

الحُكْمُ بِغَيْرِ مَا أَنْزَلَ اللَّهُ

RULING BY OTHER THAN WHAT ALLAH REVEALED

وَأُصُولُ التَّكْفِيرِ

THE FUNDAMENTALS OF *TAKFIR*

تأليف

خالد بن محمد العنبري

BY KHALID BIN MUHAMMAD AL-`ANBARI

PUBLISHED BY
AL-QUR'AN WAS-SUNNAH SOCIETY
OF NORTH AMERICA

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The Fundamentals of Takfir

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Introduction to the Translation

All praise is due to Allāh, whomever Allāh guides, none can cause him to stray, and whomever Allāh allows to deviate, none can guide him. I testify that there is none worthy of worship but Allāh, and that Muḥammad (ﷺ) is Allah's servant and Messenger.

Allāh has allowed for us to complete this book, so that it may be distributed among the Muslims, in an effort to command the good and forbid the evil in the best manner that we are able. Rather than arguments, flared by emotions and based upon opinions, we offer this work for the readers to ponder over, so that they may be better informed of the delicate nature of the subject of *takfīr*. Every action is judged by its intention, and ours is solely for Allāh alone.

The first section of this book, “*Uṣūl at-Takfīr*; The Guidelines of *Takfīr*” appeared as a series in the publication HUDAA. After finishing the second half of the book, the two sections were united to be printed in one volume. Additional notes were added to the translation from other books that became available after the original printing of the ‘Arabic text.

Zayd Adib Ansari and Abu Khaliyl were the translators, and Abu Khaliyl was responsible for the final editing and layout. Some minor editing to the text occurred prior to its translation.

We ask Allāh to grant us a reward for this work, and to cause it to strengthen the faith of the Muslims, all praise is due to Him. We ask Allāh to mention Muḥammad, the last of the Messengers (ﷺ).

Introduction: Clarifying the Types of *Kufr*

The Types of *Kufr*

There are two main categories of disbelief;

1. The major *kufr* that removes one from the religion;
2. The minor *kufr* that does not.

The objective of this investigation is to clarify the types of *kufr* that remove one from the religion. There are six categories of this *kufr*, as follows:

1. Outright Rejection (*takthīb*)
2. Denial (*juhūd*)
3. Resistance or Obstinacy (*inād*)
4. Despondence (*irādh*)
5. Hypocrisy (*nifāq*)
6. Doubt (*shakk*).

Kufr is divided into these categories because of the ways that people vary in their acceptance of the truth that Allāh sent His Messenger with, and revealed in His Book.

OUTRIGHT REJECTION (*TAKTHĪB*)

This occurs when one disbelieves with his tongue and his heart and does not accept what the Messenger of Allāh (ﷺ) brought. He is a disbeliever both outwardly and inwardly, judged so in this life and in Hereafter. As Allāh (ﷻ) said;

﴿ وَ يَوْمَ نَحْشُرُ مِنْ كُلِّ أُمَّةٍ فَوْجًا مِمَّنْ يُكَذِّبُ بِآيَاتِنَا فَهُمْ يُوزَعُونَ
 حَتَّىٰ إِذَا جَاءُوا قَالَ أَكَذَّبْتُمْ بِآيَاتِي وَلَمْ تُحِيطُوا بِهَا عِلْمًا أَمْ آذًا
 كُنْتُمْ تَعْمَلُونَ ﴾

«And the Day when We shall gather out of every nation a troop of those who rejected Our *āyāt*, they shall be driven until when they come (before their Lord) and He says; “Did you reject My *āyāt* when you comprehended them not in knowledge, or what (else) was it that you did? » (*An-Naml* 27:83-84)

This is the *kufr* of the outright rejection.

DENIAL (JUḤŪD)

Sometimes, one’s heart is certain that (what the Messenger of Allāh (ﷺ) brought) is the truth. But he hides that and denies it with his tongue, and perhaps fights it at its foundations. This is like Fir’ūn’s disbelief in Mūsa and the Jew’s disbelief in Muhammad (ﷺ).

About Fir’ūn and his people, Allāh said;

﴿ وَ جَحَدُوا بِهَا وَاسْتَيْقَنَتْهَا أَنفُسُهُمْ ظُلْمًا وَعُلُوًّا ﴾

«And they denied them (those *āyāt*) wrongfully and arrogantly...» (*An-Naml* 27:14)

Allāh (ﷻ) said of the Jews;

﴿ فَلَمَّا جَاءَهُمْ مَا عَرَفُوا كَفَرُوا بِهِ ﴾

«When there came to them that which they had recognized, they disbelieved in it.»(Al-Baqarah 2: 89)

And He (ﷻ) said;

﴿ وَإِنَّ فَرِيقًا مِّنْهُمْ لَيَكْتُمُونَ الْحَقَّ وَهُمْ يَعْلَمُونَ ﴾

«A party of them [the Jews] concealed the truth while they knew it.» (Al-Baqarah 2:146)

This is denial, or *kufr al-juhūd*.

RESISTANCE OR OBSTINANCE (‘INĀD)

In some cases, one approves of the truth of the message outwardly and inwardly, with both his tongue and his heart, but he does not comply with it out of anger, arrogance and resistance to Allāh and His Messenger, he contests the judgement and questions the justice of what he has been commanded with. Even if he trusts this truth (of the message), his denial and resistance for it negates that trust. This is like the disbelief of the accursed Iblīs. Allāh (ﷻ) said;

﴿ إِلَّا إِبْلِيسَ أَبَىٰ وَأَسْتَكْبَرَ وَكَانَ مِنَ الْكَافِرِينَ ﴾

«Except Iblīs, he refused and was proud, and he was one of the disbelievers.» (Al-Baqarah 2:34)

And;

﴿ أَسْجُدْ لِمَنْ خَلَقْتَ طِينًا ﴾

«Shall I prostrate to what you have created from clay?»
(Al-Isrā’ 17:61)

﴿ لَمْ أَكُنْ لَأَسْجُدَ لِبَشَرٍ خَلَقْتَهُ مِنْ صَلْصَالٍ مِنْ حَمَأٍ مَسْنُونٍ ﴾

«I am not one to prostrate to a human who you created from sounding clay of altered black mud.» (Al-Hijr 15:33)

Shaykh al-Islām Ibn Taymiyyah (رحمته الله) explained the *kufr* of denial (*juhūd*) and the *kufr* of resistance (*inād*) by saying;

“When a person commits a sin while believing that Allāh forbade him from it, and he believes in complying with whatever Allāh prohibits him and obliges him, then he is not considered a disbeliever.

As for thinking that Allāh did not prohibit it, or, that He (ﷻ) did prohibit it - yet he refrains from accepting that prohibition, and turns away from submitting to Allāh and complying with the order, then he is either denying or being resistant.

This is why it is said that everyone agrees to the disbelief of one who proudly disobeys Allāh, like Iblīs, but whoever disobeys as a result of his passions, only the *Khawāraj* consider it disbelief, he has not committed disbelief according to *Ahl as-Sunnah*. Whereas the one who is arrogantly disobedient, even if he attests that Allāh is his Lord - his denial and resistance negates his attestation.

To further clarify this:

Whoever does a prohibited act, believing that it is lawful, then he is a disbeliever according to everyone. By virtue of his belief in permitting what it prohibits, he does not have faith in the *Qurʾān*. This is the case even when one believes an act to be lawful, but does not commit it. For the term *istihlaal* simply means to believe that Allāh did not prohibit it.

And sometimes, on the other hand, one doesn't believe that Allāh prohibited something, due to a deficiency in one's faith in *rubūbiyah*,

or because his faith in the message (of *Islām*) is deficient, in this case it is *juhūd*, having no relation to the above. Sometimes one knows that Allāh prohibited it, and he knows that the Messenger (ﷺ) only prohibits what Allāh prohibited, yet he does not comply with this prohibition, and additionally, he opposes it. This case of *kufr* is worse than the previous one, because he is aware that Allāh will punish anyone who does not comply with these prohibitions.

If this refusal is due to a deficiency in one's belief in the wisdom of the command and its importance, then this is a sign of the absence of some necessary element of trust, because it is known that everything he believes in rejecting or following is done to satisfy himself only.

This is because he is aware of all that Allāh and His Messenger (ﷺ) informed him, and he trusts that all which the believers accept is true, but he dislikes it and it angers him, and he is dissatisfied, so that he does not act in accordance with it, nor desire to. He says, 'I do not endorse, nor honor this.' Thereby detesting the truth and being disgusted with it, so this is a different type than the first, and labeling such as a disbeliever is well known by necessity in the religion of *Islām*, and the *Qur'ān* cites the example of this category of *takfīr*, in fact, (it has been said that) the Prophet (ﷺ) mentioned that this kind of person would receive the severest punishment;

⟨The most severely punished among people on the Day of Judgment is a knowledgeable one whom Allāh did not benefit by his knowledge.⟩¹

This is the example of Iblīs and whoever follows his path. So from this, the distinction between the different types of disobedience is clear.

¹It is a very weak *ḥadīth* recorded by aṭ-Ṭabarānī in *aṣ-Ṣaḡhīr* no. 507, Ibn 'Adī in *al-Kāmil* 5:187, al-Bayhaqī in *Shu'bah al-Imān* from Abu Hurayrah, and it contains 'Uthmān bin Miqsam al-Burī who is *matrūk* (abandoned).(See *Silsilat al-Aḥādīth ad-Da'īfah* no. 1634)

If he believes that an act is obligatory for him, and he wants to do it, but his desires and weakness prevent him from acting accordingly, then he comes with faith in the truthfulness and submission and the willingness to comply, yet his saying that does not cause him to fulfill the act.”¹

The objective (here) is to clarify the intricacies and subtle elements of resistance or obstinance (*kufr al-‘inād*), that it does not apply to the avoidance of an act while admitting the necessity of the act, unless that is accompanied by animosity and hatred for the truth and arrogance in the face of it.

So that this type of *kufr* can be known with clarity, leaving no trace of confusion over it or its subtleties, we have added explanation in the form of Shaykh al-Islām’s saying (ﷺ);

“The second (type): That one does not deny its obligation (that of the pillars of *Islām* etc.) yet he desists from adhering to it arrogantly, enviously, or with hatred for Allāh and His Messenger (ﷺ). So he says that he knows Allāh made it obligatory for the Muslims, and that the Messenger (ﷺ) was truthful in his conveyance of the *Qur’ān*, yet he avoids implementing the act out of arrogance or envy for the Messenger (ﷺ) or allegiance to his religion, or hatred for what the Messenger (ﷺ) came with. It is agreed that this is a disbeliever. For when Iblīs refrained from the prostration that he was commanded, he did not deny that the prostration was obligatory, for surely Allāh had addressed him with the order, but he only turned away out of arrogance and he was among the disbelievers. Similarly the case of Abū Ṭālib; he trusted what the Messenger (ﷺ) told him, he only avoided following him out of zeal for his own religion, and fearing public disgrace if he complied, and out of arrogance.

Hence it is necessary that he has realized (the truth of) it. Among

¹*Aṣ-Ṣārm al-Maslūl* pp.521-522.

the sayings of the Fuqaha' is that one is not considered a *kāfir* unless he denies its obligation. So according to such saying, denial (*juhūd*) includes the presence of the rejection of its obligation and avoiding confirmation (in the heart) and (physical) adherence, as Allāh (ﷻ) said;

﴿ فَاِنَّهُمْ لَا يَكْذِبُوْنَكَ وَ لَكِنَّ الظَّالِمِيْنَ بآيَاتِ اللّٰهِ يَجْحَدُوْنَ ﴾

«It is not you that they reject, but the wrongdoers denied the *āyāt* of Allāh.» (*Al-An'ām* 6:33)

And;

﴿ وَ جَحَدُواْ بِهَا وَ اسْتَيْقَنَتْهَا اَنْفُسُهُمْ ظُلْمًا وَعُلُوًّا فَانظُرْ كَيْفَ كَانَ عَاقِبَةُ الْمُفْسِدِيْنَ ﴾

«And they denied them (those *āyāt*) wrongfully and arrogantly, though they were themselves convinced of them. So see what was the end of the evil rebels to Allāh.» (*An-Naml* 27:14)

So whenever one does not accept or believe in the obligation of doing it, then it is agreed that he is to be fought and declared a disbeliever.”¹

Sometimes Allāh (ﷻ) punishes this opposition by causing his heart to deviate and to be misguided so that it sees the falsehood as true and the truth to be false. As Allāh (ﷻ) said;

﴿ وَ نُقَلِّبُ اَفْئِدَتَهُمْ وَاَبْصَارَهُمْ كَمَا لَمْ يُؤْمِنُوْا بِهِ اَوَّلَ مَرَّةٍ وَ نَذَرُهُمْ فِي

¹*Majmū' al-Fatāwa* 20:97-98.

طُعْيَانِهِمْ يَعْمَهُونَ ﴿

«And we shall turn their hearts and their eyes away (from guidance) as they refused to believe in it the first time, and we shall leave them in their trespass to wander blindly.»
(*Al-An'ām* 6:110)

Explaining this *āyah*, aṭ-Ṭabarī said;

“The obvious meaning of these words is, ‘And we shall turn their hearts to deviate from faith, and their sight from seeing the truth and knowing the weight of the proof. And even if the signs that they requested came to them, they would not believe in Allāh and His Messenger (ﷺ), and what he came with from Allāh, just as they did not believe previously. And it is reported that Ibn ‘Abāss said, ‘When the idolaters denied what Allāh revealed, their hearts would not accept anything, and they rejected every command.’”¹

Ibn Qayim al-Jawziyah explained the saying of Allāh;

﴿وَمَا كَانَ اللَّهُ لِيُضِلَّ قَوْمًا بَعْدَ إِذْ هَدَاهُمْ حَتَّىٰ يُبَيِّنَ لَهُم مَّا يَتَّقُونَ﴾

«And Allāh will never lead a people astray after He has guided them, until He makes what they should avoid clear to them...» (*At-Tawbah* 9:115)

“He gives them clear guidance and proofs but they do not accept the guidance, so their straying is their punishment for abandoning the guidance in the first place, since they were aware of the guidance and turned away from it, He blinded

¹*Tafsīr aṭ-Ṭabarī.*

them from it after they had seen it.”¹

His *shaykh*, Shaykh al-Islām Ibn Taymiyah (رحمته) said;

“Then these people, when they did not follow their attestation of its obligation with acts of the heart, tongue or otherwise, it effected their hearts until the trust in their hearts ceased, as Allāh (ﷻ) said,

﴿ وَ إِذْ قَالَ مُوسَىٰ لِقَوْمِهِ يَا قَوْمِ لِمَ تُوذُّونَنِي وَقَدْ تَعَلَّمُونَ أَنِّي رَسُولُ اللَّهِ إِلَيْكُمْ فَلَمَّا زَاغُوا أَزَاغَ اللَّهُ قُلُوبَهُمْ ﴾

«And when Mūsa said to his people, “O my people! Why do you hurt me while you known for sure that I am the Messenger of Allāh to you?” So when they turned away, Allāh turned their hearts.» (Aṣ-Ṣaff 61:5)

These people were knowledgeable, so when they deviated, Allāh caused their hearts to deviate...the point here is that avoiding an obligatory act with the awareness indicative of both trust and knowledge, implies a negation of both the trust and the knowledge, as is said,

‘Knowledge calls out for the deed, it is either responded to, or it leaves.’”²

DESPONDENCE (*IRĀD*)

Some people turn away (from what is true), they neither trust it nor distrust it, they don’t pay attention to it, nor listen intently, recklessly

¹*Shifā’ al-Ghalīl* p.100

²*Sharḥ al-Āqīdah al-Aṣfahāniyah* pp.123-124.

nor arrogantly, as Allāh (ﷻ) said;

﴿ كِتَابٌ فَصَّلَتْ آيَاتُهُ قُرْآنًا عَرَبِيًّا لِقَوْمٍ يَعْلَمُونَ بَشِيرًا وَنَذِيرًا فَأَعْرَضَ أَكْثَرُهُمْ فَهُمْ لَا يَسْمَعُونَ ﴾

«A Book whose *āyāt* are explained in detail, an 'Arabic *Qur'ān* for people who know. Giving good news and warning. But most of them turn away so that they do not listen.» (*Fuṣilat* 41:3-4).

Aṭ-Ṭabarī said;

“They were too arrogant to listen to it and reflect on Allāh's proofs in it...They did not listen, but turned their hearing proudly away from it.”¹

Then Allāh said;

﴿ وَ قَالُوا قُلُوبُنَا فِي أَكِنَّةٍ مِّمَّا تَدْعُونَا إِلَيْهِ وَ فِي آذَانِنَا وَقْرٌ وَمِنْ بَيْنِنَا وَبَيْنِكَ حِجَابٌ فَأَعْمَلْ إِنَّا عَامِلُونَ ﴾

«And they say: Our hearts are under coverings from which you invite us, and in our ears is deafness, and between us and you is a screen, so work; verily, we are working.» (*Fuṣilat* 41:5)

The meaning is, “We are not listening to what you insist on inviting us to when you invite to it.” As aṭ-Ṭabarī said. And this is despondence, or *kufr al-ī'rād*.

¹*Tafsīr aṭ-Ṭabarī.*

Ibn Qayim al-Jawziyah explained it saying;

“As for despondence (*i'rād*), it is to turn ones hearing and heart away from the Messenger (ﷺ), to not trust him, nor reject him, to not support him, nor show enmity towards him, to not pay any attention at all to what he came with.”¹

Shaykh al-Islām said,

“*Kufr* is more general than rejection, for everyone who rejects the Messenger (ﷺ) is a disbeliever, but not every disbeliever rejects him. Some know of his truthfulness and affirm it, yet he still hates him or is his enemy, so he is a disbeliever. Or, some turn away, he does not trust him nor reject him, so he is a disbeliever but not a rejector.”²

HYPOCRISY (*NIFĀQ*)

Some people disbelieve it the message inwardly, but submit to it outwardly for the sight of people, or for some worldly benefit. This is *kufr an-nifāq* or the *kufr* of hypocrisy.

DOUBT (*SHAKK*)

Some people are filled with doubt and hesitation, not sure of anything, this is *kufr ash-shakk*, or the *kufr* of doubt. Shaykh al-Islām (ﷺ) said,

“*Ahl al-ḥadīth*, the majority of the Fuqūhā' among the Mālikiyah, the Shāf'īyah and the Ḥanbaliyah, most of the

¹*Madārij as-Sālikīn* 1:338.

²*At-Tis'āniyah* 166.

Sufis, parties of *Ahl al-Kalām* - both those whose *kalām* is according to the *Sunnah* and those whose *kalām* is not, like the Mutazilah and the Khawārij and others - all agree that anyone who does not believe in the message after the proof is established for him, then he is a *kāfir*, whether it is because of denial, uncertainty, despondence, arrogance, or hesitation, etc.”¹

Some of the Fuqūhā’ mentioned that there is no *kufr* except for the one who denies (*juḥud*). Accordingly, *juḥud* includes rejection (*kufr at-takḥīb*) and resistance (*kufr al-‘inād*), as Shaykh al-Islām indicated. Others said that *kufr* is either *juḥud* or *‘inād*, not that they rejected the other types of *kufr* like *kufr al-īrād*, and *kufr ash-shakk*, and among these people is Shaykh al-Islām Ibn Taymiyah when he said,

“*Kufr* is only through rejecting the Messenger (ﷺ) in what he informed, or desisting from following him while knowing his trustworthiness, similar to the *kufr* of Fir‘ūn and the Jews and those like them.”²

Shaykh al-Ḥakmī said;

“The bases of *kufr* is;

1. *Al-Juḥud* (denial)
2. *Al-‘Inād* (resistance), accompanied by arrogance and disobedience.”³

After we have listed the types of *kufr*, we must explain that *kufr* may be in creed, or saying, or action:

¹*Majmū‘ al-Fatāwa* 20:86-87.

²This is the *kufr al-‘inād* which is accompanied by the hatred, arrogance and opposition to Allāh and His Messenger (ﷺ). Quote from *Dur‘a Ta‘āriḍ al-‘Aql wan-Naql* 1:242.

³*A‘lām as-Sunnah al-Manshuwrah* p.175.

1. In creed: Like any belief of *shirk* about Allāh (ﷻ), or attributing shortcomings to Him (ﷻ), or claiming partners for Him, or offspring, or believing in permitting fornication or consumption of intoxicants etc.

2. In saying: Like speaking blasphemously about Allāh (ﷻ) or speaking in a degrading manner about His Messenger (ﷺ), or the angels, or the religion of *Islām*. Similarly, ridiculing Allāh, His *āyāt*, and His Messenger (ﷺ), all of which is *kufr*, whether it is done seriously or in jest, and whether it is done in an attempt to invalidate it or not, as Allāh (ﷻ) said;

﴿ وَلَئِن سَأَلْتَهُمْ لَيَقُولُنَّ إِنَّمَا كُنَّا نَخُوضُ وَنَلْعَبُ قُلْ أَبِاللَّهِ وَآيَاتِهِ
وَرَسُولِهِ كُنتُمْ تَسْتَهْزِئُونَ ﴾

«And if you ask them they say; “We were only talking idly and joking.” Say: “Was it Allāh, His *āyāt*, and His Messenger that you were ridiculing?” Make no excuse, you have disbelieved after believing.» (*At-Tawbah* 9:65-66)

3. In deed: Like prostration to an idol or a grave, the Sun or the Moon, or putting the *mushaf* in a filthy place etc.

Most of the Murji'ah differ with *Ahl as-Sunnah* in that they consider faith to consist only of trust,

“And that it either exists entirely as a whole or not at all, and that it is possible that faith be complete in the heart of one who intentionally, and without remorse, utters *kufr* and speaks in a degrading manner about Allāh and His Messenger (ﷺ).”¹

So these people confine *kufr* to the heart's rejection, and they

¹Quoted by Ibn Taymiyah. See *Majmū' al-Fatāwa* 7:582.

claim, “In every case where one has committed *kufr* according to the *shār‘*, the *kufr* is the rejection of the heart’s trust in the Lord (ﷻ).”¹ And (they say) it is well known that it is not possible to know about or uncover the rejection present in another’s heart, so no human has the right to label another with disbelief, “except with a specific text about a person.”² Yet the *salaf* have labeled those who say this with disbelief.³ Surely Iblīs the accursed was labeled a disbeliever within the text of the *Qur‘ān*, yet he did not reject, rather he arrogantly defied Allāh. The same is the case with Fir‘ūn and his people, as Allāh (ﷻ) said about them;

﴿ وَجَحَدُوا بِهَا وَاسْتَيْقَنَتْهَا أَنفُسُهُمْ ظُلْمًا وَعُلُوًّا فَانظُرْ كَيْفَ كَانَ
عَاقِبَةُ الْمُفْسِدِينَ ﴾

«And they denied them (those *āyāt*) wrongfully and arrogantly, though they were themselves convinced of them. So see what was the end of the evil rebels to Allāh.»
(*An-Naml* 27:14)

“And whoever examines the *Qur‘ān* and *Sunnah*, the biographies of the prophets in their nations and their *da‘wah* to them, and what happened to them as a result, then he will be certain of the error of the people of *Kalām* (and among them the *Murji‘ah*) in what they say, he will know the *kufr* of all of these nations occurred with their certainty and knowledge, while they had trust in the truthfulness of their

¹See previous note.

²*Īhār al-Inṣāf* by Ibn al-Wazīr.

³See *al-Īmān* by Ibn Taymiyah, p. 179.

prophets.”¹

Since most of the *Murji'ah* say this, the Fuquhā' have made the condition for the correctness of faith that it be made up of acts of the heart - with trust, and sayings of the tongue.

Shaykh al-Islām Ibn Taymiyah (رحمته الله) said;

“In short, if one ponders over what has been said, he will have no doubt that a person cannot be a believer merely due to trust in the heart, while he is angry with Allāh and His Messenger (ﷺ), and he is too proud to worship Allāh, and he has enmity for Him and His Messenger (ﷺ). And this is the position of the majority of the Murji'ah, that the action of the heart is enough to bring one within the realm of true faith...”²

¹*Miftāh Dār as-Sa'ādah*, by Ibn al-Qayim 1:94.

²*Majmū' al-Fatāwa* 7:543.

Uṣūl at-Takfīr **Its Guidelines and Conditions**

The believer should not indulge in matters of *takfīr* before understanding its basic principles and meeting its conditions and guidelines. Otherwise he will fall into ruin, sin and incur the anger of the Merciful (ﷻ). The issue of *takfīr* is among the gravest and most sensitive issues in the religion, and only the greatest of the people with immense knowledge and sharp understanding are capable of correctly determining it. What follows are its basic principles, guidelines and conditions.

1. *Takfīr* is a Legislative Sentence

Takfīr is solely the right of the Lord (ﷻ). It is not the domain of a particular class or group, nor is it dependent upon one's reasoning or opinions. Fervent tyranny and open hostility does not enter into the question, nor is it charged upon an oppressor because his oppression and errant ways are extreme, or a violent unrelenting tyrant as a means of ending his reign of terror. No one is declared a *kāfir* except those who have been declared such by Allāh and His Messenger (ﷺ).

Shaykh ul-Islām Ibn Taymiyyah said (ﷺ);

“This is the opposite of what some people say, like Abū Ishāq al-Isfarāynī and those who follow him; they say, ‘We do not make *takfīr* of anyone except for those who make *takfīr* of us.’ But labeling one with disbelief is not their right, it is Allāh's right. People do not have the right to lie about those who

lie about them, nor to commit fornication with the women of those who have committed fornication with their women. Even if a man is raped by another man he doesn't have the right to rape him in retaliation... because these are offenses against Allāh (ﷻ). Even if a Christian slanders our Prophet (ﷺ), it is not allowed for us to slander al-Masīḥ, and if the Rawāfiḍ make *takfīr* of Abū Bakr and 'Umar, it is not right for us to make *takfīr* of 'Alī (ﷺ)..."¹

In another place he said;

“Similarly, the people of knowledge and the *Sunnah* do not make *takfīr* of those who oppose them even if their opposition comes in the form of *takfīr* of them, for one's disbelief is determined by the *sharī'ah*. People do not have the right to punish with it as revenge. Just like if someone lies about you or fornicates with your women, it is not your right to lie about him and fornicate with his wife, because lying and fornication is among the forbidden things, due to Allāh's right to determine them as such, and similarly *takfīr* is Allāh's right, so *takfīr* is not applied to one unless it was applied to him by Allāh or His Messenger (ﷺ).”²

Al-Qurāfi said,

“A matter is not determined to be *kufṛ* by reason,

¹*Manhāj as-Sunnah* 5:244.

²*Ar-Radd 'alā al-Bakrī* p.257

rather it is a legislated matter of the *sharī'ah*. So if the *sharī'ah* says about a matter, 'It is *kufr*' then it is *kufr*, and it is the same whether it is a thing written or stated."¹

Al-Ghazālī said;

"*Kufr* is a *sharī'ah* ruling like enslavement and freedom etc. It makes blood lawful and warrants eternity in the Fire. It is determined by the *sharī'ah* so its realization is either by a text, or by *qiyās* concluding from what occurred in the texts."²

Ibn al-Wazīr said;

"*Takfīr* is based purely upon what has been revealed, there is no room for the use of reason in determining it, and the evidences for *kufr* can be established only by revelation alone, and there is no dispute over this."³

In his *Qaṣīdatun-Nūniyah* Ibn Qayim al-Jawziyah wrote;

"Declaring *kufr* is Allāh's right, then His Messenger.
It is with the confirmed text, not the saying of so and so.
Anyone who the Lord of the Worlds and His Servant (ﷺ)

declared

¹*Tahtheeb al-Furūq* 4:158.

²*Fayṣal at-Tafriqah bayn ul-Islam waz-Zinadiqah* 128.

³*Al-Āwāṣim wal-Qawāṣim* 4:178.

a disbeliever, then that is the possessor of the disbelief.”

Shaykh Ibn ‘Uthaymīn, may Allāh preserve him, answered the following question: Are the people of *ta’wīl* (misleading interpretation) considered disbelievers or just *fasiqs*¹?

“To apply the judgement of disbelief and *fusūq* is not for us, rather it is for Allāh (ﷻ) and His Messenger (ﷺ). It is a judgement of the *sharī‘ah* based upon the Book and the *Sunnah*. So it is necessary that its application is affirmed. None is considered a disbeliever or a *fāsiq* without proof from the Book and the *Sunnah* for his disbelief or *fiṣq*.

The rule for one who appears to be a true Muslim is that his *Islām* and its fidelity remains until it has been determined by proof from the *sharī‘ah* that this has ceased. It is not allowed to indulge in declaring him a disbeliever or a *fāsiq* because this may result in one of the two following grave dangers:

1. Forging a lie against Allāh (ﷻ) by judging and sentencing another with the description (*kāfir*) that he labeled him with.
2. What he accused his brother with may return to him if his brother was in fact innocent of it. In *Saḥīḥ Muslim* it is reported that ‘Abdullāh Bin ‘Umar (رضي الله عنه) said that the Prophet (ﷺ) said:

«When a man calls his brother a *kāfir* it surely comes back to one of them.»

So accordingly, before judging a Muslim to be a *kāfir* or a *fāsiq*, it is necessary to be sure of two matters:

1. The Book and the *Sunnah* prove that these statements or actions

¹Meaning deviants in this context.

necessitate a declaration of *kufr* or *fisq*.

2. The judgement is applied to the individual who said or did the act, only when the conditions of *takfir* and declaring one a *fāsiq* truly apply to him, and all obstacles are removed.

One of the most important conditions is that the offender is aware of the violation which made him a *kāfir* or *fāsiq*, as Allāh (ﷻ) said;

﴿ وَ مَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ وَيَتَّبِعْ غَيْرَ

سَبِيلِ الْمُؤْمِنِينَ نُوَلِّهِ مَا تَوَلَّىٰ وَنُصَلِّهِ جَهَنَّمَ وَسَاءَتْ مَصِيرًا ﴾

«Whoever contends with the Messenger (ﷺ) after the guidance has been made clear to him and he follows other than the way of the believers, We shall leave him in the path he has chosen and land him in Hell. What an evil refuge.» (*An-Nisā* 4:115).

And;

﴿ وَ مَا كَانَ اللَّهُ لِيُضِلَّ قَوْمًا بَعْدَ إِذْ هَدَاهُمْ حَتَّىٰ يُبَيِّنَ لَهُمْ مَا يَتَّقُونَ ﴾

«And Allāh does not allow a people to stray, after He has guided them, until He makes what they should avoid clear to them.» (*At-Tawbah* 9:115).

For this reason the people of knowledge say; 'One is not considered a *kāfir* for rejecting an obligation, if he is new to *Islām*, until it is made clear for him.'"¹ Here we must pause to list and elaborate upon this last condition that the *shaykh* mentioned, that is;

¹*Al-Qawā'id al-Muthlā fee Šifāt Allāh wa Asmā'hil-Husnā* 88-89.

2. Guaranteeing Knowledge of the Proof and the Absence of Doubt

A Muslim is not considered a *kāfir* by a statement, action, or belief until proof has been established for him, such that all doubt about it is removed. Allāh (ﷻ) said;

﴿ وَمَا كُنَّا مُعَذِّبِينَ حَتَّىٰ نَبْعَثَ رَسُولًا ﴾

«We do not punish until We have sent a messenger.» (*Al-Isrā* 17:15)

And;

﴿ وَمَا كَانَ اللَّهُ لِيُضِلَّ قَوْمًا بَعْدَ إِذْ هَدَاهُمْ حَتَّىٰ يُبَيِّنَ لَهُمْ مَا يَتَّقُونَ ﴾

«And Allāh does not allow a people to stray, after He has guided them, until He makes what they should avoid clear to them.» (*At-Tawbah* 9:115).

And;

﴿ وَلَوْ أَنَّا أَهْلَكْنَاهُمْ بِعَذَابٍ مِّن قَبْلِهِ لَقَالُوا رَبَّنَا لَوْلَا أَرْسَلْتَ إِلَيْنَا رَسُولًا فَنَتَّبِعَ آيَاتِكَ مِن قَبْلِ أَنْ نَذِلَّ وَنُحْزَىٰ ﴾

«If We had destroyed them with a punishment before this, they would have said: “Our Lord! If only you had sent us a messenger we would have certainly followed your Signs before we were humiliated and disgraced.”» (*Ta Ha* 20:134).

And;

﴿ كَلَّمَا أَلْقَى فِيهَا فَوْجٌ سَأَلَهُمْ خَزَنَتُهَا أَلَمْ يَأْتِكُمْ نَذِيرٌ قَالُوا بَلَىٰ
 قَدْ جَاءَنَا نَذِيرٌ فَكَذَّبْنَا وَقُلْنَا مَا نَزَّلَ اللَّهُ مِن شَيْءٍ إِنْ أَنتُمْ إِلَّا
 فِي ضَلَالٍ كَبِيرٍ ﴾

«Every time a group is thrown into it, it's keepers will say, "Did no Warner come to you?" They will say: "Yes a warner came to us but we rejected him and said: "Allāh never revealed anything, you are only in great error.» (Al-Mulk 67: 8-9)

And;

﴿ وَ مَن يُشَاقِقِ الرَّسُولَ مِن بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ وَيَتَّبِعْ غَيْرَ
 سَبِيلِ الْمُؤْمِنِينَ نُوَلِّهِ مَا تَوَلَّىٰ وَنُصَلِّهِ جَهَنَّمَ وَسَاءَتْ مَصِيرًا ﴾

«Whoever contends with the Messenger (ﷺ) after the guidance has been made clear to him and he follows other than the way of the believers We shall leave him in the path he has chosen and land him in Hell, what an evil refuge.» (An-Nisā' 4:115).

