



---

# And They Were Ordered to Disbelieve in it

---

A compilation from the words of the 'ulama regarding the disbelief of ruling by man-made laws and issues connected to it



# *And They Were Ordered to Disbelieve in It*

*A compilation from the words of the 'ulama regarding the disbelief of  
ruling by man-made laws and issues connected to it*

*Ahlu-t-Tawhid Publications*



## Table of Contents

<b>Introduction</b> .....	<b>5</b>
<b>The Obligation of Judging by the Legislation of Allah</b> .....	<b>11</b>
<b>Ruling by Man-Made Laws</b> .....	<b>18</b>
<b>Refutation on the False Accusations of al-‘Anbari</b> .....	<b>25</b>
<b>Questions and Answers</b> .....	<b>33</b>
What is the ruling with regards to these rulers today? .....	33
What is obligatory upon us regarding them? .....	39
Do you make specific takfir on one who rules by other than what Allah revealed? .....	39
What is the difference between ruling and legislating? .....	40
Which of these is major or minor kufr? .....	41
Is what we see today like the Umawiyah and ‘Abbasiyyah states of kufr duna kufr? .....	41
Is judging by other than what Allah revealed a nullifier of iman or its completeness? .....	42
What is the meaning of taghut? .....	42
When can someone be singled out as a taghut? .....	42
Is one excused for ignorance for changing the Shari’ah of Allah? .....	43
What is the hukm on ruling by tribal customs? .....	43
What is the manner of judging by other than what Allah revealed? .....	44
What type of kufr is mentioned in 5:44? .....	45
What is the hukm on one who judges by man-made law once? .....	46
Are sport games and the laws in it included in the issue of ruling by other than what Allah revealed? .....	47
What is the difference between tabdil and tashri’ .....	48
What is the hukm on one who rules by man-made laws without either? .....	48
What of the Murjiah who say 42:21 is only concerning those who say the laws are from Allah? .....	49
Did Shaykh Muhammad ibn ‘Abdil-Wahhab only speak against grave worship? .....	50
Did Shaykh ibn Taymiyyah excuse judges who ruled by other than what Allah revealed? .....	51
Is it true that ibn Baz and ibn ‘Uthaymin said one who legislates is not a kafir? .....	52
Is ruling by man-made laws kufr on its own? .....	52
Is it an Islamic state? .....	53
Is it considered istihlal when countries have brothels and protect them? .....	54
Is there a difference between making general judgments and judging in specific matters? .....	54
Is it correct to narrate an ijma’ in not making takfir? .....	54
Is ruling by other than what Allah revealed from the clear matters? .....	55

Is the ruler a kafir even though he says the shahadatayn? .....	55
What types of shirk of legislation are there in our time? .....	57
Is the shirk of obedience limited to issues of kufr? .....	57
Is the shirk of obedience based on the act or on istihlal?.....	58
What is the ruling on democracy and those who call to it?.....	59
What is the difference between democracy and shura? .....	60
Is bringing about the Shari’ah through voting a nullifier? .....	62
Can you enter parliament without committing kufr? .....	62
What is your opinion on those who say to enter in order to prevent evil?.....	63
Is seeking judgment from the taghut courts shirk in obedience? .....	64
What is the explanation of seeking judgment from the taghut in cases of necessity? .....	65
Is it permissible to pursue lawsuits in their courts?.....	66
What is the meaning of “they wish”? .....	66
Is the money earned from a judge in a land that does not rule by Shari’ah halal?.....	67
Is it permissible to work in the jahili legal systems to defend Muslimin from the tawaghit? .....	68
Should one advise the judge to leave his position? .....	68
What is your opinion on denying hakimiyyah? .....	69
Is ruling by other than what Allah revealed shirk in rububiyyah? .....	69
Is the narration “kufr duna kufr” authentic from ibn ‘Abbas?.....	70
If a taifah mumtani’ah comes and rules by the taghut are all those under it kuffar? .....	71
Are those living in lands that do not rule by Shari’ah kuffar because it is darul-kufr?.....	71
<b>Allah is the Judge and the Rule is His.....</b>	<b>72</b>
<b>Exclusive Fatwa Signed by al-Humaydi, al-Fahd, al-Khudayr, al-Khalidi, as-Sinani, ar-Rayyis and others .....</b>	<b>77</b>

## Introduction

Bismillah ar-Rahman ar-Rahim. All praise belongs solely to Allah. We praise Him, seek His aid and forgiveness. We seek refuge with Allah from the evils of our souls and the evils of our deeds. Whomsoever Allah guides then no one can misguide him and whomsoever Allah leaves to stray no one can guide him. I bear witness that there is nothing worthy of worship except Allah alone, having absolutely no partners. And I bear witness that Muhammad is His slave and messenger. May the salah and salam of Allah be upon him, his family, his companions and all those who follow him.

"Oh you who believe! Have taqwa of Allah as He rightly should and do not die except as Muslimun" (3:102).

"Oh mankind! Have taqwa of your Lord, who created you from a single person, and from him He created his wife, and from them both He created many men and women; have taqwa of Allah through whom you demand (your mutual rights), and (do not cut the relations of the) wombs. Indeed, Allah is ever an All-Watcher over you" (4:1).

"Oh you who believe! Have taqwa of Allah and speak the truth. He will direct you to do righteous good deeds and will forgive you and your sins. And whoever obeys Allah and His messenger, he has indeed achieved a great achievement" (33:71-72).

The most truthful of speech is the Book of Allah, and the best of guidance is the guidance of Muhammad (sallallahu 'alayhi wa sallam). The most evil of things are newly invented matters [in Din]; every newly invited matter is a bida' and every bida' is misguidance. As for what follows:

Many different types of fitan (tribulations) have occurred in the ummah of Muhammad (sallallahu 'alayhi wa sallam) since his departure to the highest companionship that each era or set of believers has had to face and overcome. In the time of Abu Bakr as-Siddiq, right after the departure of the Prophet (sallallahu 'alayhi wa sallam), his noble companions had to face the fitnah of tribes turning on their heels and falling into apostasy. In the time of Imam Ahmad the well-known fitnah surrounding the Qur'an took place. In the time of Shaykhul-Islam ibn Taymiyyah the fitan were multiple; one being an apostate enemy who refused ruling by and implementing the law of Allah. In the time of Shaykh al-Mujaddid Muhammad ibn 'Abdil-Wahhab the fitan increased as well, each fitnah harsher than the previous as now grave worship had infiltrated the ummah on a scale that was unprecedented.

Allah ('azza wa jall) said, "But you will never find in the way of Allah any change, and you will never find in the way of Allah any alteration" (35:43).

As for our times the fitan is not hidden from any with a sound heart and mind. From grave worship, to a crusade, to allying with the mushrikin, to ruling by man-made law and not implementing the law of Allah on levels never before seen in history. Shaykh Ahmad Shakir (rahimahullah) speaking on not ruling by the law of Allah said, "During the whole Islamic history, Muslimin were never put to trial regarding the implementation of other than the laws of Allah except during the era of the Tatar. It was the worst period of injustice and darkness. However, they never surrendered to it. Islam beat the Tatar, assimilated them and contained them under the Shari'ah of Allah. The influence of the Tatar was removed because of the firm adherence of the Muslimin to their din and Shari'ah. And as this oppressive rule originated from the ruling party of that time, nobody from the ruled Islamic states was incorporated into it, learnt it, or taught it to their children. That is why it quickly ceased to exist. So, do you not see this strong description by ibn Kathir, during the eighth century after the Hijrah, of that secular law which the enemy of Islam, Genghis Khan, laid down? Can you not see that he is describing the situation of Muslimin today as well, in the fourteenth century after the Hijrah? Except in one particular issue, which we have mentioned before, and that is, that the secular law was only adopted by a particular group of rulers, who were quickly assimilated into the Islamic Ummah and their influence vanished. However, the situation of Muslimin today is worse than ever, and the Muslimin are more oppressed and ignorant. This is because most the Islamic nations have now adopted these secular laws which oppose the Shari'ah and which are similar to the Yasaq which was stipulated by a kafir" ('Umdah at-Tafsir).

Shaykh 'Abdullah ibn Humayd<sup>1</sup> (rahimahullah) said in his treatise calling towards jihad, "It was not long before their descendants deviated from the correct path, tore themselves into pieces after they had one united entity, they doubted the truth, so for them the path was separated and they became as groups having different opinions opposing each other in their aims. So, how can they be elevated? How can there be any progress or priority possible for them while they are following the disbelieving nations, they drag along behind them, pursue their ways and footsteps and imitate their actions, small or great. They judge their people with the contradictory man-made laws which conflict and clash with the Islamic laws, which were the origin of their honor and pride and in which was their peace and steadfastness. He (ta'ala) said, 'Do they then seek the judgment of jahiliyyah? And who is better in judgment than Allah for a people who are certain [infaith]?'"

---

<sup>1</sup> Shaykh Usamah ibn Ladin (rahimahullah) said about him, "...when Shaykh 'Abdullah ibn Humayd realized the dangerous route the ruling Sa'udi regime was taking and the damaging consequences for those who work or are implicated with them and the desertion of their din, he resigned from the Supreme Council of Judges" (Betrayal of Palestine). And he also said, "There remains in Arabia a good number of honest scholars and students who work according to their teachings, and who have taken visible and daring stances against the activities of kufr which the regime is performing. The regime has striven to keep these scholars in the shadows and then to remove them, one way or another, from being effective elements in the lives of the people in the ummah. At the forefront of these scholars was Shaykh 'Abdullah ibn Humayd (rahimahullah) who was the judge in the Arabian Peninsula, and who headed the Supreme Council of Judges. However, the regime constrained him and tightened its grips on him until he offered his resignation. He has many famous writings in response to the unacceptable laws which the regime introduced in place of the law of Allah; one of these is a treatise dealing with the law of work and workers, which tackles many of the man-made laws which clash with the law of Allah" (The Saudi Regime).

This fitnah and all the fitan in general today is multiplied by the ignorant mu'tadi'ah, the Murjiah,<sup>2</sup> whose hearts have been completely wiped out and their sight taken. Those who defend adamantly the apostate forces and the humiliating, subjugated status quo in which the ummah of Muhammad (sallallahu 'alayhi wa sallam) was in and still is in. From their misguidance is trying to make it appear that the 'ulama are in agreement with their bida', their irja, twisting statements, calling those who follow the usul of Ahlus-Sunnah wal-Jama'ah as renegade Khawarij and that those who oppose them have no or abandoned the 'ulama.<sup>3</sup> Even though Shaykh ibn Kathir (rahimahullah) said, "Whoever leaves the legislation that was sent down to Muhammad, the seal of the Prophets (sallallahu 'alayhi wa sallam), and seeks judgment to other abrogated laws [of other Messengers] then he has committed kufr, then what about the one who seeks judgment from the Yasaq and gives it priority? Whoever does that has committed kufr by the ijma' of the Muslimin" (al-Bidayah wan-Nihayah).

And even though Shaykh Ahmad Shakir (rahimahullah) said, "The Islamic position with regards to these man-made laws is as clear as day. This is clear kufr which boldly refuses to hide itself or to attempt any deceit about its true nature. There can be no conceivable excuse for any Muslim, regardless of who he is, who acts in accordance with it, submits to it, or participates in its promulgation. Every Muslim should be aware" ('Umdah at-Tafsir).

