

# Consumer Boycotts and Jurisprudential Challenges Related to Identifying Their Legal Cause ('Illah)

## Tüketici Boykotları ve Onların İletinin Tespitine İlişkin Fikhî Problemler

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### ABSTRACT

Recently, consumer boycott has been used as an economic weapon and a tool of passive resistance. There are several dimensions to consumer boycott, which serves as a means for Muslim communities to assert their will and to make their voices heard. This study primarily examines the legal (fiqhi) justifications for consumer boycott. The main objective of the study is to identify the reasons (causes) that lead Muslims to engage in consumer boycott. In addition, a secondary objective of our study is to present the problems that may arise in issuing fatwas in relation to the identified causes and abiding by the consequences of these causes. The qualitative analysis method was used to achieve the objective of the study. This analysis was largely carried out using literature and content analysis techniques. Classical jurisprudential principles (uşûl al-fiqh), principles of issuing fatwas (uşûl al-iftâ), consideration of consequences (i'tibâr al-ma'âlât) and principles of Islamic governance (al-siyâsah al-shar'iyyah) were also highlighted in the research methodology. According to our findings, the concept of boycott is not commonly found in classical jurisprudential sources. The rulings on boycott are more implicitly addressed in issues regulating commercial relations with non-Muslims. As far as contemporary literature is concerned, there are numerous studies on Muslim consumer boycott from different perspectives. However, there is a gap in the literature regarding the identification of the cause of boycott. As a result, four causes of boycott have been identified: "disrespect for Muslim dignity", "insulting religious values", "supporting the enemy in a state of war with Muslims", and "political interests and general welfare of Muslims". Some issues related to the practical application of these grounds are also discussed. In addition, the author raises the question of whether threatening the hâlâl and healthy nutrition of Muslim communities is a reason for boycott and suggests it as a topic for further research.

**Keywords:** Islamic Law, Consumer Boycott, Fiqh Analysis, Jurisprudential Challenges, The Ratio Legis ('illah).

### ÖZ

Son dönemlerde tüketici boykotu bir ekonomik silah ve bir pasif direniş aracı olarak kullanılmaktadır. Müslüman toplumların iradelerini ortaya koymada ve seslerini duyurmada başvurdukları bir vasıta olan tüketici boykotunun birçok boyutu söz konusudur. Bu çalışmada tüketici boykotunun özellikle fikhî gerekçeleri incelenmektedir. Çalışmanın esas amacı Müslümanları tüketici boykotuna sevk eden sebeplerin (illetler) tespit edilmesidir. Bununla birlikte tespit edilen illetlerle ilgili olarak fetvâ verilirken ve illetin gereğine göre amel edilirken karşılaşılabilecek problemlerin sunulması da çalışmamızın ikincil bir amacıdır. Çalışmanın hedefine ulaşılırken nitel analiz yöntemine başvurulmuştur. Söz konusu analiz büyük ölçüde literatür ve içerik incelemesi tekniğine göre gerçekleştirilmiştir. Araştırmanın metodolojisinde klasik fikhî usûlü, fetvâ usûlü, i'tibâr'ı-me'âlât ve siyâset-i şer'iyye gibi mefhumlara da dikkat çekilmiştir. Tespitlerimize göre klasik fikhî kaynaklarında boykot mefhumuna pek rastlanmamaktadır. Boykotla ilgili hükümler daha çok gayrimüslimlerle ticari ilişkileri düzenleyen konularda zımnen ele alınmaktadır. Güncel literatüre gelince, Müslüman tüketici boykotu ile ilgili farklı açılardan yapılmış birçok çalışma mevcuttur. Ancak literatürde boykotun illetinin tespiti ile ilgili bir boşluk söz konusudur. Sonuç olarak "Müslüman onurunun ayakta kalmasına alınması", "dini değerlere hakaret edilmesi", "Müslümanlarla savaş hâlindeki düşmana destek verilmesi" ve "Müslümanların siyasi çıkarları ve genel maslahatı" olmak üzere dört illet tespit edilmiş ve bunların uygulama boyutu ile ilgili birtakım sorunlara değinilmiştir. Ayrıca yazar tarafından "Müslüman toplumun helal ve sağlıklı beslenmesine yönelik tehdit oluşturmanın" bir boykot illeti olup olmayacağı tartışmaya açılarak sonraki araştırmacılara bir konu önerisinde bulunulmuştur.

**Anahtar Kelimeler:** İslâm Hukuku, Tüketici Boykotu, Fikhî Analiz, Fikhî Problemler, İlet.

## INTRODUCTION

*"If I must die, you must live to tell my story..."*

*Refaat Alareer*

Boycotting is a deliberate and organized effort to abstain from buying, using, or dealing with a person, organization, or country as a form of protest, typically to convey disapproval or objection to their actions, policies, or practices. The term originated from the Irish Land League's activities in the late 19th century when Charles Boycott, an English land agent in Ireland, faced a collective refusal by the local community to deal with him. This refusal included refusing to work for him, sell goods to him, or engage in any business transactions, leading to emerging of the term "boycott".<sup>1</sup>

"A boycott is a voluntary refusal, by one or several parties, to have relations with a particular target in order to express disapproval or to impose certain conditions so as to settle some political, economic or social issues, led by motivations of an instrumental, psychological, moral, economic, or cultural order".<sup>2</sup>

Boycotting can take various forms, such as consumers refusing to buy products from a particular company due to ethical or other concerns, employees striking to protest against unfair labor practices, or countries imposing trade embargoes as a means of political protest or coercion.

Boycotts involving actors and different levels can be classified as follows: a) a boycott of society; b) a boycott of authorities; c) a boycott of international bodies.<sup>3</sup> Within the scope of this study, our focus is on the societal boycott of Muslim communities. On the other hand, there are types of boycotts such as political, commercial, academic, sports, and consumer boycotts.<sup>4</sup> Among the mentioned options, this study will specifically concentrate on consumer boycotts.

Some scholars categorize boycotts into various types, including direct and indirect, primary and secondary ones.<sup>5</sup> Monroe Friedman, in particular, introduces a nuanced classification system, highlighting three distinct types of boycotts: obstructionist, secondary, and surrogate boycotts.<sup>6</sup> Direct and indirect boycotts refer to the immediate or mediated nature of the action, with direct boycotts involving a direct refusal to support, while indirect boycotts may employ more subtle means. On the other hand, primary and secondary boycotts distinguish between the primary target of the boycott and those indirectly affected.<sup>7</sup> Friedman's classification delves further into the motives and dynamics of boycotts. Obstructionist boycotts aim to directly impede or obstruct a targeted entity, while secondary boycotts involve efforts to influence third parties associated with the primary target. Lastly, surrogate boycotts operate through the endorsement or rejection of substitutes, offering a unique perspective on how boycotts can manifest in various forms. This multi-dimensional classification system enriches our understanding of the diverse strategies and motivations behind boycotts, providing a comprehensive framework for studying this form of collective action.

Returning to the core of our study, in fact, there are various definitions of the term "consumer boycott", most of which focuses on its particular aspect.<sup>8</sup> However, because of its comprehensive nature, we prefer the following definition:

"...an attempt by one or more parties to achieve certain objectives by urging individual consumers to refrain from making selected purchases from one or more target organizations in the marketplace."<sup>9</sup>

Apparently, consumer boycott is a non-violent means of expressing discontent or attempting to bring about change by leveraging economic or social pressure. Similarly, consumer boycotts can be a powerful form of resistance and protest, with

<sup>1</sup> Monroe Friedman, *Consumer Boycotts: Effecting Change Through the Marketplace and Media* (Routledge, 2002), 6, 36; Donald Rutherford, *Routledge Dictionary of Economics* (London: Routledge, 2002), "boycott".