In his *Sahīh*, Muḥammad Bin Ismā'īl al-Bukhārī, the believers' commander in the field of *ḥadīth* said in the section, "Reforming the Apostates and Rebels"; "Chapter: 'Fighting the Khawārij and Apostates after proof is established against them", Allāh (ﷻ) said;

﴿ وَ مَا كَانَ اللَّهُ لِيُضِلَّ قَوْمًا بَعْدَ إِذْ هَدَاهُمْ حَتَّىٰ يُبَيِّنَ
 لَهُمْ مَا يَتَّفُونَ ﴾

«And Allāh does not allow a people to stray, after

He has guided them, until He makes what they should avoid clear to them.» (At-Tawbah. 9:115)”¹

Al-‘Aynī commented;

“With this noble *āyah* he (al-Bukhārī) is indicating that fighting the Khawārij and apostates is not obligatory until after proof showing the falsehood of their arguments is established against them. This *āyah* is an evidence for this, because it demonstrates that Allāh will not punish His servants until He makes what they should do, and what they should stay away from doing clear to them.”²

Shaykh al-Islām Ibn Taymiyyah said;

“*Takfīr* is one of the threats (of Allāh’s punishment), so if a statement is said in rejection of what the Messenger (ﷺ) said, but the person saying it is new to the fold of *Islām*, or he comes from a remote desert area, or other such examples, then he is not considered a *kāfir* by such rejection until the proof is established for him. A man may have not heard the text, or he could have heard it but it was not confirmed for him, or it was contradicted for him by another factor necessary in explaining it, even though it was a misguided interpretation. I always mention the *ḥadīth* recorded in the two *Ṣaḥīḥs*, about the man who said,

«When I die, cremate me. Then pulverize my remains, then spread me in the sea. For by Allāh, if He is able to, He will punish me more than He

¹See book 89, chapter 6, vol. 9 of Muhsin Khan’s translation.

²*Amadat ul-Qārī* 19:369.

has punished any one in all of the worlds.” So they did that with him. So Allāh said to him, “What caused you do this?” He said, “Fear of you.” So He (ﷺ) forgave him.>

This man actually doubted Allāh’s ability to reform him if he were to become scattered dust, he actually believed that He (ﷺ) could not refashion him! This is *kufr* by the agreement of the Muslims. But he was ignorant, having no knowledge of this. He was a believer fearing that Allāh would punish him, so Allāh forgave him. The interpretations of the people of *ijtihād* that are done in order to adhere to following the Messenger (ﷺ) are more deserving of forgiveness than that.”¹

“It is not for anyone to declare a Muslim a *kāfir* for committing a sin or being in error, until the proof has been established against him and the point is made clear to him. The confirmation of one’s *Islām* remains, it is not removed because of doubt. Rather, it does not cease until the proof has been established and the doubt is removed.”²

Ibn Qudāmah said;

“If there is one who is not aware of the obligations of something, as is the case with one new to the fold of *Islām*, or he comes from a land other than a land of *Islām*, or he lives in a desert far from civilization and the people of knowledge, then he is not judged with *kufr*. He is to be made aware of this and the proofs that make it (the prayer etc..) obligatory for him. If afterwards he rejects it, then he has indeed

¹*Majmū‘ al-Fatāwā* 3:231.

²*Majmū‘ al-Fatāwā* 12:265-66.

committed *kufr*. If then such rejection for it is spread by him throughout the cities between the people of knowledge then he is made *takfir* of because of his rejecting it. It is the same ruling for all of the basics in *Islām*, whether it is *zakāh*, fasting, or *hajj*. Because the pillars of *Islām* and proof that they are an obligation are not generally hard to come across since the Book and the *Sunnah* are both filled with the proofs for them, and there is consensus upon them. So none truly rejects them except out of resistance to *Islām*...

Whoever believes that something is lawful when there is *ijma'* (agreement among the Muslims) for its prohibition, and he spreads such judgement of his among the Muslims; and there is no ambiguity about the texts mentioning its prohibition, for example like the meat of pigs, or fornication, or things like these where there is no difference over whether rejecting them is *kufr* or not - not like what we have discussed about avoiding prayer (i.e., that there is some difference over it) - or if he allows fighting the innocent and taking their wealth without any question nor interpretation, then he is also like that (a *kāfir* due to his clear rejection).

But on the other hand, if he does this due to some interpretation of his like in the case with the Khawārij, then as we have mentioned many of the Fuqahā' did not judge them to be *kāfirs* even though they (the Khawārij) considered the blood and wealth of the Muslims to be lawful to them, and they believed their actions were a means of nearness to Allāh (ﷻ). Similarly, Ibn Muljm was not considered a *kāfir* even though he killed the best person in the whole of creation during his time...¹

It was reported that Ibn Qudāmah Bin Mazūn drank intoxicants considering it lawful, so 'Umar had the *ḥadd*² inflicted upon him but he

¹He was the assassin of 'Alī (ﷻ).

²Physical punishment prescribed by revelation which is inflicted by the *Islamic* authorities. In the case of drinking intoxicants it was some form of whipping.

did not label him a *kāfir*. Similarly Abū Jundal Bin Sahl and his group drank intoxicants in ash-Shām, considering it permissible, and they used the saying of Allāh (ﷻ) (the meaning of which follows) as evidence;

﴿ لَيْسَ عَلَى الَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ جُنَاحٌ فِيمَا طَعِمُوا ﴾

«There shall be no sin upon those who believe and do good works for what they may have eaten...»

(*Al-Mā'idah* 5:93).

They were not considered to be *kāfirs*, they were made aware of its prohibition, they were reformed and received the *ḥadd* for it. Similar judgements are determined in cases similar to theirs.

Due to this, in each case where a person is ignorant of something that is possible for him to be ignorant of, he is not judged with *kufr* until he is made aware of that, and there remains no doubt with him over it, and he still considers it lawful afterwards.”¹ He (Ibn Qudāmah) said in another place;

“And whoever denies that it is obligatory- meaning *zakāh* - out of ignorance, and he is in fact one who is ignorant about it, whether it is because he has recently entered the fold of *Islām*, or because he comes from a desert on the outskirts of the cities, he is to be made aware of its obligation, he is not considered a *kāfir* since he has an excuse....”²

Also among the evidences from the authentic *Sunnah* is what comes from the Prophet (ﷺ);

¹*Al-Mughnī* 10:85-86

²*Al-Mughnī* 2:435.

«Four people on the Day of Judgement will lay claim to an excuse:

A deaf person who cannot hear;
a dumb person;
a senile person;
a person who dies in the natural state (*fitrah*).»¹

«As for the deaf, he says; “O my Lord! When *Islām* came I heard nothing”. As for the dumb, he says; “O my Lord! When *Islām* came the young men were throwing me in the dung.” As for the senile, he says; “When *Islām* came I could not understand”. And as the person who died in the natural state, he says; “O my Lord! Your messenger did not come to me.” So He (ﷺ) takes a covenant with them that they will obey Him, then He sends a messenger to them giving them the message that they must enter the Fire.»

He (ﷺ) said,

«By the One in whose Hand is my soul! If they enter it then it will be cool and tranquil for them, and whoever does not enter it, he will be dragged into it.»²

¹ Translator’s note: The natural state, or the *fitrah*, is the state in which one is born, before being taught a particular religion. This would also apply to those living in remote areas whose creed was not one of *shirk* yet they never knew of *Islam*.

² An authentic *ḥadīth*; narrated by Abū Hurayrah, al-Aswād Bin Sarī’a, Abū Saīd al-Khudrī, Anas and Mu’āth.

Abū Hurayrah said; “And read if you will:

﴿ وَمَا كُنَّا مُعَذِّبِينَ حَتَّىٰ نَبْعَثَ رَسُولًا ﴾

«We do not punish until We have sent a messenger» (Al-Isrā 17:15)

This *ḥadīth* is clear evidence that the Lord (ﷻ) does not destroy his servants nor punish them until after He conveys the message and establishes the proof.

This *ḥadīth*, however, has been challenged by the claim that the Hereafter is an abode of recompense and accountability, it is not the place for deeds and trials, so how can these people mentioned be held accountable for what they do in the Hereafter, such that they will enter the Fire because of it? Shaykh al-Islam answered this by saying;

“Responsibility ends only upon entering Paradise or the Fire as a (final) abode of recompense. Yet it is

1. Abū Hurayrah’s *ḥadīth* was recorded by Aḥmad, Ishāq Bin Rāhawiyah, al-Bazzār in *Kashf al-Istār*, al-Bayhaqī in *al-Fitqād*, Ibn Abī ‘Āsim in *as-Sunnah*, and Ibn Jarīr aṭ-Ṭabarī. The wording quoted in the article is that of Abū Hurayrah.

2. The *ḥadīth* of al-Aswād was recorded by Aḥmad, al-Bazzār in *Kashf al-Istār*, aṭ-Ṭabarānī, aḍ-Ḍiyā’ in *al-Mukhtārah*, and Ibn Hibbān. Its wording is similar to that of the *ḥadīth* of Abu Hurayrah.

3. The *ḥadīth* of Abu Sa’īd was recorded by al-Bazzār in *Kashf al-Istār*, ‘Alī Bin al-Ja’d in his *Musnad*, and Ibn ‘Abd al-Barr in *at-Tamhīd* and its wording is somewhat different.

4. The *ḥadīth* of Anas is recorded by Qāsim Bin Asbag, as shown by Ibn ‘Abd al-Barr in *at-Tamhīd*, Abū Ya’lā in his *Musnad*, and al-Bazzār in *Kashf al-Istār* with different wording.

5. The *ḥadīth* of Mu’āth is recorded by ‘Abd al-Barr in *at-Tamhīd*, aṭ-Ṭabarānī in *al-Awsāt al-Kabīr*, and *Musnad ash-Shāmyīn*, and its wording is similar to the *ḥadīth* of Abū Sa’īd.

Through combining all of its ways of transmission, the *ḥadīth*’s grade is *ṣaḥīḥ*. Al-Bayhaqī declared it authentic, as did Ibn Ḥajr, and Ibn ‘Abd al-Barr. Al-Haythamī said, “The narrators in the *ḥadīth* of al-Aswād bin Sarī’a and Abū Hurayrah are narrators of the *ṣaḥīḥ* narrators. Similarly the narrators recorded by al-Bazzār for them are *ṣaḥīḥ*. Al-Albānī declared it *ṣaḥīḥ* in *aṣ-Ṣaḥīḥah* nos. 1434 & 2468.

known that they will experience trials and tests in their grave when asked, “Who is your Lord? What is your religion? And who is your prophet ?” Similarly in the courtyard of resurrection it is said, “Let every people follow after that which they worshipped...” So this proves that the testing only ends when the (final) abode of recompense is entered, but before the (final) abode of recompense there will still be testing and trials.”¹

A similar answer to this was given by al-Hāfiẓ Ibn Kathīr, al-Hāfiẓ Ibn Ḥajr and others. Among the most effective arguments and irrefutable proofs to show that what we have demonstrated regarding this point is the truth without contention, is what is confirmed from the mother of the believers ‘Ā’ishah (رضي الله عنها);

“The Prophet (ﷺ) sent Abū Jaḥm Bin Huṭhayfah to collect the *zakāh*. A particular man disputed and fought with him over his *ṣadaqah*. So Abū Jaḥm beat him until he fractured his skull. They (the man’s family) came to the Prophet (ﷺ) saying, “We want retaliation O Messenger of Allāh!” The Prophet (ﷺ) said; **«You shall get so and so»**, but they did not approve of that offer. So he (ﷺ) said **«You shall get so and so»**, but they did not approve. So he (ﷺ) said **«You shall get so and so»** and they finally approved. The Prophet (ﷺ) then said to them,

«Shall I address the rest of the people in the evening and inform them of your acceptance?»

They said; “Yes”.

¹Majmū’ al-Fatāwā 17:309-310.

So Allāh’s Messenger (ﷺ) addressed the rest of the people saying,

‹These people, the Layths, came to me requesting retaliation. So I responded to them with such and such to which they agreed. Have you accepted that?›

They (the relatives of the man beaten) said, “No!” The *muhājirīn* wanted to attack them, so Allāh’s Messenger (ﷺ) commanded them to leave them alone which they did. Then He (ﷺ) called them to give them more. He (ﷺ) said, **‹Will you accept that?›** They said, “Yes.” He said,

‹Shall I address the people (again) and inform them of your acceptance?›

They said, “Yes.” So the Prophet (ﷺ) later addressed the people and asked them (the family of the man who was beaten) **‹Do you accept?›** They said, “Yes.”¹

Abū Muḥammad Bin Ḥazm said;

“This *ḥadīth* proves that the ignorant is excused, and that one is not removed from *Islām* in such circumstance. If one had knowledge when doing a similar thing, it would make him a *kāfir*. Because these people, the Layths, rejected the Prophet (ﷺ), and rejecting him is clear *kufr*, there being no

¹An authentic *ḥadīth* recorded by ‘Abd ar-Razzāq in his *Muṣannaf* 9:462, Aḥmad 6:232, Abū Dāwūd 4534, an-Nasā’ī 4778, Ibn Mājah no. 2638, Ibn Ḥibbān no. 1529, al-Bayhaqī in *as-Sunan al-Kuburā* 8:49, and Ibn Ḥazm in *al-Muḥallā* 10:410.

difference about it. Yet due to their ignorance and their nomadic nature they were given the excuse of ignorance, so they were not considered *kāfirs*.”¹

There are numerous *ḥadīths* under this topic. Among them is the *ḥadīth* where Mu‘āth̄ prostrated to the Prophet (ﷺ) when he returned from ash-Shām², also the *ḥadīth* of the companions asking if they could have a *thāt ul-anwāṭ* to sit under and seek blessings from as the *mushrikīn* did with theirs³, etc. But the Prophet (ﷺ) did not consider Mu‘āth̄ a *kāfir*, nor the Layths nor those who asked for a *thāt ul-anwāṭ*, proving that the ignorant is excused by his ignorance until the proof is established against him. These people were the generation of the Prophet (ﷺ), and they were the best of people,

“So how about others when ignorance dominates in an age where all traces of Prophethood are gone?”⁴

For this reason ash-Shawkānī said that Mu‘āth̄’s prostration to the Prophet shows one is not considered a *kāfir* for the prostration to other

¹*Al-Muḥalā* 10:410-411.

²Recorded by Ibn Mājah and others.

³Abū Wāqid al-Laythī said, “We went with Allāh’s Messenger to Ḥunayn while we had just recently left disbelief. The *mushrikīn* had a lote tree which they used to frequent and hang their swords upon. They called it *thāt ul-anwāṭ* (possessor of the medals of honor). We said, ‘O Messenger of Allāh, can you make a *thāt ul-anwāṭ* for us like their *thāt ul-anwāṭ*?’ Allāh’s Messenger (ﷺ) said, «*Allāhu akbar!* This way that you have mentioned, by the One in whose Hand my soul is, is just like what the children of Isrā’īl asked Mūsā;

«“Make a god for us like their god.” He said, “Surely you are an ignorant people.”» (*Al-A’rāf* 7:138)

You have followed the way of those before you.» (Recorded by at-Tirmithī)

⁴*Ad-Durr an-Nuthīd* p. 9.

than Allāh (ﷻ) done out of ignorance.¹

Ibn Ḥazm said:

“As for whoever said that Allāh (ﷻ) is in reality a particular person, or that Allāh (ﷻ) dwells in the body of one of His creatures, or that after Muḥammad (ﷺ) there will be prophets to come other than the return of ʿĪsā Bin Maryam, then no two will differ over making *takfīr* of him due to the proof for each of these being correctly established for every one. If it is possible that there exists one who believes these without having ever been informed to the contrary, then making *takfīr* of him is not obligatory until the proof has been established against him.”²

To clearly finalize this point, Shaykh al-Islām said,

“Such creed is that of disbelief, just like rejecting the obligation of prayer, *zakāh*, fasting and *ḥajj*, or like making fornication, intoxicants, gambling, and marrying the *maḥrām*³ lawful. But if such sayings are due to the fact that the information has not reached one... as is the case with one who recently entered

¹*Nayl al-Awṭār* 6:363.

²*Al-Faṣl* 3:293. Editor’s note: His concluding statement must be understood within the context of the discussion, which is dealing with a person who has accepted real *Islam* not a man made religion that is falsely called *Islam*.

³Those unlawful to marry. See *al-Muʾminah* magazine vol.2 issue 2-3 where this definition is discussed.

Islām, or one coming from a remote desert who the laws of *Islām* have not reached, then this person is not judged with the *kufr* of having rejected anything that was revealed to the Messenger (ﷺ) since they did not actually know that it was revealed to the Messenger (ﷺ).”¹

¹*Majmū‘ al-Fatāwā* 3:354.

3. No Distinction is Made (Regarding the Principles of *Takfir*) Between the Fundamentals (of the Religion), Branches, Creed, or Legal Verdicts

Abū Muḥammad Bin Ḥazm said:

“The people disagree over this subject. One group holds the view that anyone who disagrees with them in any matter, whether it is from the issues of creed or any legal issue, then he is a *kāfir* !

Another group holds the view that he is a *kāfir* if he differs in some of this, or a *fāsiq* but not a *kāfir* for the rest. They determine the difference based on their reasoning and conjecture!

Another group holds the view that anyone who disagrees with them in issues of creed is a *kāfir*, and if he disagrees with them in legal issues or issues of worship, then he is neither a *kāfir* or a *fāsiq*, and if his disagreement is due to *ijtihād*, then he is excused for his mistake, depending upon his intent.

Another group says similarly regarding one who differs with them in issues of worship. But regarding the one who differs with them in issues of creed. they say that if the subject of difference is the over the attributes of Allāh (ﷻ), then he is a *kāfir*, otherwise he is a *fāsiq*.

Another group holds the view that one is not to consider a Muslim a *kāfir* due to his utterances in creed nor legal verdicts, and that everyone who makes *ijtihād*, and is left with thinking that he is correct, then he is forgiven either way - if he is correct then he will be given two rewards, and if he was incorrect then only one.

This is the view of Ibn Abū Laylā, Abū Ḥanīfah, ash-Shāfī, Sufyān ath-Thawrī and Dawud Bin ‘Alī (ﷺ). It is the view of every companion (ﷺ) that we know who said something in this regard, and we do not know anything that they differed over regarding fundamentals, except what we mentioned about their differing over

takfīr of one who purposely delays prayer beyond its time, or abandons paying *zakāh*, denies *ḥajj*, or fasting Ramaḍān...”¹

The *ḥadīths* mentioned earlier (see HUDAA 5:2) stand as proof for the view held by the companions, and the Imāms that Ibn Ḥazm mentioned. He also said;

“And it is true that the Prophet (ﷺ) said that there was a man who never did any good deeds, so when his time of death came he said to his family: ‘When I die burn me and scatter me in the wind, half of my ashes in the sea and half on the land. For by Allah, if Allah is able to He will punish me in a manner that He did not punish any of His creatures.’ So this person was ignorant of the fact that even in death, Allāh (ﷻ) is capable of gathering his ashes and bringing him back to life. Still Allāh forgave him due to his belief, his fear of Him, and his ignorance. And the best explanation for anything concerning this is the saying of Allāh (ﷻ);

﴿ إِذْ قَالَ الْحَوَارِيُّونَ يَا عِيسَى ابْنَ مَرْيَمَ هَلْ يَسْتَطِيعُ رَبُّكَ
أَنْ يُنْزِلَ عَلَيْنَا مَائِدَةً مِنَ السَّمَاءِ ﴾

«When the disciples said, “O Isa Bin Maryam! Is your Lord able to send a table down to us from the heavens.»

Upto Allāh’s saying;

﴿ وَ نَعْلَمَ أَنْ قَدْ صَدَّقْتَنَا ﴾

«And to know that you have indeed told us the

¹ *Al-Faṣl* 3:291-292.

These are the disciples that Allāh (ﷻ) praised, yet out of their ignorance they said to 'Isā (ﷺ) "Is your Lord able to send a table down from the heavens." But this did not invalidate their faith, nor their sincerity in it, they could only be considered disbelievers if they had said this after proof was shown and made clear to them.

And the necessary evidences, which none differs over, the likes of which all of the Imāms have agreed to without opposition (such as is the case when) anyone who denies an *āyah* of the *Qur'ān* intentionally, and he sees that it in the *muṣḥaf* like that without a doubt, or he diminishes even one word of the *Qur'ān* intentionally, or adds one intentionally, then he is a *kāfir* according to the consensus of all of the Imāms.

But if a man makes a mistake in his recitation, he adds a word or leaves one out, uttering so unintentionally, thinking that he is correct, and being arrogant about it, and defending so before the truth is made clear to him, then by this he is not considered a *kāfir* by any of the Imāms, nor a *fāsiq*, nor a sinner. But when he sees that surely it is so in the *muṣḥaf*, or he is informed of the proper recitation in a manner that proves it to him, then if he still insists on his mistake he is a *kāfir* according to all of the Imāms

If someone among the people of *Islām* gives an explanation (of the *Qur'ān* for example) and he is mistaken but the proof is not established and the truth is not made clear to him, then he is excused by virtue of one reward for his seeking the truth and his pursuit of it, and he is forgiven his mistakes if he did not do it intentionally. This is due to the saying of Allāh (ﷻ);

﴿ وَ لَيْسَ عَلَيْكُمْ جُنَاحٌ فِيمَا أَخْطَأْتُمْ بِهِ وَلَكِنْ مَا تَعَمَّدَتْ قُلُوبُكُمْ ﴾

«There is no blame on you for what you are mistaken therein, rather what you intended in your hearts.» (Al-Aḥzāb 33:5)

And if he was correct he gets two rewards, one for his correctness and one for seeking what is correct. And if the proof has been established and the truth made plain to him and he stubbornly resisted the truth - except in the case of (intently) opposing Allah and His Messenger (ﷺ) - he is a *fāsiq* due to his persistence against Allāh, and continuing in this matter that is unlawful.

But if he (intently) opposes Allah and His Messenger (ﷺ) in the truth, then he is a rebellious *kāfir*, his blood and his wealth are *ḥalāl*. There is no difference here whether it is a belief in a *sharī'ah* matter, or a mistake in a legal judgement.

So someone (a Muslim) is not a *kāfir* until the command of the Prophet (ﷺ) reaches him, and if it reaches him and he still does not believe it, then he is a *kāfir*. And if he believes in something, then he believes what Allāh (ﷻ) willed him to believe in, or, if he gives a *fatwā*, or acts as Allāh (ﷻ) willed for him to, without the information reaching him that the Prophet (ﷺ) ruled contrary to what he thinks, then there is blame on him until he is informed. If then it reaches him, and he sees that it's narration is correct, but he still makes a different *ijtihād* due to some matter of it not being clear to him, then he is mistaken and excused due to one reward as the Prophet (ﷺ) said;

«When the judge struggles for a verdict and he is correct, then he gets two rewards, and if he is mistaken, then he gets one reward. »(Al-Bukhārī and Muslim)

Every belief, saying, or action is judged by this. If he contradicts it (the command of the Prophet (ﷺ)) by his actions out of resistance to the truth, but he in fact believes the opposite of what he does, then he is a *fāsiq* among the believers, and if his resistance is due to his own opinion, or from the core of his heart, then he is a disbelieving *mushrik*, whether that is a matter of creed or legal verdicts, due to the texts which we have mentioned.”¹

As for distinguishing between the fundamentals of religion and its branches, or between legal principles or fundamentals in creed regarding the excuse for ignorance, there is no knowledgeable bases for this view, nor does anything come from the companions or their followers regarding it. Rather it is a claim with no evidence or proof. And so, Shaykh al-Islām Ibn Taymiyah, the one who some people deceitfully claim did not excuse anyone when it comes to fundamental matters, said the following statement which is clearer than the break of dawn;

“As for the interpretations of someone who intend by them only following the Messenger (ﷺ), then he is not considered a *kāfir* by it, nor a *fāsiq* due to his incorrect *ijtihād*. As for the issues of creed, then many people label *kufr* upon those who err regarding them, but this opinion is not known from any of the companions nor those who followed them in truth, nor from any of the Imāms of the Muslims. Rather in essence it only comes from the opinions of the people of innovations, those who started innovations then labeled their opponents disbelievers, like the Khawārij, the Mu‘tazilah, and the Jahmiyah for example. This also affected many of the later followers of the Imāms, as is the case with some of the companions of Mālīk, ash-Shāfī, Aḥmad and others...yet it is not the opinion of any of the Four Imāms themselves nor other Imāms besides them. None of them considered

¹*Al-Faṣl* 3:296-302 with some revisions.

every innovator to be a *kāfir*, rather the correct records from them contradict such opinion. Where it is reported from one of them that he labeled a person who said certain sayings with *kufr*, then it is understood to mean that this is a saying of *kufr* to beware of, it does not imply that if a saying is *kufr*, then everyone who says it ignorantly or *via ta'wīl* is considered a *kāfir*, for affirming disbelief upon a particular person is like affirming damnation in the Hereafter for him, and for this there are guidelines and conditions.”¹

“As for those sayings which one is considered a *kāfir* for uttering, it could be that a text necessary for someone to be aware of the truth did not yet reach him, or it could have reached him yet he had some doubts about it (its authenticity), or he was incapable of understanding it, or other such uncertainties that Allāh would excuse him for. So any believer, who seeks the truth on a matter but is mistaken, Allah may forgive him regardless of if this sin is in belief or action, and this is the view of the companions of the Prophet (ﷺ) and the majority of the Imāms of *Islām*, they did not divide issues into fundamentals, that one is labeled a *kāfir* for rejecting, and branches (of the religion) that one is not a *kāfir* for rejecting.

As for distinguishing between types of issues in this regard - calling some fundamental issues, and others secondary issues - then there is no bases for this, not from the companions, nor those who followed them in truth, nor even the Imāms of *Islām*, it was taken only from the Mu'tazilah and their like from the people of innovation, and it is from them that it was taken by those who mentioned it from the Fuquhā' in their books, and this differentiation is contradictory. For if it is said to one who differentiates between these two types of issues, ‘What is one fundamental issue for which *kufr* is applied to the person who makes a mistake in it, and what is the difference between that and a secondary

¹*Mināj as-Sunnah* 5:239-240.

issues? Then he will say, 'A fundamental issue is an issue of creed, and a secondary issue is an issue over correct action.' Then it is said to him, 'But the people have divided over whether Muḥammad (ﷺ) saw his Lord or not. And whether 'Uthmān was better than 'Alī, or was 'Alī better? As well, over many a meaning in the *Qur'ān*, and the authenticity of some *ḥadīths*, these are some issues related to knowledge of creed, but *kufr* is not levied for them, by consensus. Yet, the obligation of prayer, *zakāh*, fasting, *ḥajj*, and the prohibition of fornication and wine are issues of action, and the one who rejects this is considered a *kāfir* by consensus.'

If he says, 'The fundamentals are unquestionable.' Then the response is, 'Many issues related to acts are unquestionable, while many of the issues related to knowing are not as certain. A matter is unquestionable or uncertain to someone depending upon circumstances, it may be that a matter is unquestionable to a person due to the clarity of decisive evidence to him, like if a person heard a text from the Messenger (ﷺ) and was certain that it came from him. But someone else may not be so sure, by virtue of the lack of certainty that comes with the absence of a text reaching him, or it not being confirmed to him, or his inability to understand the proofs.'

The *ḥadīth* from the Prophet (ﷺ) is confirmed in the *Ṣaḥīḥ*, about the man who said to his family, 'When I die burn me...' This reflects his doubt in Allāh's capability, and in the return (to meet Allāh), rather he thought that he would not be recreated, and that Allāh could not do that if this was done to him, yet Allāh forgave him."¹

"Surely I acknowledge that Allāh has forgiven the mistakes of this *ummah*, this applies to the mistakes in issues of reported beliefs as well as issues of actions, and the predecessors did not cease differing in some of these matters, yet one of them did not claim *kufr*, *fisq* or even

¹*Majmū' al-Fatāwā* 23:246-247

sin for the other over them... Just as ‘Ā’ishah and others among the companions differed over Muḥammad (ﷺ) seeing his Lord, she said, “Whoever claims that Muḥammad saw his Lord, then he has said the greatest lie against Allāh.” Yet we do not say that Ibn ‘Abbās and those who said as he did that he has lied against Allāh! Similar is the case of the dead hearing the speech of the living, and the dead being punished for the wailing of their families.”¹

Shaykh al-Islām Ibn Taymiyah said;

“The error in *ijtihād* that is forgiven may be either an issue related to accepting the information, or acting upon it...like one who thinks that there is an *āyah* or *ḥadīth* as evidence to support something, while there exists some other evidence that would clearly show that such interpretation is incorrect, yet he is not aware of it. For example;

-One who believes that the one to be offered as a sacrifice was Ishāq (rather than Ismā’īl), due to the *ḥadīth* mentioning that, thinking that it is an authentic *ḥadīth*.

-Or someone who thinks that Allāh will not ever be seen because of His (ﷺ) saying;

﴿ لَا تُدْرِكُهُ الْأَبْصَارُ ﴾

«No vision can grasp Him.» (Al-An‘ām 6:103)

And His (ﷺ) saying;

﴿ وَمَا كَانَ لِبَشَرٍ أَنْ يُكَلِّمَهُ اللَّهُ إِلَّا وَخِيًا أَوْ مِنْ وَرَائِ حِجَابٍ ﴾

¹Majmū‘ al-Fatāwā 3:229-230.

«It is not for humans that Allāh speak to them except by revelation or from behind a veil...» (*Ash-Shawrā* 42:51)

So he argues as 'Ā'ishah did, stating that these two *āyat* negate that the Prophet (ﷺ) actually saw Allāh (during his life), yet he interprets this proof to be more general than that.

-Or as is reported from some of the *tāba'in*, that Allāh would not be seen. They explained His (ﷺ) saying;

﴿ وَجُوهٌ يَوْمَئِذٍ نَّاصِرَةٌ إِلَىٰ رَبِّهَا نَاظِرَةٌ ﴾

«Faces on that Day will be shining, looking at their Lord.» (*Al-Qiyāmah* 75:23)

That it means they are looking at the rewards given by the Lord. As is reported from Mujāhid and Abū Ṣāliḥ.¹

-Or whoever believes that the dead are not punished for the living who wail over them, thinking that this is proven by Allāh's (ﷺ) saying;

﴿ وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ ﴾

«No bearer of burdens can bear the burden of another.» (*Al-An'ām* 6:164)

And he thinks that this takes precedence over what someone reported about that, and that such reporters are mistaken, as was the case with some of the *salaf* and their successors.

¹Translator's note: That is if it is correct from them. Yet there are authentic *ḥadīths* to the contrary as can be seen in *Ṣaḥīḥ al-Bukhārī* when the companions asked if they will see their Lord.

-Or he believes that the dead cannot hear the address of the living in any case [when it is confirmed that the attendees of the funeral will be heard], thinking that this is proven by Allāh's saying;

﴿ فَإِنَّكَ لَا تَسْمَعُ الْمَوْتَىٰ ﴾

«You certainly cannot make the dead hear.» (Ar-Rūm 30:52)

-Or the belief that Allāh does not become “amazed”, as Sharīḥ believed. Because he believed that one only becomes amazed due to ignorance about the causes of something. And Allāh is free of ignorance.¹

-Or to believe that ‘Alī is the best of the companions, because he thinks that the *ḥadīth* of the bird is authentic, so he believes that the Prophet (ﷺ) said;

“O Allāh! Bring the person that you love the most to eat this bird with me.”²

-Or believing that one who spies for the enemy in order to tell them about the military maneuvering of the Prophet (ﷺ) is a hypocrite. As was believed by ‘Umar about Ḥāṭib when he said,

¹ In an authentic *ḥadīth* recorded by Aḥmad, al-Bukhārī, Abū Dawūd and others, the Prophet (ﷺ) said, «Allāh is amazed at a people who are driven into Paradise in chains.»

² Recorded by at-Tirmithī, an-Nasāī in *al-Khaṣāʾiṣ*, al-Ḥākim, Ibn ‘Adī in *al-Kāmil*, and others from Anas. It is reported from others besides him as well *via* many routes, but none of them are the quality to add to it anything but weakness. So it is either very weak, or fabricated! To summarize, the *ḥadīth* of the bird, as stated by *Shaykh al-Islām* in *Manḥāj as-Sunnah* is, “Among the lies and fabrications according to the people of knowledge who are aware of the circumstances of reports... and Abū Mūsā al-Madīnī said, ‘Others among the Ḥufāẓ [*ḥadīth* protectors] have brought examples of the *ḥadīth* of the bird in order to publicize it and raise awareness of it.’”

“Allow me to smite the neck of this hypocrite.”¹

-Or the belief that if one becomes angry with some of the same things that the hypocrites become angry, then he is himself a hypocrite; as Usayd Bin Ḥuḍayr believed about Sa’d Bin ‘Ubādah, saying;

“Surely you are a hypocrite bringing arguments from the hypocrites!”

-Or one who believes that some words or *ayāt* are not from the *Qur’ān* because the reporting of it is not confirmed to him. As is reported about more than one of the *salaf* that they objected to some expressions in the *Qur’ān*, for example;

﴿ وَقَضَىٰ رَبُّكَ ﴾

«And your Lord decreed...» (*Al-Isrā* 17:23)

Saying it actually is, “And your Lord exhorted.”

-Some of them objected to His (ﷺ) saying;

﴿ وَإِذْ أَخَذَ اللَّهُ مِيثَاقَ النَّبِيِّينَ ﴾

«And when Allāh took a covenant from the prophets...» (*Āl ‘Imrān* 3:81)

They believed that it should be, “A covenant from the children of Isrā’īl.” And this example is found in the recitation of ‘Abdullāh [Ibn

¹The story of this incident, as well as the Prophet’s (ﷺ) comment on this matter; «Who knows, maybe Allāh has looked upon the warriors of Badr and said, “Do as you like, for I have forgiven you.”» is related by Imām Muslim in his *Ṣaḥīḥ*.

Mas'ūd].¹

-And some objected to;

﴿ أَفَلَمْ يَأْتِئْسِ الَّذِينَ آمَنُوا ﴾

«Do the believers not know...» (Ar-Ra'd 13:31)

Saying that it should be; "Is it not clear to those who believe."

-And when 'Umar rebuked Hishām Bin al-Ḥakim for reading *sūrat al-Furqān* differently than the way he read it. And as a group among the companions rejected some wordings of the *Qur'ān* that were being recited. They did not know them until the complete *muṣḥaf* was collected together by 'Uthmān.