And even though Shaykh as-Sa'di (rahimahullah) said, "Anyone who judges with other than the ruling of Allah and His messenger, then he has rendered his judgment to the taghut, and if he claims that he is a believer then he is a liar" (Sharh Kitab at-Tawhid).

And even though Shaykh ash-Shanqiti (rahimahullah) said, "And with these Heavenly texts that we have mentioned, it becomes apparent that the ones who follow the man-made laws, which the Shaytan has legislated upon the tongues of his allies and which oppose that which Allah (jalla wa 'ala) has legislated upon the tongue of His messenger (sallallahu 'alayhi wa sallam) that no one doubts their kufr and their shirk except him who Allah has removed his sight and has blinded them to the light of the revelation just like them (the followers of the taghut legislators)" (Adwa al-Bayan).

---

<sup>2</sup> Murjiah rejects such as but not limited to 'Abdur-Rahman Hasan, Abu Khadijah, Abu Taymiyyah, Hasan as-Sumali, Abu Usamah ath-Thahabi, Musa Richardson and so on.

<sup>3</sup> Shaykh Abu Butayn (rahimahullah) said, "And when a person realizes the truth he will not be bothered by the lack of people who follow the truth, and the magnitude of people who oppose them, especially in these last days. As for the saying of the ignorant people, 'If this was actually the truth, then why doesn't Shaykh so-and-so know about it?' This is the same excuse used by the kuffar, when they exclaimed, 'Had it been something good, they would not have preceded us to it,' and, 'Is it these whom Allah has favored from amongst us?' And indeed 'Ali (radiyallahu 'anhu) said, 'Know the truth, and then you shall know its people.' But as for those who are confused and lost, then every argument (of the misguided) deceives him. And indeed, if most of the people today were upon the truth then Islam would not be strange; and Islam today, by Allah, is in the depths of strangeness" (ad-Durur as-Saniyyah).



And even though Shaykh Muhammad ibn Ibrahim Al ash-Shaykh (rahimahullah) said speaking on the types of ruling by other than what Allah revealed that are kufr, "The fifth, and it is the greatest and the most encompassing and the clearest opposition of the Shari'ah and stubbornness in the face of its laws and insulting to Allah and His messenger and opposing the courts of the Shari'ah on their roots and branches and their types and their appearances and judgments and implementations, the references and their applications. So, just like the courts of the Shari'ah there are references, all of them returning back to the Book of Allah and the Sunnah of His messenger like that, these courts have references, which are laws that are assembled from many legislations and laws like the laws of France and America and England and other laws and from the schools of some of the innovators who claim to be under the Shari'ah. And these courts are now fully operational in the settlements of Islam, people entering them one after another, their rulers judge upon them with what opposes the Sunnah and the Book with the rules of that law and they impose that on them and approve it for them. So, what kufr is there beyond this kufr and what nullification of the shahadah of Muhammad-Rasulullah is there beyond this nullification" (Tahkim al-Qawanin). The list grows and grows and reaches enormous numbers so from where does this doubt of no 'ulama come from? No doubt Shaytan wishes to lead man far astray.

The importance of this topic is enormous and directly connected to Tawhid and the foundation of the Din. Ibn Baz<sup>4</sup> said, "Anyone who submits to Allah (ta'ala), obeys Him and seeks judgment from His revelation is a true worshipper of Allah, while anyone who submits to other than Him and applies laws other than those revealed by Allah has worshiped and followed the taghut. Allah (ta'ala) said, 'Have you not seen those (hypocrites) who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgment (in their disputes) to the taghut while they have been ordered to disbelieve in it. And Shaytan wishes to lead them far astray.' Total enslavement ('ubudiyah) to Allah alone, bara'ah from the worship of taghut and referring to Him for judgment are among the prerequisites of the testimony that la ilaha illallah, with no partner or associate, and that Muhammad is His slave and messenger. Allah (ta'ala) is the Rabb and Ilah of mankind. He is the One who created them, and He is the One who commands them and forbids them, [He is the One] who gives them life and death, [He is the One] who brings them to account and rewards or

---

<sup>4</sup> 'Abdul-'Aziz ibn Baz together with ibn 'Uthaymin are controversial figures and I know the words of some who have labeled them as scholars of the taghut. Discussions regarding these two have been on-going between those whose usul is correct, 'aqidah is upright and whose manhaj is sahih. So, this excludes the ignorant Jahmi Murjiah who even though one group of brothers come to the same conclusion in not making takfir disagree, and it excludes the ignorant Khariji Mu'tazilah who even though one group of brothers come to the same conclusion in making takfir disagree. What I find to be correct, and Allah knows best, is that these two are scholars with abundance of knowledge, whose intention was to follow the Prophet (sallallahu 'alayhi wa sallam) and whose usul was correct but were extremely weak with and led astray by authorities who were munafiqin. Nothing prevents me from saying that and saying that they passed many misguiding fatawa that we are still feeling the repercussions of today. Giving bay'ah to a taghut and passing fatawa for his sake is without a doubt kufr but those who place this kufr on these two without considering the presence of what prevents this placement are mistaken just as those who refuse to recognize some of their clear misguidance and clashing with the Salaf as-Salih, as well as raising them above their level and beyond the limits set in the Shari'ah are mistaken. This (refraining from making takfir) is the opinion of the 'ulama such as Hamud ibn 'Uqla, 'Ali al-Khudayr, Nasir al-Fahd, Hamad ar-Rayyis, Ahmad Jibril, 'Abdul-'Aziz at-Tuwayli'i, Abu Mus'ab az-Zarqawi and Usamah ibn Ladin. I see no problem in using their words for supporting evidence when proving a point and I was preceded in that. Allah knows best.

punishes them. He is the One who deserves to be worshiped, to the exclusion of all others. He (ta'ala) said, '...Verily, His is the creation and commandment...' Just as Allah is the only Creator, so too He is the only One to issue commands, and His command must be obeyed. Allah tells us that the Jews took their rabbis as lords instead of Allah" (Wujub Tahkim Shar' Allah). As such Shaykh al-Mujaddid Muhammad ibn 'Abdil-Wahhab (rahimahullah) made chapters related to it in Kitab at-Tawhid under chapter thirty eight entitled "Whoever obeys the scholars and the leaders in prohibiting what Allah allowed or allowing what Allah prohibited, then he has taken them as lords besides Allah" and in the following chapter entitled "Allah (ta'ala) said, 'Have you not seen those who claim...'"<sup>5</sup>

To disbelieve in the taghut is a condition of Tawhid and there is no iman except after it. He (ta'ala) said, "Whoever disbelieves in the taghut and believes in Allah then he has grasped the most trustworthy handhold that will never break and Allah is the All-Hearer, the All-Knower" (2:256). Shaykh al-Mujaddid Muhammad ibn 'Abdil-Wahhab (rahimahullah) said, "Allah enjoined on all His slaves to have kufr in the taghut and iman in Allah" (Usul ath-Thalathah). And he said, "The word taghut is general. So, everything that is worshiped besides Allah, while being pleased with this worship, whether it is something worshiped, someone followed, or someone obeyed in the absence of obedience to Allah and His messenger, then that is considered a taghut. The tawaghit are many, but their heads are five:...The third, the one who judges by other than what Allah revealed, and the proof for that is His (ta'ala) saying, 'And whoever does not judge by what Allah has revealed, such are the disbelievers'" (ad-Durur as-Saniyyah).

Shaykh Muhammad Hamid al-Fiqi (rahimahullah) said, "That which we find in the statements of the Salaf (radiyallahu 'anhum) is that the taghut is whatever deviates the slave away and prevents him from the worship of Allah, being sincere to Him in the Din, in obeying Allah and His messenger (sallallahu 'alayhi wa sallam), whether that is from the shayatin of jinn or from the shayatin of ins (humans), trees, rocks and other than them. Included in this without any doubt: Judging and ruling by man-made laws that are foreign to Islam and its Shari'ah in all different matters that man has placed to judge in such cases of blood, honor and wealth. Ruling and judging by these laws is the abolishment of the laws of Allah; from establishing the hudud, forbidding riba, khamr and others which are allowed in these laws and protected by laws that facilitate its spreading and implementation. Thus, these laws are a taghut and those who legislate and spread them are also tawaghit. This ruling includes all the likes of laws in every book that is man-made as these books divert the people from the truth that the Prophet (sallallahu 'alayhi wa sallam) came with; whether on purpose or not, it is a taghut."<sup>6</sup>

---

<sup>5</sup> Shaykh Sulayman Al ash-Shaykh (rahimahullah) said, "Whoever bears witness that la ilaha illallah then turns to judgment from other than the Messenger as a source in conflicts he undoubtedly lies in his testimony" (Taysir al-'Aziz al-Hamid). This (4:60) is one of the clearest proofs on the kufr of one who rules by man-made laws as Allah calls the one who wishes to seek judgment from the taghut as a liar in his claim to iman, so what of the one who he himself rules and implements man-made laws?

<sup>6</sup> Imam ibnul-Qayyim (rahimahullah) said, "He (subhanahu wa ta'ala) informed that anyone who seeks judgment from or rules by anything other than what came to Muhammad (sallallahu 'alayhi wa sallam) has ruled by the taghut and sought judgment from the taghut. Taghut is anything by which the slave transgresses the limits through worship, following, or obedience. Thus, the taghut of any people is he whom they seek judgment from other than Allah and His messenger, or whom they worship alongside Allah, or whom they follow without guidance from Allah, or whom they obey in what they do

Based upon all that it is clear that the man-made laws that one sees today are tawaghit, those who rule with them, who judge with them, who implement them have not only refrained from disbelieving in the taghut but are tawaghit themselves that we have been ordered by Allah (jalla wa 'ala) to disbelieve in. He (ta'ala) said, "Have you not seen those (hypocrites) who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgment (in their disputes) to the taghut while they have been ordered to disbelieve in it. And Shaytan wishes to lead them far astray" (Surah an-Nisa 60).

And so that the Muslim can live upon certainty and so that those who perish may perish, both after clear evidence, the brothers associated with "Ahlut-Tawhid Publications" have compiled some fatawa related to this crucial matter and included therein some important treatises.<sup>7</sup> We ask Allah ('azza wa jall) to make this a means of drawing closer to Him, a means of having our sins forgiven and that it becomes a spear in the hearts of those who try to prevent people from His path, verily He is able.

---

not know to be in obedience to Allah. These are the tawaghit of the world; if you were to contemplate them and, at the same time, contemplate the condition of the people, you would see that most people have turned from the worship of Allah to the worship of the taghut, from seeking judgment from Allah and His Messenger to seeking judgment from the taghut, and from obeying and following Allah and His Messenger, to obeying and following the taghut" (I'lam at-Muwaqqi'in).

<sup>7</sup> Also recommended is the book "al-Hukm bi-Ghayri ma Anzala Allah Ahwalahu wa Ahkamahu" translated into "Man-made laws vs. Shari'ah" written by Dr. 'Abdur-Rahman ibn Salih al-Mahmud. The book goes into details and the author did an excellent job in researching the matter. Recommended also is "The Present Rulers and Islam – are they Muslim or not?" by Shaykh 'Umar 'Abdur-Rahman (rahimahullah).