<sup>2</sup> Fawzi Dekhil et al., "Effect of Religiosity on the Decision to Participate in a Boycott: The Moderating Effect of Brand Loyalty - the Case of Coca-Cola", *Journal of Islamic Marketing* 8/2 (2017), 311-312.

<sup>3</sup> Anas Mohd Yunus et al., "The Concept of Boycott: A General Introduction", *International Journal of Academic Research in Business and Social Sciences* 10/9 (2020), 965.

<sup>4</sup> Yunus et al., "The Concept of Boycott", 967.

<sup>5</sup> Dekhil et al., "Effect of Religiosity on the Decision to Participate in a Boycott", 312.

<sup>6</sup> Monroe Friedman, "Ethical Dilemmas Associated with Consumer Boycotts", *Journal of Social Philosophy* 32/2 (2001), 236-237.

<sup>7</sup> Yunus et al., "The Concept of Boycott", 966.

<sup>8</sup> Jill Gabrielle Klein et al., "Why We Boycott: Consumer Motivations for Boycott Participation", *Journal of Marketing* 68 (2004), 92.

<sup>9</sup> Sankar Sen et al., "Withholding Consumption: A Social Dilemma Perspective on Consumer Boycotts", *Journal of Consumer Research* 28/3 (2001), 402.

the potential to bring about social and economic change. Resistance is commonly characterized as a form of evasion behavior,<sup>10</sup> prompting an examination of the dynamics between those opposing resistance and the prevailing structures of dominance. The act of resistance results in a form of opposition manifesting as “attitudes involving limitations on consumption or a deliberate choice not to make purchases”, exemplified by actions like boycotts.<sup>11</sup>

Boycotting is often driven by religious, moral, ethical, political, or social reasons, and its effectiveness depends on factors like public support, media attention, and the targeted entity’s response.<sup>12</sup>

In the relevant literature, terms such as ban, sanction, embargo, moratorium, and veto are often used interchangeably with the term “boycott”.<sup>13</sup> However, in classical Arabic fiqh literature, there is no specific terminology, to the best of author’s knowledge, that explicitly denotes the concept of “boycott”. In contemporary Arabic, the term “muqāṭa’ah” is now commonly used to convey the meaning of boycott, although its original meaning was the annual payment made by the individual using the waqf property.<sup>14</sup>

In the Islamic context, some researchers refer to consumer boycotts as “nonviolent resistance” and others as “consumer jihad”<sup>15</sup> or “financial jihad” (al-jihād bi al-māl).<sup>16</sup> Some studies describe Muslim consumer boycotts as “moral protest”.<sup>17</sup> As it is evident in the literature review of this paper, Arabic sources<sup>18</sup> in particular define it as “economic boycott” (al-muqāṭa’ah al-iqtisādiyyah), but we rather prefer to consider it as “consumer boycott”, one of the consequences of which may be economic concerns, among other effects.

As consumer boycotts are closely tied to the concept of consumption, it is pertinent to briefly highlight the significance of consumption for Muslims. The importance of consumption for Muslims lies in the intersection of religious values, personal identity, and global awareness. Consumption is not merely a matter of acquiring goods and services, but it also reflects an individual’s adherence to religious principles, expression of identity, and engagement with global issues. The relationship between consumption and Muslim consumer ethics is significant in the following ways:

Firstly, it encompasses a set of considerations that Muslim consumers apply when making their decisions, taking into account the impact of their choices on society and the environment. This reflects a sense of responsibility towards the wider community and the planet. Secondly, Muslim consumer ethics are not limited to ḥalāl concerns but also extend to global geopolitical events affecting the Muslim ummah, such as boycotts. This demonstrates a consciousness of the wider world and a desire to engage with it in a moral and ethical way. Finally, the commodification of Muslim consumer ethics in the ḥalāl industry fosters a Muslim identity market, which reflects a desire to express one’s religious identity in a globalized world. This reflects a humanistic dimension of seeking to express one’s identity and values in a world that can often feel homogenized and impersonal.<sup>19</sup> Hence, consumer boycotts reflect a very crucial aspect of Muslim consumer ethics.

Consumer boycotts are important as a means for individuals to voice their concerns and align their purchases with their values, and to pressure companies or governments to adopt ethical practices. Their importance comes with serious economic consequences. These boycotts can result in significant lost sales, share price declines, brand damage, supply chain disruptions and regulatory scrutiny. While effective for social advocacy, consumer boycotts pose significant economic risks with far-reaching implications for targeted companies.

Muslim consumer boycotts can take shape as individual responses to specific events, expressions of social responsibility

<sup>10</sup> Susan Fournier, “Consumer Resistance: Societal Motivations, Consumer Manifestations, and Implications in the Marketing Domain”, *Advances in Consumer Research* 25 (1998), 89.

<sup>11</sup> Dominique Roux, “Consumer Resistance: Proposal for an Integrative Framework”, *Recherche et Applications En Marketing (English Edition)* 22/4 (2007), 59-79.

<sup>12</sup> Seongyeon Shin - Sung-Wook Yoon, “Consumer Motivation for the Decision to Boycott: The Social Dilemma”, *International Journal of Consumer Studies* 42/4 (2018), 441.

<sup>13</sup> Diana Lea, *Oxford Learner’s Thesaurus: A Dictionary of Synonyms*, ed. Jennifer Bradbery et al. (Oxford: Oxford University Press, 2011), “ban”, 47.

<sup>14</sup> *Isra Compendium for Islamic Financial Terms: Arabic-English: International Shariah Research Academy for Islamic Finance* (Kuala Lumpur: International Shariah Research Academy for Islamic Finance (ISRA), 2010), “muqāṭa’ah”, 292-293; Nazīh Hammād, *Mu’jam al-muṣṭalaḥāt al-māliyyah wa al-iqtisādiyyah fī lughah al-fuqahā* (Damascus: Dār al-Qalam, 2014), “muqāṭa’ah”, 434.

<sup>15</sup> Leor Halevi, “The Consumer Jihad: Boycott Fatwas and Nonviolent Resistance on the World Wide Web”, *International Journal of Middle East Studies* 44/1 (2012), 53.

<sup>16</sup> Khālid b. ‘Abdillāh al-Shamrānī, *al-Muqāṭa’ah al-iqtisādiyyah: ḥaqqiqatuhā wa ḥukmuhā* (Ed Dammam: Dār Ibn al-Jauzī, 2006), 44.

<sup>17</sup> Kamaludeen Mohamed Nasir, “Islamic Revivalism and Muslim Consumer Ethics”, *Religions* 13/8 (2022), 7.

<sup>18</sup> Which will be examined thoroughly in literature review section.

<sup>19</sup> Mohamed Nasir, “Islamic Revivalism and Muslim Consumer Ethics”, 747.

against perceived injustices, or as acts fulfilling religious duties. In certain instances, religious authorities have issued fatwas,<sup>20</sup> providing religious rulings, endorsing the boycott of particular firms, companies, or countries.<sup>21</sup> Notably, the BDS movement (Boycott, Divestment and Sanctions) stands out as a prominent example of a sustained and impactful Muslim consumer boycott. This movement, rooted in social responsibility and ethical considerations, has gained global attention for its advocacy against what it perceives as violations of international law and Palestinian rights.<sup>22</sup>

In exploring the fiqhi aspects of consumer boycotts, our primary concern is not the uniformity of legal rulings, as fatwas can vary between mujtahids and in different cases. Instead, our focus is on the legal rationale (*'illah*) for consumer boycotts, recognising that the issuance of fatwas on specific products or brands is a nuanced jurisprudential matter with many variables. Our interest is not to provide a definitive account of the current state of consumer boycotts, but rather to explore the legal reasoning that leads jurists to issue different fatwas and the subsequent challenges associated with identifying the legal cause. Therefore, the central problem and research question of this study revolves around understanding the legal basis of consumer boycotts and the complexities involved in identifying legal causes, while recognising the multifaceted nature of this legal discourse.