-And as a group among the early Muslims and their successors rejected that Allāh would decree disobedience, believing that this meant that He loves it, is pleased with it, and commanded it!"²

"Not everyone who believes in some of these is ruined, for if his mistaken divergence is by *ijtihād*, then Allāh has forgiven his error, since that knowledge which would establish the proof for him has not reached him. So in that there are rewards for

¹Ibn 'Utiyah said, "And in the *muṣḥaf* of Ubayy Bin Ka'b and Ibn Mas'ūd is, 'And when Allāh took a covenant from those who were given the Book.' Mujāhid said, 'This is what is in the *Qur'ān*, and "the Prophets" is a mistake from the scribes.'! And this wording is rejected by consensus of the companions upon the *muṣḥaf* of 'Uthmān (رضي الله عنه)". See *al-Muḥrar al-Wajīz* (3:193-194)

²*Majmū' Fatāwā* (20:33-35)

him by which Allāh wipes out the sins of it.”¹

The *Mujadid* Imām Muḥammad ‘Abdul-Wahāb’s methodology was like that of Shaykh al-Islām Ibn Taymiyyah (رحمته). He practiced the method of not making *takfīr* in the principles of religion, nor its branches, except after the argument was established, and the proof was made clear. Such that he said;

“As for what has been stated about me by my opponents; that I make *takfīr* based on my opinions and allegiances, or that I make *takfīr* of the ignorant one whom the proof has not been established upon, this is simply dangerous slander by which they desire to prevent the people from the religion of Allāh and His Messenger (ﷺ).”²

And clearer than that, he said;

“When we do not make *takfīr* of those who worship the idol on the grave of Aḥmad al-Badawī, due to their ignorance and the absence of those who would clarify this to them, then how could we make *takfīr* of one who does not make *shirk* with Allāh, simply because he has not migrated to join us?!”³

And;

¹Ibid. (3:179)

²The Writings of the Imām Muḥammad ‘Abdul-Wahāb (5:25)

³*Manhaj Ahl-Ḥaqq wal-Itibā’* p. 56, by Shaykh Ibn Saḥmān.

“And like this, whoever worships idols after being aware that such behavior is from the religion of the *mushrikīn*, and he beautifies them for the people, then this is the one who we make *takfīr* of.”¹

Even clearer yet he said;

“We only make *takfīr* of one who makes *shirk* with Allāh in His *ulūhiyah* after we have clearly proven the falsehood of his *shirk* to him.”²

The great scholar, ‘Abdul-Laṭīf Bin ‘Abdur-Raḥmān Bin Ḥasan Bin Muḥammad ‘Abdul-Wahāb (رحمته الله), the *muftī* of Najd said;

“He - meaning *shaykh* Muḥammad ‘Abdul-Wahāb - did not make *takfīr* of anyone except the one whom the Muslims have agreed upon making *takfīr* of. And that is due to his commission of major *shirk*, or rejecting *āyāt* of Allāh or something from His Messenger, after the proof was established against him, and it was clearly conveyed to him. Like the *takfīr* of one who worships the righteous and calls upon them with Allāh, making them equals for Him in worship and *ulūhiyah*, that which He alone deserves from His creatures.”³

¹Ibid. (5:58)

²The Writings (5:60)

³*Uṣūl waḍ-Ḍuwabaḥ fī-Takfīr* (15-16)

There should be no doubt that Shaykh ‘Abdullāh (ﷺ) knows better what his grandfather Muḥammad Bin ‘Abdul-Wahāb intended in his writings than those who explained his statements according to their conjecture and desires. In fact, they are seen writing at length in thier books in attempt of explaining the Imām’s position and views on this dangerous issue. They do the same with the views of Shaykh al-Islām Ibn Taymiyah and his student Ibn Qayim al-Jawziyah, all to try to support thier views, behaving recklessly with thier statments and the interpretations that they derive from them...

4. The Excuse in the Lesser known Delicate Issues is Even More Required and More Appropriate than the Excuse in Other Cases.

Shaykh al-Islām Ibn Tamyimah said:

“And there is no doubt that mistakes in the delicate areas of knowledge are forgiven for the *ummah*, even though this pertains to important issues of knowledge. If this were not the case, then most of the virtuous people in the *ummah* would be ruined!

And since Allāh forgives someone who is ignorant of the prohibition of drinking intoxicants, due to the ignorance prevalent in the land and his lack of seeking knowledge, then in the case of the virtuous one who struggles in seeking the knowledge that he can find in his time and place - when his objective is to follow the Messenger (ﷺ) according to his best ability - then he is more worthy of Allāh accepting his good deeds, and being rewarded in what he struggled to ascertain, and not to be punished for his mistake. This is due to Allāh’s (ﷻ) saying;

﴿ رَبَّنَا لَا تُؤَاخِذْنَا إِن نَّسِينَا أَوْ أَخْطَأْنَا ﴾

«Our Lord! Do not punish us if we forget or make a mistake.» (Al-Baqarah 2:286)»¹

“Whatever the Messenger (ﷺ) ordered, it was just, there being no wrong in it. So whoever forbade some of that, then he has prevented justice, and whoever commands contrarily, then he has commanded what is wrong. For the opposite of justice is wrong. So there will not be an opposition to what he (ﷺ) ordered but it is ignorance, wrong, and conjecture, based upon people’s desire.

In any case, this contradiction will fit into one of two categories:

1. The better of them is [a judgement that results in] what was legislated for some of the prophets, then it was abrogated.
2. The worst case; that it was never legislated, but it was newly invented.

All of what opposes Allāh and His Messenger’s ruling is either legislation that was abrogated, or it is legislation that has been newly initiated - never legislated by Allāh. Rather in such case one has legislated without Allāh’s permission, as He (ﷻ) said;

﴿ أَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُمْ مِّنَ الدِّينِ مَا لَمْ يَأْذَنَ بِهِ اللَّهُ ﴾

«Or do they have some associates who legislate in religion for them what Allāh has not permitted.»(Ash-Shūrā 42:21)

Yet both this and that occur in the lesser known and minute matters due to the *ijtihad* of an individual, struggling their utmost in seeking

¹*Majmū’ al-Fatāwā* (20:165-166).

what is the truth. Among those issues, in some they are correct, and in some they follow only what was most clear to them. As occurred similarly with some of the companions in issues of divorce, division of inheritance, etc. But this did not occur among them over clear matters and the more obvious of them, because the Messenger's (ﷺ) explanation of these was well known among them. So with such, no one could contradict them without having contradicted the Messenger (ﷺ). They all held firm to the rope of Allāh and judged according to the Messenger (ﷺ) in the matters that arose between them, they did not put themselves before Allāh and His Messenger (ﷺ), by virtue of staying away from contradicting Allāh and His Messenger.

With the passing of time what was obvious among them became hidden to many people, and what was clear to them became minute to many. So that among the latter generations, cases of opposition to the Book and the *Sunnah* that did not exist among the righteous predecessors increased, yet even with these there were people of *ijtihād* who were excused and forgiven by Allāh for their mistakes, and rewarded for their *ijtihād*.¹

5. The Excuse is also more Required and more Appropriate in Times and Places where Ignorance is Predominate and Knowledge is Scarce.

Shaykh al-Islām (رحمته الله) said;

“But due to the predominance of ignorance, and the scarcity of the knowledge of the legacy of the Message in the case of many of the latter generations, then *takfīr* is not issued on them because of that - i.e., calling upon the dead among the prophets and the righteous - until it is

¹*Majmū' al-Fatāwā* (13:64-65)

made clear to them that this contradicts what the Messenger (ﷺ) came with.”¹

“In the case of this category of people, even though there are many of them during this time, yet the call to knowledge and *imān* is scarce, and there is lack of concern for the legacy of the Message in most of these lands. For most of these people, none of the remnants of the Message or the legacy of prophethood remain by which they could find guidance, and many of them could not ascertain that [though they may try].

But even in the times and places that fall under the category of the *fitrah* , a person will be rewarded for the little *imān* that he has, and Allāh will forgive for him that which has not been proven for him, such that He would not forgive for one whom the evidence has been established for, as comes in the well known *ḥadīth*;

⟨There will come upon people a time in which there are none aware of prayer, nor fasting, nor *ḥajj*, nor *‘umrah*, except for the old man and woman. They will say, “We saw that our fathers were saying *lā ilāha illā Allāh*”⟩ And so it was asked of Ḥuṭhayfah Bin al-Yamān, “What will *lā ilāha illā Allāh* do for them?” He replied, “It will save them from the Fire.”²

For *imān* is judged according to the rules that are received from Allāh and His Messenger, those rules are not determined by what people think and desire. Nor is it obligatory that every person who says that [a statement of *kufr*] be judged as a *kāfir* until the conditions of

¹*Ar-Radd ‘ala al-Bakarī* (376)

²Recorded by Ibn Mājah (4049) and al-Ḥākim (4:473), and Ibn Taymiyah has mentioned its meaning. See its routes in *aṣ-Ṣaḥīḥah* no. 87.

takfīr are realized regarding his case, and all of the preventive factors are removed.”¹

Ibn Qayim al-Jawziyah said;

“The effectiveness of having established the proof will differ with the different times, places, and individuals. So the proofs of Allāh have been established for the disbelievers of one time but not another, and in one locality or area but not another, just as they were established for some individuals but not others. This is either because of their lack of ability to reason and discern, like with the young and the insane, or because of the absence of the ability to understand, like in the case of those who do not understand the address made to them, and they are without one to explain its meaning to them.”²

¹*Majmū' al-Fatāwā* (35:165-166).

²*Tarīq al-Hijratayn* (414).

6. Inability and its Degrees

An excuse is more emphasized and required in the case of a person who has been unable to reach the [correct] knowledge, or is incapable of it, than the one who is capable of knowing. The degree of which depends upon the case. Shaykh al-Islām said,

“The argument against the worshipper is only established by two things; under the condition that the possibility exists of knowing what Allāh has revealed, and the power to act according to that. So the one who is incapable of this knowledge - like the insane or the one who is not able to act according to His (ﷺ) saying - like one who is cut off from learning the entirety of the religion, or the one incapable of acting on it in its entirety, like the insane for example - then these are examples of cases of the *fitrah*.”¹

“It is necessary to know that hearts differ in their strength in the areas of knowledge and the topics of creed, and in their willpower and intentions, just as they do in their physical abilities. So an error or case of forgetfulness falls into the area of knowledge, he is excused although he has some knowledge, or because of the state of the knowledge that he has.”²

“And when this is clear then whoever leaves some *wājib* aspect of *imān* because of his inability; either because he has not been able to know - for example if the Message has not reached him - or because of his incapacity to know it, then he will not be held accountable for what he was incapable of. And in his case, these things will not be among those matters of faith in the religion that are obligatory upon him. Even if

¹*Majmū' al-Fatāwā* 20:59.

²*Al-Istiqāmah* 1:28

they are part of the religion and are among its fundamental obligatory elements of faith, then their status is like that of the manner of the prayer for the sick person, or the manner of praying when in a state of terror, or the prayer in the case of the woman with *istihādah* [prolonged blood flow beyond the limits of menses], and the rest of the people who are excused, those who are incapable of performing prayer in its complete fashion.

Indeed their prayer is correct in accordance with their abilities, and it is that which they are held accountable for, although the prayer done by the one able in a complete fashion is more meritorious and complete.”¹

And the principle that governs all of this is Allāh’s saying;

﴿لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا﴾

«Allāh does not hold a person accountable for more than they can bear.» (*Al-Baqarah* 2:286)

7. The Case of the Blind follower who Knows the Truth vs. the Blind follower who Does Not

Ibn al-Qayim said,

“There is a difference between a blind follower who is able to know and recognize the truth, yet he opposes it, and a blind follower who is unable to do so. These each fall under two different categories. The one who is able, yet in wanton opposition avoids what is obligatory upon him, then there is no excuse for him with Allāh.

As for the one who is unable to ask, or he is unable to correctly

¹*Majmū’ al-Fatāwā* 12:478-479

understand that which he has been unable to learn, then this also falls under two categories; the first is one whose goal is guidance and he hopes for its outcome, without having the ability for it nor to seek it due to the absence of proper guidance. So the case here is that of the *fitrah* and it is the same as the one who the call has not reached. The second opposes without having any intent for guidance, nothing other than what he follows has occurred to him.

So the first one says, 'O Lord! If you know that there is a religion that is better to you than what I follow, then bring me to it and cause me to leave that which I follow. But I do not know other than that which I follow and I have no way of following otherwise.' So in this case he has done his utmost and achieved the limits of what he knows.

The second, is satisfied with what he follows, not desiring other than that, nor seeking otherwise. Both of them are incapable, so there is no reason to make a distinction between the type of incapability, physical or otherwise, in either case both are unable. But still the case of the first person is not exactly the same.

Because the first is like one who seeks the religion upon the *fitrah* but has not found it. After he is finished his searching his inability and ignorance remain the same. Whereas second is like the one who did not seek at all, and he dies upon his *shirk*, and if he had sought it, he still would have been incapable of reaching it.

So there is a difference between the incapability of the seeker and that of the obstinate. Take note of these cases, Allāh judges between His servants on the Day of Judgement with His wisdom and justice, He does not punish anyone without having shown the proof to him with the message.

These cases are but a portion out of all of creation. As for the average person - whether the evidence has been established for him or not - this is an area in which it is not possible for the people to decide. Rather it is obligatory that the servant believe that everyone who

adheres to a religion other than *Islām* is a disbeliever, and that Allāh (ﷻ) does not punish anyone until He has established the proof for him by the message. This is the general rule, and the specific cases are entrusted to Allāh's knowledge and wisdom. This deals with the judgements of reward and punishment, as for the judgements of religion, then it depends upon the apparent state.”¹

¹*Tarīq al-Hijratayn* 412-413.

8. The Believer that is Mistaken

“The one who believes in Allāh and His Messenger both inwardly and outwardly, who intends to follow the truth and whatever reached him of the Message, when he is mistaken and does not know the truth, then it is more obvious that Allāh would excuse him in the Hereafter than the knowledgeable one who purposefully sins. This disobedient person deserves punishment without a doubt, as for the first case, he does not sin on purpose, rather he was mistaken, and Allāh has allowed the mistakes and forgetfulness of this *ummah*.”¹

9. Commission of a wrong does not warrant *takfīr* by itself

Takfīr differs in accordance with the different individual cases, not every one who is mistaken, everyone who commits innovation, nor every ignorant person, nor every deviant, is a *kāfir*, nor a *fāsiq*, nor even disobedient.²

“It may be impossible or difficult for one to traverse the purely lawful way without some type of innovation, because of the absence of one to teach him the right way, be it in knowledge or action. So when the pure light will not be found, since only a light that is not pure is found - and if the people would otherwise remain in complete darkness - then one should not blame that person or prohibit him from the light that has some darkness in it, until the pure light that has no darkness is found. Otherwise, how many people would be removed entirely from the light, because of the darkness that someone saw in it...And everyone who is incapable of achieving the utmost good, and impelled to some amount

¹*Minhāj as-Sunnah*, Ibn Taymiyah 5:250.

²*Majmū‘ al-Fatāwā* 12:180

of evil, is forgiven, for indeed Allāh (ﷻ) said;

﴿ فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ ﴾

«So have *taqwā* of Allāh as much as you can.»(At-
Taghābun 64:16)

And;

﴿ لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا ﴾

«Allāh does not hold a person responsible for more
than he can bear»(Al-Baqarah 2:286)

And;

﴿ وَالَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ لَا نُكَلِّفُ نَفْسًا إِلَّا وُسْعَهَا
أُولَئِكَ أَصْحَابُ الْجَنَّةِ هُمْ فِيهَا خَالِدُونَ ﴾

«And those who believe and do good, We do not
hold any soul accountable except for what it can
bear, these are the inhabitants of Paradise, in it
they will abide forever.»(Al-A'raf 7:42)

... So this is the balanced and level path, and whoever traverses it, he has abided in the justice which Allāh revealed His Book and the just balance for.”¹

10. [When it comes to *Takfir*], a distinction must be made between general and individual cases.

¹Ibid 10:364-366.

“As for the threatening texts that are found in the Book and the *Sunnah*, and the texts from the Imāms about *takfīr*, *fisq* and the like - it is not necessary that they be applied in each individual case, except when the conditions are fulfilled and the necessary obstacles are removed. It makes no difference whether the wrong committed is in the foundations of the religion, or its branches.”¹

“As for the knowledge, the faith in, and belief in the guidance of what the Messenger (ﷺ) came with, if one obstinately opposes it, then *kufr* is generally applied. So negating the attributes of Allāh is *kufr*, denying that Allāh will be seen in the Hereafter, or that He is above His throne, or that the *Qur’ān* is His word, or that He spoke to Mūsā, or that He (ﷺ) took Ibrāhīm as a *khalīl*, negating any of these is *kufr*...as far as judgement on an individual bases; that he himself is now a *kāfir*, or bearing witness that he is to dwell in the Fire, these will depend upon the evidence presented to the individual. The judgement of absolute *kufr* on an individual depends upon the fulfillment of its conditions, and removal of the factors that would prevent its application...When this is known, it is not allowed to rush into *takfīr* of these ignorant people and their like on an individual bases - to the extent that it is judged that he is a *kāfir* - until the prophetic evidences are established for them, such that it is clear to them that they are opposing the Message. When this is their clear belief, then there is no doubt that it is *kufr*. This is the case when discussing *takfīr* on an individual bases.”²

“This, as I have always said - and whoever sits with me knows this about me - I am among the most concerned of people preventing the insult of *takfīr*, *fisq*, and disobedience on individuals, except when it is known that the prophetic evidences have been established for them,

¹*Majmū’ al-Fatāwā* (10:372).

²*Ibid.*, (12:497-500)

such that they know that whoever differs with these issues is either a *kāfir* in some cases, a *fāsiq* in other cases, or a disobedient person in others. And I acknowledge that Allāh has forgiven the mistakes of this *ummah*, and that such forgiveness applies to the mistakes in issues of belief as well as issues of knowledge. The *salaf* continually disagreed in many of these matters, yet not one of them laid such claim against another because of their differences, not the claim of *kufr*, nor *fisq* or disobedience....I would explain to them that what was reported about the *salaf* and the Imāms' general statements of *takfir* for one who said this or that, then this also is true, but it is necessary to distinguish between general and individual cases. And that this is the first of the major issues which the *ummah* held different views over - that is the issue of the threat. For the texts of the *Qur'ān* issue threats in a general way, like Allāh's (ﷻ) saying;

﴿ إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ
فِي بُطُونِهِمْ نَارًا ﴾

«Indeed those who wrongfully consume the wealth of the orphans have only consumed Fire in their bellies. »(An-Nisā' 4:10)

Similarly the rest of what is mentioned; whoever does this than he will get such and such. These are absolutely general. This is the case when one of the *salaf* have said; 'Whoever said this, then he is a such and such'. Then the threat against the individual person may be removed by his repentance, some good he performs which removes that, by some atoning afflictions that he suffers from, or by intercession for him that is accepted. And *takfir* is among these threats. So if a statement is said in rejection of what the Messenger (ﷺ) said, but the person saying it is new to the fold of *Islām*, or he comes from a remote

desert area, or other such examples, then he is not considered a *kāfir* by such rejection until the proof is established for him. A man may have not heard the text, or he could have heard it but it was not confirmed for him, or it was contradicted for him by another factor necessary in explaining it, even though he had a misguided interpretation.”¹

“So those who were in power were saying what the Jahimiyah said, ‘The *Qur’ān* is created, and Allāh will not be seen in the Hereafter’ etc., and they invited the people to accept these beliefs, and put them to the test over them, punishing them if they did not accept their claims, and making *takfir* of whoever did not believe in them. It was such that when they imprisoned someone, they would not release him until he cited the Jahmiyah claim that the *Qur’ān* is created, etc. They would not give any positions of authority to anyone who allowed any interpretations on these matters, and they would not give any provisions from the *Bayt al-Māl* except to those who said that. Yet even with all of this, Imām Aḥmad (ؑ) had mercy on them, sought forgiveness for them, because he knew that it was not clear to them that they were actually rejecting the Messenger (ﷺ) and denying what he came with. They were saying such things due to false interpretations, and following those who made such claims.”²

Ibn Abū al-‘Izz (ؑ) said;

“[In the case of] the prohibited innovated belief, which implies a negation of what the Messenger (ﷺ) affirmed, or an affirmation what he negated, or it orders what he forbade, or it forbids what he ordered, then the truth is said about that, the threats issued in the texts are explained, and it is made clear that this behavior is *kufr*. So it is said,

¹Ibid., (3:229-231)

²Ibid. 23:34-349.

‘Whoever says this then he is a *kāfir*’. This has been said by many of the famous people of the *Sunnah*, claiming the disbelief of any who said that the *Qur’ān* is created, and that Allāh would not be seen in the Hereafter, and that He does not know anything before it occurs.

As for individual cases, it is asked; ‘Are they bearing witness that such a person is among the people of the threat, and that he is a *kāfir*?’ This we do not testify to, except in the case where such testimony is permitted. For indeed it is among the greatest forms of tyranny to testify that Allāh will not forgive an individual, nor have mercy on him, but that he will rather abide in the Fire, for this is the judgement reserved for the disbeliever after his death.

Similarly, Abū Dāwūd mentions in his *Sunan*, from Abū Hurayrah (رضي الله عنه); “I heard Allāh’s Messenger (ﷺ) saying;

‘There were two men among Banī Isrā’īl who were like brothers to each other. One of them would sin, and the other was diligent in worship. The diligent one would always see the other sinning, so he would say, “Stop that”. One day he found him sinning and he said to him “Stop that”. So the other said, “Leave me alone. Have you been sent as a watcher over me?” He said, “By Allāh! Allāh will not forgive you, (or He will not admit you into Paradise.)” After their souls were taken, and they were gathered before the Lord of the Worlds, the following was said to the diligent worshiper, “Are you more knowing than I? Or are you the one who decides things?” And He (ﷻ) said to the sinner, “Go and enter Paradise by My mercy.” He (ﷻ) said about the other, “Take him to the Fire.”’

Abū Hurayrah said, 'By the one in whose Hand is my soul, he uttered one statement that destroyed his life and his life in the Hereafter.' This is a *ḥasan ḥadīth*.¹

So in the case of the individual, it is possible that he may make a statement of *kufr* out of *ijtihād*, and would be forgiven for it, or it is possible that the texts reported in these matters did not reach him, or it is possible that he otherwise has tremendous faith and has accumulated rewards by which Allāh would have mercy on him. Just as He forgave the one who said, "When I die, burn me and scatter my ashes." Then he was forgiven because of his fear, although he thought that Allāh was not able to gather his ashes and put him back together, or he doubted that. But this position regarding matters of the Hereafter does not prevent us from punishing such person in this life to prevent his innovation and to seek his repentance. Then he either repents or we fight him.

Then, when the saying itself is *kufr*, they said, "It is *kufr*," and the one who says it is a *kāfir* according to the conditions and the removal of preventive factors. But this will not occur except in the cases of the hypocrites and the *Zindīqs*². The label "*kāfir*" is not applied to any one of the people of the *qiblah*, of the pure *Islām*, except for those hypocrites and the *Zindīqs* among them, and Allāh's Book is clear about that. For Allāh (ﷻ) divided the creatures into three categories;

1. Disbelievers among the *mushrikīn* and the people of the Book. They are the ones who do not acknowledge the *shahādātayn*.
2. Those who are believers, both inwardly and outwardly.
3. Those who acknowledge it outwardly but not inwardly.

¹Recorded by Abū Dāwūd, and graded *ḥasan* by al-Albānī in *Sharḥ al-'Aqīdah at-Taḥāwīyah*.

²Translator's note; A word of Persian origin that can be translated to mean heretic. It covers all of those who outwardly profess *Islām* but actually hold beliefs of a different religion.

These three categories are mentioned in the beginning of *Sūrat al-Baqarah*. So for anyone whom it is confirmed that he is himself a *kāfir* while he acknowledges the *shahādātayn*, then he is a *Zindīq*, and the *Zindīq* is a hypocrite.”¹

11. *Kufr* is made up of Foundations and Branches

Ibn al-Qayim (رحمته الله) said;

“Since the foundation of *īmān* has many branches, and every branch of it is called *īmān*, then *ṣalāh* is a part of *īmān*, so is *zakāh*, *ḥajj*, fasting, as well as the inner deeds; like modesty or shyness, reliance upon Allāh, and fear of Him, repenting to Him. These branches extend even to removing something harmful from the road, for that is one of the branches of *īmān*.

Some of these branches are those that if they cease, then *īmān* also ceases, like the branch of the *shahādah*. In the case of other branches, if they cease, *īmān* does not cease, like avoiding to remove something harmful from the road. Between these two kinds there is a great variety of branches, some that are related closely to the branch of the *shahādah*, and others that are related closely to removing something harmful from the road.

In the same way, *kufr* is made up of foundations and branches. Just as each of the branches of *īmān* are *īmān*, then the branches of *kufr* are *kufr*. Modesty, or shyness, is a branch of *īmān*, and disgrace of modesty is a branch of *kufr*. Being truthful is a branch of *īmān*, and lying is a branch of *kufr*. Prayer, *zakāh*, *ḥajj*, fasting are all branches of *īmān*, and avoiding any of them is a branch of *kufr*. Ruling by what Allāh revealed is a branch of *īmān*, and ruling by other than what Allāh revealed is a

¹*Sharḥ al-'Aqīdah aṭ-Ṭahāwīyah* 2:435-437.

branch of *kufr*. Every type of disobedience is a branch of *kufr*, just as every type of obedience is a branch of *īmān*. The branches of *īmān* are two kinds; speech and actions, and so the branches of *kufr* are also of two kinds; speech and actions. Among the branches of *īmān* that are speech, there are some that if they cease then *īmān* has ceased, the same with some branches of actions; when they cease, then *īmān* has necessarily ceased.

This is also the case with the branches of statements and actions of *kufr*. So just as the one who knowingly chooses statements of *kufr* is considered a *kāfir*, and that is one of the branches that are *kufr*; in the same way the one who commits a branch of *kufr*, like prostration to an idol, and disgracing the *muṣḥaf* is considered a *kāfir*.¹

¹*Aṣ-Ṣalāt*.

12. "It is not required that a person who upholds a branch of *īmān* be named "believer" by another, even though what he has done is in fact *īmān*.

Not everyone who has performed a branch of *kufr* is named "*kāfir*" even though what he has done is *kufr*. Everyone who has some knowledge is not called a scholar, and one who is familiar with some issues of *fiqh* or healing is not called a *faqīh* nor a doctor.

But this does not prevent naming the branch of *īmān* "*īman*", or the branch of *nifāq* "*nifāq*" or the branch of *kufr* "*kufr*", nor does it prevent applying it in a general way to the act committed, as he (ﷺ) said [about *ṣalāh*];

«Whoever forsakes it has committed *kufr*»¹

And;

«Whoever swears by other than Allāh has committed *kufr*»²

This results from it being a characteristic of *kufr*, so it does not warrant applying the title "*kāfir*" in a general way, just as they say about one who commits a prohibited act; he has done some disobedience, and he has disobeyed by doing so - but that alone does not necessitate the title *fāsiq* (disobedient) unless this is his case. Similarly with the fornicator, the thief, the drinker, and the robber, none of these are named "believer" simply because he has some *īmān*, just

¹«Between a person and *shirk* and *kufr* is forsaking the prayer.» Recorded by Muslim and others.

²«Whoever swears by other than Allāh has committed *shirk*.» Recorded by Aḥmad and others, graded *ṣaḥīḥ* by al-Albānī in *Ṣaḥīḥ ul-Jāmi'* no. 6204.

as one is not named “*kāfir*” even though he has some elements of *kufr* and its branches, because every type of disobedience is one of the branches of *kufr*, just as every type of obedience is one of the branches of *īmān*.”¹

This is because even in the case of one who performs some branches of *īmān*, like the *shahādah* and prayer, perhaps he is involved in denying something that is known necessarily in the religion, the evidence is established for him, the doubt is removed, so he is considered a *kāfir* because of that. Ibn Qayyim said;

“Faith in Allāh and His oneness, and that there is no god but He, this does not benefit anyone who rejects the message of Muḥammad (ﷺ), nor does *ṣalāh* benefit one who prays it purposefully without *wuḍū’*.”²

13. “Both *kufr* and *īmān* may be found in a person...

Both *shirk* and *tawḥīd*, both piety and indecency, both hypocrisy and faithfulness can be found together in one person. This is one of the most important principles of *Ahl as-Sunnah*, and the people of *bida’* like the *Khawārij*, the *Mu’tazilah* and the *Qadiryah* disagree with them in this matter. The issue about the people who committed major sins, and if they ever come out of the Fire, or will they remain in it eternally is founded on this principle. The *Qur’ān*, the *Sunnah*, the *fitrah* and consensus of the companions brings the proof for it. Allāh (ﷻ) said;

¹*Aṣ-Ṣalāt*.

²*Aṣ-Ṣalāt*.

﴿ وَ مَا يُؤْمِنُ أَكْثَرُهُمْ بِاللَّهِ إِلَّا وَهُمْ مُشْرِكُونَ ﴾

«And most of them do not believe in Allāh except that they commit *shirk*.»(Yūsuf 12:106)

So faith in Him (ﷻ) is confirmed along with the presence of *shirk*.

And He (ﷻ) said;

﴿ قَالَتِ الْأَعْرَابُ آمَنَّا قُلْ لَمْ تُؤْمِنُوا وَلَكِنْ قُولُوا أَسْلَمْنَا وَلَمَّا يَدْخُلِ الْإِيمَانُ فِي قُلُوبِكُمْ وَإِنْ تُطِيعُوا اللَّهَ وَرَسُولَهُ لَا يَلِتْكُمْ مِنْ أَعْمَالِكُمْ شَيْئًا إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ ﴾

«The bedouins say, “We believe”. Say: “You have not believed, rather you should say; ‘We have submitted.’ And when faith enters your hearts, if you obey Allāh and His Messenger, nothing will be diminished of your deeds. Surely Allāh is pardoning and merciful.”»(Al-Hujurāt 49:14)

So *Islām* and obedience to Allāh and His Messenger is affirmed, while *īmān* is negated from them. This denial is the denial of the absolute *īmān*, the kind which its possessor deserves the name in the absolute sense;

﴿ الَّذِينَ آمَنُوا بِاللَّهِ وَرَسُولِهِ لَمْ يَرْتَابُوا وَجَاهَدُوا بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ فِي سَبِيلِ اللَّهِ ﴾

«Those who believe in Allāh and His Messenger, then they have not doubted, and they strive with their wealth, and their selves in Allāh’s cause.»

According to the correct opinions, these people [the bedouins mentioned above] were not hypocrites, rather they were Muslims, submitting in obedience to Allāh and His Messenger, yet they were not believers. Even though they possessed enough portion of faith to remove them from disbelief...

When judging with other than what Allāh revealed, or doing something that Allāh's Messenger (ﷺ) called *kufr*; yet such person is adhering to *Islām* and it's legislation, then he has by such behavior committed *kufr* and *Islām*. And it is clear that every kind of disobedience is a branch of *kufr*, just as every kind of obedience is a branch of *īmān*, and commission of that branch may be called believing, and the person who does it is not called a believer, just as commission of that branch of *kufr* is called disbelieving, but these names are not absolutely applied to those who commit them.”¹

Ibn Taymiyah said;

“The root of the deviations of the Mu'tazilah, the Khawārij and others is that they disagree over this principle; they consider *īmān* one entity, when some of it disappears then all of it has disappeared. So they believe that the person who commits a major sin has nothing left of *īmān*, they do not say that some of it has gone, and some of it remains. Yet the Prophet (ﷺ) said;

«Whoever has a mustard's seed amount of *īmān* in his heart will be removed from the Fire.»²

¹Ibid.

²This wording is recorded by at-Tirmithī. It was graded *ṣaḥīḥ* by al-Albānī in *Ṣaḥīḥ ul-Jāmi'* no. 8062.

So in fact *īmān* does not disappear by the disappearance of some of its deeds.”¹

14. “There are Two Categories of *kufr*”

1. Actions that are *kufr*;
2. and denial or obstinate *kufr*.

The denial type of *kufr* is to disbelieve in what one knows the Messenger (ﷺ) came with, in a manner that constitutes denial or obstinance over it. This is the case whether the denial is of one of the Lord’s names or attributes, or His actions and judgements. This is the kind of *kufr* that is the absolute opposite of faith. As for acts of *kufr*, they are divided into that which constitutes the opposite of faith, and that which does not. Prostrating to an idol, disgracing the *muṣḥaf*, fighting the Prophet, cursing him (ﷺ) - all of these constitute the opposite of faith. In the case of judging according to other than what Allāh revealed, and leaving the prayer, these are actions of *kufr* only. It is not possible to negate the term *kufr* after Allāh and His Messenger (ﷺ) used it for these cases, so the one who judges with other than what Allāh revealed is a *kāfir*, and the one who leaves the prayer is a *kāfir* according to texts from Allāh’s Messenger (ﷺ), yet this *kufr* is an act of *kufr* not *kufr* in belief.

Allāh’s Messenger (ﷺ) negated faith from the fornicator, the thief, the one who drinks intoxicants, and the one whose neighbor is not safe from his abuse. Since he negated the title of faith from them, then each of them is a disbeliever from the view of his actions, not from the view of the *kufr* of denial or belief. As he (ﷺ) said;

¹*Majmū’ al-Fatāwā* 7:510-511.

«Do not revert to *kuffār* after me, striking the necks of each other.»¹

So this is an act of *kufr*. Similarly;

«Whoever goes to a fortuneteller, believing in him, or a woman in her behind, then he has disbelieved in what was revealed to Muḥammad.»²

And his saying;

«When a man says to his brother, O *kāfir*, then it is so about one of them»³

So actions of faith are the opposite of actions of *kufr*, and the beliefs of the faith are the opposite of the beliefs of *kufr*. So the Prophet (ﷺ) made his statement clear to us, as is recorded in the authentic *ḥadīth*;

«Speaking harmfully about a Muslim is disobedience, and fighting him is *kufr*.»⁴

So he distinguished between speaking harmfully about him and fighting him, ranking one as disobedience, not *kufr*. He ranked the other as *kufr*, and it is well known that he meant an action of *kufr*, not *kufr* in belief. Such *kufr* does not remove one from the fold of the

¹Al-Bukhārī and Muslim.

²A *ḥasan ḥadīth*, recorded by Aḥmad and the Four *Sunans*, its routes of narration are presented in the book *Kitābān fīl-Luwaṭ* (p. 73).

³Al-Bukhārī and Muslim.

⁴Al-Bukhārī and Muslim.

religion entirely, just as fornication, theft, and drinking do not remove one from the religion, even though the title of faith is removed in both cases.

These details are found in the views of the companions, those who were the most knowledgeable among the nation regarding Allāh's Book, *Islām*, *kufr*, and the regulations over these subjects. These issues occurred among them, but the people after them did not understand what they have said regarding that, so they divided into two categories;

1. A group that considers a person to have left the religion by the commission of the major sins, considering the one who commits them to be dwelling eternally in the Fire.
2. A group that considers such people believers, having complete faith.