## The Obligation of Judging by the Legislation of Allah

(A translation of the treatise "Wujub Tahkim Shar' Allah" by Shaykh 'Abdul-'Aziz ibn Baz)

All praise belongs to Allah. I bear witness that there is nothing worthy of worship except Allah alone, with no partner or associate, the Lord of the past and future generations and the Lord of all people. He is the Owner of Sovereignty, the One God, the Self-Sufficient Master, begets not, nor was begotten, and there is none like or comparable to Him. I bear witness that Muhammad is His slave and messenger, may the salah and salam of Allah be upon him. He (sallallahu 'alayhi wa sallam) conveyed the Message to people, fulfilled the trust confided to him, strove in the path of Allah in the most perfect manner and left his ummah on a clear path, its night is like its day. None will stray from it except that they will destroy themselves.

This is a short thesis and necessary advice discussing the obligation of seeking judgment from the Shari'ah and to beware of replacing it with other laws. I have written these words after noticing that some people today seek judgment from sources other than the Shari'ah and apply rulings other than those prescribed in the Qur'an and Sunnah. People may resort to fortune-tellers, soothsayers, chiefs and supporters of man-made laws and other than them. Some people do not know the ruling on committing this act, while others defy and oppose Allah and His messenger (sallallahu 'alayhi wa sallam). I hope my advice benefits those who are unaware of the ruling, reminds those who are heedless, and helps the slaves of Allah follow the correct path. Allah (ta'ala) said, "And remind, for verily, reminding benefits the believers." He (ta'ala) also said, "(And remember) when Allah took a covenant from those who were given the Scripture to make it known and clear to mankind, and not to hide it." May Allah benefit the Muslimin with my words and help them abide by His Shari'ah, rule by His Book and follow the Sunnah of Muhammad (sallallahu 'alayhi wa sallam).

Oh Muslimun, Allah has created the jinn and mankind to worship Him, as He (ta'ala) said, "And I created not the jinn and mankind except that they should worship Me (alone)." He (ta'ala) also said, "And your Lord has decreed that you worship none but Him. And that you be dutiful to your parents." And He (ta'ala) said, "Worship Allah and join none with Him; and do good to parents."

Furthermore, it is related on the authority of Mu'adh ibn Jabal (radiyallahu 'anhu) that he said, "I was riding behind the Prophet (sallahu 'alayhi wa sallam) on a donkey called 'Ufayr when he (sallallahu 'alayhi wa sallam) said, 'O Mu'adh! Do you know what is the right of Allah over His servants and what is the right of the servants over Allah?' I said, 'Allah and His messenger know best.' He (ta'ala) said, 'Verily, the right of Allah over His servants is that they should worship Him, associating nothing with Him. And the right of the servants over Allah is not to punish those who associate nothing with Him.' I said, 'O messenger of Allah! Should I announce these glad tidings to the people?' He (ta'ala) said, 'Do not, lest they should rely upon it (alone without good deeds'" (al-Bukhari and Muslim).

The scholars (rahimahumullah) have given intertwined definitions to the word 'ibadah (worship). The most comprehensive definition is that stated by Shaykhul-Islam ibn Taymiyyah (rahimahullah) who said, "It is a comprehensive word comprising all deeds and words that Allah loves and is pleased with whether manifested or hidden." This means that 'ibadah entails two things; first is total submission to Allah (ta'ala) in all His commands and prohibitions, whether in beliefs, words or actions. Second is living according to the law laid down by Allah. A Muslim should treat as lawful that which Allah has declared to be lawful and to treat as forbidden that which Allah has declared to be forbidden. They should submit in all their manners, actions and behaviors to the Shari'ah, while resisting personal whims or desires that collide with it. This applies to both individuals and societies, men and women. Anyone who submits to Allah in some aspects of their life and to creation in other aspects is not a true worshiper of Allah. This meaning is stressed by the Ayah where Allah said, "But no, by your Lord, they will not believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in full submission." He (ta'ala) also said, "Do they then seek the judgment of jahiliyyah? And who is better in judgment than Allah for a people who are certain [in faith]." Moreover, it is related that the Messenger of Allah (sallallahu 'alayhi wa sallam) said, "None of you (truly) believes until their desires are in accordance with what I have come with."

Based on that, a Muslim's iman is not complete unless they believe in Allah, accept His decree in minor as well as major issues and seek judgment from the Shari'ah alone in all affairs whether related to one's life, property or honor. Otherwise, a believer would be worshipping something other than Allah, who said, "And verily, We have sent among every ummah (community/nation) a messenger (proclaiming), 'Worship Allah (alone), and avoid (or keep away from) taghut."

Anyone who submits to Allah (ta'ala), obeys Him and seeks judgment from His revelation is a true worshiper of Allah, while anyone who submits to other than Him and applies laws other than those revealed by Allah has worshiped and followed the taghut. Allah (ta'ala) said, 'Have you not seen those (hypocrites) who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgment (in their disputes) to the taghut while they have been ordered to disbelieve in it. And Shaytan wishes to lead them far astray.' Total enslavement ('ubudiyyah) to Allah alone, bara'ah from the worship of taghut and referring to Him for judgment are among the prerequisites of the testimony that la ilaha illallah, with no partner or associate, and that Muhammad is His slave and messenger. Allah (ta'ala) is the Rabb and Ilah of mankind. He is the One who created them, and He is the One who commands them and forbids them, [He is the One] who gives them life and death, [He is the One] who brings them to account and rewards or punishes them. He is the One who deserves to be worshiped, to the exclusion of all others. He (ta'ala) said, '...Verily, His is the creation and commandment...' Just as Allah is the only Creator, so too is He the only One to issue commands, and His command must be obeyed. Allah tells us that the Jews and Christians took their rabbis and monks as lords instead of Allah by obeying them in deeming lawful what is unlawful or deeming unlawful what is lawful. Allah (ta'ala) said, "They took their rabbis and their monks to be their lords besides Allah, and (they also took as a lord) the Messiah, son of Maryam, while they were commanded to worship none but One Ilah, none has the right to be worshiped but He. High above is He from having the partners they associate."

It is related on the authority of 'Adi ibn Hatim (radiyallahu 'anhu) on how he thought that worshiping rabbis and monks was limited to slaughtering sacrifices and making vows for them, or prostrating and bowing before them, and the like. This was clarified to him when he went to the Prophet (sallallahu 'alayhi wa sallam) to enter into Islam and heard him reciting this Ayah, he said, "O messenger of Allah, we do not worship them." He was referring to the Christian monks, as he was a Christian before entering Islam. The Prophet (sallallahu 'alayhi wa sallam) said, "Do they not forbid what Allah has permitted, and you forbid it? And do they not permit what Allah has forbidden, and you permit it?" He said, "Yes, we do." The Prophet (sallallahu 'alayhi wa sallam) said, "That is you worshipping them" (Ahmad and at-Tirmidhi who graded it hasan).

Hafidh ibn Kathir said in his tafsir of the above Ayah, "That is why Allah (ta'ala) says: '...while they were commanded to worship none but One Ilah.' It means only that which Allah forbids is haram, and only that which Allah permits is halal. Whatever laws He laid down must be followed and His judgments must be executed. The words: '...none has the right to be worshiped but He. Far above is He from having the partners they associate', means that Allah is exalted above having partners, equals, helpers, rivals, or children. There is nothing worthy of worship except Him, and He is the only Lord" (Tafsir Ibn Kathir).

Based on the fact that seeking judgment from the Shari'ah is a prerequisite for the testimony that there is nothing worthy of worship except Allah and that Muhammad is His slave and messenger, applying the judgments of tawaghit, leaders, soothsayers, and the like negates iman in Allah. Doing so is considered to be kufr, dhulm (injustice) and fisq. Allah (ta'ala) said, "And whoever does not judge by what Allah has revealed, such are the kafirun." He (ta'ala) also said, "And We ordained therein for them a life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for each other. But if anyone remits the retaliation by way of charity, it shall be for him an expiation. And whoever does not judge by that which Allah has revealed, such are the dhalimun. And Let the people of the Injil judge by what Allah has revealed therein. And whoever does not judge by what Allah has revealed (then) such are the fasiqun."

Allah (ta'ala) shows that judging by anything other than what He has revealed is a ruling of jahilyyah and that turning away from His law incurs His punishment and wrath, which can never be turned back from the wrongdoers. Allah (ta'ala) said, "And so judge among them by what Allah has revealed and follow not their vain desires, but beware of them lest they turn you far away from some of that which Allah has sent down to you. And if they turn away, then know that it is the will of Allah to punish them for some of their sins. And truly, most of mankind are fasiqun. Then is it the judgment of [the time of] ignorance they desire? But who is better than Allah in judgment for a people who are certain [in iman]." Anyone who reads the previous Ayat and contemplates their meanings will understand that the commandment to apply the judgments of Allah is stressed in eight ways.

Firstly: The command to rule by what Allah revealed in the part that says: "And so judge among them by what Allah has revealed."

Secondly: People's desires and inclinations should not prevent them from judging by what Allah has revealed under any circumstances. He (ta'ala) said: "...and follow not their vain desires."

Thirdly: The warning against abandoning the Shari'ah when judging in minor and major matters. He (ta'ala) said: "...but beware of them lest they turn you far away from some of that which Allah has sent down to you."

Fourth: Turning away from the judgments of Allah or rejecting any part of them is a major sin that entails severe punishment. He (ta'ala) said: "And if they turn away, then know that the will of Allah is to punish them for some of their sins."

Fifth: The warning against being deceived by the number of opponents to the judgments of Allah. Few are the slaves of Allah who are grateful. He (ta'ala) said: "And truly, most of mankind are fasiqun."

Sixth: Judging by anything other than the law that Allah has revealed is described as the judgment of jahiliyyah. He (ta'ala) said: "Do they then seek the judgment of jahiliyyah?"

Seventh: Stressing the great fact that the judgment of Allah is the best and most just of all. He (ta'ala) said: "And who is better in judgment than Allah."

Eighth: Yaqin (certainty and conviction) necessitates sincerely believing that the judgments of Allah are the best, the most perfect, the most complete, and the most just of all. It is a Muslim's duty to accept them and surrender to them. He (ta'ala) said: "But who is better than Allah in judgment for a people who are certain [in iman]."

These meanings are stressed in various Ayat and are supported by the Prophet's words and works. For example, Allah (ta'ala) said, "And let those who oppose the Messenger's commandment beware, lest some fitnah (disbelief, trials, afflictions, earthquakes, killing, overpowered by a tyrant) should befall them or a painful torment be inflicted on them." He (ta'ala) also said, "But no, by your Lord, they will not believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves." And, "Follow what has been sent down unto you from your Lord." And, "It is not for a believer, man or woman, when Allah and His messenger have decreed a matter that they should have any option in their decision."

In addition, it is confirmed that the Messenger of Allah (sallallahu 'alayhi wa sallam) said, "None of you believes until their desires are in accordance with what I have come with." An-Nawawi said, "This is a sahih hadith which we have reported in 'Kitab al-Hujjah' through an authentic sanad (chain of narrators)." It is also related that the Prophet (sallallahu 'alayhi wa sallam) said to 'Adi ibn Hatim (radiyallahu 'anhu), "Do they not forbid what Allah

has permitted, and do they not permit what Allah has forbidden, and you follow them in that?" He said, "Yes, we do.' The Prophet (sallallahu 'alayhi wa sallam) said, "That is you worshiping them." Ibn 'Abbas (radiyallahu 'anhu) told those who argued with him regarding some issues, "I fear that stones are about to be rained down upon you from the sky. I tell you that the Messenger of Allah (sallallahu 'alayhi wa sallam) said such and such and you tell me that Abu Bakr and 'Umar said such and such!"