*The ratio legis*, which denotes *'illah* in Islamic jurisprudence, refers to the legal cause or rationale behind a particular ruling or law.<sup>23</sup> It is a concept used to understand the underlying reason or purpose for the enactment of a specific legal provision. Identifying *the 'illah* is essential in Islamic legal reasoning, as it helps derive legal rulings by drawing analogies between different situations. The concept of *'illah* is closely associated with the principles of Islamic legal reasoning, particularly analogical reasoning (*qiyās*). *Qiyās* involves applying the legal reasoning used for known cases to new, similar cases where there is no explicit guidance in the Qur'ān or Sunnah. By understanding the *'illah* of a particular ruling, scholars can apply the underlying principles to new situations, ensuring that the legal framework remains relevant and adaptable to changing circumstances. For example, if a specific prohibition in the Qur'ān or Sunnah is based on the 'harm' caused by a particular action, the *'illah* would be the prevention of harm. Scholars can then apply this *'illah* to analogous situations where harm is present, even if the specific action is not explicitly mentioned in the original sources.<sup>24</sup>

It's important to note that the concept of *'illah* is primarily employed within the context of Islamic jurisprudence, and as it shows the cause-and-effect relationship between the legal cause and boycott ruling, its application in *fiqh of boycott* requires a deep understanding of Islamic legal principles and methodologies. Accordingly, the primary focus of our study revolves around the inquiry (*research question*):

*“What are the legal reasons behind consumer boycotts for Muslims?”*

Subsequently, secondary inquiries include: *“Has classical or contemporary fiqh literature addressed this concern?”*, *“what are the associated challenges?”*, *“what implications arise from identifying specific types of 'illah?”* etc.

## 1. LITERATURE REVIEW

The existing body of literature can be categorized into two distinct domains. The first category encompasses studies focusing

<sup>20</sup> For the list of some boycott fatwas see. Leor Halevi, “The Consumer Jihad: Boycott Fatwas and Nonviolent Resistance on the World Wide Web”, 66-69; Contemporary scholars and fatwa bodies like 'Abdullāh b. 'Abdurrahmān b. Jabrīn, Yūsuf b. 'Abdullāh al-Qardāwī, Muḥammad Sa'īd Ramaḍān al-Būṭī, 'Abdurrahmān b. Nāṣir al-Sa'dī, Ḥamūd b. 'Aqlā al-Shu'aybī, 'Alī Muḥyiddīn al-Qaradāghī, Fu'ād 'Alī Mukhaymir, Hammām Sa'īd, Muḥammad Abū Fāris, Wahbah al-Zuhaylī, Ḥāmid al-Bayṭāwī, Fayṣal Mawlawī, Community of Palestinian Scholars, a delegation of 70 Sudanese mujtahids, and International Union of Muslim Scholars etc. are among those who advocated for and issued fatwas related to Muslim consumer boycotts based on aggressions against Muslims. While institutions like The Permanent Committee for Scholarly Research and Ifta and scholars such as 'Abdul'azīz b. 'Abdullāh b. Bāzz, Muḥammad b. Ṣāliḥ b. al-'Uthaymīn, Ṣāliḥ b. Fawzān al-Fawzān, Nāṣir b. Sulaymān al-'Umar represent those who does not see any necessity in consumer boycotts, or economic boycotts as it is stated in Arabic, against oppressors. For detailed information see. Turkī b. 'Abillāh b. Fahd al-Rushūdī, *al-Muqāṭa'ah al-iqtisādiyyah wa aḥkāmuhā fī al-fiqh al-Islāmī* (Riyad: Imam Mohammad Ibn Saud Islamic University, Master's Thesis, 2005), 174-195.

<sup>21</sup> Shofiya Yusri Salma - Hedy Mustiko Aji, “What Drives Muslims to Boycott French Brands? The Moderating Role of Brand Judgement and Counterargument”, *Journal of Islamic Marketing* 14/5 (2023), 1355.

<sup>22</sup> Marcelo Svirsky, “BDS as a Mediator”, *Concentric: Literary and Cultural Studies* 41/2 (2015), 45-74; Omar Barghouti, “BDS: Nonviolent, Globalized Palestinian Resistance to Israel's Settler Colonialism and Apartheid”, *Journal of Palestine Studies* 50/2 (2021), 108-125.

<sup>23</sup> M. Anton Athoillah - S. Al-Hakim, “Reinterpreting the Ratio Legis of the Prohibition of Usury”, *Middle East Journal of Scientific Research* 14/10 (2013), 1391.

<sup>24</sup> Abdullaṭīf Ibn Malak, *Sharḥ al-Manār*, ed. Ilyas Kaplan (Istanbul: Dār al-Irshād, 2014), 3/1608-1609; İbrahim Kafi Dönmez, “İllet”, *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (İstanbul: TDV Yayınları, 2000), 22/117.

on the broader concept of consumer boycotts within the Islamic framework. These investigations delve into the general dynamics, motivations, and implications of consumer boycotts in adherence to Islamic principles. The second category pertains to fiqh-related works, specifically exploring the jurisprudential considerations concerning Muslim participation in boycotts. These works analyze the legal and ethical dimensions, incorporating Islamic legal rulings to elucidate the principles guiding Muslim involvement in boycott activities.

### 1.1. General Studies

Dessy Kurmia Sari et al. conducted an investigation into the motivations driving Indonesian Muslim consumers to boycott foreign products. The objective of the study was to discern the underlying concepts guiding boycott behaviors among Muslim consumers and to delineate variances in motivations between student and non-student cohorts. Their findings challenge the notion that religious factors solely propel boycott decisions. For instance, the majority of participants cited the protection of local products as a primary reason for boycotting Chinese products.<sup>25</sup> Dekhil et al. conducted a comprehensive analysis focusing on the influence of religiosity on the decision-making process regarding participation of Muslims in boycott activities, as well as the subsequent impact of such boycotts on attitudes towards the targeted brand. Additionally, their research sought to evaluate the moderating role of brand loyalty within the various models proposed by the authors. The study's findings indicate that the level of religiosity emerged as a significant determinant influencing the inclination to engage in boycotts. Moreover, this decision exhibited a negative correlation with the attitudes held towards the boycotted brand, suggesting a detrimental effect stemming from participation in such boycott activities.<sup>26</sup> The paper by Khalil al-Hyari et al. aims to construct a conceptual model delineating the relationship between religious beliefs and consumer boycotts directed at specific products. Their findings underscore a robust connection between religiosity within Arabic/Islamic collectivist cultures and consumer behavior, particularly in the context of boycott actions. The study highlights the substantial influence of religious convictions on consumer behavior, notably in the form of boycott tendencies.<sup>27</sup>

Several studies have delved into the phenomenon of Muslim boycotts directed towards specific brands, countries, or distinct groups. One notable paper by Paul Di Stefano and Mostafa Henaway explore nonviolent resistance within the South African context while seeking to establish connections with the ongoing BDS (Boycott, Divestment, Sanctions) campaign orchestrated by Palestinian civil society and international solidarity groups.<sup>28</sup> Another significant study by Shofiya Yusri Salma and Hendy Mustiko Aji aim to investigate the factors that potentially influence Muslim participation in a boycott movement against French brands in Indonesia. This research scrutinizes the moderating role of brand judgment and counterargument in shaping this participation.<sup>29</sup> Ibrahim Abosag and Maya F. Farah's study also delves into the impact of religiously motivated boycotts, exemplified by the Saudi Arabian boycott against Danish companies, on various facets of corporate brand image, customer loyalty, and product assessment.<sup>30</sup> We have a conference proceeding that investigates the motivations and willingness of Malaysian Muslim consumers to participate in a boycott which is instigated by the Palestinian-Israeli conflict in the Middle East and specifically targets American-originated firms operating within Malaysia.<sup>31</sup> There is even a study examining the motivation of Muslim consumers to boycott the products of companies whose policies support LGBT legality.<sup>32</sup> We also have two dissertations: one is a master's thesis elucidating the reasoning behind the creation of distinctiveness associated with the current endeavour to economically undermine Israel.<sup>33</sup> The other is a PhD dissertation that examines the factors driving Muslim consumers to boycott foreign brands.<sup>34</sup>

<sup>25</sup> Dessy Kurnia Sari et al., "Boycotting Foreign Products: A Study of Indonesian Muslim Consumers", *Journal of Islamic Marketing* 8/1 (2017), 16-34.

