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## Analyzing the Nature of Decree on Civil Disobedience in Contemporary Fiqh

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### ABSTRACT

Civil disobedience is a significant concept in political science and public law, particularly in contemporary discourse. Its close relationship with the principle of "freedom," a fundamental right of every individual under the rule of a state, necessitates a careful examination from an Islamic perspective to distinguish its instances from similar concepts in political jurisprudence. This study addresses the following research question: How does Islamic jurisprudence conceptualize civil disobedience, and how are its boundaries delineated compared to protest, advice, enjoining good deeds, revolt, and war against the Islamic authority? Using a qualitative, analytical-comparative methodology, this paper examines classical and contemporary jurisprudential sources, alongside relevant case studies of minority-government conflicts, to elucidate the juridical rulings pertaining to acts of disobedience and resistance. The findings indicate that Islamic jurisprudence differentiates civil disobedience from revolt (*baghy*) and armed aggression (*muhārabah*) based on intent, scope, and methods employed, emphasizing principles such as the protection of public order, adherence to legitimate authority, and the proportionality of response. Furthermore, acts of nonviolent protest and advisory interventions (*naṣīḥah*) are recognized as lawful and constructive forms of civic engagement, provided they respect the boundaries of Islamic law. Overall, the study highlights the need for a nuanced understanding of civil disobedience within Islamic legal frameworks, offering both theoretical clarification and practical guidance for contemporary governance and civic responsibility.

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## Introduction

Freedom has been viewed from different angles, with different goals and motives. One group may defend freedom in any form and context, and the other may deny it in any form and framework, and vote for closing the door to freedom in any field, especially in politics and thought. It is in this same intellectual space that the subject of protest and sowing conflict against the government and political society becomes a challenging and important issue, to which the political jurisprudence must respond.

At this point, several controversies arise, the most radical of which seem to proceed from our worldview and the fundamentals of our cognitive- jurisprudential knowledge about the category of "human." Although civil disobedience has been manifested in the common literature as a form of anarchy and a source of conflict against the governmental regime, its proponents in the political foundations of the West regard it as the most important means of escaping cruel dictatorships and securing freedom and basic citizenship rights for the people.

For this reason, in this study, we will provide a general explanation of the issues and concepts pertaining to this area of political science, and by adapting them to fit similar concepts in the Shiite political jurisprudence, we will classify different types of protest under Islamic rule and consider civil disobedience in its modern form as an example of revolt and a form of warfare against the government.

While the concept of "freedom" (*al-hurriyya*) is central, in the context of this paper, it is approached from the perspective of political jurisprudence rather than speculative theology (*ʿIlm al-Kalām*). Specifically, the discussion emphasizes how the principle of freedom interacts with civil disobedience within Islamic law, clarifying the legal boundaries and obligations of individuals in relation to the Islamic state. This approach establishes a direct link between the theoretical notion of freedom and practical jurisprudential rulings on protest, advice, enjoining good deeds, rebellion, and war against the Islamic authority.

However, most existing studies have addressed this topic from theological or philosophical perspectives, with less focus on its direct connection to practical jurisprudence and civil law. Recent research indicates that the intersection of civil disobedience and Islamic jurisprudence can clarify the legal and ethical frameworks governing legitimate and illegitimate forms of protest. For instance, Arastā (2017) analyzes the boundaries of rebellion and civil opposition, highlighting the role of fiqh in determining the legitimacy of individual actions. Rahiminezhad (2014) examines civil responsibility and individual rights under an Islamic government, demonstrating that personal freedom is necessarily limited by the maintenance of public order and security. Vaziri (2019). provides a detailed jurisprudential analysis of protest, advice, and revolt, distinguishing civil disobedience from armed rebellion and criminal acts against the state.

Integrating these studies into the present analysis not only situates the argument within a broader scholarly context but also underscores the unique contribution of this research: clarifying the legal and ethical limits of civil disobedience in Islamic jurisprudence and distinguishing between legitimate civil protest, revolt, and criminal actions against the state. This approach allows theories of individual freedom and responsibility to be presented with greater precision and clarity within the framework of Islamic political jurisprudence.

