayf*) is obligatory if no other means suffice except for that. Indeed, rebellions in this form began to proliferate after being initiated by Ḥuṣayn ibn ‘Alī when he rebelled against Yazīd ibn Muāwiyya. This armed rebellion (*khurūj bi-l-sayf*) opened a series of armed rebellion actions against rulers, although with intermittent intervals, rebellions spanning approximately 85 years. Examples include the rebellion of ‘Abd Allāh ibn Zubayr against ‘Abd al-Mālik ibn Marwān.

However, perhaps the largest armed rebellion to occur during the time of the companions was the Battle of Ḥarra, this was not just a rebellion of a group of people, as al-Dhahabī mentioned, but rather the rebellion of an entire population within a region, namely Medina– the capital of intellectuals at that time – against Yazīd.<sup>58</sup> Similarly, the greatest rebellion during the era of the *tābi’īn* was the rebellion led by Ibn al-Ash’at against al-Hajjāj, It reached hundreds of thousands of rebels from the population of Iraq at that time, according to al- Ṭabarī.<sup>59</sup> Both of these rebellions had their own significance as they were supported and even participated in by many prominent ulama. Particularly, the latter rebellion, which had such a significant impact that it gave rise to the phenomenon of claiming a consensus to prohibit armed rebellion. However, in the concluding part of this session, I will discuss that this claim of consensus is still debated,

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<sup>54</sup> People of the traditions (of the Prophet). Also *ahl al-hadith*. The characterization refers to the adherents of the powerful movement of the late second and third centuries of Islam (late eighth and ninth centuries C.E.) that insisted on the authority of the traditions (hadith) attributed to the Prophet Muḥammad, as against the informed “opinions” (ray) on which many contemporary juristic schools based their legal reasoning.

<sup>55</sup> Shaikh al- Islām Aḥmad ibn Taymiyya, *Majmū’ al- Fatāwā*, vol. 4 (Medina: Majma’ al-Malik Fahd li Ṭibā’a al- Muṣhaf al- Sharīf, 2005). 444.

<sup>56</sup> Abū Zakariyyā Muḥyī al- Dīn Yahyā ibn Sharaf al- Nawawī, *Sharḥ Al- Nawawī Alā Muslim*, 6 vols, vol. 12 (Dār al- Khair, 1996). 539.

<sup>57</sup> Abū Muḥammad Alī ibn Aḥmad ibn Saīd ibn Hazm al- Andalusī, *Marātib Al- Ijmā’ Fī l- Ibādāt Wa l- Muā’malāt Wa l- I’tiqādāt* (Beirut: Dār al- Kutub al- Ilmiyyah, n.d.). 178.

<sup>58</sup> Shams al-Dīn Muḥammad ibn Aḥmad ibn Uthmān al- Dhahabī, *Siyar A’lām al-Nubalā’*. Vol. 4. 36.

<sup>59</sup> Abū Ja’far Ibn Jarīr al- Ṭabarī, *Tarīkh Al- Ṭabarī*, 2nd ed., vol. 6 (Egypt: Dar al- Ma’arif, 1967). 347.

as some ulama continue to assert the legitimacy of armed rebellion against oppressive rulers.

**a. Armed Rebellion Against Yazīd: The Battle of Ḥarra (63 AH / 682 CE)**

The rebellion of the people of Medina (ahl al-Madīna) against the Umayyad dynasty and the caliphate of Yazīd ibn Muāwiya stemmed from the accumulation of disappointment among the Companions (ṣahāba) following the murder of Ḥusayn ibn ‘Alī. This event heightened their awareness of the ruler's tyranny. Consequently, the people of Medina became more sympathetic to ‘Abd Allāh ibn Zubayr's rebellion in Mecca, who had previously rebelled against Yazīd. Moreover, the failure to bring Husayn's murderer, Ubayd Allāh Ibn Ziyād, to justice led the people of Medina to suspect Yazīd of protecting him due to their familial ties.<sup>60</sup> To quell the growing dissent in Medina, Yazīd tried to persuade the envoys of the people of Medina by giving them gifts. Instead of calming the rebellion, these envoys testified that Yazīd had bribed them, Yazīd was also considered to have drunk *khamr*, drunk to the point of abandoning prayer (ṣalā).<sup>61</sup> Hearing this, the people of Medina were convinced to rebel (khurūj).

By renouncing their allegiance to Yazīd, the people of Madina then pledged their allegiance to ‘Abd Allāh ibn Muthīr’ from the *Muhājirīn* and ‘Abd Allāh ibn Hanzāla from the *Anṣār*,<sup>62</sup> thus initiating the armed rebellion. To counter it, Yazīd eventually dispatched a force numbering in the thousands, with al-Dhahabī mentioning their number as twelve thousand soldiers, several times the population of Madinah at that time.<sup>63</sup> This force was led by Muslim Ibn ‘Uqbah. Ultimately, the rebellion of Madinah ended in defeat, with a significant loss of rebel's lives as Yazīd's troops killed them from all directions. According to reports from Mālik, aside from three or four companions, there were around seven hundred bearers of the Qur’an (ḥamalāt al-Qur’ān) who died in the rebellion during the Battle of Harra.<sup>64</sup> This is an astonishing number of deaths among scholars in a conflict between the ruler and the people. The remarkably high casualty count in this event also drew historians' attention to this rebellion, as the number of casualties far exceeded those in Ḥusayn's rebellion.

Among the prominent ulama who died because of the rebellion was Ma'qal ibn Sinān al-Ashja'ī, who, as al-Dhahabī said in *Siyār a'lam al-Nubalā'*, was a Companion who had many hadiths narratives, "And when he (Ma'qal) came to Yazīd and saw things that were forbidden, he went to Medina and revoked his allegiance from Yazīd."<sup>65</sup> In addition, there was ‘Abd Allāh ibn Zayd Ashim al-Anṣārī, a companion who witnessed

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<sup>60</sup> Muḥammad ibn ‘Abd al- Hādī ibn Razān, *Mawāqif Al- Muārada Fī Aḥdi Yazīd Ibn Mu’āwiyya* (Dār Ṭayyiba, 2009). 361.

<sup>61</sup> Muḥammad ibn ‘Abd al- Hādī ibn Razān. 472.

<sup>62</sup> Ibn Kathīr, *Al- Bidāya wa l-Nihāya*, 8 vols. (Maktabah al- Syi’iyyah, n.d.), shiaonlinelibrary.com. 255.

<sup>63</sup> Muḥammad ibn ‘Abd al- Hādī ibn Razān, *Mawāqif Al- Muārada Fī Aḥdi Yazīd Ibn Mu’āwiyya*. 508.

<sup>64</sup> Muḥammad ibn ‘Abd al- Hādī ibn Razān. 423.

<sup>65</sup> Shams al-Dīn Muḥammad ibn Aḥmad ibn Uthmān al- Dhahabī, *Siyar A’lām al-Nubalā’*. 577.

the battle of Badr, and had forty-eight hadīths, one of which narrated (ḥākī) the hadīth about the ablution (wuḍū) of the Prophet.<sup>66</sup> In addition to great companions such as ‘Abd Allāh ibn Ḥanzala who was the son of Hanẓāla ibn Abī Amīr who was bathed by an angel (al-gashīl) after dying in the Battle of Uḥūd, ‘Abd Allāh was killed in the Ḥarra uprising along with his seven children.<sup>67</sup> The Battle of Ḥarra, supported and even participated in by ulama among the companions, against Yazīd, who was deemed to be corrupt, indicates that armed rebellion has its references as a legally sanctioned action.

**b. Armed Rebellion Against al-Hajjāj: The Movement of ‘Abd al-Raḥmān ibn al-Ash'ath (81-83 AH / 700-702 CE)**

In the era of *tabi'īn* era, one of the major rebellions was the rebellion of the people of Baṣra against the Umayyad Dynasty. This rebellion stemmed from the increasing resentment towards the regime, particularly al-Hajjāj ibn Yūsuf, the governor, who was perceived to have violated numerous sharia restrictions. The rebellion was spearheaded by military commander ‘Abd al-Raḥmān ibn al-Ash'at.<sup>68</sup> Notably, this rebellion differed from others in that many ulama took up arms against Hajjaj. Hence this rebellion is referred to as the Qurra' rebellion (khurūj al- Qurrā'). The term "Qurrā'," meaning "reader," at that time referred to ulama in general,<sup>69</sup> whether specializing in Fiqh, Hadīth, or the Quran. They even formed a dedicated battalion known as the Qurrā' battalion (katība al-Qurrā').<sup>70</sup>

The massive ulama's participation in this rebellion was grounded in al-Hajjāj's violations of sharia and his bad behaviors. His readiness to authorize killings and demand blind obedience was alarming. According to Abū Dāwud, al-Hajjāj once declared, "Even if I order people to exit through one mosque door and they choose another, I will justify their bloodshed and confiscate their property."<sup>71</sup> Additionally, like many Umayyad rulers, al-Hajjāj had a habit of delaying prayers and disregarding reminders from ulama.<sup>72</sup> He also disparaged esteemed Companions, including Ibn Umar and ‘Abd Allāh ibn Mas'ūd whom he labelled as, "The leader of the hypocrites, had I reached him, I would have watered the earth with his blood."<sup>73</sup> Moreover, al-Hajjāj had a penchant for imprisoning and chasing the ulama, even ulama who forbade rebelling against him such as Ḥasan al-Baṣrī, al-Hajjāj repeatedly tried to kill him.<sup>74</sup> These transgressions against sharia and his

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<sup>66</sup> al- Dhahabī. 378.

<sup>67</sup> Abī Amar wa Khalīfah ibn Khayyāt ibn Abī Khubaira, *Tarīkh Khalīfa Ibn Khayyāt*, 1st ed. (Dār al- Kutub al- 'Ilmiyya, 1995). 152.

<sup>68</sup> al- Dhahabī, *Siyār A' lām al- Nubalā'*. Vol.4. 184.

<sup>69</sup> ‘Abd Allāh ibn ‘Abd al-Raḥmān ibn Zayd Kharān, *Atsar Al- Ulamā' Fī al- Hayat al- Siyāsiyya Fī l- Dawla al- Umāwiyya* (Maktaba al- Rushd Nāsiyirūn, 2003). 552.

<sup>70</sup> ‘Abd Allāh ibn ‘Abd al-Raḥmān ibn Zayd Kharān. 558.

<sup>71</sup> Ismā'īl ibn ‘Umar ibn Kathīr, *Al- Bidāya Wa l- Nihāya*. 533.

<sup>72</sup> ‘Abd Allāh ibn ‘Abd al-Raḥmān ibn Zayd Kharān, *Atsar Al- Ulamā' Fī al- Hayat al- Siyāsiyya Fī al- Dawla al- Umāwiyya*. 569.

<sup>73</sup> Ismā'īl ibn ‘Umar ibn Kathīr, *Al- Bidāya Wa l- Nihāya*. Vol. 13. 533.

<sup>74</sup> ‘Abd Allāh ibn ‘Abd al-Raḥmān ibn Zayd Kharān, *Atsar Al- Ulamā' Fī l- Hayat al- Siyāsiyya Fī l- Dawla al- Umāwiyya*. 580.

disrespect towards Companions and ulama justified the rebellion of the people of Baṣra and its ulama.

Eventually, the rebellion gained its momentum under Ibn al-Ash'at's military leadership, despite his initial appointment by al-Ḥajjāj. Their discord was evident, as al-Ḥajjāj expressed his desire to kill Ibn al-Ash'at, stating, "I do not look at him but I am eager to kill him."<sup>75</sup> It wasn't until Ibn al-Ash'at rallied the people of Iraq and seized control of Bashrah and Kufa that he garnered widespread allegiance. The rebellion, estimated to have attracted 4,000 followers initially<sup>76</sup> endured for two to three years. During this period, there were 81 battles between Ibn al-Ash'at's forces and al-Ḥajjāj's, with the former emerging victorious in nearly all.<sup>77</sup> As their successes mounted, the rebellion gained traction, drawing the support of more people and ulama. It was rumored that the rebellion ranks swelled to 100,000<sup>78</sup> prompting Abd-al- Mālik ibn Marwān to consider removing al-Ḥajjāj. However, the tide turned with the prolonged hundred-day battle of Dīr al-Jamājim,<sup>79</sup> where al-Ḥajjāj ultimately defeated Ibn al-Ash'at's forces. Ibn al-Ash'at fled, met his demise, and his head was presented to al-Ḥajjāj.<sup>80</sup>

After suppressing the rebellion, al-Ḥajjāj executed approximately 50,000 captives,<sup>81</sup> including ulama. Khalīfa ibn Khayyāt documented the involvement of about 500 ulama in the uprising.<sup>82</sup> Among them was Anas ibn Mālik, a venerable Companion who, despite being over ninety years old, participated indirectly alongside the *tabi'īn*.<sup>83</sup> Another notable figure was 'Abd al-Rahmān ibn Abī Lailī, described by Al-Dhahabī as "An Imām al-Ḥāfīdh... among the great men who rebelled with 'Abd al-Rahmān ibn al-Ash'at from among the ulama."<sup>84</sup> He met his demise at the battle of al-Jamājim when his horse fell into the Euphrates river and drowned. Similarly, Imām al-Sha'bī initially hesitated but eventually joined the rebellion,<sup>85</sup> earning al-Ḥajjāj's forgiveness due to his esteemed position as an Islamic jurist (faḳīh).<sup>86</sup> Furthermore, Saīd ibn Jubayr, a prominent ulama and companion of Ibn 'Abbās, also encouraged the rebellion. Following Ibn al-Ash'at's defeat, he sought refuge in Aṣbahan but was apprehended in Mecca, tortured, and killed by al-Ḥajjāj in 94 H.<sup>87</sup>

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<sup>75</sup> Ismā'īl ibn 'Umar ibn Kathīr, *Al-Bidāya Wa l-Nihāya*. 297.

<sup>76</sup> Abū Ja'far Ibn Jarīr al-Ṭabarī, *Tarīkh Al-Ṭabarī*. 339.

<sup>77</sup> Abī Amar wa Khalīfah ibn Khayyāt ibn Abī Khubairah, *Tarīkh Khalīfa Ibn Khayyāt*. 178.

<sup>78</sup> Abū Ja'far Ibn Jarīr al-Ṭabarī, *Tarīkh Al-Ṭabarī*. 347.

<sup>79</sup> al-Ṭabarī. 363.

<sup>80</sup> Abū Ja'far Ibn Jarīr al-Ṭabarī. 389.

<sup>81</sup> Ismā'īl ibn 'Umar ibn Kathīr, *Al-Bidāya Wa l-Nihāya*. 343.

<sup>82</sup> Abī Amar wa Khalīfah ibn Khayyāt ibn Abī Khubairah, *Tarīkh Khalīfa Ibn Khayyāt*. 287.

<sup>83</sup> Abd al-Hamīd Tahmāz, *Anas Ibn Mālik: Al-Khādīm al-Amīn Wa al-Muḥabb al-Azhīm*, 5th ed. (Damascus: Dār al-Qolam, 1996). 160.

<sup>84</sup> Shams al-Dīn Muḥammad ibn Aḥmad ibn Uthmān al-Dhahabī, *Siyar A'lām al-Nubalā'*. 263.

<sup>85</sup> Shams al-Dīn Muḥammad ibn Aḥmad ibn Uthmān al-Dhahabī. Vol 4. 327.

<sup>86</sup> Abū Ja'far Ibn Jarīr al-Ṭabarī, *Tarīkh Al-Ṭabarī*. Vol 6. 375.

<sup>87</sup> Shams al-Dīn Muḥammad ibn Aḥmad ibn Uthmān al-Dhahabī, *Siyar A'lām al-Nubalā'*. Vol 4. 327, 326.

Eventually, the participation of these ulama also indicates how the discourse of armed rebellion (al-khūruj bi l-Sayf) against oppressive rulers (jāir), remained commonplace in the early Islam, even serving as a means to evaluate the ruler. However, when some ulama disagreed with the Qurra' rebellion, it didn't imply they granted the ruler the right to act oppressively or prevented the people from freely determining, evaluating, or even deposing their ruler. Their arguments were based on that the wickedness (fisq) of a ruler does not necessarily mandate his overthrow and also the assumption that armed rebellion causes greater harm (mafsadāt) than the oppressive ruler (jāir). However, if they perceived that the success of the rebellion would bring more significant benefit (maṣlaha) and that the ruler's violations could no longer be tolerated, then, like many ulama in the Ḥarra and Qurra' rebellions, they would be at the forefront of supporting, even participating in, such armed rebellion (khurūj).

### c. Armed Rebellion Discourses Post-'Abd al-Raḥmān ibn al-Ash'at Movement

The previous analysis reveals that armed rebellion (khurūj bi-l-sayf) is a customary response. However, Ibn al-Ash'ath rebellion's failure, signified a shift. It underscored the prevailing notion that prohibiting armed rebellion against oppressive rulers that was deemed ineffective. From this point, the genealogy of the concept of armed rebellion against a tyrannical ruler underwent a shifting. Initially, such actions had a strong basis of legitimacy, as they were carried out by prominent Companions and *ṭābi'īn* like Ḥusayn ibn 'Alī and 'Abd Allāh ibn al-Zubayr. However, following the rebellion of Ibn al-Ash'at, a norm began to emerge among *Sunnī*'s prohibiting such actions. Therefore, Ibn Taymiyya remarked on this shift, noting the multitude of rebellions led by ulama like the Huseyn's rebellion, Ḥarra rebellion, and then Ibn al-Ash'at rebellion. He stated, "Because of this, it has been the established school of *ahl al-Sunna* to abandon fighting (qitāl) in fitna based on the saheeh hadiths of the Prophet, and then they changed by starting to mention it in their creed, and telling to be patient with the oppression of the ruler and stop fighting him."<sup>88</sup> Similarly, Ibn Ḥajar echoed this perspective, by taking the same view when he said that taking up arms was, "The Madhab of the old pious people (salaf qadīm), but they decided to abandon it because it leads to more chaos."<sup>89</sup> This indicates how the concept of Islamic law is negotiated by political realities, exemplified by figures like al-Ḥajjāj, who, despite not being legally fit to rule, posed a rebellion that was perceived to result in greater harm.

Eventually, it appears that in 1th AH/7th AD, the ulama were akin to armed rebels (thawwār), however by 2nd AH/8th AD, they became ambivalent between armed rebellion and peaceful resistance. This pattern continued until the dominance of peaceful resistance (muāraḍah silmiyya) in the 3rd AH/9th AD, leading to the abandonment of armed rebellion (khurūj). The early *ṭābi'īn* era marked a period of divergence in the general *Sunnī* stance toward oppressive rulers and armed rebellion against them. To

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<sup>88</sup> Taqiy al-Dīn ibn Taymiyya, *Minhāj Al-Sunna al-Nabawiyya Fī Naqd Kalām al-Shī'a al-Qadariyya*, 1st ed., vol. 4 (Jāmi'ah Muḥammad ibn Su'ūd al-Islāmiyya, 1986). 529.

<sup>89</sup> Shihāb al-Dīn Abū l-Faḍl Aḥmad ibn 'Alī ibn Ḥajar al-Athqalānī, *Tahdhīb Al-Tahdhīb*, 1st ed., vol. 2 (Hyderabad: Dāirat al-Ma'ārif al-Nizāmiyya, 1947). 288.

extent that this perspective gained a level of consensus, as claimed by al- Nawawī, and Ibn Mujāhid al-Thā'ī al-Ash'arī, Shaikh al-Bāqilānī in the 4th AH/10th AD as I mentioned at the end of first section. However, some jurists (fuqahā') still adhere to the earlier viewpoint. This section will delve into the revolutionary stances and perspectives of certain ulama who maintain that armed rebellion (khurūj) against oppressive and immoral rulers remains a legitimate course of action.

The foremost ulama in this regard was al-Imām Abū Hanīfa ibn Nu'mān (d. 150/767), the founder of the Hanafī school. He lived 52 years under the Umayyads and 18 years under the Abbasids.<sup>90</sup> Abū Hanīfa sympathized with the descendants of 'Alī, considering that Mu'āwiyah has usurped (igtiṣāb) 'Alī's power.<sup>91</sup> Therefore, he supported all forms of rebellions by 'Alī's descendants against the Umayyads. Notably, he backed Zayd ibn 'Alī ibn Husheini's rebellion against Hishām ibn 'Abd al-Mālik in 122 AH/738 CE.<sup>92</sup> After Zayd's failure, Abū Hanīfa advocated for the legitimization of Nafs al-Zakiyya's rebellion against al-Manshūr of the Abbasids in 145 AH/736 CE.<sup>93</sup> In Abbasid rule as well, he rejected the judgeship offered by al-Mansūr, leading to his imprisonment, torture, and death.<sup>94</sup> Among his revolutionary perspectives, Abū Hanīfa favored jihad to free Muslims from a corrupt (fāsiq) or oppressive (dzālim) caliph over jihad against non-believers (kāfir).<sup>95</sup> Additionally, according to al-Awzā'ī, Abū Hanīfa considered rebelling (khurūj) against Muslim rulers deemed truly corrupt and oppressive as obligatory (farḍh), even if it required armed resistance.<sup>96</sup>

Similar to Abū Hanīfa, al- Imām Mālik ibn Anas (d. 179/795), the founder of the Mālikī school, was also known for opposing rulers while not directly supporting rebellion (khurūj). During his conflict with the Umayyads, Malik supported Ibn Zubayr as the legitimate ruler and regarded the Umayyad caliphs as usurpers.<sup>97</sup> As a resident of Madinah, he pledged allegiance to Muḥammad ibn Abd-Allāh ibn Ḥasan Nafs al-Zakiyya rather than Abū Ja'far al-Mansūr.<sup>98</sup> His revolutionary stance is evident in his fatwa regarding allegiance to al-Mansūr, which he deemed invalid as it was done under coercion.<sup>99</sup> According to Malik, allegiance is a matter of the heart, not just promises under duress. He stated this to bolster the legitimacy of those who conduct armed rebellion

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<sup>90</sup> Muḥammad Abū Zahra, *Abū Hanīfa: Ḥayātih Wa 'Āshruh, Arā'uh Wa Fiqhuh* (Cairo: Dār al-Fikr al-'Arabī, n.d.). 36.

<sup>91</sup> Muḥammad Abū Zahra. 185.

<sup>92</sup> Hāfidh al- Dīn al- Kurdī, *Manāqib Abī Hanīfa* (Beirut: Dār al- Kutub al- Arabī, 1401). 440.

<sup>93</sup> Abū Zahra, *Abū Hanīfa*: 46- 47.

<sup>94</sup> Abū Zahra. 57- 60.

<sup>95</sup> Muḥammad 'Alī Quṭb, *Al- Aamma al- Arba'a* (al- Jazāir: Maktaba Rihāb, n.d.). 49.

<sup>96</sup> Abū Bakr al- Jashāsh, *Aḥkām Al- Qur'an*, vol. 1 (Egypt: Bahiyya, 1928). 81.

<sup>97</sup> Abū Umar Yūsuf Ibn 'Abd Allāh ibn Muḥammad ibn 'Abd al-Barr, *Al-Isṭī'āb Fī Ma'rifat al- Aṣḥāb*, 1st ed., vol. 3 (Beirut: Dār al- Jail, 1996). 910.

<sup>98</sup> Abū al-Faraj Asfahānī, *Al- Maqātil al-Ṭālibiyyīn*, ed. al-Sayyid Aḥmad Ṣaqr (Cairo: Dār Ihyā al-Kutub al-'Arabiyya, 1949). 146.

<sup>99</sup> Muḥammad Abū Zahra, *Mālik: Ḥayātih Wa 'Āshruh, Arā'uh Wa Fiqhuh* (Cairo: Dār al-Fikr al-'Arabī, n.d.). 77.

(khurūj bi-l-sayf) alongside Nafs al-Zakiyya. Due to his views, Mālik was imprisoned and tortured to the point where his hands became non-functional.<sup>100</sup>

The third ulama, al-Imām Muḥammad ibn Idrīs al-Shāfi'ī (d. 204/819), was born five years after the assassination of Nafs al-Zakiyya. By the time Abbasid Dynasty had become a reality, the legitimacy of Nafs al-Zakiyya was no longer in dispute. However, like Abū Hanīfa, he was a supporter of the Prophet's family (ahl al-Bayt), so some accused him of being Shi'ī.<sup>101</sup> Hence, in the 'Alī-Muā'wiya conflict, he labeled Muāwiya as a rebel (al-bāghī).<sup>102</sup> However, although not as radical as Abū Hanīfa, al-Shāfi'ī's revolutionary discourse is found in his assurance to anyone who wants to rebel against the ruler, as long as they do not take up arms. Even if they take up arms, the ruler, according to Shāfi'ī, should not fight them but rather fulfill their rights if they are truly wronged. The ruler should only fight them if they really want to fight (murīdīn).<sup>103</sup> They should not be fought unless they start fighting unjustly. As al-Zabīdī, attributing an old saying (qawl qadīm) to Shāfi'ī, said: "The rulership (imāmah) is nullified and abrogated by obvious and known wickedness (fisq)," Shāfi'ī said: "Because the ruler exists to uphold the religion, fulfill the rights, and protect the property of orphans and the insane, and if there is wickedness in these (obligations), it will disable him from carrying out these affairs."<sup>104</sup>

As for Aḥmad ibn Ḥanbal's viewpoint, it is clear that he prohibits armed rebellion, as explained earlier. However, his companion, who was also tortured, and is the fourth ulama in this discussion, Aḥmad ibn Naṣr al-Khuzā'i (d. 231/850), described by al-Dhahabī as "the great Imam who was martyred,"<sup>105</sup> also referred to by Ibn Kathīr as a intellectual (ahl al- 'Ilm) and leader of the sunna of enjoining what is right and forbidding what is wrong (al-amr bi-l-ma'rūf wa-l-nahy 'an al-munkar),<sup>106</sup> was more revolutionary than Aḥmad. Witnessing the increasing deviation of al-Wāthiq billāh regarding the Quran as a created entity, al-Khuzā'i then gathered thousands of residents of Baghdad in 231 AH and was pledged allegiance for rebellion. However, his plans regarding the timing and location were uncovered (mī'ād), and he was eventually killed. The people of Baghdad mourned him for many years, as did Aḥmad Ibn Ḥanbal.<sup>107</sup>

The last *ālim* to discuss is Sa'īd 'Abd al-Salām Saḥnūn (d.240/855), also known as al-Imām Saḥnūn, a prominent jurist of the Mālikī school in the Western Islamic territories (al-maghrib al-Islamī). Appointed as a judge at the age of 74, he served for six

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<sup>100</sup> Wassām Qudūr, "Mawqif al- Islām min al- Istibdād: Qirā'a fī Mawqif Ulamā' al- Dīn min Mas'ala (tā'atu waliy al- amr)," *Markaz al- Mujaddid li al- Buhūs wa l- Dirāsāt* 5 (2021). 17.

<sup>101</sup> Muḥammad Abū Zahra, *Shāfi'ī: Ḥayātuh Wa 'Āshruh, Arā'uh Wa Fiqhuh* (Cairo: Dār al-Fikr al-'Arabī, n.d.). 144.

<sup>102</sup> Muḥammad Abū Zahra. 141.

<sup>103</sup> Abū 'Abd Allāh Muḥammad ibn Idrīs al- Shāfi'ī, *Al- Um*, 2nd ed., vol. 4 (Beirut: Dār al-Fikr, 1990). 231.

<sup>104</sup> Muḥammad ibn Muḥammad al- Husaynī al- Zabīdī, *Ithāf Al- Sādah al- Muttaqīn Bi Syarh Asrār Ihyā' Ulūm al- Dīn*, vol. 2 (Muassasa al-Tārikh al-Arabī, 1994). 233.

<sup>105</sup> Shams al-Dīn Muḥammad ibn Aḥmad ibn Uthmān al- Dhahabī, *Siyar A'lām al-Nubalā'*. Vol 11. 166.

<sup>106</sup> Ismā'īl ibn 'Umar ibn Kathīr, *Al- Bidāya Wa l- Nihāya*. Vol 10. 303.

<sup>107</sup> Ismā'īl ibn 'Umar ibn Kathīr. Vol 10. 303- 306.

years without ever taking a salary.<sup>108</sup> Saḥnūn was a well-loved and influential scholar in his community, and he did not hesitate to criticize the government when it acted unjustly towards the weak. Consequently, he was disliked by the *amīr* of Tunisia at the time, Muḥammad ibn al-Aghlab al-Tamīmī of the Aghlabid Dynasty, who wanted to remove him from office. However, as narrated by al-Qādhī ‘Iyādh, “He could not dismiss Saḥnūn because of his standing in the hearts of the people.”<sup>109</sup> Thus, Saḥnūn remained in his judicial position until his death. It is also recounted that Saḥnūn once mobilized a thousand armed sheikhs from among to rescue Muslim women captured by an Aghlabid military commander in battle. These armed sheikhs, acting on Saḥnūn’s orders, besieged the commander’s palace until “the sheikhs released them as Saḥnūn had decreed and brought them to Saḥnūn.”<sup>110</sup>

The aforementioned revolutionary stances and perspectives were subsequently referenced by numerous ulama following the 3rd century AH, like Ibn Ḥazm al-Andalusī al-Zāhirī (d. 456/1064) who opposes the consensus (*ijmā’*) claim prohibiting rebellion (*khurūj*).<sup>111</sup> And also, some Islamic jurists (*fuqaha’*), from the Ḥanbalī school such as Ibn Razīn (d. 656/1258), Ibn Aqīl (d.513/1119), and Ibn al-Jawzī (d.597/1201) also permitted armed rebellion (*khurūj*) against unjust ruler.<sup>112</sup> Among those who also rejected the consensus claim was al-Qādhī ibn Iyādh al-Mālikī (d.544/1149), who argued using the rebellions of Ḥusayn, Ibn Zubayr, and the people of Medina. Some of ulama viewed rebellion against oppression as permissible without conditions, while others required the oppression to be severe and accompanied by a distortion of Sharia. According to Iyādh, none of them considered Yazīd to be righteous (*mushīb*), and Husayn was seen as a rebel (*bāghī*).<sup>113</sup> Thus, Iyādh implied that there were differences in arguments regarding rebellion against oppression, indicating that the claim of a consensus prohibiting rebellion (*khurūj*) is incorrect. Similarly, Ibn Baṭṭāl (d.449/1057), often cited as prohibiting rebellion, never explicitly stated that obeying a usurping leader (*mutagallib*) is obligatory, while rebellion against him is forbidden. He only stated that obedience is preferable to rebellion if it avoids bloodshed.<sup>114</sup>

In conclusion, the Battle of Ḥarra carried out by the people of Medina and their ulama against Yazīd, followed by Ibn al- Ash’at’s rebellion with the people of Irāq along with their ulama against rulers deemed oppressive, al- Hajjāj serve as evidence that the narrative of rebellion (*khurūj*) was highly prevalent among ulama in the early history of

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<sup>108</sup> Muḥammad ibn Aḥmad al-Tamīmī, *Ṭabaqāt ‘Ulamā’ Ifriqiyyā* (Beirut: Dār al-Kitāb al-Lubnānī, n.d.), 102.