<sup>26</sup> Dekhil et al., "Effect of Religiosity on the Decision to Participate in a Boycott", 309-328.

<sup>27</sup> Khalil al-Hyari et al., "Religious Beliefs and Consumer Behaviour: From Loyalty to Boycotts", *Journal of Islamic Marketing* 3/2 (2012), 155-174.

<sup>28</sup> Paul Di Stefano - Mostafa Henaway, "Boycotting Apartheid From South Africa to Palestine", *Peace Review* 26/1 (2014), 19-27.

<sup>29</sup> Salma - Aji, "What Drives Muslims to Boycott French Brands?", 1346-1368.

<sup>30</sup> Ibrahim Abosag - Maya F. Farah, "The Influence of Religiously Motivated Consumer Boycotts on Brand Image, Loyalty and Product Judgment", *European Journal of Marketing* 48/11/12 (2014), 2262-2283.

<sup>31</sup> Asmat-Nizam Abdul-Talib - Samshul-Amry Abdul-Latif, "The Willingness to Boycott among Malaysian Muslims", *GIMAC Conference Proceedings Advances in Islamic Business* (Cairo, 2012), 116-127.

<sup>32</sup> Nur Asnawi et al., "Participation of Muslim Consumers in Boycotts of Global Companies' Products: Social Dilemma Perspectives", *Baltic Journal of Law & Politics* 16/3 (2023), 327-344.

<sup>33</sup> Jana Jevtic, *Global Muslim Boycott of MNCS as a Method of Economic Weakening of Israel* (Budapest: Central European University, Master's Thesis, 2009), 1-52.

<sup>34</sup> Dessy Kurnia Sari, *Investigating the Reasons Muslim Boycott Foreign Brands* (Perth: The University of Western Australia, Doctorate Thesis, 2015), 1-247.



## 1.2. Fiqh-related Studies

As far as we can find, there are two published books and two master's theses, accompanied by two scholarly articles, as part of the related literature. This collection of resources constitutes the basic academic material for our exploration of the subject matter at hand along with classical fiqh literature. In particular, the inclusion of the books and master's theses reflects the depth and academic rigour of the available literature and provides valuable insights for our scholarly pursuits.

After discussing the economic dimension of the boycott, al-Shamrānī<sup>35</sup> primarily focuses on the relationship between the boycott and jihad. Subsequently, he examines comprehensive principles related to economic boycott, the principle of *maṣlaḥah*, and the legal status of proposing an economic boycott, elucidating variations that arise in different circumstances.

Al-Sadūn<sup>36</sup> discusses the significance and potency of economic boycott. He enumerates examples of boycotts implemented in Islamic history. In the second part of the book, under the purview of political jurisprudence (al-siyāsah al-shar'īyyah), he delineates the principles and rules of economic boycott. In the subsequent section, he scrutinizes the current state of boycott in the Islamic world, offering a policy proposal for the effective execution of boycott activities. We believe that this study stands as the most comprehensive and qualitative work related to consumer boycotts.

In his master's thesis on economic boycott, al-Rushūdī<sup>37</sup> examines the topic through the lens of commercial transactions between Muslims and their adversaries. Subsequently, he delves into an analysis based on the perspective of the head of state, ordinary Muslims, and the classification and types of goods. He also scrutinizes contemporary fatwas. Additionally, the author, who explores economic boycott from various angles, puts forth several recommendations to support and endorse the current practice. There is another master's thesis, that explores the concept of economic boycott in Islamic jurisprudence, examining its legitimacy through forensic evidence and scholars' guidance. It covers economic dealings between Muslims and non-Muslims, historical examples, and the relationship with legitimate politics. The study includes an introduction, three chapters on non-Muslim classification, legal rules, and controls for economic boycott, and concludes with key findings and recommendations.<sup>38</sup>

Advancing further, Leor Halevi's article<sup>39</sup> delves into the concept of "consumer jihad" and the use of boycott fatwas and nonviolent resistance on the internet. The article explores the origins, development, and impact of boycott fatwas targeting American, Israeli, and Danish commodities between 2000 and 2006. It also discusses the role of new media, particularly interconnected computer networks, in facilitating the juridical discourse and promoting nonviolent resistance. The article sheds light on the significant development in the history of jihad doctrine, as boycotts, construed as jihadi acts, do not fit into the commonplace categories of jihad as a "military" or a "spiritual" struggle. Additionally, the article highlights the economic impact of consumer jihad on targeted multinationals and the corporate reactions it provoked. On the other hand, the paper of Mahani Mohamad et al. discusses the ruling of compulsory boycott of Israeli goods and its application to the boycott of KFC in Malaysia. It emphasizes the importance of considering the socio-economic conditions of Muslims in Malaysia and globally when implementing the boycott. The paper also addresses the practicality of the business world and the role of Islamic law and especially concept of *fiqh al-wāqī'*, in the decision to boycott KFC, highlighting the need for a comprehensive understanding of contemporary issues.<sup>40</sup>

While the existing literature extensively explores various aspects of consumer boycotts in the Islamic context, the proposed study aims to contribute to this scholarly discourse by delving into a specific and crucial aspect that is often overlooked. Specifically, this research will focus on determining the legal justification (‘illah) of consumer boycotts. None of the aforementioned studies, which cover a wide range of topics related to consumer boycotts, have explicitly examined the legal rationale behind these decisions in Islamic law. Thus, this study seeks to fill this gap in the literature by providing a comprehensive analysis of the ‘illah of consumer boycotts, shedding light on their legal and ethical dimensions within the framework of Islamic jurisprudence.

<sup>35</sup> al-Shamrānī, *al-Muqāṭa'ah al-iqtisādiyyah*, 1-88.

<sup>36</sup> ‘Abid b. ‘Abdillāh al-Sadūn, *al-Muqāṭa'ah al-iqtisādiyyah: ta'sīlūhā al-shar'ī wāqī'uhā wa al-ma'mūl lahā* (Riyad: Dār al-Tabi'in, 2008), 1-235.

<sup>37</sup> al-Rushūdī, *al-Muqāṭa'ah al-iqtisādiyyah*, 1-295.

<sup>38</sup> ‘Abdilqādir b. Sultān al-Dousarī, *al-Muqāṭa'ah al-iqtisādiyyah: mafhūmuhā wa ahkāmuhā fī al-fiqh al-Islāmī* (Amman: Jordan University, Master's Thesis, 2009), 1-284.

<sup>39</sup> Halevi, "The Consumer Jihad", 45-70.

<sup>40</sup> Mahani Mohamad et al., "An Analysis of Fiqh Al-Wāqī' (An Understanding of Contemporary Problems) on the Ruling of Compulsory Boycott of KFC (Malaysia)", *International Journal of Business and Social Science* Vol.3 (2013), 194-200.

## 2. RESEARCH METHODOLOGY

The data collection process for this research was specifically confined to sources available in Arabic, English, and occasionally Turkish. Regrettably, our study did not encompass investigations conducted in languages other than these. Our methodological approach primarily centered on qualitative analysis, utilizing a literature review and content analysis framework for data interpretation.<sup>41</sup> Delving deeper, we consciously incorporated the foundational principles and objectives of Islamic law, known as *uṣūl al-fiqh*, as a fundamental lens through which we could elucidate and contextualize fiqh-related rulings within our study.

