

# The Shariah Rulings Regarding Khurooj Rebellion Against Rulers

## (Part 2)

(Translated)

Dr. Mahmoud Abdelhadi

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### The Shariah Legal Causes and Conditions for Deposing the Khaleefah

Removal of the Khaleefah (caliph) is within the jurisdiction of the judiciary, not the general public. There are specific Shariah legal causes and conditions for such an action. The causes include any circumstances that cause the Khaleefah to lose any of the essential qualifications required at the outset for candidacy to the Khilafah (Caliphate), as well as the proper implementation of Islam, which is crucial for achieving the purpose of the Imamate, namely, the supremacy of Shariah and the authority of the Ummah. These conditions are both initial and ongoing, the Khaleefah must be a Muslim, male, adult, free (not a slave), sane, just, and capable of fulfilling the duties of the Khilafah. If he apostatizes, or his mind weakens to the point that it affects his judgments and decisions, or he loses his sense of justice, or becomes incapable of fulfilling the duties of the Khilafah, whether due to old age, memory loss, the loss or weakening of a limb, or the impairment of a sense, then it becomes obligatory to remove him.

The correct implementation of Islam is the foundation of the entire matter. It is the basis upon which the Bayah of allegiance to the Khaleefah was given. It is the purpose for which the Creator, Glorified and Exalted, created mankind, sent the Messengers (as), and established the Khilafah. If the Khaleefah chooses to implement something other than Islam, even in a single ruling, then it becomes obligatory to remove him. Similarly, if he acts unjustly, shows favoritism, or follows his desires in a manner that causes him to lose his sense of justice, he must be either compelled to correct his course or be deposed. And Allah knows best. Below are the opinions of ulema to substantiate these causes.

The consensus among ulema is that tyrannical rulers must be removed, if it can be done without causing Fitnah (strife). Ibn Hajar al-Asqalani stated, *نقل ابن التين عن الداودي قال: الذي عليه، العلماء في أمراء الجور أنه إن قُدرَ على خلعهِ بغير فتنة ولا ظلم وجب، وإلا فالواجب الصبر* Ibn al-Tin transmitted from al-Dawudi, who said: The consensus among ulema regarding tyrannical rulers is that if they can be deposed without fitna or injustice, it is obligatory to do so; otherwise, patience is required." [1].

The previous discussion included Ibn Hazm's view on tyranny and injustice. Regarding the necessity of implementing Islam and preventing deviation from any of its rulings, as well as preventing any form of injustice, no matter how small, and the obligation of the Imam to submit to the rule of Shariah. Ibn Hazm said, *هو الإمام الواجب طاعته ما قادنا بكتاب الله تعالى وسنة رسوله صلى الله عليه وسلم، فإن زاع عن شيء منها منع من ذلك، وأقيم عليه الحد. والحق: فإن لم يؤمن أذاه إلا بخلع خلعه، ووُلِّي غيره* "The Imam who is obligatory to obey is the one who leads us by the Book of Allah and the Sunnah of His Messenger (saw). If he deviates from any of them, he is to be prevented from that, and the punishment is to be carried out on him. If his harm cannot be avoided except by removal, then he is to be removed, and another person is to be appointed in his place." [2].

He also said, *والواجب إن وقع شيء من الجور، وإن قل، أن يكلم الإمام في ذلك، ويُمنع منه، فإن امتنع وراجع الحق، وأذعن للقيود من البشارة، أو من الأعضاء، ولإقامة حد الزنا والقذف والخمر عليه، فلا سبيل إلى خلعهِ، وهو إمام كما كان لا يحل خلعه. فإن امتنع من إنفاذ شيء من هذه الواجبات عليه ولم يُراجع، وجب خلعهُ وإقامة غيره ممن يقوم بالحق* "It is obligatory that if any injustice occurs, no matter how small, the Imam must be addressed about it, and prevented from it. If he refrains and returns to the truth, and submits to the punishment,

whether it involves the penalties regarding the harm to limbs, or the implementation of the hudud punishments for adultery, slander, and drinking alcohol, then it is not permissible to remove him, and he remains the Imam as he was before, and it is not permissible to depose him. However, if he refuses to implement any of these obligations and does not repent, then it is obligatory to depose him and appoint someone else who will uphold justice.” [3].