The first group went too far, and the second fell short. Allāh guided *Ahl as-Sunnah* to the best path and the moderate views which is among the different views, just as *Islām* is among the different religions. So these are *kufr* less than *kufr*, *nifāq* less than *nifāq*, *shirk* less than *shirk*, *fisūq* less than *fisūq*, and *ẓulm* less than *ẓulm*.”

After writing this detailed statement, Ibn al-Qayim (رحمته الله) mentioned the saying of Allāh (ﷻ);

﴿ وَ مَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«Whoever does not judge by what Allāh has revealed, then these are the *kāfirūn* [disbelievers]»

(*Al-Mā'idah* 5:44)

And quoted what is reported from some of the companions and their followers, saying that the meaning is *kufr* less than *kufr*. The he said;

“So Allāh (ﷻ) called the one judging with other than what Allāh revealed *kāfir*, and he called the one who denied what He revealed to His Messenger (ﷺ) *kāfir*, yet these two usages of *kāfir* are not the same.”¹

In his book *Taʿzīm Qadr aṣ-Ṣalāh*, al-Marwazī who died in the year 394 H. said;

“There are two categories of *kufr*;

A *kufr* which is a denial of Allāh and of what He has said, this is the opposite of acknowledging Allāh, and belief in Him, and what He has said. And there is a *kufr* which is an action that is the opposite of the action of faith.

Haven't you seen what is reported from the Prophet (ﷺ) that he said;

«One whose neighbor fears his abuse is not a believer.»

They say - if he is not a believer then has committed *kufr*. So it is not possible that this could be other than an action of *kufr*, since he is not a believer by virtue of that act.”

15. Denying an Issue of *Ijmāʿ*

“The denial of a ruling that there is *ijmāʿ* for is only worthy of *takfīr* when that is an issue that is well known by necessity in the religion. As far as issues that are not well known by necessity in the religion, then

¹*Aṣ-Ṣalāh*.

one is not considered a *kāfir* for rejecting it. For example ‘The son’s daughter gets a sixth along with the daughter’, there is *ijmā’* for this, yet it is not well known necessarily, so one rejecting it is not considered a *kāfir*.

Making *takfir* based on the denial of what is well known is only the domain of legislated ruling, because it is a denial of what is well known in the religion; the prayer, the fasting or the *ḥajj*, and because such denial requires rejecting the Messenger. This is why it is required to not be hasty with it.”¹ This was stated by as-Subkī. Ibn Ḥajar al-‘Asqalānī said;

“Ibn Daqīq al-‘Īd said; ‘An issue of *ijmā’* sometimes is *tawātir* due to reports from the *shar’*, like the obligations of prayer for example, and sometimes it is not *tawātir*. So in the first case, one’s denial is considered *kufir* because of his opposition of what is *tawātir*, not because of his opposition to the *ijmā’*. In the second case he is not considered a *kāfir*. In his explanation of at-Tirmithī, our *shaykh* said; ‘The correct view regarding making *takfir* for rejecting a matter of *ijmā’* is dependant upon the rejection of what is known to be obligatory in the religion by necessity, like the five prayers.’”²

16. Denying Details does not Warrant *Takfir*

“Something well known in the religion by necessity could be a detailed matter, a person could be new to *Islām*, or one who lives in a remote desert area, so he would not have entire knowledge of the matter, aside from the fact that it is necessarily known. Most of the scholars know by necessity that the Prophet (ﷺ) performed the prostration of

¹*Fatāwā as-Subkī* (2:588).

²See *Fath al-Bārī*.

forgetfulness, and they know his judgement on blood money for the sane, and his judgement regarding the child of the bed, and other specific cases that are known by necessity. Yet most people know nothing about these.”¹

Ibn Hajar al-Haytamī said similarly;

“Something *mutawatir* can be well known by necessity among some people but not others. So *takfīr* is applied for some based on *tawātir* evidences whereas not for the same reason in the case of others. As for what there is *ijmāʿ* for - other than what is well known in the religion by necessity - like the right of the daughter of the son to a sixth along with the daughter, it is not *kufr* to reject that according to us.”²

¹*Al-Furqān*, Ibn Taymiyah. Translator’s note, that fact that these judgements require explanation for the average reader is proof enough for the point...!

²*Fath al-Mubīn li-Sharḥ al-Arbāʿīn*.

17. *Takfīr* is not Issued Solely by a Logical Inference

One is not considered a *kāfir* because of what is implied by his *mathhāb* or its views, nor by what can be derived from that upon considering its implications. Ibn Ḥazm said;

“As for one who makes *takfīr* of people based upon what may possibly be deduced from their opinions, then this is an error. Because he has lied about his opponent, even if such representation is logically correct. Rather, he has only proven that his opponent has contradicted himself, and contradiction is not, in itself, disbelief. By his contradiction, he has averted disbelief. There is no statement made by people except that their opponent claims that their is some kind of *kufr* for such false statements...And every group denies what the other accused it of, making *takfīr* of one who said anything like that. So what is correct is that one is not considered a *kāfir* except based upon his actual saying and a text quoting what he believed.”¹

Ash-Shaṭabī said;

“The *mathhāb* of the *muḥaqqiqīn* among the people of Uṣūl is; That potential *kufr* is not actual *kufr*. And how could that be when even the disbeliever would reject that logical deduction with severe rejection and opposition, and if it were so clear to him that such implications of what he says is indeed *kufr* then he

¹*Al-Faṣl* (3:294)

would not have actually said it in the first place.”¹

Shaykh al-Islām Ibn Taymiyah said;

“What is correct is that what is inferred by a person’s *mathhab* is not actually his *mathhab* if he himself does not draw such inferences from it. If one were to rebuke him for it and negate such views then such a claim against him would be a lie against him. Rather this only proves that his statement is false, and that he has contradicted himself”

He said in another place;

“What is inferable from a particular *mathhab* is not part of the *mathhab* unless it is regulated as such from a member of that *mathhab*. Many people have negating and confirming statements, and they assign negating and confirming meanings [to a topic], all of which would logically amount to *kufr*. But they are not aware of the implications, they are only aware of their contradictions. Most people make some contradictions in this way, but contradictions are not *kufr*.”

The following saying of Ḥāfiẓ Ibn Ḥajar preceded;

“The one who is judged with *kufr* is the one whose saying is open *kufr*, as well as the one who is faced with the implication of his saying and agrees to it. As

¹See *al-ʿItiṣām*.

for one who does not agree to such implication, and disputes it, then he is not considered a *kāfir* even though the implication itself is *kufr*.”¹

18. Consensus is a Must

One is not considered a *kāfir* except according to the agreement of *Ahl as-Sunnah* over making *takfir* of him, or by establishing evidence to make *takfir* of him that he cannot oppose. The Hāfīz of al-Maghrib, Abū ‘Umar Bin ‘Abdil-Barr (رحمته الله) said;

“Every person under the covenant of the *Islām* agreed upon by the Muslims, when he sins, or makes *ta’wīl*, if they disagree over his expulsion from *Islām*, then their disagreement after their consensus does not constitute the necessary proof. The agreed upon cannot be expelled from *Islām* except by that which is agreed upon, or a confirmed *Sunnah* that he cannot oppose. *Ahl as-Sunnah wal-Jamā‘ah* - they are *Ahl al-Fiqh wal-Athār* - agree that a person is not expelled from *Islām* by his sin, no matter how great, but the people of *bid‘ā* disagree with them in this matter. So it is necessary to not make *takfir* except of one whom the society has agreed to making *takfir* of, or proof is established to him for *takfir* such that he has no defense from the Book or the *Sunnah*.”²

Ibn Baṭāl said;

¹*Fath̄ al-Mughīth* (2:69) see also *Tawdīh al-Afkār* (2:236)

²*At-Tamhīd* (17:21)

“When doubt over that occurred (that is the *kufr* of the Khawārij) then it was not judged that they had left *Islām*, because one for whom it is sure that his covenant of *Islām* was certain, then his *Islām* cannot be removed from it except with certainty.”¹

The following quote from Shaykh al-Islām was mentioned earlier;

“Whose *Islām* is affirmed with certainty, it cannot be removed from him by doubt.”

The statement of the Imām, the Mujadid Muḥammad Bin ‘Abdul-Wahāb (رحمته الله) preceded;

“We do not make *takfīr* except over what all of the scholars have agreed upon.”

His descendant the Shaykh ‘Abdul-Laṭīf said;

“He (that is his grandfather the Imām) did not make *takfīr* except for what the Muslims have agreed upon *takfīr* for doing; major *shirk*, and disbelief in Allāh’s *āyāt* and in His Messenger, or in one of these matters, after having established the proof, and it having reached the one who committed it.”

Ibn Ḥajar al-Haytamī said;

“It is necessary that the *muftī* proceed cautiously with *takfīr* because of the gravity of its danger and danger

¹See *Fath al-Bārī* for quote.

of what he may have missed... az-Zamaksharī said of some Ḥanafī *fuquhā*: ‘These people (meaning some of the Ḥanafīs who liberally issue statements of *takfīr*) it is not allowed to follow them, because they are not versed in *ijtihād*, and they are not taking from the sources of Abū Ḥanīfah, because they contradict the creed that comes from him; ‘The individual who originally, truly had faith, it cannot be removed from him except by certainty.’¹

And in *Hāshiyat Ibn ‘Ābidīn*;

“What is preferred is that one does not issue the judgement of *kufr* on a Muslim, out of the possibility that his statement carries some good meaning, or that there is disagreement over its *kufr*.”²

This is because of a number of reasons as Ibn al-Wazīr said;

“12. By the issuance of *takfīr*, clear problems will result that would not be agreeable to precaution

13. That a mistake in pardoning is better than a mistake in punishing.”³

¹*Fath al-Muhtāj* (2:84)

²(4:224)

³*Īthār al-Ḥaqq ‘alā al-Khalaq*.

Ruling by Other than What Allāh Revealed

According to the Book and the *Sunnah* and the Sayings of the *Salaf*

Important Principles

Before embarking on a campaign of this great importance, we must mention a number of important points and *sharī'ah* principles, the most important of which are;

1. That a Muslim does not become a disbeliever except by rejecting something that is well known by necessity in the religion, or by obstinately, arrogantly or wantonly not adhering to it, or by passive renunciation - neither believing it or denying it, or by remaining in doubt or uncertainty about it, without any surety about it.

2. That *kufr* is of two types, *kufr i'tiqādī* (the disbelief in creed) that removes one from the religion entirely, and *kufr 'amali* (the disbelief in deed) that does not remove one from the religion and the fold of *Islām*, except when it is proven to be done out of rejection, denial, belittlement, or mockery, or obstinence, with the absence of compliance. Like in the case of prostrating to idols, mocking the *muṣḥaf*, and throwing it a filthy place.

3. A Muslim is not labeled a *kāfir* by a statement, an action, or a belief except after the proof has been established against him, doubt is removed, the conditions of *takfīr* have been fulfilled, and the preventive factors have been exhausted, and there is no difference whether that is a matter of the fundamentals or the branches of the religion.

When we use these principles of the *sharī'ah* to decide the ruling, not other *mathhab* ideas or strange opinions, and we submit to this

without disagreeing with the decree of the evidences, and we bear witness to their truths, then we have complied as is required of this subject, and we will be able to ascertain the goal correctly.

Based on this I say;

The first principle makes *takfīr* of one who rules with other than what Allāh revealed out of rejection, in what is obligatory to rule with Allāh's rule, or he does not adhere to that out of obstinence, wantonly not adhering to it, or arrogance, or passive renunciation of it - not believing that it is obligatory to judge according to it, not denying that, or remaining in doubt about it. If he accepts it, and believes that it is better than other forms of government, then he does not rule by it due to his weakness of applying it, or due to his desire and disobedience, or his fear and anxieties, then the bases of his faith has not gone, and he has not committed the *kufṛ* that expels one from the religion.

The second principle infers that we must be sure if his judgment by other than what Allāh revealed occurs out of a rejection to it, and believing that doing so is lawful i.e., *kufṛ al-ī'tiqādī*, or if its occurrence is *kufṛ al-'amalī* that does not remove one from the religion. When the expert scholars and *shaykhs* of *Islām* judge that it is *kufṛ al-'amalī* - as follows - then we would be lying against Allāh if we were to expel him from the religion.

The last principle leads us to say that we do not make *takfīr* of him when he rejects something well known in the religion by necessity, in which it is obligatory to rule with what Allāh revealed, until the proof is established against him, and these proofs are clear to him.

So it is not lawful for the people of piety and religion to make

takfīr of one who rules with other than what was revealed by the Lord of the worlds, without these scholarly points confirmed by the *sharī'ah*. Since *takfīr* is purely Allāh's domain, then we cannot make *takfīr* of anyone except one who Allāh and His Messenger (ﷺ) made *takfīr* of.

There is a simple example that will make it easy for us to find comfort for the foundation and bases of this important issue at hand, if only the modern people would stop and think about this single event which occurred during the noble prophetic period: An-Najāshī was a ruler over his people, ruling them with other than what Allāh revealed to His Messenger (ﷺ), fearing that his people would assassinate him. So Allāh's Messenger (ﷺ) did not judge that he was an apostate and that he had left the religion, since if his ruling with other than what Allāh revealed - without doing so out of rejection, or the belief that it was lawful to do so - was major *kufīr* which removes a person from the religion entirely, then why did the Prophet (ﷺ) and his companions pray the funeral prayer for him?

Shaykh al-Islām (رحمته الله) said;

“Similarly, an-Najāshī, even though he was a ruler over the Christians, yet his people did not follow him by entering *Islām*, rather only a small group of them entered it with him. Yet when he died there was none there who prayed for him, so the Prophet (ﷺ) prayed for him in al-Madīnah, going out with the Muslims to the *muṣallā*, aligning them and praying for him, informing them of his death on the day that he died, saying,

«A righteous brother of yours among the people of Ethiopia has died»

As for many of the institutionalized practices of *Islām* - rather most

of them - he did not practice them, out of his weakness to apply them. So he did not perform the obligatory *hijra*, nor the *jihād*, nor the pilgrimage to the House; rather it has been reported that he did not even pray the five prayers, nor fast Ramaḍān, nor give the instituted *zakāh*, because these acts would have made it obvious to his people, who in turn would have revolted against him, and he would not have been able to stop them.

And we know for certain that he was not able to rule among them with the rulings of the *Qurʾān*. And Allāh made it obligatory upon His Prophet (ﷺ) in al-Madīnah, that when the people of the Book come to him (ﷺ) he not judge between them except by what Allah revealed to him, and he was warned to judge between them with what Allāh revealed to him. Like in the cases of the rule for punishment of stoning for the married adulterer, and the blood money being just and equal for the noble and the weak, and a life for a life, an eye for and eye, etc. and an-Najāshī was not able to judge with the decrees of the *Qurʾān*, since his people would not approve of that.”¹

The First Principle

This principle requires that we not make *takfīr* of a ruler except when he is obstinate or rejects what is well known in the religion by necessity of rulings of the *sharīʿah* of *Islām* which are obligatory for him. So when he rejects the obligation of ruling by it, or believes that ruling with it and other than it is the same, then he leaves the religion entirely! The people of knowledge among the *salaf* and the *khalaf* used this principle, they did not make *takfīr* except with the conditions we have described, and these are some samples of what they said;

¹*Manhāj as-Sunnah* (5:112-113)

1. 'Alī Bin Abī Ṭalḥah reports from Ibn 'Abbas regarding the *tafsīr* of Allāh's (ﷻ) saying;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«And whoever does not judge by what Allāh revealed, then these it is that are the disbelievers»(*Al-Mā'idah* 5:44)

And this *āyah* is the source of this issue, he said;

“Whoever rejects what was revealed by Allāh then he has committed the *kufr*, and whoever approves of it, yet does not judge by it, then he is a wrong doing disobedient person [*fāsiq*].”¹

2-6. Al-Qurṭubī said;

Ibn Mas'ūd and al-Ḥasan said;

“It is general for all who do not judge by what Allah has revealed, meaning believing in that and making it lawful to do so.”²

¹Recorded by Ibn Jarīr in his *Tafsīr* (10:357 no. 12063) and Ibn al-Munthir, and Ibn Abī Ḥātim, and see *ad-Durr al-Manthūr* (3:87), and *Ṣaḥīfah 'Alī Bin Abī Ṭalḥah 'an Ibn 'Abbās* no 179. And this is the book about which Imām Aḥmad said, “In Egypt there is a book on *tafsīr*, reported by 'Alī Bin Abī Ṭalḥah, if a person were to travel to Egypt for it he would have accomplished a great deal.” Al-Bukhārī depended on it in his *Ṣaḥīḥ* for most of the *mu'allaq* reports from Ibn 'Abbās, and the truth is that it is one of the most authentic routes to the *tafsīr* of Ibn 'Abbās, and although 'Alī Bin Abī Ṭalḥah did not hear from Ibn 'Abbās, yet it is known who his intermediaries are, since he took this from Mujāhid and 'Ikrimah, so there is no harm in that. And Allah knows best.

²*Al-Jāmi' al-Aḥkām al-Qur'ān* (6:190). See *Aḥkām al-Qur'ān* by al-Jaṣāṣ (2:533).

And this was said by as-Suddī and Ibrāhīm an-Nakhṭī¹

7. About these three *āyāt*, Mujāhid said,

“Whoever avoids judging by what Allāh revealed, rejecting the Book of Allāh, then he is a disbeliever, a wrong-doer, a disobedient person.”²

8. ‘Ikrimah said,

“And whoever does not judge according to what Allāh revealed, rejecting it, then he has committed *kufr*, and whoever accepts it, but does not judge according to it, then he is a wrong-doer, a disobedient person.”³

Al-Khāzin said;

“And this is the saying of Ibn ‘Abbās as well

9. And it is the view that az-Zajāj chose.”⁴

10. The *shaykh* of Tafsīr, aṭ-Ṭabarī said;

“And the most correct of these sayings according to me is that which says; These *āyāt* were revealed

¹See the *Tafsīr* of aṭ-Ṭabarī (10:356-357).

²See *Mukhtaṣar Tafsīr al-Khāzin* (1:310).

³Ibid., (1:310)

⁴See *Mukhtaṣar Tafsīr al-Khāzin* (1:310).

about the disbelievers among the people of the Book, since the *āyāt* before and after them were revealed about them, and their meanings are understood by them, these *āyāt* are giving information about them, and their information about them is the most weighty. Then if it is said; ‘Allah (ﷻ) mentioned this in a mode that is general for all who do not judge by what Allah revealed, so how can you make it specific?’ Then the answer is; Allāh (ﷻ) was general in informing this about people who reject the ruling that Allāh decreed in His Book, so He informed about them - by their avoiding to judge in the way that they had they were disbelievers. And so in this way, it is said for all who do not judge by what Allah revealed out of rejection to it, that he is a disbeliever in Allāh, as Ibn ‘Abbās said.”¹

11. Al-Fakhr ar-Rāzī said;

“Ikrimah said;

‘His (ﷻ) saying;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«And whoever does not judge by what Allāh revealed, then these it is that are the disbelievers»(Al-Mā'idah 5:44)

¹Tafsīr aṭ-Ṭabarī (10:358).

Only refers to the one who, in his heart rejects it, and rejects it with his tongue.’

As far as one who knows in his heart that it is Allāh’s judgement, and says with his tongue that it is Allāh’s judgement, but he comes with what contradicts it, then he has judged by what Allah has revealed, although he has acted contrary to it, so this is not included under this *āyah*, and this is the correct answer, and Allāh knows best.”¹

12. Az-Zamakhsharī said;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ ﴾

«And whoever does not judge by what Allāh revealed...»(*Al-Mā'idah* 5:44)

“disdaining it;

﴿ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ ﴾

«...then these it is that are the disbelievers»(*Al-Mā'idah* 5:44)

and;

﴿ الظَّالِمُونَ ﴾

«the wrong-doers»

and;

﴿ الْفَاسِقُونَ ﴾

«the disobedient.»

¹*Tafsīr al-Kabīr* (6:6)

they are so described based on the strength of their disbelief.”¹

13. Al-Qurṭubī said;

“Meaning believing in that and making it lawful to do so. As for the one who does that and he believes that doing so is unlawful, then he is one of the disobedient Muslims, and his affair is left to Allāh (ﷻ), if He wills, He punishes him, if He wills, He pardons him.”²

14. Abū as-Su‘ūd said,

“Meaning whoever does not judge by that out of disdain and rejection...

﴿ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ ﴾

«...then these it is that are the disbelievers»

because of their disdain for it.”³

15. An-Nasfī said;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ ﴾

«And whoever does not judge by what Allāh revealed»

¹*Al-Kashāf* (1:341)

²*Al-Jāmi‘ al-Aḥkām al-Qur’ān* (6:190).

³*Tafsīr Abī as-Su‘ūd* (2:64).

“Disdaining it;

﴿ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«...then these it is that are the disbelievers.»¹

16. Shaykh Abū Manṣūr said;

“It is possible, in the case of rejection, to apply these three: so the disbeliever is a wrong-doing disobedient person, because the utmost disobedient, and the utmost wrong-doer is the disbeliever.”²

17. Abū Bakr al-Jaṣāṣ said;

“Allāh (ﷻ) said;

﴿ وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«And whoever does not judge by what Allāh revealed, then these it is that are the disbelievers.»

There is no doubt that it refers to either the kind of *kufr* that is *shirk* and rejection, or *kufr an-nīmah* without rejection. So if one rejects the judgement of Allāh, or judges with other than that while being informed that it is Allāh’s judgement, then it is a *kufr* that removes one from the religion, and its doer is an apostate even though he was a Muslim before that.

This is how it is explained by those who say that it was revealed about Banī Isrā’īl and it applies to us, they mean, ‘Whoever rejects Allāh’s judgement, or judges by a judgement other than Allāh’s, then

¹*Tafsīr an-Nasfī* (1:285).

²*Ibid.*, (1:285).

he says; ‘This is the judgement of Allāh’ - then he is a disbeliever, just as Banī Isrā’īl disbelieved when they did that.’”¹

26. Al-Bayḍāwī said;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ ﴾

«And whoever does not judge by what Allāh revealed»

“Out of disdain and reject of it;

﴿ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«...then these it is that are the disbelievers»

because of their disdain for it, and the rebelliousness of judging other with than it, and this is why they are described as, “disbelievers”, “wrong-doers”, and “disobedient”. So their disbelief is their rejection of it, and their wrong doing is judging contrary to it, and their disobedience is by their removing themselves from it.²

28. The commentator on aṭ-Ṭaḥāwī said;

“Here there is a matter that is important to discuss, that is that judging by other than what Allah revealed can be *kufr* that takes one out of the religion, or it can

¹And here it is necessary to attribute the saying to the many who said it, among the al-Barā’, Huṭhayfah, aḍ-Ḍaḥḥāk, Qatādah, Abū Šāliḥ, Abū Mijlaz, ‘Ubaydullāh Bin ‘Abdullāh Bin ‘Utbah Bin Mas’ūd, and Abū Ya’lā al-Farā’, all of these people said that it is specific to the people of the Book, so with these eight, here the number reaches twenty-five scholars.

²Tafsīr al-Bayḍāwī (1:268).

be major or minor disobedience, or it can be a *kufr* that is either metaphorical, or minor *kufr*, and this depends upon the circumstances of the one making the judgment. If he believes that judging by what Allāh revealed is not obligatory, and that he has a choice in that matter, or he has disdain for it, while knowing for certain that it is indeed Allāh's judgement, then this is major *kufr*. If he believes that it is obligatory to judge by what Allah revealed, and he knows what that is in this circumstance, yet he forgoes that, knowing that such behavior deserves punishment, then this is disobedience, and it is called 'metaphorical' *kufr*, or minor *kufr*."¹

28. Ibn al-Jawzī said;

“And the explanation of this address is that whoever does not judge by what Allāh has revealed, rejecting that, knowing what Allāh has revealed about it, as the Jews did, then he is a disbeliever. And whoever does not judge by what Allāh revealed, giving in to his desire, not out of rejection, then he is a wrong-doing disobedient person, and ‘Alī Bin Abī Ṭalḥah has reported from Ibn ‘Abbās that he said;

‘Whoever rejects what was revealed by Allāh then he has committed *kufr*, and whoever approves of it, and does not judge by it, then he is a wrong-doer, a disobedient person.’”²

29. Shaykh al-Islām Ibn Taymiyah said;

¹*Sharḥ al-'Aqīdah aṭ-Ṭaḥāwīyah* (p.323-324).

²*Zād al-Masīr* (2:366).

“And there is no doubt that anyone who does not believe that it is obligatory to judge by what Allāh revealed to His Messenger is a disbeliever. So whoever thinks that it is lawful to judge between people with what he sees is justice - and it is not in accordance with what Allāh revealed - then he is a disbeliever. There has not been any nation except that it was ordered to rule with justice, and justice in its religion was what its leaders saw to be that. But most of those affiliated with *Islām* rule with customs that Allāh (ﷻ) did not reveal, like the customs of the bedouins and their ordering them to be obeyed, and their belief that this is what must be ruled with, not the Book and the *Sunnah*, and this is disbelief. Many people enter *Islām*, but they still do not rule except by their traditional customs which they enforce, so when these people know that it is not allowed to rule except by what Allah revealed, then they do not abide by that, but they still consider it lawful to act contrary to what Allah revealed, then they are disbelievers, unless they are ignorant.”¹

He said;

“When people make lawful what is agreed upon to be unlawful, or they make unlawful what is agreed upon to be lawful, or they change the legislation that is agreed upon, then such person is a disbelieving apostate, according to the consensus of the Fuquhā’, and such is the example of one of the opinions about Allāh’s saying;

¹*Manhāj as-Sunnah* (5:130).

﴿ وَ مَنْ لَّمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«And whoever does not judge by what Allāh revealed then it is these that are the disbelievers.»

Meaning he makes it lawful to judge by other than what Allāh has revealed.”¹

30. The great scholar Imām Ibn Qayim al-Jawziyah (رحمته الله) said,

“What is correct, is that judging by other than what Allāh revealed may be either type of *kufr* - minor or major - depending upon the circumstances of the one making the judgment. If he believes that it is obligatory to judge by what Allah has revealed in this case, yet he disobediently forgoes that, realizing that such action deserves punishment, then this would be minor *kufr*. If he believes that it is not obligatory, and that he has the option to choose, and he is certain of what Allāh’s judgement on that matter is, then this is major *kufr*. But if he is ignorant, or makes an error, then this is a mistake, and the ruling of those who have made a mistake applies to him.”²

31. Al-Ḥafīz Ibn Kathīr said;

﴿ وَ مَنْ لَّمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«And whoever does not judge by what Allāh revealed, then these it is that are the

¹Majmū’ al-Fatāwā (3:267).

²Madāraj as-Sālikīn (1:337).

disbelievers»(Al-Mā'idah 5:44)

“Because they rejected Allāh’s judgement, intentfully, obstinately, and on purpose. And He (ﷻ) said here;

﴿ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ ﴾

«So these it is that are the wrong-doers»

Because they did not distinguish between the one wronged and the one committing the wrong over a matter that Allāh ordered justice and equity between them in, so they opposed that, committed wrong and disobeyed.”¹

32. The great scholar of ash-Shām, Jamāl al-Qāsamī said;

“The *kufr* of the one who judges by other than what Allāh revealed occurs by virtue of his disdain and rejection of that, in this vain is what most say, and what is reported from ‘Ikrimah and Ibn ‘Abbās.”²

33. The author of *al-Manār* said;

“Many of the Muslims have tried to come up with legislative systems and rule similar to those invented by people before them. By their ruling with that, they left behind some of what Allāh revealed to them. Those who leave the judgements that Allah revealed in His Book, without doing so out of interpretation, believing that this is correct, then what Allāh said in these three *āyāt* is true about them, or at least some

¹*Tafsīr al-Qur’ān al-‘Azīm* (2:61).

²*Muḥāsan at-Ta’wīl* (6:1998).

of them, each based upon his circumstances:

So the one who relinquishes the judgement for theft, slander, fornication, without any sense of remorse occurring in him for doing so, believing that other than those judgments is better, then the news about him is clear; he is a disbeliever, period.

Whoever does not judge by this, with other excuses, then he is a wrong-doer, as long as he has only missed the truth and neglected justice and equality in that matter, otherwise he is a disobedient, period...

And we see many of the Muslims who believe that people who have ruling systems based upon man-made law are disbelievers, taking the apparentness of the saying of Allāh (ﷻ);

﴿ وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ ﴾

«And whoever does not judge by what Allāh revealed, then these it is that are the disbelievers»(Al-Mā'idah 5:44)

Causing them to make *takfīr* on the judge who judges by these laws, and *takfīr* of the leaders and *sultāns* who institute these systems. Since, even though they are not aware of them all, they have given them their approval, and they are the ones who put the judges in their posts...as for the apparentness of the *āyah*, then this has not been said by any of the Imāms of *fiqh* that are well-known, rather not by any one, period.”¹

34. Shaykh Abū Hibbatullāh Ismā'īl Bin Ibrāhīm al-Asa'ridī (ﷺ) said;

“Whoever does not believe that it is obligatory to

¹Tafsīr al-Manār (6:405-406).

judge by what Allah revealed to His Messenger - believing that it is lawful to judge between people with what he considers just - without following what Allah revealed, then he is a disbeliever...these people, when they are aware that it is not allowed to judge except by that which Allāh revealed, yet they do not adhere to that, rather they make it lawful to judge in contradiction to what Allāh revealed, then they are disbelievers, unless they are ignorant, misguided, and do not know.”¹

35. The great scholar, Shaykh ash-Shanqīī (رحمته) said;

“Know that the address established in this section is that *kufṛ*, wrong-doing, and disobedience are each general in the *sharʿ*, meaning sin sometimes, and *kufṛ* that removes one from the religion at others;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ ﴾

«Whoever does not judge by what Allāh has revealed»

in opposition to the Message, falsifying the judgement of Allāh, then his wrong-doing, his disobedience, and his *kufṛ* are all such that they remove him from the religion.

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ ﴾

«Whoever does not judge by what Allāh revealed»

Believing that he is committing what is unlawful, a disgraceful act,

¹*Taḥṭhīr Ahl al-Īmān ‘an al-Ḥukm bighayrmā Anzal ar-Raḥmān* (141).

then his *kufr*, wrong-doing, and disobedience, does not remove him from the religion.”¹

36. The great scholar, Shaykh as-Sa’dī (رحمته الله) said;

“Judging by other than what Allāh revealed is among the deeds of the people of disbelief. It could be disbelief that removes one from the religion, as when it is believed that it is lawful and allowed, or it could be a major sin. And whoever commits *kufr*, then he deserves severe punishment...

﴿ وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«And whoever does not judge by what Allāh revealed, then these it is that are the disbelievers»(Al-Mā'idah 5:44)

Ibn ‘Abbās said,

‘*Kufr* less than *kuf*r, wrong-doing less than wrong-doing, and disobedience less than disobedience.’

So it is the major type of wrong when he believes that it is lawful, and one of the worst of the major sins when he does it, not believing that it is lawful.”²

37. The reviver of the religion, the Imām of *Ahl as-Sunnah*, ‘Abd al-‘Azīz Bin ‘Abdullāh Bin Bāz (رحمته الله) said;

¹*Adūā al-Bayān* (2:104).

²*Taysīr al-Karīm ar-Raḥmān* (2:296-297).

“Judging by other than what Allāh revealed will be either one of the following types;

1. One who says, ‘I judge by this because it is better than the *sharī‘ah* of *Islām*.’ Then he is a disbeliever because of this major *kufr*.
2. One who says, ‘I judge by this because it is similar to the *sharī‘ah* of *Islām*, so judging with this is allowed, and judging with the *sharī‘ah* is allowed’, then he is a disbeliever because of this major *kufr*.
3. One who says, ‘I judge by this, and the *sharī‘ah* of *Islām* is better, but judging by other than what Allāh revealed is allowed’, then he is a disbeliever due to this major *kufr*.
4. One who says, ‘I judge by this’ - and he believes that judging by other than what Allāh revealed is not allowed, and he says - ‘the judgement of the *sharī‘ah* of *Islām* is better and it is not allowed to judge otherwise’, but he is weak, or he makes a [mistaken] judgement of his own in this matter, then he is disbeliever who committed minor *kufr* that does not remove him from the religion, while it is one of the worst of the major sins.”¹

And he said;

“Whoever studies man-made law, or institutes its teaching in order to rule by it, or to help others in it, believing that it is unlawful to judge by other than what Allāh revealed, but it is done out of his desires, or his love for the money etc., the person that this description fits is no doubt a *fāsiq* (disobedient), in him is *kufr*, wrong-doing and disobedience, but the *kufr* is the minor type, as is the wrong-doing and disobedience. It does not remove him from the fold of *Islām*, and this saying is well-known among the people of knowledge, and it is the saying of Ibn ‘Abbās, Ṭāwus, ‘Aṭā’, Mujāhid, and a group of the *salaf*

¹*Qaḍiyat at-Takfīr bayn Ahl as-Sunnah wa Firq ad-Dalāl* (72-73).

and *khalaf* as al-Ḥāfiẓ Ibn Kathīr mentioned, as did al-Baghawī, al-Qurṭubī and others. And it was also mentioned by Ibn al-Qayim (رحمته) in *Kitāb aṣ-Ṣalāh*

...And whoever learns law or institutes its teaching believing that it is allowed to rule by it, whether he believes that the *sharī'ah* is better or not, then this type is a disbeliever according to the consensus of the Muslims, having committed major *kufr*. Because by his belief that it is lawful to judge by this [man-made] law which contradicts the *sharī'ah* of Allāh, then he is making lawful what is known in the religion by necessity to be unlawful, so this rule makes fornication, and intoxicants etc., lawful. Additionally, by his belief that these are lawful, he has denied Allāh and His Messenger, and rebelled against the Book and the *Sunnah*. And the scholars have agreed to the disbelief of anyone who believes what Allah prohibited is lawful, or any who prohibits what Allāh made lawful among those things that are well known in the religion by necessity. And if one were to reference the discussion of the scholars in all of the four *mathhabs* under the chapter of apostasy, then what we have mentioned will be clear.”¹

In some of his discussion about the things that contradict *Islām* he said;

“The following is included in this fourth category²; Whoever believes that the systems and laws instituted by humans are better than the *sharī'ah* of *Islām*, or that it is the same, or that it is allowed to judge by them, or he believes that the *Islāmic* system is not beneficial in the twentieth century, or that it is the cause of the Muslims division, or that

¹*Majmū' Fatāwā wa Maqālāt Mutanaw'ah* (2:326-330).