Furthermore, our exploration extended to encompass classical methodologies integral to Islamic jurisprudence. We delved into the realm of the etiquette of issuing fatwas (*uṣūl al-iftā*), examining its significance and application in the process of issuing religious decrees, especially drawing attention to *i'tibār al-ma'ālāt* concept that underscores the significance of delving deeper into a situation and contemplating its wider repercussions prior to issuing a fatwa.<sup>42</sup> Additionally, our study embraced the notion of governance framework or the management of public affairs according to Islamic legal principles, referred to as *al-siyāsah al-shar'iyyah* (Islamic politics and governance).<sup>43</sup> These classical methodologies served as pivotal aspects in shaping our understanding and analysis within the broader context of our research.

## 3. RESULTS AND DISCUSSIONS

Indeed, the practice of Muslim consumer boycotts is closely tied to the principles of Islamic contract law. Boycotting involves refraining from purchasing specific goods and products, making it essential to grasp the legal foundations of Muslim transactional law. By delving into the intricacies of Islamic contract law, one can gain a deeper understanding of the rationale behind and the proper implementation of consumer boycotts within the Muslim community.

### 3.1. General Framework of Islamic Transactional Law

Generally, Islamic debt law is based on the principle of permissibility. Commercial transactions are considered valid as long as they do not contradict *sharī'ah* prohibitions and are interpreted primarily to be validated, a concept articulated in Islamic jurisprudence as the principle of *al-ibāḥah al-aṣliyyah*.<sup>44</sup> It refers to the foundational principle within Islamic jurisprudence that signifies the default permissibility of actions and matters unless explicitly prohibited by Islamic teachings. This *prima facie* asserts that everything is permissible unless a specific legal injunction or evidence prohibits it within the framework of *sharī'ah* (Islamic law). This principle underscores the idea that the natural state of things in Islamic law is permissibility, and prohibitions are exceptions rather than the rule. It emphasizes the absence of explicit prohibition as a basis for allowing actions, transactions, or matters unless there is clear and explicit guidance against them in the *Qur'ān* or *Hadīth*.

According to Islamic teachings, the default stance encourages open trading relationships with individuals of diverse faiths.<sup>45</sup> Economic interaction aligns with Islamic principles centred on free will. Islam promotes fair, ethical trade practices emphasizing mutual consent and honesty in financial transactions, irrespective of the parties' religious beliefs. This inclusive approach fosters harmony and cooperation among people of different faiths, upholding values of integrity and fairness in economic dealings.

In this context, no distinction exists between the *ahl al-Kitāb* (People of the Scriptures, namely Christians and Jews) and adherents of other religious beliefs. It is narrated by Ibn Zanjawayh (251/865) that when the Prophet Muhammad was inquired about the Muslim's relationship with Magis and Zoroastrians, his response was, "Treat them in the same manner as you do with the followers of the Scriptures".<sup>46</sup> Al-Marghīnānī (593/1197) elaborates that this *hadīth* implies that Zoroastrians and others are to be treated similarly to the People of the Scriptures in terms of trade, with the exception of

<sup>41</sup> Frank Serafini - Stephanie F Reid, "Multimodal Content Analysis: Expanding Analytical Approaches to Content Analysis", *Visual Communication* 22/4 (2023), 623-649.

<sup>42</sup> Siyahirah Nasir - Abdalmanan Ismail, "I'tibar Maalat in the Fatwas of Muslim Minorities Who Are Living In Non-Muslim Countries", *Journal of Fatwa Management and Research* (Special Edition) (2019), 165.

<sup>43</sup> Salah Ud Din et al., "Combating Corruption Based on Al-Siyasah Al-Syar'iyyah Perspective: A Literature Review", *International Journal of Ethics and Systems*, (2023).

<sup>44</sup> Mohammad Hashim Kamali (ed.), "The Principle of Original Permissibility (Ibahah)", *Shariah and the Halal Industry* (Oxford: Oxford University Press, 2021), 26.

<sup>45</sup> al-Sadūn, *al-Muqāṭa'ah al-iqtisādiyyah*, 71.

<sup>46</sup> Abū Aḥmad Ḥumayd b. Mukhallad b. Qutaybah Ibn Zanjawayh, *al-Amwāl*, ed. Shākir Dhīb Fayyāḍ (Makkah: Markaz al-Malik Fayṣal, 1986), 136:

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matters related to marriage and consuming meat slaughtered by them.<sup>47</sup>

In Islamic jurisprudence, it seems that there is a freedom in commercial transactions, whether among Muslims or between Muslims and individuals of different religious affiliations. The status quo implies a state of openness in this aspect. Consequently, any constraints associated with boycotts appear to constitute exceptions to this overarching principle.

### 3.2. The Ratio Legis of Consumer Boycott

First and foremost, it should be emphasized that issuing a boycott decree concerning a specific product or company is not merely political or economic but rather a religious matter. As for Muslims, issues that are purely political or economic in nature cannot be considered without a religious context. However, even within the realm of religious considerations, the issuance of a verdict regarding a boycott is a matter of *ijtihad* (independent reasoning), which has a subjective attribute to a certain extent. Therefore, differences in rulings based on the opinions of different *mujtahids* (Islamic jurists) are natural. Moreover, within the same context and for the same product, boycott fatwas issued by different *mujtahids* may vary. Additionally, it is essential to recognize that the rulings on boycotts are subject to differences based on several parameters such as time, location, country-specific factors, nature of the product, etc. Consequently, variations in judgments are inevitable, considering the diverse aspects involved in issuing boycott-related verdicts. In this study, our focal point is not the rulings themselves, such as declaring the purchasing of a certain product as *ḥarām* (forbidden) or *makrūh taḥrīman* (discouraged to the extent of prohibition), but rather the possible underlying causes or reasons (*'illah*) for this kind of rulings.

On the other hand, given that the issuance of a boycott decision is a legal matter, it is crucial to emphasize that this process should be undertaken by, or under the careful supervision of, qualified jurists. The intricacies involved in the issuance of such decisions require the expertise and oversight of *mujtahids* to ensure accuracy and adherence to legal principles of Islamic law. Moreover, it is imperative for *mujtahids* to meticulously examine all facets of a given issue, ensuring that their decisions neither inadvertently cause harm to anyone nor overlook the essential aspect of enforcing the boycott to prevent harm for those whom the measure was intended to address.

As for the ratio legis of the subject, as examined in section 3.1, the mere fact that the other party is a non-Muslim does not constitute a standalone justification for a boycott. Indeed, it is well-documented that Prophet Muhammad himself engaged in trade with non-Muslims, and upon his passing, his armor was held as collateral by a Jewish individual.<sup>48</sup>

In classical *fiqh* sources, the emphasis is often placed on avoiding commercial relationships with enemies. The rationale behind this is mainly associated with refraining from providing support to a) non-Muslims engaged in actual war with Muslims or b) inadvertently strengthening potential adversaries.

According to al-Marghīnānī, the sale of arms and weapons to adversaries is strictly forbidden as it entails fortifying the enemy against Muslims. Al-Marghīnānī identifies the legal cause as “being actually at war with Muslims”.<sup>49</sup> Consequently, on the same grounds, the exchange of not only weapons but also materials like iron, copper, lead, animals, and vehicles suitable for use in warfare is prohibited. Al-Sarakhsī (483/1090) explicitly asserts that a *ḥarbī* (a citizen of adversary state) seeking to transport these non-weapon items from Muslim territory to their own land will not be permitted, as all these elements contribute to strengthening the enemy.<sup>50</sup> Similar perspectives can be found among the Mālikite scholars and *fuqahā* of the other schools as well.<sup>51</sup> Expanding on this reasoning, we believe that it is conceivable to extend the prohibition to encompass various commercial goods with strategic importance such as fuel, petrol, electricity, and electronic products that could potentially be utilized as weapons against Muslims nowadays.