## War Against the Government

According to the author's assumption, Islamic theology is not well articulated, except in a few studies, including the book "Al-Mizan, An Exegesis of the Qur'an," and the interpretations of the verse of Moharabah (fighting), which is also considered one of the most important proofs for this decree. The connection of the phrase "His Messenger" to the word "God" is significant, as it is not merely an excessive conjunction but contains important commentary concepts. The phrase "those who fight against God and His Messenger" serves as a semantic guide regarding the implications of fighting against God, which also pertains to the Prophet (Tabatabaei, 1992, vol. 5).

As a result, an individual who threatens the Islamic system is called *Mohareb*. Therefore, a close relationship exists between *Moharabah* and security, as the most precise definition of security is the absence of any threats (Esmaeili, 2000). Allamah Tabatabaei (1992, vol. 5) also addressed the issue of security in relation to the realization of Moharabah.

The conclusion is that the realization of the meaning of Moharabah, that is the declaration of war against God and His Messenger, aims at spreading corruption on the earth, which creates an insecure society.

In this regard, Imam Khomeini says: "The most important task of Messengers is the establishment of a just social system through the execution of laws and decrees" (Khomeini, 2002, p. 70). The only way for its implementation is the intellectual maturity of people to request such a system so that the ground is prepared for the execution of the legislative guardianship (the verse: So that people might uphold justice).

Corruption is the opposite of goodness and safety, and the phrase "on the earth" emphasizes its general aspect. "Corruption on the earth" refers to any practice that endangers the security and health of the Islamic society, disrupting or harming it, often with an awareness of its detrimental effects (Na'nakar, 1998, p. 193).

*Moharabah* is one of the threats against internal security, that is, the security and freedom of people, which Mohareb seeks to eliminate (Habibzadeh, 2000).

Hence, whatever that destroys social order and security of people, is subject to the verdict of the noble verse. Therefore, it should be clarified that disrupting the order and security of society is an example of Moharabah, whether done to overthrow the political system or to achieve other purposes (Musavi Ardabili, 2006, vol. 3).

What is referred to as "the drawing of the weapon" in some texts on the exegesis of the verse serves as one of its clear and complete examples (Musavi Ardabili, 2006, vol. 3). The evidence for this is found in traditions (Hadiths) that consider those who set a house on fire and the thieves as *Moharebs*, even though the well-known definition by the jurisprudents is contrary to this (Horr Ameli, 1988, vol. 28).

Now, given the broad definition of *Moharabah* that includes any form of opposition to the guardianship affairs, the phrase "corruption on the earth" includes those with public corruption aspect subject to the decree of *Moharabah*, as Mohaqeq Ardabili (2006) considers corruption itself to be a permit for the sentence of death.

The fact that the phrase "corruption on the earth" serves as a permission for the sentence of death can be seen in other verses such as "Verse 32 of Chapter Ma'edah," which is also noted by Mohaqeq Ardabili (2006). However, the assertion that "the noble verse seeks to explain the decree for those who are not excepted, not for the excepted, so you cannot apply the decree generally to all of them" can be deemed incorrect.

This means that the words used indicate that the decree for those not excepted is not applicable to the excepted. However, most scholars argue that this reflects an implied concept, meaning that "except" signifies absolute exclusion (Mohammadi, 2008, vol. 1). Accepting that the decree applies to those not excepted while excluding the excepted is a fact that common sense acknowledges, as it is the first thought that comes to mind. This is because exception means exclusion, and the purpose of exclusion here is to exclude the decree, not to imply an external exclusion.<sup>1</sup>

Numerous jurisprudents have applied this rule to their jurisprudential arguments and regarded exclusion from the excepted as automatic inclusion in those not excepted (Shobayri Zanjani, 1998, vol. 1). Of course, since *Moharabah* is a generic term that encompasses any form of conflict with guardianship affairs and is associated with corruption on the earth, the general permission to kill the corruptor on the earth in this verse is contingent upon the verse concerning Moharabah (Salari, 2008).

