

طبيعة وقرار العصيان المدني في الفقه الإسلامي

الدكتور مرتضى طيبي جبالى

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The Nature of and the Decree on Civil Disobedience in Islamic Jurisprudence

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المستخلص

العصيان المدني احد المفاهيم والموضوعات المهمة في العلوم السياسية خاصة ادب القانون العام المعاصر. ولأن هذا المفهوم له علاقة مع اصل الحرية وبعنوان احدي الحقوق الاساسية في الحكومة، فيجب ان ندقق ونحلل هذا الموضوع من خلال منظار الفقه الاسلامي، حتى تميز مصايقه ومفاهيمه المشابهة في الفقه السياسي.

في هذا المقال ومن خلال النظر للساحات المختلفة سنبحث التعارض الجزئي للأشخاص في الحاكمية ونبين الحكم وتفكك الحكم الفقهي للاعتراض، النصيحة، الامر بالمعروف، البغي والمحاربة ضد الحكومة الاسلامية.

الكلمات المفتاحية : العصيان المدني ، البغي ، المحاربة ، الامر بالمعروف ، الاعتراض ، التعارض الممنهج ، التمرد في الفقه .

Abstract

Civil disobedience is one of the important concepts and issues in political sciences, especially in the contemporary literature of the public law. Since this concept has a close relationship with the principle of "freedom" as one of the fundamental rights of every human being under the rule of a country, it is necessary to carefully consider this issue from the perspective of Islam, so that its instances and similar concepts can be distinguished from each other in the political jurisprudence. Through examining different areas of minority conflict between individuals and the government in this paper, we will explain and distinguish between the jurisprudential verdicts on protest, advice, enjoining the performance of good deeds, revolt, and war against the Islamic state.

Key words : civil disobedience , revolt , war against the government , enjoining the performance of good deeds , protest , organized conflict , rebellion , political jurisprudence .

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1- Introduction:

Freedom has been viewed from different angles and 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 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, a lot of controversies arise, the most radical of which seem to proceed from our worldview and from the fundamentals of our cognitive-jurisprudential knowledge about the category of "human". Although civil disobedience has been manifested in the common literature as a kind of anarchy and arising conflicts against the governmental regime, but the makers of this strategy in the political foundations of the West, have considered it as the most important path to exit the cruel dictatorships, and to grant freedom and basic rights of citizenship to the people. For this reason, in this study, through a general explanation of the issues and concepts existing in this area of political sciences, and by changing them to fit similar concepts in the Shiite political jurisprudence, we will classify different types of protest in the Islamic rule, and will consider civil disobedience in its modern form as an example of revolt and as war against the government.

2- Topics similar to civil disobedience in jurisprudence

As mentioned earlier, civil disobedience has undergone semantic changes in political sciences. But given that it is a way of expressing negative points of view about "or revealing and declaring opposition against "a phenomenon at the sovereignty level of a society, subjects and topics similar to this content can be seen in jurisprudence too.

From the jurisprudential perspective, the disobedience and protests, made in order to achieve justice and avoid oppression in the Islamic state, are referred to as external monitoring of the government (Varaei, 1999, p. 171), the most important instances of which are considered to be "enjoining what is right and forbidding what is wrong" and "advice for Muslims' leaders".

It should be noted that in the declaration of overt opposition (disobedience) in the Islamic state, though without the intention of overthrowing, the dignity of the Islamic ruler must be observed. Because in Shiite culture, the ruler, as a guardian, receives his guardianship from

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the unseen world, and has a special sanctity. Hence, although a significant issue like forbidding the performance of wrong deeds, is being propounded, the sanctity of such a position cannot be undermined and eroded (Varaei, 2002, p. 311). This is the case for the guardian of an Islamic society, but as for the other officials of the Islamic society, this is not the case, and use of "civil disobedience "or "overt criticism "may even be more effective in some cases.

3.1. Opposition with the intention of overthrowing

3.1.1. War against the government

According to the author's assumption, except in the book "Al-Mizan, An Exegesis of the Qur'an", in the exegeses of the verse of Moharabah (fight), which is also considered as one of the most important proofs for this decree, the connection of the word "His Messenger "to the word "God "is not explained well. Whereas this is not an excess conjunction, and contains important commentary concepts. The phrase "those who fight against God and His Messenger "is a semantic guide about fighting against God, which also concerns the Prophet (Tabatabaei, 1992, vol. 5, p. 523)

Now, the question is that how a Muslim fights against and is in conflict with the guardianship affairs of the Prophet (PBUH: Peace Be Upon Him) and consequently with God's guardians, whilst this conflict will be in the form of "corruption on the earth".