In the event that sales contracts are executed in defiance of this prohibition, Ḥanafī and Mālikis assert that the contract is considered *makrūh*, even if technically valid (*mun'aqid*). On the other hand, according to the Shāfi'ī and Ḥanbalī schools, the

<sup>47</sup> Abū al-Ḥasan Burhān al-Dīn al-Marghīnānī, *al-Hidāyah sharḥ Bidāyah al-mubtadī*, ed. Ṭilāl Yūsuf (Beirut: Dār Iḥyā al-Turās al-'Arabī, 1431), 4/346:

سنوا بهم سنة أهل الكتاب غير ناكحي نسائهم ولا آكلي ذبائحهم

<sup>48</sup> Abū Bakr 'Abdurrāzāq al-Ṣan'ānī, *al-Muṣannaḥ*, ed. Ḥabīb al-Raḥmān al-A'zamī (India: al-Majlis al-'Ilmī, 1983), 8/11.

<sup>49</sup> al-Marghīnānī, *al-Hidāyah*, 2/382.

<sup>50</sup> Muḥammad b. Aḥmad b. Saḥl Shams al-A'immaḥ al-Sarakhsī, *al-Mabsūṭ*, ed. Commission (Beirut: Dār al-Ma'rifah, n.d.), 10/91.

<sup>51</sup> Muḥammad b. Yūsuf b. Abū al-Qāsim al-Mawwāq, *al-Tāj wa al-iklīl* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1994), 6/50.



contract is deemed null and void, holding no legal standing whatsoever.<sup>52</sup>

As for ordinary consumer products other than weapons or weapon substitutes, the fuqahā have prohibited their sale to those who are actually at war against Muslims. This prohibition includes basic foodstuffs and water.<sup>53</sup>

At this point, the following points should not be overlooked:

a) Since the legal cause of the prohibition is "war" or "the potential for war against the Muslim community", the provisions in question apply to everyone, whether non-Muslim or Muslim. In other words, the same provisions apply to those who rebel against the Muslim majority and fight against them even if they are Muslims. This is a significant challenge because the absence of a unifying authority such as the al-Khalīfah makes it extremely difficult to distinguish the oppressor from the just party in conflicts between Muslims. The absence of a central leadership that can unite all Muslims further complicates the task of making a clear judgement on the legitimacy of the various factions involved in such disputes.<sup>54</sup>

b) In addition, although the jurists of the classical period applied this commercial prohibition against all non-Muslims with the status of ahl al-ḥarb, the ḥarbīs with whom Muslims are in a state of truce and alliance should be considered differently.<sup>55</sup> Given the complexity of identifying the true enemy among or of Muslims, applying the rulings concerning ahl al-ḥarb (people of war) and ahl al-silm (people of peace) becomes particularly challenging in the contemporary context. The current complexities of Muslim societies make it difficult to categorise individuals or groups simply, and the traditional criteria for distinguishing between these two groups may not be readily applicable today.

Upon scrutinizing the insights provided above by the fuqahā, it becomes evident that in the classical period, the issue was not approached from an ordinary Muslim consumer's perspective in today's conditions. Fuqahā predominantly examined the matter at the state or international level, focusing primarily on the act of "sale". Nevertheless, even in the absence of concepts such as the "Islamic state" or ahl al-ḥarb in contemporary times, it would be more fitting to apply the same provisions at the individual and consumer level.

This is underscored by a fundamental principle stated in al-Majallah (article 34), asserting that "what is forbidden for a Muslim to sell is equally prohibited to buy".<sup>56</sup> This principle holds true at both the state and individual levels, prompting the adoption of the same provisions in a more nuanced and contemporary sense. This implies that it is forbidden for a Muslim consumer to purchase commercial products that would strengthen the enemy, when there is an "actual war against Muslims" or "the high potential for war".

In contemporary scholarship, various researchers have delved into the nuanced aspects of the economic boycott. Al-Sadūn, adopting an economic perspective, identifies the underlying rationale for such a boycott as "inflicting economic harm on enemies without causing harm to Muslims". His analysis frames the issue within the context of engaging in financial jihad for the sake of Allah.<sup>57</sup>

Approaching the subject from an economic and financial jihad standpoint as well, al-Shamrānī posits that the fundamental nature of economic boycott is permissible (mubāḥ). He further contends that the ruling on economic boycott, whether deemed obligatory (farḍ), mandatory (wājib), or recommended (mustaḥabb), can be contingent upon the considerations of public interest (al-maṣlaḥah) and harm (al-mafṣadah). Although he does not explicitly identify the legal cause, his expressions imply that the rationale behind the economic boycott lies in "inflicting economic harm on the enemy" also.<sup>58</sup>

In contrast, al-Rushūdī contextualizes the economic boycott within the framework of walā' and barā' concept (loyalty and disavowal), highlighting its significance as an integral aspect of Muslim brotherhood. His emphasis underscores that economic boycott, in a broader sense, serves as a necessary expression of loyalty to fellow Muslims.<sup>59</sup>

<sup>52</sup> Abū Zakariyyā Muhyiddīn b. Sharaf al-Nawawī, *al-Majmū' sharḥ al-Muḥadhdhab*, ed. Commission (Cairo: Idārah al-Ṭibā'ah al-Munīriyyah, 1347), 9/354; 'Alā al-Dīn Abū al-Ḥasan al-Mardāwī, *al-Inṣāf*, ed. 'Abdullāh al-Turkī (Cairo: Hajar, 1995), 11/168.

<sup>53</sup> Muḥammad b. Aḥmad b. Saḥl Shams al-A'immah al-Sarakhsī, *Sharḥ al-Siyar al-Kabīr* (al-Sharikah al-Sharqiyyah, 1971), 1243.

<sup>54</sup> Mohd Zuhdi Ahmad Khasasi vd., "Sustainability of Socio-Religious Relations Using the Fiqh al-Tacayush Approach", *AKADEMIKA* 90/2 (2020), 155.

<sup>55</sup> Muḥammad Taqī 'Uthmānī, *Fiqh al-buyū' 'alā al-madhāhib al-arba'ah* (Damascus: Dār al-Qalam, 2018), 1/168.

<sup>56</sup> Ali Haydar Efendi, *Dürerü'l-hükkâm: şerhu Mecelleti'l-ahkâm* (Ankara: Diyanet İşleri Başkanlığı, 2017), 1/93: "Alması memnū' olan şeyin vermesi dahi memnū'dur".

<sup>57</sup> al-Sadūn, *al-Muqāṭa'ah al-iqtisādiyyah*, 78.

<sup>58</sup> al-Shamrānī, *al-Muqāṭa'ah al-iqtisādiyyah*, 71-75.

<sup>59</sup> al-Rushūdī, *al-Muqāṭa'ah al-iqtisādiyyah*, 195-201.

A closer analysis reveals that these scholars differ not only in their interpretations but also in their underlying principles. Al-Sadūn and al-Shamrānī approach economic boycott from a primarily economic and financial jihad perspective, considering its permissibility based on the harm inflicted on enemies. Al-Rushūdī, on the other hand, integrates the concept into a broader framework of loyalty to fellow Muslims.

It is important to note, however, that while these perspectives offer valuable insights, they may diverge from a thorough fiqh analysis based on legal grounds. The nature of economic boycotts, as discussed earlier, challenges the basic principles of our approach, which is focusing on 'consumption boycotts'. Scholars focus on the consequences and justifications rather than delving into the underlying legal causes that would validate such a practice according to Islamic jurisprudence.