Imam said: "Which one is of greater sanctity? The Domains of Dar al- Islam and Dar al-Kufr?" The narrator said: «I said: "The land of Islam." Then, Imam said: "Those who commit such practices are subject to the following verse: [This is the recompense of those who fight against God and His Messenger, and...]" (Horr Ameli, 1988, vol. 28, p. 314). The fact that, regarding the realization of the offense of *Moharabah*, Imam considered the sanctity of the land of Islam to be greater, is indicative of the significance of the political realm and the land of Islam under the guardianship of a just ruler.

The legitimate Islamic authority or anyone who qualifies, must call them back to the safe land [Darol-Amn] and warn them that he will execute God's decree upon them if they commit Moharabah. In such cases, they cannot be punished if they repent, lay down their arms, and return to the

1. Outside jurisprudence lessons for Ayatollah Rezazadeh (January 8, 2011) <http://www.eshia.ir/feqh/archive/text/rezazadeh/osool/89/891018/>

safe land (Al- Halabi, 1982). Additionally, Sallar states that the condition for executing the religious punishment on the Mohareb is that it occurs in the Islamic land and that he attempts to cause corruption within it (Deylami, 1983).

Mufid (1992) considers *Mohareb* as a person who draws his weapon in the land of Islam. In such a case, *Moharebeh* will have a general meaning encompassing all other definitions. Of course, a generic syntax can be inferred from Moqaddas Ardabili (2006) in the book “Zubdat al-Bayān,” where he considers the Mohareb equal to the corruptor on the earth.

To examine the legitimacy of civil disobedience in Shiite jurisprudence, it is essential to analyze the two main jurisprudential perspectives: permissibility and impermissibility of civil disobedience, as well as its position within principles such as enjoining good and forbidding evil.

### 1. Permissibility of Civil Disobedience

According to some scholars and jurists, civil disobedience may be permissible under specific conditions while adhering to jurisprudential principles. The evidences supporting this view include:

**Advising the ruler:** Advising the ruler serves as a legitimate tool for reforming governmental affairs. Civil disobedience can be justified if it aims at correcting injustice rather than causing disorder or violence.

**Enjoining good and forbidding Evil:** The jurisprudential principle of enjoining good and forbidding evil obliges the believer to respond to social injustice and corruption. Civil disobedience, when framed within these principles, particularly when the government or executive institutions fail to uphold Islamic laws, can be justified. Such action falls within the lower to intermediate levels of enjoining good, aiming to reform policies and prevent injustice rather than undermining the legitimate Islamic government.

### 2. Impermissibility of Civil Disobedience

The opposing view emphasizes that any act against the law is also unlawful from a Sharia perspective.

**Alignment of law and Sharia:** Any unauthorized gathering or civil activity is both a legal violation and a case of civil disobedience, thereby lacking legitimacy.

**Levels of enjoining good and forbidding evil:** Jurisprudential responses must adhere to established levels. Civil disobedience without legal authorization or proper adherence to these levels cannot be considered a legitimate practice of enjoining good or forbidding evil.

### 3. Comparative Analysis and Critical Review of Evidences

By combining these perspectives, key similarities and differences can be analyzed:

**Similarities:** Both views emphasize social reform and prevention of injustice. This common ground serves as a basis for analyzing the legitimacy of civil disobedience.

**Differences:** The main difference lies in the method of action. The permissibility perspective views targeted and limited civil disobedience within the framework of enjoining good and advising the ruler as legitimate, whereas the impermissibility perspective regards any unauthorized action as illegitimate.

A careful analysis demonstrates that the legitimacy of civil disobedience can only be assessed within the framework of lawful actions and the defined levels of enjoining good and forbidding evil. This approach addresses the logical structure of the paper while providing a well-documented scholarly foundation for examining civil disobedience in Shiite jurisprudence.

In classical and contemporary Shiite jurisprudence, *moharebeh* (armed rebellion or acts that threaten public security) is a legally and conceptually distinct category from civil disobedience. While civil disobedience generally refers to nonviolent refusal to comply with certain state laws or directives, *moharebeh* encompasses acts of violence or intimidation intended to disrupt societal order or challenge the authority of the Islamic state (Helli, 1993; Musavi Ardabili, 2006). The distinction is not merely semantic but rests on three crucial dimensions: intention, method, and social impact.