²That is “Whoever believes that guidance other than that of Muḥammad (ﷺ) is more complete than his guidance, or that judgments other than his (ﷺ) are better than his, like the one who judges by the judgement of the *Taghūts*, then he is a disbeliever.”

it restricts mans ability to reason, except it the case of matters of the Hereafter.

Also entering into this fourth type is the one who believes that the judgement of Allāh to cut off the hand of the thief, to stone the married adulterer, is not proper in these modern times. This is the case for all who believe that it is allowed to judge by other than Allāh's judgement in business dealings, punishments, or otherwise, even if he does not believe that it is better than the judgement of the *sharī'ah*. Because by this, he is making lawful what there is agreement upon that Allah prohibited, and anyone who permits what Allāh has prohibited among those things that are well known in the religion by necessity - like fornication, intoxicants, interest - and he judges by other than the *sharī'ah* of Allāh, then he is a disbeliever according to the consensus of the Muslims.”¹

38. The opinion about this is well known from the Muḥaddith of the time, the Faqīh, the Imām, the reviver of *Islām*, the great scholar, Muḥammad Nāsruddīn al-Albānī, may Allāh preserve him, and continue his benefit to *Islām* and the Muslims, and increase his reward.²

The *shaykh's* opinion has been published in the journal ash-Sharq al-Awsaṭ and the newspaper al-Muslimūn, and Shaykh Ibn Bāz commented on the statements of Shaykh al-Albānī and gave his support in both of the publications mentioned, he said;

“I have been informed about the answer which was explained by the virtuous Shaykh Muḥammad Naṣrudd-Din al-Albānī, may Allāh preserve him, which was published in the journal ash-Sharq al-Awsaṭ,

¹Ibid., (1:137).

²See the tape entitled, “*Fitnat at-Takfīr*” and others available form the good brother Abū Laylā al-Atharī.

and the paper al-Muṣlīmūn, in which he gave a detailed answer about the question of making *takfīr* of one who judged by other than what Allāh revealed. So he wrote in his explanation what was correct and the truth, and followed the path of the believers and made it clear - may Allāh preserve him - that it is not allowed for anyone among the people to make *takfīr* of one who judges by other than what Allāh revealed merely by his doing such act, without knowing that in his heart he believed that this is allowed. And he argued for this with what is reported from Ibn ‘Abbās about that (رضي الله عنه), and others besides him among the *salaf* of the *ummah*.

And there is no doubt that what he mentioned in his answer about the *tafsīr* of the following saying of Allāh (سورة) was correct;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«And whoever does not judge by what Allāh revealed, then these it is that are the disbelievers.»

And;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ الظَّالِمُونَ ﴾

«And whoever does not judge by what Allāh revealed, then these it is that are the wrongdoers»,

And;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْفَاسِقُونَ ﴾

«And whoever does not judge by what Allāh revealed, then these it is that are the disobedient»,

And he made clear - may Allāh preserve him - that *kufr* is two types - major and minor - just as is wrong, and similarly disobedience, they are made up of two types, major and minor. So whoever believes that it is lawful to judge by other than what Allah revealed, or he believes that it is lawful to participate in fornication, interest, or other than that of the unlawful matters which it is agreed upon are unlawful, then he has committed major *kufr*, major wrong, and major disobedience, and whoever does that without believing that it is lawful, then his *kufr* is minor, his wrong is minor wrong, and his disobedience is minor disobedience. As in the saying of the Prophet (ﷺ) in the *hadīth* of Ibn Mas‘ūd (رضي الله عنه);

**«Speaking badly about a Muslim is disobedience,
and fighting him is *kufr*.»**

He (ﷺ) means by this the disobedience of the minor type, and the *kufr* of the minor type, and the expression generally applies to all of these types of evil. Similarly he (ﷺ) said;

**«Two things in people are *kufr*: speaking evil about
another’s lineage and wailing over the dead.»**
Recorded by Muslim in his *Ṣaḥīḥ*.

And his (ﷺ) saying;

**«Do not revert to *kuffār* after me, striking the
necks of each other.»¹**

39. Then the statements of al-Albānī, and Ibn Bāz were read by Imam Shaykh Ibn ‘Uthaymīn and he to approved of them and supported

¹*Ash-Sharq al-Awsaṭ*, issue no. 6156, 12/5/1416H.

them.¹

So this is the saying of the Imāms of *Islām*, of the past and the present on this delicate issue. What is there after the truth but falsehood?!

The Second Principle

The second *sharī'ah* principle founded upon the Book, the *Sunnah*, and the sayings of the *salaf* of the *ummah*, as we have confirmed regarding the issue, is to verify whether judging by other than what Allāh revealed, without rejecting that, nor believing that it is lawful, is *kufr* in creed that removes one from the religion entirely, or *kufr* of deed that does not remove one from the fold of *Islām*?

So these are the answers of the Shaykhs of *Islām*, and the qualified scholars of faith, and some were quoted earlier under the principle that preceded. There is no difference among them that it is *kufr* less than *kufr*, wrong less than wrong, and *fisq* less than *fisq*, and that it is a major sin among the worst of sins.

And by no means at all is it the same to them if one judges by other than what Allāh revealed rejecting that, denying it and having disdain for it, believing that it is lawful to judge according to man-made laws, believing that it is equal to the *sharī'ah*, and on the other hand, judging by other than what Allāh revealed, believing that it is obligatory, and better, and realizing that one deserves to be punished for it, doing it out of his desires and sinful behavior, or out of fear of the one in authority over him, fearing for his life, etc.

¹After the printing of this 'Arabic text, the book *Fitnat at-Takfīr* became available. For these quotes one should consult that title. It was published by Dār Ibn Khuzaymah, Riyāḍ.

-Ṭāwus narrates from Ibn ‘Abbās (رضي الله عنه) about Allāh’s saying;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«Whoever does not judge by what Allāh revealed,
then these it is that are the disbelievers.»

He said;

“It is not the *kufr* that they believe it is.”¹

-And he was reported to have said;

¹It is *ṣaḥīḥ*, it was recorded by ‘Abd ar-Razzāq in his *Tafsīr* (1:191), Aḥmad in *al-Īmān*, Ibn Abī Ḥātim in his *Tafsīr*, al-Marwazī in *Ta’zīm Qadar aṣ-Ṣalāh* (2:251), Ibn Jarīr in his *Tafsīr* (10:356), Ibn Baṭāh in *al-Ibanah* (2:734, 736), Wakī in *Akhbār al-Qaḍāh* (1:41), from Ma‘mar, from Ibn Ṭāwus from his father, from Ibn ‘Abbās, and this chain is like the Sun. And there is another route for it which has some weakness in it due to Hishām Bin Ḥujayr, who is considered weak due to his memory. It was recorded by Aḥmad in *al-Īmān*, Sa‘īd Bin Maṣṣūr (749), Ibn Baṭāh in *al-Ibanah* (2:736) al-Marwazī in *Ta’zīm Qadar aṣ-Ṣalāh* (2:521) Ibn Abī Ḥātim, al-Ḥākim (2:313) and from his route, al-Bayhaqī in his *Sunan* (8:20) and Ibn ‘Abd al-Barr in *at-Tamhīd* (4:237) and others. Translator’s note, the meaning of “they” in this statement, which comes up often here, is the Khawārij, as Shaykh al-Albānī noted in his book *Fitnat at-Takfīr*, there he also noted that one of the chains for this report is *ṣaḥīḥ* according to the criteria of al-Bukhārī and Muslim. See *aṣ-Ṣaḥīḥah* no. 2552. In his comments of al-Albānī’s *Fitnat at-Takfīr*, Shaykh al-‘Uthaymīn said; “Shaykh al-Albānī argues with this report, from Ibn ‘Abbās (رضي الله عنه), and similarly others among the scholars who found it suitable, even though there may some problem with its chain, yet they still accepted it, because it is supported by so many other texts...[he gives examples]...but since this is not acceptable to these people who issue *takfīr*, they say, ‘This report is not acceptable, it is not *ṣaḥīḥ* from Ibn ‘Abbās.’ So we say to them, ‘How is it not *ṣaḥīḥ*, and when it was acceptable to those who are greater than you, better, and more knowledgeable of ‘*Ulūm al-Ḥadīth*, how can you say, ‘We do not accept it’?! It is enough for us that qualified scholars like Shaykh al-Islām Ibn Taymiyah and Ibn al-Qayim and others besides them accepted it, they used it and quoted it. So the report is *ṣaḥīḥ*...” Here I have inserted these quotations, since there are some people, whose limits of knowledge the Shaykh described, that say as he quoted them saying. In this way the reader will be aware that the report is definitely authentic, even though some of its routes have weakness in them, and their claim that it is not acceptable is baseless.

“*Kufr* that does not take one from the religion”¹

-And he is reported to have said;

“*Kufr* less than *kufr*, wrong less than wrong, *fisq* less than *fisq*.”²

-From Ṭāwus who said;

“I asked Ibn ‘Abbās, ‘The one who does not judge by what Allāh revealed, is he a *kāfir*?’ He said,

‘He has committed *kufr*, but he is not like the one who disbelieves in Allah, His angels, His Books, His Messengers and the Hereafter.’”³

-Ṭāwus said,

“It is not the *kufr* that takes one out of the religion.”⁴

-Ibn Ṭāwus said,

“It is not like the one who disbelieves in Allah, His

¹It is weak because it contains an unnamed narrator, recorded by al-Marwazī (2:522) and Ibn Jarīr (10:356).

²Recorded by al-Faryābī, Ibn al-Munthir, Ibn Abi Ḥātim, al-Ḥākim (2:313) as found in *Durr al-Manthūr* (3:87).

³*Ṣaḥīḥ*, recorded by al-Marwazī (2:521), Ibn Jarīr (10:356), through Ma‘mar, from Ibn Ṭāwus from his father.

⁴*Ṣaḥīḥ*, recorded by al-Marwazī (2:522), Ibn Jarīr (10:355-356) and Ibn Baṭāh (2:735), through Sufyān, from Sa‘īd al-Makkī, from him.

angels, His Books, and His Messengers.”¹

-‘Aṭā’ said;

“*Kufr* less than *kufr*, wrong less than wrong, *fisq* less than *fisq*”²

‘Alī Bin al-Ḥusayn said;

“*Kufr* that is not like the *kufr* of *shirk*, and *fisq* not like the *fisq* of *shirk*, and wrong not like the wrong of *shirk*.”

-Ismā‘īl Bin Sa‘īd said;

“I asked Aḥmad;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«Whoever does not judge by what Allāh revealed, these it is that are the disbelievers.»

I said, ‘What is this *kufr*?’ He said, ‘The *kufr* that does not remove one from the religion.’”³

¹Ṣaḥīḥ, recorded by al-Marwazī (2:521) Ibn Baṭāḥ (2:736) with the earlier chain.

²Ṣaḥīḥ, recorded by Aḥmad, Abū ‘Ubayd in *al-Īmān*, al-Marwazī (2:522), Ibn Baṭāḥ (2:735, 737) Ibn Jarīr in his *Tafsīr* (10:355) Wakī‘ in *Akhbār al-Qaḍāḥ* (1:43) from a number of routes. And some have attempted to say that these reports are weak, but some of them have chains like the Sun at mid-day!

³*Masā’il as-Sijistānī* (209), and *an-Naysābūrī* (2:192) quoted from *Marwayāt al-Imam Aḥmad Bin Ḥanbal fī-Tafsīr* (2:45).

-The great Imām Abū ‘Ubayd al-Qāsim Bin Salām (died in 224 H.) (ﷺ) said;

“As for the clarification that supports this, then Allah (ﷻ) said;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«Whoever does not judge by what Allāh revealed, these it is that are the disbelievers.»

And Ibn ‘Abbas said;

‘It is not the *kufr* that removes one from the religion’

‘Aṭā’ Bin Abī Rabāḥ said;

‘*Kufr* less than *kufr*.’

So it is clear to us, since it does not remove one from the religion of *Islām*, then the religion remains present even though he committed sins. So it only means that it is the manners of the disbelievers and their path...because among the ways of the disbelievers is to judge by other than what Allah revealed.

Haven’t you heard His (ﷻ) saying;

﴿ أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْتَغُونَ ﴾

«Is it the judgements of *jahiliyah* that they seek.»(Al-Mā'idah 5:50)

This is explained by the people of Tafsīr as;

‘That whoever judges by other than what Allāh revealed, and he is upon the religion of *Islām*, then he is, by doing so, judging like the people of *jahiliyah*, meaning that this is the way that the people of *jahiliyah* judge.’”¹

- In *Kitāb al-Ibānah*, Ibn Baṭāh (died 387 H.) mentioned a chapter called;

“Chapter; Mentioning the sins which lead its offender to the *kufr* that does not remove one from the religion.”

Under this chapter he mentioned judging with other than what Allāh revealed, and he mentioned the reports from the companions and their followers proving that it is minor *kufr* that does not remove one from the religion.²

-Ibn ‘Uṭṭiyah said;

“A large group of the people of knowledge said; ‘The *āyah* addresses all who do not judge by what Allah revealed, but in the case of leaders of this *ummah*, then this *kufr* is disobedience that does not remove one from *īmān*.’”³

-Ibn al-‘Arabī said;

¹*Kitāb al-Īmān* (45).

²(2:723,733-737).

³*Al-Muḥṣar al-Wajīz* (4:456).

“These are different; If he judges by that which according to him is preferred over that which is from Allāh, then such alteration is *kufr*, but if his judgement is out of desire or sin, then this is a sin which may be forgiven according to the principles of *Ahl as-Sunnah* regarding the subject of forgiveness for the sinners.”¹

-Abū Ḥayān said;

﴿ وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«Whoever does not judge by what Allāh revealed, then these it is that are the disbelievers.»

“This appears in general, so it covers this *ummah* and others among those before them, even though it is obvious that it is addressed to the Jews. That it is general for the Jews and others is the opinion of Ibn Mas‘ūd, Ibrāhīm, ‘Aṭā’, and a group, but that it is *kufr* less than *kufr*, wrong less than wrong, *fisq* less than *fisq*. This means that the *kufr* of the Muslim is not the same as the *kufr* of the disbeliever, and the same with wrong, and the *fisq*, by that he is not removed from the religion, as Ibn ‘Abbās and ‘Aṭā’ said.”²

¹*Aḥkam al-Qur‘ān* (2:624).

²*Al-Baḥr al-Muḥīṭ* (3:492). Here is a note from the translator; as this quote clarifies, the interpretations of the companions for these *āyāt* are all in accord: It was revealed about the Jews - meaning that was the cause of its revelation, and it applies to anyone who does as they did, according to the details that they followed, saying “this is Allāh’s judgment” when they know it is not etc., - and the same applies to us - meaning if we follow their way. Or, it is *kufr* less than *kufr* etc., that is particularly in the case of the Muslims. Or,

-Al-Khāzin said;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«Whoever does not judge by what Allāh revealed, then these it is that are the disbelievers.»

“A group of the interpreters said that these three *āyāt* were revealed about the disbelievers, and those among the Jews who altered the judgments of Allāh, since when the Muslim commits a sin, it is not said that he is a disbeliever. This is the saying of Ibn ‘Abbās, Qatādah, aḍ-Ḍaḥḥāk. The report from al-Barā’ Bin ‘Āzib is evidence for the correctness of this view ”¹

The point here is his view that judging by other than what Allāh revealed out of desire and sin is one of the major sins.

-As al-Qurṭubī said;

“All of this was revealed about the disbelievers, as confirmed in *Ṣaḥīḥ Muslim* from the *ḥadīth* of al-Barā’. And this is important, because in the case of

it is *kufr*, but not the *kufr* that expels one from the religion. And this is the same as the last. In this case, all of the explanations are in accord, as is clearly pointed out in this book numerous times. Additionally, there are authentic narrations for each of them from the companions, and taking into consideration that some of them are narrations about the circumstances under which the *āyāt* were revealed, along with the fact that the interpretations are explanations of Allāh’s words, which it is not allowed to explain simply from one’s “own understanding” far be it for the companions to knowingly commit such a grave mistake - then, according to the science of *ḥadīth*, which so many of the less knowledgeable people have attempted to use to assault these texts, to no avail - this interpretation holds the status of *ḥukm marfū’* and cannot be denied by any Muslim after it has been made clear.

¹*Mukhtaṣar Tafṣīr al-Khāzin* (1:310).

the Muslim, then he is not considered a disbeliever because he committed a major sin.”¹

-Similarly was said by ash-Shawkānī and Şidīq Ḥasan Khan as well.²

-Ibn Juzī said;

“And a group said that it generally applies to anyone who does not judge by what Allah revealed, be they Jews, Muslims or otherwise. But in the case of the Muslim’s *kufr*, it is a *kufr* that is sin, it does not remove them from *īmān*.”³

-On a number of occasions, Shaykh al-Islām Ibn Taymiyah has stated that judging by other than what Allāh revealed - out of desire and sin, without rejection Allāh’s judgments or believing that judging otherwise is lawful - is a sin that does not make its doer a disbeliever. He said;

“As for the sins which there is no punishment prescribed nor penance to be paid for, like the a boy kissing an unlawful woman, or committing less than intercourse, or eating what is not allowed, or false accusation, or taking a bribe for a judgment, or judging by other than what Allāh revealed, or neglecting His rules, or calling with the cry of *jahiliyah*, or taking pride in the honor of *jahiliyah*

¹*Al-Jamī‘ al-Aḥkām al-Qur’ān* (6:190).

²See *Fatḥ al-Qadīr* (2:42) and *Fatḥ al-Bayān* (3:30)..

³*Tafsīr Ibn al-Juzī* (155).

etc.”¹

-And the statement of Ibn al-Jawzī has preceded;

“Whoever does not judge by what Allāh revealed, giving in to his desires, without rejection (to Allāh’s judgment), then he is a wrong doer and a disobedient person.”

-And the saying of the explainer of the creed of aṭ-Ṭaḥāwī, Ibn Abī al-‘Izz:

“If he believes that it is obligatory to judge by what Allāh revealed, and he is aware of that in this circumstance, and he forgoes that with the realization that he deserves to be punished for it, then this is sin, and it is called “metaphorical” *kufr*, or minor *kufr*.”

-And the saying of ash-Shanqītī;

“And whoever does not judge by what Allāh revealed - knowing that he is committing what is unlawful, and doing evil - then his *kufr* and *fisq* do not remove him from the religion.”

-And the saying of as-Sa’dī;

“Then it is major wrong when he believes that it is lawful, and when he does not believe that it is lawful,

¹*Majmū‘ al-Fatāwā* (28:343).

then it is among the worst of the major sins.”

And the sayings of the Imāms and the Fuqhā’ of our time, al-Albānī may Allah preserve him, and Ibn Bāz, may Allāh have mercy on him, have also preceded.

So all of these people - as well as others whom we did not mention - have said that the one who judges by other than what Allāh revealed out of desire and sin, or fear for his life, without rejection and believing that it is lawful to do so - then he has violated what is unlawful, committing one of the greatest of the major sins, and that his *kufr* is a *kufr* of sin, or a *kufr* of deed, it does not remove him from the religion. So what is there after the truth but falsehood!

It is Not Allowed to Differ with the Consensus

Since it has been confirmation from the *salaf* and the *khalaf* among *Ahl as-Sunnah* and even others, that one is not a disbeliever for judging by other than what Allah revealed without rejection or believing that it is lawful, then it is not allowed for the modern people to differ with that.

The matter that there is no disagreement between the earlier and latter generations, and the modern people, is that whoever judges by other than what the Lord of the worlds revealed, out of rejection to it and the belief that doing so is lawful, then he has left the religion of *Islām* and the fold of *īmān* entirely.

Some modern people have absent-mindedly acted on their own hunches, leading them to think that *Ahl as-Sunnah* of the earlier and later generations disagreed over the disbelief of one who judged with other than the *sharīah* of *Islām* out of desire and sin, or fear for their lives, or out of ignorance! The truth is that this disagreement is a myth

that, upon research, remains undiscovered.

Rather they all agreed that one is not a disbeliever for not judging by what Allāh revealed, as long as this was not done out of rejection to what Allāh revealed, or the belief that it is lawful. And this is obvious to those who take a detailed look at this topic. This can be made even more clear by three points;

Agreement on Making a Distinction

1. The *salaf*, and *Ahl as-Sunnah*, agree that they do not make *takfir* of a Muslim by his commission of a major sin, as long as he does not consider that lawful, or as long as he does not reject its prohibition.

A large number of quotations have preceded, from a large number of Imāms, scholars, and honored Shaykhs of *Islām*, all saying that judging by other than the *sharīah* - when not provoked by rejection and belief that doing so is lawful - is an act disobedience, a major sin. None of those mentioned disagrees with this, as is seen by the following;

Abū ‘Abdullāh Bin ‘Abd al-Barr said;

“The scholars agree that violating a judgement is among the major sins for the one who knowingly, intentionally does it. This has been narrated through emphatic reports from the *salaf*. Allāh (ﷻ) said;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«Whoever does not judge by what Allāh revealed,
these it is that are the disbelievers»

And;

﴿الظَّالِمُونَ﴾

«...the wrong-doers»

And;

﴿الْفَاسِقُونَ﴾

«...the disobedient»

This was revealed about the people of the Book. Huthayfah and Ibn ‘Abbās said that it applies in general to us. They said, “It is not the *kufr* that removes one from the religion when a man from this *ummah* does it, until he disbelieves in Allāh, His angels, His Books, His Messengers, and the Hereafter.” This meaning was reported from a group of the scholars who explain the *Qur’ān*. Among them Ibn ‘Abbās, Ṭāwus, and ‘Aṭā’.”¹

I say, judging by what Allāh revealed to His Messenger is absolute justice, and judging otherwise - by the *jahiliyah* rule, and man-made law - is one of the worst forms of oppression and injustice. As the explainer of the creed of aṭ-Ṭahāwī said;

“So the unjust monarchies viewed the *sharīah* through their unjust politics, and they acted accordingly, giving precedence to their view over the judgments of Allāh and His Messenger.”²

Agreement on the *Tafsīr*

¹*At-Tamhīd* (5:74-75).

²*Sharḥ al-‘Aqīdah aṭ-Ṭahāwīyah* (204).

2. Allāh (ﷻ) said;

﴿ وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ ﴾

«Whoever does not judge by what Allāh revealed,
these it is that are the disbelievers»

This is the root of this issue, and the scholars of Tafsīr among the *salaf* and the *khalaf* did not disagree over the explanation, as has been mentioned numerous times. Rather;

“There were some different wordings that they used that lead one who does not know better to think that they disagreed, so he believed that they had different opinions, but this is not the case. Among them are those who mentioned something in a way that is corollary and explanatory, and others who quoted texts as they were, and all of them had the same meaning.”¹

So the difference was only in their explanations, and that was a difference of the variables not a difference of contradiction. Ishāq Bin Rāhawayh said;

“The scholars explain one *āyah* in different ways, but that is not a disagreement... to the ignorant people this is the meaning. So when one’s statement is not the same as another’s they say, “This is a disagreement....Al-Ḥasan said; “This only happened to

¹See the Introduction to the Principles of *Tafsīr* by Ibn Taymiyah, and the Introduction to the *Tafsīr* of Ibn Kathīr.

people because of the non-‘Arabic influences.’”¹

“*Kufr*, *zulm*, and *fisq* are different words mentioned in the *Qur’ān* with one meaning, and with different meanings...The scholars of Uṣūl and the branches of the religion have categorized the usage of *kufr* for going out of the religion and for what negates the true religion of Allāh, this is not the same as *zulm* and *fisq*. And not one of them rejects the *Qur’ān*’s general usage of the term *kufr* for what they know is not this *kufr*, but they say it is *kufr* less than *kufr*, nor do they generally apply the terms *zulm* and *fisq* for what they know is *kufr*. They do not consider every act of *zulm* and *fisq* to be *kufr*, rather they do not use the term *kufr* for something that is not called *zulm* or *fisq*. Otherwise, this would apply the absolute ruling of *kufr* over one who did not judge by what Allāh revealed, contrary to what is seen upon investigation, and from the explanations that are in agreement between what is known about that, and the texts of the *Qur’ān*.”²

The sayings of the *salaf* in explanation of this *āyah* can be divided into five categories;

1. What is reported by ‘Alī Bin Abī Ṭalḥah from ‘Ibn ‘Abbās that he explained it;

“Whoever rejects what Allāh revealed, then he has

¹See *as-Sunnah* by Muḥammad Bin Naṣr al-Marwazī (7-8).

²*Tafsīr al-Manār* (6:403).

committed *kufr*. Whoever approves of it, but does not judge by it, then he is a wrong-doer, a disobedient person.”

Similar is reported from ‘Ikrimah as preceded.

2. That the meaning is *kufr* less than *kufr*. Among those who said this are the great scholar Ibn ‘Abbās, Ṭāwus, and his son, ‘Aṭā’ Bin Abī Rabāḥ, and ‘Alī Bin al-Ḥusayn, Zayn al-‘Ābidīn, as preceded.

And there is no contradiction at all between these sayings, they only explain each other as we have shown.

3. That Allāh (ﷻ) was referring to the Jews who distorted Allāh’s Book, and altered His judgments.

Those who said this include al-Barā’, Ḥuṭhayfah, ‘Ikrimah, aḍ-Ḍaḥḥāk, Qatādah, Abū Ṣāliḥ, Abū Mijliz, ‘Ubaydullāh Bin ‘Abdullāh Bin ‘Utbah Bin Mas’ūd, and most of the Tafsīr scholars as al-Qurṭubī said.¹

In this way they have spoken in accordance with the circumstances under which these *āyāt* were revealed. As is recorded in *Ṣaḥīḥ Muslim* from the *ḥadīth* of al-Barā’ Bin ‘Āzib who said;

“Two Jews who were tied and their faces blacked with ashes passed by the Prophet (ﷺ). So he called them and said;

«Is this what you find is the punishment of the adulterer in your Book?»

¹See at-Ṭabarī (10:346-353) al-Qurṭubī (6:190), and *ad-Durr al-Manḥūr* (3:87) and the other books of *Tafsīr*.

They said, “Yes”.

So he called for one of their knowledgeable people, saying;

«Do you swear by Allāh, the One who revealed the Tawrah to Mūsā, that this is the punishment for adultery that you find in your Book?»

“No. And if you hadn’t asked me to swear to it then I would not have informed you. We actually find stoning. But we have many people of nobility, so when we punish the noble people we do not do it, and when we punish the weak people, then we institute the punishment on them.”

We said, “Come here.” So we went to gather the noble people and the average people, and we brought the people who were tied and their faces were blackened to the place of stoning. Allāh’s Messenger (ﷺ) said;

«O Allāh! I am the first to revive your commandment after it has passed away.»

So he ordered that they be stoned. Then Allah revealed the āyah;

﴿ يَا أَيُّهَا الرَّسُولُ لَا يَحْزُنكَ الَّذِينَ يُسَارِعُونَ فِي الْكُفْرِ ﴾

«O Messenger do not grieve over those who race each other into disbelief...»(Al-Mā'idah 5:41)

Up to;

﴿ إِنَّ أَوْلِيئَكُمْ هَذَا فَخُذُوهُ ﴾

«...And if you are given this, then accept it...»(Al-Mā'idah 5:41)

Then Allāh revealed;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ ﴾

«Whoever does not judge by what Allāh revealed...»¹

Abū Ya'lā al-Farā' said;

“What clarifies that further, is that He (ﷺ) mentioned the Jews and said;

﴿ فَإِنْ جَاءُوكَ فَأَحْكُم بَيْنَهُمْ ﴾

«So if they come to you then judge between them or...»

But He did not stop there, rather He (ﷺ) said;

﴿ وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنْ النَّفْسَ بِالنَّفْسِ ﴾

«And We have prescribed for them a life for a life...»

So when the entire story, from its beginning to its end, is about the Jews, then the *āyāt* are about them.”²

Yet the wording of these *āyāt* are general, not restricted to the circumstances of revelation. So the *kufr* in this *āyah* applies to all who do what the Jews did in their rejection of some of the *sharī'ah*

¹Muslim.

²*Masā'il al-Īmān* (340-341).

judgments that are affirmed. And this is what is meant by “it is specific to the Jews.”

This is what al-Jaṣāṣ said;

“The reference is to rejecting Allāh’s judgment, or judging with other than that, while being informed of what Allāh’s judgement is. This is the *kufr* that removes one from the religion, its doer is an apostate, even if he was a Muslim before that. In this way it has been explained by those who said, ‘It was revealed about Banī Isrā’īl and it applies to us.’ They mean that whoever rejects Allāh’s judgements, or judges by other than Allāh’s judgments, then he claims, ‘This is Allah’s judgment’, then this person is a disbeliever, just as Banī Isrā’īl disbelieved when they did that.”¹

After mentioning the different sayings about that, al-Qāḍī Ismā’īl said (*Aḥkām al-Qur’ān*);

“These *āyāt* obviously prove that whoever does as they did, inventing judgments that contradict Allah’s judgement, and making that part of the practice of the religion, then the threats mentioned apply to them, whether the person himself made such judgment or not.”²

Abū as-Su’ūd said;

¹*Aḥkām al-Qur’ān* (2:439).

²*Fath al-Bārī* (13:129).

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ ﴾

«And whoever does not judge by what Allāh revealed...»

“Everyone is addressed particularly - whoever they may be: but they are made up of different levels of intensity. Meaning, whoever does not judge by that, out of disdain for it, rejecting it, as was done by those who distort Allāh’s clear *āyāt*, «then these it is» applies to «Whoever», and all of the expressions are combined, just as is the singular address of «that are the disbelievers» because of their disdain for it.”

Al-Khāzin said;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«Whoever does not judge by what Allāh revealed, these it is that are the disbelievers»

“Meaning that when the Jews rejected the judgment of Allāh (ﷻ), which they had texts for in the *Tawrāh*, they said; ‘It is not obligatory,’ then they were absolute disbelievers in Mūsā, the *Tawrāh*, Muḥammad and the *Qur’ān*.”¹

And lastly, the saying of the Shaykh of the Tafsīr scholars, Ibn Jarīr aṭ-Ṭabarī;

“And the most correct of these sayings, according to

¹Mukhtaṣar Tafsīr al-Khāzin (1:310).

me, is that which says that these *āyāt* were revealed about the disbelievers among the people of the Book. Since the *āyāt* before and after them were revealed about them, then their meanings are understood by them, and these (earlier and latter) *āyāt* give information about them, so their information about them is the most weighty. Then if it is said, that Allah (ﷻ) mentioned this in a mode that is general for all who do not judge by what Allah revealed, so how can you make it specific? Then the answer is, that Allāh (ﷻ) was general in His address about people who reject the ruling that Allāh decreed in His Book. He informed about them - that by their avoiding to judge in the way that they had, they were disbelievers. So in this way, it is said about all who do not judge by what Allah revealed out of rejection to it, that he is a disbeliever in Allāh, as Ibn ‘Abbās said. Because by their rejection of Allāh’s judgment after they know that it was revealed in His Book, then they have rejected the prophethood of His Prophet, after they knew that he was a prophet.”¹

So this is the meaning of the saying of al-Ḥasan;

“It was revealed about the Jews, and it applies to us.”

And the saying of Ibrāhīm an-Nakhī;

“It was revealed about Banī Isrā’īl and it applies to

¹*Tafsīr at-Ṭabarī* (10:358).

this *ummah*.”¹

This is the view held by the Shaykh of Tafsīr Ibn Jarīr, al-Qāḍī Ismāʿīl Bin Ishāq, Abū as-Suʿūd, al-Jaṣāṣ, and others. They all agree with what was said by Ḥuṭhayfah (رضي الله عنه) in what was reported from him by Hamām;

“We were with Ḥuṭhayfah so we mentioned;

﴿ وَ مَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«Whoever does not judge by what Allāh revealed,
these it is that are the disbelievers»

A man among the people said, ‘This was about Banī Isrāʿīl! Ḥuṭhayfah said;

‘Yes, your brothers among Banī Isrāʿīl. You think that it gives a free license in your case, and punishment in theirs! Rather, by the one in whose Hand is my soul, as long as the practice is the same as the practice, then the threat is the same as the threat.’”²

This is the meaning of the statement Abū Mijliz, the major *tābʿī*, the trustworthy;

¹*Tafsīr at-Ṭabarī* (10:356-357), *ad-Durr al-Manthūr* (3:87-88).

²Al-Ḥākim (2:312), Wakf (1:39), al-Marwazī in *as-Sunnah* (65), from the route of Jarīr, from al-Aʿmash, from Ibrāhīm, from Hamām. Al-Ḥākim said that it was *ṣahīḥ* according to the criteria of al-Bukhārī and Muslim, and they did not record it. Ath-Thahabī agreed. It was also recorded by ʿAbd ar-Razzāq, by way of Wakf in *Akhbār al-Qaḍāh* (1:39-40), Ibn Jarīr at-Ṭabarī in his *Tafsīr* (10:350), from Abī al-Bukhtarī, from Ḥuṭhayfah, but Abī al-Bukhtarī did not hear from Ḥuṭhayfah.

“A group of the Ibāḍiyah came to sit with him, they said, ‘Allāh said;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«Whoever does not judge by what Allāh revealed,
these it is that are the disbelievers»

﴿ فَأُولَئِكَ هُمُ الظَّالِمُونَ ﴾

«Then these it is that are the wrong-doers»

﴿ فَأُولَئِكَ هُمُ الْفَاسِقُونَ ﴾

«Then these it is that are the disobedient.»

Abū Mijliz said; ‘They (the rulers) are aware of what they do, and they know that it is sin’ - and in narration - ‘if they leave any matter of it, they know that they have sinned - this *āyah* was only revealed about the Jews and the Christians.’

They said; ‘By Allāh! You know what we know, but you are afraid of them!’ He replied, ‘You have more cause to be afraid than us, as for us, we do not know what you know!’ They said; ‘You know, but you are prevented by your fear of your leaders!’”¹

Abū al-Mijliz was saying that the leaders knew well what judgments they made that were contrary to what Allāh revealed, and they knew that doing so was a major sin deserving severe punishment. They did this out of sin and desire, so this *āyah* does not apply to them because it was revealed about the case of those who judged by other than what Allāh revealed while rejecting it, and believing that doing so was lawful. Like the Jews and the Christians and whoever acts as they

¹*Tafsīr aṣ-Ṭabarī* (10:347), Abū ash-Shaykh, and ‘Abd Bin Ḥumayd as mentioned in *ad-Durr al-Manthūr* (3:88).

do. So these people are the ones who left the religion by their rejection and belief that this behavior was lawful, not those leaders in question.