Both jurists of the classical period and contemporary researchers who delve into the economic aspects of boycotts have put forward legal rationales, all of which revolve around the "being in a state of war or potential for war with Muslims" as the underlying cause. Therefore, when issuing a fatwa on boycotts in this context, attention must be paid to the principles of al-siyāsah al-shar'iyyah and i'tibār al-ma'ālāt, and the following types of legal challenges and questions should be addressed: "How should a company that is not directly affiliated with a warring country but supplies goods to them be treated?", "What should be the threshold for boycotting a company whose shareholders include Muslims or other religious-ethnic groups if it supports the war?", "What should be done if employees of the boycotted company or Muslims in its vicinity are indirectly affected negatively?", "When boycotting a country or company would lead to greater harm against Muslims, what considerations should be taken into account?", "What kind of a method should be followed regarding products or companies that could be mistakenly boycotted due to name or logo similarity?", "During a ceasefire, what attitude should be adopted towards boycotted companies or products?" etc. Given the multifaceted nature of boycotts, encompassing various legal, ethical, economic, and social dimensions, it is imperative for mujtahids and fatwa bodies to exercise utmost caution and prudence in their deliberations. These complexities demand a comprehensive analysis of not only the immediate consequences but also the broader implications, spanning international relations, cultural sensitivities, humanitarian considerations, environmental impact, media portrayal, and public perception. Such meticulous scrutiny is essential to ensure that any fatwa or ruling issued about boycotts aligns with principles of justice, equity, and the greater welfare of society.

When it comes to the question of whether there are other legal causes for boycott besides the ones we discussed above, as we examined in the literature review section, some studies lacking a jurisprudential perspective generally address topics such as "religious, political, psychological" factors that lead Muslims to boycott. As for the jurisprudential perspective, to the extent of our access, contemporary renowned Islamic jurist Muḥammad Taqī 'Uthmānī mentions several causes, one of which coincides with the legal cause of the jurists of the classical period. He asserts that Muslims are not inherently prohibited from entering into contractual and commercial relationships with non-Muslims. However, out of existing fiqh literature, he identifies four specific circumstances which appear as legal causes for Muslim consumer boycotting, in which certain transactions may be prohibited:<sup>60</sup>

#### a) Humiliation of a Muslim Dignity:

Transactions that result in the degradation or humiliation of a Muslim's dignity are considered impermissible. This emphasises the importance of maintaining the respect and honour of individuals within the Muslim community. A classical example of such prohibition is the selling of Muslim slaves to non-Muslims.<sup>61</sup> Although the institution of slavery is no longer prevalent today, this example highlights a broader principle: Muslim brands or individuals offering services for wages may face circumstances where their dignity is compromised during their operations. In such cases, the humiliation inflicted upon them by their clients could potentially serve as a justification for initiating a boycott against those clients. However, the responsibility for making a decision in such cases does not fall upon the humiliated individuals themselves, but rather upon qualified jurists (mujtahids). It is important to emphasize that this is a susceptible matter, necessitating the exercise of discretion and caution by mujtahids to avoid subjectivity.

#### b) Blasphemy Against Religious Values and Phenomena:

Certain transactions may be prohibited if incompatible with Islamic religious values and principles. Adherence to the core

<sup>60</sup> 'Uthmānī, *Fiqh al-buyū*, 1/161.

<sup>61</sup> Aḥmad b. 'Alī Abū al-Rāzī al-Jaṣṣāṣ, *Aḥkām al-Qur'ān*, ed. 'Abdussalām Muḥammad Shāhīn (Beirut: Dār al-Kutub al-'Ilmiyyah, 1994), 2/204.

tenets of Islam is paramount, and transactions that conflict with religious beliefs may be discouraged. Instances such as insulting the Prophet Muhammad, burning the Qur'ān, or desecrating any sacred symbols of Muslims serve as examples of this phenomenon. In such cases, Muslims may be tempted to respond with direct physical attacks or retaliation instead of resorting to consumer boycotts. Faced with provocative incidents that can inflame the passions of Muslims, individuals within the Muslim community should exercise vigilance and caution, akin to the expectations placed upon mujtahids. While such actions might potentially justify Muslim consumer boycotts as a legal recourse, Islamic jurists must carefully consider the multifaceted aspects before issuing fatwas regarding boycotts in response to these provocations. At this point, it should not be overlooked that it is not appropriate, in terms of Islamic law, to apply a boycott against the products of some companies operating in the private sector in that country if a country insults the values of Muslims politically, just as it is not appropriate to issue a fatwa of boycott against the brands of the whole country because of the behaviour of private companies, newspapers or media organs that mock the sacred values of Islam.

#### c) Supporting Enemies at War:

Transactions that involve aiding or assisting an enemy actively engaged in hostilities against Muslims are considered impermissible. This reflects ethical considerations during times of conflict and emphasises loyalty to the Muslim community. This aligns with the legal principle we have previously discussed, highlighting the same legal cause. However, unlike both the jurists of the classical period and today's jurists, we believe that it would be more accurate to identify the cause of the boycott as "persecution" instead of directly linking it to the element of "war". Because the war is a situation that occurs between equals. Likewise, it is also possible to consider "war" and "oppression" as distinct causes. It is important to note that the concept of "persecution of Muslims" appears to be a fundamental theme in the studies we have reviewed.

#### d) Contradiction with Political Interests and General Welfare of Muslims:

Transactions that are contrary to the wider political interests and general welfare (al-maṣlaḥah al-'āmmah) of Muslims and the Muslim community are discouraged. This emphasises the importance of considering the collective welfare and stability of the Muslim population. The prohibition against selling land to non-Muslims or permitting them extended residency within the Arabian Peninsula (Ḥijāz) stems from a religiously motivated political directive found in Ḥadīth literature.<sup>62</sup> While Islamic jurists generally permit the sale of land outside the Ḥijāz, they express disapproval when it comes to the sale of strategically significant territories, taking into consideration the broader welfare and political prospects of the Muslim community. Notably, scholars like Taqī 'Uthmānī and others advocate for extending this perspective to encompass lands such as Palestine, East Turkistan, and other critical regions, which are to be determined by fuqahā.<sup>63</sup>

Similarly, drawing from this rationale, although none of the previously mentioned legal grounds for boycotts may typically apply to Muslims in ordinary circumstances, boycotting – as consumers – specific countries, brands, or products solely for the betterment of the Muslim community or for political objectives can be justified within this framework. Moreover, giving preference to local and national products over foreign ones can be seen as a manifestation of this principle, serving to uphold the economic interests and autonomy of the Muslim populace.

So far, we have concluded that both classical and contemporary jurists have identified a maximum of four reasons for the legal justification of boycotts. However, when it comes to consumption, we believe it is appropriate to draw attention to a neglected aspect: Should the products and activities of companies that seek to market products containing ingredients derived from pigs or their derivatives, genetically modified organisms, or substances known to be harmful to health, causing long-term effects such as infertility, weakened immunity, cancer, psychological problems, etc., be boycotted by Muslim consumers, especially in areas where Muslims are in the majority? This issue has not been evaluated in the context of boycotts, even though it falls within the realm of ḥalāl and ḥarām issues. Therefore, both Muslim consumers and those issuing boycott fatwas should consider this aspect in order to maintain consistency on the causes of boycotts and to practice responsible consumption.

## CONCLUSION

The practice of Muslim consumer boycotts is deeply rooted in Islamic principles, particularly within the framework of Islamic transactional law. It involves refraining from purchasing specific goods or products, guided by legal foundations and religious

<sup>62</sup> Sulaymān b. al-Ash'ath b. Ishāq al-Sijistānī Abū Dā'ūd, *al-Sunan*, ed. Shu'ayb al-Arnaūt (Dār al-Risālah al-'Ālamiyyah, 2009), 'Ikhrāj al-Yahūd', 28 (No. 3030).