Based on that, a slave must fully submit to what Allah and His messenger said and give it precedence over whatever anyone else says. This is known in the Din by necessity. In fact, Allah, out of His mercy and wisdom, stipulates that seeking judgment in resolving disputes among His slaves should be according to His Shari'ah and Revelation. Allah (ta'ala) is Highly Exalted above and free from all human weaknesses, desires, incapability, or ignorance. He is the All-Wise, the All-Knower, the Most Kind, and the All-Aware of everything. He knows His slaves and what sets their affairs right whether in the present or future. That is why Allah, out of His mercy, took charge of judging between His slaves concerning their disputes, conflicts, and life matters so that justice, goodness, and happiness prevail and as well as content, tranquility, and relief. When a slave is certain that the judge in any of their disputes is Allah, the Creator, the All-Knower, and the All-Aware, they will accept and yield, even if the judgment opposes their personal inclinations and desires. On the other hand, when a slave knows that the judgment is passed by humans like themselves who have their own prejudices and desires, they will not accept it and will not accept the judgment, and disputes will never end.

Since Allah (ta'ala) obliges us to rule by His law, out of mercy and kindness to His slaves, He teaches and shows us the way to fulfill this obligation. He (ta'ala) said, "Verily, Allah commands that you should render back the trusts to those to whom they are due; and that when you judge between men, you judge with justice. Verily, how excellent is the teaching which He gives you. Truly, Allah is ever All-Hearer, All-Seer. O you who believe! Obey Allah and obey the Messenger, and those of you (Muslimin) who are in authority. (And) if you differ in anything amongst yourselves, refer it to Allah and His messenger (sallallahu 'alayhi wa sallam), if you believe in Allah and in the Last Day. That is better and more suitable for final determination."

The previous Ayah is not only addressed to the ruler and subjects or to guardians and those under their charge, but it also exhorts judges to be just in their judgments. Allah commands judges to be just and commands the believers to accept the judgments that are consistent with the Shari'ah He revealed to His messenger (sallallahu 'alayhi wa sallam). He orders them when they differ or dispute to refer the matter to Allah and His messenger (sallallahu 'alayhi wa sallam).

Based on the previous discussion, the Muslim learns that applying the Shari'ah and seeking judgment from it is enjoined by Allah and His messenger (sallallahu 'alayhi wa sallam). It is a prerequisite for submitting to Allah and attesting that Muhammad (sallallahu 'alayhi wa sallam) was His messenger. Opposing these facts or any part of them brings forth the torment and punishment of Allah. Moreover, the command applies to the way a Muslim land deals with its subjects, and to Muslimin as individuals at any place and at any time.



In case of disputes, whether on the level of countries, groups, or individuals, the ruling is the same. To Allah belongs all the creation and commandment, and He is the Most Just of the judges. Anyone who believes that people's judgments and opinions are better than, similar to, or equal to the judgments of Allah and His messenger (sallallahu 'alayhi wa sallam) is not a believer. The same applies to anyone who allows man-made laws and man-made regulations to substitute the judgments of Allah, even if they believe that the judgments of Allah are better, more comprehensive, and more just.<sup>8</sup>

Therefore, it is the duty on all Muslimin, their rulers, leaders, and those in charge of Muslim affairs to observe taqwa and apply the Shari'ah in their lands and in all their affairs. They should protect themselves and those under their power from the punishment of Allah in this world and in the Hereafter. Furthermore, those in authority should take warning from what happened in lands that opposed the judgments of Allah and blindly imitated the West, following its way of life, which led them to disagreement, disunity, spread of evil, decrease in goodness, and increase in killings. Things are going from bad to worse in these lands. Their enemies gain more political and intellectual power over them. Their circumstances will not improve unless they return to Allah (ta'ala) and follow His straight path, which He has chosen for His slaves and commanded them to follow in order to enter Paradise.

True are the words of Allah (ta'ala) who said, "But whoever turns away from My reminder, verily, for him is a life of hardship, and We shall raise him up blind on the Day of Resurrection." He will say, "O my Lord! Why have you raised me up blind, while I had sight (before)." He will say, "Like this Our Ayat came to you, but you disregarded them and so this Day, you will be neglected."

There is no worse misery than the punishment that Allah has inflicted on those who have disobeyed Him and neglected His orders, substituting the judgments of Allah, the Lord of the 'alamin, with those of helpless creatures. How foolish are those who have the words of Allah that speak the truth, judge between people, show the right way, and provide guidance but they discard them all and follow instead a human being's opinion or a country's regulations. Do those people not know that they have lost this world and the Hereafter? They have neither achieved success and happiness in this world nor are they safe from the torment and punishment of Allah on the Day of Resurrection, for they have deemed lawful what Allah has made unlawful and have not fulfilled the duties He placed upon them.

I ask Allah to let my words be a reminder and a warning to people, so that they may examine their deeds and what they have done to themselves and their lands. I hope people would return to the truth and stick to the Qur'an and Sunnah to be among the true followers of Muhammad (sallallahu 'alayhi wa sallam). If the Muslimin do this, they will be highly esteemed among other nations, just like the Salaf and the best three generations of

---

<sup>8</sup> Although ibn Baz (and others) were mistaken in some of their explanations of the ruler who rules by other than what Allah revealed; making no distinction between the ruler/judge who rules by man-made laws once (which is kufr and takes one outside the Millah) and the one who rules by his desires and not by man-made laws, here is a clear statement (with another coming quoted by Shaykh Hamud ibn 'Uqla) stating the ruler who replaces (tabdil) the Shari'ah is a kafir, irrespective of what he claims to believe in. This (tabdil) is what the tawaghit of Sa'udi, Egypt, and the rest of the apostates have done.

Muslimin were. They owned the land and ruled the world, and many people entered Islam under their reign. Allah granted them victory, as He grants victory and success to His believing slaves who obey Him and His messenger (sallallahu 'alayhi wa sallam). I hope that all sinners would realize how great is the treasure that they will lose and how grievous is the sin that they are committing. In fact, they are bringing forth afflictions and hardships to their nations. He (ta'ala) said, "And verily this is indeed a reminder for you and your people, and you will be questioned (about it)."

It is also confirmed that the Prophet (sallallahu 'alayhi wa sallam) said that at the end of time the Qur'an would be taken away from people's hearts and from the musahif when people would no longer be interested in it, and when they renounce its recitation and application of its laws. I warn Muslimin against this affliction that may befall them and future generations as a result of their wrong deeds. Truly to Allah we belong, and truly to Him we shall return.

In addition, I offer this advice to Muslimin who live today and know well the rulings of Islam and the Shari'ah, but despite this they seek judgment in their disputes from people who judge according to customs and traditions and use some rhyming words and sentences, thus acting like the people of jahiliyyah. I hope that anyone who has read my advice performs tawbah, abstains from doing these prohibited acts, seeks forgiveness from Allah and regrets ever doing them. Muslimin should advise one another to try and annul all the customs of jahiliyyah or practices that oppose the Shari'ah. Performing tawbah erases all the previous sins and a repentant person is as sinless as one who has not committed a sin. Moreover, Muslim rulers who have subjects committing this sin should remind them of the truth and show it to them. Appointing righteous leaders brings much goodness and the slaves of Allah would stop opposing the judgments of Allah and committing His prohibitions. Today, Muslimin are in dire need of their Lord's mercy, which will change their present circumstances and raise them from a life of humiliation and disgrace to a life of honor and dignity.

I ask Allah by virtue of His most beautiful names and attributes to open the hearts of the Muslimin to understanding His words and to have eagerness to learn them, to abide by the rulings of the Shari'ah, and renounce anything else, acting upon the words of Allah (ta'ala), "The command is for none but Allah. He has commanded that you worship none but Him; that is the straight Din, but most men know not." May the salah and salam be upon our Prophet Muhammad, his family, and companions, and those who follow his guidance until the Day of Resurrection.

## Ruling by Man-Made Laws

(A translation of the treatise "Tahkim al-Qawanin" by Shaykh Muhammad ibn Ibrahim Al ash-Shaykh)

Bismillah ar-Rahman ar-Rahim

Verily, from the greatest and clearest kufr is giving the accursed man-made laws the position of that which the faithful spirit descended upon the heart of Muhammad (sallallahu 'alayhi wa sallam) that he should be a warner in the clear Arabic tongue, judging between the nations by it, referring back to it when there is a dispute, in contradiction to, and in obstinate rejection to the saying of Allah ('azza wa jall), "Oh you who believe! Obey Allah and obey the Messenger, and those of you (Muslimin) who are in authority. (And) if you differ in anything amongst yourselves, refer it to Allah and His messenger, if you believe in Allah and in the Last Day. That is better and more suitable for final determination" (4:59).

Verily, Allah (ta'ala) negated the iman of those who do not refer to the judgments of the Prophet (sallallahu 'alayhi wa sallam) in their disputes between them, an assured negation that is repeated by utilizing the linguistic tool of negation coupled with an oath. He (ta'ala) said, "But no, by your Lord, they will not believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in full submission" (4:65).

He (ta'ala) did not make it sufficient that they should merely make the Prophet the judge, but further that they should not find any resistance in themselves, rather their hearts must extend to accommodate that, not being disturbed or uneasy in the slightest. Allah (subhanahu wa ta'ala) did not make just these two things sufficient until complete submission to His judgment is added thereto, such that they are free from any attachment to the self (desires) and they submit totally to the right judgment. Allah (ta'ala) emphasizes this by stating the verbal root (taslim) after its verb (yusallimu), showing that He is not satisfied only with submission, but that it has to be total and unconditional submission.

Consider what is contained in the first Ayah, how He has left the thing about which they dispute open and general, after the condition of their disputing in general, which will cover all types and forms of disagreements. Then consider how He has made that a condition for the presence of iman in Allah and the Last Day. Then He describes that as being good and anything which He calls good can ever be approached by evil, rather it is totally good for the present and future.

Then He states that it is better for final determination, that is, better in the end of this world and the Hereafter, showing that referring back to other than the Messenger when there is disagreement is totally evil and has the

worst outcome in this world and the Hereafter, this being contrary to what the munafiqin say, "We intended nothing but good conduct and accommodation." And, "We are but reformers." Allah (ta'ala) replies to them that rather they are the mischief-makers though they perceive not.

Contrary to what the supporters of man-made laws claim, that the people have a need for them; this is having mistrust in what the Messenger came with and to treat the explanation of Allah and His messenger as it is in incomplete, and that judging by it is insufficient for the people when they disagree. This will bring an evil result for them in this world and in the Hereafter.

Consider the generalization in the second Ayah regarding that which is disputed amongst them, and the generalization and comprehensiveness covers all types and forms, and likewise covers the extent, so there is no difference in that as regards the type of disagreement, whether great or small. And Allah (ta'ala) negated the iman of the munafiqin who wish to refer for judgment to other than that which the Messenger of Allah came with, as He (ta'ala) said, "Have you not seen those (hypocrites) who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgment (in their disputes) to the taghut while they have been ordered to disbelieve in it. And Shaytan wishes to lead them far astray" (4:60).