First, intention in *moharebeh* involves a deliberate attempt to destabilize public safety or spread fear among the populace. In contrast, civil disobedience often arises from conscientious objection, aimed at correcting perceived injustice without intending widespread harm. Second, the method differentiates the two: *moharebeh* involves armed action or significant threat, while civil disobedience relies on nonviolent tactics, including peaceful protests, boycotts, or symbolic resistance. Third, the

social impact criterion highlights that moharebeh carries immediate risks to life and public security, while civil disobedience primarily challenges policies or laws, without endangering citizens' lives.

By analyzing classical juristic texts alongside contemporary interpretations, this study establishes a conceptual framework that situates civil disobedience within Islamic jurisprudence without conflating it with moharebeh. This approach provides a rigorous justification for examining civil disobedience as a legitimate form of protest in certain contexts, while maintaining the legal and ethical distinctions emphasized in Islamic legal theory. Such a distinction ensures that normative conclusions regarding civil disobedience are firmly rooted in both classical sources and modern scholarly interpretations, thereby avoiding oversimplification or unsubstantiated assumptions.

### **Revolt**

As mentioned in the first section, there are two views about the revolter, according to one of which, it is allowed to apply the term "revolter" to civil disobeyers. In this regard, by referring to Imam Ali's behavior in confronting the Kharijites, some scholars reject this point of view and accept the first one. They even argue that the explicit statement "As long as your hands are with us" which will be explained in what follows, is not sufficient to cope with civil disobeyers (Kalantari, 2011, p. 95).

In response to the question that which of the two views is more correct, it is necessary to see what the subject of the decree is, as the decree depends on the realization of the subject (Khomeini, 2002, vol. 2). The subject of the decree on revolt is about harming the Islamic ruler in his protecting the Islamic competent authority (Najafi, 2001, vol. 4). Therefore, the decree of revolt will be applied to any move that has such an implication. In all jurisprudential aspects, the condition is the same; that is, we have a fixed decree set for a subject, whose examples will vary across time and place, and can be recognized through common understanding (Najafi, 1983, vol. 22).

Therefore, it has been clarified that the revolters' being armed or unarmed does not affect the realization of the decree of revolt. In other words, there are three elements in this case: the decree, that is necessity; the belonging to the decree, that is Jihad; and the subject of the decree, that is revolt. However, it has been established that the subject has become a cause for the application of the decree, which means that being a revolter is the basis for the necessity of jihad (Fazel Lankarani, 2002, vol. 4).

In our discussion, too, the decree is constant, but the subject of the discussion or the cause must be obtained to see who the revolters are. When Sahib al-Jawahir (the author of the book "Al-Jawahir") states that subjects vary depending on time (Najafi, 1983, vol. 22), he refers to the examples of the subject and their relation to it. Conversely, the Usulis who assert that the subject was the same cause for the decree refer to the constants upon which the decree is based.

The result is that the subject or cause of coping with revolters, is to repel their evil in the establishment of the government (Helli, 1993, vol. 9). Additionally, in this context, being armed or unarmed will no longer make a difference in our decree. Those who believe that, in the realization of revolt, war against the government must necessarily occur seem to confuse the relationship between the decree and the subject of the decree, which corresponds to the external acts of the obligated. It has been stated that the decree is based on the subject, and the subject is the cause of the decree.

One of the proofs that can be applied to consider the mere fear and feeling of danger for the Islamic regime as justification for war against revolters is Imam Ali's valuable remark when the Companions of the Camel moved towards Basra. Imam Ali speaks of their hostility towards his authority and states that the extent of his patience will last only until he fears for the disruption of life and order in their society (Al-Sayyed Al-Radhi, 1993).

The next proof is also from Imam Ali's words regarding a lecture given at the beginning of the Battle of Siffin. There, Imam Ali says that if anyone sows sedition and chaos in front of this right path, which I have taken, we will advise him to return, but if he rejects, we will fight him (Al-Sayyed Al-Radhi, 1993). Then, Imam Ali defines his war against two groups: first, those who take what does not belong to them, and second, those who do not fulfill their duties; for instance, those who refuse to go to jihad (Al-Sayyed Al-Radhi, 1993).

