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Concerning Those Who Do Not Rule by what Allaah has Revealed

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The reason for the revelation of the verse

"the one who does not rule by what Allaah revealed..."

, and that it refers to kufr in action not in belief. Indeed Allaah revealed, *"the one who does not rule by what Allaah revealed then they are kaafir", "they are dhaalim", "they are faasiq"*. Ibn Abbaas said,

"Allaah revealed them with regards to two groups from the Jews one of which had overpowered the other to the point that they consented to and agreed that for every person that the victorious tribe (al-Azeeza) killed from the subjugated tribe (adh-Dhaleelah) then the ransom was 50 wasq (-probably a unit of currency), and that for every person the subjugated tribe killed from the victorious then the ransom was 100 wasq, and they remained in this state until the Prophet (SAW) arrived in Madeenah and then both the tribes were subjugated, and that day they did not overcome him because of the peace treaty . Then the subjugated tribe killed a person from the victorious tribe and the victorious tribe sent someone demanding 100 wasq. So the subjugated tribe said:

'can this ever be that two people have the same religion, same genealogy, same city and the ransom for some of them be half of the others? We only used to give you this ransom due to your injustice to us, and now that Muhammad has come we will not give you this.'

So a war almost started between them and then they agreed to make the Messenger of Allaah (SAW) judge between them. Then the victorious tribe said:

'by Allaah, Muhammad will not give you twice the sum of what we gave them for they (the subjugated tribe) spoke the truth, they did not give us this ransom except as an injustice on our part and due to our power over them. So secretly send someone to Muhammad who can inform you of his opinion, if he gives you what you wish then agree to have him arbitrate, and if he does not then beware and do not agree to have him arbitrate.'

So they sent some people from the hypocrites to Muhammad. So when the Messenger of Allaah (SAW) came, Allaah informed him of all of their affair and what they desired and He, Azza wa Jall, revealed,

"O Messenger! Let not those who hurry into disbelief grieve you, of such who say: 'we believe'..." to His saying, "then they are faasiq" [5: 41-47]."

Then he (ibn Abbaas) said, "By Allaah they were revealed with regards to these two (Jewish tribes), and it was these two that Allaah, Azza wa Jall meant (in these verses)"

Related by Ahmad (1/246), at-Tabaraanee in 'al-Mu'jam al-Kabeer' (3/95/1) via the route of Abd ar- Rahmaan bin Abee az-Zinaad from his father from Ubaid Allaah bin Abd Allaah bin Utbah ibn Mas'ud from Ibn Abbaas that he said: and mentioned the hadeeth.

And in 'ad-Durar al-Manthoor' (2/281), as-Suyutee ascribed the hadeeth to Abu Dawood, ibn Jareer, ibn al-Mundhir, Abu ash-Shaykh, ibn Mardawiyah from ibn Abbaas. And it is in the tafseer of ibn Jareer (10/352) in this form but he does not mention ibn Abbaas in his isnaad.

And in Abu Dawood (3576) is the (hadeeth relating to the) revelation of the three verses specifically for the Jews of Qareedha and an-Nadeer, contravening what may be understood from the saying of ibn Katheer in his tafseer (6/160)

after reporting this long narration from Ahmad, "and Abu Dawood reports something similar from the hadeeth of ibn Abee az-Zinaad from his father."

And the author of "ar-Rawd al-Baasim fee adh-Dhabb an as-Sunnah Abee al-Qaasim" quotes from him (ibn Katheer) that he declared the isnaad hasan. And I have not seen this in his book 'at-Tafseer' so maybe this occurs in his other works.

And declaring this hadeeth hasan is what the principles of this noble science dictate for it revolves around Abd ar-Rahmaan bin Abee az-Zinaad and he is as al-Haafidh (ibn Hajr) said, "truthful, his memorisation changed/failed when he moved to Baghdaad, and he was a faqeeh"

And the saying of al-Haythamee (8/16), "and the likes of it is reported by Ahmad and at-Tabaraanee, and in it is Abd ar-Rahmaan bin Abee az-Zinaad and he is da'eef, and he has been declared trustworthy, and the remaining narrators of Ahmad are trustworthy".

I say: his saying "da'eef, and he has been declared trustworthy" is not good, because has determined the opinion that he is da'eef to be stronger than the opinion that he is trustworthy. And the truth is that he is in the middle and that he is hasan in hadeeth except when he contradicts (others), and this cannot be derived from his aforementioned saying. And Allaah knows best.