Allah (subhanahu wa ta'ala) rejects their claim of having iman, since referring back in a dispute to other than that which the Prophet brought cannot come together along with iman in a person's heart, rather one of them will totally dispel the other.<sup>9</sup> And taghut has the root meaning of exceeding the limits (tughyan/tugha). So, all those who judge or refer back to judgment by other than that which the Prophet came with then he has made the taghut his judge and has sought the judgment from it. Therefore, it is binding upon everyone to judge only by that which the Prophet came with, not with anything else. In the same way it is binding upon everyone to seek judgment according to that which the Prophet brought. Thus, those who judge or seek judgment according to other than that, then they have transgressed and exceeded the bounds and have become a taghut by that action.

Consider His (ta'ala) saying that they have been ordered to disbelieve and reject it (the taghut). We can see from this the obstinate rejection of the upholders of man-made laws and their desire for that which is contrary to what Allah wants in this respect, as what is required of them and what has been prescribed as part of worship is disbelief in and rejection of the taghut and not referring to it for judgment. "But those who wronged changed [those words] to a statement other than that which had been said to them, so We sent down upon those who wronged a punishment from the sky because they were defiantly disobeying" (2:59).

---

<sup>9</sup> Shaykh 'Abdur-Rahman ibn Hasan and 'Abdul-Latif Al ash-Shaykh (rahimahumullah) both said, "Whoever performs shirk then he has left Tawhid. Since Tawhid and shirk are opposites of one another and cannot be gathered together. Therefore, whenever shirk is present Tawhid disappears."

Then, consider Allah informing us that Shaytan wished to misguide them, thus it is misguidance, whereas the supporters of the man-made laws regard it as guidance. The Ayah further shows it to be from the plots of Shaytan, contrary to what the supporters of those laws imagine; that they are far from Shaytan and that the well-being of mankind lies in what are the designs of Shaytan, and that which Allah desires and with which the best of the descendants of Adam was sent with does not contain that and is far removed from such a purpose. And He (ta'ala) has said in rebuttal of this type of person and confirming their desire for the judgment of jahiliyyah: "Then is it the judgment of [the time of] ignorance they desire? But who is better than Allah in judgment for a people who are certain [in iman]" (5:50).

Consider this noble Ayah and how judgment will fall into one of two categories, and that there is besides the judgment of Allah nothing except the judgment of jahiliyyah which shows that those who uphold the man-made laws are in the party of the people of jahiliyyah whether they like it or not. Rather, they are in a worse condition than them and in more falsehood than them in their saying since the people of the times of jahiliyyah did not contradict themselves in this respect. However, those who support the man-made laws are self-contradictory since they profess belief in that which the Messenger brought, then contradict that and try to follow their own way and He (ta'ala) has said about this type of person, "Those are the disbelievers, truly. And We have prepared for the disbelievers a humiliating punishment" (4:151).

Then, look how this Ayah refutes that which the upholders of the man-made laws claim regarding the excellence of the garbage of their minds and worthless thoughts. Hafidh ibn Kathir says in his tafsir of this Ayah, "Allah (subhanahu wa ta'ala) rebukes those who leave the judgment of Allah, which contains all that is good and forbids all that is evil and turns instead to the opinions, desires, and laws laid down by men without any recourse to the Shari'ah of Allah, just as the people of jahiliyyah used to judge according to the misguidance and ignorance which they laid down according to their own ideas and desires. And just as they (Tatar) used to judge according to the laws laid down by their rulers, taken from their king Ghenghis Khan who put together for them a law book taken from different laws of the Jews, Christians, the Din of Islam, and other sources. It also contained many judgments taken solely from his own opinion and wishes which later became a system of law followed by the people and given precedence over the laws of the Book of Allah and the Sunnah of His messenger, so whoever does that is a kafir who must be fought until he returns to the rule of Allah and His messenger and does not govern in any matter except by it. Allah (ta'ala) saying, 'Then is it the judgment of [the time of] ignorance they desire?' They wish for and seek it and turn away from the judgment of Allah, and His (ta'ala) saying, 'But who is better than Allah in judgment for a people who are certain [in iman].' That is, who is more just in judgment than Allah for one who understood His Shari'ah and believed in Him, being certain and knows that Allah is the Judge of judges and is more merciful to His creation than the mother is to her child, as He (ta'ala) is the One who knows everything, has power over everything, and is perfectly just in everything."

Allah said before that, addressing His prophet Muhammad, "And We have revealed to you, [O Muhammad], the Book in truth, confirming that which preceded it of the Scripture and as a criterion over it. So, judge between them by what Allah has revealed and do not follow their inclinations away from what has come to you of the truth" (5:48). And He (ta'ala) said, "And judge, [O Muhammad], between them by what Allah has revealed and do not follow their inclinations and beware of them, lest they tempt you away from some of what Allah has

revealed to you" (5:49). He (ta'ala) said, giving His prophet Muhammad the choice between judging between the Jews or turning away from them if they come to him for that, "So, if they come to you, [O Muhammad], judge between them or turn away from them. And if you turn away from them - never will they harm you at all. And if you judge, judge between them with justice. Indeed, Allah loves those who act justly" (5:42).

There is no true justice except by the judgment of Allah and His messenger and judging by other than that is true oppression, wrongdoing, misguidance, kufr and fisq and therefore Allah (ta'ala) said thereafter, "Whoever does not judge by what Allah revealed, such are the kafirun...Whoever does not judge by what Allah revealed, such are the dhalimun...Whoever does not judge by what Allah revealed, such are the fasiqun" (5:44-47).

So, look how Allah (ta'ala) records the kufr, dhulm, and fisq of those who rule by other than what Allah revealed. And it is impossible for Allah (ta'ala) to call whoever judges by other than what Allah revealed a kafir and for him not to be a kafir. Rather, he is a kafir either being kufr 'amali (kufr of action) or kufr i'tiqad (kufr of belief).<sup>10</sup> That which is reported from ibn 'Abbas (radiyallahu 'anhu) by way of Tawus and others in explaining this Ayah shows that the ruler who rules by other than what Allah revealed is a kafir either in belief which takes him outside the Millah, or in action which does not take him outside the Millah.

As for the first, kufr i'tiqad, then it is of different types:

1. That the one judging by other than what Allah revealed denies the precedence of the judgment of Allah and His messenger, and that is the meaning of what is reported from ibn 'Abbas, and is preferred by ibn Jarir; that it is rejecting the rule of the Shari'ah which Allah sent down and there is no difference of opinion amongst the scholars regarding this, since one of the well-known and agreed upon principles is that he who denies a fundamental part of the Din or a branch which is agreed upon or denies a single letter of what is authentically reported that the Prophet brought; then he is a kafir who has left Islam.

---

<sup>10</sup> Dr. 'Abdur-Rahman al-Mahmud said, "But in later times there were those who were influenced to a great extent by some of the views of the Murjiah, either in general terms or in a specific issue, so they would pay attention to the phrases of some of the aimmah that they had picked up concerning the differentiation between major and minor kufr, namely the words kufr i'tiqadi and kufr 'amali. They made this into a principle which they then applied in general terms, basing on that the specious argument that no one could not be classified as a kafir except the one who believed that the forbidden action he was doing was permitted. It became the habit of these people, when commenting on matters of iman or when refuting the Khawarij, to quote this guideline and say: this is a matter of kufr 'amali, and kufr 'amali does not put a person beyond the pale of Islam. For example, it might be said that ruling by other than what Allah revealed, such as man-made laws, so long as one does not regard that as being permissible, is the matter of kufr 'amali, and kufr 'amali does not put one beyond the pale of Islam. Thus, the matter for them would be settled in definitive terms because it was based, or so they claimed, on one of the principles of the Salaf. As I have said, there is no problem with the terminology itself, unless it leads to misunderstanding which in turn could lead to defective understanding of the issues of 'aqidah, or some of them, including the issue under discussion here...As there are phrases used by the Salaf which do not cause confusion, such as 'minor kufr', or 'a lesser form of kufr', or 'kufr which does not put one beyond the pale of Islam', it would be a good idea to avoid using the phrase 'kufr 'amali' because it can be confusing, as we have seen" (al-Hukm bi-Ghayri ma Anzala Allah Ahwalahu wa Ahkamahu). Refer to footnote 49.

2. That the one ruling by other than what Allah revealed does not deny the truth of the judgment of Allah and His messenger, but he believes that the judgment of someone other than the Messenger is better than His judgment and more complete and comprehensive for the needs of the people when they disagree and require judgment; either in general or in particular cases such as those things occurring due to the modern age and changing conditions. And there is also no doubt that this is also kufr, as he has preferred the judgments of the creation which are merely the garbage of people's minds and trash of their thoughts, to the judgment of the All-Wise, the worthy of all praise. The judgment of Allah and His messenger does not change in its substance along with the changing times, development, and new situations, as there is no new situation that occurs except that its ruling is contained in the Book of Allah and the Sunnah of His messenger either in the Text explicitly or implicitly or to be derived therefrom, whether the people know it or not. What the scholars have said about the fatwa changing according to the changing times is not as those ignorant of the rulings of Allah think; that they can be adapted to suit their animalistic desire, worldly goals, and ideals which are false and disastrous. And because of this you find them defending them fiercely and trying to bend the Texts to suit their purposes and support them however possible by twisting the words from their intended meanings. However, what is meant by the scholars is that whatever has been derived by scholars using the principles of the Shari'ah, its intended aims, and noble goals which are of the types of that which Allah (subhanahu wa ta'ala) wishes and His messenger also. It is obvious that the 'lawmakers' who lay down the man-made laws are far-removed from all of that and that they only say that which they themselves desire, whatever the case, is substantiated by what we observe.

3. That he does not regard it as being better than the judgment of Allah and His messenger (sallallahu 'alayhi wa sallam) but believes it to be equivalent. So, he is as the previous two types, being a kafir who has left Islam since he has put the creation on the same level as the Creator and contradicted and willfully opposed the saying of Allah that there is nothing at all like Him, "There is nothing like Him" (42:11). Which is repeated in other Ayat that show that Allah alone is perfect and not like anything of creation, neither in His self, His attributes or His actions, nor in judging between the people in that which they dispute.

4. That he does not consider the judgment of the one who judges by other than that which Allah revealed to be like the judgment of Allah and His messenger, not to speak of preferring it to it, but he believes that it is permissible to give a ruling which goes against the judgment of Allah and His messenger. This one is just like the previous ones since he makes permissible that which is forbidden in the clear authentic Texts about which there is no doubt.

5. This is the greatest and the most encompassing and the clearest in opposition to the Shari'ah and stubbornness in the face of its laws and insulting to Allah and His messenger and opposing the courts of the Shari'ah on their roots and branches and their types and appearances and its judgments and implementations, references and their applications. So, just like the courts of the Shari'ah there are references, all of them returning back to the Book of Allah and the Sunnah of His messenger, like that these courts have references, which are laws that are assembled from many legislations and laws like French law, American, English, and other

laws and from the legal schools of some of the innovators who claim allegiance to the Shari'ah. These courts are now fully operational in the lands of Islam, people entering them one after another, their judges judge upon them with what opposes the Sunnah and the Book with the rules of their own laws and they impose that on them and approve it for them. So, what kufr is greater than this, and what nullification of the shahadah of Muhammad is the Messenger of Allah is there beyond this?