<sup>109</sup> Abū al-Faḍl al-Qādhī ‘Iyādh, *Tartīb Al-Madārik Wa Taqrīb al-Masālik*, ed. ‘Abd al-Qādir al-Ṣahrāwī, 1st ed., vol. 4 (Marocco: Maṭba’a Faḍḍāla al-Muḥammadiyya, n.d.), 68.

<sup>110</sup> Abū al-Faḍl al-Qādhī ‘Iyādh, 4:67.

<sup>111</sup> Abū Muḥammad Alī ibn Aḥmad ibn Saīd ibn Hazm al- Andalusī, *Marātib Al- Ijmā’ Fī l- Ibādāt Wa l- Muā’malāt Wa al- I’tiqādāt*. 178.

<sup>112</sup> Alāu al- Dīn Abū al- Hasan Alī ibn Sulaymān al- Mardāwī, *Al-Insāf Fī Ma’rifat al- Rājiḥ Min al- Khilāf*, 1st ed., vol. 10 (Maṭba’ah Sanah al- Muḥammadiyyah, 1955). 311.

<sup>113</sup> Ibn al- Wazīr, *Al- Awāshim Wa l- Qawāsīm Fī l- Dzab a’n Sunna Abī l- Qāsim*, 3rd ed., vol. 8 (Beirut: Muassasa al- Risāla, 1994). 77.

<sup>114</sup> Ibn al- Wazīr. 78.

Islam. However, the failures of these armed rebellions have led ulama to reconsider the reality (wāqi') in a new light, fostering a tendency to build a consensus declaring armed rebellion (khurūj) against rulers as prohibited. Nevertheless, from the latest exposition, it can be concluded that despite being a marginalized view, particularly among *Sunnī* circles, many prominent ulama still ensure the legitimacy of armed rebellion (khurūj) against oppressive rulers (jāir). Nevertheless, opposition in a peaceful form, without taking up arms, through advising, or even rebuking, as explained in the previous section, remains the majority view (jumhūr) among Islamic jurists.

#### 2.4. Conclusion

It can be discerned from this chapter that opposition through violence (khurūj) against rulers perceived as tyrannical, as well as peaceful opposition in the form of verbal criticism, holds differing legitimacy statuses compared to other categories of *khurūj* such as *al-Bughā*, *al-Khawārij*, and *al-Muhāribūn*, which necessitate combat. This chapter reveals that since the early period of Islam, particularly following the era of the rightly-guided Caliphs (khulafā' al-rāshidīn), political issues began to emerge, marked by the rise of tyrannical rulers (mulūk jabābira). However, the discourse among Islamic scholars to confront political despotism has never been absent, even from the early days of Islam, whether through peaceful opposition or through violent means (khurūj).

During the 1st to 3rd centuries AH (8th-9th CE), peaceful opposition is evident from verbal protests by ulama among the Companions and *tābi'īn*, such as those conducted by Abū Dharr al-Ghifārī, Abū Dardā', and 'Abd Allāh ibn 'Umar against Muāwiyya ibn Abī Sufyān. Subsequently, opposition to Yazīd ibn Muāwiyya was exemplified by Sa'īd ibn al-Musayyib. During the later period of the *tābi'īn* under the Umayyad dynasty, there was opposition to al-Ḥajjāj ibn Yūsuf al-Thāqafī, as exemplified by Ḥasan al-Baṣrī, and later during the Abbasid dynasty, peaceful opposition to 'Abd Allāh al-Ma'mūn, as exemplified by Aḥmad ibn Ḥanbal.

In addition to peaceful opposition, violent opposition was also conducted or supported by ulama, such as during the Battle of al-Ḥarra (63 AH / 682 CE), where hadith scholars like Ma'qal ibn Sinān al-Ashja'ī, 'Abd Allāh ibn Zayd ibn Abī Amir, and 'Abd Allāh ibn Ḥanzala perished. Violent opposition was also supported by ulama through rebellious movements led by 'Abd al-Raḥmān ibn al-Ash'at against al-Ḥajjāj (81-83 AH / 700-702 CE). Among the prominent ulama who participated were the esteemed Companion Anas ibn Mālīk, 'Abd al-Raḥmān ibn Abī Lailī, al-Sha'abī, and Sa'īd ibn Jubayr.

The significance of Ibn al-Ash'at's rebellion lies in its aftermath, where despite its substantial losses, it led to the consolidation of the view among ulama to prohibit armed rebellion ('adam al-khurūj), as explained by Ibn Taymiyya and Ibn Ḥajar, which then became the consensus of *ahl al-sunna* and the view upheld by the old pious people (salaf qadīm). Nevertheless, after Ibn al-Ash'at's rebellion, some ulama continued to legitimize *khurūj* actions against oppressive rulers, such as Abū Ḥanīfa, Mālīk ibn Anas, al-Shāfi'ī, and Sa'īd 'Abd al-Salām Saḥnūn. However, their discourse did not become the dominant political discourse among the Sunnīs. As will be discussed in the next chapter,

the discourse of medieval ulama tended to prohibit *khurūj*, either absolutely or under certain conditions.

## CHAPTER III ULAMA DISCOURSES ON *KHURŪJ* IN MEDIEVAL ERA

### 3.1. Introduction

In the previous chapter, I have elucidated the discourse of the ulama regarding rebellion (*khurūj*) in the early Islamic period from the 1st to the 3rd centuries AH/6th-8th centuries CE. It appears that, alongside *khurūj*, non-violent oppositions is also reflected in the discourse of the ulama from among the Companions (*ṣaḥābah*), the Successors (*tābi'īn*), and the Successor of the Successors (*tābi'u al-tābi'īn*). However, one noteworthy point is that during this period, their discourse was not particularly complex. Their discussions primarily involved their support for caliphs deemed more legitimate than the existing caliph, and more so, the theorization on how to treat rebels. Furthermore, as discussed at the conclusion of my first chapter, following the armed rebellion (*khurūj*) of Ibn al-Ash'ath, a tendency emerged to prohibit *khurūj* due to the belief that the losses and damage it caused outweighed its benefits.

Subsequently, this tendency is reflected in the discourses of the ulama regarding rebellion (*khurūj*) in the medieval period, which is the focus of this chapter, where non-violent opposition was predominantly emphasized. Beginning with the era of political decline of the Abbasid dynasty in the second half of the 3rd century AH/8th century CE, this period was marked by an unprecedented phenomenon where the caliphal authority was threatened by the hegemony of Buyyids from Persia, then by the Saljūqs from Turkey, and external threats such as the Mongols and the Crusaders during the Mamlūk era. In this complex context, the ulama were compelled to be more systematic than those in the early Islamic period in discussing the legitimate status of the *imām* and its conditions, and in discussing the legitimacy of rebellion (*khurūj*) to depose the *imām* if those conditions were not met.

Eventually, after elucidating the discourses of the ulama, in the concluding session, I will discuss several historical instances of non-violent protests against rulers perceived as unjust. These include actions similar to demonstrations, strikes, and sit-ins from the medieval period up to the 13th century AH/18th century CE, before the modern era. This discussion is crucial for understanding how the ulama's discourses in the medieval period, which tended to prohibit armed rebellion (*khurūj*), actually fostered initiatives within society, alongside their ulama, to engage in peaceful forms of protest. In many instances, these peaceful protests proved to be effective means of holding rulers accountable. These forms of protest also demonstrate that Muslim society was not permissive or submissive to the tyranny of rulers. The following is a detailed explanation.

### 3.2. Ulama Discourses on *Khurūj*

The discourses of the ulama to be discussed in this chapter will focus on the period from the 5th to the 9th centuries AH/11th to 15th centuries CE. The authoritative ulama referenced for this topic include Abū Ḥasan al-Māwardī (d.450 AH/1058 CE), Ibn Ḥazm al-Andalusī (d. 456 AH/1064 CE), Abū Ya'lā al-Farrā' (d. 456 AH/1064 CE), Abū

Ma‘ālī al-Juwaynī (d. 478 AH/1085 CE), Abū Ḥāmid al-Ghazālī (d. 505 AH/1111 CE), Muwāffaq al-Dīn Ibn Qudāma (d. 620 AH/1223 CE), Taqiy al-Dīn ibn Taymiyya (d. 728 AH/1328 CE), and Badar al-Dīn Ibn Jamā‘a (d.733 AH/1332 CE). These ulama are notable not only for their diverse backgrounds within various *sunnī* schools of *fiqh* but also for their significant contributions through their works and opinions in the field of Islamic political law (*siyāsa shar‘iyya*). Their prominence and scholarly output provide a comprehensive view of how the discourse on *khurūj* evolved during this period. The following is a detailed explanation.

### 3.2.1. Abū Ḥasan al-Māwardī: Imamate of Corrupt *Imām* is Void (d. 450 AH/ 1058 CE)

According to Hamilton Gibb, al-Māwardī is the first to discuss the discourse of rebellion in a theoretical and systematic manner.<sup>115</sup> Furthermore, al-Māwardī also is the most quoted jurist in the Shāfi‘ī school, by later jurists on rebellion.<sup>116</sup> Al-Māwardī, who was born in Baṣra and died in Baghdad, was a distinguished jurist of the Shāfi‘ī school and served as the chief judge (*aqdā l-quḍā*) of the Abbasid dynasty.<sup>117</sup> He lived during a politically tumultuous era, witnessing the dominance of the Buyids over the Abbasid caliphs and the subsequent conflicts between the Buyids and the Saljūqs. Al-Māwardī was appointed as a mediator between *amīr al-umarā’* Jalāl al-Dīn al-Dawla on the one hand and the leaders of the Saljūqs who coalesced with the caliph al-Qaem on the other hand.<sup>118</sup> However, his mediation was unsuccessful, leading to the Saljūqs taking control from 447/1055 to 548/1143, ruling over Transoxiana, Anatolia, Syria, and the Hijaz. Al-Māwardī lived for three years under the Saljūq rule before his death at 86, and his funeral prayer was led by al-Imām al-Khaṭīb al-Baghdādī.<sup>119</sup>

His proficiency as an envoy and government official sharpened his analysis of Islamic jurisprudence in the political realm. This is evidenced by his book titled *al-Aḥkām al-Sulṭāniyya*, *Naṣīhat al-Mulūk*, dan *al-Ḥāwī al-Kabīr*. In the first book, al-Māwardī does not explicitly elaborate on his discourse regarding *khurūj*. However, according to al-Māwardī, an *imām* has the right to be obeyed (*tā’a*) and supported (*nuṣra*) as long as his condition remains unchanged, specifically, his justice is not impaired, meaning he does not become corrupt (*fāsiq*), or his physical abilities are not compromised. The term *fāsiq* here is related to physical actions (*af‘āl al-jawāriḥ*), wherein the *imām* engages in

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<sup>115</sup> Tasha Solomon, “Law and Theory: Pre-Modern and Contemporary Development of Islamic Discourse on Rebellion,” *Journal of Mason Graduate Research* 3 (2016): 128–43, <https://doi.org/10.13021/G8388B>.

<sup>116</sup> Khaled Abou El Fadl, *Rebellion and Violence in Islamic Law* (Cambridge: Cambridge University Press, 2001), 165.

<sup>117</sup> Khair al- Dīn al-Zarkalī, *Al-A‘lām*, 15th ed. (Dār al- ‘Ilm li-l- Malayyīn, 2002). Vol. 4. 327.

<sup>118</sup> Abū l- Faraj ‘Abd al- Rahmān Ibn al- Jawzī, *Al-Muntaẓam Fī Tārīkh al-Mulūk Wa al-Umam*, ed. Muḥammad ‘Abd al-Qādir ‘Aṭā and Muṣṭafā ‘Aṭā, vol. 15 (Beirut: Dār al-Kutub al-‘Ilmiyya, 1995). 285.

<sup>119</sup> Abū l-Ḥasan ‘Alī ibn Muḥammad ibn Ḥabīb al-Māwardī, *Muqaddimāt Al-Aḥkām al-Sulṭāniyya Wa-l-Wilāyat al-Dīniyya* (Cairo: Dār al- Ḥadīth, n.d.). 10.

prohibited acts (*maḥzūrāt*) and commits reprehensible deeds driven by his inclinations and desires, to the extent that his imamate cannot be upheld and maintained. If this occurs, according to al-Māwardī, the *imām* has effectively vacated his leadership position (*kharaja min l-imāma*).<sup>120</sup>

Thus, implicitly, al-Māwardī considers that the community is not obligated to fulfill the *imām's* right to obedience (*tā'a*) and support (*nuṣra*) if he becomes *fāsiq*, thereby nullifying his imamate. Unfortunately, despite the nullification, al-Māwardī in this book, does not explain the process of deposing such an *imām*, whether it is permissible through *khurūj* or other means. Yet, in his other works, *Nāṣihat al-Mulūk*, al-Māwardī affirms al-Shāfi'ī's view that rebels against an unjust ruler should not be fought.<sup>121</sup> Similarly, in his book *al-Ḥawā'ī al-Kabīr*, al-Māwardī asserts that only those who oppose a just *imām* can be categorized as rebels.<sup>122</sup> Thus, indirectly, al-Māwardī defends the legitimacy of rebels against an unjust ruler. Unfortunately, as noted by Abou al-Fadl, al-Māwardī does not elaborate further on this argument; he merely cites al-Shāfi'ī's opinion.

It seems that al-Māwardī's focus is not on discussing in detail the legitimacy of deposing an unjust ruler, but rather on how to treat rebels. Consequently, besides opposing an unjust ruler, al-Māwardī also considers several conditions under which rebels should not be fought. Among these conditions, he states, "If a group of Muslims rises and opposes the opinion of the community, holding to a doctrine they have created, if they do not renounce obedience to the *imām*, if they do not withdraw from an area where they are isolated, and if they are scattered individuals, then they are to be left alone and not fought, and the laws of justice are to be applied to them regarding what is obligatory for them in terms of rights and restrictive statutes,"<sup>123</sup> according to al-Māwardī.

Such is al-Māwardī's discourse on *khurūj*. Al-Māwardī indeed scrutinizes the *fāsiq* status of an *imām* leading to the forfeiture of his imamate, yet he does not elaborate extensively on whether *khurūj* could serve as a solution when an *imām* insists on retaining his imamate. Implicitly, he only allows for a voluntary withdrawal of power by a corrupt ruler, or formally removed through a mechanism by the decision-making Muslim committee (*ahl al-ḥall wa l-'aqd*). However, al-Māwardī also supports the legitimacy of rebels against an unjust *imām* by stating they should not be fought. As, holding a doctrine different from the *jama'a*, as long as they remain obedient to the ruler, do not leave the area where they are isolated, or are scattered individuals, according to al-Māwardī, they should not be fought and their rights must be fulfilled. However, it is important to note that although al-Māwardī did not permit fighting against rebels, this does not necessarily imply that he legitimized the act of *khurūj* against a corrupt ruler

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<sup>120</sup> al-Māwardī, 42; M. Abdul Qadir, "The Muslim Political Theory of Rebellion," *The Indian Journal of Political Science* 1, no. 1 (1939): 23–29.

<sup>121</sup> Abou El Fadl, *Rebellion and Violence in Islamic Law*, 166.

<sup>122</sup> Abou El Fadl, 166.

<sup>123</sup> al-Māwardī, *Al-Aḥkām al-Sulṭāniyya Wa-l-Wilāyat al-Dīniyya*, 100.

(fāsiq), What is certain is that, according to him, the imamate of a person who becomes *fāsiq* is invalid.

### 3.2.2. Abū Ya'lā al-Farrā' (d. 458 AH/1066 CE): Unjust Rulers Should Only Be Threatened, Not Fought

Abū Ya'lā was a judge (qādī) and a shaikh within the Ḥanbalī school, renowned as an *ālim* of Iraq in his era.<sup>124</sup> His stature rose during the Abbasid Caliphate, particularly under the reigns of al-Qādir bi Allāh and al-Qāim bi Amr Allāh. Al-Qāim entrusted him with the jurisdiction (qadhā') over the caliphate, a position he accepted under the condition that he would not attend ceremonial processions, participate in receptions, or visit the Sultan's residence; conditions which al-Qāim accepted.<sup>125</sup> Abū Ya'lā lived during a time of complex political dynamics, with the Fatimid dynasty in Egypt, the Umayyad dynasty in Andalusia, and the Abbasid dynasty in Iraq and Khorasan, each hostile to the others and vying for power. Within the Abbasid realm itself, actual power was held by the Buyid dynasty rather than the official Abbasid caliphs.<sup>126</sup>

The discourse of Abū Ya'lā on *khurūj* can be referenced in his political jurisprudence book, *al-Aḥkām al-Sulṭāniyya*. In the chapter on the imamate, Abū Ya'lā initially explains that among the conditions for an *imām* are, first, being a Quraysh. Second, meeting the requirements to be a judge, which include being free (*hurya*), mature (*bulūgh*), sane (*aql*), and just (*adāla*). Third, being capable of managing warfare, politics, and enforcing criminal law (*hudūd*). Lastly, the *imām* must be the best in knowledge and religion. However, Abū Ya'lā cites the view of al-al-Imām Aḥmad ibn Ḥanbal, which dismisses the consideration of the condition of justice. He states, "Whoever overpowers them with the sword until he becomes the caliph and is called *amīr al-mu'minīn*, it is not permissible for anyone who believes in Allāh and the Last Day to spend a night without recognizing him as the *imām*, whether he is righteous or wicked (*fājir*), he is the *amīr al-mu'minīn*."<sup>127</sup>

Furthermore, despite considering justice as a primary condition, Abū Ya'lā, citing the narrations of 'Abdūs and others, maintains that if there is an impediment to appointing a just *imām*, or if this condition exists at the time of the contract and then disappears afterward, meaning that the *imām* who was initially just becomes corrupt (*fāsiq*), this does not affect the continuity of his imamate.<sup>128</sup> Therefore, regarding rebellion (*khurūj*), Abū Ya'lā views that if a ruler is tyrannical, fails to enforce criminal laws, beats his subjects, and monopolizes spoils (*fay'*), war booty, and alms (*zakat*), then it is obligatory to threaten him (*takhwīf*) by reminding him of Allah. However, fighting him and drawing swords against him is not permissible. Abū Ya'lā supports his argument with the

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<sup>124</sup> Shams al-Dīn Muḥammad ibn Aḥmad ibn Uthmān al-Dhahabī, *Siyar A'lām al-Nubalā'*. Vol. 18, 89.

<sup>125</sup> Khair al-Dīn al-Zarkalī, *Al-A'lām*. Vol. 6, 99-100.

<sup>126</sup> Muḥammad 'Abd al-Qādir Abū Fāris, *Al-Qādī Abū Ya'lā al-Farrā' Wa Kitābuhu al-Aḥkām al-Sulṭāniyya*, 2nd ed. (Muassasa al-Risāla, 1983), 41-43.

<sup>127</sup> Al-Qādī Abū Ya'lā al-Farrā', *Al-Aḥkām al-Sulṭāniyya*, ed. Muḥammad Ḥāmid al-Fiḳī, 2nd ed., 1 vols. (Beirut: Dār al-Kutub al-'Ilmiyya, 2000). 20.

<sup>128</sup> Al-Qādī Abū Ya'lā al-Farrā', 20.

statement of al-Imām Aḥmad, who, when the jurists in Baghdad intended to rebel against al-Wāthiq bi Allāh for believing the Qur’ān to be a creation, Aḥmad prevented them, saying, “Do not spill your blood and the blood of the Muslims with you. Consider the consequences of your actions, and be patient until the righteous are at rest or are relieved from an unrighteous (imām).”<sup>129</sup>

To conclude, this is the discourse of Abū Ya’lā al-Farrā’ on *khurūj*. One point that must be emphasized is that his discourse is deeply influenced by his Ḥanbalī school. In many of his discussions on the *imamate*, Abū Ya’lā consistently refers to al-Imām Aḥmad, whose discourse prioritizes peaceful opposition to the tyranny and deviation of rulers, to the extent that it becomes challenging to understand Abū Ya’lā’s own discourse due to his frequent references to Aḥmad’s discourses. The most striking difference from al-Māwardī’s discourse, probably, is how Abū Ya’lā does not question the *imamate* of a corrupt ruler, unlike al-Māwardī. Additionally, the political conditions of the time, marked by bloody power struggles among the elites, can also be considered as a background for Abū Ya’lā’s preference for stability over rigid criteria for someone’s *imamate*.

### 3.2.3. Abū Ma’ālī al-Juwaynī (d. 478 AH/1085 CE): Rebellion Against Unjust Rulers is Not for Ordinary Individuals

Abū Ma’ālī al-Juwaynī, also known as *Imām al-Ḥaramayn* (the *imām* for the two holy mosques, al-Ḥarām and al-Nabawī), was born during the period when the Buyyids dominated the Abbasids. However, he spent nearly his entire life under the rule of the Saljūqs in the city of Nishapur.<sup>130</sup> Al-Juwaynī’s views on *khurūj* can be referenced in his book *Ghiyāth al-Umam fī Itiyāth al-Dhulām* and *al-Irshād ilā Qawāti’ al-Adilla fī Uṣūl al-I’tiqād*. For the first book, it can be referenced specifically in chapter five, which addresses the issue of deposing and isolating *imāms* (khal’ al- a’imma wa inkhilā’uhum). Al-Juwaynī emphasizes the importance of addressing the problem of a *fāsiq* *imām* by replacing him with a new *imām* when his condition necessitates it:

If disobedience persists, aggression becomes rampant, corruption prevails, rights and boundaries (of law) are disrupted, maintenance is withdrawn, betrayal becomes evident, injustice intensifies, the oppressed find no other recourse against their oppressors, and dysfunction and imbalance lead to significant problems and the disruption of defense, then it is crucial to rectify this increasingly deteriorating situation.<sup>131</sup>

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<sup>129</sup> Muḥammad ‘Abd al- Qādir Abū Fāris, *Al- Qādī Abū Ya’lā al- Farrā’ Wa Kitābuhu al- Ahkām al- Sulṭāniyya*. 189.

<sup>130</sup> Tāj al-Dīn al- Subkī, *Tabaqāt Al-Shāfi’iyya al-Kubrā*, ed. Maḥmūd Muḥammad al- Ṭanāhī and ‘Abd al-Fattāḥ al-Ḥalw, 2nd ed., vol. 5, 10 vols. (Hijr li-l-Ṭibā’a wa-l-Nashr wa-l-Tawzī’, 1993). 165.

<sup>131</sup> Abū Ma’ālī ‘Abd al-Mālik al-Juwaynī, *Al- Ghiyāth al-Umam Fī Tiyāth al-Zulam*, ed. ‘Abd al- Aẓīm al- Dīb, 2nd ed. (Maktaba Imām al-Ḥaramayn, 1981), 106.

However, according to al-Juwaynī, rectifying this situation is not the task of individuals to overthrow this corrupt *imām*. "We do not permit individuals from various regions (falā nuṭliqu li-l Āhād aṭrāf al-bilād) to revolt (an yasūrū) against him." Al-Juwaynī's rationale is to prevent the worsening of conditions, the increase of trials, and the fueling of *fitna*.<sup>132</sup> Elsewhere, he justifies this prohibition by stating: "It does not allowed for individuals to bear arms ... because it would lead to loss of lives ... causing quarrels and conflicts." Furthermore, al-Juwaynī also mentions that those who revolt do not walk on the guidance of their religion, "So do not let them rebel without religious insight (baṣīrat dīn)"<sup>133</sup>

Therefore, although advocating the use of force under certain conditions, the individuals who act to depose a corrupt ruler are not just anyone. In his other book, *al-Irshād ilā Qawāti' al-Adilla fī Uṣūl al-I'tiqād*, al-Juwaynī argues, that if a ruler becomes unjust and oppressive, "The possessor of power (ahl al-ḥall wa l-'aḳd) can cooperate to oppose and rectify him, even if this means they have to use force and fight against that ruler."<sup>134</sup> Thus, those entitled to depose him are those within the institution authorized to select and remove an *imām*, either with or without collaborative assistance.

In addition to the *ahl al-ḥall wa l-'aḳd*, in his book *al-Ghiyāth*, he also legitimizes *khurūj* against the unworthy ruler, according to him, to overthrow him, provided it is done by someone who is obeyed (muṭā'), has a followers (aṭbā') and supporters (ashyā'), rises with respect, commands good and forbids evil, and promises to give to the Muslims what they have paid for, then al-Juwaynī says, "Let him proceed with that step (falyamḍi fī dhalika qadaman). Allah will help him on the condition that he safeguards the common good, considers what is beneficial, balances what is rejected, and rises with what is hoped for."<sup>135</sup>

Thus, it can be concluded that a corrupt *imām*, according to al-Juwaynī, indeed deserves to be replaced with a new *imām*. If the situation has truly deteriorated, then al-Juwaynī permits his removal through *khurūj*. However, this *khurūj* is not to be undertaken by just anyone, for otherwise, it will only lead to greater corruption, bloodshed, and *fitna*. Therefore, the deposition of the corrupt and unworthy ruler should only be carried out by *ahl al-ḥall wa l-'aḳd*, or through *khurūj* led by someone who is obeyed, has followers and supporters, and ensures that the common good is maintained upon the corrupt *imām*'s removal. Thus, *khurūj* against a tyrannical ruler is not the duty of ordinary individuals. However, if these conditions are not met, *khurūj* should not be undertaken. *Khurūj* is merely an exception; fundamentally, al-Juwaynī maintains that the primary option regarding a corrupt ruler is to refrain from engaging in *khurūj* ('adam al-khurūj).

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<sup>132</sup> Abū Ma'ālī 'Abd al-Mālik al-Juwaynī, *Al- Ghiyāth al-Umam Fī Tiyāth al-Zulam*, 115.

<sup>133</sup> Abū Ma'ālī 'Abd al-Mālik al-Juwaynī, 109.

<sup>134</sup> Abou El Fadl, *Rebellion and Violence in Islamic Law*, 182.

<sup>135</sup> Abū Ma'ālī 'Abd al-Mālik al-Juwaynī, *Al- Ghiyāth al-Umam Fī Tiyāth al-Zulam*, 116; Abou El Fadl, *Rebellion and Violence in Islamic Law*, 182.

### 3.2.4. Abū Ḥāmid al-Ghazālī (d. 505 AH/1111 CE): Deposing Unjust Rulers Without Warfare

Similar to al-Māwardī and al-Juwaynī, al-Ghazālī was an *ālim* from the Shāfiʿī school. He was a teacher at a renowned educational institution of his time, al-Nizāmiyya, located in Baghdad. In his era, the Buyyids, who adhered to the Shīʿa sect, no longer controlled the Abbasid caliphate. The Saljūqs had defeated them in 1055.<sup>136</sup> In this context, al-Ghazālī's views on rebellion (khurūj) in his three books, *Faḍāʾih al-Bāṭiniyya*, *al-Iqtisād fī al-ʿItiqād*, and *Ihyāʾ ʿulūm al-dīn*, can be understood as his efforts to unify the Sunnī Muslim community against the threat posed by the Bāṭinī Dynasty, represented at that time by the Fātimids in Cairo.

In his book *Faḍāʾih al-Bāṭiniyya*, al-Ghazālī outlines that there are ten conditions for becoming a caliph (khilāfah): six of which cannot be acquired (lā tuktasab), namely: reaching maturity (bāligh), sane (ʿaql), freedom (ḥurya), being male (dhakar), Quraysh lineage, and normal sensory perception.<sup>137</sup> The conditions that can be acquired (muktasaba) include: military strength (najda),<sup>138</sup> capability (kifāya),<sup>139</sup> piety (waraʿ),<sup>140</sup> and knowledge (ʿilm).<sup>141</sup> Furthermore, in *Ihyāʾ ʿUlūm al-Dīn*, al-Ghazālī elaborates on what should be done if the conditions of piety and knowledge are not present in an *imām*. He states, "If the *imām* is ignorant (jāhil) or corrupt (fāsiq), and it is impossible to remove him from the imamate, then we must uphold his imamate. This is because we are faced with either causing *fitna* by replacing him, which would result in greater harm to the Muslims than the absence of the stipulated conditions for the sake of a greater benefit."<sup>142</sup>

What needs to be emphasized is the phrase, "It is impossible to remove him," which implies that al-Ghazālī actually desires the removal of a tyrannical ruler as the primary solution. However, he prioritizes the greater public good over merely fulfilling the conditions of an *imām*. This is why in another section, al-Ghazālī asserts, "A tyrannical *sulṭān* should have his mandate terminated, and he should be deposed (maʿzūl) or must resign, so how can one pledge allegiance (bāyaʿa) to him when he is not a sultan?"<sup>143</sup> This indicates that al-Ghazālī does not consider a tyrannical ruler to be a legitimate authority. Nonetheless, while such a ruler must be deposed, it is crucial to note the method of deposition. Al-Ghazālī states in his book *al-Iqtisād fī al-ʿItiqād*, "It is obligatory to depose a tyrannical *sulṭān* if it is possible to do so without provoking armed resistance

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<sup>136</sup> Carole Hillenbrand, "Islamic Orthodoxy or Realpolitik? Al-Ghazālī Views on Government," *Iran* 26 (1988): 81.

<sup>137</sup> Abū Ḥāmid al-Ghazālī, *Faḍāʾih al-Bāṭiniyya*, ed. Muḥammad Alī al-Quṭb, 1st ed. (Dār al-Kutub al-ilmīyya, 2000). 161-162.

<sup>138</sup> Abū Ḥāmid al-Ghazālī. 163.

<sup>139</sup> Abū Ḥāmid al-Ghazālī. 166.

<sup>140</sup> Abū Ḥāmid al-Ghazālī. 168-169.

<sup>141</sup> Abū Ḥāmid al-Ghazālī. 171.

<sup>142</sup> Muḥammad ibn Muḥammad al-Husaynī al-Zabīdī, *Ithāf al-Sāda al-Muttaqīn Bi Sharh Asrār Ihyāʾ Ulūm al-Dīn*. 232.

<sup>143</sup> Muḥammad ibn Muḥammad al-Husaynī al-Zabīdī. Vol. 6, 121.