An Important Benefit

When you know that the three verses, "whosoever does nor rule by what Allaah revealed then they are kaafir", "then they are dhaalim", "then they are faasiq" were revealed with regards to the Jews and their saying over his (SAW) judgement, "if he gives you what you want then agree to have him arbitrate, but if does not then beware and do not agree to have him arbitrate" - this saying which the Qur'aan points to before these verses, "they say: if you are given this then take it, but if you are not given this then beware." - when you understand this then it is not permissible to take these verses to refer to some of the rulers and judges of the Muslims who rule by other than what Allaah revealed in the earthly laws.

I say: it is not permissible to declare them kaafir due to this, and to eject them from the religion, when they are believers in Allaah and His Messenger, even though they are sinning by ruling by other than what Allaah revealed - this is not permissible. Because even though they are like the Jews from the point of view of their ruling (by other than what Allaah revealed), they differ from the point of view that they have faith and conviction in Allaah contradicting the Jews, for indeed they rejected the Messenger (SAW) as indicated in their previous saying, "but if he does not then beware and do not agree to have him arbitrate."

And the reason behind this is that kufr is of two types: kufr in belief and kufr in action, and the kufr in belief is linked to the heart, and the kufr in action is linked to the limbs. So the one whose actions are kufr due to their contradicting the Sharee'ah, and this kufr follows on from what has become established in his heart i.e. kufr in belief, then this is the kufr which Allaah will not forgive and this person will reside in the Fire forever. But if (these kufr actions) contradict what is established in his heart, then he is a believer in the Rule of his Lord, but he contradicts this with his actions. So his kufr is kufr of action only, and it is not kufr in belief. And he is under the Will of Allaah, if He Wills He will punish him, and if He Wills He will forgive him. And it is with this (second) type (of kufr) that some of the ahaadeeth are to be understood which generalise the term kufr for a Muslim who performs a sinful action. And it would be good to mention some:

- 1) "two things if done are kufr: abusing genealogies and wailing over the dead." Reported by Muslim
- 2) "Arguing over the Qur'aan is kufr."
- 3) "Abusing a Muslim is fisq, and killing him is kufr." Reported by Muslim
- 4) "Speaking about the favours of Allaah is giving thanks (shukr), and leaving it is kufr"
- 5) "do not return to being kaafir after me by some of you hitting the necks of (killing) others." Agreed upon.

And many other ahaadeeth for which there is no need to go into great detail about at this time. So any Muslim who performs any of these sinful actions, then his kufr is kufr in action i.e. he has done an action of the kuffaar. Except in the case that he sees it (the sin) to be permissible, and does not believe in it's being a sin, so in this case he would be a kaafir whose blood is lawful because now he has also shared in the belief of the kuffaar.

And ruling by other than the what Allaah revealed is not exempted from this principle, and what is narrated from the salaf supports this, and that is none other than their saying on the tafseer of this verse, "kufr less than kufr" as is authentically reported from the Commentator of the Qur'aan, ibn Abbaas, and then some of the Taabi'een and others learnt this from him. And it is necessary to mention some of them so that maybe they may illuminate the path ahead of those that have been misguided in this dangerous issue, and have taken the road of the Khawaarij who declared people to be kaafir due to their committing sins even though they may pray and fast!

1) ibn Jareer at-Tabaree narrates (10/355/12053) with a saheeh isnaad from ibn Abbaas that he said about the verse, "whosoever does not rule by what Allaah revealed then they are kaafir", "meaning kufr, but not kufr in Allaah and His Angels and Books and Messengers"

2) And in a narration from him about this verse, "it is not the kufr that they (i.e. the Khawaarij) believe, indeed it is not the kufr that ejects one from the religion, it is kufr less than kufr."

Narrated by al-Haakim (2/313) and he said "saheeh isnaad" and adh-Dhahabee agreed. And it would have been more deserving of them to say, "saheeh according to the conditions of the two Sheikhs (Bukhaaree and Muslim)" as the isnaad is like this. Then I saw that ibn Katheer said in his tafseer (6/163) from Haakim that he said, "saheeh according to the conditions of the two Sheikhs", so it is obvious that this statement is omitted in the printed edition of 'al-Mustadrak'. And ibn Katheer also ascribes the narration, summarised, to ibn Abee Haatim.

3) And in another narration from him via the route of Alee bin Abu Talha from ibn Abbaas that he said, "the one who rejects what Allaah revealed is a kaafir, and the one who believes in it but does not rule by it is a dhaalim faasiq."