The proofs for all that we have stated are clear and well-known and are too many to mention here. So, oh people of intelligence and wisdom, how can you be pleased to accept the laws of men like yourselves and the thoughts of similar people to yourselves or lesser than you, who are open to error. Rather, their errors outweigh what they get right and there is nothing in their judgments that is correct except that which is taken from the ruling of Allah and His messenger, whether in letter or derived therefrom. How can you leave them to judge between yourselves, your blood, your honor, families, wives, offspring, wealth, and the rest of your rights whilst they leave and turn away from ruling according the rulings of Allah and His messenger, which is free from error, nor can it be approached by falsehood from in-front of it or behind it; a revelation from the All-Wise, the One worthy of all praise.

The submission of the people to and their compliance with the rule of their Lord is to submit and comply with the rule of the One who created them, worshiping only Him. And so just as the creation do not prostrate except to Allah and do not worship except Him, not worshiping anything created similarly it is binding that they do not comply, surrender and submit except to the ruling of the All-Wise, the All-Knowing, worthy of all praise, the Most-Compassionate and the Most Merciful; not submitting to the ruling of the created-being, the oppressive and ignorant who is destroyed by doubts, desires and uncertainty and whose hearts are taken over by forgetfulness, harshness, and ignorance.

Therefore, those people with wisdom must consider themselves above that as it merely enslaves them and causes them to be ruled by vain desires and selfish interests, errors, and mistakes; besides it being kufr based on His (ta'ala) saying, "Whoever does not judge by what Allah revealed, such are the kafirun" (5:44).

6. That which many of the heads of Bedouins and tribes of the desert judge by, that which they picked up from their fathers, ancestors and their customs which they inherit. Judging by it and using it to solve disputes, remaining from the times of jahiliyyah and putting aside and turning away from the ruling of Allah and His messenger. And there is no might nor power except with Allah.

As for the second type of kufr regarding the one who judges by other than what Allah revealed, and it is that which does not take a person outside of Islam, then as has preceded in the explanation of ibn 'Abbas (radiyallahu 'anhu) to the saying of Allah, "Whoever does not judge by what Allah revealed, such are the kafirun"



And They Were Ordered to Disbelieve in It

(5:44), falls into this class with his (radiyallahu 'anhu) saying, "Kufr less than kufr," and also, "It is not the kufr they go for."<sup>11</sup>

This is regarding a man who was prompted to judge in the matter by other than what Allah revealed by his desires, whilst believing that the ruling of Allah and His messenger is the truth and knowing himself to be in the wrong and having left the true guidance. This, even though it does not take him outside the fold of Islam, is a major sin and of the worst of the major sins like zina, drinking alcohol, stealing and taking false-oaths. As a sin which Allah calls kufr in His Book is greater than any sin which He does not describe as being kufr.

We ask Allah to unite all of the Muslimin in judging by His Book, submitting to it and being pleased with it. He is indeed fully able to do that and has full power.

---

<sup>11</sup> Speech regarding these narrations, along with further mention of its correct understanding and application, comes later.

## Refutation on the False Accusations of al-'Anbari

(A translation of the treatise "Ar-Radd 'ala Iftara'at al-'Anbari" by Shaykh Hamud ibn 'Uqla)

All praise belongs to Allah, the Rabb of the 'alamin, with the end for the muttaqin, and there is no enmity except against the dhalimin. I bear witness that there is none worthy of worship except Allah, alone and He has no partner, the Ilah of the first and the last and I bear witness that Muhammad is His slave and His messenger. May Allah send salah and salam upon him, his family, and his companions altogether. As for what follows:

I have looked at all of the sayings of Khalid al-'Anbari and it has become clear to me by my reading of these sayings and some of his books that he is a Murji from the pure Murjiah; the ones that are under the school of thought of Jahm ibn Safwan in irja. That is the school of thought which from its foundation is that no one disbelieves accept with rejection (juhud) or istihlal as long as one knows Allah and believes in Him then he does not disbelieve and he does not leave the Millah. This misguidance has spread in this era and this spreading was not due to anything except for him and the likes of him.<sup>12</sup> So, they went astray and made others go astray.

Khalid al-'Anbari has lied upon the 'ulama of the ummah and its aimmah; the ones who see the kufr of the one who rules with the fabricated man-made laws. From those aimmah is our Shaykh; Shaykh al-Imam al-Mujahid Muhammad ibn Ibrahim Al ash- Shaykh (rahimahullah). Al-'Anbari has lied, changed, and used words of our Shaykh and lied upon him in many instances as it will become clear shortly. He wanted to trick the people into thinking that the Shaykh sees that ruling with fabricated man-made laws needs an explanation, and that he does not disbelieve unless he rejects, believes in them, and makes it halal only, but if he rules with the fabricated man-made laws without this then he is not a kafir.

As far as his lies they are as follows:

The first lie: Al-'Anbari mentioned in his book "Al-Hukm bi Ghayr ma Anzal Allah wa Usul at-Takfir" (on page 131) from the treatise of Shaykh Muhammad ibn Ibrahim "Tahkim al-Qawinin," he said, "In this treatise there is what shows a clear indication that there is an elaboration." And he means by elaboration what al-'Anbari goes on to say which is that ruling with fabricated man-made laws one does not disbelieve accept with juhud or istihlal.

The text that he narrated was as follows, "So look how Allah (ta'ala) records the kufr, dhulm, and fisq of those who rule by other than what Allah revealed. And it is impossible for Allah (ta'ala) to call one whoever judges by

---

<sup>12</sup> Such as but not limited to Rabi' al-Madkhali, 'Ali al-Halabi, al-Albani, and others. If it is commonly understood that Imam Abu Hanifah (rahimahullah) was a Murji in the matter of iman it should not shock anyone that one says al-Albani was a Murji in the issue of iman. Rather, his irja was greater than the former and the type of irja just mentioned by the Shaykh.

other than what Allah revealed a kafir and for him not to be a kafir. Rather he is a kafir either being kufr 'amili (kufr of action) or kufr i'tiqad (kufr of belief). That which is reported from ibn 'Abbas (radiyallahu 'anhu) by way of Tawus and others in explaining this Ayah shows that the ruler who rules by other than what Allah revealed is a kafir either in belief which takes him outside the Millah, or in action which does not take him outside the Millah." This ends his exact words.

However, he left what the Shaykh narrated and wrote after this concerning the fabricated man-made laws as the Shaykh said, "As for the first, kufr i'tiqad, then it is of different types:

1. That the one judging by other than what Allah revealed denies the precedence of the judgment of Allah and His messenger...
2. That the one ruling by other than what Allah revealed does not deny the truth of the judgment of Allah and His messenger but he believes that the judgment of someone other than the Messenger is better than His judgment and more complete and comprehensive for the needs of the people when they disagree and require judgment...
3. That he does not regard it as being better than the judgment of Allah and His messenger (sallallahu 'alayhi wa sallam) but believes it to be equivalent...
4. That he does not consider the judgment of the one who judges by other than that which Allah revealed to be like the judgment of Allah and His messenger, not to speak of preferring it to it, but he believes that it is permissible to give a ruling which goes against the judgment of Allah and His messenger...
5. This is the greatest and the most encompassing and the clearest in opposition to the Shari'ah and stubbornness in the face of its laws and insulting to Allah and His messenger and opposing the courts of the Shari'ah on their roots and branches and their types and appearances and its judgments and implementations, references and their applications. So, just like the courts of the Shari'ah there are references, all of them returning back to the Book of Allah and the Sunnah of His messenger like that these courts have references, which are laws that are assembled from many legislations and laws like French law, American, English and other laws and from the legal schools of some of the innovators who claim allegiance to the Shari'ah." Until he said, "So, what kufr is greater than this, and what nullification of the shahadah of Muhammad is the Messenger of Allah is there beyond this?"

So, look at al-'Anbari. He wants, with his aforementioned quote, to reveal to you that the Shaykh does not make takfir concerning the fabricated man-made laws. Even though here he says concerning them, "So, what kufr is there greater than this kufr?" Meaning the ruling with the fabricated man-made laws.

The second lie: al-'Anbari mentions in his sayings, firstly, "I have found other words of the Shaykh (i.e. Muhammad ibn Ibrahim) in his fatawa (1/80. He says words clearer that doesn't need clarification dated 9/1/1385 five years after the publication of the treatise 'Tahkim al-Qawanin'." And soon we will quote the words of Shaykh Muhammad, but the point is that here he intended to convince the reader that the Shaykh turned back from his fatwa concerning the fabricated man-made laws, and for this he mentioned the date after it by five years so the later abrogates the first saying, while he mentioned at the same time, "And I do not say that he turned back." Yet, after that by a few lines later he says that the Shaykh changed his mind so that he can mislead (the reader) and make it seem like he did actually change his mind. So, he claims that he does not say that he (i.e. Muhammad ibn Ibrahim) changed his mind and then he lies upon Shaykh Muhammad that he did change his mind.

The third lie: When he quoted him as 'having changed his mind', as he assumes from the fatawa of Shaykh Muhammad (Vol. 1/80), al-'Anbari said that the text of him changing his mind is, "And like that is the manifestation of the meaning Muhammad is the Messenger of Allah from ruling with his Shari'ah exclusively and discarding what opposes it from laws and conditions and other things which Allah did not reveal and that the one who rules with it or takes the judgment to it, believing that it is right and believing that it is permissible then he is a kafir with the kufr which removes one from the Millah. And if he does that without believing that and thinking that it is permissible, then he is a kafir with the kufr 'amili, which does not remove one from the Millah." Al-'Anbari said, "So, this clear explanation from the Shaykh al-'Allamah Muhammad ibn Ibrahim, may Allah be merciful to him, is what I have based my book upon and I faced the ones who make takfir on the ruler unconditionally."

So, the response to this lie is:

1. How is it that the Shaykh would change his mind and it was unknown and not spread among his students and among the people?

2. And if there was a change in his opinion, it would not have been hidden from Shaykh Muhammad ibn Abdur-Rahman al-Qasim, the compiler of the fatawa of Shaykh Muhammad ibn Ibrahim and his books. As well, he even mentioned the treatise "Tahkim al-Qawanin" in the latter editions of the (published) fatawa. Even his student, the one who compiled the fatawa, narrated the approval of Shaykh Muhammad in Vol. 12/284. Shaykh Muhammad said, "The man-made laws are kufr which takes one outside the Millah, believing that they are applicable and some of them see it greater." Then he said, "As for the one who puts man-made laws in order to be submitted to, then this is kufr even if they say, 'We have made a mistake and the ruling of the Shari'ah is more just,' because there is a difference between the one who approves and the implication and the reference. They made it a reference and source, and this is kufr which takes one outside the Millah." And al-Qasim also narrated under the chapter heading "Ruling with man-made laws is from the kufr akbar," and then proceeds to quote from the same treatise "Tahkim al-Qawanin." So, if there were any change of opinion he would have

made that clear or he would have omitted this treatise and he certainly would not have included it in the volumes that came after the volume that has been claimed to contain a change of opinion.

3. And how would the Shaykh change his opinion from a fatwa which became clear and widespread to that which would be contained in a specific letter written to a specific group? It would have been more likely that he would change his opinion in a general letter because the text wherein al-'Anbari claims to contain a change of opinion is within a specific letter of response which he wrote to the central committee of scholars in Deli wherein he praises the committee and its aims to bring about a benefit.