(qitāl), but if it is not possible except through armed resistance, then it is obligatory to obey him and to affirm his imamate."<sup>144</sup>

Thus, al-Ghazālī views that a tyrannical ruler must indeed be deposed, but with the condition that it does not provoke armed resistance (qitāl), indicating opposition to violent rebellion (khurūj). This demonstrates al-Ghazālī's discourse on *khurūj*, which leans towards peaceful opposition and entirely opposes violence. When explaining the levels of *al-amr bi l-ma'rūf wa l-nahy 'an al-munkar* (encouraging righteous behavior and discouraging immorality) towards rulers (salāṭīn), al-Ghazālī states, "The first is guidance (ta'rīf), the second is advice (al-wa'z), the third is a verbal threat (takhshīn fī l-qawl), and the fourth is prevention through coercion (al-man'u bi l-qahr) by promoting righteousness through beating (ḍarb) and punishment (uqūba)."<sup>145</sup> However, specifically for rulers, according to al-Ghazālī, only the first two are permissible: guidance (ta'rīf) and advice (al-wa'z). Prevention through coercion (qahr) is not allowed, as it would only incite *fitna* and greater harm. Al-Ghazālī bases his argument on the Prophet's saying, "The best *jihād* is to speak the truth in the presence of a tyrannical ruler."<sup>146</sup>

This encapsulates al-Ghazālī's discourse on rebellion against tyrannical ruler (jāir). It is evident that al-Ghazālī holds that a ruler's impiety affects the legal status of their imamate and even encourages their deposition due to this reason. However, despite advocating for deposition, al-Ghazālī underscores the importance of weighing the benefits and harms that such an action might bring. If the deposition incites *fitna* and chaos, al-Ghazālī prohibits it. Therefore, he forbids armed resistance (qitāl) against a tyrannical ruler, allowing only guidance (ta'rīf) and advice (wa'z). Moreover, al-Ghazālī opines that living under an oppressive and unjust ruler is still preferable to living without any ruler at all, as the absence of governance would render judicial and administrative matters within the caliphate void, including contracts and marriages.<sup>147</sup> Al-Ghazālī's discourse portrays a stance of peaceful opposition, firmly closing the door to violence.

### 3.2.5. Muwāffaq al-Dīn Ibn Qudāma (d. 620 AH/1223 CE): Legitimizing the Imamate of Rebels Even If They Coerce Allegiance

Ibn Qudāma, born in Jamā'īl, a location in Nablus now in present-day Palestine, was an *imām* of the Ḥanābila school (madhab) at the Jāmi' of Damascus.<sup>148</sup> During his time, the Abbasid dynasty collapsed with the destruction of Baghdad by the Mongols. Subsequently, he witnessed frequent instances of *khurūj* while residing in Damascus and Baghdad. The frequency of these events influenced his realistic perspective on the phenomenon. Ibn Qudāma does not explicitly detail his views on *khurūj* in a single,

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<sup>144</sup> Abū Ḥāmid al-Ghazālī, *Al-Iqtisād Fī l-I'tiqād*, ed. Abd Allāh Muḥammad al-Khalīlī, 1st ed. (Beirut: Dār al-Kutub al-'Ilmiyya, 2004). 129.

<sup>145</sup> Muḥammad ibn Muḥammad al- Husaynī al- Zabīdī, *Ithāf Al- Sādah al- Muttaqīn Bi Syarh Asrār Ihyā' Ulūm al- Dīn*. Vol. 7, 64.

<sup>146</sup> Muḥammad ibn Muḥammad al- Husaynī al- Zabīdī. Vol. 7, 64.

<sup>147</sup> Abū Ḥāmid al-Ghazālī, *Al-Iqtisād Fī l-I'tiqād*. 171.

<sup>148</sup> Shams al-Dīn Muḥammad ibn Aḥmad ibn Uthmān al- Dhahabī, *Siyar A'lām al-Nubalā'*. Vol. 22. 166.

dedicated discussion; however, his perspective can be discerned in his book *al-Mughnī* in the chapter on issues concerning when Muslims agree upon an *imām* (idhā ittafaqa al-muslimūn ‘alā imām).

Ibn Qudāma views that if someone rebels (kharaja) against an *imām*, subsequently overpowers him, forces the people to recognize him, and receives their allegiance, he is a valid *imām*. Furthermore, any action against his legitimacy and fighting against him is prohibited (yaḥrum qitāluhu), as is rebelling against him (khurūj alayh).<sup>149</sup> Ibn Qudāma bases his argument on historical events, specifically when ‘Abd al-Mālik ibn Marwān rebelled (kharaja) against ‘Abd Allāh ibn Zubayr, killed him, and then took control over his territory and its inhabitants, who pledged allegiance to him willingly or not. According to Ibn Qudāma, this made ‘Abd al-Mālik ibn Marwān an “*Imām* against whom rebellion was forbidden (yaḥrum al-khurūj alayh).<sup>150</sup>

According to Ibn Qudāma, the prohibition against rebellion, in the case of ‘Abd al-Mālik, is due to the potential division it would cause among Muslims, leading to bloodshed and loss of property. Therefore, rebelling against him falls under the category of what the Prophet said, "Anyone who rebels against my people, and they are a significant number, kill them with a sword, regardless of their circumstances."<sup>151</sup> However, the confusing aspect of Ibn Qudāma's argument is why this prohibition against rebellion does not apply to ‘Abd al-Mālik himself, who rebelled against Ibn Zubayr. Ibn Qudāma even forbids rebellion against ‘Abd al-Mālik after he became an *imām*. Although not explicitly stated, Ibn Qudāma might view ‘Abd al-Mālik's rebellion as a historical lesson that rebellion only leads to greater harm than benefit, hence why further rebellion should be avoided.

However, if the historical context is disregarded, Ibn Qudāma's discourse can be highly significant. This is because Ibn Qudāma unconditionally considers anyone who does not recognize the legality of the imamate of a rebel who then successfully gains allegiance, even by force, as a rebel (bāghī) who must be fought against. Nevertheless, violence is not always the solution. Ibn Qudāma advocates for the new *imām* to seek reconciliation (islāh) before resorting to combat. This includes providing information, addressing their reasons and concerns, and refuting the arguments of those who refuse to recognize the new *imām*. Ibn Qudāma exemplifies this with the actions of ‘Alī ibn Abī Ṭālib during the Battle of the Camel, where ‘Alī first sent a letter to warn the rebels.<sup>152</sup>

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<sup>149</sup> Muwaffāq al-Dīn Abū Muḥammad ‘Abd Allāh ibn Ahmad ibn Muḥammad Ibnu Qudāma, *Al-Mughnī*, ed. ‘Abd Allāh ibn ‘Abd al-Muḥsin al-Turkī and ‘Abd al-Fattāḥ Muḥammad al-Ḥalw. Vol. 12 (Riyād: Dār ‘Ālam al-Kutub, 1997). 243.

<sup>150</sup> Muwaffāq al-Dīn Abū Muḥammad ‘Abd Allāh ibn Ahmad ibn Muḥammad Ibnu Qudāma, 12:243.

<sup>151</sup> Muwaffāq al-Dīn Abū Muḥammad ‘Abd Allāh ibn Ahmad ibn Muḥammad Ibnu Qudāma, 12:243.

<sup>152</sup> Muwaffāq al-Dīn Abū Muḥammad ‘Abd Allāh ibn Ahmad ibn Muḥammad Ibnu Qudāma, 12:243.

The inclination towards making peace with rebels, and not engaging in combat with them as long as possible, can also be observed in Ibn Qudāma's approach to how he views a group that holds views contrary to the *imām* even the community. According to Ibn Qudāma, the majority (*jumhūr*) of Islamic jurists believe that if a group espouses Kharijite views, such as declaring major sinners as unbelievers, abandoning the community, legitimizing the bloodshed and property seizure of fellow Muslims, but they do not rebel (*lam yakhrujū*) against the authority of the ruler and do not shed blood, then they should not be killed or fought against. This is the opinion of Abū Ḥanīfa, al-Shāfi'ī, and the majority of Islamic jurists (*fiqh*). His basis is the approach taken by 'Alī ibn Abī Ṭālib when he assured a Kharijite who said to him, "There is no judgment except Allah's," and 'Alī informed him that he would not prevent him from entering the mosque, nor withhold his share of the spoils (*fay'*), nor initiate fighting against him, unless they started the fight first.<sup>153</sup>

Thus, Ibn Jamā'a's discourse on *khurūj* is presented. While al-Juwaynī still allows for rebellion against a corrupt ruler, Ibn Qudāma appears to close this possibility by not elaborating on it, prohibiting it to avoid potential harm (*mafsadat*). Ibn Qudāma also does not specify the legal conditions for a rebellion or a rebel. Furthermore, he even encourages rebel who successfully become *imām* to employ military force if necessary to combat those who reject his authority. However, Ibn Qudāma still prioritizes a peaceful approach towards rebels initially. Just as he ensures that having different views from the ruler should not warrant combat. Hence, Ibn Qudāma's discourse marks a permissive and flexible stance regarding rebellion (*khurūj*), even the conditions for an ideal imamate are seems sidelined in his discourse.

### 3.2.6. Taqy al-Dīn ibn Taymiyya (d. 728 AH/1328 CE): Only Few Rebellions (khurūj) Lead to Advantage

Born in 661 AH/1263 CE, Ibn Taymiyya was a scholar from the Ḥanbalī school,<sup>154</sup> born in Harrān, now in Turkiye. He grew up there until the age of seven, when a Tatar invasion forced him to move to Shām. In Shām, there were also invasions by the Franks from the West, who sought to conquer Egypt and other regions. Thus, Ibn Taymiyya lived in a chaotic political environment with external threats from the Tatars and Franks. The internal political situation was equally unstable, with Mamluk dynasty rulers rebelling against each other for power. Ibn Taymiyya lived through these times, which, according to Ibn al-Athīr, were marked by unprecedented calamities for Islam and the Muslims:

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<sup>153</sup> Muwaffāq al-Dīn Abū Muḥammad 'Abd Allāh ibn Ahmad ibn Muḥammad Ibnu Qudāma, 9:8.

<sup>154</sup> Ibn Taymiyya referred to Abū Ya'lā of the Ḥanbalī school as our companion (*aṣḥābunā*). Read: Shaikh al-Islām Aḥmad ibn Taymiyya, *Majmū' al-Fatāwā*, vol. 24 (Medina: Majma' al-Malik Fahd li Ṭibā'a al-Muṣhaf al-Sharīf, 2004). 28. However, there is a strong debate regarding Ibn Taymiyya's school, as Ibn Taymiyya himself disagreed with the Ḥanbalī school and even the other three schools. Amīn 'Alī Aḥmad al-Khayyāt even had a study in 2005 on Ibn Taymiyya's choice of *Fiqh* opinions that differed from the 4 Madhabs (*Iktiyārāt Ibn Taymiyya al-Fiqhiyya al-Mukhālifa li l-Madhāhib al-Arba'a 'Arḍan wa dirāsatan*).

"Indeed, Islam and the Muslims have been afflicted in these times by disasters unlike any that have befallen any community."<sup>155</sup>

In the context of this intricate political landscape, Ibn Taymiyya weighed the benefits (*maṣlahā*) and harms (*mafsada*) in forming his discourse on rebellion (*khurūj*) against a tyrannical *imām* (*jā'ir*), ultimately deciding to prohibit it, particularly armed rebellion (*bi-l sayf*). Ibn Taymiyya regarded his stance as aligning with the *madhhab* of the people of *hadith* (*ahl al-hadīth*).<sup>156</sup> He also claimed that his view was the well-known stance within the *madhhab* of *ahl al-sunna wa l-jamā'a*, which forbade rebellion against a tyrannical ruler with the sword (*sayf*). Ibn Taymiyya stated, "Therefore, the *madhhab* of *ahl al-Sunna* has been established to abstain from fighting (*qitāl*) during times of turmoil based on authentic *hadiths* from the Prophet. They later formalized this in their creeds, advocating patience with the injustices of the *imāms* and refraining from fighting against them."<sup>157</sup>

Ibn Taymiyya's argument against *khurūj* against a tyrannical *imām* consistently refers to his interpretation of reality, which he claims demonstrates that rebellion (*khurūj*) only increases injustice (*al-zulm*) and corruption (*fasād*). Furthermore, in the context of *khurūj*, Ibn Taymiyya argues that it is inappropriate to prevent evil (*shar*) with a worse action and to prevent wrongdoing (*'udwān*) with a more egregious action.<sup>158</sup> In other words, Ibn Taymiyya considers the act of *khurūj* to be worse than the perceived evil of the tyrannical ruler. Consequently, he asserts that refraining from rebellion and warfare against such rulers is "the most beneficial course of actions (*aṣḥab al-umūr*) for a servant in their livelihood and ultimate return."<sup>159</sup>

Upon closer examination, this conclusion is not without basis; Ibn Taymiyya's argument against *khurūj* is fundamentally the result of his reading of historical rebellions, such as the *khurūj* against Yazīd ibn Muāwiyya in Madīna, the *khurūj* of Ibn al-Ash'at in Iraq, and those who rebelled against Abū Ja'far al-Manṣūr, among others. Ibn Taymiyya concludes from these rebellions that, "Few have rebelled against an *imām* who possesses authority (*sulthān*) without resulting in greater evil than good."<sup>160</sup> In other words, Ibn Taymiyya acknowledges that not all rebellions necessarily lead to greater harm, but he believes that most do, and this is why he prohibits *khurūj*.

Eventually, it is not surprising that Yossef Rapoport views Ibn Taymiyya's discourse as embodying a pragmatic approach in the application of law in society. In terms of

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<sup>155</sup> 'Izzu al-Dīn Ibn al- Athīr, *Al- Kāmil Fī al- Tārikh*, ed. 'Umar Abd al- Salām Tadmīrī, 1st ed., vol. 10 (Beirut: Dār al-Kutub al- Arabī, 1998), 335.

<sup>156</sup> Shaikh al- Islām Aḥmad ibn Taymiyya, *Majmū' al- Fatāwā*. 444.

<sup>157</sup> Taqiy al-Dīn Ibn Taymiyya, *Minhāj Al- Sunna al- Nabawiyya Fī Naqd Kalām al- Shi'a al- Qadariyya*. 529.

<sup>158</sup> Taqiy al- Dīn ibn Taymiyya, *Al- Mustadrak Alā Majmū' Fatāwā Shaikh al- Islām*, 1st ed., 5 vols. vol. 5, 1997. 126.

<sup>159</sup> Taqiy al-Dīn Ibn Taymiyya, *Minhāj Al- Sunna al- Nabawiyya Fī Naqd Kalām al- Shi'a al- Qadariyya*. 531.

<sup>160</sup> Taqiy al-Dīn Ibn Taymiyya. 527-529.

rebellion, this perspective is reflected in Ibn Taymiyya's emphasis on the importance of outcomes and consequences when addressing rebellion, in line with his belief that, "The virtue of business rather is its results and consequences."<sup>161</sup> This pragmatic discourse is also discussed by Michael Cook when he examines Ibn Taymiyya's general rule (al-qāida al-āmma) that when both costs (mafāsīd) and benefits (maṣāliḥ) are associated with a given course of action, according to Ibn Taymiyya, what matters is that which is preponderant.<sup>162</sup> Therefore, regarding rebellion, Ibn Taymiyya prioritizes maintaining social stability and order as the greater good, considering that most rebellions against unjust rulers typically result in tragic consequences, as supported by his historical arguments.

In conclusion, this is the discourse on *khurūj* by Ibn Taymiyya. When compared to Ibn Qudāma, there is a similarity in that neither of them problematizes the impiety of an *imām*. Similarly, al-Juwaynī, while legitimizing rebellion against a tyrannical *imām* if possible, differs as Ibn Taymiyya absolutely prohibits armed rebellion against an unjust ruler. This prohibition stems from the harm and corruption it causes, or due to the historically low success rate of rebels against unjust rulers, which proves that rebellion does not lead to benefit (maṣlaḥa). This argument leads Ibn Taymiyya to assert, "Sixty years under an unjust *imām* is still better than one night without any *imām*,"<sup>163</sup> reflecting a profound realism in his justification of the *imāma* of an unjust ruler and his prohibition of rebellion (*khurūj*) against such a ruler.

### 3.2.7. Badr al-Dīn ibn Jamā'a (d. 733 AH/1332 CE): Rebels Should Not Be Immediately Fought Against

Ibn Jamā'a was born in Syria and was a judge of the Shāfi'ī school of thought. Like al-Māwardī, he was appointed as chief judge by the *sultān* of the Mamlūk dynasty.<sup>164</sup> Throughout his life, Ibn Jamā'a witnessed the political upheavals within the Mamlūk dynasty, particularly due to frequent power struggles. In his book on Islamic political law, *Tahrīr al-Aḥkām fī Taḍbīr ahl al-Islām*, Ibn Jamā'a explains that the conditions for an *imām*, selected either by the ahl al-hall wa l-'aqd (decision-making Muslim committee) or by the previous *imām* (istikhlāf), are: "The *imām* must be a male, free, adult, sane, Muslim, just, courageous, of Quraysh lineage, knowledgeable, and capable of managing the policies and interests of the community."<sup>165</sup>

Thus, justice is the primary condition for someone to become an *imām* according to Ibn Jamā'a. However, what should be done if this condition is not met, or if it is initially

<sup>161</sup> Shaikh al-Islām Aḥmad ibn Taymiyya, *Majmū' al-Fatāwā*, 4:441.

<sup>162</sup> Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge: Cambridge University Press, 2001), 154, <https://doi.org/10.1017/CBO9780511497452>.

<sup>163</sup> Shaikh al-Islām Aḥmad ibn Taymiyya, *Majmū' al-Fatāwā*. Vol.14, 268.

<sup>164</sup> Tāj al-Dīn al-Subkī, *Tabaqāt Al-Shāfi'iyya al-Kubrā*. Vol. 14. 163.

<sup>165</sup> Abū 'Abd Allāh Badr al-Dīn Muḥammad ibn Ibrāhīm Jamā'a, *Tahrīr Al-Aḥkām Fī Taḍbīr Ahl al-Islām*, ed. Fu'ād Abd al-Mun'im, 3rd ed. (Doha: Ri'āsat al-Maḥākīm al-Shar'iyya wa- al-Shu'ūn al-Dīniyya, 1988). 51.

met but the *imām* later becomes *fāsiq* (corrupt)? To maintain stability, Ibn Jamā'a states: "If an *imām* or *sulṭān* becomes corrupt, the most accurate view is that he does not lose his imamate due to this, as his removal would only create disorder; however, if a judge becomes corrupt, the most correct view is that he must be removed." Thus, according to Ibn Jamā'a, corruption does not affect the status of imamate to the extent that it necessitates removal, as this is seen as a measure to prevent greater harm.<sup>166</sup>

As for when there is a group of Muslims who persist in rebelling (*kharaja*) against him to overthrow him (*khal'ahu*), or because they do not fulfill the obligations required of them towards this *imām*, Ibn Jamā'ah views that they should not be directly fought. "They must be asked what causes them to hold a grudge, if it is a doubt then (the *imām*) must dispel it, if it is a reason then (the *imām*) must address it. If they persist in their enmity, then he advises and warns them by threatening to fight them. If they persist in their enmity, then he (the *imām*) must fight them, as Allah says: 'Fight them until there is no more *fitna* and (until) worship is (acknowledged to be) for Allah.' He does not fight them with something general, like slings or fire, except in cases of necessity."<sup>167</sup>

Thus was the discourse of Ibn Jamā'a regarding rebellion (*al-khurūj*). Ibn Jamā'a asserts that one of the conditions for being an *imām* is justice, but if he becomes corrupt after being chosen, then according to Ibn Jamā'ah, his imamate is valid and should not be overthrown. Because his removal would only lead to chaos. However, one thing to note is that if there are those who persist in rebellion due to not fulfilling the rights of the *imām*, then the *imām*'s first task is not to fight them but to dispel their doubts and reasons for rebellion, and only resort to fighting if necessary. In this regard, Ibn Jamā'a's view is similar to that of Ibn Qudāma, who, being of the Shāfi'ī madhab like him, prioritizes a peaceful approach to rebels.

### 3.2.8. Ibn Ḥazm al-Andalusī (d. 456/1064): Challenging the Consensus (ijmā') Claim Regarding the Prohibition of *khurūj*

Previous explanations depict how the discourse among ulama was negotiated by the political realities post the rebellion of Ibn al-Ash'ath, which inclined ulama towards either outright prohibition of *khurūj* or its conditional permissibility, differing from one another. However, it must be noted that ulama never unanimously agreed to prohibit *khurūj*; one opposing this consensus was Ibn Ḥazm al-Andalusī, who not only opposed the consensus but also legitimized *khurūj* actions. Here is a more detailed explanation, starting with an understanding of his socio-political background, followed by an explanation of his discourse on *khurūj*.

Ibn Ḥazm lived in Andalusia during a leadership crisis when Hishām II al-Muayyad of the Umayyad dynasty ascended the throne at twelve.<sup>168</sup> His close association with

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<sup>166</sup> Jamā'a. 72.

<sup>167</sup> Jamā'a. 72.

<sup>168</sup> Philip K. Hitti, *History of The Arabs*, 10th ed. (London: Higher and Further Education Division Macmillan Publisher LTD, 1984). 531-532.

several elites of the Umayyad dynasty led to his imprisonment multiple times on charges of attempting to restore the Umayyad dynasty in Andalusia.<sup>169</sup> For Ibn Ḥazm, an *imām* must not only be the best person of his time but also be considered based on moral standing, physical condition, and ethnicity as a descendant of Quraysh.<sup>170</sup> Particularly because of upholding the requirement that an *imām* must be a descendant of Quraysh, Ibn Ḥazm sided with the Umayyad elites as the legitimate caliphate and opposed the al-Amiriyya dynasty.<sup>171</sup>

This antagonism also is evident in his views on rebellion (*khurūj*) against a tyrannical ruler (*jāir*) who fails to meet the criterion of justice required for an *imām*. These views can be found in his works, *al-Faṣl fī l-Milal wa l-Ahwā' wa l-Niḥal* and *Marātib al-Ijmā' fī l-'Ibādāt Wa l-Mu'āmalāt wa l-'Iṭiqādāt*. Regarding a tyrannical *imām* who does not fulfill his duties, Ibn Ḥazm first asserts that this *imām* "must be informed of his wrongdoing and prevented from continuing it. If he ceases his misconduct, returns to the truth, and submits to the legal punishments for theft, adultery, false accusation of adultery (*qazf*), and drinking *khamr*, then he cannot be deposed (*falā sabīla li khal'ihī*), and he remains the *imām*."<sup>172</sup> However, Ibn Ḥazm continues, if the *imām* rejects this admonition and fails to fulfill his obligations, then, according to Ibn Ḥazm, he must be deposed (*wajaba khal'uhu*), and another who can uphold and establish justice should be chosen.<sup>173</sup> In another part of his book, Ibn Ḥazm also clarifies the limits of an *imām*'s obedience, stating that he is to be obeyed as long as he leads according to the al-Qur'ān and al-Sunna. However, "If he deviates from either of these, he must be prevented, and the legal punishments (*ḥudūd*) and justice must be enforced upon him. If his corruption cannot be stopped except by his removal, then he must be deposed and replaced by another."<sup>174</sup>

The above discussion indicates that Ibn Ḥazm mandates the deposition of a tyrannical *imām* who fails to fulfill his duties if he refuses to reform. However, how should this be done if the *imām* insists on maintaining his imamate? His perspective can be inferred from his rebuttal against the claim of consensus (*ijmā'*) on the prohibition of rebellion (*khurūj*), which asserts that opposing the consensus is *invidel* (*kāfir*), despite the fact that the Companions themselves rebelled with arms during the event of Ḥarra, and the *tābi'in* also rebelled against al-Hajjāj. This is known even to common people, even in the markets.<sup>175</sup> Ibn Ḥazm also observes that several groups among the *Ahl al-Sunna*, all the *Mu'tazila*, *Khawārij*, and *Zaidiyya*, believe that drawing the sword for the sake of the

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<sup>169</sup> Ibn al-Athīr, *Al-Kāmil Fī al-Tārikh*, vol. 9 (Egypt: Dār al-Fikr, n.d.). 269-270.

<sup>170</sup> A. Turki, "L'engagement Politique Et La Théorie Du Califat D'ibn Ḥazm (384/994-456/1064)," *Bulletin d'études Orientales* 30 (1978): 221–51.

<sup>171</sup> Salīm Yafut, *Ibnu Ḥazm Wa Al-Fikr al-Falsafī Bi al-Maghrib Wa al-Andalus* (Dār al-Baidā': Dār al-Thaqāfa, 2009), 20.

<sup>172</sup> Abū Muḥammad Aḥmad ibn Sa'īd ibn Hazm al-Andalusī, *Al-Faṣl fī l-Milal wa l-Ahwā' wa al-Niḥal*, 4:135.

<sup>173</sup> Abū Muḥammad Aḥmad ibn Sa'īd ibn Hazm al-Andalusī, *Al-Faṣl fī l-Milal wa l-Ahwā' wa al-Niḥal*. 135.

<sup>174</sup> Abū Muḥammad Aḥmad ibn Sa'īd ibn Hazm al-Andalusī. 84.

<sup>175</sup> Abū Muḥammad Alī ibn Aḥmad ibn Sa'īd ibn Hazm al-Andalusī, *Marātib Al-Ijmā' Fī al-'Ibādāt Wa l-Mu'āmalāt Wa l-'Iṭiqādāt*. 178.

truth in enjoining the right/honorable and forbidding the wrong/dishonorable (al-amr bi al-ma'rūf wa al-nahy 'an al-Munkar) is obligatory if evil cannot be prevented except through it. However, Ibn Ḥazm also emphasizes a condition for this *khurūj*: it is obligatory, "if the holders of the truth (ahl al-ḥaq) are in a force (aṣāba) capable of withstanding and not despairing of victory, then it is incumbent upon them to act. However, if they are in a force that does not expect victory due to their small number and weakness, then they may abandon the change by hand (taghyir bi-l yad)." <sup>176</sup>

In conclusion, Ibn Ḥazm holds that a tyrannical *imām* who refuses to reform and continues to neglect his duties must be deposed. Ibn Ḥazm legitimizes this deposition through armed rebellion (*khurūj*), asserting that this was the course of action taken by the Companions and *tābi'īn* throughout history. However, Ibn Ḥazm also emphasizes the importance of weighing the benefits (*maṣlaḥa*) in achieving victory during a rebellion. Therefore, he stipulates that those rebelling with just cause must have a strong force capable of ensuring their victory. If such a force is lacking and incapable, then armed opposition against a tyrannical ruler can be deemed non-obligatory.

### 3.3. Non-Violent Protests in Islamic Medieval Era

In the previous session, it has been elucidated how the discourses of ulama lead to the total prohibition of armed rebellion (*khurūj*), either by completely prohibiting it from the outset, or by prohibiting it under certain conditions that can guarantee the benefit and success of the rebellion against oppressive, unjust, and corrupt rulers. Clearly, the tendency to prohibit is greater than to allow. If so, what means did ulama and the populace use to protest against those rulers? This session will discuss various forms of non-violent protest in the Medieval era, including demonstrations (*al-muḥāhara*), strikes (*al-iḍrāb*), and sit-ins (*al-i'tiṣām*) in their various manifestations. This is due to various factors, such as economic difficulties, the incompetence of rulers, security issues, religious deviations, and moral issues. At the end, I will also explain several attitudes and descriptions of protests conducted by ulama individually or collectively with the community in opposing unjust rulers. <sup>177</sup>

#### 3.3.1. Demonstrations

One of the reasons that prompts groups of individuals to gather and voice their protests is economic issues such as the rising prices of basic goods. Ibn Ḥajar recounts that in the year 839 AH/1435 CE, "The price of wheat increased, and bread became scarce in the shops, so the community protested (*ḍajjat al-āma*), prompting the Sulṭān to order the opening of government-owned grain storehouses and selling them, and the

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<sup>176</sup> Abū Muḥammad Ahmad ibn Sa'īd ibn Hazm al- Andalusī, *Al- Faṣl Fī l- Milal Wa l- Ahwā' Wa l- Nihal*. 132.

<sup>177</sup> Most of the sources below are the findings of Muḥammad Ṣayyād's research. He writes without providing detailed references, and my scholarly contribution is to directly verify the original sources he indicates. What I am doing here is akin to *takhrīj* in hadith studies. Read: Muḥammad Ṣayyād, "Tanawwa'at bayna Muḥāharāt wa I'tiṣāmāt wa Iḍrābāt: Asālib al-Iḥtijāj fī Tārikhinā," Al-Jazeera net, 2022, <https://aja.me/uu98jr>.

situation improved slightly... and the situation became calm thereafter."<sup>178</sup> Similarly, in the year 410 AH/1020 CE, Ibn al-Jawzī narrates that the people in Egypt protested against its poor economic conditions by creating a demonstration tool, namely a statue (*timthāl*) made of sheets of paper in the form of a woman wearing worn-out clothes, which was placed on the street. On the statue's hand, derogatory writings and curses were placed, which at one point were read by al-Ḥākim bi Amr Allāh (411 AH/1021 CE), the ruler of the Fatimid dynasty, who became angry and ordered his troops to burn, loot, and kill anyone they found in Egypt.<sup>179</sup>

Furthermore, demonstrations are also carried out by the people due to their disagreement with officials deemed incompetent. Ibn Ḥajar recounts that one day in Egypt in the year 775 AH/1374 CE, "The common people (*al-awām*) gathered carrying copies of the *muṣḥaf* and demanded (the authorities) to remove Alā'u al-Dīn ibn 'Arab (d.781 H / 1379 CE) from (his mandate of) *ḥisba*,<sup>180</sup> and he was removed."<sup>181</sup> Furthermore, al-Sakhāwī narrates about a governor of Aleppo named 'Abd al-Razzāq al-Jarkasī al-Mu'ayyidī (d. 868 H/1463 CE), who due to his greed, avarice, and extravagance, was dismissed, and when he died there, the people of Damascus were very happy, so they gathered to prevent his burial, until "He was not buried until after two days."<sup>182</sup>

Demonstrations also occur as a form of protest against the moral deviations of rulers who excessively interfere in the private affairs of their society. In the year 405 AH/1015 CE, the policies of al-Ḥākim bi Amr Allāh (411 AH/1021 CE) of the Fatimid dynasty had prompted the people to protest, as recounted by Ibn al-Jawzī, al-Ḥākim placed spies (*aṣḥāb al-akhbār*) and elderly women (*'ajāiz*) at every street corner to enter the homes of women to spy on them, to determine which men they liked, where they had gathered, then these elderly women would report to the spies, who would then arrest them. Once several women were gathered, al-Ḥākim would order them to be drowned. Al-Ḥākim is reported to have justified the bloodshed of any woman leaving her home, so Ibn al-Jawzī states, "People felt their shame exposed and subsequently protested against it."<sup>183</sup>

The aforementioned events illustrate how society expressed its protests through demonstrations, whether by gathering to voice their dissent, using protest props inscribed with specific complaints and demands, or elevating something sacred like the *muṣḥaf*. These demonstrations were driven by various factors, including economic difficulties, the

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<sup>178</sup> Ibn Ḥajar al-'Athqalānī, *Inbā' al-Gumar bi Abnā' al-'Umr*, ed. oleh Ḥasan Habashī, vol. 4 (Egypt: Majlis A'lā li l-shu'ūn al-Islāmiyya, 1969). 12.