According to Imam Ali, there are two criteria for war: first, a person's claiming something not belonging to him; the example of it which occurred for Imam Ali, in the war against Mu'awiyah. Mu'awiyah wanted to take something not belonging to him, and that was the sovereignty over the Muslims (Hoseini Tehrani, 1997, vol. 3).

To describe this topic, Mohaqqueq Khoei (1985) says that Imam Ali entered into war against two groups: the first group were people like Mu'awiyah, who were not qualified for leadership, but claimed to be a leader, and sowed chaos and sedition against the Islamic ruler. The second group were those who pledged loyalty to the Islamic leader, but violated it, like Talha and Zubayr. Hence, Imam Ali practically explained to Muslims the legitimacy of war against these two groups.

In Islamic jurisprudence, particularly within classical Shiite sources, *Baqqi* (rebellion) and *Moharebeh* (waging war against God's law through violence) are two distinct legal and practical concepts that are often mistakenly treated as equivalent. *Baqqi* primarily refers to actions aimed at undermining a legitimate Islamic government and challenging the legitimacy of its authority, even if these actions do not directly threaten public security (Helli, 1993; Mousavi Ardabili, 2006). In other words, *Baqqi* focuses mainly on political opposition to legitimate authority, without necessarily causing widespread fear or harm to the community. In contrast, *Moharebeh* centers on disrupting social order and public security through intimidation and violence. It involves actions that threaten society and challenge governmental institutions through violent acts or direct threats, regardless of whether the goal is the political overthrow of the government (Musavi Khomeini, 1994; Helli, 1993). This fundamental distinction is not only conceptually significant but also crucial for normative analysis. A precise understanding of the difference between *Baqqi* and *Moharebeh* enables a clear separation of the legitimacy of civil disobedience from violent acts, ensuring that the jurisprudential arguments in this paper are grounded in both classical sources and contemporary interpretations.

### **Enjoining What Is Right and Forbidding What Is Wrong**

As noted, one of the ideas for liberation from the oppression of the majority over the minority in regimes claiming democracy, is the formulation of a civil disobedience strategy. However, to eliminate oppression and prevent the deviation of rulers, there is an important strategy called "enjoining good and forbidding evil" in the commands of the Islamic theology.

### **The Relationship Between "Enjoining Good and Forbidding Evil" and Civil Disobedience**

In the system of the Islamic state, although "internal monitoring" eliminates oppression to a large extent, this does not eliminate the ground for criticism and supervision, nor does it diminish the possibility of civil participation. In fact, it even provides a certain criterion and measure for criticism in this system. Thus, "enjoining good and forbidding evil" is one of the most important pillars of criticism and supervision in the religious government (Parsania, 2004).

### **The Similarities Between "Enjoining Good and Forbidding Evil" and Civil Disobedience**

In this section, we refer to some similarities between these two.

#### **Conscientiousness**

The main factor that leads to the realization of "enjoining good and forbidding evil" in society, is the innate desire of humans towards having a healthy and prosperous society. Hence, "enjoining good" is a return to a temperament, upon which the universe is based (Eftekhari, 2013). Therefore, if a move is based on this principle, it can be said that it falls within this framework; as some consider the element of conscientiousness to be involved in the elements of civil disobedience, which is the return of conscience to human nature.

#### **Generality**

One of the features of civil disobedience is its generality aspect. Similarly, regarding the topic of "enjoining good and forbidding evil," in addition to its corrective approach, the basis of the meaning of "participation" lies in its actualization (Eftekhari, 2013, p. 474).

On the other hand, "enjoining good and forbidding evil" is something that all the obligated are obliged to do it, and if they ignore it, they will be chastised. Therefore, it is a general duty that the religious legislator has not limited to a particular stratum, such as elites, and it is one of the greatest divine duties. "Indeed, one of the greatest religious duties is enjoining good and forbidding evil" (Sistani, 2001, p. 289).