In other words, in the meaning of Moharabah, it is noted that its truth is conflict, now, what are the guardianship affairs, fighting against which with the intention of corruption on the earth, will be subject to this decree?

It is also clear that "guardianship affairs "in this discussion means "legislative guardianship", which monitors the execution of governmental decrees to preserve the system in order that the society reaches its goal, which is the establishment of justice, so that the way is paved for the people of the society to grow and achieve development, thus developing the society.

As a result, the person threatening the Islamic system is called Mohareb. This way, a close relationship will be found between Moharabah and security. Because the most exact meaning of security is the absence of any threats (Esmaeili, 2000, p. 264), as Allamah Tabatabaei (May God have mercy on him) also referred to the issue of security in the realization of Moharabah (Tabatabaei, 1992, vol. 5, p.

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533). 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 unsafe society. In this regard, Imam Khomeini (May God have mercy on him) says: "The most important task of Messengers (PBUT: Peace Be Upon Them) is the establishment of a just social system through the execution of laws and decrees "(Khomeini, Sayyed Ruhollah Musavi, 2002, p. 70), and 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), the verse wants to say: So that people might uphold and expand justice, and then reach divine excellence and growth, which is the ultimate goal of people and society, which means the beginning of a religious movement at the macro level must be the growth of the intellectual level of society.

Corruption is the opposite of goodness and safety, and "on the earth" supports its generality aspect. And "corruption on the earth" refers to any practice that endangers the security and health of the Islamic society with the intention of disrupting or hurting it and/or with knowledge about its effectiveness (Na'nakar, Mahdi, 1998, p. 193)

Moharabah is one of the offenses against the internal security; that is the security and freedom of people, which the Mohareb seeks to eliminate (Habibzadeh, 2000, p. 47).

By accepting Allamah Tabatabaei's commentary (May God have mercy on him), according to the verse of Moharabah, any disruption of public security is considered as Moharabah. With a difference from Allamah's point of view that disruption of public security is not only through drawing weapons, but also through sedition and creation of dissension and hostility among people are also examples of it. Hence, whatever that destroys social order and security of people, is subject to the verdict of the noble verse. Therefore, it should be clearly said that disrupting the order and security of society is an example of Moharabah; whether done with the purpose of overthrowing the political system or other purposes (Musavi Ardabili, Sayyed Abdol-Karim, 2006, vol. 3, p. 496).

And this disruption of the system and endangering security are not only limited to military security, but includes all areas; namely, cultural

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security, economic security, political security, etc., and whoever disrupts them, will be a Mohareb because of "corruption on the earth".

And what is known as "the drawing of the weapon" in some texts for the exegesis of the verse, is to mention one of its clear and complete examples (Musavi Ardabili, Sayyed Abdol-Karim, 2006, vol. 3, p. 496). And the evidence for this, is traditions (Hadiths) that have considered those who set a house on fire and the thief as Moharebs, even though the famous definition by the jurisprudents is contrary to it (Ameli, Horr, Mohammad ibn Hasan, 1988, vol. 28, p. 315).

There are different opinions about the relationship between Moharabah and corruption on the earth. Based on the author's assumption and considering the commentary point in the book "Al-Mizan", Moharabah is a blind concept, which includes any type of opposition to the guardianship affairs of the Holy Prophet (Peace Be Upon Him and His family). To establish this view, as noted, the root of Moharabah is "Harb; i.e., war", which is the opposite of "peace". Taking account of "learning things from their opposites", if you pay attention to the meaning of "peace", in the traditions, they considered it as the acceptance of God's guardians and friends.

Now, given the broad meaning of Moharabah that includes any kind 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 Mohaqqueq Ardabili consider corruption itself to be a permit for sentence of death (Ardabili, Ahmad ibn Mohammad, Bitā, p. 665).

The fact that the permission for sentence of death is "corruption on the earth" can clearly be seen in other verses such as "Verse 32 of Chapter Ma'edah", whose meaning indicates this fact, which is also noted by the late Mohaqqueq Ardabili (Ibid., p. 666). But the fact that in response to this verse, some argued that "the noble verse is seeking 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 considered to be wrong. Because, in the consensus of Shiite scholars, the exception particle in the following sentences: "The people came to me except Zeyd.", "Respect the scholars except the corruptors among them.", and so on, indicates that the decree of those not excepted is negated for the excepted (Contrary to Abu-Hanifah's view). And this is only a controversy, where this implication is understood from the logic of the

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words. This means that the words set to indicate that the decree for those not excepted is not confirmed for the excepted. But most scholars say that this is implication by concept, which means that "except "is set for the absolute exclusion and exception (Mohammadi, Ali, 2008, vol. 1, p. 235).