<sup>179</sup> Abū al-Faraj Ibn al-Jawzī, *Al-Muntaẓam Fī Tārikh al-Umam Wa l-Mulūk*, ed. Muḥammad 'Abd al-Qādir 'Aṭā and Muṣṭafā 'Abd al-Qādir 'Aṭā, 1st ed., vol. 15, 19 vols. (Beirut: Dār al-Kutub al-Ilmiyya, 1992). 139.

<sup>180</sup> Ḥisba is a religious institution controlled by the government to supervise people to fulfill their obligations properly.

<sup>181</sup> Ibn Ḥajar al-'Asqalānī, *Inbā' al-Gumar Bi Abnā' al-'Umr*, 1:59.

<sup>182</sup> Shams al-Dīn al-Sakhāwī, *Al-Ḍaw' al-Lāmi' Li Ahl al-Qarn al-Tāsi'*, vol. 3, 6 vols. (Beirut: Manshūrāt Dār Maktaba al-Hayā, n.d.). 44.

<sup>183</sup> Abū al-Faraj Ibn al-Jawzī, *Al-Muntaẓam Fī Tārikh al-Umam Wa l-Mulūk*. 101-102.

incompetence and corruption of rulers, and moral issues. In some instances, rulers responded to the protests by meeting the demands of the people, either by rectifying their mistakes or perhaps out of fear that the growing demonstrations could threaten their power. Conversely, some rulers retaliated against the demonstrations with violence.

### 3.3.2. Strikes

One form of peaceful protests against an oppressive ruler is the strike (*idrāb*). An example is narrated by al-Dhahabī in his historical book, where in 513 AH/1119 CE, the Saljūq commander Mankubars (d. 513 AH/1119 CE) was appointed as the chief security officer in Baghdad. He mistreated the populace: "He was unjust and harsh, and he oppressed the people, leading them to protest against him. They closed the markets until Allah removed him, and the *Sultān* sought him out and executed him."<sup>184</sup> This demonstrates that a strike can serve as a means for oppressed communities to draw the ruler's attention to their demands.

Similarly, strikes were also undertaken due to economic factors. Ibn Baṭūta (d.779 AH/1377 CE) mentions in his *Rihla* that Sultān Khiljī in India, "When the prices of crops were high, he would open the granaries and sell the produce until the prices became cheaper." He notes that on one occasion, prices rose, and the Sultān ordered the sale of produce at a certain price, but the people refused to sell at that price. Consequently, he commanded that no one should sell produce except what was stored in the granaries.<sup>185</sup> Here, it can be seen how strike can serve as a form of protest against the policy of ruler that does not favor the people.

Similarly, strikes also took the form of work stoppages as a means of resistance against the injustices faced by workers. Al-Rāghib al-Isfahānī (d. 502 AH/1108 CE) narrates that "The barbers (*ḥajjāmīn*) in Qom (Iran) would sometimes become angry, so they would gather and leave the area, causing the residents' hair to grow long. The residents would then have to approach them, kiss the ground between their hands, and swear not to harm or insult them with derogatory names. Only then would the barbers return<sup>186</sup>" to their barber shops in that area. From the various forms of strikes mentioned above, whether by closing shops or ceasing work, strikes served as a means in the medieval period to exert pressure on rulers who were considered unjust.

### 3.3.3. Sit-Ins

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<sup>184</sup> Shams al-Dīn al-Dhahabī, *Tārīkh Al-Islām Wa Wafīyyāt al-Mashāhīr Wa al-A'lām*, vol. 35, 56 vols. (Beirut: Dār al-Kitāb al-Arabī, 1993). 279.

<sup>185</sup> Abū 'Abd Allāh Muḥammad Ibn Abd Allāh al Lawātī Al Tanjī Ibn Baṭūta, *Rihla Ibn Baṭūta Al-Musammā Tuḥfat al-Nazar Fī Gharāib al-Amṣār Wa l-'Ajāib al-Asfār*, vol. 2 (Dār al-Sharq al-Arabī, n.d.). 336.

<sup>186</sup> Abū l-Qāsim Huṣayn ibn Muḥammad al-Rāghib al-Asfahānī, *Muḥādarāt Al-Adibbā' Wa Muḥāwarāt al-Shu'arā Wa l-Bulaghā'*, 1st ed. (Beirut: Shirka Dār al-Arḩam ibn Abī al-Arḩam, 1999). 543.

A sit-in essentially refers to a protest action wherein a group of people occupy a particular place until their demands are met. Among similar actions in Islamic history during the medieval period is an event narrated by Ibn al-‘Imād al-Ḥanbalī (d. 1089 AH / 1678 CE). In 616 AH/1219 CE, the policy of al-Muazzam al-Ayyūbī to demolish the walls of Jerusalem out of fear and helplessness against the Crusaders (franġ) who controlled it led to the destruction of these walls. "The people were enraged, and veiled women, girls, elders, and youth went to the *Ṣahra* and al-Aqṣā (to pray and plead earnestly) ... and these individuals denounced al-Muazzam"<sup>187</sup> for his egregious actions against the historic buildings of the Muslim community.

Eventually, one of the most unusual incidents occurred in Damascus in 363 AH/974 CE, when the Fatimid military commander, Abū Maḥmūd Ibrāhīm Ibn Ja’far al-Kutāmī (d. 370 AH/981 CE), entered the city, disrupting the security in its surrounding areas, prompting the inhabitants to protest the lack of safety. Interestingly, as recounted by al-Maqrizī, this sit-in was conducted not only by Muslim religious leaders but also by those of other faiths—Christians and Jews. Al-Maqrizī notes, "The Muslims opened their muṣḥafs, the Christians opened their Gospels, and the Jews opened their Torahs, gathering in the Mosque (al-Jāmi’ al-Umawī) and protesting by reciting prayers."<sup>188</sup> Under pressure, al-Kutāmī eventually apologized for his negligence in maintaining security through a written document. Al-Maqrizī mentions that there were three copies of this document: one for the Muslims, one for the Christians, and one for the Jews.<sup>189</sup>

### 3.3.4. Non-Violent Protests by Ulama

Both demonstrations, strikes, and sit-ins conducted by the populace gain higher legitimacy when supported or participated in by the ulama. As discussed in the initial session, the ulama tend to prohibit *khurūj* against unjust rulers. However, this does not imply that they remain silent in the face of perceived injustices. For instance, al-Māwardī, despite his proximity to Jalāl al-Dīn (d. 434 AH/1042 CE), an *amīr* of the Buyyid dynasty in Baghdad, did not succumb to the ruler's dominance. His political stance was highly complex, which might explain why he allowed some of his works to be published only after he passed away. Another example, when the Abbasid caliph conferred the title "king of kings" (*mālik al-mulūk*) upon Jalāl al-Dīn, as a protest, al-Māwardī then issued a *fatwā* declaring that this title was inappropriate and that the caliph's act of bestowing it was illegal.<sup>190</sup>

The same applies to Ibn Ḥazm, who, although he restricted *khurūj* against unjust rulers to situations where the rebels possessed a large and powerful force, his principle of defending the Umayyad caliphs as the legitimate rulers because the Quraish lineage led to

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<sup>187</sup> Ibn al-Imād al-Ḥanbalī, *Shadharāt Al- Dhahab Fī Akhbār Min Dhahab*, ed. Maḥmūd al-Arnāūt, 1st ed., vol. 7 (Beirut: Dār ibn Kathīr, 1986). 118.

<sup>188</sup> Taqiy al-Dīn al-Maqrizī, *It’āz al-Ḥunafā’ Bi Akhbār al-Aimmā al-Fāṭimiyyīn al-Khulafā’*, ed. Jamāl al-Dīn al-Shayāl and Muḥammad Ḥilmī Muḥammad Aḥmad, 1st ed., 3 vols. (Majlis A’lā li l-shu’ūn al-Islāmiyya, n.d.). 213.

<sup>189</sup> Taqiy al-Dīn al-Maqrizī, Vol. 2, 55.

<sup>190</sup> Abou El Fadl, *Rebellion and Violence in Islamic Law*, 165–66.

his imprisonment multiple times.<sup>191</sup> Similarly, Ibn Taymiyya serves as an example whose discourse on *khurūj* against unjust rulers was firmly prohibitive. However, ironically, he died in a Mamālik prison after being tortured for two years due to his *fatwā*, which was deemed to forbid grave visitation.<sup>192</sup> Ibn Taymiyya believed that the rulers (wulāt al-umūr) were not to be obeyed unconditionally; they were to be obeyed only in what is good (ma'rūf) and as long as their commands did not conflict with obedience to Allah and His Messenger.<sup>193</sup> Ibn Taymiyya exemplified a stance of peaceful opposition against rulers he deemed wrong.

Similarly, al-Ghazālī, while considering it necessary to depose a corrupt *imām*, prohibited engaging in battle (qitāl) against them. In his book *Ihyā' Ulūm al-Dīn*, al-Ghazālī emphasizes the severance of all ties with the unjust rulers of his time. He even declares that, "The safest and best course for a knowledgeable person is to dissociate oneself from them, neither seeing them nor being seen by them. Instead, one should harbor resentment toward their injustice, dislike their continued existence, refrain from praising them, avoid inquiring about their well-being, and distance oneself from those who associate with them."<sup>194</sup> Furthermore, it appears that al-Ghazālī also advocates for a strike action, urging complete non-engagement with these unjust rulers. He deems their wealth mostly illicit, thus rendering trade within the markets they establish, funded by illicit wealth, impermissible. Likewise, associating with their judges, workers, and assistants is deemed forbidden according to him.<sup>195</sup>

Another form of protest was undertaken by Abū 'Abd Allāh ibn al-Farrā' (d. 514 AH/1120 CE), a prominent jurist of the Mālikī school in Almería, Andalusia, who went on a tax strike. Once, Yūsuf ibn Tāshfīn (500 AH/1106 CE), an *amīr* of the al-Moravid Dynasty, decided to declare *jihād* in the land of Andalusia, then wrote letters to the jurists in Andalusia and Morocco, asking them to collect taxes as a contribution to the *jihād* effort. These periodic letters stated that Yūsuf consulted legal experts in both countries, who advised him that this was permissible, however, as the judge of Almería, al-Farrā, refused and opposed this *fatwā*, arguing that the state treasury (bayt al-māl) was not empty as claimed by Yūsuf, and that Yūsuf was not as just a ruler as 'Umar ibn Khaṭṭāb, who once had a similar policy.<sup>196</sup>

Furthermore, as al-Jabartī (1237 AH/1822 CE) narrates, there is an example of a strike led by one of ulama that occurred in the year 1209 H/1794 CE. Once, Sheikh al-Azhar, 'Abd Allāh al-Sharqāwī (d. 1227 H/1812 CE), was approached by the inhabitants

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<sup>191</sup> Ibn al-Athīr, *Al-Kāmil Fī l-Tārikh*, vol. 9 (Egypt: Dār al-Fikr, n.d.). 269-270.

<sup>192</sup> Abū l-Fidā' Ismā'il ibn 'Umar Ibn al-Kathīr, *Al-Bidāya Wa l-Nihāya*, ed. 'Alī Shairī, vol. 14 (Dār Ihyā' Turāth al-Arabī, 1988), 142.

<sup>193</sup> Taqiy al-Dīn Ibn Taymiyya, *Minhāj Al-Sunna al-Nabawiyya fī Naqd Kalām al-Shi'a al-Qadariyya*, 3:387.

<sup>194</sup> Abū Ḥāmid al-Ghazālī, *Ihyā' Ulūm al-Dīn*, vol. 2, 4 vols. (Beirut: Dār al-Ma'rifa, n.d.). 142-144.

<sup>195</sup> Abū Ḥāmid al-Ghazālī. 150.

<sup>196</sup> Aḥmad ibn Khālid al-Nāṣirī, *Al-Istiḳṣā al-Akḥbār Duwal al-Maghrib al-Aqsā*, ed. Ja'far al-Nāṣirī, vol. 2 (Dār al-Kutub, n.d.), 59.

of a village within the city of Belbes. They complained to him about the oppression they faced from some followers of the Mamlūk *amīr* in Egypt, Muḥammad Bey al-Alfī, who "oppressed them and demanded things from them that they were unable to provide. They lodged their complaint with the Sheikh (al-Sharqāwī), who became angry and went to al-Azhar, gathering the scholars (*mashāyikh*). They then locked the mosque and instructed people to close the markets and shops."<sup>197</sup>

Then al-Jabartī further explains that, after many people gathered at the initial point at al-Azhar, they proceeded to demonstrate, marching together with the ulama to the offices of the state officials. There, they spoke to them, saying, "We desire justice, the removal of oppression and injustice, and the enforcement of the law ... and this issue began to be resolved with the condition that they (the followers of ‘Alī Bey) repent and return and commit to what has been stipulated by the ulama for them, and peace was then agreed upon that ... their followers must stop playing with the people's money."<sup>198</sup> With the participation of ‘Abd Allāh al-Sharqāwī and other ulama in encouraging the strike and demonstration, the demands of the people were ultimately met.

On another occasion, al-Jabartī also recounts an instance of protest in which one senior scholars and commoners joined a protest to push back against the aggression of those affiliated with the ruling authorities. This occurred when an *amīr* named Ḥuseyn Bey gathered his troops and plundered the house of a butcher in Cairo named Aḥmad Sālīm in the year 1200 H/1785 CE. In response, the populace then moved to al-Azhar Mosque carrying drums and staffs (*nabababit*) in their hands. They sought out Sheikh Aḥmad al-Dardir (1127 AH/1715 CE), one of the prominent ulama of al-Azhar following the Mālikī school, who sympathized with them and supported them by speaking on their behalf to the rulers. Al-Dardir also declared, "I am with you all."<sup>199</sup>

While tempering the anger of the protesting masses, Sheikh al-Dardir then addressed them, saying: "Tomorrow we will gather people from various families, districts, Bulaq, and ancient Egypt, and I will ride with you and plunder their houses just as they plundered ours, and we will die as martyrs or Allah will grant us victory over them!"<sup>200</sup> When the officials sensed the danger, "They went to Sheikh al-Dardir and spoke to him, fearing that the situation would escalate, and they said to the Sheikh: 'Write us a list of the loot, and we will fetch it from wherever it is.'"<sup>201</sup> Thus, the protest was successfully quelled, with the demands being met with the assistance of one of the ulama.

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<sup>197</sup> ‘Abd al-Raḥmān ibn Ḥasan al-Jabartī, *Tārīkh ‘Ajāib al-Āthār Fī l-Tarājim Wa l-Akḥbār*, vol. 2 (Beirut: Dār al-Jayl, n.d.), 166.

<sup>198</sup> ‘Abd al-Raḥmān ibn Ḥasan al-Jabartī, 2:167.

<sup>199</sup> ‘Abd al-Raḥmān ibn Ḥasan al-Jabartī, 1:610; Muhammad Al-Marakeby, "Al-Majāl al-‘Ām al-Islāmī Qabla al-Ḥadātha: Naḥwa Sardiyya Mukhtalifa," 1st ed., Maghārib, al-kitāb 1 (Fās: Markaz Maghārib, 2018), 59–70.

<sup>200</sup> ‘Abd al-Raḥmān ibn Ḥasan al-Jabartī, *Tārīkh ‘Ajāib al-Āthār Fī al-Tarājim Wa l-Akḥbār*, 1:610.

<sup>201</sup> ‘Abd al-Raḥmān ibn Ḥasan al-Jabartī, 1:610.

### 3.4. Conclusion

In this chapter, I have elucidated various discourses among medieval Islamic ulama regarding rebellion against unjust ruler. It can be concluded that the ulama's discourses are more complex compared to those of early Islam, yet all tend toward an absolute prohibition of *khurūj* or with certain conditions that must be met by the rebels. Some ulama did not consider the impiety (*fisq*) of an *imām* to affect his legitimacy, while others believed it nullified his imamate but did not warrant removal through *khurūj* or in favor of *khurūj* under some conditions. This tendency can be observed in the discourses of ulama such as al-Māwardī, who views the Imamate of a corrupt *imām* as void but does not explicitly legitimize *khurūj*. Ibn Ḥazm considers that rebelling (*khurūj*) against a tyrannical *imām* is only permissible when the force is numerous and strong. Meanwhile, Abū Ya'lā al-Farrā' opines that unjust rulers should only be threatened, not fought.

Furthermore, al-Juwaynī also posits that, in principle, rebellion against an incapable *imām* is not permissible. However, if necessary, rebellion (*khurūj*) against unjust rulers is not for ordinary individuals. Al-Ghazālī, on the other hand, contends that deposing a tyrannical ruler must not incite warfare; if it does, he forbids it. Ibn Qudāma goes further, legitimizing the imamate of rebels even if they coerce allegiance, and prohibits rebellion to reclaim their power. Ibn Taymiyya forbids *khurūj* on the grounds that only a few rebellions lead to any advantage. Lastly, Ibn Jamā'a's discourse focuses more on the treatment of rebels. According to him, rebels who merely hold ideologies contrary to the *imām* should not be fought unless they initiate conflict. Thus, all their discourses originate from a relatively similar reasoning position: to prohibit *khurūj* against tyrannical rulers, permitting it only as an exception when feasible.

Furthermore, the prohibition of *khurūj* also led to initiatives among the populace, in collaboration with their ulama, to protest against oppressive, tyrannical rulers in peaceful forms. Among these protests were demonstrations (*muzāhara*), strikes (*idrāb*), and sit-ins (*i'tiṣām*). This reflects the medieval ulama discourses on *khurūj* and various forms of peaceful protest in the medieval period up until the modern era. This phenomenon was driven by various factors such as economic difficulties, the unfitness of rulers, security issues, religious deviations, and moral problems. Here, I have presented several interesting historical facts about these peaceful protests, which warrant further research, as an argument to counter the notion that Islamic political discourse is not amenable to public protests and is even permissive of political despotism.

Lastly, I also elucidate several instances of peaceful opposition by the ulama of that period. For instance, al-Māwardī issued a *fatwā* criticizing the title "king of the kings," which he deemed inappropriate for Jalāl al-Dīn. Ibn Ḥazm faced imprisonment multiple times due to his principle that an *imām* must be a Quraysh descendant. Similarly, Ibn Taymiyya was tortured and died in prison for opposing a ruler whom he regarded as deviant in his Sufi practices. Additionally, al-Ghazālī advocated for a boycott of transactions with the rulers. Ibn al-Farrā' encouraged a tax strike for *jihād*. Furthermore, the Shaykh of al-Azhar, 'Abd Allāh al-Sharqāwī, promoted a market closure strike in Egypt, and Shaykh al-Dardir participated in street demonstrations alongside the people of Cairo. Thus, the *khurūj* discourses by medieval Islamic ulama.

## CHAPTER IV ULAMA DISCOURSES ON *KHURŪJ* DURING THE ARAB SPRING

### 4.1. Introduction

After discussing the *khurūj* discourses among ulama in early Islam and the medieval period before modernity, this chapter will address the discourses of ulama during the Arab Spring. Given, one of the ongoing debates, in modern era, is the position of Islamic law and its jurists (fuqahā') within nation-states, which significantly differ from pre-modern era. The Arab Spring highlights this issue, illustrating how the classical concept of *khurūj* within the Islamic intellectual legacy (turāth) invoked by contemporary ulama has led to diverse reasoning, especially in legitimizing and maintaining anti-revolutionary regimes. The discourses on *khurūj* examined here will focus on three ulama: first, 'Alī Jum'a; second, 'Abd Allāh ibn Bayyah; and third, Sa'īd Ramaḍān al-Būṭī. These ulama played crucial roles in shaping public opinion during the Arab Spring due to their positions in their respective countries, such as 'Alī Jum'a, who was the Muftī of Egypt; as 'Abd Allāh ibn Bayyah, the head of the *Fatwā* Council of the United Arab Emirates; and al-Būṭī, the head of the Union of Ulama of his country and the *imām* of its historic mosque, Jāmi' al-Umawī in Damascus, who also joined the official Syria's government media. This chapter will begin by outlining the socio-political backgrounds of these ulama during the Arab Spring, then discuss their discourses on *khurūj* in legitimizing anti-revolutionary regimes. After presenting each of their discourses, I will compare them with one another and eventually compare their discourses with pre-modern ulama. I argue that their selectivity of specific views of pre-modern ulama on *khurūj* has shaped their anti-revolutionary discourses, particularly due to their anachronistic reasoning about the realities (wāqī') occurring during the Arab, eventually this results in their discourses having both connections and disconnections with those of the pre-modern ulama.

### 4.2. 'Alī Jum'a

#### 4.2.1. Socio-Political Context

Before delving into 'Alī Jum'a's discourses, it is crucial to consider the socio-political factors that shaped his discourse on *khurūj*. This approach helps to uncover the underlying motives behind his support for the counter-revolution and coup. 'Alī Jum'a, whose full name is Abū 'Ubādah Nūr al-Dīn 'Alī ibn Jum'a ibn Muḥammad ibn 'Abd al-Wahhāb ibn Sālim ibn Sulaimān al-Azharī Asy-Shāfi'ī al-Ash'arī, was born to Jum'a ibn Muḥammad and Fathīyya Ḥānim bint 'Alī ibn 'Āid ibn Sālim Al-Jundī al-Hamāwī in Banī Suwayf on Monday, March 3, 1952 CE / 7 Jumādā al-Šāniyyah 1371 AH. 'Alī Jum'a pursued education to the highest levels. In 1973, he obtained a Bachelor of

Commerce degree from ‘Ain Shams University.<sup>202</sup> Additionally, he received a Bachelor degree in Islamic Studies from al-Azhar University in 1979 and continued his master's degree there majoring in *Ushūl al-Fiqh* from the Faculty of Sharia and Law, graduating in 1985 with cum laude (mumtāz). Finally, in 1988, ‘Alī Jum’a earned a doctorate in *Ushūl al-Fiqh* from the same university.<sup>203</sup>

With his various academic achievements from al-Azhar, an institution renowned for its authority as a guardian of religious authority in Egypt and the broader Muslim world, ‘Alī Jum’a gained the unique ability to influence public opinion, particularly on religious matters. However, perhaps the most significant milestone in his career, which elevated his status, was his appointment as the mufti of Egypt (muftī al-diyār al-Miṣriyya) from 2003 to 2013, a period that included the Arab Spring revolutions and the Egyptian coup. This position is the second highest in the hierarchy of modern Egyptian religious institutions, surpassed only by the Shaykh al-Azhar.<sup>204</sup> It is noteworthy that during this time, ‘Alī Jum’a’s appointment was directly made by President Ḥusnī Mubārak, which inherently compromised his ability to express independent opinions, particularly those that might conflict with the interests of the regime that appointed him.<sup>205</sup>

Consequently, during this tenure as a *muftī*, it is difficult to find that ‘Alī Jum’a issued a legal opinion condemning the repression carried out by Ḥusnī Mubārak. The only instance where his view diverged from Mubārak’s desires may have been in 2008, when there were widespread rumors that Mubārak would pass his power to his son, Jamāl Mubārak, at that time, the Egyptian Fatwa Institute (Dār al-Iftā’ al-Miṣriyya) issued a legal opinion stating that the Egyptian government should be elected through general elections in accordance with the country’s constitution.<sup>206</sup> Apart from this, ‘Alī Jum’a never opposed Mubārak, he never criticized the emergency detention laws that allowed Egyptian authorities to arrest individuals deemed suspicious. He also never condemned the torture of political prisoners by the Egyptian police. ‘Alī Jum’a distanced himself from the state only when it was not under military control.<sup>207</sup> 2011, he urged the youth protesting against Mubārak to return home, warning against causing *fitna*.<sup>208</sup> He even issued a *fatwā* permitting the absence of *jum’a* prayer in mosques, in order to suppress mass protests in public spaces.<sup>209</sup>

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<sup>202</sup> ‘Alī al-Ṭahtāwī, *Ad-Duktūr ‘Alī Jum’a Wa At-Taṣawwuf; At-Taṣawwuf Huwa Ad-Dīn* (Cairo: Dār al-Rawḍa, 2013), 5.

<sup>203</sup> Alī Jum’a, “Al-Sīra al-Dhātiyya,” accessed June 12, 2024, [www.draligomaa.com](http://www.draligomaa.com).

<sup>204</sup> Azami, *Islam and the Arab Revolutions*, 100.

<sup>205</sup> Muzakkir, “Understanding the Discourse of ‘Alī Jum’ah on the Military Coup During the Arab Spring in Egypt.”

<sup>206</sup> “Miṣr Tashad Jadalan Siyāsiyyan Bi Sabab Fatwā Fiqhiyya Tahrum Tawrīth Al-Hukm,” December 1, 2017, <https://web.archive.org/web/20171201043337/http://www.middle-east-online.com/?id=64998>.

<sup>207</sup> Muzakkir, “Understanding the Discourse of ‘Alī Jum’ah on the Military Coup During the Arab Spring in Egypt.”

<sup>208</sup> Azami, *Islam and the Arab Revolutions*, 101.

<sup>209</sup> Al-Khatib, “Muslim Jurist and the state during the Arab uprisings,” 67.

This power dynamics with the military regime can be understood in the context of the 2013 Egyptian coup, when 'Alī Jum'a made several statements that not only undermined but actively opposed the authority of Muḥammad Mursī. His stance was not merely to defend the legitimacy of the military regime that had appointed him but also to preserve religious authority amidst political turbulence. This was perhaps seen as more crucial than the power struggles of politicians, each claiming rightful governance. As a figure of religious authority, his failure to support the coup could have exposed him to a significant political threat, known as a statist legitimacy threat, which could have severely eroded his influence and credibility within both the religious community and the broader socio-political landscape of Egypt.<sup>210</sup> There was also a fear that Mursī, representing the Muslim Brotherhood, might alter the established religious authority structure represented by al-Azhar and its ulama, who tended to support more authoritarian political views as opposed to the “republican Islam” that recognized the authority of the people over the rulers.<sup>211</sup>

#### 4.2.2. 'Alī Jum'a's Discourse on *Khurūj*: Protestors as *Khawārij*

Before delving into the *khurūj* discourse of 'Alī Jum'a, he posits that the chaos of that period was caused by the adaptation of the Western concept within the political sphere of the Muslim community, precisely the concept of Creative Chaos (al-Fawḍā al-Khalāqa). This concept, according to him, contradicts the method of Abū al-Ḥasan al-Ash'arī, who filtered external ideas, such as those from Greek philosophy, through his book *Istiḥsān al-Khawḍ fi Ilm al-Kalām*. 'Alī Jum'a emphasizes the importance of referring to original sources (ta'ṣīl) and establishing criteria for accepting external ideas.<sup>212</sup> He argues that this process of discerning and filtering was missing in the discourses of pro-revolution ulama during the Arab Spring, leading to chaos.

'Alī Jum'a's discourse on *khurūj* can be traced back to the peaceful protests leading up to the January 25, 2011 revolution in Egypt, but his view became more elaborated during the 2013 coup. In 2011, 'Alī Jum'a employed the concept of *khurūj* to defend Mubārak's legitimacy amid widespread demonstrations. Although he initially praised the youth for exercising their right to peaceful protest, over time, 'Alī Jum'a's support for Mubārak became evident as he urged the youth to return home. As the state *mufīī*, he asserted that their actions constituted *khurūj*:

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<sup>210</sup> Muḥammad Amasha, “Ideals and Interests in Intellectuals' Political Deliberations: The Arab Spring and the Divergent Paths of Egypt's Shaykh al-Azhar Ahmad al-Tayyib and Grand Mufti Ali Gomaa,” *American Journal of Islam and Society* 40, no. 3–4 (November 13, 2023): 41–76, <https://doi.org/10.35632/ajis.v40i3-4.3280>.

<sup>211</sup> Fadel, “Islamic Law and Constitution-Making.”

<sup>212</sup> 'Alī Jum'a, “Min mawāqif al-ustādh al-dukṭūr 'Alī Jum'a,” December 17, 2014, <https://shorturl.at/xwkyx>.

O Egyptian youth, let legitimacy work, rebelling (*khurūj*) against legitimacy (*shar'iyya*) is *harām*, *harām*, *harām* by the agreement of all Muslims, East and West, past and present.<sup>213</sup>

Interestingly, after the revolution succeeded, 'Alī Jum'a retracted his statement regarding demonstrations as an act of *khurūj*, stating:

Indeed, peaceful demonstrations (*muzāharāt*) are permissible (*mubāḥa*) according to the fatwā issued by Dār al-Iftā' five years ago; because it is representing acts of enjoining good and forbidding evil (*amr bi l-ma'rūf wa l-nahy 'an al-munkar*), and it is the deprivation of rights that causes *fitna*, not the demonstrations.<sup>214</sup>

After Mursī assumed the presidency and was subsequently ousted, 'Alī Jum'a revisited the same concept of *khurūj*, but in reverse, this time to legitimize the military's massacre of demonstrators engaged in a sit-in (*al-i'tiṣām*), especially at the Rab'a intersection, as a defense of Mursī's legitimacy. 'Alī Jum'a argued that since everyone had united in support of al-Sīsī during what he considered the June 30 Revolution, even the military had backed him, anyone attempting to sow discord must be killed as a rebel. 'Alī Jum'a cited a hadith of the Prophet transmitted by al-Imām Muslim to bolster his argument:

If there comes to you a person while you have agreed upon one ruler, and he seeks to disrupt your unity or split your community, then fight against him.<sup>215</sup>

This call to combat is further substantiated by on-the-ground realities asserting that the demonstrators engaged in a sit-in were not merely conducting routine protests but had transformed their actions into *khurūj*, as some among them were reportedly armed.<sup>216</sup> In classical Islamic legal literature, 'Alī Jum'a contends that when rebels take up arms, there is unanimous consensus that the ruler must combat them likewise with weapons. Therefore, 'Alī Jum'a stated:

By God, does any Muslim disagree with this...?! No Muslim disagrees about this! Namely that armed rebellion against a ruler (*al-khurūj al-*

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<sup>213</sup> Azami, *Islam and the Arab Revolutions*, 102; *Muftī Miṣr*, 2011, <https://www.youtube.com/watch?v=7leQws-tEB0>; Al-Khatib, "Muslim Jurist and the state during the Arab uprisings." 67.

<sup>214</sup> Al-Khatib, "Muslim Jurist and the state during the Arab uprisings."

<sup>215</sup> Azami, *Islam and the Arab Revolutions*, 218–19; *Faḍīlat Al-Imām al-Duktūr 'Alī Jum'a Wa-Ru'ya Tahlīliyya Li-Mā Yaḥduth fī l-Bilād*, 2013, <https://www.youtube.com/watch?v=52DMpHZBxE4>.