### **The Differences Between “Enjoining Good and Forbidding Evil” and Civil Disobedience**

"Enjoining good and forbidding evil" has unique features, and non-religious socio-political systems lack such a strategy in their own governmental systems. In what follows, we refer to some differences between “enjoining good and forbidding evil” and topics such as civil disobedience:

#### **1. Being multistage**

The criterion for civil disobedience is primarily an overt non-violent movement to realize justice; this is because avoiding violence comes from the beliefs of the leaders of this movement, such as Gandhi. In contrast, this divine obligation demands actions proportional to the situation, which means that, if necessary, violence may also be applied to realize justice.

#### **2. Rule-Governedness**

One of the problems that the proponents of the theory of civil disobedience highlight is that the general public may be unaware of the interests intended by the rulers, and thus might consider it unfair. For instance, the massive U.S. spending on its military industry, which cannot be understood by the common people of U.S. society, illustrates this issue. Additionally, Theroux's intense attack on the interests—based on which he sees all problems and oppressions arising from it—ultimately creates two groups: the proponents and opponents of civil disobedience in Western political literature.

However, regarding the topic of “enjoining good and forbidding evil,” despite its comprehensiveness, the external realization of this divine obligation requires conditions that prevent the possibility of such a problem. For instance, as noted, being assured that something is right or wrong is one of the conditions. Similarly, in the topic of disobedience, if it is supposed to be executed in the form of “enjoining good and forbidding evil,” oppression will be needed to be manifest and not speculated.

#### **3. Being a Duty**

In civil disobedience, this move will occur if a person is deemed capable of awakening the conscience of the society. However, it is obligatory on every single person in a society, or in other words, on some members of a society (an objective duty or a sufficiency duty).

#### **4. Advice for Muslims' Leaders**

Advice is benevolence, that is, any speech or action, in which recommended goodness is taken into consideration. It is evidenced by the explanation that Imam Ali (PBUH) considers his explicit criticisms of Uthman as "advice," and writes in a letter to Mu'awiyah: "Sometimes, advisors may be exposed to suspicion." He also considers his criticisms and objections to Mu'awiyah as "advice."

In his letter to Mu'awiyah, Imam Ali writes: "Be aware that Satan does not allow thee to do thy best and to listen to the advice that benefits thee." He gives his opinions within the scope of recommended goodness, not within the scope of recommended willingness or tendency. Hence, in his will, Imam Ali (PBUH) states to Imam Hasan (PBUH): "Make your advice pure for your brother, whether it seems 'good' or 'ugly' to him."

"But, my rights to you include: fulfilling the allegiance, advising in secret and openly, responding when I call you, and obeying when I command you." Additionally, in other cases of Imam Ali's statements, "advice" is put against "obedience": "I am aware of the virtue of the obeyers from among you, and the right of the advisors from among you."

Considering the meaning of "civil disobedience," which encompasses overt criticisms, and the first interpretation, which allowed any kind of criticism except for violating the rights of others—a limitation of that interpretation—from among the three forms of interpretations presented, the first interpretation regarding the notion of civil disobedience seems to be more appropriate.

### **Discussing the Second Interpretation of the Concept of Advice**

First, the second definition seems to be the opposite of the concept of civil disobedience. Because the second interpretation of advice is understood as "obedience," and disobedience is its opposite point. However, somehow, the second definition can be considered to have a reference to the third definition.

Whether this is inferred from the proofs of "advice for Muslims' leaders" or not, unquestioning obedience to the infallible Imams is an obvious and perhaps essential concept in Shiite jurisprudence and speech. Considering what was just mentioned, there are some statements from Imam Ali (PBUH)

as one of the infallible Imams who also ascended to the apparent caliphate, in which he asked people to help him through constructive criticisms to improve the situation at that time (Al-Kulayni, 1986, vol. 8, pp. 356-357).

“Do not withhold right speech and fair counsel from me, because I do not regard myself above erring. I do not escape erring in my actions except that God helps me with what whose real owner is Him rather than me. Certainly, you and I are slaves owned by God, other than Whom there is no Lord. He owns ourselves which we do not own. He took us from where we were towards what means prosperity to us. He altered our straying into guidance and gave us intelligence after blindness” (Hoseini Tehrani, 2000, vol. 4, p. 117).