4. We see that the treatise "Tahkim al-Qawanin" has been published multiple times and if there were a change of opinion then its publishing would not have been repeated.

5. Shaykh 'Abdullah ibn Jibrin is from the students of the Shaykh and he objected to the those who claimed that Shaykh Muhammad ibn Ibrahim changed his opinion, like it is (written) in his commentary upon the words of al-'Anbari, and they are on the first sayings of al-'Anbari.

6. And "al-Lajnah ad-Da'imah lil-Buhuth al-'Ilmiyyah wal-Ifta" also in their fatwa from 24/10/1420 warned against the book of al-'Anbari "al-Hukm bi Ghayr ma Anzal Allah wa Usul at-Takfir" saying it is, "Lying upon the people of knowledge. From that, him attributing to al-'Allamah Shaykh Muhammad ibn Ibrahim Al ash-Shaykh (rahimahullah) that which he did not say."

We will now return to the text, which al-'Anbari claimed contains a change of opinion and we will mention how it relates and its full text, and it is in the fatawa of Shaykh Muhammad Vol. 1/78. It is a letter of reply sent to the General Secretary for the Central Committee of 'ulama (in) Deli. The committee decided to call upon the Islamic committees and determine the opinions of its members concerning the man-made laws which are put forward for the sake of benefits in the Din and the society that suit the Islamic teachings and etiquettes while planning to raise general laws for the Muslimin in India.

So, they asked Shaykh Muhammad questions concerning fiqh that they might benefit from his opinion concerning them (i.e. those issues). He answered their fiqh related questions but firstly he made an introduction before proceeding with the answers, "I would like to begin with a small introduction: From the things which please us and please every Muslim with ghirah about his din is that we find committees whose goal is to correct the conditions and to hold onto the basis of the Din and its noble teachings, and also to wage war against everything which opposes the Islamic Shari'ah from innovations, heresies and lies. Also, (to wage war against) what is even more important than that, concerning what the atheists, zanadiqah, orientalist and others who attempt to enter into the beliefs of some Muslimin by giving them doubts in the foundation of their din and causing them to go astray from the Sunnah of their Prophet (sallallahu 'alayhi wa sallam) and his Shari'ah and ruling with the fabricated man-made laws which oppose the Islamic Shari'ah. More importantly, knowing the

foundation of the Tawhid, which Allah sent His messenger with and implicating it through knowledge and action and waging war against that which opposes it from shirk akbar which takes you outside the Millah or from the types of shirk asghar. This is the meaning of la ilaha illallah, and like that is the manifestation of the meaning Muhammad is the Messenger of Allah from ruling with his Shari'ah exclusively and discarding what opposes it from laws, conditions, and other things which Allah did not reveal and that the one who rules with it or takes the judgment to it, believing that it is right and believing that it is permissible, then he is a kafir with the kufr which removes one from the Millah. And if he does that without believing that and without thinking that it is permissible, then he is a kafir with the kufr 'amili, which does not remove one from the Millah." This ends his words.

So, Shaykh Muhammad spoke twice about the laws; in the first instance he said "the man-made laws" and he added to that "the fabricated," and he considered the fabricated man-made laws from the handiwork of the atheists, zanadiqah and orientalis who have entered upon the Muslimin. He encouraged the committee to wage war against it out of defense of the Muslimin and he mentioned the fabricated man-made laws here, under the category of the manifestation of uluhiyyah and the meaning of la ilaha illallah. As for the second instance where he mentioned the laws, it was under the category of the manifestation of Muhammad the Messenger of Allah. The point of concern here is that he did not add the word "fabricated." Rather, he only added to it other things such as "laws and conditions and other things which Allah did not reveal." So, he meant by "the laws and conditions" innovations that the innovator adds, which nullifies the manifestation of following of the Messenger. And he added to these laws and these conditions an explanation because it is from the category of bida'. He mentioned the laws twice; once in the meaning of la ilaha illallah and once in the meaning of Muhammad is the Messenger of Allah. For this, they are two manifestations, so their meanings are different. Otherwise, it would have been redundant. Also, in the first he added to it "the fabricated" and the second is isolated without. He only added to it the "conditions and other things which Allah did not reveal" and in this, there was a need of an explanation.

In any matter, this is an explanation based upon the positive assumption of Shaykh Muhammad, and also based upon his fatwa concerning the fabricated man-made laws and the fact that we let his own words explain one another. This is more fitting than having his words contradict one another and claiming the change of opinion, contradiction and difference.

His lying upon our Shaykh Muhammad al-Amin ash-Shanqiti (rahimahullah):

Al-'Anbari quoted in his book "al-Hukm bi Ghayr ma Anzal Allah wa Usul at-Takfir" on page 70-71 and attempted to dupe (his reader) that Shaykh ash-Shanqiti does not see the fabricated laws as kufr as he narrates the words of our Shaykh ash-Shanqiti. And he is from the 'ulama that al-'Anbari claims do not make takfir concerning the fabricated man-made laws except with juhud and this quotation which he mentions from ash-Shanqiti [is]: "And know that the reason for this part of the project is that kufr, dhulm, and fisq; all of these have been used in the legislation sometimes intending sins and other times, the kufr which removes one from the Millah. 'And

whoever does not judge by what Allah has revealed, such are the kafirun' not opposing the messengers and abandoning the laws of Allah, then his dhulm and his fisq does not take him outside the Millah."

However, here he does not even mention the fabricated laws and al-'Anbari omitted the words of our Shaykh ash-Shanqiti, which are clear concerning the fabricated laws as he said in his tafsir of Surah al-Kahf, about the Ayah, "And He does not have shirk with His rule." He said, "And with these Heavenly texts that we have mentioned, it becomes apparent that the ones who follow the man-made laws, which the Shaytan has legislated upon the tongues of his allies and which oppose that which Allah (jalla wa 'ala) has legislated upon the tongue of His messenger (sallallahu 'alayhi wa sallam) that no one doubts their kufr and their shirk except him who Allah has removed his sight and has blinded them to the light of the revelation just like them (the followers of the taghut legislators)."

And then ash-Shanqiti says immediately after: "Take note, know that it is wajib to differentiate between the invented institutions, which are kufr in the Creator of the Heavens and the Earth, to judge according to them and between the institutions, which are not."

Then he said, "As for the legislative institutions, which contradict the legislations of the Creator of the Heavens and the Earth, then judging with these is kufr in the Creator of the Heavens and the Earth."

Then he mentioned some of their laws concerning inheritance, marriage, and hudud and how they oppose the legislation (of Allah). Then he says, "So, ruling by institutions such as these upon individuals, the society, their wealth, their property, minds, and din is kufr in the Creator of the Heavens and the Earth." So, how could he (al-'Anbari) omit these clear words concerning the fabricated man-made laws for other than them?

His lie upon the Imam ibn Kathir (rahimahullah):

As he quotes from him texts, which he uses to deceive (his reader) to show that he is among those who do not make takfir concerning the fabricated man-made laws he quotes from him on page 69 among those who, he claims, do not make takfir concerning these laws. Even though ibn Kathir has clear words concerning the Yasaq of the Tatar stating that it is a collection of fabricated laws, and he made takfir with that, even going as far as narrating an ijma' as he (rahimahullah) said in his tafsir of the Ayah: "Then is it the judgment of ignorance they desire?"

He said, "Allah (subhanahu wa ta'ala) rebukes those who leave the judgment of Allah, which contains all that is good and forbids all that is evil and turns instead to the opinions, desires, and laws laid down by men without any recourse to the Shari'ah of Allah just as the people of jahiliyyah used to judge according to the misguidance and ignorance which they laid down according to their own ideas and desires. And just as they (Tatar) used to

judge according to the laws laid down by their rulers, taken from their king Ghenghis Khan who put together for them a law book taken from different laws of the Jews, Christians, the Din of Islam and other sources. It also contained many judgments taken solely from his own opinion and wishes which later became a system of law followed by the people and given precedence over the laws of the Book of Allah and the Sunnah of His messenger, so whoever does that is a kafir who must be fought until he returns to the rule of Allah and His messenger and does not govern in any matter except by it."

And ibn Kathir said in "al-Bidayah wan-Nihayah" Vol. 13/118-119: "Whoever leaves the legislation that was sent down to Muhammad, the seal of the Prophets (sallallahu 'alayhi wa sallam) and seeks judgment to other abrogated laws [of other messengers] then he has committed kufr, then what about the one who seeks judgment from the Yasaq and gives it priority? Whoever does that has committed kufr by the ijma' of the Muslimin."

The other matter is how al-'Anbari quotes the words of scholars who did not see the era in which the ruling with fabricated man-made laws were introduced, rather they died before it. So, he quotes their words (trying to) mislead and demonstrate that they were upon his mathhab in that no one disbelieves with ruling by the man-made laws unless he comes with juhud or makes it halal. And this era which came upon the Muslimin, and that is the ruling with the fabricated man-made laws, did not occur except in the era of the Tatar during the time of ibn Taymiyyah and ibn Kathir.<sup>13</sup> He avoids quoting the words of these two, which show the kufr of those who take judgment to the Yasaq. Instead, in his aforementioned book, on page 138, he mentions that the takfir of ibn Kathir and ibn Taymiyyah towards the Tatar was due to them possessing other nullifications besides the Yasaq, even though the words of ibn Kathir are clear that the ruling concerning them based upon the Yasaq.

Then, this era fell again and that was the era of ruling with the man-made laws of the West during the military colonization period of the Islamic world when they brought their courts of law. So, the 'ulama who lived during this era spoke about it such as Shaykh Ahmad Shakir as he said during his verification of tafsir ibn Kathir of the Ayah: "Then is it the judgment of ignorance they desire?" He said, "The Islamic position with regards to these man-made laws is as clear as day. This is clear kufr which boldly refuses to hide itself or to attempt any deceit about its true nature. There can be no conceivable excuse for any Muslim, regardless of who he is, who acts in accordance with it, submits to it, or participates in its promulgation."

Also, Shaykh Mahmud Shakir, whom al-'Anbari attempted to in his book on page 131 deceive (the reader) into thinking that he does not make takfir for the fabricated man-made laws except to the one who rejects (the Shari'ah). Shaykh Mahmud Shakir said, and his brother Muhammad Shakir narrated his words from him in "Tafsir Ibn Kathir": "And their (the Khawarij) question wasn't about what the innovators of our time argue with. They were asking about the act of the judges in blood, money, and property who went away from the Shari'ah

---

<sup>13</sup> Shaykh 'Ali al-Khudayr said, "The first occurrence of shirk in the legislative sense regarding laws occurred in the time of the Tatar where they ruled by man-made laws" (Haqaiq fi at-Tawhid).



occasionally (based upon their whims and desires) not about those who bring about a new legislation of laws upon the people of Islam and ruling with the hukm of other than what Allah sent down in His Book or upon the tongue of His messenger (sallallahu 'alayhi wa sallam). This action is turning away from ruling of Allah, being displeased with His Din, and being influenced by the laws of the people of kufr instead of the laws of Allah. This is kufr that there is no doubt about from the people of the qiblah in declaring takfir upon the one who says it, does it, or calls to it."