Al-Mawardi discussed the annulment of Imamate if the Imam loses his qualifications, such as his integrity being compromised and him becoming a transgressor, ارتكابه للمحظورات وإقدامه على المنكرات تحكيماً للشهوة وانقياداً للهوى، فهذا فسق يمنع من انعقاد الإمامة ومن استدامتها. فإذا طرأ على من انعقدت الجبلة بالسوء أمارّة، والمرء على أرجوحة الهوى... فطوبى لمن سلم، ولا مناص ولا خلاص إلا لمن عصم، والزلات تجري مع الأنفاس... فمن الذي ينجو في بياض نهار من زلته، ولا يتخلص من حقّ المخافة إلا يتعمده الله برحمته “If he commits forbidden acts and engages in reprehensible behavior driven by desire and following his whims, this constitutes transgression that invalidates the Imamate both in its establishment and continuation. If such transgression occurs after his Imamate has been established, he is to be removed.” [4].

Al-Juwayni further clarified that some reasons for removal automatically and directly remove the Khaleefah from his position, such as apostasy or insanity. Other reasons, such as immorality, require a decision from the People of Removal and Contracting (Ahl al-Hall wa al-'Aqd) before removal occurs. He explained that transgressions can vary, some are fleeting mistakes, while others are more severe and cannot be avoided except by infallibility. He said, الجبلة بالسوء أمارّة، والمرء على أرجوحة الهوى... فطوبى لمن سلم، ولا مناص ولا خلاص إلا لمن عصم، والزلات تجري مع الأنفاس... فمن الذي ينجو في بياض نهار من زلته، ولا يتخلص من حقّ المخافة إلا يتعمده الله برحمته “Human nature is inclined to evil, and a person is often swayed by desires... Blessed are those who are safe, and there is no escape or salvation except for those whom Allah has protected. Transgressions occur as frequently as breathing... Who among us can claim to escape an error in broad daylight, and who can feel secure from fear except those whom Allah envelops in His mercy?” [5].

These errors are like an illness that may prevent a ruler from fulfilling the purpose of his office, but which he can recover from and return. If immorality exists that does not necessitate the deposition of the Imam, and there is immorality that does, the rule is that he is not to be deposed except by a decision of deposition. Al-Juwayni said, الطوارئ التي توجب الخلع والانحلال... الإسلام... فلو فرض انسلال الإمام عن الدين لم يخف انحلاؤه... ولو جن جنونا مطبقاً انخلع، وكذلك لو ظهر خبل The incidents that necessitate removal... Islam... If the Imam were to abandon the Deen, his removal would be clear... If he were to become insane, he would be removed, as would be the case if his intellect were impaired, and his judgment was clouded, making it difficult for him to manage affairs... then he would be removed as an insane person.” [6].

He added, ذهب طوائف من الأصوليين والفقهاء إلى أنّ الفسق إذا تحقق طرأه وجب انحلال الإمام كالجنون، وهؤلاء يعتبرون الدوام بالابتداء “Some Usooli jurists and Fiqh jurists believe that if fisq evil is proven to have occurred, the Imam must be removed, just as if he had gone mad, as these ‘ulema consider the continuity of the Imamate to depend on the conditions required at the outset.” [7].

Al-Juwayni further noted, وذهب طوائف من العلماء إلى أن الفسق بنفسه لا يتضمّن الانحلال، ولكن يجب على أهل الحل والعقد إذا تحقق خلعه “Some ulema believe that fisq evil in itself does not necessitate automatic removal, but it becomes obligatory upon the People of Removal and Contracting (Ahl al-Hall wa al-'Aqd) to remove the Imam if fisq is confirmed.” [8].

Al-Ghazali said, إنَّ السلطان الظالم عليه أن يكف عن ولايته، وهو إما معزول أو واجب العزل “A tyrannical ruler must refrain from his post. He is either already removed or it is obligatory to remove him.” [9].

As for the causes, they pertain to any factors that would cause the Khaleefah to lose the qualifications required for holding the office. The condition for deposing him is that the reason must be proven by irrefutable evidence. This is based on the saying of the Prophet (saw), إِلَّا عُنْدَكُمْ مِنَ اللَّهِ فِيهِ بُرْهَانٌ: “Unless you see clear disbelief for which you have proof from Allah.” Ibn Hajar, in his commentary on this hadith, explained, أية أو خبر صحيح لا يحتمل التأويل. ومقتضاه أنه لا يجوز الخروج عليهم ما دام فعلهم يحتمل التأويل “At your disposal is a

Burhan evidence from Allah, meaning a verse or a sound hadith that does not allow for interpretation. The implication is that it is not permissible to revolt against them as long as their actions are open to interpretation.”