Given that many experts in the science of traditions (Hadiths) have interpreted “advice for Muslims’ leaders” as “obedience,” some argue that by this, they had meant the infallible Imams (PBUT). Whereas, some of these great scholars explicitly include non-infallibles too (Mazandarani, 1962, vol. 7, p. 15). Even if by this, they meant obedience to the Shiite jurisprudent rulers, those great leaders have always welcomed both non-destructive and constructive criticisms, which will be referred to in the description of the third interpretation, God willing.

### **Discussing the Third Interpretation of the Concept of Advice**

This is the interpretation chosen by the author. It does not have a position regarding civil disobedience, and depending on its objective and effects, it can disagree or agree on it, if intended to be benevolent.

#### **Expanding the Ruler's Information About Issues**

The criterion for approving or disapproving civil disobedience in the topic of “advice for Muslims’ leaders”—according to the selected definition—is that a benevolent move is one that is willing to expand the scope of the ruler’s information about issues, and can be expressed in any way.

As we mentioned at the end of the second interpretation, the Shiite jurisprudent rulers had welcomed constructive criticisms themselves. Ultimately, to complete the third interpretation, we use statements, referring to this point, made by the Supreme Leader (May God the Almighty protect him):

1. There is a big difference between hostility and conflict on the one hand and “constructive criticism” on the other hand. If the objections and criticisms of individuals and movements turn into confrontation and hostility with the general policies of the regime and the general and principal statements made by the leader, then they will go beyond the boundary of criticism (advice for Muslims leaders), and the concept of hostility and antagonism will be realized.
2. The type of criticism and request is very effective on the realization of antagonism and hostility. Employing inappropriate ways is effective in reducing the distance between criticism and hostility (statements by the Supreme Leader of the Islamic Revolution, at his meeting with elite students, top candidates admitted in the university entrance competition, and activists of the political-cultural associations of universities, October 9, 2007, Porseman website).

#### **Differences Between “Civil Disobedience” and “Advice for Muslims Leaders”**

1. As mentioned in the topic of “enjoining good,” these two cases are multistage. However, contrary to civil disobedience, in which an “overt peaceful” fight is relevant, here it is important to achieve the goal. If the action is covert, there will be no right to go to the next stage.

### **Conclusion**

Civil disobedience is one of the protest strategies against the ruling power. Since the protest itself can be expressed in different ways, absolutely contradictory decrees can be proved for different levels of protest in Imamiyyah jurisprudence and Islamic theology.

Such that Islamic law has not only refrained from posing an obstacle to the initial levels of protest, which has been propounded as advice and in the form of benevolence for the government, but these protests have also been introduced as an obligatory act under the title “enjoining good and forbidding evil.”

However, if the level of such a protest disrupts the regime and causes political instability in the Islamic government, it can fall under the examples of Moharabah and revolt.



In Islamic political thought, advice (*nasihah*) and civil disobedience represent distinct normative concepts with fundamentally different objectives. *Nasihah*, as emphasized by the Imams, is a benevolent and proactive act aimed at correcting policy and guiding rulers towards justice. It is inherently non-confrontational and relies on persuasion, moral suasion, and ethical exhortation (Al-Kulayni, 2008; Helli, 1993). By contrast, civil disobedience involves a deliberate and principled refusal to comply with certain governmental directives, often as a response to perceived injustice or illegitimacy.

While both concepts aim at promoting justice and societal well-being, their methods and normative frameworks differ. *Nasihah* assumes a cooperative relationship with authority, seeking reform without breaking laws, whereas civil disobedience intentionally challenges specific legal commands to highlight injustice and provoke reform. Recognizing this conceptual distinction is crucial for situating civil disobedience within Islamic jurisprudence without conflating it with moral exhortation, ensuring that its ethical and legal analyses remain precise.

By clarifying this difference, the article avoids the conceptual conflation and demonstrates that civil disobedience, while informed by ethical guidance, operates in a distinct domain of political and legal action, separate from the Imams' teachings of *nasihah*.

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