<sup>216</sup> "All According to Plan: The Rab'a Massacre and Mass Killings of Protesters in Egypt | HRW," accessed July 1, 2023, <https://www.hrw.org/report/2014/08/12/all-according-plan/raba-massacre-and-mass-killings-protesters-egypt>.

musallah‘alā al-hākim) (justifies this....) The meaning of *khurūj* is (necessarily) that it be armed rebellion.<sup>217</sup>

Furthermore, in a television interview, ‘Alī Jum’a was questioned about the case of an individual intending armed rebellion (*arāda al-khurūj al-musallah*). ‘Alī Jum’a responded, "Kill him," and then reaffirmed this stance within the context of a coup, stating, "Let me say it again: the one who rebels (*yakhruj*) against the Egyptian army or the Egyptian police, what he deserves in the Sharia is to be killed (*ḥaqquhū fī al-Sharī‘a al-qatl*)." Concluding the session, ‘Alī Jum’a emphasized that what the Egyptian military engaged in was not mere killing but fighting, grounding his argument in Qur’anic verse 49:9 which addresses the legal aspects of fighting rebels (*bāghī*)<sup>218</sup>

In addition to asserting that the demonstrators engaged in *khurūj*, ‘Alī Jum’a categorizes them as *khawārij*, who represent one form of those who commit *khurūj* (*aṣnāf al-khārijīn*). He made this declaration before military officers following their perpetration of the massacre, legitimizing the massacre and even blessing its perpetrators.

They are rebels (*khawārij*), and the *khawārij* are the dogs of the hellfire (*kilāb alnār*). They are *khawārij*; blessed are those who kill them (*tūbā li man qatalahum*).<sup>219</sup>

Lastly, in defending the legitimacy of the coup against Mursī, whom he referred to as the June 2013 revolution, ‘Alī Jum’a argued that Mursī, as a ruler who had failed in his duties, had to be ousted. And who had the right to oust him? ‘Alī Jum’a explained by quoting the discourse of a medieval jurist:

Al-Juwayni, in *Ghiyāth al-Umam*, expounds the fact that the wielder of power (*ṣāhib al-shawka*), namely the military, has the authority to remove him and replace him with someone else.<sup>220</sup>

To conclude, such is the discourse of ‘Alī Jum’a regarding *khurūj* in the context of revolution in 2011 and the 2013 Egyptian coup. Initially, he employed this concept to support the legitimacy of Mubārak, labeling the youth demonstrating against him as engaging in *khurūj*. Later, during the coup against Mursī, he used it to justify al-Sīsī’s legitimacy against those demonstrating against him. Clearly, ‘Alī Jum’a also legitimized the military’s massacres because in his view, the demonstrators had committed *khurūj*, which in Islamic legal literature refers to armed rebellion. He further justified these massacres because, in his perspective, the demonstrators were *khawārij*, whose killing he blessed. The inconsistency in his discourse lies in why he opposed *khurūj* against

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<sup>217</sup> Azami, *Islam and the Arab Revolutions*, 219.

<sup>218</sup> *Faḍīlat Al-Imām al-Duktūr ‘Alī Jum’ah Wa-Ru’yah Taḥlīliyyah Li-Mā Yaḥduth Fī l-Bilād*; Azami, *Islam and the Arab Revolutions*, 221.

<sup>219</sup> Warren, “Cleansing The Nation of The “Dogs of Hell”; *Alī Jum’ah Wa-Huwa Yakḥṭub Amāma ‘askar al-Inqilāb al-Liqā’ Almusarrab Kāmil*, 2013, [https://www.youtube.com/watch?v=s5\\_r-zV5Tj4](https://www.youtube.com/watch?v=s5_r-zV5Tj4).

<sup>220</sup> Jum’a, “Min mawāqif al-ustādh al-duktūr ‘Alī Jum’ah.”

Mubārak and al-Sīsī but supported it against Mursī, a point challenging to understand from his discourse.

### 4.3. ‘Abd Allāh ibn Bayyah

#### 4.3.1. Socio-political Context

‘Abd Allāh ibn Bayyah, a jurist from the Mālikī school, was born in 1935 in eastern Mauritania. He was raised in a scholarly family; his father, Sheikh Maḥfūdh ibn Bayyah, was a prominent scholar and the head of the Conference of Mauritanian Scholars after the country gained independence. Sheikh ‘Abd Allāh pursued his education in Mauritania's renowned traditional learning centers known as *Mahadhir*, particularly at his father's school. There, he studied various disciplines, including jurisprudence, law, syntax, language, rhetoric, Quranic exegesis along with its branches, and hadith sciences. He excelled in these fields and passed the examinations administered by the judiciary post-independence. Subsequently, he was sent to study law at the Faculty of Law in Tunisia and underwent judicial training in Tunisian courts in 1961. Sheikh ‘Abd Allāh was one of twelve judges selected, achieving the top rank in his cohort through the presentation of a research paper on juridical and legal methods.<sup>221</sup>

With this scholarly authority, Ibn Bayyah was subsequently trusted to become the vice president of the International Union for Muslim Scholars (IUMS), where Yūsuf al-Qaraḍāwī, who had collaborated with him even before the organization's establishment in 2004, served as president. Interestingly, after the Arab Spring revolutions occurred in 2011, Ibn Bayyah tended to adopt an antipathic stance towards the revolutions, considering them motivated by Western values contrary to Islamic principles.<sup>222</sup> This antipathy aligned with the interests of the United Arab Emirates (UAE), which sought to maintain the status quo of autocracy and prevent democratization efforts in the Middle East, perceived as a threat to its regime. Consequently, the UAE needed autocratic political actors to thwart such transformations, aspiring to become a dominant regional hegemon, which led to the emerging closeness between Ibn Bayyah and the UAE, to the extent that he was later elected by them as head of the State's Fatwa Council.<sup>223</sup>

This closeness became more evident with Ibn Bayyah's decision to resign a few months after the massacre resulting from the Egyptian coup in 2013, which was also supported by the UAE. Ibn Bayyah stated, "I feel it necessary to inform that my personal circumstances and the modest role I attempt to play in efforts of reform and reconciliation require a narrative incompatible with my position in the International Union for Muslim Scholars. Therefore, I have decided to resign from my position."<sup>224</sup> Subsequently, Ibn

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<sup>221</sup> "Bio « Ibn Bayyah," accessed June 13, 2024, <https://binbayyah.net/english/bio/>.

<sup>222</sup> Helmy, "From Islamic Modernism to Theorizing Authoritarianism."

<sup>223</sup> Helmy.

<sup>224</sup> Abd Allāh ibn Bayyah, "Khiṭāb Istiqāla Al-‘alāma ‘Abd Allāh Ibn Bayyah Min al-Ittiḥād al-Ālamī Li Ulamā al-Muslimīn," accessed June 13, 2024, <https://binbayyah.net/arabic/archives/1454>.

Bayyah was invited to commemorate Sheikh Zayd ibn Sulṭān Ālī Nahyān, where he praised his sons, saying, "A fertile and good tree can only produce good trees."<sup>225</sup> These words were spoken shortly after the coup occurred. Eventually, in 2014, he was chosen to lead a religious organization supported by the UAE named *Muntadā Ta'zīz al-Salām* (Forum for Promoting Peace). It is within the context of this relationship with the UAE that Ibn Bayyah's discourse supporting the coup and opposing the Arab Spring can be understood.

#### 4.3.2. Ibn Bayyah's Discourse on *Khurūj*: Peace Over Justice

Ibn Bayyah's discourse on *khurūj* can be traced back to October 2011, when he was interviewed by CBC, an Egyptian-based media outlet, with presenter Khayrī Ramaḍān. During the 44-minute interview, Ibn Bayyah, who was then the vice president of the International Union for Muslim Scholars (IUMS), was asked for his opinion on the widespread protests occurring at the time. Ramaḍān used the term *khurūj* to describe these protests and asked, "The principle 'it is forbidden to rebel (*khurūj*) against the ruler' is fundamental for some Salafī schools. Do you think this rule applies to the Arab tyrants?" Ibn Bayyah then responded:

I believe that the era of general fatwas, which can be applied at any time and place, has ended. Now, every *mufī* must weigh their fatwa carefully before issuing it, taking into account the conditions, situations, and consequences (*ma'ālāt*) that may affect the people in case of deviation. Another point to consider is the legal principle that 'the principle of initiation is not the same as the principle of perpetuation and cessation. Circumstances vary from time to time, and it is difficult to issue a fatwa in Libya, Syria, and Yemen, for example, to rebel (*khurūj*) against the ruler, to avoid frightening outcomes. Once a rebellion has started, it is also challenging to issue a fatwa to cease it, because stopping in front of these dictatorial regimes means annihilation."<sup>226</sup>

Ibn Bayyah here aims to emphasize that the ruling on *khurūj* can differ depending on the circumstances. Ultimately, according to him, such decisions should be based on the consideration of benefits (*maṣāliḥ*) compared to harms (*mafāsīd*), and taking into account long-term consequences (*ma'ālāt*).<sup>227</sup> Based on this consideration, it is noteworthy that in that interview, Ibn Bayyah refused to condemn the revolutionary actions during the Arab Spring. He even supported the youth who demonstrated, yet he expressed concern that these revolutions might turn into civil wars, resulting in greater negative consequences

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<sup>225</sup> Abd Allāh ibn Bayyah, "Al-Ālama Ibn Bayyah Mutahaddithan Fī Iḥtifāliyya 'Yawm Zayd Li-l 'Amal al-Insānī,'" accessed June 13, 2024, <https://binbayyah.net/arabic/archives/1448>.

<sup>226</sup> "Ḥiwār Hawla al-Thāwrāt Wa Wuṣūl al-Islāmiyyīn Li-l Sulṭā Wa Tawalliyy al-Mar'a Fī al-Fiqh al-Jadīd," accessed June 14, 2024, <https://binbayyah.net/arabic/archives/1195>; *Ḥiwārāt Hawla Al-Thawrāt Wa Jadaliyya Taṭbīq al-Sharī'a Wa al-Dawla al-Madaniyya*, 2011, <https://www.youtube.com/watch?v=9Mba1RLzaWU>.

<sup>227</sup> Azami, *Islam and the Arab Revolutions*, 139.

(ma'ālāt)<sup>228</sup> and becoming a source of problems. This concern may have become a reality according to his assessment after joining the UAE coalition. As Ibn Bayyah argues that the supporters of the Arab Spring revolutions have become a source of problems due to their influence by Western democratic values, which contradict Islamic principles, and are based on the Hegelian model that promotes the idea of "destruction for reconstruction."<sup>229</sup> To prevent such destruction, in 2014, after the success of the Egyptian coup and as countries like Syria and Libya descended into civil war, at the Forum for Promoting Peace in Muslim Societies in Abu Dhabi, with his *maqāsid* analysis, Ibn Bayyah stated:

The issue of peace has priority over the issue of rights; this is not to minimise the importance of justice, rather it is to say that peace offers the opportunity to attain more rights than those granted by war.<sup>230</sup>

Through the dualism between seeking justice and maintaining peace, Ibn Bayyah seems to reiterate the dichotomy previously expressed by Mubārak and later echoed by al-Sīsī after the successful coup. This narrative posits that the Egyptian people's choice is solely between him or chaos (anā aw al-fawḍā): "If you want me to leave, then I will go without you having to overthrow me, provided that all of you want it, not just a group of people making such demands. Look around at the countries close to us. I do not like to mention their names, but they have suffered for 30 years. They cannot recover, and countries that are destroyed will not return," al-Sīsī said.<sup>231</sup>

The perspective of prioritizing peace, represented by the presence of an authoritarian regime, over justice, represented by rebellion (khurūj) which is assumed to cause chaos, leads Ibn Bayyah to indirectly argue that the *maṣlaḥa* to prevent revolution and resistance against unjust rulers must be prioritized. Even when the resistance takes the form of peaceful protests, Ibn Bayyah equates it with *khurūj*.<sup>232</sup> This viewpoint can be referenced in one of the significant books written by Ibn Bayyah after the Arab Spring, considered the basis of the argument for Islamic autocracy, *Tanbīh al-Marāji' 'alā Ta'ṣīl Fiqh al-Wāqi'*. Besides stating that those who support the revolution are indifferent to reality (wāqi') and thus become sources of problems,<sup>233</sup> Ibn Bayyah argues in that book that one form of obedience to the *w'Alī al-amr* is the obedience to endure (ṭā'a iḥtimāl), which is an absolute form of obedience to the ruler, including not opposing (i'tirād) him in any way, let alone rebelling (khurūj). Ibn Bayyah stated:

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<sup>228</sup> *Hiwārāt Ḥawla Al-Thawrāt Wa Jadaliyya Taṭbīq al-Sharī'a Wa al-Dawla al-Madaniyya*.

<sup>229</sup> 'Abd Allāh ibn Bayyah, *Tanbīh Al-Marāji' 'Alā Ta'ṣīl Fiqh al-Wāqi'*, 4th ed. (al-Muwatṭa Center, 2018), 19.

<sup>230</sup> "A Call to Intensify Peace Efforts «Ibn Bayyah," accessed June 14, 2024, <https://binbayyah.net/english/a-call-to-intensify-peace-efforts/>.

<sup>231</sup> *Law Al-Sha'b 'Āyizīn Amshī Hāmshī Lakin Dā Lāzim Yakūn Maṭlab al-Umma*, 2015, <https://www.youtube.com/watch?v=0Ljj07K8oio>.

<sup>232</sup> Azami, *Islam and the Arab Revolutions*, 139.

<sup>233</sup> 'Abd Allāh ibn Bayyah, *Tanbīh Al-Marāji' 'Alā Ta'ṣīl Fiqh al-Wāqi'*, 17.

This is the obedience that means not rebelling (‘adam al-khurūj) against the ruler and not targeting the public system (niẓām al-‘ām). This obedience should not be violated unless the *imām* deviates, which undoubtedly means deviating from Islam. It is also obedience to the majority (jumhūr), which signifies a commitment to the community (jamā‘a). Additionally, it is a passive obedience (tā‘a salbiyya), or an obedience characterized by restraint, and obedience that is non-oppositional towards the ruler.<sup>234</sup>

Eventually, through this obedience to endure (tā‘a iḥtimāl), according to Ibn Bayyah, obedience to the ruler in this form is not necessarily for the sake of goodness, but the principle of this obedience is to refrain from *khurūj* against any ruler, no matter how unjust. This only requires "denial in the heart,"<sup>235</sup> as Ibn Bayyah stated. He argues that this form of obedience represents the consensus (jumhūr) of Sunni scholars, citing Ibn Baṭṭāl, who states, "Obedience to a usurping ruler (mutaghallib) and jihad with him is obligatory, because obedience to him is better than rebelling (khurūj) against him. The reason is to prevent bloodshed and maintain societal peace, and they do not make exceptions except if the ruler openly commits disbelief."<sup>236</sup> In concluding his discussion on obedience, seemingly linking it to his discourse on *khurūj* and protests during the Arab Spring, which he considers synonymous, Ibn Bayyah stated:

Therefore, all these facts need to be evaluated so that jurists (fuqahā‘) can provide legal opinions regarding the permissibility of protest movements involving violence or indicating violence, because Islamic law prioritizes the preservation of life and is highly sensitive to preventing the dangers of war and conflict. Preventing harm takes precedence over bringing benefit, in accordance with the well-known principle of Islamic law.<sup>237</sup>

Nevertheless, as Azami stated, from the beginning, it seemed that Ibn Bayyah viewed demonstration as an act of *khurūj*, although he did not directly state this.<sup>238</sup> This aligns with his views long before his association with the UAE. When discussing how *khurūj* occurs, Ibn Bayyah cited al-Ramlī from the Shāfi‘ī school and al-Zarqānī from the Mālikī school, who stated that simply going out without threatening security or showing the intent to overthrow (qahr) without fighting (qitāl) constitutes *khurūj*.<sup>239</sup> Eventually, according to Ibn Bayyah, *khurūj* does not necessarily mean taking up arms to rebel against the ruler.

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<sup>234</sup> ‘Abd Allāh ibn Bayyah, 189.

<sup>235</sup> ‘Abd Allāh ibn Bayyah, 191.

<sup>236</sup> ‘Abd Allāh ibn Bayyah, 192.

<sup>237</sup> ‘Abd Allāh ibn Bayyah, 194.

<sup>238</sup> Azami, *Islam and the Arab Revolutions*, 139.

<sup>239</sup> ‘Abd Allāh ibn Bayyah, "Waraqa Ḥawla Al-Irhāb," accessed July 7, 2024, <https://binbayyah.net/arabic/archives/171>.

#### 4.4. Sa'īd Ramaḍān al-Būṭī

##### 4.4.1. Socio-political Context

He was born in 1929AD - 1347AH in Cilka (Jeilka), a village in the Ibn-Umar Region (Cizîra-Botan or Cizre) in Turkey. His father, the scholar Mulla Ramadan Al-Bouti (may Allah's mercy be upon him), migrated to Damascus due to Ataturk's anti-Islam policies. In 1954, he traveled to Cairo to study at al-Azhar University, where he earned a degree in Islamic Law in 1955 and subsequently he also received a doctorate in it from the same university in 1965. Back in Syria, he advanced to vice dean of the Faculty of Islamic Law at Damascus University in 1975, becoming dean in 1977.<sup>240</sup> After retiring, he continued to lecture and write on Islamic affairs, authoring over 60 books and serving as a prominent religious authority, presiding over the Scholars Union for the Syria region. He was an early example of a traditionally trained *'Alīm* securing a large international audience through mass-produced printed publications and audio-visual media.<sup>241</sup>

In addition to his academic pursuits, since 1985, al-Būṭī has also been known for his proximity to the Asad family, the regime of Syria. His good relationship with Ḥāfīdh al-Asad began when al-Būṭī described the actions of Islamists from 1979-1982 against the Ba'ṭhist regime as 'banditry' rather than *jihād*.<sup>242</sup> This proximity has had positive implications for Islamists as well; al-Būṭī successfully persuaded al-Asad to gradually release a significant number of political prisoners and reopen the doors for those who had to leave Syria due to the conflict.<sup>243</sup> This close relationship continued into the era of his son, Bashar al-Asad. When peaceful protests began in February 2011 in Syria, al-Būṭī played a crucial role in defending al-Asad's legitimacy. In a television appearance, he spoke about external influences (*ayād khārijīyya*) suggesting that behind these protests lay a conspiracy involving right-wing Americans (*yamīn amrikī*) and Jews who sought the overthrow of the Syrian regime hostile to them.<sup>244</sup>

As al-Būṭī's stance against revolution and his support for the al-Asad regime intensified during the period of 2011-2013, it increasingly sparked controversy, ultimately leading to his assassination. Al-Būṭī was killed at the age of 83 in a bombing targeting the al-Īmān Mosque in the Al-Mazraa area north of Damascus on Thursday night, March 21, 2013, while delivering religious teachings to congregants.<sup>245</sup> The explosion resulted in the death of 42 people, including the grandson of the scholar, and

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<sup>240</sup> "Naseem Al-Sham › A Martyr Scholar: Imam Muhammed Saeed Ramadan al-Bouti - Biography," accessed June 15, 2024, [https://naseemalsham.com/persons/Muhammad\\_said\\_ramadan\\_al\\_bouti/biography](https://naseemalsham.com/persons/Muhammad_said_ramadan_al_bouti/biography).

<sup>241</sup> Thomas Pierret, "Al-Būṭī, Muḥammad Sa'īd Ramaḍān," *Encyclopaedia of Islam*, January 1, 2015, 54–57.

<sup>242</sup> Thomas Pierret.

<sup>243</sup> "Naseem Al-Sham › A Martyr Scholar: Imam Muhammed Saeed Ramadan al-Bouti - Biography."

<sup>244</sup> Al-Khatib, "Muslim Jurist and the state during the Arab uprisings," 8.

<sup>245</sup> Thomas Pierret, "Al-Būṭī, Muḥammad Sa'īd Ramaḍān."

injured 84 others, according to the Syrian Ministry of Health. Ironically, the assassination was condemned by both the revolutionaries and the Syrian regime itself, leaving people questioning who was behind the attack.<sup>246</sup> In this context, al-Būṭī's persona and viewpoints played a significant role in the events of the Arab Spring.<sup>247</sup>

#### 4.4.2. Al-Buṭī's Discourse on *Khurūj*: *Khurūj* to the Streets Forbidden, but Protestors Forbidden to Be Killed

Understanding al-Buṭī's discourse on *khurūj* during the rebellion against Hāfidh al-Asad in the 1980s is crucial for grasping the roots of his stance during the 2011 revolution. This discourse can be referenced in his book titled *al-Jihād fī l-Islām*. In this work, al-Buṭī discusses various Islamic legal issues in the political realm within a modern context, including those related to acts of rebellion. Fundamentally, in his definition, *al-bughā* should not be killed:

If they are captured, they should not be sentenced to death, nor should those who are detained be killed. Instead, they are disciplined with imprisonment or similar measures until they repent. They should not be subjected to *qiṣaṣ*, *diyāt*, or similar punishments.<sup>248</sup>

However, for those who rebelled against Hāfidh al-Asad, al-Būṭī viewed them not as *bughā* seeking to reclaim unmet rights, grounding their actions on specific *ijtihād* opinions, and possessing substantial military strength and numbers, along with a leader whom they obey.<sup>249</sup> Yet, these rebels did not base their arguments except on declaring the ruler as an unbeliever (*takfīr al-ḥākim*) and selectively quoting verses, thus their arguments do not fall within the realm of tolerable *ijtihād*.<sup>250</sup> Therefore, al-Būṭī stated:

You will not find within the jurisprudential principles and legal verdicts anything indicating that the definition of *bughā* applies to them; rather, what applies to them is the definition of *harāba*.<sup>251</sup>

Thus, al-Būṭī did not consider that those who rebelled against Hāfidh al-Asad should be treated kindly, but rather treated as *harāba*, to be fought with violence, as elucidated in al-Māida verse 33. In classical Islamic law, *al-bughā* refers to rebels who revolt for acceptable reasons, whereas *al-harāba* refers to rebels who rebel without acceptable reasons, killing and plundering the wealth of Muslims, their status is akin to that of

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<sup>246</sup> “Tabādul al-Ittihāmāt bi Qatl al-Būṭī,” Al-Jazeera net, accessed June 16, 2024, <https://aja.me/ab7m2>.

<sup>247</sup> Al-Khatib, “Muslim Jurist and the state during the Arab uprisings,” 8.

<sup>248</sup> Sa’id Ramaḍān al-Būṭī, *Al-Jihād Fī l-Islām Kayfa Naḥamuh Wa Kayfa Numārishu*, 1st ed. (Damascus: Dār al-Fikr, 1993), 168.

<sup>249</sup> Sa’id Ramaḍān al-Būṭī, 167.

<sup>250</sup> Sa’id Ramaḍān al-Būṭī, 168.

<sup>251</sup> Sa’id Ramaḍān al-Būṭī, 169.

bandits (qāṭṭā' al-ṭarīq).<sup>252</sup> Eventually, here, al-Būṭī's discourse focuses more on the classification of *khurūj* and how its perpetrators should be dealt with. However, in February 2011, when the Syrian revolution erupted and people began moving after Friday prayers from mosques to protest against Bashar al-Asad, the son of Ḥāfidh al-Asad, al-Būṭī's discourse began questioning demonstrations as an act of *khurūj*, starting from when he stated, "Their foreheads do not know *sujūd*,"<sup>253</sup> implying that those protesting at that time were not good Muslims accustomed to performing prayers.

Here begins al-Būṭī's cynical view towards the peaceful protest actions unfolding, which he began associating with act of *khurūj*. This can be referenced to a conference held by the Ministry of Foreign Affairs and the Ministry of Waqf at Damascus University in July 2011. There, al-Būṭī criticized those engaging in protests, stating that their aim was reform (iṣlāḥ), yet reform cannot be achieved through methods of destruction (takhrīb) associated with demonstrations (muṣāhara). Here, al-Būṭī categorically stated that demonstrations (muṣāhara) are impermissible (haram), arguing on the grounds of *shaddū al-dharā'i*,<sup>254</sup> which is preventing something permissible (mubāḥ) that may lead to something impermissible, such as harm (mafsada) and mischief (muḍarrāt). Therefore, even though demonstrations are initially permissible, according to al-Būṭī, they become impermissible if they lead to such negative consequences. Al-Būṭī said:

Going out (khurūj) onto the streets, even with good intentions and sanctioned slogans, is prohibited (muḥarram) ... this (demonstration) is a cause (dharī'a) of corruption (fasād). Preventing the means to corruption is obligatory, even if the action itself is originally permissible (jāiz).<sup>255</sup>

In the same forum, al-Būṭī discusses the Islamic law regarding the act of uprising (khurūj) against the president and demanding his resignation, as well as voicing the collapse of the regime. Al-Būṭī explains:

Even if a ruler (hākim) is disobedient, sinful, and misguided, he must be listened to and obeyed, and it is not permissible to rebel against him (al-khurūj alayh), unless clear disbelief (kufr bawwah) is evident.<sup>256</sup>

As he also cites al-Nawawī on the consensus prohibiting such *khurūj*.<sup>257</sup> However, al-Būṭī also emphasizes that this does not mean allowing the ruler to commit oppression;

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<sup>252</sup> ‘Abd Allāh ibn ‘Umar al-Damījī, *Al-Imāma al-‘Uzmā ‘Inda Ahl al-Sunna wa l-Jamā’a* (Riyād: Dār al-Ṭayyibah, n.d.). 679.

<sup>253</sup> al-Imām al-Shahīd al-Būṭī, “Al-Būṭī Wa Min Jibāhuhum Lā Ta’rif al-Sujūd,” accessed June 16, 2024, <https://www.youtube.com/watch?v=1K5SVQHF-4s>.

<sup>254</sup> “Ḥukm al-Khurūj fī al-Musayyarāt wa l-Muzāharāt Ām,” Nasīm al-Shām, accessed June 18, 2024, <https://naseemalsham.com/fatwas/view/16075>.

<sup>255</sup> *Kalima al-Imām al-Būṭī Ḥawla al-Islāh Wa l-Taṣāhur Fī Mudarraḡ Jāmi’a Dimashq*, 2019, <https://www.youtube.com/watch?v=4izocKWY19U>.

<sup>256</sup> Al-Khatib, “Muslim Jurist and the state during the Arab uprisings,” 75.

<sup>257</sup> *Kalima Al-Imām al-Būṭī Ḥawla al-Islāh Wa l-Taṣāhur Fī Mudarraḡ Jāmi’a Dimashq*.

commanding him to do good and forbidding him from doing evil must be done, as obedience to him is only in what is good and not in what is evil.<sup>258</sup> Regarding clear disbelief, after that, al-Būṭī clarifies a photo where a group of people are prostrating in a picture of Bashar al-Asad. Al-Būṭī does not hesitate to label those prostrating as committing disbelief; however, as he narrates, al-Asad himself condemned what the group did in prostrating to his picture.<sup>259</sup> With this clarification, al-Būṭī aims to argue that attributing the reason of clear disbelief (*kufir bawwāḥ*) to al-Asad is not justified to legitimize the *khurūj* action undertaken by the revolutionaries.

However, finally, despite forbidding demonstrations, al-Būṭī forbids the Syrian army from killing demonstrators. This point must be underscored: al-Būṭī issues a *fatwā*, in early 2012, before the revolution transformed into an armed opposition, stating that armies forced to kill demonstrators should not obey the orders of their commanders, even if they are threatened with death for not carrying out the orders. Al-Būṭī argues:

The jurists (*fuqahā'*) have written that the one compelled (*al-mulja'*) to commit an unjust killing is not permitted to comply with a command that imposes it, even if they know they will be killed for disobeying that command, because both acts pose an equal level of danger. Therefore, it is impermissible for the one who is compelled to kill to prioritize their own life over the life of another.<sup>260</sup>

On another occasion, during a television program, al-Būṭī explicitly stated that killing demonstrators is forbidden. Al-Būṭī argued based on a hadith of the Prophet:

And whoever departs from my community and attacks both the righteous and the wicked without regard for a believer, and does not fulfill the promises made, then he is not of my community and I am not of his.<sup>261</sup>

Such is al-Būṭī's discourse on *khurūj*, wherein despite previously justifying violence against those who protested against Ḥāfidh al-Asad due to being deemed as *harrāba*, by 2011, al-Būṭī's discourse on *khurūj* became more detailed when regarding the act of taking to the streets (*khurūj*) as forbidden (*muḥarram*). For him, rebellion against a tyrannical, sinful, and misguided ruler is impermissible unless their disbelief is clear. While he prohibited peaceful demonstrations, al-Būṭī did not treat them as *harrāba* as he did in the 1980s; instead, he forbade the Syrian army from killing pro-revolution demonstrators. He even participated in the funeral prayers (*ṣalat al-janāza*) of those protestors who died in

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<sup>258</sup> *Kalima Al-Imām al-Būṭī Hawla al-Islāh Wa l-Taḏāhur Fī Mudarraḡ Jāmi'a Dimashq.*

<sup>259</sup> *Kalima Al-Imām al-Būṭī Hawla al-Islāh Wa l-Taḏāhur Fī Mudarraḡ Jāmi'a Dimashq.*

<sup>260</sup> "Al-Mawqif al-Ḥaqīqī li l-'Allāma al-Būṭī min al-Fitna fī Sūwriyya," Naṣīm al-Shām, accessed June 18, 2024, <https://naseemalsham.com/subjects/view/31290>.

<sup>261</sup> "Al-Mawqif al-Ḥaqīqī li l-'Allāma al-Būṭī min al-Fitna fī Sūwriyya."

Dar'a at the beginning of revolution, before turned in to armed opposition, referring to them as martyrs (shuhada').<sup>262</sup>

#### 4.5. Comparison of Discourses by Three Ulama: Connected with Difference Reasoning

One similarity in the discourses of 'Alī Jum'a, Ibn Bayyah, and al-Būṭī is their tendency to view the Arab Spring as a form of Western interference, either perceived as a damaging ideology or a political conspiracy. This can be observed in 'Alī Jum'a's discourse, where he attributes the turmoil to the failure of pro-revolutionary scholars to filter the concept of "creative chaos" as elements of Western thought infiltrating Islamic political discourse.<sup>263</sup> Similarly, Ibn Bayyah views supporters of the revolution as influenced by Western democratic values conflicting with Islamic principles, rooted in a Hegelian model promoting the idea of "destruction for reconstruction."<sup>264</sup> Furthermore, al-Būṭī goes further to suggest that the chaos in Syria is caused by a conspiracy of right-wing Americans and Jews aiming to overthrow Bashar al-Asad.<sup>265</sup> These ulama's perspectives on the Western role in the Arab Spring illustrate how they perceive reality based on limited information obtained, especially from the regimes themselves, regarding the protests unfolding, and their tendency not to take Western values and ideas for granted.