And accepting that with the excepted being excluded, the decree will include those not excepted, is a fact that any common sense admits to, because of its first coming to mind. Because exception means exclusion, and the purpose of exclusion here is the exclusion of the decree, not an external exclusion.¹

And many jurists have applied this rule to their jurisprudential arguments, and regarded exclusion from the excepted as automatic inclusion in those not excepted (Shobayri Zanjani, Sayyed Musa, 1998, vol. 1, p. 308)

Of course, as Moharabah is a generic term, which includes any kind of conflict with the guardianship affairs, and which is bound by corruption on the earth, the general application of permit for killing the corruptor on the earth in this verse, is bound by the verse of Moharabah (Salari, Mahdi, 2008, p. 66).

Now, the problem that may arise is that given the nature of civil disobedience, if a protest movement disrupts the governmental regime to a limited extent, will it be considered Moharabah? The answer is that not all kinds of security disorders are subject to the decree of Moharabah, but rather any declaration of opposition intended to commit corruption on the earth, is subject to the decree of Moharabah.

Confirmatory of this inference is the words of Imam Sadeq (PBUH), where Surat ibn Colayb said: «I said to Imam Sadeq: “A man goes out of home to go to the mosque or for something else, another man sees him, pursues him, hits him, and then takes his clothes. ”Imam Sadeq (PBUH) asked: “What do your people say about this? ”I said: “They say that this is a clear corruption, but Mohareb is only applicable in the land of polytheists. ”Imam said: “Which one is of greater sanctity? The land of Islam or the land of polytheism?”» 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 ...]”» (Ameli, Horr, Mohammad ibn Hasan, 1988, vol. 28, p. 314). The fact that, regarding the realization of the offense of Moharabah, Imam considered the sanctity of the land of

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Islam to be greater, is indicative of the topicality of the political realm and the land of Islam under the guardianship of a just ruler. This is also inferred from the words of Abul-Salah al-Halabi (May God have mercy on him); the oldest Shiite jurist, where he says: “Moharebs are those who have come out of the safe and peaceful land (Darol-Amn) with the intention of banditry, making the ways unsecured, and attempting to cause corruption on the earth. The Islamic ruler or anyone who qualifies, must call them to back to the safe land [Darol-Amn], and warn them that he will execute God’s decree upon them if they commit Moharabah. Then they cannot be punished if they repent, lay down their arms, and return to the safe land (Al-Halabi, 1982, p. 251). Also, Sallar (May God have mercy on him) assumes the condition for the execution of the religious punishment on the Mohareb to be its occurrence in the Islamic land and his attempt to cause corruption in it (Deylami, 1983, p. 251).

And Al-Shaykh Al-Mufid considers the Mohareb as a person who draws his weapon in the land of Islam (Al-Shaykh Al-Mufid, 1992, p. 804).

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 in the book “Zubdat al-Bayān”, where he considers the Mohareb equal to the corruptor on the earth.

3.1.1. Revolt

As referred to 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 view. 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). Now, 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, because the decree depends on the realization of the subject (Khomeini, Ruhollah, 2002, vol. 2, p. 24). And the subject of the decree on revolt is about harming the Islamic ruler in his protecting the Islamic regime (Najafi, Kashef al-Gheib, 2001, vol. 4, p. 367). 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 due to time and

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place changes, and can be recognized through customary understanding (Najafi, Sahib al-Jawahir, 1983, vol. 22, p. 427)

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. Whereas, it has been proved in its own place that the subject has become a cause for the application of the decree, which means being a revolter is the cause for the necessity of jihad (Fazel Lankarani, Mohammad, 2002, vol. 4, pp. 291-292).

A most commonly occurring confusion may have occurred in this case too, which is the confusion of the subject and the belonging to the subject; or the example. Considering the explanations given, it was clarified that the subject is as a cause for the decree, which is why identifying the subject is of special importance in obtaining the decree, and is the jurist's task. Whereas they say that identifying the subject is the task of the obligated and custom; that is the identification of examples.

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. And when Sahib al-Jawahir (the author of the book "Al-Jawahir") says that subjects vary depending on time (Najafi, Sahib al-Jawahir, 1983, vol. 22, p. 427), he means the examples of the subject and the belong to the subject. Otherwise, the Usulis who have said that the subject was the same cause for the decree, they meant the constants upon which the decree was based. For instance, here, the cause of disorders in a regime is constant, but its examples are sometimes realized by revolt and sometimes by civil disobedience. Therefore, what is important in obtaining the decree, is the complete identification of the subject or the cause.