These Ibāḍiyah, a branch of the Harūrī Khawārij, would not settle for this and agree, rather they left the limits of manners and acted according to their own belief that everyone who judges by other than what Allāh revealed is a disbeliever, period. Just as many of the modern people say today! O Allāh! You are innocent of the deviation and ideas of those who have no knowledge!

4. Allāh (ﷻ) intended all people by this *āyah*, both Muslims and disbelievers. Among those who said this are Ibn Mas'ūd, al-Ḥasan, Ibrāhīm an-Nakhī, and as-Suddī. In support of this view is that the word, «Whoever» is general, especially when the conditions that were described are met. So this proves that the *āyah* is not specific to one group over others, rather it is generally applicable to all who do not judge by what Allah revealed. This does not deny the circumstances of its revelation, rather the general expression is being applied, not limited to is circumstances, as we mentioned earlier.

And the truth is that this view does not contradict the previous views, nor does it negate them, rather it brings them closer together, since the intent of the people who said that this *āyah* applies in general to all groups, was not an intention to apply *kufr* equally to everyone who did not judge by what Allāh revealed out of rejection and those who did so without that rejection. This is clear for anyone who examines the sayings of these people. Similarly the Tafsīr scholars limited their sayings to “with rejection, believing that it is lawful” sometimes, and “*kufr* of sin in the case of the Muslim” at other times. For example;

Al-Jaṣāṣ said;

“Ibn Mas‘ūd, and al-Ḥasan said;

‘It is general.’

Meaning any who does not judge by what Allāh revealed, and judges by other than that, saying that it is Allāh’s judgment. Whoever does this, then he has committed this *kufr*.”¹

Al-Qurṭubī said;

“Ibn Mas‘ūd and al-Ḥasan said;

‘It is general for everyone who does not judge by what Allāh revealed, be they Muslims, Jews or disbelievers.’

Meaning, believing it that judgement, and believing that it is permissible.”²

Abū Ḥayān said;

“As-Suddī said;

‘Whoever opposes Allāh’s judgement, intentionally leaving it, believing that this is allowed, and he knows what he is doing, then he is definitely one of the disbelievers.’

¹*Aḥkam al-Qur’ān* (2:533).

²*Jāmi‘ al-Aḥkām al-Qur’ān* (6:190).

This refers to the rejection that is *kufr*, the opposite of faith.”¹

He also said;

“That it is general for the Jews and others besides them is the view of Ibn Mas‘ūd, Ibrāhīm, ‘Aṭā’, and a group. But it is *kufr* less than *kufr*, wrong less than wrong, disobedience less than disobedience. Meaning that the *kufr* committed by a Muslim is not the same as the *kufr* of the disbelievers, and the same for the one who commits a wrong, by his wrong, and his disobedience, he has not left the religion...”²

Ibn ‘Uṭṭiyah said;

“A large group of the people of knowledge said;

‘The *āyah* includes all who do not judge by what Allāh revealed, but in the case of the leaders of this *ummah*, *kufr* is a type of sin that does not remove one from faith.’”³

This is what was meant by those who explained that the *āyah* is general, applying to all who do not judge by what Allah revealed, as has preceded.

5. That Allāh (ﷻ) was referring to the disbelievers among the people

¹*Al-Baḥr al-Muḥīṭ* (3:493).

²*Ibid.* (3:492).

³*Al-Muḥar al-Wajīz* (4:456).

of *Islām*, and the wrong-doers of the Jews, and the disobedient among the Christians. This was said by ash-Sha'bī¹, and Ibn al-'Arabī also chose this view in *Aḥkām al-Qur'ān*²

Abū Ḥayān said;

“As if it specifically referred to each of them in the order it is recited, since before the first is;

﴿ فَإِنْ جَاءُوكَ فَأَحْكُم بَيْنَهُمْ ﴾

«So if they come to you then judge between them...»(*Al-Mā'idah* 5:42)

And;

﴿ وَإِنْ حَكَمْتَ فَأَحْكُم بَيْنَهُمْ بِالْقِسْطِ ﴾

«And if you judge then judge between them with justice.»(*Al-Mā'idah* 5:42)

And before the second one;

﴿ وَكَتَبْنَا عَلَيْهِمْ فِيهَا ﴾

«And we prescribed for them...»(*Al-Mā'idah* 5:45)

And before the third;

¹Recorded by Ibn Jarīr at-Ṭabarī (10:353-354), 'Abd Bin Ḥumayd, Ibn al-Munthir, Abū ash-Shaykh, as seen in *ad-Durr al-Manthūr* (3:88) and Wakī' in *Akhbār al-Qaḍāh* (1:42, with *ṣaḥīḥ* chains of narration.

²See (2:624).

﴿ وَقَفَّيْنَا عَلَىٰ آثَارِهِم بِعِيسَى ابْنِ مَرْيَمَ مُصَدِّقًا لِّمَا بَيْنَ يَدَيْهِ ﴾

«And We left among the remnants of ‘Īsā Bin Marīm...»(Al-Mā'idah 5:47)¹

So this saying, like those that preceded, implies that the *kufr* mentioned in the *āyah*, in the case of a Muslim, is sin, or *kufr* less than *kufr*. Otherwise at first glance, it seems to mean that the Muslims are in a worse state than people of the Book, so this is why it is explained by the knowledgeable people of interpretation. Al-Alūsī said;

“‘Abd Bin Ḥumayd, and others reported from ash-Sha‘bī that he said;

‘There are three *āyāt* in *al-Mā'idah* the first is for this *ummah*, the second for the Jews, and the third for the Christians.’

This would mean that the believers are in the same state as the Jews and the Christians! Except that they say, the *kufr* in the case of the believer carries the meaning of a severe warning, and when the disbeliever is described with *fisq* and *zulm*, in refers to his insurrection and rebelliousness.”²

CONCLUSION

In reality, there is no contradiction or disagreement between these sayings and their interpretations. Rather they all come from the same idea, they only used different terms to explain it. So it is only a difference of explanation, not a contradiction of meaning. To Allāh, the

¹*Al-Baḥr al-Muḥīṭ* (3:493).

²*Rūḥ al-Ma‘ānī* (3:146).

Lord of the heavens and the Earth is the praise.

“As for the obviousness of the *āyah*, then not one of the Imāms among the well-known Fuquhā held such views, rather this was not said by anyone, period.”¹

It was reported that a man from the Khawārij came to al-Ma'mūn, who asked him,

“What have you got against our *khilāfah*?” He said, “An *āyah* in Allāh’s Book.” He asked, “Which *āyah*?” He said;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«Whoever does not judge by what Allāh revealed, then these it is that are the disbelievers.»

Al-Ma'mūn asked him, “Are you sure that it was in fact revealed?” He said, “Yes.” He asked, “What is your evidence?” He replied; “The consensus of the *ummah*.” He replied, “Then just as you accept that it was revealed, due to the consensus of the *ummah*, then accept their consensus on its explanation.” He said, “You have spoken the truth, *as-salāmu ‘alaykum* commander of the believers!”²

The One who Invents Legislation is the Same as an Innovator

3. *Ahl as-Sunnah* agree that *bida'h* falls into two categories;

¹*Tafsīr al-Manār* (6:406).

²This story was recorded by al-Khaṭīb al-Baghdādī in *Tārīkh Baghdād* (10:186), and also, through the same route by as-Suyūṭī in *Tārīkh al-Khulifā'* (296-297) and it was mentioned by ath-Thahabī in *Siyar A'lām an-Nubilā'* (10:280).

-The *bida'h* that amounts to *kufr* that removes its practitioner from *Islām*.

-And the *bida'h* that does not amount to *kufr*.

The one who innovates in religion, and the one who legislates by man made laws are the same, there is no difference between them. What is said about one, is said about the other. Ibn Abī al-'Izz spoke well when he said;

“Evil only came into the [Islamic] world through three ways - just as 'Abdullāh Bin al-Mubārak said (ﷺ);

'I have seen the sins bring death to the hearts
And leave in their blood, the legacy of disgrace.
Leaving the sins brings life to the hearts
and it is better for your soul than its disobedience is.
And nothing did more damage to the religion than the kings
and the evil *aḥbār* and *ruhbān*.'

So the oppressive kings contradicted the *sharīah* by their oppressive politics, and they gave that precedence. The evil *aḥbār* are the scholars who left the *sharīah* by their opinions and their false analogies, leading them to making lawful what Allāh and His Messenger prohibited, and to prohibit what was allowed, expressing what was vulgar, and considering what was expressed in [the texts] to be vulgar, opening up what the religion had restricted, and restricting what it had left open, etc. The *ruhbān*, they are the ignorant people of *taṣawuf*, who contradicted the reality of faith and the *shar'* with their experiences, passions, hallucinations, and false *shayṭānic* visions, making all of this play a part in legislating in the religion where Allāh did not permit it, and declaring the religion that He legislated upon the

tongue of His Prophet to be false, confronting the reality of faith with the deceit of Shayṭān and the pleasures of the soul. So the first group says, ‘When politics and the *sharī‘ah* collide, we give precedence to politics’. The second group says, ‘When reason and narrations collide, we give precedence to reason’. And the companions of the senses said, ‘When experience and visions collide with the apparent *shar‘*, we give precedence to experience and vision.’”¹

So, as the modern people say, when a person legislates with man made law, then he has divided a portion from what is uniquely Allāh’s (ﷻ) domain of *rubūbiyah* and *ulūhiyah*, rather His domain of rule and legislation, and they have made themselves an equal to Allāh (ﷻ), since they have made themselves a lord who legislates for humans.²

So ash-Shaṭabī said about the innovator;

“Has placed himself above the position of the legislator, because the legislator fixes the legislation, and requires the creatures to traverse upon its institution, and He (ﷻ) alone can do that, because it is He who judges between the creatures on matters that they differ over. If the legislation was easy to ascertain by the creatures, then He would not reveal legislation, nor would people continue to disagree, and there would be no need to send the Messenger (ﷺ). So this one who innovates in Allāh’s religion has made himself a counterpart and rival

¹*Sharḥ al-Āqīdah aṭ-Ṭahāwīyah* (204).

²See *az-Zalāl* (2:890) *Inna Allāh huwa al-Ḥukum* (57).

since he legislates with the legislator.”¹

Once he tries to attach the man-made law of ignorance to the *sharīah* of the Lord, then he claims that it is incomplete and that it does not provide the necessary benefit for humanity, so as ash-Shaṭībī said;

“So this only leads the innovator - either by his tongue or his ideas - to insinuate that the *sharīah* is not complete, and that there is still something left that is obligatory or necessary to fulfill, because if he had believed that it was perfect and complete in every way, then he would not innovate nor try to complete it.”²

So when they say, as one of them says;

“Not judging by the *sharīah* - without rejection and believing it is lawful - is *kufr* of disdain, refusal, and resistance, even if he believes in it!”³

Then, ash-Shaṭībī said;

“The innovator is resistant to the *sharīah* and in doubt of it, because the legislator has described the specifics of every case for the seeking servant, and held the creatures accountable for it by commanding

¹*Al-ʿItisām* (1:50-51).

²*Ibid.*, (1:49).

³See *Ḥukum Allāh wa mā Yunāfiḥ* (29), and the refutation and elucidation of this idea follows.

and forbidding, issuing threats and giving promises, informing about the good in store for them, and the evil for opposition, etc. This is because Allah knows and we do not know, and because He only sent the Messenger (ﷺ) as a mercy to the worlds. The innovator rejects all of this, since he claims that after this there is another way, that the right way is not restricted to the limitations of the supreme legislator, as He described. It is as if the supreme legislator knows, and we too know! Rather it may even be that by his attempts to complete the methods of the legislator, that he thinks he knows what the supreme legislator does not!”

But ash-Shaṭībī (رحمته الله) did not say that this innovator is a disbeliever, as those who say that whoever judges with other than the *sharī'ah* - without rejecting it - did. He explains;

“So with this, if this is the objective of the innovator, then he has disbelieved in the *sharī'ah* and the one who gave him that legislation (ﷺ), and if this is not his intent then he is clearly astray.”¹

So in summary, what the modern people say about those who judge by man-made law is what our scholars of the past have said about the innovator, but the difference between the modern people and the scholars of the past is that the modern people issue *takfīr* without any differentiation. As for those firmly grounded in knowledge from the past, then they divide innovation into two types, the innovation that warrants *takfīr*, and the innovation that does not, and *Ahl as-Sunnah*

¹*Al-Fīṭṣām* (1:49).

have agreed on this categorization, and the *sharīah* does not allow distinguishing between two of the same thing, and making different things the same. So the innovator and the one who judges with other than what Allāh revealed are two of a kind, and the judgement for them is the same, there is no difference at all.

The *zulm* of the innovator is actually worse and a more serious crime than one who judges by man made law. The innovator legislates in the religion what Allāh did not permit, claiming that it is from Allah, and it is clear that the one who judges with other than the *sharīah* does not make so bold an error, rather he knows for sure that his judgment came from humans, and that it is purely based on reason.

Innovation, in its reality, is slander against Allah as ash-Shaṭabī indicated¹ and speaking about Him (ﷻ) without knowledge, as Ibn al-Qayim said;

“It is among the greatest of unlawful things according to Allāh and among the worst in its sinfulness. For it issues a lie against Allāh, and attributes to Him what He has no part of, and changes and alters His religion, it negates what He has affirmed, it confirms what He has negated, it verifies what He has invalidated, it invalidates what He has verified, it is an assault upon His friends, allegiance to His enemies, love of what He hates, and hatred of what He loves. So there is no unlawful thing that is worse or graver in sin than this, according to Allāh, for it is the foundation of *shirk* and *kufr*, and upon it is founded innovation and deviance. Every innovated deviance in the religion is founded upon speaking about Allāh without knowledge. For this reason the

¹*Al-ʿItisām* (1:52).

salaf and the Imāms were so severe against it, and they clamored against its people in the territories of the land, and they issued severe warnings against their *fitnah*, and they accomplished in this effort what they did not try to achieve in rejection of lewdness, oppression, and fighting the enemies, since innovation causes so much harm, and destruction to the religion and is such a strong adversary to it.”¹

The innovator causes more trouble for the *ummah* than the one who judges by other than what Allāh revealed, because the case of the latter is visible, and its position in relation to the religion is clearer. The people do not consider taking their legislation in religion from it. But the innovator is different than that, because he separates the *ummah* and causes dissention among them, touching the religion of their masses, overshadowing its judgements and disfiguring its practices. And whoever looks into *Islāmic* history, then he will see that the worst enemies of *Islām* and its people were the *Zindīqs*, conspiring against *Islām* and finishing off its people by way of altering their religion. As in the saying of Maqātil Bin Ḥayān;

“These people scoffed at the *ummah* of Muḥammad (ﷺ). They began to talk about the Prophet (ﷺ) and his family, so they targeted the ignorant people with this good topic, causing them to be ruined. So they are like the one who gives someone bitter poison honey to drink, or he gives him poison to drink, killing him with the poison that is supposed to cure! So beware, for if they can not throw you in a sea of water, then they will throw you

¹*Madāraj as-Sālakīn* (1:373).

in a sea of desire which is worse to drown in, having more currents, and more storms, taking you further away than the sea. So take the vessel which passes over deviation, and follow the *Sunnah*.”¹

The truth which cannot be denied is that the status of the one who judges with other than what the Lord of the worlds revealed is the same as the status of the one who innovates in the religion. Both of them legislate what Allāh did not permit, competing with Allah over one of His attributes, attempting to finish something for Him (ﷻ), by what they utter or believe. So there is consensus among *Ahl as-Sunnah* that the details of the ruling that applies to those who do these crimes, without a doubt, also apply to the one who judges by other than what Allah revealed.

So this is the root of roots, it applies to everyone who legislates where Allāh has not permitted it, whoever they may be, a ruler or otherwise. It is not just for the innovator alone, for they are on different levels of the same ladder, some higher than others, so it is not restricted to them.

So whoever does similar to what they have done, proposing judgements that conflict with Allah’s judgements, making it religious practice, then they deserve the same threats mentioned, be they a ruler or otherwise.²

This confirms that issuing *takfīr* in general for everyone who does not judge by what Allah revealed, without differentiating between them, as some of the modern people do, contradicts the consensus of *Ahl as-Sunnah wal-Jamā’ah*, and that the truth, which their is no defense against, is with those who make the differentiation.

¹*Al-ʿItisām* (1:85).

²This was said by Imām al-Ḥāfiẓ Ismāʿīl Bin Ishāq al-Qāḍī explaining the *āyāt* of *al-Māʾidah* (44-47), it was quoted by Ibn Ḥajar in *Fath al-Bārī* (13:129).

And the scholars and the *muḥaqaqīn* have therefore surmised that *takfīr* is for the innovator who rejects a matter that is *mutawātir* in the *sharī'ah*, and well known in the religion by necessity, or he believes the opposite of that.¹ Shaykh Ḥāfiẓ Bin Aḥmad al-Ḥakamī (رحمته الله) said;

“The regulation for it (meaning the sin that warrants *takfīr*) is that the person is one who rejects a matter that there is consensus for, which is *mutawātir* in the *sharī'ah*, well known in the religion by necessity, because that amounts to denial of the Book and what Allāh sent His Messenger with.”²

Removing the Doubts and Warding off the Attacks

None disagrees with what we have mentioned except for a party of change among the modern people, whose aim is to effect a change in those things that Allāh has prohibited, calling to judge by the *sharī'ah* of Allah in all matters of life, not to depart from the principles of the people of knowledge, nor to prevent judging by the fundamentals of *Ahl as-Sunnah*.

But the one who affected the most change for this *ummah* was Allāh's Messenger (ﷺ), and he (ﷺ) did not rush to change by judging that his companions committed *kufr* when they sought to have a *that al-anwāṭ* to dedicate themselves to and seek blessings from, as the *mushrikīn* had, nor did he issue the sentence of *kufr* on Mu'āth when he prostrated to

¹See *Faḥ al-Mughīth* (2:69) and *Tadrīb ar-Rāwī* (1:324) and others.

²*A'lām as-Sunnah al-Manshūrah* (219).

him, or for the one who would not submit to his judgement saying to him, “He is your cousin” or for the people of Layth who denied his judgement (كذبوا). Rather he (كذبوا) excused them due to their ignorance, and their recent departure from disbelief and *shirk*.

Now it is possible for us to divide the opposition and the doubts levied against what we have said into two major categories;

1. Their comments on the apparentness of some *Qur'ānic āyāt*, and their understanding of them, which mirrors the understanding of the Khawārij.
2. Their distortion of some sayings of the people of knowledge, and using them in away other than what they were intended, cutting some quotes short to suit the view that they are presenting.

The Apparentness of the *Āyāt*, and the Views of the *Khawārij*

EXAMPLE NUMBER ONE

1. Allāh (ﷻ) said;

﴿ وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«And whoever does not judge by what Allāh revealed, then these it is that are the disbelievers.»

The explanation of the *tafsīr* of this *āyah* has preceded, and it is clear that there is no disagreement among the *salaf* and the *khalaf* over its *tafsīr*, and that the *kufr* mentioned in it covers all who reject the necessity of judging by what Allāh revealed, believing that it is lawful to judge with opinions and ideas other than that, and that it does not refer to the one who does so while believing in its obligation, and believing that it is better than all other rule, then he leaves the judgement of Allāh out of sin, following some desire of his, or fear for his life.

Some of the modern people have taken the path of the *Khawārij* to explain this *āyah*, causing them to say that it refers to the major *kufr* that removes one from the religion, and it applies to everyone who does not judge by what Allāh revealed - whether he does so out rejection of Allāh's judgement - or he does so without rejection of it!

The scholars have attributed this view to the *Ḥarūriyah* *Khawārij*:

1. In his book *ash-Shar'īah* (p. 28) Imam al-Ḥāfiẓ Abū Bakr Muḥammad Bin al-Ḥusayn al-Ājri (died in 360 H) said;

“Among those who followed the way of the *Ḥarūriyah* are those who say that Allāh's (ﷻ) saying;

﴿ وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«Whoever does not judge by what Allāh revealed, then these it is that are the disbelievers.»

And they recite along with it;

﴿ ثُمَّ الَّذِينَ كَفَرُوا بِرَبِّهِمْ يَعْدِلُونَ ﴾

«Then those who disbelieve make equals with their Lord» (Al-An‘ām 6:1)

So whenever the *imām* tries to judge by other than the truth, they say, ‘He has disbelieved, and when one disbelieves he has made equals to his Lord, so he committed *shirk*, so these people are the *īmāms* of the *mushrikīn*.’”!

2. Abū ‘Umar Bin ‘Abd al-Barr said;

“On this topic, a group of the people of innovation among the Khawārij and Mu‘tazilah have deviated. They use these reports, and similar narrations, to argue for making *takfīr* of the sinners. And they argue with *āyāt* from Allāh’s Book, which are not [normally] interpreted by their apparentness. Like Allāh’s (ﷻ) saying;

﴿ وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«And whoever does not judge by what Allah revealed, then these it is that are the disbelievers.»¹

¹At-Tamhīd (17:16).

3. Al-Jaṣāṣ said;

“The Khawārij have interpreted this *āyah* in such a way as to make *takfīr* of the one who leaves judgement by what Allāh revealed, without rejection of that.”¹

4. In *Masā'il Imān*, Imām al-Qāḍī Abū Ya'īlā said;

“He (meaning one of the Khawārij) argues with Allāh's (ﷻ) saying;

﴿ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«Whoever does not judge by what Allāh revealed,
then these it is that are the disbelievers.»

From the apparentness of this, it implies that the oppressive leaders are disbelievers, and this is our saying (that is the Khawārij speaking). And the answer is that this refers to the Jews...”²

5. In his *Tafsīr*, Abū Ḥayān said;

“With this *āyah*, the Khawārij argue that anyone who disobeys Allāh is a *kāfir*. They say, ‘It is a proof that everyone who judges with other than what Allāh revealed is a disbeliever.’”³

6. Al-Qurṭubī reported al-Qushayrī's saying;

¹*Aḥkām al-Qur'ān* (3:534).

²*Masā'il al-Imān* (340-341) and the complete quote appeared earlier.

³*Al-Baḥr al-Muḥīṭ* (3:493).

“And the *mathhab* of the Khawārij is that whoever is bribed and judges with other than what Allāh revealed, then he is a disbeliever.”¹

So how can these people hold the view of the Khawārij, while claiming that it is the view of *Ahl as-Sunnah wal-Jamā'ah* and the *Salafī* creed? And why don't they look at similar examples from *sharī'ah* texts in the same way. What is the difference between Allāh's (ﷻ) saying;

﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ﴾

«Whoever does not judge by what Allāh revealed, then these it is that are the disbelievers.»

And between the saying of the Prophet (ﷺ);

«Speaking in a harmful way about a Muslim is disobedience, and fighting him is *kufr*.»²

And his (ﷺ) saying;

«Do not revert to *kuffār* after me, striking the necks of each other.»³

«Whoever takes an oath by other than Allāh, then

¹*Al-Jāmi' al-Aḥkām al-Qur'ān* (6:191).

²Agreed upon.

³Agreed upon.

he has committed *kufr*.¹

And his (ﷺ) saying;

«If any man says to his brother, “O disbeliever”.
Then it returns upon one of them.»²

And his (ﷺ) saying,

«Do not wish for evil upon your fathers, whoever
wishes for evil upon his father, then he has
committed *kufr*.»³

And;

«Whoever goes into a menstruating woman, or a
woman in her behind, or goes to a fortuneteller,
then he has disbelieved in what was revealed to
Muḥammad (ﷺ).»⁴

The *kufr* in all of these *ḥadīths* is the same, none of it is the *kufr* that they believe it is, rather it is *kufr* less than *kufr*. For Allah has addressed a host of sins with the term *kufr*, but by which He (ﷻ) was not referring to the *kufr* of creed that removes one from the religion, only the *kufr* of deed as was explained earlier. Ibn al-Qayim said;

¹*Ṣaḥīḥ*, recorded by Aḥmad, Abū Dāwūd, at-Tirmithī, al-Ḥākim, Ibn Ḥibbān, al-Bayhaqī in *al-Kubrā*, and others via the *ḥadīth* of Ibn ‘Umar.

²Agreed upon.

³Agreed upon.

⁴A *ḥasan ḥadīth*, recorded by Aḥmad and the Four *Sunans*, its routes of narration are presented in the book *Kitābān fil-Luwaṭ* (p. 73).

“Indeed Allāh (ﷻ) called the one who judged by other than what Allāh revealed “*kāfir*”, and He called the one who rejects what He revealed to His Messenger “*kāfir*”, but these to “*kāfirs*” are not the same.”¹

¹*Aṣ-Ṣalāh* (p. 33).

Allāh (ﷻ) said;

« أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أُنزِلَ إِلَيْكَ وَمَا أُنزِلَ مِنْ
قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ
وَيُرِيدُ الشَّيْطَانُ أَنْ يُضِلَّهُمْ ضَلَالًا بَعِيدًا وَإِذَا قِيلَ لَهُمْ تَعَالَوْا إِلَى
مَا أَنْزَلَ اللَّهُ وَإِلَى الرَّسُولِ رَأَيْتَ الْمُنَافِقِينَ يَصُدُّونَ عَنْكَ صُدُودًا »

«Have you not seen those who claim that they believe in what was revealed to you and what was revealed before you, intending to judge by the *ṭāghūt*? While they were ordered to reject that, but Shayṭān wanted to misguide them leading them far astray. When it is said to them, Come to what Allāh has revealed and to the Messenger. You see the hypocrites turning away from you in disgust.»

Up to His (ﷻ) saying;

« فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا
فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا »

«But no! By your Lord! They will not believe until they make you a judge in what disputes arise between them, and they find no resistance in their souls against your decisions, accepting them with full conviction.» (An-Nisā 4:60-65)

The *Islāmic* writer Sayid Quṭb said;

“These people, those who intended to judge by other than the *sharīah* of Allah - by the *ṭaghūt* - they were either a group of hypocrites, as they were clearly described in the second *āyah* of this section, or they were a group of Jews...and we see that the preference is the first view, due to His (ﷺ) saying;

﴿ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أُنزِلَ إِلَيْكَ ﴾

«They claim that they believe in what was revealed to you....»

And the Jews did not accept *Islām*, nor did they claim that they believed in what was revealed to the Messenger (ﷺ), rather it was only the hypocrites who claimed that they believed.

So in this section of the *āyāt*, we find that the conditions of faith and the limits of *Islām* have been precisely, completely, and firmly categorized, and we find Allāh testifying to the absence of faith for those;

﴿ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ ﴾

«Intending to judge by the *ṭaghūt*, while they were ordered to reject that»

Just as we find that Allāh is swearing by Himself (ﷻ), that they have not entered the fold of faith, nor are they considered believers until they make the Messenger (ﷺ) a judge over their decisions, then obey his judgement, and execute his decision.”¹

Here we find Sayid, and those who follow his way and traverse

¹ *Fīz-Zalāl al-Qurʾān* (2:693).

upon his path, removing everyone from faith who does not take the Messenger's (ﷺ) judgment, without any explanation nor differentiation over them, saying;

“It is not possible that the absence of judging by the *shar'iah* of Allah and *īmān* be combined together, nor the absence of accepting the judgments of this *shar'ah*. And those who claim to themselves or to others that they are believers, and they do not make Allāh's *shar'ah* the judge in their lives, nor are they pleased with His judgments when they are applied to them, then their claim is only that of liars...Not only is this the reckoning for not judging by Allāh's *shar'ah* on the part of the ruler, but also for not accepting Allāh's judgments on the part of the ruled, they are removed from the fold of faith, regardless of the claims on their tongues.”¹

As for the first *āyah*, then there is no problem there, for it describes the condition of these hypocrites who oppose the honorable *shar'ah*, according to the view preferred by Sayid as well as others. This is so, even though it is reported that Mujāhid said;

“It was revealed about the believers and the Jews.”

Another group said;

“It was revealed about the Jews.”

But these two sayings are far from the meaning of the wording of the *āyah* as Ibn 'Uṭṭiyah said.² However, to use Allāh's saying;

¹Ibid (2:894).

²*Al-Muḥarar al-Wajīz* (4:115).

﴿ فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ ﴾

«But no! By your Lord they do not believe...»

To negate the root of faith, and its reality, from everyone who does not judge by the Messenger (ﷺ), and to determine that doing so is *kufr* of the creed that removes one from the religion without any details or differentiation, then this understanding - in the first place - is contrary to the circumstances under which it was revealed - and in the second place - it is not in accordance with the fundamentals of *Ahl as-Sunnah* to understand this *Qur'ānic* text this way. Suffice it to say that not one of the Tafsīr scholars ventured to apply this rule in general as Sayid did, may Allāh pardon him!

As for the circumstances under which this *āyah* was revealed, then it defies this understanding. It has been recorded by al-Bukhārī and Muslim from 'Abdullāh Bin az-Zubayr

“That az-Zubayr quarreled with a man from the Anṣār over a stream at al-Ḥarrah. The Prophet (ﷺ) said;

«O Zubayr! Irrigate (your land) and let the water flow to your neighbor.»

The man from the Anṣār said, ‘O Messenger of Allāh! Is this because he is your cousin?’ With this, his face changed colors and he said;

«O Zubayr, irrigate (your land) and then withhold the water until it swells upon the banks of your land, then release it on your neighbor.»

...Az-Zubayr said, By Allāh, I think that this *āyah* was only revealed about that;

﴿ فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا
 فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا ﴾

«But no! By your Lord! They will not believe until they make you a judge in what disputes arise between them, and they find no resistance in their souls against your decisions, accepting them with full conviction.» (An-Nisā 4:60-65)¹

Al-Qurṭubī said;

“Since the circumstances under which this *āyah* was revealed is as we mentioned, then it is understood that he (ﷺ) had judged by what was beneficial for both az-Zubayr and his opponent on the matter.

He said, ‘Irrigate’ to az-Zubayr, to take his share of the water, ‘Then let the water flow to your neighbor’ Meaning, ‘take your right, and do not take his, and don’t delay letting the water flow to your neighbor’. This was simply the tolerant, and faciliatory decision. But when the Anṣār heard this, he was not pleased with it and he became angry, because he is the one who actually wanted the water in the first place.

So he said one wrong statement of destitution and ruin; ‘Is it because he is you cousin?’ So by saying ‘Is it because...’ it shows that he rejected that, meaning, ‘Did you judge in favor of him over me simply because he is your relative?’ So with that, the face of the Prophet (ﷺ) changed color out of his anger, and he judged that az-

¹On may see the English translation of this *ḥadīth* in Muḥsin Khan’s translation, volume 6, under the explanation of the *āyah* in question. The *ḥadīth* was also recorded by Muslim, and is found in the books of the *Sunan*.

Zubayr take his right, without excusing him.”¹

It can be seen that the Prophet (ﷺ) did not pass the judgement of apostate on this Anṣār, rather it was an error, as he knew that what he said was a slip of the tongue inspired by Shayṭān that occurs when one becomes angry. And it is well known that anyone who opposes the judgement of Allāh’s Messenger is a disbelieving apostate. Yet, as Ibn at-Tīn said;

“If he was - meaning this person from the Anṣār - a warrior of Badr, then the meaning of Allāh’s (ﷻ) saying;

﴿ لَا يُؤْمِنُونَ ﴾

«They do not believe...»

Is that they will not have complete faith. And Allāh knows best.”²

I say, indeed he was a warrior of Badr, as is found in some narrations of the *ḥadīth*, and what Ibn at-Tīn said is what must be said, because it is in accordance with the fundamentals of *Ahl as-Sunnah* in the understanding of similar texts. What is the difference between the saying of Allāh:

﴿ فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ ﴾

«But no! By your Lord! They do not believe...»

and the Prophet’s (ﷺ) saying;

¹*Al-Jāmi‘ al-Aḥkām al-Qur’ān* (5:267).

²*Fath al-Bārī* (5:44) Note from the translator, that this *āyah* is a denial of complete faith, not faith in its entirety is the endorsed view of Ibn Ḥajr also. See the reference.

«By Allāh, he is not a believer. By Allāh, he is not a believer. By Allāh, he is not a believer who se neighbor is not safe from his treachery.»¹

and his (ﷺ) saying;

«None of you believes until he loves for his brother what he loves for himself.»²

The answer is, that there is no difference between these texts, the meaning of each is the negation of complete faith, as is said by *Ahl as-Sunnah*. But the Khawārij hold the understanding of those who take it in its apparentness, saying that it denies the foundation of faith, and they apply this to the person who commits a major sin, and to the rulers who do not judge by what Allāh revealed, calling them disbelievers. Shaykh al-Islam said;

“So whoever does not abide by the judgment of Allāh and His Messenger in what disagreements arise among them, then Allāh has sworn by Himself that they do not believe. As for the one who abides³ by Allāh and His Messenger’s judgments inwardly and outwardly, but he commits sins and follows his desire, so this case is the same as that of disobedience. This *āyah* is what the Khawārij use as proof for making *takfīr* of the rulers who do not judge by what Allāh

¹Agreed upon.

²Agreed upon.

³The meaning of “abides” is publicizing the judgments of Allāh and His Messenger, and not rejecting them, even if they do not necessarily act according to them, as is explained by the statement of Shaykh as-Sa’dī that follows.

revealed, then claim that they believe that it is Allah's judgment."¹

Explaining this *āyah*, Shaykh as-Sa'dī (رحمته) said;

“Whoever fulfills this level, meaning he renders judgment accordingly, and has no resistance, accepting with full conviction, then he has completely fulfilled the necessary level of religion. And whoever leaves this rendering of judgement mentioned, not abiding by it, then he is a disbeliever, and whoever leaves it while abiding by it, then the ruling for him is similar to that of the disobedient.”²

So based on this, whoever does not render judgment to the Messenger (ﷺ), out of rejection to what He was sent with, or opposition to his decision, then he leaves the religion of *Islām*, the fold of *īmān* entirely, and whoever does not render judgment to the Messenger (ﷺ) out of desire, sin, disobedience, then his *īmān* is deficient, and it is not permissible to label him a disbeliever.

EXAMPLE NUMBER THREE

Allāh (ﷻ) said;

﴿ اتَّخَذُوا أَحْبَارَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا مِّن دُونِ اللَّهِ ﴾

¹*Manhāj as-Sunnah* (5:131).

²*Taysīr al-Karīm ar-Raḥmān* (2:93-94).

