

Freedom of Speech, Dissent and the Right to be Governed By Consensus are Inherent Rights Under Classical Islamic Law

Authors : Ziyad Motala

Abstract : It is often proclaimed by leasers in Muslim majority countries that Islamic Law does not permit dissent against a ruler. This paper will evaluate and discuss freedom of speech and dissent as found in concrete prophetic examples during the time of the Prophet Muhammad. It will further look at the examples and practices during the time of the four Noble Caliphs, the immediate successors to the Prophet Muhammad. It will argue that the positivist position of absolute obedience to a ruler is inconsistent with the prophetic tradition. The examples of the Prophet and his immediate four successors (whose lessons Sunni Islam considers to be a source of Islamic Law) demonstrates among the earliest example of freedom of speech and dissent in human history. That tradition frowned upon an inert and uninvolved citizenry. It will conclude with lessons for modern day Muslim majority countries arguing with empirical evidence that freedom of speech, dissent and the right to be governed by consensus versus coercion are fundamental requisites of Islamic law.

Keywords : islamic law, demoracy, freedom of speech, right to dissent

Conference Title : ICPTE 2023 : International Conference on Philosophy, Theology and Education

Conference Location : Venice, Italy

Conference Dates : November 13-14, 2023