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, p. 411). And here, being armed or unarmed will no longer make a difference in our decree. And those who believe that in the realization of revolt, war against the government must necessarily occur, seem to confuse the belonging to the decree and the subject of the decree which corresponds to the external acts of the obligated. Whereas, it was said

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that the decree was based on the subject, and the subject was the cause of the decree.

The issue which is propounded in the realization of revolt is the weakening and disruption of the Islamic system. In support of this claim, in addition to the above mentioned proofs, there is also some signs and conditions having been propounded for revolters, such as: "whether or not the opposition is in the form of a team", "whether they have power and magnificence or not", "whether they are many and equipped or not", and the other constraints that this topic has, and that make a difference in dealing with the opposition. This indicates the importance of the causality of preserving the regime in dealing with the opposition of the Islamic state.

One of the proofs which can be applied to consider the mere fear and feeling of danger for the Islamic regime to be the permission 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 says that the scope of his patience will be until he is not afraid of disrupting the life and order of their society (Al-Sayyed Al-Radhi, Mohammad, 1993, p. 201). 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, Mohammad, 1993, p. 204). 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 own duties; for instance, those who refuse to go to jihad (Al-Sayyed Al-Radhi, Mohammad, 1993, p. 204).

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, was war against Mu'awiyah. Mu'awiyah wanted to take something not belonging to him, and that was the sovereignty over the Muslims (Tehrani, Sayyed Mohammad Hosein Hoseini, 1997, vol. 3, p. 100)

To describe this topic, the late Mohaqqueq Khoei says that Imam Ali entered into war against two groups: the first group were people like Mu'awiyah, who did not qualify for leadership, but claimed to be a leader, and sowed chaos and sedition against the Islamic ruler, and the second group were those who pledged loyalty to the Islamic leader, but

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violated it; like Talha and Zubayr. Hence, Imam Ali practically explained for Muslims the legitimacy of war against these two groups.

Opposition without the intention of overthrowing

1. 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. But in order to eliminate oppression and prevent the deviation of rulers, there is an important strategy called “enjoining what is right and forbidding what is wrong” in the commands of the Islamic law. It should be noted that this strategy is not exclusive to the governmental and political system, and is essentially a social category, so that society can be preserved by its main body from deviations, without use of coercive power. But, to be discussed, the topic "enjoining what is right and forbidding what is wrong" can be regarded as one of the subjects similar to the subject of civil disobedience in the political systems of the modern age, which will be explained in what follows.

The relationship between “enjoining what is right and forbidding what is wrong” and civil disobedience

In the system of the Islamic state, despite the fact that "internal monitoring" eliminates oppression to a large extent, but not only does not this issue eliminate the ground of criticism and supervision and not the possibility of civil participations, but even provides a certain criterion and measure for criticism in this system, and “enjoining what is right and forbidding what is wrong” is one of the most important pillars of criticism and supervision in the religious government (Parsania, Hamid, 2004, p. 9).

The similarities between “enjoining what is right and forbidding what is wrong” 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 what is right and forbidding what is wrong” in society, is the innate desire of humans towards having a healthy and prosperous society. Hence, “enjoining what is right” is a return to a temperament, upon which the universe is based (Eftekhari, 2013, p. 488). 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

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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, with regard to the topic of “enjoining what is right and forbidding what is wrong”, in addition to its corrective approach, the basis of the meaning of "participation" lies in its realization (Eftekhari, 2013, p. 474).

On the other hand, “enjoining what is right and forbidding what is wrong” 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 the greatest divine duties “Indeed, one of the greatest religious duties is (enjoining what is right) and (forbidding what is wrong)” (Sistani, 2001, p. 289)

The differences between “enjoining what is right and forbidding what is wrong” and civil disobedience

“Enjoining what is right and forbidding what is wrong” 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 what is right and forbidding what is wrong” and topics such as civil disobedience:

Being multistage

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

Rule-governedness

One of the problems that the proponents of the theory of civil disobedience refer to, is that the general public may be unaware of the interests intended by the rulers, and thus considering it unfair. For instance, the massive U.S. spending on its military industry, which cannot be understood by the common people of the U.S. society and/or Theroux’s intense attack on the interest, based on which he sees all problems and oppressions arising from it, which ultimately creates two groups: the proponents and opponents of civil disobedience in Western political literature.