وَالْمَسِيحَ ابْنَ مَرْيَمَ وَمَا أُمِرُوا إِلَّا لِيَعْبُدُوا إِلَهًا وَاحِدًا
لَا إِلَهَ إِلَّا هُوَ سُبْحَانَهُ عَمَّا يُشْرِكُونَ ﴿

«They took their *aḥbār* and *ruhḃān* as lords besides Allāh, and al-Masīḥ the son of Maryim. But they were not ordered but to worship one God, there is no god but Him, exalted is He beyond what they associate with Him.» (At-Tawbah 9:31)

Sayid Quṭb said;

“Allāh (ﷻ) passed the ruling of *shirk* on them in this *āyah*, and *kufr* in an *āyah* following it, merely because they took legislation from them, out of obedience to them and following...so this alone - without belief and practice - is sufficient for calling the one who does it, one who commits *shirk* with Allāh, that being the *shirk* which removes one from the ranks of the believers, and enters him among the ranks of the disbelievers.

So when the people follow a *sharīʿah* other than Allāh’s *sharīʿah*, then it is true about them what is true about the Jews and the Christians, that they are *mushrikīn*, not believers in Allāh, regardless of their claims of faith. Because this description is attached to the servant’s mere following of them in other than Allāh’s legislation, without rejecting them. It confirms that they were not following them except out of their dislike for that, but they did not have the ability to repel it, and they did not approve of these injustices against Allāh.”¹

So this claim of Sayid is unrestricted, without exceptions, but it is rebuked by the assault of the prophetic explanation of this *āyah*, and it

¹Fīz-Zalāl al-Qurʿān (3:1642).

is a clear address in which there is no doubt. At-Tirmithī and others recorded that ‘Adī Bin Ḥātīm said;

“I came to the Prophet (ﷺ) and there was a gold cross around my neck. So he said;

«O ‘Adī remove this idol.»

And I heard him reciting from *Sūrat al-Barā’ah*;

﴿ اتَّخَذُوا أَجْبَارَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا مِّن دُونِ اللَّهِ ﴾

«They took their *aḥbār* and *ruhban* as lords besides Allāh»

He (ﷺ) said;

«As for (your saying that) they did not worship them, when they made something lawful, then they believed it was lawful, and when they prohibited something, then they also prohibited it.»¹

So the Prophet (ﷺ) made the cause of their *shirk* clear, without any room for confusion, without any ambiguity. They were believing that what Allāh prohibited was lawful, and they prohibited what Allāh made lawful, doing so in a way that required rejection and denial, so he (ﷺ) said;

«When they made something lawful, they believed

¹It is a *ḥasan ḥadīth*, recorded by at-Tirmithī (3090), Ibn Sa’d, ‘Abd Bin Ḥumayd, Ibn al-Munthir, Ibn Abī Ḥātīm, aṭ-Ṭabarānī (17:92), aṭ-Ṭabarī (14:210), Abū ash-Shaykh, Ibn Mardawiyh, and al-Bayhaqī. Ibn Taymiyah and al-Albānī graded it *ḥasan*.

that it was lawful...»

So it is not like Sayid Quṭb said, that He (ﷺ) passed the judgment of *shirk* merely because they tolerated the practice of it by obeying them and following them!!!

And this is also clear in what is reported from Ḥuṭhayfah (رضي الله عنه), when it was said to him;

“Have you not seen that Allāh said;

﴿ اتَّخَذُوا أٰجْبَارَهُمْ ﴾

«They have taken their *ahbār*...»

He said;

‘They were not fasting for them, nor praying to them, but when they made something lawful for them, they believed that it was lawful, and when they prohibited something for them that Allāh had allowed for them, then they prohibited it, that is how they treated them as lords.’¹

But if the followers had believed that what Allāh allowed was lawful, and what Allāh prohibited was forbidden, and they had only obeyed their leaders in what they prohibited of the lawful, and allowed of the unlawful out of desire and disobedience, then they would not be disbelievers at all, even if they had not tried to rebuke them. Shaykh al-Islām said;

¹Recorded by aṭ-Ṭabarī in his *Tafsīr* (14:211), ‘Abd ar-Razzāq, al-Faryābī, Ibn al-Munthir, Ibn Abī Ḥātim, Abū ash-Shaykh, and al-Bayhaqī as found in *ad-Durr al-Manthūr* (4:174).

“The people who took their *aḥbār* and *ruhbān* as lords, such that they obeyed them in legalizing what Allāh prohibited, and prohibited what Allāh made lawful, they can be two kinds;

1. They know that they have altered Allāh’s religion, so they follow them in that alteration, believing that what Allāh prohibited is lawful, and what Allāh made lawful is prohibited, following their leaders, knowing that they are contradicting the religion of the Messenger. Then this is *kufr*, and Allāh and His Messenger (ﷺ) labeled this *shirk*, even though they were not praying and prostrating to them. So whoever follows other than this, in contradiction to the religion, with their knowledge that it is contradiction to the religion, and believing what such leaders said, not what Allāh and His Messenger said, then they are *mushriks* similar to these people.

2. That their creed and their faith is to allow what Allāh made lawful, and to prohibit the confirmed prohibitions, but they are obeying them in disobedience to Allāh, like the Muslim who commits an act of disobedience which he believes is disobedience, then the judgment for these people is the same as for that of the people of sin.”¹

So this is a clear explanation of Allāh’s (ﷻ) judgment upon the ruled, who follow rulers that legalize what Allāh prohibited, and prohibit what Allāh made lawful, and who do not render judgement to what Allāh revealed to His Messenger (ﷺ).

As for the rulers who commit alterations, then the *āyah* has nothing at all to do with them, and this matter will be discussed later.

But the fact is that in some cases, the ruled - not the rulers - may go out of the religion entirely by making the judgments. For example, when the ruler makes a judgment out of *ijtihād*, abiding by the pure

¹*Al-Īmān* (67).

sharī'ah, but the truth of the case is unknown to him, then he rules that an unlawful thing is lawful, or that a lawful thing is unlawful. In this case he is not considered a disbeliever, nor would he be punished for such a mistake. But when the ruled follows him in that mistake, and they do so believing that what Allāh prohibited is now lawful, or that what Allāh allowed is unlawful, after the truth has been made clear to them, and the evidence of the Message has been established for them, then such person is a disbeliever. Shaykh al-Islām said;

Then that person who made the prohibited lawful, or the lawful prohibited, if he did so out of *ijtihād*, intending to follow the Messenger (ﷺ), but the truth in this case was unavailable for him, then he has shown all of the *taqwā* of Allah that he is capable of. So in this case Allāh will not punish him for his mistake. Rather He will reward him for his *ijtihād* which is a form of obedience to his Lord. But, whoever knows that this is indeed a mistake according to what the Messenger (ﷺ) came with, yet he follows the mistake anyway (believing in it), by it, leaving the saying of the Messenger (ﷺ), then this person has been stricken with the *shirk* that Allāh cursed, especially when he is following his desire, and his tongue and hand are aiding that desire, while he knows that he is contradicting the Messenger, then this is the *shirk* whose practitioner deserves to be punished.”¹

¹*Al-Īmān* (67-68). Translator’s note: It may happen that a husband struggles to see what is correct in the *sharī'ah*, and he does his best to learn the truth. Yet he finds that the *mathhabs* differ on the matter. Then he studies their arguments and forms his idea based on what he sees is the most correct. Then perhaps this is an area that deals with his wives, so they are told by him that “such and such is lawful, so do it” or “such and such is not lawful, so do not do it” yet they are sure that the truth is otherwise. So in every matter that is agreed upon, by a consensus of the scholars, then, “there is no obedience to a creature in disobedience of Allāh”. Where there is difference among the scholars on the matter, then the wives will have to abide by the husband’s decision, in which case they have not disobeyed Allāh. The issue here is the belief, and *takfīr* is not validated unless its conditions are met, among which is that the thing denied is well known in the religion by necessity, and is agreed upon by the scholars, and comes in *tawātīr* mode. All of this preceded earlier.

Allāh (ﷻ) said;

﴿ أَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُمْ مِّنَ الدِّينِ مَا لَمْ يَأْذَنَ بِهِ اللَّهُ وَ لَوْلَا
كَلِمَةُ الْفَصْلِ لَفُضِيَ بَيْنَهُمْ وَإِنَّ الظَّالِمِينَ لَهُمْ عَذَابٌ أَلِيمٌ ﴾

«Do they have partners who legislate for them in the religion what Allah has not permitted? If not for the decree of judgment, then the matter would have already been decided between them. Indeed there is severe punishment for the wrong-doers.»

(Ash-Shūrā 42:21)

This *āyah* is used to argue that;

“Legislating is a right which is Allāh’s alone, with no partners for Him, whoever competes with that at all, then he is a *mushrik*.”¹

So in this way, one of them issues the general claim of *shirk* upon everyone who judges with other than what Allāh revealed, without any explanation, or differentiation. Another says;

“The situation that has recently come upon us is the case of major *shirk* without any doubt, since it has been made clear that all legislation is purely the right of Allāh (ﷻ) alone, whoever competes with Him in any matter of that, then he is a *mushrik* due to Allāh’s (ﷻ) saying;

¹*Hukm Allāh wa mā Yunāfiḥ* (37-38).

﴿ أَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُمْ مِّنَ الدِّينِ مَا لَمْ يَأْذَنَ بِهِ اللَّهُ ﴾

«Or do they have partners who legislate for them in the religion what Allāh has not permitted.»¹

Indeed it is true that the right of legislation is solely Allāh's, as we have mentioned in the beginning of this book. But as for this blanketing statement of *shirk*, then no by Allāh! This is not what is supported by the fundamentals of *Ahl as-Sunnah*, as we have explained numerous times. And what was said about the details regarding the *āyah*;

﴿ اتَّخَذُوا أَحْبَارَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا مِّن دُونِ اللَّهِ ﴾

«They have taken their *aḥbār* and *ruhbān* as lords besides Allāh»

And;

﴿ وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«Whoever does not judge by what Allāh revealed, then these it is that are the disbelievers.»

Then the same is said here as well. Some of the authors who wrote books warning against innovation and the innovators have presented their arguments with this noble *āyah*, as those mentioned have. But those who wrote condemning the innovators were firm in their understanding of the religion, so they did not issue *takfīr* upon everyone who innovates. Rather they explained what they meant, and they made a distinction as explained earlier.

The scholars of *tafsīr* have mentioned two views about the meaning

¹*Taḥkīm ash-Sharī'ah wa-Ṣilatuhu bi Aṣl ad-Dīn* (47).

of this *āyah*, and neither of them were chosen by these modern people, neither of them reasoned that it was the commission of *shirk* at all.

Ibn ‘Uṭṭiyah said;

“«Partners» in this *āyah* carries the meaning of the *shayāṭīn* and the their ancestors who mislead them, and the usage of «for them» applies to the disbelievers during the time of Muḥammad (ﷺ). Meaning, that their comrades legislated what Allāh did not permit for them, so the partnership here is between the disbelievers and those who mislead them, not the association of *shirk* with Allāh (ﷻ).

And also, the meaning of ‘partners’ in this *āyah* implies the idols and statues, meaning ‘Or are their idols whom they have made partners to Allāh in divinity’, and the meaning of «legislate» refers to these people among the disbelievers and their forefathers. And «for them» refers to their partners, the idols. Meaning that these disbelievers legislated for their statues and idols what Allāh did not permit.

And the meaning of «legislate» here is to affirm, institute and ordain. And «religion» here is tradition, regulations, and way of life, and it also includes beliefs. In all of these areas they added something, as for their beliefs, they said that the idols are deities, and that they worship the idols as a means, etc., as for the regulations, they instituted the *baḥīrah*, the *waṣīlah* and the *ḥāmī*, and other things like the *sā’ib* etc. And the meaning of «permit» in this *āyah* is “order”.¹

From this we may summarize that there are to views about the meaning of the *āyah*;

1. Are there, for these disbelievers during the time of Muḥammad, partners in their misguidance and deviation among their forefathers and

¹*Al-Muḥarar al-Wajīz* (13:159).

ancestors of the past, who legislate for them. Meaning the ancestors legislated for these modern people, what Allāh did not permit.

2. Are there idols whom those disbelievers legislate for. Meaning that the disbelievers of that time legislated beliefs and regulations for these idols, which Allāh did not permit.

The Shaykh of the Tafsīr scholars, Ibn Jarīr aṭ-Ṭabarī chose the first view. He said it means;

“Are there partners for these people who make *shirk* with Allāh, partners in their *shirk* and misguidance;

﴿ شَرَعُوا لَهُمْ مِّنَ الدِّينِ مَا لَمْ يَأْذَنَ بِهِ اللَّهُ ﴾

«Who legislate in religion for them what Allāh did not permit»

Meaning who initiate for them in the religion what Allāh did not allow for them to initiate.”¹

Ibn Kathīr said;

“Meaning they did not follow the established religion that Allāh has legislated for you, rather they followed what the *jinn*s and human *shayāṭīn* legislated for them, like the prohibitions which they imposed on them; the *baḥīrah*, the *sā'ibah* the *waṣīlah*, the *ḥāmī*, and allowing them to eat dead animals, blood, allowing gambling, and the other deviations and vile ignorance as was their custom in *jahiliyah*, allowing prohibited, false forms of worship and evil things. It is confirmed in the

¹Tafsīr aṭ-Ṭabarī (25:21).

Ṣaḥīḥ that Allāh's Messenger (ﷺ) said;

«I saw 'Amr Bin Luḥay Bin Quma'ah dragging his entrails in the Fire.»

Because he was the first person to institute the *sā'ib*. He was one of the kings of Khuzā'ah, and he was the first person to do these things, he is the one responsible for the Quraysh worshipping idols. Allāh's curse be upon him, may He disgrace him.”¹

So, according to the chosen *tafsīr*, the partnership here does not refer to associating others in worship and divinity with Allāh. In fact the word “partnership” comes in the *Qur'ān* with different meanings;

1. It comes in the form of a share in substance or kind;

﴿ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ ﴾

«But if they are more than that, then they share in one-third.» (*An-Nisā* 4:12)

﴿ وَإِنْ يَكُن مَيِّتَةً فَهُمْ شُرَكَاءُ ﴾

«But if it be still-born, then all have shares in it.»(*Al-An'ām* 6:139)

﴿ ضَرَبَ اللَّهُ مَثَلًا رَجُلًا فِيهِ شُرَكَاءُ مُتَشَاكِسُونَ ﴾

«Allāh gives an example; a man belonging to many partners at variance with each other...»(*Az-Zumar* 39:29)

¹*Tasīr al-Qur'ān al-'Azīm* (4:120).

﴿ وَكَذَلِكَ زَيْنَ لِكَثِيرٍ مِّنَ الْمُشْرِكِينَ قَتَلَ أَوْلَادِهِمُ شُرَكَاءُهُمْ ﴾

«In this way, their partners made slaughtering their children alluring to most of *mushrikin*.»(Al-An'ām 6:137)

Explaining these *āyāt*, Ibn 'Uṭṭiyah said;

“The partners here are the *shayāṭīn* who ordered them to do that, making it look attractive to them. It also implies that the children of Ādam passed it down generation after generation, since all of them were partners in these disgraceful acts, and the next generation followed them in that.”

2. That it comes with the meaning of partnership in divinity and worship, as Allāh said;

﴿ وَمَا نَرَىٰ مَعَكُمْ شُفَعَاءَكُمُ الَّذِينَ زَعَمْتُمْ أَنَّهُمْ فِيكُمْ شُرَكَاءُ ﴾

«We do not see your intercessors, whom you claimed were your partners.»(Al-An'ām 6:94)

And;

﴿ وَجَعَلُوا اللَّهَ شُرَكَاءَ الْجِنَّ ﴾

«And they made the *jinn*s partners for Allāh»(Al-An'ām 6:100)

And;

﴿ وَمَا يَتَّبِعُ الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ شُرَكَاءَ ﴾

«And what do they follow, who call upon partners besides Allāh»(Yūnis 10:66)

And;

﴿ أَمْ جَعَلُوا لِلَّهِ شُرَكَاءَ خَلَقُوا كَخَلْقِهِ فَتَشَابَهَ الْخَلْقُ عَلَيْهِمْ ﴾

«Do they take partners for Allāh who have created as He created, so that the creations seemed the same to them?»(Ar-Raʿd 13:16)

And;

﴿ قُلْ أَرُونِي الَّذِينَ أَحَقُّنَّ بِهِ شُرَكَاءَ كَلَّا ﴾

«Say: “Show me those whom you have joined with Him as partners”...»(Sabā 34:27)

Both of these meanings can be understood from this noble āyah;

﴿ أَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُمْ مِّنَ الدِّينِ مَا لَمْ يَأْذَنَ بِهِ اللَّهُ ﴾

«Do they have partners who legislate in religion for them what Allāh did not permit.»

Even though the first meaning is the more likely. Yet none of this means that the legislator’s committed *shirk*, as is obviously clear, so in this light, one wonders from where did these modern people get the understanding of the āyah that everyone who legislates or judges with other than what Allāh revealed is a *mushrik*! Such is the case, until one finds a third explanation of this āyah which Abū Ḥayān and others

mentioned, and perhaps it is this understanding that these people have adopted. Abū Ḥayān said;

-It is understood that the partnership here, refers to the disbeliever's partners among the *shayāṭīn*, or the misguiding ones among people, and «legislate» refers to the partners. And «for them» refers to the disbelievers during the time of the Messenger (ﷺ).

-It is also understood that the meaning is the idols and statues, and all who are made partners to Allāh, and designating partnership to them, because they have taken them as partners to Allāh. So sometimes they designate these deeds to them, and sometimes they designate them to Allāh. And «legislate» would refer to:

- it could refer to the partners, and «for them» to the disbelievers, since they are the cause of their misguidance, and their deviation, causing them to legislate in the religion with *kufr*, as Ibrāhīm (ﷺ) said;

﴿ رَبِّ إِنَّهُمْ أَضَلَّلَنَّا كَثِيرًا مِّنَ النَّاسِ ﴾

«Lord! Indeed they have misguided many of the people.»(Ibrāhīm 14:36)

-It carries the meaning of the disbelievers, and «for them» refers to the partners, meaning the disbelievers' legislated for the idols, and instituted worshipping them, that is, they ordained this misguidance for them, and regulated these beliefs, as they said; that they are gods, and that they worshiped them to draw nearer to Allāh, and among the regulations were the *baḥirah*, the *waṣīlah*, the *ḥāmī*, etc."¹

¹Al-Baḥr al-Muḥīṭ (7:515).

So this is the third saying regarding the *tafsīr* of this *āyah*; Are there, for the disbelievers during the time of the Prophet (ﷺ), idols, and statues, who instituted these beliefs, and regulations of partnership, which Allāh did not permit nor order. And if these idols could not hear, nor see, then they were not able to legislate for them, and since they did not legislate these beliefs and regulations of partnership for them, then where did they get this *shirk* from. So the objective here is to establish an argument against them proving the falsehood of what they believed. Similar to this was stated by al-Qurṭubī;

“This is related to His (ﷺ) saying;

﴿ شَرَعَ لَكُمْ مِّنَ الدِّينِ مَا وَصَّىٰ بِهِ نُوحًا ﴾

«He has legislated the same religion for you that Nuḥ was ordered with.»(Ash-Shūrā 42:13)

And His (ﷺ) saying;

﴿ اللَّهُ الَّذِي أَنْزَلَ الْكِتَابَ بِالْحَقِّ وَالْمِيزَانَ ﴾

«Allāh is the one who sends down the Book in truth, and the *mīzān* [the balance of justice].»(Ash-Shūrā 42:17)

They did not believe in this, so were there for them gods who legislated *shirk* for them which Allāh did not allow! And if they believed that this is allowed, Allāh did not legislate the *shirk*, so where did they get their beliefs from.”¹

So understanding the noble *āyah* in this way does not imply what these

¹Al-Jāmi‘ al-Aḥkām al-Qur’ān (16:19).

people believe, that the legislator is a *mushrik*. Since Allāh called them “partners”, He did not call them “*mushriks*”, and the difference between the two is obvious. And those who were taken as partners, were followed in obedience, so “partners” was also applied to them, so Allāh (ﷻ) said;

﴿ أَمْ لَهُمْ شُرَكَاءُ ﴾

«Do they have partners»

Just like those who;

﴿ وَجَعَلُوا اللَّهَ شُرَكَاءَ الْجِنَّ ﴾

«Made the *jinns* partners to Allāh»

So they are those who joined legislators as partners to Allāh by obeying them in allowing the unlawful and prohibiting the lawful.

﴿ قُلْ أَرُونِي الَّذِينَ أَلْحَفْتُمْ بِهِ شُرَكَاءَ ﴾

«Say: “Show me those whom you join with Him as partners”...»

So the noble *āyah* refers to the ruled, and it is describing their *shirk* as Allāh said;

﴿ وَإِنْ أَطَعْتُمُوهُمْ إِنَّكُمْ لَمُشْرِكُونَ ﴾

«If you obey them then you will be among the *mushrikīn*.»(Al-An‘ām 6:121)

It does not refer at all to those who legislated the *shirk*. So it is the same as His (ﷻ) saying;

﴿ اتَّخَذُوا أَحْبَابَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا مِّن دُونِ اللَّهِ ﴾

«They have taken their *ahbār* and *ruhban* as lords besides Allāh»

So the one who legislates, when he legislates the rule of man made law that Allāh did not permit, then he is a disbeliever whose disbelief takes him out of the religion if he does so believing that it is lawful, or out of rejection to what Allāh legislated. Or his *kufr* is minor *kufr* that does not take one out of the religion if this is done out of desires, disobedience and sin. As for those who obey them, then they commit *shirk* with Allāh (ﷻ) if they believe in what he legislated, making lawful what is unlawful, and prohibiting what is lawful, but if they do not believe in that, and they firmly maintain correct belief in what is lawful and unlawful, then they are not *mushrikīn* as was explained earlier.

As for judging that this legislator is a *mushirk*, if he legislated out of obedience to his masters and leaders;

﴿ وَإِنْ أَطَعْتُمُوهُمْ إِنَّكُمْ لَمُشْرِكُونَ ﴾

«If you obey them, then you would be among the *mushrikīn*.»

this is understood according to the details mentioned earlier. But if he legislated as he did, without Allāh's permission, but on his own accord, not out of obedience to these people, then he is also a disbeliever according to the same explanation.

So those who are worshipped among humans or *jinn*s, whether they

are worship by prayer, fasting, or they are worshiped in prohibiting the lawful and legalizing the prohibited, they are not all absolutely *mushrikīn*, and cases where they are taken as partners with Allāh, then by that they are only disbelievers if they were first disbelievers. Otherwise, if they were all guilty of *shirk*, then that would be true of al-Masīh, and his mother, and any of the noble angels that are worshipped, and this is an absurd impossibility.

So the objective here is to clarify the mistake made by those who claimed that this particular *āyah* passes the judgment of *shirk* on everyone who legislates what Allāh has not permitted. To say that the *āyah* is addressing the ruled, and describing them with the *shirk*, is based solely upon the third explanation as preceded. As for the first and the second explanation, then by no means is this the case.

As for the claim of these people that there is another *āyah* that alludes to the *shirk* of these people, then this is not related to the topic. Nevertheless, it has been mentioned to me by some of them, trying to find evidence in the idea of “one *ummah*“, and the prohibition of separation that is found in Allāh’s (ﷻ) saying;

﴿ إِنَّ هَذِهِ أُمَّتُكُمْ أُمَّةً وَاحِدَةً وَأَنَا رَبُّكُمْ فَاعْبُدُون ﴾

«Indeed this *ummah* of yours is one *ummah*, and I am your Lord, so worship me.» (*Al-Anbiyā* 21:92)

But the meaning of *ummah* in this *āyah* is only the religion and the *millah*, so the *āyah* orders sticking to *tawhīd*, the upright religion, which the Prophets and Messengers (ﷺ) followed.

THE FIFTH EXAMPLE

Allāh’s (ﷻ) saying;

﴿ وَإِنْ أَطَعْتُمُوهُمْ إِنَّكُمْ لَمُشْرِكُونَ ﴾

«If you were to obey them, then you would be one of the *mushrikīn*.» (Al-An‘ām 6:121)

One of them says;

“If following legislated judgements, other than what Allāh legislated, is described as *shirk*, and Allāh has judged that such people are following *shirk*, as He (ﷻ) said;

﴿ وَإِنْ أَطَعْتُمُوهُمْ إِنَّكُمْ لَمُشْرِكُونَ ﴾

«If you were to obey them, then you would be one of the *mushrikīn*.» (Al-An‘ām 6:121)

Then what is the case of the legislators?”¹

There is no doubt that he got this idea from Sayid Quṭb’s *tafsīr*, where he said;

“Whoever obeys humans in legislation for himself, even if it is just a small amount, then he is indeed a *mushrik*. If he was originally a Muslim, and he did this, then he has certainly went from *Islām* to *shirk* by doing so...regardless or whether he continues saying *Ash hadu anlā ilāha ill-Allāh* after that with his tongue, he has made it clear that he testifies to other than Allāh and obeys other than Allāh.”²

¹*Hukm Allāh wa mā Yunāfiḥ* (39) and *Nawāqid al-Īmān al-Qawliyah wal-‘Amliyah* (313)

²*Fīz-Ḍalāl al-Qur’ān* (3:1198)

The truth is that similar explanations of the Ḥarūrī Khawārij are the cause of many of the young people going astray and their reckless *takfīr* of the Muslims, rather people should beware of distortions and deviations like these which they read in *Fīz-Zalāl al-Qurʾān*.

Ibn al-ʿArabī said;

“A believer only becomes a *mushrik* through obeying the *mushrik* when his obedience of him is in the kinds of beliefs which distinguish between *kufr* and *īmān*, so when he obeys him in deeds and beliefs that are conducive to *tawhīd* and faith, then he is simply disobedient. This is what they have understood in every subject.”¹

Al-Qurṭubī said;

“The *āyah* proves that anyone who believes that something is lawful which Allāh prohibited, then he has become a *mushrik*. Allāh revealed texts prohibiting the dead flesh, so when one accepts from other than Him that it is lawful, then he has committed *shirk*.”²

The he quoted Ibn al-ʿArabī to support that. Az-Zajjāj said;

“In Allah’s (ﷻ) saying;

¹*Aḥkām al-Qurʾān* (2:752).

²*Jāmiʿ al-Aḥkām al-Qurʾān* (7:77-78).

﴿ وَإِنْ أَطَعْتُمُوهُمْ إِنَّكُمْ لَمُشْرِكُونَ ﴾

«If you were to obey them, then you would be one of the *mushrikīn*.» (Al-An'ām 6:121)

is the proof that any who legalizes something that Allāh (ﷻ) prohibited, or prohibits anything that Allāh (ﷻ) allowed, then he is a *mushrik*, he is only referred to as a *mushrik* because he affirmed judgment to other than Allāh (ﷻ), this is his *shirk*.”¹

¹Muḥāsna at-Ta'wīl (6:2491).

Distorting and Misusing Quotes from the People of Knowledge

So we have demonstrated, through so many ways, what some modern writers have done with statements of the scholars on these issues, making their arguments look as if they didn't really know what these scholars have said.

But the truth is that they do quote some of these quotations which we have presented, except that they are excessive in their editing and explanations of them. So they look at a quote that proves the truth, then they change its clear meanings to suite their objectives. Sometimes their example is like quoting; "And woe to those who pray." Without quoting the remainder: "Who are neglectful of their prayer."

They take what suites their view from the sayings of the people of knowledge, and they leave what supports the view of the scholars, since if they were to quote all of what they said, then that would prove that they were wrong.

For example, we noted the statements of Ibn 'Abbās, 'Ikrimah, Ibn Taymiyah, and his student Ibn al-Qayim, Ibn Abī al-'Īzz - the commentator on the creed of aṭ-Ṭaḥāwī, Ibn al-Jawzī, ash-Shanqīṭī, as-Sa'dī, Ibn Bāz, and others, about the details that have been mentioned numerous times. So they will quote some of what they said about the judgment of *takfīr* for the one who rejects and believes that it is lawful, and they will leave the other sections saying that *takfīr* is not issued for the one who believes that judging by what Allāh revealed is obligatory, but leaves that because of his desire and disobedience!

As in the case of the statement of Ibn 'Abbās;

"Whoever rejects what Allāh revealed, then he has committed *kufṛ*, and whoever approves of it, but does

not judge by it, then he is a wrong-doer, a disobedient person.”

One of them quotes this statement as follows;

“Whoever rejects what Allāh revealed, then he has committed *kufr*.”

The he says;

“And this is the choice of Ibn Jarīr in his *Tafsīr*.”

By this statement, he has not explained Ibn ‘Abbās’ view nor the choice of Ibn Jarīr. We have already shown that Ibn Jarīr did not make *takfīr* of the ruler unless he rejected the judgment of Allāh.¹ And what we have quoted previously from these statements should be sufficient.

Sometimes one of them will quote a text from one of these scholars, then cut out some of his words, leaving some dots behind to indicate continuance, whereas, had he left these words in the quote, they would have disproved his point. The following is a text from Shaykh al-Islām Ibn Taymiyah, one of them quotes it, but he leaves out the words “unless they are ignorant” and places two dots in their place;

“So these people, when they know that it is not allowed to judge by other than what Allāh revealed, but they do not abide by that, rather they believe that it is lawful to judge in opposition to what Allāh revealed then they are disbelievers..and judging by what Allāh revealed is obligatory upon the Prophet (ﷺ) and all of his followers, and whoever

¹See *aḥ-Ṭabarī* (10:358).

does not abide by Allāh and His Messenger's judgment, then he is a disbeliever.”¹

In fact, this text is one of the most important, because in it Shaykh al-Islām explained the *sharī'ah* ruling on the different groups of rulers during his time, and to a large degree these examples he gives are similar to those cases existing today. He did not make *takfīr* except of the one who believed that it is lawful to judge contrarily to what Allāh revealed. And Shaykh al-Islām, he is the Shaykh of *Islām*, and he explains the details that we have explained, so why not quote the whole passage instead of just part of it;

“And there is no doubt that anyone who does not believe that it is obligatory to judge by what Allāh revealed to His Messenger is a disbeliever. So whoever thinks that it is lawful to judge between the people with what he sees is justice, that is not in accordance with what Allāh revealed, then he is a disbeliever. There has not been any nation except that it was ordered to rule with justice, and justice in its religion was what its leaders saw to be that. But most of those affiliated with *Islām* rule with customs that Allāh (ﷻ) did not reveal, like the customs that the bedouins enforce, and their belief that this is what must be ruled with, not the Book and the *Sunnah*, this is disbelief. Many people enter *Islām*, but they still do not rule except by their traditional customs which they enforce, so when these people know that it is not allowed to rule except by what Allah revealed, then

¹See *Allāh Huwa al-Hakm* (34) and *aṭ-Ṭarīq ilāl-Khilāfah* (55)!!

they do not abide by that, but they still consider it lawful to judge contrary to what Allah revealed then they are disbelievers, unless they are ignorant.”¹

So this is the quote that some of these people use, only presenting up to the point that says, “then he is a disbeliever” and they neglect to quote the rest!²

Some scholars made general statements in one place, then they restricted these general statements in other places, and this happens often with many of the scholars. So the following are some of these general quotes that are referenced because they suite the view that they want, and they leave the restricting texts that contradict them. This is not the behavior of a person who trusts the *sharīah* or has any knowledge. Here is one example;

Shaykh ash-Shanqīṭī (رحمته الله) issued general statements, in more than one place of his *tafsīr*, judging *kufr* on all who do not judge by what Allāh revealed. Then he restricted this ruling and clarified it in one important place, that is in explanation of Allāh’s (رحمته الله) saying;

﴿ وَ مَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«And whoever does not judge by what Allāh revealed, then these it is that are the disbelievers»(Al-Mā'idah 5:44)

¹Manhāj as-Sunnah (5:130).

²See al-'Almānīyah Nusha ḥuhā, wa Tuḥūruhā...(683) Quoted from Majmū'ah at-Tawḥīd letter no. 12 (p.413)

He said;

“Know that it is necessary to comment on this topic...”

There he mentioned the explanation which we quoted earlier from him. So one person came along and published the general statements he made in his *tafsīr*, and he named his publication:

“*Al-Ḥākimiyyah in Tafsīr Aḍwā al-Bayān*”

But he left out the explanation that the *shaykh* made in this location. And if his intent was to summarize, then it would have been better for him to quote the opposite section, which is accordance with the principles of the people of knowledge and is their way. More than one of these people have done the same kind of thing when reporting the opinion of Shaykh ‘Abd al-‘Azīz Bin Bāz (رحمته الله). They quote the general statements of the *shaykh* from some discussions about the benefits of the *sharī‘ah*, and whereas he has given restrictive explanation of this on other occasions, they publish only the general statements, leaving the restrictive ones, and his position is very clear as we have shown earlier.

Kufr Less than Kufr

IT REFERS TO ONE INCIDENT ONLY

Among their other distortions of scholars' quotes and using them to mean what they did not say, is their claim that judging by other than what Allāh revealed is minor *kufr*, when the ruler judges or makes a decision with other than what Allāh revealed, on one occasion only, while believing that it is obligatory to judge by what Allāh revealed in this particular case, but he leaves that out of disobedience, and desire and sin, while knowing that he is sinning by doing so, and deserving punishment.¹

Then to support this they quote some of the statements of the scholars that have preceded, saying that a person is not a disbeliever who committed major *kufr* expelling one from the religion for judging by other than what Allāh revealed out of desire, sin, disobedience, or fear for his life, but rather it is *kufr* less than *kufr*. So one of them mentioned the statement of Ibn 'Abbās; "*Kufr less than kufr*" then said;

"He is only referring to the Muslim ruler who abides by the judgments of the *sharī'ah* of Allāh, but he has wronged and judged by other than justice in one particular issue, then he is not a disbeliever unless he believes that what he did was lawful."²

The response to this misunderstanding follows;

1. That it is not allowed for anyone, no matter who they are, to restrict what the *sharī'ah* has left unrestricted, except with a clarifying evidence

¹*Al-Hukm Allāh wa mā Yunāfiḥ* (82), *Nawāqid al-Īmān al-Qawliyah wal-'Amliyah* (235).

²*Dawābaṭ at-Takfīr 'indi Ahl as-Sunnah wal-Jamā'ah* (164).

from the Book and the *Sunnah*. So the *āyah*, the root of this issue, is general for all of the *sharī'ah*, without differentiating or making exception or restricting. So whoever does not judge by what Allāh revealed, be it on one issue, or many, then he is a disbeliever, having committed major *kufr* - if he did so rejecting what Allāh revealed, or believing that doing what he did is lawful. Otherwise it is minor *kufr* which does not remove one from the religion - if it was done out of desire, or sin - even if such decisions were many. This is the understanding of the *salaf* in regard to this *āyah*.