Thus, the Imam cannot be accused of allowing or justifying wrongdoing in matters of jurisprudential interpretation, nor can he be accused of compromising his Deen in juristic differences of opinion. For instance, if the state permits music in media, establishes institutions for it, allows the cultivation, production, and sale of tobacco, or if the law permits women to show their face and hands in public, or if the Imam adheres to a particular mazhab (Islamic school of thought) in matters of divine attributes and philosophies, it is not permissible for those who disagree with the Imam on these matters to declare him a fasiq sinner, or claim that he permits fisq evil or deviates from correct belief. The hadith requires clear evidence for the sin, meaning irrefutable proof, whilst the judgment in these matters is speculative.

This differs from situations where, for example, usurious banks exist openly in society, or casinos for gambling and their like, or women appear in public unveiled and are not restrained for that, or there is a call for democracy or for freedom of belief and apostasy. These are evils based on definitive legal evidence, or Burhan evidence from Allah (swt). The public presence of such evils in society is proof that the Imam permits them.

### **The Conditions for Removing the Khaleefah**

The condition for removing the Khaleefah is not the ability to execute the deposition, or the security from causing fitna (strife), or the potential bloodshed and destruction that may result from removing him. These are conditions for executing the deposition, meaning the act of removing the ruler by force, if he refuses to relinquish power. The causes and conditions mentioned are for the ruling on removing him, and the obligation of his removal. The matter of ensuring success and avoiding fitna pertains to the conditions for Khurooj removal against him with force.

### **How to Remove the Khaleefah**

Removal of the Khaleefah is determined by a judicial ruling. The judiciary that handles the Khaleefah’s violations, complaints against him, or the legitimacy of his continuation in office is the Court of Unjust Acts (Mahkamat al-Mathalim), specifically for cases between the people and the rulers. It is even more specific, as it addresses the removal of the Khaleefah, which is the essence of all issues. It is about preserving the supremacy of Sharia and the authority of the Ummah. This matter is addressed by a special, high, and dignified court. This judicial hearing summons the Khaleefah, and whomever else it wishes, to investigate the matter, allowing the Khaleefah to present his arguments. All of this should be done with transparency, and presented to the Ummah and its representatives. If the court sitting rules to removal the Khaleefah, its ruling is binding, and the Khaleefah must step down so that another Khaleefah can be elected.

If the Khaleefah refuses to accept the ruling and clings to his position, he thereby adds to his loss of legitimacy by becoming a usurper. The Ummah must then reclaim its authority from him, even if it leads to Khurooj rebellion against him with weapons to forcibly remove him. However, this revolt has its dangers and conditions.

### **The Conditions for Khurooj Rebellion Against the Ruler with Force**

The ruling to revolt against the ruler, to forcibly remove him is distinct from the ruling to judicially removing him. The reality of Khurooj rebellion is that it is a revolution against the ruler to overthrow him. It inevitably involves internal conflict within the Ummah. It may take the form of a quick coup, or it may involve sit-ins and demonstrations that lead to the ruler’s compliance at relatively low costs. It may also lead to a prolonged and bloody conflict among Muslims, with increasing costs. The history of Muslims includes many such rebellions, including the rebellion that led to the assassination of the third Khaleefah, Uthman ibn Affan (ra). There were also rebellions against the fourth Khaleefah, Ali ibn Abi Talib (ra). One of the

most significant revolutions was the uprising of Husayn ibn Ali (ra) against Yazid ibn Muawiyah to prevent the usurpation of power, and the seizure of the Ummah's right to it. These and other rebellions have often been used by rulers, their mouthpieces, and some ulema to warn against the evils of revolt, or even against any opposition, which they see as always outweighing the harms of injustice and ruling by something other than all that Allah (swt) has revealed. They frequently raise the specter of fitna, bloodshed, destruction, and certain failure! There is no doubt that Khurooj rebellion has its dangers, and naturally, it comes with costs in terms of destruction and bloodshed. However, all of this does not prevent rebellion. Instead, it necessitates preparation for it. **Therefore, there are conditions that must be met before revolting, which are:**

1. Existence of the Capability for the Khurooj: This means that there must be forces within the Ummah that cooperate and support each other, forming a power base capable of achieving the desired goal, because the matter depends on capability.