<sup>63</sup> 'Uthmānī, *Fiqh al-buyū'*, 1/174.

considerations. As a matter of fact, Islamic contract law operates under the principle of permissibility, with transactions being considered valid unless explicitly prohibited by shari'ah. However, due to certain considerations this permissibility might be limited. Issuing boycott fatwas is an example of it. The Muslim consumer boycott is not solely a political or economic matter but is also religious in nature, requiring consideration within a religious context. Consequently, identifying legal causes and issuing boycott fatwas are very multifaceted and crucial matters that require consideration of various religious, legal, ethical, political, economic, and other aspects. The primary rationale behind consumer boycotts in Islamic jurisprudence historically relates to avoiding support for enemies actively engaged in hostilities against Muslims or potentially strengthening adversaries. Contemporary scholars offer various perspectives on the economic boycott, framing it within the context of financial jihad, loyalty to fellow Muslims, or inflicting economic harm on enemies. Legal causes for Muslim consumer boycotting, as identified by jurists like Muḥammad Taqī 'Uthmānī, include factors such as the humiliation of Muslim dignity, blasphemy against religious values, supporting enemies at war, and contradiction with the political interests and general welfare of Muslims. While classical and contemporary jurists have identified certain reasons for boycotts, aspects such as the ethical or legal implications of selling products containing harmful and impermissible ingredients within Muslim communities have not been extensively evaluated within the context of boycotts. In conclusion, Muslim consumer boycotts are governed by Islamic legal principles and involve considerations beyond mere economic or political factors. They serve as a means to uphold ethical standards, protect Muslim interests, and contribute to the broader welfare of society. Additionally, there is room for further exploration and consideration of ethical concerns within the practice of boycotts, ensuring responsible consumption practices among Muslim communities.

## RECOMMENDATIONS

Boycott activities are crucial for amplifying the Muslim voice and fostering societal awareness. However, for boycotts to be more effective and efficient, attention should be paid to certain aspects:

Activities related to issuing judgments on boycotts and creating boycott lists should not be left solely to civil society organizations or individual initiatives; they should be actively monitored by religious decrees (fatwa) bodies.

Given that products and companies subject to boycott may vary based on changing circumstances and different legal causes ('illah), all boycott activities should not be conducted on the same level.

To maintain coherence in their consumption choices, Muslims should conscientiously take into account all legal causes ('illah) that justify a boycott. For example, while abstaining from supporting a company engaged in hostilities against Muslims, equal consideration should be given to companies promoting the consumption of pork or harmful chemicals within the Muslim community, avoiding oversight or neglect in this regard.

Just as it is for every individual, "consumption" is an existential matter for Muslims as well. Therefore, Muslims should be engaged in a sustainable boycott initiative and be constantly aware of it, in order to realize healthy and conscious consumption.

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## GENİŞLETİLMİŞ ÖZET

Tüketici boykotu, özellikle dini inancın tüketici davranışlarıyla sınırsızlığa bağlı olduğu İslam toplumlarında sosyo-politik anlamda kendini ifade biçimi olarak karşımıza çıkmaktadır. Elinizdeki çalışma, bu eylemleri çevreleyen etik ve yasal problemlerin kapsamlı bir analizini sunarak İslam hukukuna göre tüketici boykotunun hukuki gerekçelerini (illet) incelemektedir. Sorunun arka planında, dinî inanç ve sosyo-politik motivasyonların bir araya gelmesiyle İslam toplumlarında tüketici boykotunun yaygınlık kazanması yatmaktadır. Mevcut literatür, Müslüman tüketici boykotunun çeşitli yönlerini incelemektedir. Ancak boykotla ilgili fikhî illetin ne olduğuna dair İslam hukuku açısından yapılmış kayda değer ve kapsamlı bir çalışma bulunmamaktadır. Dolayısıyla bu makale, tüketici boykotlarına dayanak teşkil eden fikhî gerekçelere ışık tutarak söz konusu boşluğu gidermeyi hedeflemektedir. Böylece dinî ilkeler ile tüketici davranışları arasındaki kesişimin daha derin bir şekilde anlaşılmasına katkıda bulunmayı amaçlamaktadır. Çalışmanın temel amacı, illet kavramını ve boykot eylemlerinin meşruiyetini belirlemedeki illetin önemini araştırma suretiyle İslam'a göre tüketici boykotunun hukuki ve etik boyutlarını açıklığa kavuşturmadır. Çalışma, söz konusu noktaya odaklanarak, İslam toplumlarında bireyleri tüketim boykotuna katılmaya sevk eden temel nedenler hakkında detaylı bilgiler sunmaktadır. Bu anlamda tüketici davranışına ilişkin bilimsel birikime fikhî açıdan zenginlik kattığı düşünülmektedir. Mevcut literatürdeki boşluğun doldurulması amacıyla genellikle Arapça, İngilizce ve zaman zaman Türkçe kaynaklardan yararlanarak nitel analize odaklanan metodolojik bir yaklaşım takip edilmektedir. Literatür incelenirken hem klasik fikhî kaynaklara hem de konuyla ilgili yapılmış güncel bilimsel çalışmalara başvurulmaktadır. Tüketici boykotu ile ilgili fikhî hükümler ile problemler yorumlanırken İslam hukukunun temel ilkelerine (fıkıh usûlü) bağlı kalınmaktadır. Ayrıca klasik fıkıh metodolojisinin ayrılmaz bir parçası olan fetvâ âdâbına (usûlü'l-iftâ) dikkat çekilmekte, siyâset-i şer'iyeye ve i'tibâr-ı me'âlât gibi kavramlar üzerinde de durulmaktadır. Kapsamlı bir analiz sayesinde, İslam hukukuna göre tüketici boykotunun fikhî gerekçelerinin (illet) boykot eylemlerinin hukuki ve etik boyutunu şekillendirmede önemli bir rol oynadığı sonucuna varılmaktadır. Tüketici boykotunun ardındaki hukuki gerekçelere ilişkin detaylı bir inceleme sunulurken, Müslüman toplumların tüketici davranışlarına yönelik yapılan akademik birikime önemli bir katkıda bulunmaktadır. Ayrıca, dini inançla ekonomik faaliyetlerin kesişme noktasını idrâk etmeye çalışan araştırmacılar ile Müslümanlara yol gösterici bilgiler sunulmaktadır. Çalışma neticesinde tüketici boykotunun temel illeti olarak, klasik kaynaklarda daha çok "Müslümanlar'a karşı aktif bir savaş hâlinde olmak" veya "Müslümanlar'a potansiyel saldırı" gibi hususların ön plana çıkarıldığı sonucuna varılmıştır. Aslında kaynaklar söz konusu illetlere bağlı doğrudan bir boykot mefhumundan bahsetmemekte; ticari ilişkilerin kesilmesi ve malların satılmamasından söz etmektedir. Bize göre bu hüküm zımnen tüketici boykotunu da içermektedir. Çağdaş araştırmacılar konuya daha çok ekonomik açıdan yaklaşmakta ve Müslümanların söz konusu tüketim odaklı direnişini "ekonomik boykot" olarak nitelemektedir. Bu bağlamda ekonomik boykotu "malî cihad" olarak değerlendirirken, boykotun illeti olarak "düşmana ekonomik anlamda zarar vermek" ve "Müslüman kardeşliğine sadakat" gibi gerekçeler sunmaktadır. Ancak günümüzde önde gelen fukahâdan kimileri, klasik kaynaklarda yer alan değişik hükümlerden hareketle "Müslüman onurunun ayakaltına alınması", "dini değerlere hakaret edilmesi", "Müslümanlarla savaş hâlindeki düşmana destek verilmesi" ve "Müslümanların siyasi çıkarları ve genel maslahatı" gibi daha farklı illetler ortaya koymaktadırlar. Çalışmada tespit edilen boykot illetlerinin yanı sıra söz konusu illetlere dayalı fetva vermenin de zorluklarından ve doğuracağı problemlerden bahsedilmektedir. Son olarak Müslüman tüketim etiği çerçevesinde ve bilinçli tüketici vasfını koruyabilmek açısından Müslümanların yukarıda tespit edilen illetlere karşı gösterdikleri hassasiyet kadar "helal tüketim" ve "sağlıklı tüketim" duyarlılığını da özenle ortaya koymaları gerektiğine dikkat çekilmektedir.