2. This is what the scholars have adhered to, they did not restrict this to one decision, or two or three, and whoever claims this, then he has lied against them.

Among the clear lies or “misguided intentions, or glaring institutes of ignorance” is the saying of one of them;

“Among the matters necessary to clarify, is that everyone of the scholars who said ‘*Kufr* less than *kufr*’ he intended this description to be limited to the rulers who accept the judgements of Allāh and His Messenger, and do not apply a *sharī'ah* contrary to it. But they acted contrarily to it in some circumstances due to their desire or out of disobedience, knowing that the judgment of Allāh and His Messenger is the truth, not other than it, and that they are sinners who deserve punishment.”¹

This is tremendous slander, and an insult to the reader. So let the reader be the judge, look at what was reported from Ibn ‘Abbās, his

¹*Inna Allāh Huwa al-Hakm* (70)

student Ṭāwus, Zayn al-‘Ābidīn, ‘Aṭā’. Do you find one of them restricting the decision to a particular incident? They have not, nor would they have, they would not have restricted something that our Lord left unrestricted without an evidence.

Here in his own contradictory and self invalidating statement he claims that they mean one particular incident;

“Some people thought that the judgment of *kufr* for the ruler will not be except when the ruler leaves the judgments on all matters of the *sharīah*, so when he judges by some of what Allāh revealed, then that is proof of his *īmān*. And this understanding is a mistake, and the *Qur’ān* has refuted those who claim this with clear expressions, as in;

﴿ أَفْتُؤْمِنُونَ بِبَعْضِ الْكِتَابِ وَتَكْفُرُونَ بِبَعْضٍ فَمَا جَزَاءُ مَنْ يَفْعَلُ ذَلِكَ مِنْكُمْ إِلَّا خِزْيٌ فِي الْحَيَاةِ الدُّنْيَا وَيَوْمَ الْقِيَامَةِ يُرَدُّونَ إِلَىٰ أَشَدِّ الْعَذَابِ وَمَا اللَّهُ بِغَافِلٍ عَمَّا تَعْمَلُونَ ﴾

«Do you believe in some of the Book and disbelieve in some? What is the reward for those among you who do this, but disgrace in this life and on the Day of Judgment they will be consigned to the most severe punishment. And Allāh is not heedless of what you do.»(Al-Baqarah 2:85)

And;

﴿ إِنَّ الَّذِينَ يَكْفُرُونَ بِاللَّهِ وَرُسُلِهِ وَيُرِيدُونَ أَنْ يُفَرِّقُوا بَيْنَ اللَّهِ وَرُسُولِهِ وَيَقُولُونَ نُؤْمِنُ بِبَعْضٍ وَنَكْفُرُ بِبَعْضٍ وَ يُرِيدُونَ أَنْ يَتَّخِذُوا بَيْنَ ذَلِكَ سَبِيلًا أُولَٰئِكَ هُمُ الْكَافِرُونَ حَقًّا وَأَعْتَدْنَا

لِلْكَافِرِينَ عَذَابًا مُّهِينًا ﴿

«Those who disbelieve in Allāh and His messengers, and intend to distinguish between Allāh and His messengers, they say, We believe in some and we reject some, they intend to follow a course between that, these are the disbelievers in truth. And We have prepared a humiliating punishment for the disbelievers.»(An-Nisā 4:150)

So the condition here is not when leaving, or altering, or change, occurs in all of the regulations of the *sharī'ah*, that only then does the doer deserve the name of *kufr*, but when leaving, altering or change of one of the regulations which Allāh and His Messenger legislated occurs, and he tries to contradict that with some new legislation, then he is a disbeliever, and we seek refuge in Allāh”¹!!!

Such talk causes heads to fly and blood to flow, and results in genuine *fitnah*. This would require making *takfīr* of the rulers of Banī Umayyah, Banī al-‘Abbās, even making *takfīr* of Mu‘āwiyah (رضي الله عنه), the noble companion, the uncle of the believers, the scribe of the revelation, since he made the *khilāfah* a rule of monarchy, and it would imply that all of the companions went astray, since not one of them made *takfīr* of him. So we can only say the following comments on this, Bakīr Bin al-Ashaj asked Nāfi‘;

“What did Ibn ‘Umar think about the Ḥarūriyah?” He said; ‘He thought that they were the worst of Allāh’s creatures. He said, “They unleashed *āyāt* about the

¹Ibid (119-120)

disbeliever, and put them on the believers.”¹

Regarding the details of this issue we did mention the saying of the commentator of the creed of aṭ-Ṭaḥāwī;

“If it is believed that it is obligatory to judge by what Allah revealed, and he knows what that is in this circumstance, yet he forgoes that, knowing that such behavior deserves punishment, then this is disobedience, and it is called “metaphorical” *kufr*, or minor *kufr*.”²

And we mentioned similar from Ibn Qayim al-Jawziah, as has preceded, and these explanations resemble each other.

But finding support in these statements is not correct. For the objective of the one saying, “And he knows it in this circumstance” is clearer than clear, the objective is to clarify that the ruler is aware of what he is doing when he judges by other than what Allāh revealed in any given circumstance. So he knows what Allāh judged in this case, he is not ignorant of it, and yet he still judges by what contradicts Allāh’s judgment.

And if he had intended what they claim, then he would have said, “and he was, that one time, aware of it” or “he, in that particular circumstance, knew it”.

THE CASE OF THE EXECUTIVE JUDGE VS. THE LEGISLATIVE BODY

¹Recorded by Ibn ‘Abd al-Barr in *at-Tamhīd* (23:335) and al-Bukhārī brought it in *mu‘allaq* form in the chapter of fighting the Khawārij, and in *Faṭḥ al-Bārī* (12:298) Ibn Ḥajar mentioned that aṭ-Ṭabarī connected it in the narrations of ‘Alī in his *Taḥṭīb al-Āthār*, and he said, “Its chain is *ṣaḥīḥ*.”

²*Sharḥ al-‘Aqīdah aṭ-Ṭaḥāwīyah* (p.323-324).

Some of them have begun to sense the weakness of what they have said about “a particular decision”, so they make a distinction between the judgments of the executive judge, and between the legislative rulers, and that what was intended by “*kufr* less than *kufr*” applies to the executive judges when they judge contrarily to what Allāh revealed out of desires and disobedience. One of them says;

“Here it is possible to make a distinction with the executive judgment made by other than what Allāh revealed, since judging by other than what Allāh revealed could be done by the executive judges, or it could be the kind done by the main body of legislators. So its application will depend upon how accurately the one commissioned [the executive judge] carries out the judgements and is in agreement with the decrees of the legislator.

So the objective of the executive judge is to be considered. If his objective is to deny the *sharīah* judgment or to reject it, then his is major *kufr* that removes one from the religion. If his contradiction was only due to desire, sin, etc., while he continually refers judgments to the Book and the *Sunnah*, or what is based on that via *ijtihād*, then he is in the category of the disobedient sinners. Such people are left to Allāh’s will, either He wills to punish them, or if He wills, He forgives them.

But if his objective is to carry out the decisions of the main body of legislators...then there is no argument in this case that the cause and the means are the same, and this is major *kufr* that removes one from the religion, not remaining with him the amount of *īmān* equal to even a mustard grain, as Allāh (ﷻ) said;

﴿ أَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُمْ مِّنَ الدِّينِ مَا لَمْ يَأْذَنَ بِهِ اللَّهُ ﴾

«Do they have partners who legislate in religion for them what Allāh does not permit.»”

Then he said;

“In summary of all of this we may say that the saying of the *salaf* ‘*kufr* less than *kufr*’ in explanation of this *āyah* does not apply to those commissioned to render their judgments according to man-made law.¹

The refutation of this allegation is from two angles;

1.

﴿ وَ مَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«And whoever does not judge by what Allāh revealed, then these it is that are the disbelievers»(Al-Mā'idah 5:44)

This *āyah* is general, the statement «**whoever**» is general, it cannot be limited to a specific group rather than another, without an evidence from the *Qur'ān* and the *Sunnah*. So the decisions made by the rule of *jahiliyah*, and the decisions made by the rule of man-made law, in both groups they have judged by other than what Allāh revealed, so the *āyah* addresses both of them without a doubt.

2. This distinction has not been made before, rather the scholars of Tafsīr among the *salaf* and the *khalaf* clearly explained that this *āyah* applies to those who rule by other than what Allāh revealed, as well as those who carry out their decisions. And this was made clear by the report from Abū Mijliz when the Ḥarūrī Khawārij tried to get him to pronounce *kufr* on the rulers of their time², and as was stated by Ibn

¹Tahkīm ash-Shar'iah wa Ṣilatuhu bi Aṣl ad-Dīn (41-44).

²Translator's note, what he means is that the Khawārij of that incident, were previously officers for the leaders, so he said, “We do not know what you know” meaning that you have more knowledge about their improper decisions than we do, and you aided them in

‘Uṭṭiyah;

“A tremendous group of the people of knowledge say that this *āyah* includes everyone who does not judge by what Allāh revealed, but that with the leaders of this *ummah* the *kufr* is disobedience that does not remove one from *īmān*.”

Such statements have also preceded from Ibn al-Qayim, and the commentator on the creed of aṭ-Ṭaḥāwī and others who spoke during the times about the rule of the Tartars, or others who came after them.

Another example that proves this *āyah* is general is what was reported by Ibn Abī Najīḥ from Ṭāwūs that he said;

“When he was asked about a man who treated some of his children more favorably than others, he recited;

﴿ أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْتَغُونَ وَمَنْ أَحْسَنُ مِنْ اللَّهِ حُكْمًا لِقَوْمٍ يُوقِنُونَ ﴾

«Is it the judgment of the *jahiliyah* that they seek?
And who is a better judge for people of faith, than
Allāh?»(Al-Mā'idah 5:50)”¹

Ibn Ḥazm said;

“Everyone who believes, says, or acts, then he has

that, and you enforced that, so we could not be as guilty of what you claim as you are if what you are saying is correct.

¹Recorded by Sa'īd Bin Manṣūr (505), Ibn Abū Shaybah (11:220), and Ibn 'Abd al-Barr in *at-Tamhīd* (7:229).

‘judged’ by that thing.”¹

A QUOTE FROM MAḤMŪD SHĀKIR

Many of these people seek to support their saying on this matter with the comments of Shaykh Maḥmūd Shākir on the report of Abū Mijliz. They think that the Shaykh, may Allāh preserve him, has - as they have - issued *takfīr* on all who do not judge by what Allāh revealed - out of rejection or not - and that he has mentioned disgust with our position of making a distinction. This is how they understand his statements, and there are two ways to demonstrate that they are mistaken in regard to the Shaykh’s position;

1. The group that he shows his disgust for is clearly defined in his words;

“O Allāh! Indeed I am innocent of this misguidance. The people of doubts whose words are the source of *fitnah* during this time of ours, they have sought excuses for the rulers who leave judging by what Allāh revealed, and who make decisions on matters of blood, honor, and wealth, with other than the *sharī‘ah* of Allāh, which He revealed in His Book, applying the legal systems of the people of disbelief in the lands of *Islām*.”

So it is clear by his words, that he is showing his disgust and censure of a particular group who allow the rulers to rule with legal systems of *jahiliyah*, arguing with the report from Abu Mijliz which

¹*Al-Fasl* (3:302).

preceded. In another section he said about them;

“[They] argue with these two reports and others besides them, changing their meanings to other than what was intended, with the aim of assisting the leaders, or, making it lawful to permit rule by other than what Allāh revealed and obliged upon His servants, so that they may rule through a legislative system that is based upon the rejection of Allāh’s judgments.”

2. At the end of his comments he referenced Ibn Jarīr aṭ-Ṭabarī, and this clearly proves that he has the same view and belief about this as we explained earlier. So he said;

“Read Abū Ja’far’s statement after page 358, the beginning of which is;

‘Then if it were said’ for there the view is explained.”

This quote from Abū Ja’far has preceded, and here it is once again;

“And the most correct of these sayings according to me is that which says; These *āyāt* were revealed about the disbelievers among the people of the Book, since the *āyāt* before and after them were revealed about them, and their meanings are understood by them, these *āyāt* are giving information about them, and their information about them is the most weighty. Then if it is said; ‘Allah (ﷻ) mentioned this in a mode that is general for all who do not judge by what Allah revealed, so how can you make it specific?’

Then the answer is; Allāh (ﷻ) was general in informing this about people who reject the ruling that Allāh decreed in His Book, so He informed about them - by their avoiding to judge in the way that they had they were disbelievers. And so in this way, it is said for all who do not judge by what Allah revealed out of rejection to it, that he is a disbeliever in Allāh, as Ibn ‘Abbās said. Because, his rejection of Allāh’s judgment, after he knew that He revealed it in His Book, is the same as rejecting the prophethood of His Prophet, after he knew that he was a prophet.”¹

A QUOTE FROM MUḤAMMAD BIN IBRĀHĪM ĀLI ASH-SHAYKH

They have often sought support in the statements of the great scholar, Shaykh MuḤammad Bin Ibrāhīm Āli ash-Shaykh in his booklet called *Taḥkīm al-Qawānīn*. And the noble Shaykh ‘Abdullāh Bin ‘Abd ar-Raḥmān Bin Jibrīn - one of his most important students - may Allāh preserve him, told me that he has certainly spoken on other occasions on the details of what we have mentioned from the *salaf*. And the truth is that in this very same booklet in question, there is what amounts to clear proof for the distinction which Shaykh Ibn Jibrīn mentioned. He said;

“So look at the terms Allāh used to refer to those who rule with other than what Allāh revealed, *kufr*, *zulm*, and *fisūq*. It is not possible that Allāh (ﷻ) called the one who judges with other than what Allāh revealed a disbeliever, and he not be a disbeliever. Rather he

¹*Tafsīr aṭ-Ṭabarī* (10:358).

is absolutely a disbeliever, either in deed or in creed, and what comes from Ibn ‘Abbās in his *tafsīr* of this *āyah* from the report of Ṭawūs and others proves that the one who judges with other than what Allāh revealed is a disbeliever, either in creed, removing him from the religion, or in action, not removing him from the religion.”¹

A GENERAL ASSAULT ON THE SCHOLARS

It is not enough for these people to curtail quotations, and use them in a way that they were not intended. Some of them have made examples out of some of the scholars and the students of knowledge, describing them with heedlessness, and simplemindedness, devoid of any understanding related to current matters, so they say;

“Some of the *Salafī fatwās* thought that it is not a case of *takfīr*, and that in the case of these rulers who change and alter there is no *takfīr*, and they look at them as if they are Muslims, because of an unrestricted interpretation of the saying “*kufr* less than *kufr*.” Then they go to prove this saying, gathering routes and chains for it, and showing the people’s preference, that it is the *mathhab* of the *salaf* which must be followed. Some of them even went further to what is worse than that, until they declared enmity to whoever opposes their false saying, and that this is an innovation that is obligatory to avoid and obligatory to repent from, and that one must adhere to the view

¹*Taḥkīm al-Qawānīn* (15).

of these heedless people who do not live in these particular circumstances. So they issue unrestricted *fatwās* and judgments, as if they lived during the first or second generation after *hijrah*...”¹

The fear for the person who wrote these detestable words is that by his statement “*Salafī fatwās*” he is referring to the Imāms of this time, at the head of which is the Shaykh, the Faqīh, the great scholar, the Muftī of Arabia ‘Abd al-‘Azīz Bin Bāz (رحمته الله), and the Shaykh, the Faqīh, the Muḥaddith of the times, the great scholar Muḥammad Naṣruddīn al-Albānī, may Allāh preserve him. So here we will mention the statement of al-Ḥāfiẓ Ibn ‘Asākir, mentioning what Allāh does to those who defame the great people;

“Rarely were the times free of those spreading falshood in the religion, misleading and confusing others, stuttering misleading statements of censure upon their tongues against the Imāms of the Muslims...So know dear brother, may Allāh protect us, and make us on guard about what He is pleased with, and make us among those who fear Him, and have *taqwā* of Him as is His due: Indeed the flesh of the scholars, may Allāh have mercy upon them, is poison, and Allāh’s habit of exposing those who slander them is well known. This is because this slander aganst them, in what they were innocent of, is a very serious matter, it damages thier honor, by the lying, evil slander and fabrications about those whom Allāh has chosen to teach the religion”

¹*Inna Allāh Huwa al-Ḥakm* (74-75).

The False Claim of *Ijmā*

By now, after all that has been presented from the Imāms of the Muslims, the reader has learned of the falsehood of the claim;

“The Imāms agree upon the *kufr* of one who does not make judgments by the *Qur’ān* and *Sunnah*.”¹

Even in the case of one who does not do so out of rejection, believing that it is lawful to do so. This they have included in their book under the heading;

“Clarifying the *Ijmā*’ of the Scholars for *Takfīr* of one who leaves Judging by Allāh and His Messenger, and rules by man-made Law”²

Even worse than this, is that what they quote for readers from the statements of some scholars does not contain one word to support their claim that there is a consensus on *takfīr* for everyone who does not judge by what Allāh revealed, whether out of rejection to it or not. It is as if these people were not able to understand anything that they read in such passages at all.

ONE OF THE QUOTES FROM IBN TAYMIYAH

1. They quote the following statement of Shaykh al-Islām Ibn Taymiyah (رحمته الله عليه);

¹*Tahkīm ash-Shar’īah wa Šilatuhu bi Ašl ad-Dīn* (31).

²*Inna Allāh Huwa al-Ḥakm* (51).

“And it is well known by necessity in the Muslims’ religion that whoever permits [*suwagh*] following other than the religion of *Islām*, or following a *sharīah* other than the *sharīah* of Muḥammad (ﷺ), then he is a disbeliever.”¹

They use this to support their general, non-restrictive view. While this statement is a clear argument only for the disbelief of one who is permitting such act. As is found in *al-Miṣbāh al-Munīr*;

“*Sāgh*; to do something, with the meaning of permitting...so they say, “*suwwagitiḥ*” meaning he permitted it.”²

ANOTHER QUOTE FROM IBN TAYMIYAH

2. They also quote the following from him;

“When people make lawful what is agreed upon to be unlawful, or prohibit what is agreed upon to be lawful, or change the agreed upon legislation, then such person is a disbelieving apostate, according to the agreement of the Fuqūhā’. And according to one of the two views, it was about such that the *āyah* was revealed;

﴿ وَ مَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«And whoever does not judge by what Allāh

¹*Majmū’ al-Fatāwā* (28:524).

²(1:296).

revealed, then these it is that are the disbelievers»(*Al-Mā'idah* 5:44)

Meaning, believing that it is lawful to judge by other than what Allāh revealed.¹

So his saying;

“or they change the agreed upon legislation”

clearly means believing that this changing is allowed, as he said;

“Meaning, believing that it is lawful to judge by other than what Allāh revealed.”

And look at how similar that is to the previous saying of his;

“...whoever permits [*suwagh*] following other than the religion of *Islām*, or following a *sharī'ah* other than the *sharī'ah* of Muḥammad (ﷺ), then he is a disbeliever.”

And if he meant that there was *ijmā'* for what they claim, then why did he say;

“one of the two views”

And the second view, as one of them pointed out², is “*kuf'r* less than *kuf'r*” And that is in the case when one does not believe that it is lawful.

¹*Majmū' al-Fatāwā* (3:267).

²*Inna Allāh Huwa al-Ḥakm* (53).

So by their claims of *ijmā'* with his statements, they have only contradicted themselves in a way that is irreconcilable. How can you say “the scholars have agree” and support that with a quote that says; “in one of the two views” and it is clear from this that the objective of the statement is that the Fuqahā' agree on *takfīr* of the one who changes the legislation, with the belief that doing so is lawful. And we have already presented the detailed explanation of this topic from Ibn Taymiyah himself, and we noted how one of their biggest proponents removed the statements of the Shaykh about this in what he quoted.

IBN TAYMIYAH EXPLAINS *SHAR'*

Then Ibn Taymiyah makes in clear what he means in another way, such there can be no doubt remaining;

“And the word [*shar'*] is customarily used by people in three ways;

- The revealed legislation, that is what the Messenger (ﷺ) came with, and this is obligatory to follow, and opposing it warrants punishment.
- The interpreted legislation, that is the opinions of the scholars of *ijtihād* in the legislation, like the *mathhab* of Mālik for example, so it is permitted to follow these, it is neither obligatory nor unlawful, and no one can require all of the people to do so, nor can he forbid all of the people from doing so.
- The altered version of legislation, it a lie against Allāh and His Messenger, or against the people, by supporting evil and other kinds of clear wrongdoing. So whoever says ‘Indeed this is from the legislation of Allāh’, then he has committed *kufṛ* without any disagreement, like the one who says that blood and dead carcasses are lawful.¹

¹*Majmū' al-Fatāwā* (3:268).

So the usage of the term “altered *shar*”, by Ibn Taymiyah describes the case of one who believes that something is lawful which their is agreement upon, then lying against Allāh by saying, “This is Allāh’s legislation” as in the example he gave above. So what he meant by that is clear.

A Quote from Shaykh Ibn Bāz (رحمته الله)

3. They quote the following saying of the great scholar, Shaykh ‘Abd al-‘Azīz Bin Bāz (رحمته الله);

“All who try to make what Allāh prohibited lawful - that being what is well known by necessity in the religion, like *zakāh*, drinking intoxicants, interest, and judging by other than what Allāh revealed - then he is a disbeliever by consensus of the Muslims”¹

So the objective of the Shaykh here is as clear as the morning Sun, that is the *takfīr* of the one who makes judging by other than the *sharī‘ah* of Allāh lawful. So where is their proof in this for *takfīr* of the one who does not believe it is lawful? Even stranger is that the Shaykh has himself explained the details about this, as we quoted earlier from him.

IBN KATHĪR AND THE EXAMPLE OF THE TARTARS

So to close the door of truth upon them, there is the statement of Ibn Kathīr about the era of Genghis Khan and the *Yāsaq* which he used to

¹*Majmū‘ Fatāwā wa Maqālāt Mutanaw‘ah* (1:137).

rule the Tartars;

“And all of this is opposition to Allāh’s legislation which He revealed to His servants and prophets (ﷺ). Whoever leaves legislating by the judgements revealed to Muḥammad Bin ‘Abdullāh, the seal of the prophets, and judges by an abrogate *sharī‘ah* other than that, then he has committed *kufr*. So what about the person who judges with the *Yāsaq* and gives that the priority? Any who does that has committed *kufr* by the agreement of the Muslims.”¹

In case there was some misunderstanding over what he meant, in his *Tafsīr*, he mentioned the *āyah*;

﴿ وَ مَنْ لَّمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«And whoever does not judge by what Allāh revealed, then these it is that are the disbelievers»(Al-Mā'idah 5:44)

About this, he reports the sayings of “*Kufr* less than *kufr*” and “Not the *kufr* that removes one from the religion” and; “It is not the *kufr* that they think it is” And; “Whoever rejects what Allāh revealed then he has committed *kufr*, and whoever approves of it, but does not judge by it, then he is a wrong-doer, a disobedient person.”

So how can one say that there is an agreement for what they have claimed. About the same *āyah*, he (ﷺ) said;

“This, as well, was a scolding and reprimand of the Jews, for in the

¹Al-Bidāyah wan-Nihāyah (13:128).

Tawrāh they had the text of ‘a life for a life’, but they contradicted that judgment on purpose, obstinately, they used it on the average for killing the nobles, but not on the nobles for the average. Instead they made them pay blood-money, just as they opposed the judgment of the *Tawrāh*’s texts for stoning the married adulterer, instead they punished them by whipping, blackening their faces and displaying them, so here is the saying;

﴿ وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«And whoever does not judge by what Allāh revealed, then these it is that are the disbelievers»(*Al-Mā'idah* 5:44)

Because they rejected the judgements that Allāh gave to them, and they opposed them on purpose.”¹

He also reported the previous sayings of Ṭawūs, and ‘Aṭā’, that they said about the *āyah*; “*Kufr* less than *kufr*...” and he did not mention any sayings besides these, choosing them and saying that this is the best view. So what Ibn Kathīr mentioned was a consensus about the Tartar’s rulers, and it cannot be applied to anyone who does not fit their description,

THE DESCRIPTION OF THE TARTARS

What follows is their description from the statements of Shaykh al-Islām;

¹(2:61)

“1. [They] believed that the religion of *Islām* was like Judaism, and Christianity, all of these are paths to Allah, just like the Muslims say about the four *mathhabs*. So among them there were those who preferred the Jewish religion or the Christian religion, and among them were those who preferred the religion of the Muslims.”¹

“2. Until one of their filthy atheist hypocrite governors wrote the horrible text; ‘The Prophet approved of the Jewish and Christian religions, in that he did not rebuke them, nor censure them, nor forbid them, nor command them to accept *Islām* or face death.’”²

“3. So like those before them who came after *Islām*, they equated the status of Muḥammad (ﷺ) to that of this cursed person [Genghis Khan]. The problems caused by Musaylimah the Liar for similar claims are well know. He claimed that he was a partner with Muḥammad in messengership, so for this reason the companions considered it lawful to fight him and his apostate companions, so how about the case of one, whom from his very entry to *Islām*, considers Muḥammad (ﷺ) the same as Genghis Khan?”³

“4. As their most important predecessor said when he arrived in ash-Shām, addressing a message to the Muslims in order to get closer to them; ‘We are Muslims’, so he said, ‘these are two great signs that come from Allāh, Muḥammad and Genghis Khan...’”⁴

“5. That is because these Tartars believed in the greatness of Genghis

¹*Majmū' al-Fatāwā* (28:532).

²*Ibid* (28:523).

³*Ibid.*, p.522.

⁴*Ibid* p. 521.

Khan, believing that he was the son of Allāh just as the Christians claimed about al-Masīh...”¹

“6. They even made him out to be the greatest of Messengers of Allāh, in honor of the desires that he made lawful for them. When they had some wealth, they would say, ‘This is from the sustenance of Genghis Khan’, and they would express their gratitude to him when eating and drinking, and they believed that it was allowed to kill anyone who was opposed to the *sunnah* of this disbelieving cursed enemy of Allāh, the prophets, the messengers, and the believing servants.”²

So this is the situation of the Tartar leaders who entered into *Islām* and judged by other than what Allāh revealed, rejecting it and believing that doing so was lawful, practicing numerous things that contradict *Islām* and remove one from its fold. So it is for this reason that Ibn Kathīr made *takfīr* of them, rather this is why he reported consensus of their disbelief, and there is no doubt in the truth of this.

To add to the proof that Ibn Kathīr meant this *takfīr* specifically about them and their characteristics, he said about the *āyah*;

﴿ وَ مَنْ لَّمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«And whoever does not judge by what Allāh revealed, then these it is that are the disbelievers» (*Al-Mā'idah* 5:44)

“Allah rebukes anyone who leaves Allah’s judgments - which include every good, and prohibit every evil - then he equates other than that to it, be it opinions, desires, or beneficial things which man comes up with

¹Ibid.

²Ibid (28:521-522)

that have no source in Allāh's *sharī'ah*. This was done by the people of *jahiliyah*, judging by misguidance, and ignorance that they invented from their own opinions and desires. It was done by the Tartars, with their governing politics that they took from the rulership of Genghis Khan, the one who forged the *Yāsaq* for them, a book containing a collection of rules from a number of legislation; Jewish, Christian, and the *Islāmic* religion, and others. He got most of the judgments from his own ideas and desires, so he and those who followed him preferred that over the judgments in the Book of Allāh and the *Sunnah* of Allāh's Messenger (ﷺ). So any of them who does that, then he is a disbeliever whom it is obligatory to fight until he returns to judging by Allāh and His Messenger, not judging otherwise, neither a small amount nor a lot."¹

Some of these people have said that by the mere prevention of judging by the *sharī'ah* - even while believing that it is obligatory - that is, not rejecting it nor thinking that doing so is lawful, then such is agreed upon to be *kufr al-ī'nād* (resistance). And this is also not correct at all. *Kufr al-ī'nād* is not merely prevention, it must be contain hatred of the truth, and casting it aside out of arrogance, as preceded clearly in the explanation of Ibn Taymiyah;

“That he does not reject their obligation (meaning the four pillars), but he prevents himself from adhering, doing so out of pride, envy and anger towards Allāh and His Messenger. So they say, ‘I know that Allah made it obligatory for the Muslims, and the Messenger was truthful in what he conveyed of the *Qur'ān*’, yet out of arrogance he does not do to it, or out of envy for the Messenger, or nationalistic

¹*Tafsīr Ibn Kathīr* (2:68).

feelings towards his religion, or anger with what the Messenger came with, then this person is a disbeliever by consensus.”¹

Ibn Ḥazm said;

“So if the proof has been established for him, and the truth has been made clear to him, yet he resists the truth, without doing so out of opposition to Allāh (ﷻ) nor His Messenger (ﷺ), then he is a *fāsiq* due to his crime against Allāh (ﷻ) of continuing in a matter that He (ﷻ) prohibited. If he resists the truth out of opposition to Allāh and His Messenger (ﷺ) then he is a disbelieving apostate.”²

So there is a great distinction between one who says; “I believe in the obligation of judging by the great *sharī‘ah*, and I believe that it is better than ruling with something else,” then he avoids the judgment due to his desires, disobedience, or fear for his life, and the one who says; “I believe that it is obligatory to judge by the *sharī‘ah*” then he arrogantly and deviantly avoids it, hating the correct judgments.

THE DIFFERENCE BETWEEN AVOIDING [TARAK] AND ALTERING [TABDĪL]

Another group of opponents make a distinction over “avoiding” and “altering” so to them, whoever avoids the judgment revealed by Allāh without rejecting it, then he is a wrong-doer, a disobedient person, but whoever avoids the judgment that Allāh revealed and alters it with the

¹*Majmū‘ al-Fatāwā* (20:97).

²*Al-Faṣl* (3:302).

judgments of man-made law of ignorance, then he has committed major *kufr*, expelling him from the religion, even if he was a believer in what Allāh revealed, and believed that it is obligatory to judge by it.

And this proven false by two points;

1. This is a distinction that they have come up with which was not said by anyone else.
2. That in reality, there is no difference between one who avoids and one who alters. There is no one who makes a judgment, avoiding the judgment that Allah revealed, except that he has judged by other than that! And this is an alteration [*istibdāl*], and the root of it in the Arabic language means, "Putting something in the place of another."¹

How is it possible for a ruler to avoid the *sharī'ah* judgment on a matter, then sit on his throne and not rule his subjects with anything at all? This is impossible. There is no way but for him to try to judge with something else. In the same way as one who, when speaking, avoids telling the truth, is lying, and the one who avoids lying, is telling the truth. About fasting on 'Āshūrā', the Prophet (ﷺ) said;

«Whoever wishes may fast, and whoever wishes may avoid it.»²

So whoever avoided fasting, then he must have been doing its opposite, and whoever did not avoid that, then he must have been fasting, similarly in another narration;

«Whoever wishes, then let him fast, and whoever wishes then let him break [his fast].»

¹*Lisān al-'Arab* "Badā'ī".

²Agreed upon.

So this is well known by reason. Similarly ‘Umar said;

“Allāh’s Messenger (ﷺ) stoned, and we stoned after him. I fear that after a long time people would come and say, ‘By Allāh! We do not find an *āyah* of stoning in the Book of Allāh,’ so they would go astray by avoiding an obligation revealed from Allāh.”¹

And it is well known that the Khawārij were the ones who rejected stoning and instituted whipping, so ‘Umar called this alteration “avoiding”, and the obligation of stoning the married adulterer is agreed upon among the companions, their followers, and the scholars of all of the lands after them. In the same way when the Jews avoided stoning which was revealed to them in their Book, they altered that by blackening the faces and tying the offenders together. As in the *ḥadīth* of Ibn ‘Umar;

“That Allāh’s Messenger (ﷺ) saw a Jewish man and women who had committed adultery, so he left them until some Jews came, then he said;

⟨What do you find in the *Tawrāh* for adultery?⟩

They said, ‘Blackening their faces, mounting them, facing opposite directions, and letting them go around like that.’ So he (ﷺ) said;

⟨Go and bring the *Tawrāh* if you are telling the truth.⟩

So they went to get it. Then they recited it until they passed by the

¹Al-Bukharī.

āyah about stoning, and the reader placed part of his hand over the *āyah* about stoning, reading what was before and after his hand only. So ‘Abdullah Bin Salām, who was with Allah’s Messenger (ﷺ), said;

‘Again, but this time remove your hand.’

So he removed it, when he reached the verse of stoning, Allah’s Messenger (ﷺ) commanded that they be stoned.”

‘Abdullāh Bin ‘Umar said;

“I was among those who stoned them, I saw him trying to protect her from the stones with himself.”

Here, the objective is to show that there is no difference between avoiding and altering, and whoever claims that there is, then he has departed from sound reason and the authentic reports, and the testimony of events.

THE ARGUMENT OF THE DEFINITIVE *KUFR*

Some argue that there is a difference between the word *kufr* when the letter *lām* precedes it and when it does not. They use the following saying of the Prophet (ﷺ) as proof;

⟨**There is nothing between a person and *al-kufr* and *ash-shirk* except leaving the prayer.**⟩

And they also say the same in regard to the *āyah*;

﴿ وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴾

«And whoever does not judge by what Allāh revealed, then these it is that are the disbelievers»(Al-Mā'idah 5:44)

And the answer to this is that there is no proof in this principle from the Book nor the *Sunnah* nor the sayings of anyone of the predecessors of the *ummah*. Rather the companions (رضي الله عنهم) used *al-kufr* in an unrestricted fashion, including sins and disobedience, as was explained earlier.

This is like the saying of the woman of Thābit Bin Qays;

“Rather I dislike *al-kufr* in [my] *Islām*”

She meant only ingratitude for her husband. Ibn ‘Abbas (رضي الله عنه) was asked about the man who entered his wife in her behind and said,

“That is *al-kufr*.”

In conclusion, this is what I was able to prepare in refutation of those who have exaggerated over the case of *al-Hākimiyyah*, hoping from Allāh that the minds are opened through this book and are effected with what is good...

Our Lord, forgive us and our brothers who preceded us in the faith, and do not make any harm in our hearts for those who believe. Our Lord, indeed you are kind and merciful.

And may Allāh mentioned our Prophet Muḥammad, his family, and all of his companions, and all praise is due to Allāh.

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