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But regarding the topic of “enjoining what is right and forbidding what is wrong”, 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 was one of the conditions. Similarly, in the topic of disobedience, if it is supposed to be executed in the form of “enjoining what is right and forbidding what is wrong”, oppression will be needed to be manifest and not to be guessed by speculation.

Being a duty

In civil disobedience, this move will take place if a person is found to be able to awaken the conscience of the society. But 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).

Advice for Muslims' leaders

Advice is benevolence, that is, any speech or action, in which recommended goodness is taken into consideration. It becomes clear from the explanation that Imam Ali (PBUH) considers his explicit criticisms of Uthman as "advice," and writes in a letter to Mu'awiyah: "Sometimes, it may happen that advisors are 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) says 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." Also, 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, which was its limitation, from among the three forms of interpretations presented, the first interpretation with the notion of civil disobedience seems more appropriate.

1. Discussing the first interpretation of the concept of advice

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The first question that comes to mind from these explanations is: “Where is the limit and boundary of others’ freedom, up to which individuals have a right to any kind of protest? And who determines it?” This was the first one. And if you want to obtain these limits and boundaries from the religious legislative, your definition will not seem correct; in that, in any word, there is a basic concept, whose semantic spirit is felt in all the concepts of that word. In relation to our discussion, this key concept is "benevolence", and when added to "Muslims’ leaders", it will be indicative of the topicality of their position, not mere leaders themselves. Otherwise, they would say: “... for his messenger and guardians ...”. In this case, the mere criticism can no longer mean "advice for Muslims’ leaders". Because sometimes criticism weakens this position, and then not only is not the word "advice" worth to be used to describe this practice, but rather its opposite; i.e., "deceit" is worth to be used, especially if personal and group goals support such criticisms.

2. 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. But, 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, the 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, Abu Ja'far, Mohammad ibn Ya'qub, 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 in fact Him rather than me. Certainly, you and I are slaves owned by God, other than Whom there is no Lord. He owns our selves 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.”

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Do not withhold right speech and fair counsel from me (Tehrani, Sayyed Mohammad Hosein Hoseini, 2000, vol. 4, p. 117).

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

3. 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 a move, which is willing to expand the scope of the ruler’s information about issues, now, being expressed in any way; If its external appearance indicates that it is to realize this point, it will fall under this topic; for instance: a person, who lives in an area away from the ruler, and who is aware of an issue that the ruler is unaware of, and so on.

As we mentioned at the end of the second interpretation that the Shiite jurisprudent rulers had welcomed constructive criticisms themselves, now at the end, 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 in the realization of antagonism and hostility. If rational and calm methods are used in the

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expression of critical comments while taking into account the hierarchy of the regime's officials and without inciting the public or elites' opinions, if expert arguments are employed in the expression of views, and if proportional to the sensitivity of the issue, different ways of conveying a message are used, such as: a private letter and/or conveying the message in a limited manner, in person and/or in relevant meetings, etc., then the boundaries between hostility and criticism will be revealed. Use of 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), quoted from the Porseman website.

Differences between "civil disobedience" and "advice for Muslims' leaders"

1. As mentioned in the topic of "enjoining what is right", these two cases are multistage. But contrary to civil disobedience, in which an "overt peaceful" fight had topicality, here it is important to achieve the goal. Now, if it is covert, there will be no right to go to the next stage.
2. Its generality in issues

Contrary to civil disobedience, which is limited to the ruler's cruelty, the topic of advice has a broad scope, and encompasses any benevolent speech and deed, such as: leading him to religious and worldly interests, teaching him in case of his ignorance, punishment in case of negligence, defending him in case of his disability and inability, preventing him from slipping and falling, helping him to correct the issues, and so on. And the advisor acts according to his own discretion and based on recommended goodness; sometimes with the language of criticism, sometimes with the language of compliment and admiration, sometimes through a sermon, sometimes with a better argument, sometimes through confirmation and completion, and sometimes through reminding a fault and attempting to resolve it.

Conclusion:

Civil disobedience is one of the strategies of protest against the ruling power. Since the protest in itself can be expressed in different ways, absolutely contradictory decrees can be proved for deferent levels of protest in Imamiyyah jurisprudence. Such that not only has not the Islamic law created a barrier to the initial levels of protest, which has

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been propounded as advice and in the form of benevolence for the government, but they have also been introduced as an obligatory act under the title "enjoining what is right and forbidding what is wrong". But if the level of such a protest disrupts the regime and causes political instability in the Islamic government, it can fall under examples of Moharabah and revolt.

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¹ Outside jurisprudence lessons for Ayatollah Rezazadeh (January 8, 2011)
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