2. No Dependence on External or Non-Islamic Forces: This is because it would give the disbelievers authority over the believers, which is impermissible.

3. The Khurooj Must Not Lead to Greater Evils: This is when the usurper becomes more tyrannical, or when the state is destroyed or weakened to the point that no state or its essential components remain capable of maintaining its security, and authority against potential aggressors.

### **The Process and Cases of Khurooj**

Khurooj is a situational and historical process in the life of the Ummah. Military coups and revolutions are natural remedies in some cases for certain situations and problems. No group or nation is free from them. It is a popular or mass phenomenon that requires public opinion. It is essential to create a constant awareness that the goal of rebellion against the ruler is to prevent the violation of the supremacy of Shariah, and the usurpation of the Ummah's authority. Therefore, the ruling of the judicial sitting mentioned earlier to depose the ruler should be one of the most influential factors in shaping public opinion. Likewise, the means by which the Ummah preserves its authority are among the most important factors, in shaping public opinion and mobilizing the Ummah's activities to honor their role. The most important aspect of the process is the people's awareness of their rights and duties in this regard. This is the first step on the path to the Ummah reclaiming its authority. Therefore, the concept of rebellion against the ruler depends on the inclinations within societies, the people's awareness of their right to authority and their responsibility to maintain it, and the influence of the Shariah legal ruling on behavior and public opinion.

This perspective presents two scenarios for the reality of Muslims. The first scenario is one of ignorance of Islam and the application of non-Islamic systems upon them. The second scenario is that of an Islamic society governed by an Islamic state, with Islamic institutions implementing Islam, and where Islamic concepts and values are widespread.

In the first scenario, it is not feasible, nor permissible, to consider rebellion because the necessary conditions are lacking. Its failure is inevitable. In this scenario, the task is to change the government from one established in disbelief, to one governed by Islam or to transform the land from a Dar ul Kufr to a Dar ul Islam. This is analogous to the mission of the Prophet (saw) in Mecca, and it is guided by his Sunnah and method of Dawah. There was nothing in his method or actions related to armed rebellion from the beginning of his mission until he gained authority, established governance, and founded the Islamic state in Madinah.

The second scenario is where it is possible to consider Khurooj rebellion against the ruler, if injustice becomes entrenched, or signs of deviation and usurpation of power emerge. This is not a case of changing governance from disbelief to Islam. Instead, it is about preventing the shift from Islamic governance to disbelief, or transforming the land from a Dar ul Islam to a Dar ul Kufr or to a governance that attacks the supremacy of Shariah or the

Ummah's authority. The matter in this scenario depends on meeting the conditions for Khurooj rebellion.

In conclusion, I ask Allah Almighty for a swift relief, help in ridding us of sinful and immoral rulers, and a decisive victory through the establishment of the Khilafah, which upholds the supremacy of Shariah and the authority of the Ummah, under the leadership of one Khaleefah, who fulfills the trust of succession and carries the Islamic Dawah to the world.

[1] Ibn Hajar al-Asqalani, Fath al-Bari bi Sharh Sahih al-Bukhari, Book of Tribulations (92), Chapter on the Prophet's Saying "You will see after me things you disapprove of" (2), Vol. 13, p. 8.

[2] Ibn Hazm, Al-Fasl fi al-Milal wa al-Ahwa' wa al-Nihal, Vol. 4, pp. 169-170.

[3] Ibid., Vol. 5, p. 28.

[4] Al-Mawardi, Al-Ahkam al-Sultaniyya, p. 24.

[5] Al-Juwayni, Al-Ghayathi, p. 77.

[6] Ibid. The more correct view is that any reason that could lead to the deposition of the Imam requires a judicial ruling.

[7] Ibid., p. 76. This means that immorality undermines the purpose of the Imamate, preventing it at the outset, and also nullifying it if it occurs later.

[8] Same source.

[9] Abu Hamid al-Ghazali, Ihya' 'Ulum al-Din, Vol. 2, p. 140.

[10] Fath al-Bari bi Sharh Sahih al-Bukhari, Book of Tribulations (92), Chapter on the Prophet's Saying "You will see after me things you disapprove of" (2), Vol. 13, p. 8.