Reported by ibn Jareer (12063). I say: ibn Abee Talha did not hear from ibn Abbaas, but the narration is good as a witness. 4) Then he (ibn Jareer) reports (12048-12051) from Ataa bin Abee Rabaah about the three verses, "kufr less than kufr, fisq less than fisq, dhulm less than dhulm." And it's isnaad is saheeh.

5) Then he reports (12052) from Sa'eed al-Makki from Tawoos about the verse, "it is not the kufr that ejects one from the religion"

And it's isnaad is saheeh. And this Sa'eed is ibn Ziyaad ash-Shaybaanee al-Makki, and ibn Ma'een and al-Ijlee and ibn Hibbaan and others declared him trustworthy, and a group narrate from him.

6) And he reported (12025, 12026) via two routes of narration from 'Imraan bin Hadeer who said a group of people from the Bane' Umr bin Sadus [and in another narration: a group from the Ibaadiyyah] came to Abu Mazliz (he is from the great trustworthy taabi'een, and his name is Laahiq bin Humaid al-Basree) and said: "do you see the saying of Allaah 'the one who does not rule by what Allaah reveals then they are kaafir' is this the truth?" He replied, "yes." They said: " 'the one who does not rule by what Allaah revealed then they are dhaalim' is this the truth?" He replied, "yes." They said, " 'the one who does not rule by what Allaah revealed then they are faasiq' is this the truth?" He replied, "yes." So they said, "O Abu Majliz do these (rulers) rule by what Allaah revealed?" He replied, "this is the religion that they hold to and they call to, so if they leave anything from it they know that they have fallen into sin." They said, "no by Allaah, but you are afraid and worried." He said, "you are more deserving of this (description) than me! I do not see this, but you do yet you do not forbid (them from) it. But these verses were revealed with regards to the Jews and Christians and the People of Shirk." And it's isnaad is saheeh.

And the scholars differed over the explanation of the kufr that is mentioned in the first verse, having five different opinions which ibn Jareer narrates (10/346-357) with their chains of narration to their proponents. Then he concludes by saying (10/358),

"and the most correct saying of all of these according to me is the saying of the one who says: these verse were revealed with regards to the kuffaar of the People of the Book due to the verses before and after them, and they are the people who are meant in them, and the context of these verses is about them. So it is most deserving that the narrative be about them.

So if someone were to say: indeed Allaah generalised the narrative to all who do not rule by what Allaah revealed, so how can you specify it?

It is said (in reply): Indeed Allaah generalised the narrative to all those who reject the Ruling of Allaah that is laid out in His Book. So He informed us about them that they, by their leaving the Ruling - by way of what they left - are kaafir. And this is the saying on all who do not rule by what Allaah revealed, rejecting it - that he is a kaafir as said by ibn Abbaas. Because his rejecting the ruling of Allaah after he knows it to have been revealed in His Book is the same as his rejecting the Prophethood of the Prophet after he knows him to be a Prophet."

In conclusion: the verse was revealed with regards to the Jews who rejected what Allaah had revealed, so the one who associates with them in this rejection, then he is a kaafir, with kufr in belief. And the one who does not associate with them in this rejection then his kufr is in action, because he has performed an action of theirs. And he is a sinful criminal (mujrim aathim), but he is not ejected from the religion due to this as has preceded from ibn Abbaas (RA). And al-Imaam Abu Ubaid al-Qaasim bin Sallaam explained this and increased upon this explanation in 'Kitaab al-Eemaan', chapter "leaving faith due to sin" (pg. 84- 96 with my tahqeeq), so the one desiring further research should refer to this.

After writing what has preceded I saw ibn Taymiyyah, may Allaah have mercy upon him, saying in the explanation of the verse in his 'Majmoo al-Fataawaa' (3/268), "meaning he regards it permissible to rule by other than what Allaah revealed."

Then he mentioned (7/254) that Imaam Ahmad was questioned about the kufr mentioned in the verse and he replied, "a kufr which does not eject from faith, like having faith in some of it (?), and likewise with kufr. Until there comes a matter over which there is no difference over."

And he (ibn Taymiyyah) said (7/312), "so when there is the saying of the salaf that man can have faith and hypocrisy in him, then likewise is their saying that he can have faith and kufr (in him). But not the kufr that ejects one from the religion, as was said by ibn Abbaas and his companions over His saying, "the one who does not rule by what Allaah revealed then they are kaafir." They said: kufr that does not eject one from the religion. And Imaam Ahmad and other Imaams of the Sunnah followed them in this."

The wording of at-Tabaraanee has, "And the Messenger of Allaah (SAW) did not overcome them or On that day as he was in a peace treaty"

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