The tendency to consider these Western concepts can also be seen in their inclination to view peaceful protest actions during revolutions as acts of *khurūj*. However, unlike the simplistic *wahhābī*'s approach of Ṣāliḥ al-Fawzān for instance, who categorised demonstrations, peaceful protests, and even verbal criticism of the rulers as *khurūj* from the outset,<sup>266</sup> 'Alī Jum'a, Ibn Bayyah, and al-Būṭī did not directly state that demonstrations were acts of *khurūj*, but rather employed reasoning based on realities occur that led to this conclusion. For instance, 'Alī Jum'a himself stated that it is the deprivation of rights that causes *fitna*, not the demonstrations.<sup>267</sup> As Azami noted, Ibn Bayyah did not directly state that the demonstrations during the Arab Spring were acts of *khurūj*;<sup>268</sup> instead, he used the argument of obedience to the ruler (ṭā'at waliy al-amr)<sup>269</sup> and the prevention of negative consequences (ma'ālāt).<sup>270</sup> Similarly, al-Būṭī stated that going out (*khurūj*) into the streets is permissible (jā'iz), but because it leads (*dharī'a*) to corruption, it becomes prohibited.<sup>271</sup> Thus, there is an sophisticated Islamic legal reasoning employed by these three ulama in

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<sup>262</sup> "Al-Mawqif al-Ḥaqīqī li l-'Allāma al-Būṭī min al-Fitna fī Sūwriyya."

<sup>263</sup> Jum'a, "Min mawāqif al-ustādh al-duktūr 'Alī Jum'ah."

<sup>264</sup> 'Abd Allāh ibn Bayyah, *Tanbīh Al-Marāji' 'Alā Ta'Ṣīl Fiqh al-Wāqi'*, 19.

<sup>265</sup> Al-Khatib, "Muslim Jurist and the state during the Arab uprisings," 8.

<sup>266</sup> Muḥammad Abd al- Karīm, *Tafkīk Al- Istibdād: Dirāsa Maqāṣidiyya Fī Fiqh al-Taḥarrur Min al- Taghallūb*, 133.

<sup>267</sup> Al-Khatib, "Muslim Jurist and the state during the Arab uprisings."

<sup>268</sup> Azami, *Islam and the Arab Revolutions*, 139.

<sup>269</sup> 'Abd Allāh ibn Bayyah, *Tanbīh Al-Marāji' 'Alā Ta'Ṣīl Fiqh al-Wāqi'*, 189.

<sup>270</sup> "Ḥiwār Ḥawla Al-Thawrāt Wa Wuṣūl al-Islāmiyyīn Li-l Sultā Wa Tawalliyy al-Mar'a Fī al-Fiqh al-Jadīd"; *Ḥiwārāt Ḥawla Al-Thawrāt Wa Jadaliyya Taṭbīq al-Sharī'a Wa al-Dawla al-Madaniyya*.

<sup>271</sup> *Kalīma al-Imām al-Būṭī Ḥawla al-Islāh Wa l-Taṣāhur Fī Mudarraḡ Jāmi'a Dimashq*, 2019, <https://www.youtube.com/watch?v=4izocKWY19U>.

interpreting the reality of protests against the government at that time, even though it all pointed towards a form of rebellion (*khurūj*) against the ruler.

Consequently, since their conclusions arose from different reasoning in categorising those involved in peaceful protests as engaging in *khurūj*, they also differed in addressing how the demonstrators should be treated. ‘Alī Jum’a regards them as *khawārij* rebels, citing a hadith in front of military officers that describes *khawārij* as dogs of Hellfire; he blesses anyone who kills them.<sup>272</sup> However, ‘Alī Jum’a does not directly legitimize these killings, but conditions them on the requirement that at least one of the demonstrators fires a bullet at the military, or merely intends to engage in armed rebellion.<sup>273</sup> On the other hand, al-Būṭī distinguishes between *bughā* and *ḥarāba*; he argues that al-*bughā*, who have justifiable reasons for rebellion and possess a military force that is obeyed, should not be killed if captured. Instead, they should be disciplined with imprisonment or similar punishment.<sup>274</sup> However, during the protests against Ḥāfidh al-Asad in the 1980s, al-Būṭī categorized them as *ḥarrāba* or robbers (*qattā’ al-ṭarīq*),<sup>275</sup> thereby legitimizing Ḥāfidh al-Asad’s violent approach towards them. Nevertheless, during the 2011 revolution, al-Būṭī interpreted the situation differently from before; despite prohibiting demonstrations, he also forbade Bashar al-Asad’s army from killing pro-revolution demonstrators.<sup>276</sup>

Furthermore, regarding rulers who do not meet the qualifications to lead, such as being just or capable of fulfilling their duties as ruler, what should be done about them? ‘Alī Jum’a argues that they must be deposed; this was his claim to legitimize the ousting of Muḥammad Mursī, who was deemed incompetent in his leadership and caused chaos and crisis in Egypt. ‘Alī bases his argument on al-Juwaynī, advocating for his removal through military force (*ṣāḥīb al-shawka*).<sup>277</sup> On the other hand, Ibn Bayyah argues that it is impermissible to rebel against a ruler unless the *imām* clearly deviates from Islam.<sup>278</sup> For rulers who are oppressive, the approach should only be one of "denial in the heart,"<sup>279</sup> which is the stance of the majority of *Sunnī* ulama, according to Ibn Bayyah. In opposing *khurūj*, Ibn Bayyah also employs a *maqāsid* analysis, prioritizing peace over justice (*al-salām muqaddam alā l-‘adl*),<sup>280</sup> emphasizing that maintaining political stability under an oppressive ruler is preferable to seeking justice through rebellion, which leads to chaos. As for al-Būṭī, he argues that a ruler (*hākim*) who is tyrannical, sinful, and deviant must still be obeyed and followed, and revolting against him (*al-khurūj ‘alayh*) is impermissible unless clear disbelief is established.<sup>281</sup> However, al-Būṭī also emphasizes that this does not imply condoning the ruler’s oppression; rather, commanding him to do good and

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<sup>272</sup> Warren, “Cleansing The Nation of The “Dogs of Hell”; *Alī Jum’ah Wa-Huwa Yakhtub Amāma ‘askar al-Inqilāb al-Liqā’ Almusarrab Kāmil*.

<sup>273</sup> Azami, *Islam and the Arab Revolutions*, 220.

<sup>274</sup> Sa’id Ramaḍān al-Būṭī, *Al-Jihād Fī l-Islām Kayfa Nafhamuh Wa Kayfa Numārishu*, 168.

<sup>275</sup> Sa’id Ramaḍān al-Būṭī, 169.

<sup>276</sup> “Al-Mawqif al-Ḥaqīqī li l-‘Allāma al-Būṭī min al-Fitna fī Sūwriyya.”

<sup>277</sup> Jum’a, “Min mawāqif al-ustādh al-duktūr ‘Alī Jum’a.”

<sup>278</sup> ‘Abd Allāh ibn Bayyah, *Tanbīh Al-Marāji’ ‘Alā Ta’ṣīl Fiqh al-Wāqi’*, 192.

<sup>279</sup> ‘Abd Allāh ibn Bayyah, 191.

<sup>280</sup> “A Call to Intensify Peace Efforts « Ibn Bayyah.”

<sup>281</sup> Al-Khatib, “Muslim Jurist and the state during the Arab uprisings,” 75.

forbidding him from evil must be undertaken, as obedience to him pertains only to what is good and not to what is evil.<sup>282</sup>

Eventually, it can be concluded that the inclination to uphold the traditions of Islamic law is a common motif among all the aforementioned ulama—'Alī Jum'a, Ibn Bayyah, and al-Būṭī. This is why they are meticulous in filtering Western interpretations, especially in the discourse on the political affairs of the Muslim community. Despite their varying arguments, their discourses on *khurūj* converge on a shared position regarding protests in the streets, categorizing them as act of *khurūj*. However, these conclusions did not arise spontaneously but rather through Islamic legal reasoning applied to reality, which necessitated that although these protest actions were not fundamentally *khurūj*, they were subsequently associated with acts of *khurūj* against the ruler. Therefore, Ibn Bayyah argues this prohibition of demonstration based on the concept of obedience to rulers, al-Būṭī on preventing harm (shadd al-dharā'i'), and 'Alī Jum'a by considering demonstrations have caused the fitna, and hence forbidden. Similarly, in their treatment of *khurūj* perpetrators who engage in violence, 'Alī Jum'a sanctions the use of force if demonstrators initiate violence, while al-Būṭī prohibits violence against demonstrators altogether. Concerning oppressive or incompetent rulers, 'Alī Jum'a advocates for their removal by military force. Ibn Bayyah, on the other hand, advocates for internal dissent (inkār bi l-qalb) and prioritizes peace. Al-Būṭī maintains that even a tyrannical ruler should not be rebelled against and must be obeyed in matters of goodness while also commanding against evil deeds.

#### 4.6. Comparison with the Discourse of Pre-Modern Ulama: Between Connections and Disconnections

The emergence of nation-state has sparked a debate concerning the position of Islamic law and its jurists in the modern context. In several aspects, the interpretation of jurists (fuqahā') significantly differs from pre-modern conditions, especially regarding political matters such as the relationship between ruler and the people (al-ḥākim wa l-maḥkūm). The event of the Arab Spring provides an excellent example of this issue. Ulama like 'Alī Jum'a, Ibn Bayyah, and al-Būṭī referred to the classical concept of political Islamic law, *khurūj*, to legitimize the status quo regimes against the revolutions. Ironically, they regard these regimes as analogous to the caliphs or *sultāns* who historically adhered to Islamic law, even though the nation-states they govern do not implement Islamic law except in private aspects, relying more on positive law.

Furthermore, viewing a president or king in a nation-state as a caliph or *sultān* is highly problematic. For example, the issue of rebels (bughā) in Islamic law traditionally refers to insurrection against a legitimate ruler (imām ḥaq).<sup>283</sup> The criteria and methods for appointing a legitimate ruler in the past were different from the context of nation-states experiencing revolutions, such as Egypt, Syria, Yemen, Tunisia, and Libya. Additionally,

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<sup>282</sup> *Kalima Al-Imām al-Būṭī Hawla al-Islāh Wa l-Taẓāhur Fī Mudarraj Jāmi'a Dimashq.*

<sup>283</sup> Muḥammad Āmīn ibn 'Ābidīn, *Radd Al-Mukhtār 'alā al-Dār al-Mukhtār (: Dār 'Ālam al-Kutub, 2003)* 6 vols. (Riyād: Dār 'Ālam al-Kutub, 2003). 411.

*khurūj* in classical Islamic legal terminology refers to armed rebellion (*khurūj bi-l sayf*), not peaceful demonstrations as interpreted by ‘Alī Jum’a, al-Būṭī, and Ibn Bayyah. Consequently, the treatment of protesters becomes highly problematic when compared to pre-modern conditions, such as issuing *fatwās* to kill demonstrators, especially considering that the demonstrators themselves come from various religions, ethnicities, and nations, as do the armies.

Thus, there is a gap between the reality and the *fatwās* issued by these ulama, as they issue opinions in conditions that are fundamentally different, based on conditions they perceive as similar to the pre-modern era, both in terms of political systems and the interpretation of Islamic law and the role of the judiciary in society. In this section, I will attempt to compare the discourses of these ulama during the Arab Spring with the discourses of ulama in the pre-modern era, as contemporary ulama often refer to classical ulama to strengthen their arguments. This analysis is conducted by following their assumption that the discourses and conditions of the pre-modern and modern eras are the same, although, as I have previously explained, they are actually different.

Consequently, here, I argue that their selectivity of specific views of pre-modern ulama on *khurūj* has shaped their anti-revolutionary discourses, particularly due to their anachronistic reasoning about the realities (*wāqī’*) occurring during the Arab Spring. Similarly, I found a tendency in the *khurūj* reasoning of these three ulama to interpret reality within the framework of Islamic law according to their limited imagination. This led to a propensity to justify certain realities through a subjective approach of realistic fiqh (*fiqh al-wāqī’*), which varied among them.<sup>284</sup> I also observed that their reasoning of *maqāṣid* differs from that of classical ulama. In their hands, *maqāṣid* seems to become a fluid concept, characteristic of post-modern values that constantly change,<sup>285</sup> allowing it to be used to justify certain realities, particularly to legitimize political despotism. This is what makes their discourses of *khurūj* connected and disconnected with pre-modern ulama. The details comparison in the following.

#### 4.6.1. ‘Alī Jum’a

In defending Mubārak's legitimacy, ‘Alī Jum’a argues that peaceful protests against Mubārak constitute acts of rebellion against legitimate authority (*khurūj alā shar’iyya*), asserting that this is prohibited (*harām*) by consensus (*ittifāq*) of the Islamic community in both the East and the West.<sup>286</sup> If the meaning of *khurūj* here is understood as armed rebellion against the ruler, then ‘Alī Jum’a’s view aligns with certain pre-modern ulama who claimed consensus after Ibn al-Ash’at’s rebellion, such as al-Nawawī<sup>287</sup> and Ibn

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<sup>284</sup> Caeiro, “Facts, Values, and Institutions.”

<sup>285</sup> Muhammad al-Marakeby, “Al-Hadātha Wa Taḥawwulāt al-Khiṭāb al-Maqāṣidī: Naḥwa Fiqh Sā’il,” *Journal of Islamic Ethics*, 2019, 9–29, <https://doi.org/10.1163/24685542-12340028>.

<sup>286</sup> Azami, *Islam and the Arab Revolutions*, 102; Muftī *Miṣr*; Al-Khatib, “Muslim Jurist and the state during the Arab uprisings.” 67.

<sup>287</sup> Abū Zakariyyā Muḥyī al- Dīn Yahyā ibn Sharaf al- Nawawī, *Sharḥ Al- Nawawī Alā Muslim*, 6 vols, vol. 12 (Dār al- Khair, 1996). 539.

Mujāhid al-Ṭā'ī,<sup>288</sup> the shaikh of al-Bāqilānī. However, this claim of consensus is contested; one notable opponent is Ibn Ḥazm (d. 456/1064), who argues using examples of armed rebellions (*khurūj*) by Ḥusayn and the people of Madina during the incident of al-Ḥarra against Yazīd, as well as Ibn al-Ash'at's rebellion against al-Ḥajjāj. Ibn Ḥazm also contends that it is obligatory to draw the sword for those upholding truth in enjoining what is right and forbidding what is wrong (*al-amr bi l-ma'rūf wa l-nahy 'an al-munkar*) if they have sufficient forces (*aṣāba*), but if they are few in number, they may refrain from doing so.<sup>289</sup> Thus, 'Alī Jum'a's claim of consensus is problematic, and his categorization of peaceful protests as *khurūj* differs from the definitions provided by pre-modern jurists.

Another argument presented by 'Alī Jum'a in defending al-Sīsī is his categorization of pro-Mursī demonstrators as *khawārij*, who must be combated by the military.<sup>290</sup> In reality, the term *khawārij* has a long history, dating back to the time of caliph 'Alī ibn Abī Tālib, referring to rebels whom the Caliph fought against. However, 'Alī Jum'a recontextualizes it within the modern nation-state framework. As Jeffrey T. Kenney has pointed out, in 20th-century Egypt, the meaning of *khawārij* shifted from questioning membership in the Muslim community to considering one's allegiance to Egypt as a nation-state.<sup>291</sup> Thus, while *khawārij* originally referred to rebels against 'Alī ibn Abī Tālib, in 'Alī Jum'a's anachronistic reasoning, it came to mean rebellion against the Egyptian military regime, even in which the methods of acquiring power were different. The Egyptian military seized power through usurpation (*taghallub*), or what in modern times is synonymous with a coup, whereas 'Alī was chosen through legitimate allegiance (*bay'a*). Here, 'Alī Jum'a's reasoning tended to justify the existing reality rather than consistently referring to the Islamic legacy (*turāth*).

Furthermore, 'Alī Jum'a's rationale for endorsing the killing of pro-Mursī demonstrators was also problematic, considering that in Islamic law, rebels who have legitimate reasons (*ta'wīl sāigh*) should not be fought and must be treated well.<sup>292</sup> This contradicts the approach of al-Māwardī, who cited al-Shāfi'ī's view against fighting rebels opposing a tyrannical ruler.<sup>293</sup> Al-Shāfi'ī guaranteed the rights of anyone opposing the ruler as long as they did not take up arms. Even if they did take up arms, according to al-Shāfi'ī, the ruler should not fight them but rather address their grievances if they were truly oppressed. The ruler could only fight them if they intended to engage in battle (*murīdīn al-qitāl*).<sup>294</sup> 'Alī Jum'a's approach to violence also contrasts with the views of Ibn Jamā'a, who asserts that those who rebel against a tyrannical ruler must have their

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<sup>288</sup> Abū Muḥammad Alī ibn Aḥmad ibn Sa'īd ibn Hazm al- Andalusī, *Marātib Al- Ijmā' Fī al- Ibādāt Wa al- Muā'malāt Wa al- I'tiqādāt*. 178.

<sup>289</sup> Abū Muḥammad Ahmad ibn Sa'īd ibn Hazm al- Andalusī, *Al- Fashl Fī al- Milal Wa al- Ahwā' Wa al- Nihal*. 132.

<sup>290</sup> *Alī Jum'ah Wa-Huwa Yakhṭub Amāma 'askar al-Inqilāb al-Liqā' Almusarrab Kāmil*.

<sup>291</sup> Jeffrey Kenney, "Muslim Rebels: Kharijites and the Politics of Extremism in Egypt," *Oxford University Press*, September 1, 2006, <https://doi.org/10.1093/019513169X.001.0001>. 116

<sup>292</sup> Abou El Fadl, *Rebellion and Violence in Islamic Law*, 233; Muzakkir, "Understanding the Discourse of 'Alī Jum'ah on the Military Coup During the Arab Spring in Egypt."

<sup>293</sup> Abou El Fadl, *Rebellion and Violence in Islamic Law*, 166.

<sup>294</sup> Abū 'Abd Allāh Muḥammad ibn Idris al- Shāfi'ī, *Al- Um*. 231.

demands met if their rights have indeed been denied. They should only be fought if they persist in their hostility even after their demands have been satisfied.<sup>295</sup> Eventually, the violent approach towards demonstrators deemed as *khawārij* also contradicts the opinion of Ibn Qudāma, who stated that those merely expressing *khawārij* opinions, without rebelling against the ruler's authority (lam yakhrujū) or shedding blood, should neither be killed nor fought. Ibn Qudāma referenced 'Alī's attitude towards someone expressing *khawārij* views, noting that he did not prohibit him from entering the mosque, deny them their right to spoils (fay'), or initiate combat against him unless he started the fight first.<sup>296</sup>

Lastly, the argument by 'Alī Jum'a to depose Mursī, citing al-Juwaynī (d. 478 AH/1085 CE), warrants further discussion. 'Alī Jum'a claims that "in Islamic law... it is permissible to overthrow a president if anarchy prevails in the country and among the people, and rights are no longer protected."<sup>297</sup> Anachronistic reasoning is also evident here, in 'Alī Jum'a's comparison of Mursī as the president of a modern nation-state to an *imām* in classical Islamic law, where even the qualifications differ. In classical Islamic law, for example, according to Ibn Ḥazm, Abū Ya'lā al-Farrā', and al-Ghazālī, an *imām* must be a Muslim and a descendant of Quraysh.<sup>298</sup> Even al-Juwaynī, whom 'Alī Jum'a cites, held that an *imām* must be a descendant of Quraysh.<sup>299</sup> Thus, there is a gap between the reality interpreted by 'Alī Jum'a, using al-Juwaynī to justify the removal of Mursī as the president of a modern nation-state, and al-Juwaynī's reasoning, which indeed advocated for the removal of an incompetent, tyrannical *imām* who incites crisis<sup>300</sup> with military power (ṣāhib al-shawka).

#### 4.6.2. 'Abd Allāh ibn Ibn Bayyah

Ibn Bayyah argues with the concept of patient obedience (tā'a iḥtimāl), which he uses to prohibit absolutely any form of *khurūj*, including mere opposition (i'tirād) to a ruler. According to him, this form of obedience is not based on the principle of obedience in goodness (ma'rūf), but rather on the principle of refraining from *khurūj* under any circumstances, even to the extent of not altering the public system (al-nizām al-ām).<sup>301</sup> It seems Ibn Bayyah implies that a monarchical system must remain monarchical, and a republic must remain a republic, despite Islamic law never having specified a particular

<sup>295</sup> Jamā'a, *Tahrīr Al-Aḥkām Fī Tadbīr Ahl al-Islām*. 72.

<sup>296</sup> Muwaffāq al-Dīn Abū Muḥammad 'Abd Allāh ibn Ahmad ibn Muḥammad Ibnu Qudāma, *Al-Mughnī*. 8.

<sup>297</sup> Usaama al-Azami, "Ali Gomaa's Lecture to the Egyptian Armed Forces on 18 August 2013 Four Days after the Rabaa Massacre (Draft)," accessed June 20, 2024, [https://www.academia.edu/31264955/Ali\\_Gomaa\\_s\\_Lecture\\_to\\_the\\_Egyptian\\_Armed\\_Forces\\_on\\_18\\_August\\_2013\\_four\\_days\\_after\\_the\\_Rabaa\\_Massacre\\_draft](https://www.academia.edu/31264955/Ali_Gomaa_s_Lecture_to_the_Egyptian_Armed_Forces_on_18_August_2013_four_days_after_the_Rabaa_Massacre_draft).

<sup>298</sup> Abū Ḥāmid al-Ghazālī, *Faḍāih Al-Bāṭiniyya*, 161–62; Turki, "L'engagement Politique Et La Théorie Du Califat D'ibn Ḥazm (384/994-456/1064)"; Al-Qādhī Abū Ya'lā al-Farrā', *Al-Aḥkām al-Sulṭāniyya*, 20.

<sup>299</sup> Muhamad Rofiq Muzakkir, "Tradition and Modernity in the Ulama's Discourse on Usurpation of Power" (Ph.d Thesis, Arizona State University, 2022), 97, <https://keep.lib.asu.edu/items/168681>.

<sup>300</sup> Abū Ma'ālī 'Abd al-Mālik al-Juwaynī, *Al-Ghiyāth al-Umam Fī Tiyāth al-Zulam*, 106.

<sup>301</sup> 'Abd Allāh ibn Bayyah, *Tanbīh Al-Marāji' 'Alā Ta'ṣīl Fiqh al-Wāqi'*, 189.

political system, this interpretation is certainly novel. For instance, al-Māwardī (450 AH/1058 CE) views that an *imām* has the right to be obeyed, but not if he becomes corrupt (*fāsiq*). In such a case, according to al-Māwardī, the *imām* loses his leadership (*kharaja min al-imāma*).<sup>302</sup> Similarly, Ibn Taymiyya (728 AH/1328 CE) believes that those in authority (*wulāt al-umūr*) are not to be obeyed unconditionally; they are only to be obeyed in matters of goodness (*ma'rūf*) and as long as their orders do not contradict obedience to Allāh and His Messenger.<sup>303</sup> Consequently, al-Māwardī did not refrain from protesting against ruler he deemed deviant, as seen when he issued a *fatwā* condemning Jalāl al-Dīn for being titled "king of the kings."<sup>304</sup> Likewise, Ibn Taymiyya, who opposed the Sufi-inclined Mamlūk ruler, was imprisoned and eventually died in prison for his dissent.<sup>305</sup>

Similarly, the discourse of ‘Abd Allāh ibn Bayyah, which opposes opposition to rulers (*i'tirād*), contrasts with the stance of several early Islamic and medieval ulama. Examples include Abū Dharr al-Ghifārī and Abū Dardā', who criticized the opulence<sup>306</sup> and usurious<sup>307</sup> behavior of Muāwiyya ibn Abī Sufyān, and Sa'īd ibn al-Musayyib, who being tortured because he rejected the command of ‘Abd al-Mālik ibn Marwān to pledge allegiance to his two sons.<sup>308</sup> Additionally, Ibn ‘Umar and Ibn Abī Bakr opposed the nepotistic policies of Muāwiyya,<sup>309</sup> while Ḥasan al-Baṣrī referred to al-Ḥajjāj as the most sinful among the sinners (*afsaq al-fāsiqīn*).<sup>310</sup> Similarly, Aḥmad ibn Ḥanbal was tortured by al-Ma'mūn for opposing his views on the Qur'ān. Furthermore, in the medieval period, Ibn al-Farrā encouraged a tax strike against funds intended for *jihād* by Yūsuf ibn Tāshfīn.<sup>311</sup> Likewise, Sheikh al-Azhar ‘Abd Allāh al-Sharqāwī led strikes and demonstrations protesting the tyranny of Muḥammad Bey al-Alfī.<sup>312</sup> And eventually, Ibn Bayyah's anti-opposition stance also contradicts the actions of Sheikh Dardir in the 12th AH/18th CE, who led market closures<sup>313</sup> and demonstrations protesting Ḥusayn Bey, an

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<sup>302</sup> al-Māwardī, *Al-Aḥkām al-Sulṭāniyya Wa-l-Wilāyat al-Dīniyya*, 42; Qadir, “The Muslim Political Theory of Rebellion.”

<sup>303</sup> Taqiy al-Dīn Ibn Taimiyya, *Minhāj Al-Sunna al-Nabawiyya fī Naqdh Kalām al-Shī'a al-Qadariyya*, 3:387.

<sup>304</sup> Abou El Fadl, *Rebellion and Violence in Islamic Law*, 165–66.

<sup>305</sup> Abū l-Fidā' Ismā'īl ibn ‘Umar Ibn al-Kathīr, *Al-Bidāya Wa l-Nihāya*, 14:142.

<sup>306</sup> Aḥmad ibn Alī ibn Ḥajar al-A'sqalānī, *Fath al-Bārī Sharḥ Ṣaḥīh al-Bukhārī*. 322.

<sup>307</sup> Abū ‘Umar Yūsuf ibn ‘Abd Allāh ibn Muḥammad ibn Abd al-Barr, *Al-Istidhkār al-Jāmi' Li Madhāhib Fuqahā' al-Amṣār*. 193.

<sup>308</sup> ‘Abd Allāh ibn Qutayba, *Al-Imāma Wa-l-Siyāsa*. 55.

<sup>309</sup> Jalāl al-Dīn ‘Abd al-Raḥmān ibn Abī Bakr al-Suyūfī, *Al-Dur al-Manthūr*, 13:328; Jalāl al-Dīn al-Suyūfī, *Tārīkh Al-Khulafā'*, 150.

<sup>310</sup> Aḥmad ibn Yahyā ibn al-Murtaḍā, *Al-Maniyya Wa-l-Amal Fī Sharḥ al-Milal Wa-l-Niḥal* (Haydar Abad al-Dakan: Dāira al-Ma'arif al-Uthmāniyya, 1316 AH). 14

<sup>311</sup> Aḥmad ibn Khālīd al-Nāṣirī, *Al-Istiḳṣā al-Akhbār Duwal al-Maghrib al-Aqsā*, 2:59.

<sup>312</sup> ‘Abd al-Raḥmān ibn Ḥasan al-Jabartī, *Tārīkh 'Ajāib al-Āthār Fī al-Tarājim Wa l-Akhbār*, 2:166.

<sup>313</sup> ‘Abd al-Raḥmān ibn Ḥasan al-Jabartī, 2:166.

*amīr* in Egypt at that time, and his forces, who had plundered the home of a citizen named Aḥmad Sālim.<sup>314</sup>

Furthermore, his argument employing the concept of consequences (*ma'ālāt*), that protests involving violence or indicating violence must be prevented to avoid the consequences of bloodshed, battles, and discord,<sup>315</sup> is also subject to discussion. At first glance, Ibn Bayyah's argument appears similar to the statement of Aḥmad ibn Ḥanbal when he emphasized consequences, "Consider the consequences of your actions, and be patient until the righteous are at rest or are relieved from an unrighteous (*imām*)."<sup>316</sup> However, Aḥmad spoke in the context of prohibiting armed rebellion (*khurūj*), whereas the consequences referred to by Ibn Bayyah pertain to the mere act of demonstrating, which he argues can lead to harm. In this regard, Ibn Bayyah strengthens his argument by citing al-Ramlī from the Shāfi'ī school and al-Zarqānī from the Mālikī school, who view that simply going out without threatening security or showing the intent to overthrow (*qahr*) without fighting (*qitāl*) constitutes *khurūj*.<sup>317</sup>

One notable aspect of Ibn Bayyah's argument above is his perspective on the varied realities during the Arab Spring revolutions, leading to an essentialistic Islamic legal conclusion regarding the outcomes of various demonstrations, which he posits inevitably result in bloodshed and other losses. Even though, at the onset of the Arab Spring revolutions, Ibn Bayyah initially refrained from condemning the legitimacy of the youth protests, which he believed played a role in advocating for freedom.<sup>318</sup> However, it appears that after joining the UAE coalition, his essentialistic conclusions about the detrimental outcomes of demonstrations emerged. Nonetheless, in the modern era, demonstrations can be ensured to be peaceful through coordination with security forces. Moreover, in arguing about the bloodshed caused by demonstrations, it seems Ibn Bayyah places the responsibility predominantly on the demonstrators, whereas, in many cases, it is the rulers who incite anarchy through their military forces, as seen during the Egyptian coup at Rab'a Square and at the onset of the Syrian revolution in Daraa.

In addition, Ibn Bayyah also argues against the prohibition of *khurūj*, stating that the approach to be taken towards an unjust ruler should only be "denial in the heart"<sup>319</sup> and according to Ibn Bayyah, this is the position of the majority of Sunni scholars, citing Ibn

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<sup>314</sup> 'Abd al-Raḥmān ibn Ḥasan al-Jabartī, 1:610; Muhammad Al-Marakeby, "Al-Majāl al-Ām al-Islāmī Qabla al-Ḥadātha: Naḥwa Sardiyya Mukhtalifa," 1st ed., Maghārib, al-kitāb 1 (Fās: Markaz Maghārib, 2018), 59–70.

<sup>315</sup> "Ḥiwār Ḥawla Al-Thawrāt Wa Wuṣūl al-Islāmiyyīn Li-l Sultā Wa Tawalliy al-Mar'a Fī al-Fiqh al-Jadīd"; *Hiwārāt Ḥawla Al-Thawrāt Wa Jadaliyya Taṭbīq al-Sharī'a Wa al-Dawla al-Madaniyya*.

<sup>316</sup> Muḥammad 'Abd al-Qādir Abū Fāris, *Al-Qādī Abū Ya'lā al-Farrā' Wa Kitābuhu al-Ahkām al-Sultāniyya*. 189.

<sup>317</sup> 'Abd Allāh ibn Bayyah, "Waraqa Ḥawla Al-Irhāb."

<sup>318</sup> *Hiwārāt Ḥawla Al-Thawrāt Wa Jadaliyya Taṭbīq al-Sharī'a Wa al-Dawla al-Madaniyya*.

<sup>319</sup> 'Abd Allāh ibn Bayyah, *Tanbīh Al-Marāji' 'Alā Ta'Ṣīl Fiqh al-Wāqi'*, 191.

Baṭṭāl (d. 449/1057).<sup>320</sup> However, Ibn Baṭṭāl, often cited for prohibiting *khurūj*, never explicitly stated that obeying a usurping ruler (mutagallib) is obligatory while rebelling against him (khurūj) is forbidden. He merely expressed that obedience to such a ruler is preferable (khayr) to rebellion if it leads to bloodshed, as quoted by Ibn al-Wazīr, "Obedience to a usurping *sulṭān* and waging *jihād* with him is obligatory because obedience is better than rebellion against him. The reason is to prevent bloodshed and maintain societal calm, and they do not make exceptions unless the *sulṭān* openly embraces disbelief."<sup>321</sup> Therefore, there is a problematic reasoning in Ibn Bayyah's approach in referencing Ibn Baṭṭāl to support his argument against any form of opposition to rulers, especially *khurūj*.

As for the latter argument, Ibn Bayyah prioritizes peace over justice, arguing that peace better ensures the fulfillment of rights than warfare.<sup>322</sup> He presents this argument in the context that oppressive regimes maintaining peaceful conditions are preferable to the upheaval caused by revolutions during the Arab Spring demanding justice. This argument bears resemblance to al-Ghazālī's view (d. 505 AH/1111 CE) that living under an oppressive and unjust ruler is still preferable to living without any ruler at all, as it would render all legal proceedings and areas of authority within the caliphate illegitimate. Similarly, all contracts and marriages would be considered invalid.<sup>323</sup> As Ibn Taymiyya also argues, "Sixty years under a tyrant ruler are still better than one night without any ruler."<sup>324</sup> Both of them indeed speak in the context of rights being better fulfilled with the presence of a ruler, even if oppressive; however, their comparison is that an oppressive ruler is still better than having no ruler at all. As for Ibn Bayyah, he compares the peace that, according to him, can be ensured by anti-revolutionary regimes even if unjust, which he considers preferable to the turmoil he believes would result from the revolutions during the Arab Spring.

Eventually this analysis of *maqāṣid* by Ibn Bayyah, prioritising peace over justice, illustrates how Islamic legal discourse is influenced by modernity. Al-Marakeby, for instance, observes this phenomenon as neo-*maqāṣid*, wherein in the modern context, ulama arguing with the concept of *maqāṣid* have shifted it from a comprehensive universal approach (al-‘ālamīyya al-kulliyya) to something relatively fluid (al-nisbiyya al-sāila),<sup>325</sup> justifying particular matters in modern times. For example, Muḥammad Abū Rīda added to the five *maqāṣid* the preservation of the state (ḥifẓ al-dawla), which he deemed important in modern times.<sup>326</sup> Similarly, al-Ghazālī used *maqāṣid* to pressure the regime, ensuring that freedom (ḥurya) is part of *maqāṣid al-sharī‘a*.<sup>327</sup> Thus, Ibn Bayyah,

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<sup>320</sup> ‘Abd Allāh ibn Bayyah, 192.

<sup>321</sup> Ibn al- Wazīr, *Al- Awāshim Wa al- Qawāsim Fī al- Dzab a’n Sunna Abī al- Qāsim*. 78.

<sup>322</sup> "A Call to Intensify Peace Efforts « Ibn Bayyah."

<sup>323</sup> Abū Hāmid al-Ghazālī, *Al-Iqtisād Fī l-I’tiqād*. 171.

<sup>324</sup> Shaikh al- Islām Aḥmad ibn Taymiyya, *Majmū’ al- Fatāwā*. Vol.14, 268.

<sup>325</sup> Muhammad Al-Marakeby, "Al-Hadātha wa Taḥawwulāt al-Khiṭāb al-Maqāṣidī: Naḥwa Fiḥ Sā’il."

<sup>326</sup> Jamāl al-Dīn Aṭīyya, *Naḥwa Taf’īl Maqāṣid al-Sharī‘a* (Virginia and Damascus: al-Ma’had al-Ālamī li l-Fikr al-Islāmī and Dār al-Fikr, 2001), 99.

<sup>327</sup> Aṭīyya, 98.

through his *maqāṣid* reasoning to prioritise peace over justice, indirectly legitimises political despotism in the context of the modern nation-state during the Arab Spring.

#### 4.6.3. Sa'īd Ramaḍān al-Būṭī

As for al-Būṭī, he argues that rebels (*bughā*) who revolt with justifiable reasons and possess military strength should still be obeyed. If captured, they should not be sentenced to death, nor should those taken prisoner be killed; rather, they should be disciplined with imprisonment or similar punishments.<sup>328</sup> He applies the same approach in prohibiting Bashar al-Asad's armies from killing pro-revolution demonstrators.<sup>329</sup> Such a peaceful approach towards those involved in *khurūj* parallels arguments made by ulama in pre-modern times. However, these individuals, termed *bughā* by al-Būṭī, do not fit the legal definition according to some Islamic jurists in pre-modern era, who define *bughā* as those rebelling against a legitimate *imām*<sup>330</sup> or whose imamate has been established.<sup>331</sup> In contrast, rebels who should not be fought are those in the right (*ahl al-ḥaq*) position fighting against an oppressive ruler (*jā'ir*). According to Ibn Hajar (852 AH/1449 CE), this latter group should not be fought unless they initiate hostilities first after negotiations fail. He cites examples such as Huseyn ibn 'Alī, the inhabitants of Medina during the Ḥarra incident, and those who rebelled against al-Hajjāj.<sup>332</sup> Similarly, in his works *Naṣīha al-Mulūk* and *al-Ḥāwī al-Kabīr*, al-Māwardī quotes al-Shāfi'ī's view that rebels against unjust rulers should not be fought immediately from the outset.<sup>333</sup> While Ibn Hajar and al-Māwardī argue against fighting them, the question of how to punish them arises. Al-Būṭī chooses to argue for their imprisonment rather than their execution.

Furthermore, as for al-Būṭī's argument, he unequivocally states that going out to the streets (*khurūj*) is forbidden using the principle of *shaddu al-dharā'i*, which aims to prevent acts that are originally permissible but lead to harm.<sup>334</sup> Through this reasoning, it can be inferred that according to al-Būṭī, demonstrations are permissible in principle, but he emphasizes his assumptions regarding the potential negative consequences and harm they may cause. Similarly, Ibn Taymiyya also employs this reasoning when prohibiting *khurūj*, not because *khurūj* itself is forbidden, but due to the harm it causes. He states, "The harm caused by warfare (*qitāl*) and discord (*fitna*) is greater than the harm caused by their injustice without warfare and discord, so the greater harm of the two evils cannot be prevented except by committing the lesser harm of these two evils."<sup>335</sup> Furthermore, Ibn

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<sup>328</sup> Sa'īd Ramaḍān al-Būṭī, *Al-Jihād Fī l-Islām Kayfa Naḥmuh Wa Kayfa Numāriḥu*, 168.

<sup>329</sup> "Al-Mawqif al-Ḥaqīqī li l-'Allāma al-Būṭī min al-Fitna fī Sūwriyya."

<sup>330</sup> Muḥammad Āmīn ibn 'Ābidīn, *Radd Al-Mukhtār 'alā al-Dār al-Mukhtār*, 411.

<sup>331</sup> Shams al-Dīn al-Dusūqī, *Hāshiyah Al-Dusūqī 'alā al-Sharḥ al-Kabīr*. 298.

<sup>332</sup> 'Abd Allāh ibn 'Umar Sulaymān al-Damījī, *Al-Imāma al-Uḥmā 'Inda Ahl al-Sunnā wa l-Jamā'a*. 494- 495.

<sup>333</sup> Abou El Fadl, *Rebellion and Violence in Islamic Law*, 166.

<sup>334</sup> *Kalima al-Imām al-Būṭī Ḥawla al-Islāh Wa l-Tazāhur Fī Mudarraḥ Jāmi'a Dimashq*, 2019, <https://www.youtube.com/watch?v=4izocKWY19U>.

<sup>335</sup> Taqiy al-Dīn Ibn Taymiyya, *Minhāj Al-Sunna al-Nabawiyya fī Naqḍ Kalām al-Shī'a al-Qadariyya*, 3:391; Michael Cook, *Commanding Right and Forbidding Wrong in Islamic*

Taymiyya argues based on historical evidence that most instances of *khurūj* have resulted in more harm than benefit.<sup>336</sup> Likewise, al-Ghazālī does not strictly prohibit *khurūj* itself but rather its consequences (dharī'a), such as warfare (qitāl), which brings about harm. Therefore, according to al-Ghazālī, "It is obligatory to overthrow a tyrannical ruler if possible without inciting resistance (qitāl), and if it is not possible except by inciting resistance, then it is obligatory to obey him and recognize his imamate."<sup>337</sup> However, there is a clear distinction between al-Būṭī and Ibn Taymiyya- al-Ghazālī in their use of the principle of *shaddu al-dharā'i* to prevent *khurūj*; al-Būṭī applies it to prevent peaceful demonstrations that he views as potentially leading to *khurūj*, whereas Ibn Taymiyya and al-Ghazālī apply it to prevent the actual act of *khurūj* itself.

And finally, similar to al-Būṭī, he also argues that a ruler (hākim) who is oppressive, sinful, and misguided must be heard and obeyed, and rebellion against him (al-khurūj alayh) is not permissible unless clear disbelief (kufr) is evident.<sup>338</sup> This view is indeed renowned and has reached a consensus (ijmā') claimed by several ulama, stating that leadership (imamate) cannot be given to a non-Muslim to rule over Muslims. This consensus is articulated by Ibn Ḥazm (d. 456/1064), Ibn al-Munzir (d. 318 AH), al-Qāḍī 'Iyād (d. 544 AH/1149 CE), and Ibn Ḥajar (852 AH/1449 CE), who stated that if an *imām* "is deposed due to clear disbelief by consensus (ijmā'), then it is obligatory for every Muslim to act upon it (the deposition); whoever is capable of doing so will be rewarded, and whoever opposes it will be sinful, and whoever is unable to do so must migrate from that land."<sup>339</sup> Nevertheless, Ibn Ḥazm also viewed that an *imām* who is sinful must be deposed, as discussed earlier in 'Alī Jum'a's section. Even long before Ibn Ḥazm, Abū Ḥanīfa (d. 150/767) regarded jihad to free the Muslim community from a sinful or oppressive caliph as more important than jihad against non-Muslims.<sup>340</sup> Additionally, as conveyed by al-Awzā'i, Abū Ḥanīfa considered rebellion (khurūj) against a truly sinful and oppressive Muslim ruler obligatory (farḍ), even if it required using the sword.<sup>341</sup> Similarly, al-Shāfi'i, attributed by al-Zābidī, stated that the imamate of someone who is sinful is invalidated. Al-Shāfi'i argued, "Because the ruler is there to uphold the religion, fulfill rights, and protect the property of orphans and the insane, and if there is corruption (fisq) in these duties, it incapacitates him from carrying out these matters."<sup>342</sup> Thus, al-Būṭī's argument aligns with the views of several ulama claiming consensus in prohibiting *khurūj* except in a state of disbelief, while it contradicts the opinions of some ulama who

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*Thought* (Cambridge: Cambridge University Press, 2001), 154, <https://doi.org/10.1017/CBO9780511497452>.

<sup>336</sup> Taqiy al-Dīn Ibn Taymiyya, *Minhāj Al- Sunna al- Nabawiyya Fī Naqd Kalām al- Shi'a al- Qadariyya*. 527-529.

<sup>337</sup> Abū Ḥāmid al-Ghazālī, *Al-Iqtisād Fī l-I'tiqād*. 129.

<sup>338</sup> Al-Khatib, "Muslim Jurist and the state during the Arab uprisings," 75.

<sup>339</sup> Aḥmad Ḥasan Shawqī Shwish Ḥamd al- Ā'nī, "Al- Khurūj Alā al- Ḥākim Wa-l-Iḥtijāj Bi-l-Ṭuruq al- Silmiyya," *Majalla Al- Ulūm al- Islāmiyya*, no. 30 (n.d.): 158-59.

<sup>340</sup> Muḥammad Alī Quṭb, *Al- Aamma al- Arba'a*. 49.

<sup>341</sup> Abū Bakr al- Jashāsh, *Aḥkām al- Qur'ān*, vol. 1 (Egypt: Bahiyya, 1928). 81.

<sup>342</sup> Muḥammad ibn Muḥammad al- Husaynī al- Zabīdī, *Ithāf Al- Sāda al- Muttaqīn Bi Sharh Asrār Ihyā' Ulūm al- Dīn*. 233.

hold that imamate is invalidated merely by sinfulness, and rebellion against such a ruler can be justified.

Similar to ‘Alī Jum’a, here, al-Buṭī engaged in anachronistic reasoning when he rejected the legitimacy of *khurūj* against Bashar al-Asad, arguing that he was not an unbeliever as president. However, when he lectured at the University of Damascus in 2011, Syria did not yet have a constitution stipulating that the president must be Muslim. This constitution only came into existence after 2012.<sup>343</sup> Therefore, at that time, al-Buṭī’s argument against *khurūj* was presented under abnormal conditions, creating a gap between his *fatwā* opposing rebellion against a president of a country that did not even stipulate the president’s religion, let alone their faith status. This illustrates how al-Buṭī’s position as an Islamic jurist within the nation-state context was subordinated to the state, seemingly becoming merely a tool for the regime’s political interests. This is in accordance with what is explained by Moutaz al-Khateb, that in the pre-modern context, the role of a *fatwā* was to clarify personal rights and religious laws, not to address political matters and public affairs, which were the responsibility of the *imām*.<sup>344</sup> Thus, al-Buṭī’s phenomenon of supporting Bashar al-Asad through his *khurūj fatwā* represents a novel occurrence in Islamic law that emerged only in the modern era.

#### 4.7. Conclusion

From the exposition in this chapter, it can be concluded that the socio-political backgrounds of the ulama significantly influence their discourses to support anti-revolutionary regimes in their respective countries. Starting from ‘Alī Jum’a, as an al-Azhar scholar and also a *mufī* appointed by the military president, then Ibn Bayyah and his close relationship with the anti-revolutionary regime of the United Arab Emirates, and also al-Buṭī with his close ties to the al-Asad regime, all these power relations have a profound impact on shaping their discourses on *khurūj* to prevent revolutionary movements. Additionally, they lend support to legitimizing regimes such as those of Mubārak and al-Sīsī, Ḥafidh al-Asad and Bashar al-Asad, as well as monarchic regimes such as Muḥammad Ibn Zayd.

Subsequently, It can be concluded that both ‘Alī Jum’a, Ibn Bayyah, and al-Buṭī share a commonality in prohibiting *khurūj* during the event of the Arab Spring, yet with different legal reasoning in Islamic political law. ‘Alī Jum’a viewed the youth demonstrations against Mubārak as *khurūj* against legitimacy. Ibn Bayyah, on the other hand, prohibited demonstrations and all forms of opposition, arguing for absolute obedience to a tyrannical ruler and prioritizing peace over justice. Meanwhile, al-Buṭī prohibited demonstrations using the concept of *shad al-dharāi’*. While ‘Alī Jum’a advocated for violence against those engaged in peaceful protests, al-Buṭī prohibited soldiers from killing demonstrators, despite also forbidding peaceful demonstrations.

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<sup>343</sup> “Syria Passes New Constitution, Bars Non-Muslims From Presidency,” accessed July 8, 2024, <https://www.christianpost.com/news/syria-passes-new-constitution-bars-non-muslims-from-presidency.html>.

<sup>344</sup> Al-Khatib, “Muslim Jurist and the state during the Arab uprisings,” 77.

Despite these differences in reasoning, their conclusions converge on categorizing peaceful protests as *khurūj* and subsequently prohibiting them due to the claimed potential for resulting harm.

Eventually, regarding the comparison of discourses among these three ulama and pre-modern ulama, it is noteworthy that they often refer to the discourse of ulama who prohibited *khurūj* in order to prohibit peaceful demonstrations. Only by accepting this approach can their arguments be compared with those of pre-modern ulama. As through this approach, similarities and many differences in their discourses compared to those of pre-modern ulama can be identified. From the above discussion, it is evident also that their discourses in prohibiting both demonstrations and *khurūj* is not because both are inherently forbidden, but rather because of the harm caused by such actions, aligning with some views of pre-modern ulama. However, their selectivity of specific views of pre-modern ulama on *khurūj* has shaped their anti-revolutionary discourses, particularly due to their anachronistic reasoning about the realities (wāqi') occurring during the Arab Spring.

Eventually, this illustrates that even though their discourses refer to pre-modern ulama, there are many disconnections between their discourse on *khurūj* and that of the pre-modern ulama, both with the ulama they directly reference and with those they do not select because these ulama's views apparently contradict their arguments against revolution. The connections are mostly acceptable only if those concepts are reinterpreted in the same way, which, as I have explained, is actually different. For instance, equating *khurūj* with peaceful protests such as demonstrations, strikes, and sit-ins. Similarly, the concept of *khawārij* as perpetrators of *khurūj* being equated with demonstrators, or a nation-state president who is willingly overthrown being equated with an *imām* or caliph, can only be accepted if such comparisons are made. Thus, this phenomenon highlights the problematics of Islamic law and its concepts, and the position of its jurists in the abnormal contexts of modern nation-state.

## CHAPTER V CONCLUSION

It can be concluded from this research that violent opposition (*khurūj*) against a ruler deemed unjust, as well as peaceful opposition in the form of verbal criticism, hold different legitimacies compared to other categories of *khurūj* such as *al-Bughāh*, *al-Khawārij*, and *al-Muhāribūn*, who must be fought against. This study found that since the early period of Islam, particularly after the era of the rightly-guided Caliphs (*khulafā' al-rāshidīn*), political issues began to surface, marked by the emergence of tyrannical rulers (*mulūk jabābira*). However, it is evident that the Islamic political discourse of the ulama in opposing political despotism has never been absent since the early period of Islam, whether through peaceful opposition or violent opposition (*khurūj*). In the 1st-3rd AH/8th-9th CE, peaceful opposition is exemplified by the verbal protests of ulama among the companions and *tābi'īn*, such as Abū Dhar al-Ghifārī, and Abū Dardā', against Muāwiyya ibn Abī Sufyan, and the opposition against Yazīd ibn Muāwiyya by 'Abd al-Raḥmān ibn Abī Bakr, 'Abd Allāh ibn 'Umar and Sa'īd ibn al-Musayyib. Furthermore, during the period of old *tābi'īn* in the Umayyad dynasty, there was opposition against al-Ḥajjāj ibn Yūsuf al-Thāqafī, as exemplified by Ḥasan al-Baṣrī. Similarly, during the Abbasid dynasty, there was peaceful opposition against 'Abd Allāh al-Ma'mūn, as demonstrated by Aḥmad ibn Hanbal.

In addition to peaceful opposition, violent opposition (*khurūj*) was also undertaken or supported by ulama, as exemplified in the Battle of al-Ḥarra (63 AH / 682 CE), where prominent *hadith* ulama such as Ma'qal ibn Sinān al-Ashja'ī, 'Abd Allāh ibn Zayd ibn Abī Amir, and 'Abd Allāh ibn Ḥanzala were killed. Violent opposition was also conducted and supported by the ulama through the rebellion led by 'Abd al-Raḥmān ibn al-Ash'at against al-Ḥajjāj (81-83 AH / 700-702 CE), which included notable ulama like the great companion Anas ibn Mālik, 'Abd al-Raḥmān ibn Abī Laylī, al-Sha'abī, and Sa'īd ibn Jubayr. The significance of Ibn al-Ash'at's rebellion lies in the substantial losses it incurred, leading to the eventual dominance of the ulama's view prohibiting armed rebellion ('adam al-*khurūj*). As explained by Ibn Taymiyya and Ibn Ḥajar, this prohibition became the prevailing view of *ahl al-sunna*, while the permissive stance remained the discourse of old pious people (*salaf qadīm*). Nevertheless, even after the rebellion of Ibn al-Ash'at, some ulama continued to legitimize *khurūj* against unjust rulers, including Abū Ḥanīfa, Mālik ibn Anas, al-Shāfi'ī, and Sa'īd 'Abd al-Salām Saḥnūn.

Furthermore, in the medieval period, the discourse on opposing despotism persisted, albeit with an approach that adapted to the political realities following the rebellion of Ibn al-Ash'at. This adaptation involved narrowing the legitimacy of armed rebellion (*khurūj alā al-ḥākīm*) and prioritizing peaceful opposition. Specifically, from the 5th to 13th AH/9th to 18th CE, this tendency can be observed in the discourses of ulama such as al-Māwardī, who viewed the imamate of a corrupt *imām* as void but did not explicitly legitimize *khurūj*, as Ibn Ḥazm opined that rebelling (*khurūj*) against a tyrannical *imām* is permissible only when the force is numerous and strong, as he also challenged the consensus claim regarding the prohibition of *khurūj*. Subsequently, Abū Ya'lā al-Farrā'

believed unjust rulers should only be threatened, not fought. Furthermore, al-Juwaynī maintained that while it is generally impermissible to rebel (*kharaja*) against an incapacitated *imām*, rebellion against unjust rulers should not be undertaken by ordinary individuals. Al-Ghazālī also argued that deposing an unjust ruler should not lead to war; if it does, he prohibited it. Ibn Qudāma went further, by legitimizing the imamate of rebels even if they coerce allegiance, and forbade rebelling to reclaim their power. As Ibn Taymiyya prohibited *khurūj* on the grounds that only a few rebellions lead to advantage. Lastly, Ibn Jamā'a's discourse focused on how to treat rebels, asserting that those who merely hold divergent ideas from the *imām* should not be fought unless they initiate conflict.

Despite their varying reasoning, all these ulama's discourses converge on the prohibition of armed rebellion (*khurūj*), whether absolutely or under strict conditions. Nonetheless, even though *khurūj* became a taboo, resistance against political despotism found relevance in alternative forms such as demonstrations (*al-muẓāhara*), strikes (*al-idrāb*), and sit-ins (*al-i'tisām*) in Islamic medieval era. This phenomenon was driven by various factors, including economic hardship, unworthy rulers, security issues, religious deviations, and moral problems. Here, I have presented several intriguing historical facts about these peaceful protest actions, warranting further investigation as an argument against the notion that Islamic political discourse is unfriendly to public protest actions. Furthermore, I elucidate some examples of peaceful opposition from the ulama of that period. For instance, al-Māwardī issued a *fatwā* criticizing the title "king of kings" as inappropriate for Jalāl al-Dīn. Ibn Ḥazm faced imprisonment multiple times for upholding the principle that an *imām* must be a Quraysh descendant. Ibn Taymiyya was tortured and died in prison for opposing a ruler he deemed a deviant *ṣūfī*. Similarly, al-Ghazālī advocated for a boycott of transactions with the ruler. Ibn al-Farrā' encouraged a tax strike for *jihād*, while Sheikh al-Azhar 'Abd Allāh al-Sharqāwī promoted a market closure strike in Egypt, and Sheikh al-Dardir participated in street demonstrations alongside the inhabitant of Cairo.

The whole explanation above of the discourse on violent opposition (*khurūj*) and peaceful opposition against political despotism above illustrates how this discourse evolved until the end of the pre-modern era, specifically until the 18th century CE, where peaceful opposition became the primary discourse among the ulama. However, the Arab Spring has prompted ulama such as 'Alī Jum'a, Ibn Bayyah, and al-Būṭī to revisit the concept of *khurūj* within the context of the modern nation-state. This is not only due to the socio-political backgrounds of these ulama, which are closely linked to the status quo regimes, but also because of their tendency to selectively choose specific pre-modern ulama's views on *khurūj*. based on anachronistic reasoning, equating the position of the president with that of an *imām*, demonstrators with *khawārij*, or the state military apparatus with *shāhib al-shawka*, thus shaping their anti-revolutionary discourses. This reasoning reflects their limitations in interpreting the complex realities (*wāqī'*) during the Arab Spring based on Islamic law, according to their limited imagination. This tendency leads them to justify certain realities, in this case, political despotism, using a subjective approach of realistic *fiqh* (*fiqh al-wāqī'*), which varies among them.

Another note on the discourses of *khurūj* by ‘Alī Jum’a, Ibn Bayyah, and al-Būṭī, based on their reasoning regarding the reality (wāqi’) during the Arab Spring revolutions, is their approach to *fiqh al-waqi’*. Through their reasoning, *fiqh al-waqi’* appears as a fluid concept embodying post-modern values that continually evolve, allowing it to justify certain realities, particularly to legitimize political despotism. For instance, Ibn Bayyah opposed the revolution with the argument of obedience to the ruler, al-Būṭī argued for the prevention of harm (sadd al-dharā’i’), and ‘Alī Jum’a viewed demonstrations as a form of *khurūj* from the outset, thus deeming them forbidden. As regarding the treatment of demonstrators as *khurūj* perpetrators, ‘Alī Jum’a, advocated immediate use of force, while others, like al-Būṭī, prohibited violence against demonstrators. Eventually, in the matter of a tyrannical ruler or one deemed incapable of fulfilling their duties, ‘Alī Jum’a argued for their removal with military force. As, on the issue of a tyrannical ruler, Ibn Bayyah believed in the necessity of disapproving in one’s heart (inkār bi l-qalb) while prioritizing peace. Meanwhile, al-Būṭī held that a tyrannical ruler should not be rebelled against (*khurūj alayh*), in contrast, he should be obeyed in good matters, and should be encouraged to do good while being prevented from doing wrong.

However, one thing that must be noted is that, even though their discourses refer to pre-modern ulama, there are many disconnections between their discourse on *khurūj* and that of the pre-modern ulama, both with the ulama they directly reference and with those they do not select because these ulama’s views apparently contradict their arguments against revolution. The connections are mostly acceptable only if those concepts are reinterpreted in the same way, which, as I have explained, is actually different. For instance, equating *khurūj* with peaceful protests such as demonstrations, strikes, and sit-ins. Similarly, the concept of *khawārij* as perpetrators of *khurūj* being equated with demonstrators, or a nation-state president who is overthrown being equated with an *imām* or caliph, can only be accepted if such comparisons are made. Thus, this phenomenon highlights the problematics of Islamic law and its concepts, and the position of its jurists in the abnormal contexts of modern nation-state.

These findings from this research are highly relevant in the realm of Islamic Studies, particularly in the field of Islamic political law (*siyāsa shar’iyya*), and warrant further development. This is especially significant for those interested in investigating how the discourse of opposition to despotism has evolved from the pre-modern to the modern period, whether in the form of violent opposition (*khurūj*) or peaceful opposition, including verbal opposition and mass actions. This research can also serve as a reference for understanding the *khurūj* discourses of contemporary ulama such as ‘Alī Jum’a, Ibn Bayyah, and al-Būṭī, illustrating the relevance of Islamic law and its jurists in the context of the modern nation-state. Furthermore, this research has substantial potential for further development, particularly regarding the discourse of peaceful opposition. Due to limited references, this study does not extensively elaborate on this phenomenon as a discourse among ulama in the early Islamic period and the medieval period before modernity, as their discourses tended to theorize the legitimacy of armed rebellion (*khurūj alā al-ḥākim*). Thus, through this limitation, I hope further discussions will emerge, contributing to the advancement of Islamic studies, particularly in the field of Islamic political law.

## BIBLIOGRAPHY

- “A Call to Intensify Peace Efforts «Ibn Bayyah.” Accessed June 14, 2024. <https://binbayyah.net/english/a-call-to-intensify-peace-efforts/>.
- ‘Abd al- Hamīd Tahmāz. *Anas Ibn Mālik: Al-Khādim al- Amīn Wa l- Muhabb al- Azīm*. 5th ed. Damascus: Dār al- Qolam, 1996.
- ‘Abd al- Mālik ibn Aḥmad Ramadhānī. *Ujāla Al- Mutawassib Li l- Khurūj Alā l- Hākim al- Mutaghallib*. 1st ed. Madīna: Maktaba Dār al- Barāzī, 2015.
- ‘Abd al-Bāqī, Muḥammad Fu’ād. *Al-Musnad al-Ṣaḥīḥ al-Mukhtaṣar Bi Naql al- ‘Adl ‘an al- ‘Adl Ilā Rasūl Allāh Ṣalla Allāh ‘alayh Wa Sallam*. Vol. 3. 5 vols. Beirut: Dār Iḥyā’ al-Turāth al-Arabī, n.d.
- ‘Abd Allāh ibn ‘Abd al-Rahmān ibn Zayd Kharān. *Atsar Al- Ulamā’ Fī l- Hayat al- Siyāsiyya Fī al- Dawla al- Umāwiyya*. Maktaba al- Rushd Nāshirūn, 2003.
- ‘Abd Allāh ibn Bayyah. “Al-Ālama Ibn Bayyah Mutahaddithan Fī Iḥtīfāliyya ‘Yawm Zayd Li-l ‘Amal al-Insānī.” Accessed June 13, 2024. <https://binbayyah.net/arabic/archives/1448>.
- . “Khitāb Istiqāla Al-‘alāma ‘Abd Allāh Ibn Bayyah Min al-Ittiḥād al-Ālamī Li Ulamā al-Muslimīn.” Accessed June 13, 2024. <https://binbayyah.net/arabic/archives/1454>.
- ‘Abd Allāh ibn Bayyah. *Tanbīh Al-Marāji’ ‘Alā Ta’Ṣīl Fiqh al-Wāqi’*. 4th ed. al-Muwatta’ Center, 2018.
- ‘Abd Allāh ibn Bayyah. “Waraqā Ḥawla Al-Irhāb.” Accessed July 7, 2024. <https://binbayyah.net/arabic/archives/171>.
- ‘Abd Allāh ibn Qutayba. *Al- Imāma Wa-l- Siyāsa*. Vol. 2. 2 vols. Cairo: Mustafā al- Ḥalbī, 1969.
- ‘Abd Allāh ibn ‘Umar al-Damījī. *Al-Imāma al- ‘Uzmā ‘Inda Ahl al-Sunna Wa l-Jamā’a*. Riyāḍ: Dār al-Ṭayyiba, n.d.
- ‘Abd Allāh ibn ‘Umar Sulaymān al- Damījī. *Al- Imāma al- Uzmā ‘Inda Ahl al- Sunna Wa l- Jamā’a*. 2nd ed. Dār Tayyiba, 1987.
- ‘Abd al-Qādir ‘Audah. *Al-Islām Wa Awdā’unā al-Siyāsa*. Cairo: Mu’asasa Handāwī li l- Ta’līm wa al-Thaqāfa, 2014.
- ‘Abd al-Rahmān ibn Ḥasan al-Jabartī. *Tārīkh ‘Ajāib al-Āthār Fī al-Tarājim Wa l-Akḥbār*. Vol. 2. 3 vols. Beirut: Dār al-Jayl, n.d.
- Abī Amar wa Khalīfa ibn Khayyāṭ ibn Abī Khubairah. *Tārīkh Khalīfa Ibn Khayyāṭ*. 1st ed. Dār al- Kutub al- Ilmiyyah, 1995.
- Abou El Fadl, Khaled. *Rebellion and Violence in Islamic Law*. Cambridge: Cambridge University Press, 2001.
- Abū ‘Abd Allāh Muḥammad Ibn ‘Abd Allāh al Lawātī Al Tanjī Ibn Baṭūṭa. *Riḥla Ibn Baṭūṭa Al-Musammā Tuḥfat al-Nazar Fī Gharāib al-Amṣār Wa l- ‘Ajāib al-Asfār*. Vol. 2. Dār al-Sharq al-Arabī, n.d.
- Abū ‘Abd Allāh Muḥammad ibn Idris al- Shāfi’ī. *Al- Um*. 2nd ed. Vol. 4. Beirut: Dār al- Fikr, 1990.
- Abū ‘Abd Allāh Muḥammad ibn Ismā’īl al- Bukhārī. *Al-Jāmi’ al-Musnad as-Ṣaḥīḥ al- Mukhtasar Min Umūr Rasūlillah Sallallahu ‘Alaihi Wa Sallam Wa Sunanih Wa Ayyāmih*. Vol. 3. Aṭā’at al- Ilm- Mawsūa Ṣaḥīḥ al- Bukhārī, 1437.

- Abū al-Faḍl al-Qāḍī 'Iyāḍ. *Tartīb Al-Madārik Wa Taqrīb al-Masālik*. Edited by 'Abd al-Qādir al-Şahrāwī. 1st ed. Vol. 4. Marocco: Maṭba'a Faḍḍāla al-Muḥammadiyya, n.d.
- Abū al-Faraj Asfahānī. *Al- Maqātil al-Ṭalibiyyīn*. Edited by al-Sayyid Aḥmad Şaqr. Cairo: Dār Iḥyā al-Kutub al-'Arabiyya, 1949.
- Abū al-Faraj Ibn al-Jawzī. *Al-Muntaẓam Fī Tāriḫ al-Umam Wa l-Mulūk*. Edited by Muḥammad 'Abd al-Qādir 'Aṭā and Muṣṭafā 'Abd al-Qādir 'Aṭā. 1st ed. Vol. 15. 19 vols. Beirut: Dār al-Kutub al-Ilmiyya, 1992.
- Abū Bakr al- Jashāsh. *Aḥkām Al- Qur'ān*. Vol. 1. Egypt: Bahiyya, 1928.
- Abū Ḥāmid al-Ghazālī. *Al-Iqtisād Fī l-'itiqād*. Edited by 'Abd Allāh Muḥammad al-Kh'Alīlī. 1st ed. Beirut: Dār al-Kutub al-'Ilmiyya, 2004.
- . *Faḍāih Al- Bāṭiniyya*. Edited by Muḥammad 'Alī al-Quṭb. 1st ed. Dār al-Kutub al-ilmiiyya, 2000.
- . *Iḥyā' Ulūm al-Dīn*. Vol. 2. 4 vols. Beirut: Dār al-Ma'rifa, n.d.
- Abū Ja'far Ibn Jarīr al- Ṭabarī. *Tarīḫ Al- Ṭabarī*. 2nd ed. Vol. 6. Egypt: Dar al- Ma'arif, 1967.
- Abū l- Faraj 'Abd al- Rahmān Ibn al- Jawzī. *Al-Muntaẓam Fī Tāriḫ al-Mulūk Wa l-Umam*. Edited by Muḥammad 'Abd al-Qādir 'Aṭā and Muṣṭafā 'Aṭā. Vol. 15. Beirut: Dār al-Kutub al-'Ilmiyya, 1995.
- Abū l-Fidā' Ismā'il ibn 'Umar Ibn al-Kathīr. *Al-Bidāya Wa l-Nihāya*. Edited by 'Alī Shairī. Vol. 14. Dār Iḥyā' Turāth al-Arabī, 1988.
- Abū l-Qāsim Ḥuseyn ibn Muḥammad al-Rāghib al-Asfahānī. *Muḥādarāt Al-Adibbā' Wa Muḥāwarāt al-Shu'arā Wa l-Bulaghā'*. 1st ed. Beirut: Shirka Dār al-Arqam ibn Abī al-Arqam, 1999.
- Abū Ma'ālī 'Abd al-Mālik al-Juwaynī. *Al- Ghayāth al-Umam Fī Tiyāth al-Ḍulam*. Edited by 'Abd al- Azīm al- Dīb. 2nd ed. Maktaba Imām al-Ḥaramayn, 1981.
- Abū Muḥammad Aḥmad ibn Sa'id ibn Hazm al- Andalusī. *Al- Faṣl Fī l- Milal Wa l-Ahwā' Wa l- Nihal*. Vol. 4. Cairo: Maktaba al- Khanjī, n.d.
- Abū Muḥammad 'Alī ibn Aḥmad ibn Sa'id ibn Hazm al- Andalusī. *Marātib Al- Ijmā' Fī al- Ibādāt Wa al- Muā'malāt Wa al- I'tiqādāt*. Beirut: Dār al- Kutub al- Ilmiyyah, n.d.
- Abū 'Umar Yūsuf ibn 'Abd Allāh ibn Muḥammad ibn 'Abd al- Barr. *Al- Istidhkār al-Jāmi' Li Madhāhib Fuqahā' al- Amsār*. Vol. 19. 30 vols. Dār Quṭaiba- Dār al-Wa'y, 1993.
- Abū Umar Yūsuf Ibn 'Abd Allāh ibn Muḥammad ibn 'Abd al-Barr. *Al-Istī'āb Fī Ma'rifat al- Aṣhāb*. 1st ed. Vol. 3. Beirut: Dār al- Jail, 1996.
- Abū Zahra. *Mālik: Ḥayātuh Wa 'Āşruh, Arā'uh Wa Fiḫuh*. Cairo: Dār al-Fikr al-'Arabī, n.d.
- Abū Zakariyyā Muḥyī al- Dīn Yahyā ibn Sharaf al- Nawawī. *Sharḥ Al- Nawawī Alā Muslim*. 6 vols. Dār al- Khair, 1996.
- Aḥmad Ḥasan Shawqī Shwish Ḥamd al- Ā'nī. "Al- Khurūj Alā al- Ḥākim Wa-l-Iḥtijāj Bi-l-Ṭuruq al- Silmiyya." *Majalla Al- Ulūm al- Islāmiyya*, no. 30 (n.d.).
- Aḥmad ibn 'Alī ibn Ḥajar al- A'sqalānī. *Fath al- Bārī Sharḥ Ṣaḥīḥ al- Bukhārī*. Vol. 3. 13 vols. Dār al- Rayyān li-l- Turāth, 1986.
- Aḥmad ibn Hanbal. *Al- Aqīdah*. Edited by Abd- al- Azīz Sirwān. Damascus: Dār al-Qutayba, 1987.

- Aḥmad ibn Khālīd al-Nāṣirī. *Al-Istiḡsā al-Akḥbār Duwal al-Maghrib al-Aqsā*. Edited by Ja'far al-Nāṣirī. Vol. 2. 3 vols. Dār al-Kutub, n.d.
- Aḥmad ibn Yahyā ibn al- Murtaḍā. *Al- Maniyya Wa-l- Amal Fī Sharḥ al- Milal Wa-l- Niḡal*. Haydar Abad al- Dakan: Dāira al- Ma'ārif al- Uthmāniyya, 1316.
- Al- Māwardī, 'Alī ibn Muḥammad ibn Muḥammad ibn Habīb al- Bashrī al- Baghdādī. *Al-Aḥkām al- Sultāniyya*. Cairo: Dar al- Hadith, n.d.
- Al- Qādhī Abū Ya'lā al- Farrā'. *Al- Aḥkām al-Sultāniyya*. Edited by Muḥammad Ḥāmid al-Fiḡī. 2nd ed. 1 vols. Beirut: Dār al-Kutub al-'Ilmiyya, 2000.
- Alāu al- Dīn Abū al- Hasan 'Alī ibn Sulaymān al- Mardāwī. *Al-Insāf Fī Ma'rīfat al- Rājiḡ Min al- Khilāf*. 1st ed. Vol. 10. Maṭba'ah Sanah al- Muḥammadiyyah, 1955.
- 'Alī al-Ṭaḡṭāwī. *Ad-Duktūr 'Alī Jum'a Wa At-Taṣawwuf; At-Taṣawwuf Huwa Ad-Dīn*. Cairo: Dār al-Rauḡa, 2013.
- 'Alī Jum'a. "Al-Sīra al-Dhātiyya." Accessed June 12, 2024. [www.draligomaa.com](http://www.draligomaa.com).
- 'Alī Jum'a *Wa-Huwa Yakhṭub Amāma 'askar al-Inḡilāb al-Liqā' Almusarrab Kāmīl*, 2013. [https://www.youtube.com/watch?v=s5\\_r-zV5Tj4](https://www.youtube.com/watch?v=s5_r-zV5Tj4).
- al-Imām al-Shahīd al-Būṭī. "Al-Būṭī Wa Min Jibāhuhum Lā Ta'rīf al-Sujūd." Accessed June 16, 2024. <https://www.youtube.com/watch?v=1K5SVQHf-4s>.
- Al-Jazeera net. "Tabādul al-Ittihāmāt bi Qatl al-Būṭī." Accessed June 16, 2024. <https://aja.me/ab7m2>.
- Al-Khatib, Mutaz. "Muslim Jurist and the state during the Arab uprisings." *Tabayyun*, 9, 3 (2014).
- "All According to Plan: The Rab'a Massacre and Mass Killings of Protesters in Egypt | HRW." Accessed July 1, 2023. <https://www.hrw.org/report/2014/08/12/all-according-plan/raba-massacre-and-mass-killings-protesters-egypt>.
- Amasha, Muḥammad. "Ideals and Interests in Intellectuals' Political Deliberations: The Arab Spring and the Divergent Paths of Egypt's Shaykh al-Azhar Ahmad al-Tayyib and Grand Mufti Ali Gomaa." *American Journal of Islam and Society* 40, no. 3–4 (November 13, 2023): 41–76. <https://doi.org/10.35632/ajis.v40i3-4.3280>.
- Asad, Talal. "The Idea of an Anthropology of Islam." *Qui Parle* 17, no. 2 (December 1, 2009): 1–30. <https://doi.org/10.5250/quiparle.17.2.1>.
- Aṭiyya, Jamāl al-Dīn. *Naḡwa Taf'īl Maḡāṣid al-Sharī'a*. Virginia and Damascus: al-Ma'had al-Ālamī li l-Fikr al-Islāmī and Dār al-Fikr, 2001.
- Azami, Usaama al-. "Ali Gomaa's Lecture to the Egyptian Armed Forces on 18 August 2013 Four Days after the Rabaa Massacre (Draft)." Accessed June 20, 2024. [https://www.academia.edu/31264955/Ali\\_Gomaa\\_s\\_Lecture\\_to\\_the\\_Egyptian\\_Armed\\_Forces\\_on\\_18\\_August\\_2013\\_four\\_days\\_after\\_the\\_Rabaa\\_Massacre\\_draft](https://www.academia.edu/31264955/Ali_Gomaa_s_Lecture_to_the_Egyptian_Armed_Forces_on_18_August_2013_four_days_after_the_Rabaa_Massacre_draft)
- 
- Azami, Usaama al-. *Islam and the Arab Revolutions: The Ulama between Democracy and Autocracy*. London: Hurst & Company, 2021.
- "Bio « Ibn Bayyah." Accessed June 13, 2024. <https://binbayyah.net/english/bio/>.
- Black, Antony. *The History of Islamic Political Thought: From the Prophet to the Present*. NED-New edition, 2. Edinburgh University Press, 2011. <https://www.jstor.org/stable/10.3366/j.ctt1g0b63h>.

- Caeiro, Alexandre. "Facts, Values, and Institutions: Notes on Contemporary Islamic Legal Debate." *American Journal of Islam and Society* 34, no. 2 (April 1, 2017): 42–74. <https://doi.org/10.35632/ajis.v34i2.767>.
- Cook, Michael. *Commanding Right and Forbidding Wrong in Islamic Thought*. Cambridge: Cambridge University Press, 2001. <https://doi.org/10.1017/CBO9780511497452>.
- Dharma, Ferry Adhi. "The Social Construction of Reality: Peter L. Berger's Thoughts About Social Reality." *Kanal: Jurnal Ilmu Komunikasi* 7, no. 1 (September 1, 2018): 1–9. <https://doi.org/10.21070/kanal.v6i2.101>.
- El Fadl, Khaled Abou. "The Praetorian State in the Arab Spring." *University of Pennsylvania Journal of International Law* 34, no. 2 (January 1, 2013): 305–14.
- Fadel, Mohammad. "Islamic Law and Constitution-Making: The Authoritarian Temptation and the Arab Spring." *Osgoode Hall Law Journal* 53, no. 2 (January 1, 2016): 472–507.
- Faḍīlat Al-Imām al-Duktūr 'Alī Jum'a Wa-Ru'ya Taḥlīliyya Li-Mā Yaḥduth Fī l-Bilād*, 2013. <https://www.youtube.com/watch?v=52DMpHZBxE4>.
- Foucault, Michel. *The Archeology of Knowledge*. Translated by A.M. Sheridan Smith. New York: Pantheon Books, 1972.
- Grafton, Anthony. *Forgers and Critics : Creativity and Duplicity in Western Scholarship*. Princeton, New Jersey: Princeton University Press, 1990.
- Hadi, Taufiqul. "Mafhūm al- Khurūj 'Alā al Hākim al Dhālim: Dirāsa Muqārana Li Fikr Muḥammad Sa'īd Ramaḍan al Būṭī wa Yūsuf Qarḍāwī." Doctoral Thesis, UIN Sunan Kalijaga Yogyakarta, 2023. <https://digilib.uin-suka.ac.id/id/eprint/59744/>.
- Hadi, Taufiqul, Mohammad Yunus Masrukhin, Siswanto Masruri, and Ibnu Burdah. "Al-Khurūj 'alā al-Hākim fī al-Fiqh al-Siyāsī al-Islāmī: Dirāsa 'alā Ma'nā al-Thawrah." *Al-Ahkam* 33, no. 1 (April 30, 2023): 113–32. <https://doi.org/10.21580/ahkam.2023.33.1.14948>.
- Hāfidh al- Dīn al- Kurdī. *Manāqib Abī Ḥanīfa*. Beirut: Dār al- Kutub al- Arabī, 1401.
- Helmy, Yomna. "From Islamic Modernism to Theorizing Authoritarianism: Ibn Bayyah and the Politicization of the Maqāṣid Discourse." *American Journal of Islam and Society* 38, no. 3–4 (April 22, 2022): 36–70. <https://doi.org/10.35632/ajis.v38i3-4.2934>.
- Hillenbrand, Carole. "Islamic Orthodoxy or Realpolitik? Al-Ghazālī Views on Government." *Iran* 26 (1988): 81.
- "Ḥiwār Ḥawla Al-Thāwrāt Wa Wuṣūl al-Islāmiyyīn Li-l Sultā Wa Tawalliyy al-Mar'a Fī al-Fiqh al-Jadīd." Accessed June 14, 2024. <https://binbayyah.net/arabic/archives/1195>.
- Hiwārāt Ḥawla Al-Thawrāt Wa Jadaliyya Taṭbīq al-Sharī'a Wa al-Dawla al-Madaniyya*, 2011. <https://www.youtube.com/watch?v=9Mba1RLzaWU>.
- Ibn al- Wazīr. *Al- Awāshim Wa al- Qawāsim Fī al- Dzab a'n Sunna Abī al- Qāsim*. 3rd ed. Vol. 8. Beirut: Muassasah al- Risālah, 1994.
- Ibn al-Athīr. *Al-Kāmil Fī l-Tārikh*. Vol. 9. Egypt: Dar al- Fikr, n.d.
- Ibn al-Imād al-Ḥanbalī. *Shadharāt Al- Dhahab Fī Akhbār Min Dhahab*. Edited by Maḥmūd al-Arnāūt. 1st ed. Vol. 7. Beirut: Dār ibn Kathīr, 1986.
- Ibn Ḥajar al-'Asqalānī. *Inbā' al-Gumar Bi Abnā' al-'Umr*. Edited by Ḥasan Habashī. Vol. 4. Egypt: Majlis A'lā li l-shu'ūn al-Islāmiyya, 1969.

- Ibn Kathīr. *Al- Bidāya Wa l- Nihāya*. 8 vols. Maktaba al- Shī'iyya, n.d. shiaonlinelibrary.com.
- Ismā'īl ibn 'Umar ibn Kathīr. *Al- Bidāya Wa l- Nihāya*. Vol. 12. Dar Alam al- Kutub, 2003.
- 'Izzu al-Dīn Ibn al- Athīr. *Al- Kāmil Fī l- Tārīkh*. Edited by 'Umar 'Abd al- Salām Tadmīry. 1st ed. Vol. 10. Beirut: Dār al-Kutub al- Arabī, 1998.
- Jalāl al-Dīn al-Suyūfī. *Tārīkh Al-Khulafā'*. Edited by Ḥamdī Damardāsh. 1st ed. Maktaba Nizār Muṣṭafā al-Bāz, 2004.
- Jalālu-l- Dīn 'Abd al- Rahmān ibn Abī Bakr al- Suyūfī. *Al- Dur al- Manthūr*. 1st ed. Vol. 13. 15 vols. Markaz Hijr, 2003.
- Jamā'a, Abū 'Abd Allāh Badr al-Dīn Muḥammad ibn Ibrāhīm. *Tahrīr Al-Aḥkām Fī Tadbīr Ahl al-Islām*. Edited by Fu'ād 'Abd al-Mun'im. 3rd ed. Doha: Ri'āsat al- Maḥākīm al-Shar'iyyah wa- al-Shu'ūn al-Dīniyyah, 1988.
- Jum'a, 'Alī. "Min mawāqif al-ustādḥ al-duktūr 'Alī Jum'ah," December 17, 2014. <https://shorturl.at/xwkyx>.
- K. Hitti, Philip. *History of The Arabs*. 10th ed. London: Higher and Further Education Division Macmillan Publisher LTD, 1984.
- Kalima Al-Imām al-Būfī Ḥawla al-Islāh Wa l-Taḏāhur Fī Mudarraj Jāmi'a Dimashq*, 2019. <https://www.youtube.com/watch?v=4izocKWY19U>.
- Kenney, Jeffrey. "Muslim Rebels: Kharijites and the Politics of Extremism in Egypt." *Oxford University Press*, September 1, 2006, 1–224. <https://doi.org/10.1093/019513169X.001.0001>.
- Khair al- Dīn al-Zark'Alī. *Al-A'lām*. 15th ed. Dār al- 'Ilm li-l- Malayyīn, 2002.
- Khaled, Abou El Fadl. "Failure of a Revolution: The Military, Secular Intelligentsia and Religion in Egypt's Pseudo-Secular State." In *Routledge Handbook of the Arab Spring*. Routledge, 2014.
- Law Al-Sha'b 'Āyizīn Amshī Hāmshī Lakin Dā Lāzim Yakūn Maṭlab al-Umma*, 2015. <https://www.youtube.com/watch?v=0Ljj07K8oio>.
- Liew, Han Hsien. "Ibn Al-Jawzī and the Cursing of Yazīd b. Mu'āwiya: A Debate on Rebellion and Legitimate Rulership." *Journal of the American Oriental Society* 139, no. 3 (2019): 631–46. <https://doi.org/10.7817/jameroriesoci.139.3.0631>.
- Māwardī, Abū l-Ḥasan 'Alī ibn Muḥammad ibn Ḥabīb al-. *Al-Aḥkām al-Sulṭāniyya Wa-l- Wilāyat al-Dīniyya*. Cairo: Dār al- Ḥadīth, n.d.
- "Miṣr Tashad Jadalan Siyāsiyyan Bi Sabab Fatwā Fiqhiyya Taḥrum Tawrīth Al-Ḥukm," December 1, 2017. <https://web.archive.org/web/20171201043337/http://www.middle-east-online.com/?id=64998>.
- Moosa, Ebrahim. "Political Theology in the Aftermath of the Arab Spring: Returning to the Ethical." In *The African Renaissance and the Afro-Arab Spring: A Season of Rebirth?*, edited by Charles Villa Vicencio and Erik Doxtader. Washington DC: Georgetown University Press, 2015.
- Muḥī Miṣr*, 2011. <https://www.youtube.com/watch?v=7leQws-tEB0>.
- Muhamad Rofiq Muzakkir. "Tradition and Modernity in the Ulama's Discourse on Usurpation of Power." Ph.d Thesis, Arizona State University, 2022. <https://keep.lib.asu.edu/items/168681>.

- Muḥammad ‘Abd al- Karīm. *Tafkīk Al- Istibdād: Dirāsa Maqāshidiyyah Fī Fiqh al- Taḥarrur Min al- Taghallūb*. Beirut: Arab Network for Research and Publishing, 2013.
- Muḥammad ‘Abd al- Qādir Abū Fāris. *Al- Qādī Abū Ya’lā al- Farrā’ Wa Kitābuhu al- Ahkām al- Sulṭāniyya*. 2nd ed. Muassasa al- Risāla, 1983.
- Muḥammad Abū Zahra. *Abū Ḥanīfa: Ḥayātuh Wa ‘Āshruh, Arā’uh Wa Fiqhuh*. Cairo: Dār al-Fikr al-‘Arabī, n.d.
- . *Shāfi‘ī: Ḥayātuh Wa ‘Āshruh, Arā’uh Wa Fiqhuh*. Cairo: Dār al-Fikr al-‘Arabī, n.d.
- Muḥammad ‘Alī Qutb. *Al- Aemma al- Arba’a*. al- Jazāir: Maktaba Rihāb, n.d.
- Muhammad al-Marakeby. “Al-Majāl al-‘Ām al-Islāmī Qabla al-Ḥadātha: Naḥwa Sardiyya Mukhtalifa,” 1st ed., 59–70. Maghārib, al-kitāb 1. Fās: Markaz Maghārib, 2018.
- Muhammad Al-Marakeby. “Al-Hadātha Wa Taḥawwulāt al-Khiṭāb al-Maqāsidī: Naḥwa Fiqh Sā’il.” *Journal of Islamic Ethics*, 2019, 9–29. <https://doi.org/10.1163/24685542-12340028>.
- Muḥammad Āmīn ibn ‘Ābidīn. *Radd Al-Mukhtār ‘alā al-Dār al-Mukhtār*. 6 vols. Riyāḍ: Dār ‘Ālam al-Kutub, 2003.
- Muḥammad ibn ‘Abd al- Hādī ibn Razān. *Mawāqif Al- Muārada Fī Aḥdi Yazīd Ibn Mu’āwiyya*. Dār Tayyiba, 2009.
- Muḥammad ibn Aḥmad al-Tamīmī. *Ṭabaqāt ‘Ulamā’ Ifriqiyyā*. Beirut: Dār al-Kitāb al- Lubnānī, n.d.
- Muḥammad ibn Muḥammad al- Husaynī al- Zabīdī. *Ithāf Al- Sādah al- Muttaqīn Bi Syarh Asrār Ihyā’ Ulūm al- Dīn*. Vol. 2. Muassasa al-Tārikh al-Arabī, 1994.
- Mustafā Ḥilmī. *Nizām Al- Khilāfa Fī-l- Fikr al- Islāmī*. Cairo: Dār al- Anṣār, 1977.
- Muwaffāq al-Dīn Abū Muḥammad ‘Abd Allāh ibn Ahmad ibn Muḥammad Ibnu Qudāma. *Al- Mughnī*. Edited by ‘Abd Allāh ibn ‘Abd al-Muḥsin al-Turkī and ‘Abd al-Fattāḥ Muḥammad al-Ḥalw. 1st ed. Vol. 9. Riyāḍ: Dār ‘Ālam al-Kutub, 1997.
- Muzakkir, Muhamad Rofiq. “Understanding the Discourse of ‘Alī Jum’ah on the Military Coup During the Arab Spring in Egypt.” *Ilahiyat Studies* 10, no. 2 (2019): 229–63. <https://doi.org/10.12730/13091719.2019.102.196>.
- Nakissa, Aria. “The Fiqh of Revolution and the Arab Spring: Secondary Segmentation as a Trend in Islamic Legal Doctrine.” *The Muslim World* 105 (July 1, 2015). <https://doi.org/10.1111/muwo.12098>.
- “Naseem Al-Sham › A Martyr Scholar: Imam Muhammed Saeed Ramadan al-Bouti - Biography.” Accessed June 15, 2024. [https://naseemalsham.com/persons/Muḥammad\\_said\\_ramadan\\_al\\_bouti/biography](https://naseemalsham.com/persons/Muḥammad_said_ramadan_al_bouti/biography).
- Nasīm al-Shām. “Al-Mawqif al-Ḥaqīqī li l-‘Allāma al-Būṭī min al-Fitna fī Sūwriyya.” Accessed June 18, 2024. <https://naseemalsham.com/subjects/view/31290>.
- Nasīm al-Shām. “Ḥukm al-Khurūj fī al-Musayyarāt wa l-Muzāharāt Ām.” Accessed June 18, 2024. <https://naseemalsham.com/fatwas/view/16075>.
- Naveen Abdel Khalek Mostafa. *Al- Muārada Fī al- Fikr-l- Siyāsī al- Islāmī*. 1st ed. Cairo: Maktaba al- Malik Faiṣal al- Islāmī, 1985.

- Osman, Amr. "Past Contradictions, Contemporary Dilemmas: Egypt's 2013 Coup and Early Islamic History." *Digest of Middle East Studies* 24, no. 2 (2015): 303–26. <https://doi.org/10.1111/dome.12071>.
- Peter L. Berger and Thomas Luckmann. *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*. England: Penguin Books, 1991.
- Qadir, M. Abdul. "The Muslim Political Theory of Rebellion." *The Indian Journal of Political Science* 1, no. 1 (1939): 23–29.
- Sa'īd Ramaḍān al-Būṭī. *Al-Jihād Fī l-Islām Kayfa Nafhamuh Wa Kayfa Numārishu*. 1st ed. Damascus: Dār al-Fikr, 1993.
- Salim Yafut. *Ibnu Ḥazm Wa Al-Fikr al-Falsafī Bi al-Maghrib Wa al-Andalus*. Dār al-Baiḍā': Dār al-Tsaqāfah, 2009.
- Ṣayyād, Muḥammad. "Tanawwa'at bayna Muzāharāt wa I'tišāmāt wa Iḍrābāt: Asālib al-Ihtijāj fī Tāriḫinā." Al-Jazeera net, 2022. <https://aja.me/uu98jr>.
- Shaikh al- Islām Aḥmad ibn Taymiyya. *Majmū' al- Fatāwā*. Vol. 4. Medina: Majma' al-Malik Fahd li Ṭībā'a al- Muṣhaf al- Sharīf, 2005.
- Shams al-Dīn al-Dhahabī. *Tāriḫ Al-Islām Wa Wafīyyāt al-Mashāhīr Wa al-A'lām*. Vol. 35. 56 vols. Beirut: Dār al-Kitāb al-Arabī, 1993.
- Shams al-Dīn al-Dusūqī. *Hāshiyah Al-Dusūqī 'alā al-Sharḥ al-Kabīr*. 4 vols. Cairo: 'Īsa al-Bābī al-Ḥalabī, n.d.
- Shams al-Dīn al-Sakhāwī. *Al-Dāw' al-Lāmi' Li Ahl al-Qarn al-Tāsi'*. Vol. 3. 6 vols. Beirut: Manshūrāt Dār Maktaba al-Hayā, n.d.
- Shams al-Dīn Muḥammad ibn Aḥmad ibn Uthmān al- Dhahabī. *Siyar A'lām al-Nubalā'*. Vol. 2. Muassasah al- Risalah, 2001.
- Shihāb al- Dīn Abū al- Fadl Ahmad ibn 'Alī ibn Hajar al- Asqalānī. *Tahdhīb Al- Tahdhīb*. 1st ed. Vol. 2. Hydarabad: Dāirat al- Ma'ārif al- Nizhāmiyyah, 1947.
- Spiegel, Gabrielle M. "Foucault and the Problem of Genealogy." *The Medieval History Journal* 4, no. 1 (April 2001): 1–14. <https://doi.org/10.1177/097194580100400101>.
- Sultān ibn Khālīd ibn Haslīn. *Al- Fuqahā' Wa l- Khulafā': Mawāqif l- Fuqahā' Min l- Sulṭa al- Siyāsiyya Fī l- Aḥdayn al- Umawī Wa l- Abbāsī al- Awwal (60- 245 H)*. Dār Amār li al- Nashr wa al- Tawzī', 2000.
- "Syria Passes New Constitution, Bars Non-Muslims From Presidency." Accessed July 8, 2024. <https://www.christianpost.com/news/syria-passes-new-constitution-bars-non-muslims-from-presidency.html>.
- Tabassum, Sadia. "Combatants, Not Bandits: The Status of Rebels in Islamic Law." *International Review of the Red Cross* 93, no. 881 (March 2011): 121–39. <https://doi.org/10.1017/S1816383111000117>.
- Tāj al-Dīn al- Subkī. *Tabaqāt Al-Shāfi'iyya al-Kubrā*. Edited by Maḥmūd Muḥammad al- Ṭanāhī and 'Abd al-Fattāḥ al-Ḥalw. 2nd ed. Vol. 5. 10 vols. Hijr li-l-Ṭībā'a wa-l- Nashr wa-l-Tawzī', 1993.
- Taqiy al- Dīn ibn Taymiyya. *Al- Mustadrak Alā Majmū' Fatāwā Shaikh al- Islām*. 1st ed. 5 vols., 1997.
- Taqiy al-Dīn al-Maqrizī. *It'āz al-Ḥunafā' Bi Akhbār al-Aimmā al-Fāṭimiyyīn al-Khulafā'*. Edited by Jamāl al-Dīn al-Shayāl and Muḥammad Ḥilmī Muḥammad Aḥmad. 1st ed. 3 vols. Majlis A'lā li l-shu'ūn al-Islāmiyya, n.d.

- Taqiy al-Dīn Ibn Taymiyya. *Minhāj Al- Sunna al- Nabawiyya Fī Naqd Kalām al- Shi'a al- Qadariyya*. 1st ed. Vol. 4. Jāmi'ah Muḥammad ibn Su'ūd al- Islāmiyya, 1986.
- Tasha Solomon. "Law and Theory: Pre-Modern and Contemporary Development of Islamic Discourse on Rebellion." *Journal of Mason Graduate Research* 3 (2016): 128–43. <https://doi.org/10.13021/G8388B>.
- Thomas Pierret. "Al-Būṭī, Muḥammad Sa'īd Ramaḍān." *Encyclopaedia of Islam*, January 1, 2015, 54–57.
- Turki, A. "L'engagement Politique Et La Théorie Du Califat D'ibn Ḥazm (384/994-456/1064)." *Bulletin d'études Orientales* 30 (1978): 221–51.
- Warren, David H. "Cleansing The Nation of The 'Dogs of Hell': 'Ali Jum'a's Nationalist Legal Reasoning In Support of The 2013 Egyptian Coup and Its Bloody Aftermath." *International Journal of Middle East Studies* 49, no. 3 (August 2017): 457–77. <https://doi.org/10.1017/S0020743817000332>.
- Wassām Qudūr. "Mawqif al- Islām min al- Istibdād: qirā'ah fī mawqif ulamā' al- Dīn min Mas'alāh (ṭā'atu waliy al- amr)." *Markaz al- Mujaddid li al- Buhūs wa al- Dirāsāt* 5 (2021).