And like (that) our Shaykh Muhammad ibn Ibrahim when he ruled concerning the fabricated man-made laws and like our Shaykh Muhammad ash-Shanqiti, all of them as well as others from those who lived during the eras of the fabricated man-made laws. It is more deserving that he would take from their words concerning the man-made laws. But instead, he brings other words concerning these man-made laws to make one assume that they are upon his mathhab and his belief that the one who rules with these laws does not disbelieve except with istihlal or with juhud, therefore it would only be a major sin. Al-'Anbari even goes further than that to claim that there is ijma' that when one who rules by other than what Allah revealed with the laws in general legislation does not disbelieve except for the one who makes it halal, knowing that al-'Anbari does not differentiate between the ruling by other than what Allah revealed due to desire (i.e. in particular instances) or with the fabricated man-made laws (in general); both of them being the same according to him.<sup>14</sup> If he narrated the ijma', then he means all of them and he does not differentiate. But, as for the 'ulama of Islam, they have differentiated, and if they mention the ruling by other than what Allah revealed they differentiate concerning the one who does it due to desire. But, if they speak about the fabricated man-made laws, they do not differentiate between the one who makes it halal, the rejecter, or the one who does it due to desire, just as the approval (of this concept) has passed of Muhammad ibn Ibrahim. As he said, "As for the one who puts laws in order to be submitted to, then this is kufr even if they say 'we have made a mistake and the ruling of the Shari'ah is more just' because there is a difference between the one who approves, the implication, and the reference. They made it a reference and this is kufr which takes one outside the Millah."

Like that is what we have narrated from ibn Kathir that he made takfir on them (Tatar) for taking the hukm (to the taghut), so refer back to his saying. And like him our Shaykh ash-Shanqiti and the two sons of Shakir and other than them. All of them did not differ concerning the fabricated man-made laws.

This is what we have been able to put together as a refutation against him, quickly and hurriedly, and we ask Allah to guide all towards what He loves and is pleased with and to let al-'Anbari and the likes of him, from the Murjiah of our era, to return to the mathhab of the Salaf of the ummah. Verily, He is able to do all things. And may Allah bless our Prophet Muhammad, his family, and his companions altogether.

Recited by Hamud ibn 'Uqla ash-Shu'aybi. The teacher formerly in the faculty of the Shari'ah and Usul ad-Din in the Islamic University Muhammad Ibn Sa'ud, the branch of al-Qasim 20/04/1421 H.

---

<sup>14</sup> Refer to page 54.

## Questions and Answers

(Fatawa from various 'ulama)

**Question: As-salam wa rahmatullahi wa barakatuhu, to proceed...**

**In this era it has spread that rulers in the Islamic world, Arabic world and others rely on ruling with man-made law instead of ruling with the Shari'ah of Allah, so what is the hukm (ruling) on these rulers? We hope to see the answer being supported by Shari'ah evidences from the Kitab, Sunnah, and the statements of the 'ulama.**

Answer:<sup>15</sup> All praise is due to Allah, the Lord of the 'alamin, and may the salah and salam be upon the most noble of prophets and messengers, our Prophet Muhammad, his family, and his companions. As for what follows:

When Allah (subhanahu wa ta'ala) His messenger Muhammad (sallahu 'alayhi wa sallam) with this honorable Din which led people from darkness to light, where people at that time were swinging in the darkness of ignorance and misguidance, sinking in the sea of myths and obsolete traditions which they inherited from their fathers and ancestors in every aspect of their lives, beliefs, worships, legal proceedings and judgments. Their beliefs and worships were based on shirk with Allah (subhanahu wa ta'ala), as they associated partners and equals from trees, stones, angels, shayatin, humans and others, approaching them with various types of approaches which are prohibited to be given to other than Allah; such as slaughtering, swearing oaths, and other than them.

As for legal proceedings and judgments, they are no less misguidance and corruption in comparison with their way in worship as they used to constitute tawaghit, soothsayers and fortune-tellers who handle these proceedings between people in every dispute they have in aspects of wealth, blood, honor and other than that. They would establish one of these [tawaghit] in every district, and if the sentencing is issued then it was applied with no objection or review in spite of it being oppressing. When Allah sent Muhammad (sallallahu 'alayhi wasallam) with this pure Shari'ah he abolished these traditions and eradicated them and confined the worship to be to Allah (subhanahu wa ta'ala) and confined legal proceedings and seeking judgment to the Shari'ah of Allah. He (ta'ala) said, "The hukm (ruling/judgment/legislation) is for none except Allah. He has commanded that you worship none except Him...al-Ayah", and when He (ta'ala) said, "The hukm (ruling/judgment/legislation) is for none except Allah", [this] confines the hukm to the Shari'ah of Allah, and, "He has commanded that you worship none except Him", means to confine worship to Allah (subhanahu wa ta'ala) with a way of confining the worship of Him (ta'ala) in the most meaningful and stressed way, which is negation and exception.

---

<sup>15</sup> Answered by Shaykh Hamud ibn 'Uqla ash-Shu'aybi. The original Arabic wording can be found on ilmway.com.

Thus the one who reads the Book of Allah would find many Ayat that shows the obligation of seeking judgment from what Allah has sent down of the pure Shari'ah to His messenger (sallallahu 'alayhi wa sallam).

a. He (subhanahu wa ta'ala) said, "And whoever does not judge by what Allah has revealed – then it is those who are the disbelievers", and this honorable Ayah is evidence regards to the kufr of the one who turns away from the hukm of Allah and His messenger to another hukm. The ignorant Murjiah today have tried to divert the meaning of this Ayah regarding the kufr of the ruler who rules with other than what Allah has revealed and said, "This Ayah was sent down upon the Jews, so its judgment does not include us." This highlights the extent of their ignorance on the fundamental principles that were established by the scholars of tafsir, hadith and usul al-fiqh, which is that the ruling is taken from the general expression [in the text] and not from the specific occasion of revelation [of that Ayah].<sup>16</sup> Thus, if a ruling is sent down based on a specific reason, it is not applicable only on that reason of revelation, but it goes beyond it and includes every matter that falls under that general expression. And – whoever (man) – in the Ayah is a wording of generalization, and therefore the ruling is not confined to its reason [of revelation] unless there is a text from the Legislator that confines the ruling to its reason of revelation only, as the Hadith of the Prophet (sallallahu 'alayhi wa sallam) when he was asked by one of his companions (radiyallahu 'anhum), "Oh messenger of Allah! I had a young she-goat that is beloved to me more than a sheep and I sacrificed it, is it sufficient for me?" He (sallallahu 'alayhi wa sallam) then said, "It is sufficient for you and none after you."

And they, the Murjiah, said that it was narrated from ibn 'Abbas (radiyallahu 'anhu) that he was asked about the tafsir of the Ayah: "And whoever does not judge by what Allah has revealed – then it is those who are the disbelievers", that ibn 'Abbas said: "Kufr less than kufr"<sup>17</sup>, and in another narration: "It is not the kufr they (the Khawarij) go for." The reply to that is to say Hisham ibn Hujayr, the narrator of this narration from Tawus from ibn 'Abbas has been spoken about by the aimmah of hadith such as Imam Ahmad, Yahya ibn Ma'in and others,

---

<sup>16</sup> Ash-Shatibi (rahimahullah) said, "Someone may say that even though the Salaf as-Salih knew the aims of the Shari'ah and were Arabs, they understood the wording to be general in application even though the context may indicate otherwise. This indicates that what counted in their view was the general applicability of the words as they appeared to be, even if the context may indicate otherwise" (Al-Muwafaqat). Although, regarding this Ayah many scholars (such as ash-Shatibi and ash-Shanqiti) mentioned the context here refers to the Muslimin.

<sup>17</sup> Further discussion regarding the weakness of this report will come later, in sha Allah. A point to be noted is that even if one considers it be authentic, as some scholars believe, the problem only comes when it is misapplied and one does not consider the time this report would have come from. Ahmad Shakir (rahimahullah) said, "And this report from ibn 'Abbas and others which is played with by the misguided in our times, claiming to be people of knowledge...they made it an excuse or unloosened it for the fabricated idol man-made law which has been imposed throughout the lands of Islam" ('Umdah at-Tafsir). Pr. Muhammad Qutb (rahimahullah) said, "Ibn 'Abbas has been wronged because he said what he said when he was asked about Banu Umayyah and if they were ruling by other than what Allah revealed. They (the Khawarij) asked, 'What do we say about them?' No one has said that Banu Umayyah were kuffar because they used to rule with the Shari'ah in the general lives on the people but they went away from it in some of the matters that had to do with their leaders either out of misunderstanding or due to their desires. However, they never made their disobedience a part of legislation that would oppose the Shari'ah of Allah. So, ibn 'Abbas said about them, 'It is kufr duna kufr.' Would it even be possible for ibn 'Abbas to say this about those who remove the Islamic Shari'ah from its foundation and replace it with man-made law?" (Waq'iunah al-Ma'asr).

and we have a different narration from Tawus from a man who is more trustworthy than him (Hisham ibn Hujayr) who is 'Abdullah ibn Tawas who narrated from his father that when ibn 'Abbas was asked about the tafsir of this Ayah he said: "It is kufr in him [the ruler]."

b. He (ta'ala) said: "But no, by your Lord, they will not believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in full submission."

This Ayah is evidence of negating the iman from whoever does not rule by the Shari'ah of Allāh because Allah swears in it on negating the iman from the person until they have three matters:

a. To seek judgment from the Shari'ah of Allah.

b. Find within themselves no discomfort, rather they are pleased with it.

c. Submit to the hukm of Allah and are pleased with it

And as the Murjiah have tried to divert the meaning of the previous Ayah on the kufr of the ruler who rules with other than what Allah has revealed, they have tried as well to divert the meaning of this Ayah from negating the reality of iman. They said: "This negation negates the completeness of iman, and it is not negating its reality." These ignorant people do not know that the foundation in the authentic Arabic language is that we do not go for the majaz (metaphor) regarding the meaning unless we have a presumption that obligates diverting the expression from the stronger possibility to the weaker possibility. Therefore which evidence and presumption is there to divert this Ayah from negating the reality of iman to negating the completeness of iman?

c. He (subhanahu wa ta'ala) said: "Have you not seen those (hypocrites) who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgment (in their disputes) to the taghut while they have been ordered to disbelieve in it. And Shaytan wishes to lead them far astray. And when it is said to them, "Come to what Allah has revealed and to the Messenger," you see the munafiqin turning away from you in aversion." This noble Ayah is evidence that whoever seeks judgment from the taghut or considers it as a source of legislation then their iman has been nullified as evidenced by His (ta'ala) saying, "those who claim to have believed," as if they were believers in truth then it would not have said that they claim to have believed, and when He said that they claim to have believed it indicates the absence of the reality of iman in Allah, and in His (ta'ala) saying, "while they were commanded to disbelieve it, and Shaytan wishes to lead them far astray," is another proof on the absence of the reality of iman from them. It becomes clear regarding the kufr of whoever seeks judgment from the taghut rules by it knowing the reason this Ayah was revealed.

The scholars of tafsir have mentioned the reason behind revealing this Ayah was because there was a dispute between a man from the Jews and a man from other than the Jews. The Jew said: "Let us take our case to the Messenger of Allah." The other man said: "No, let us take our case to Ka'b ibnul-Ashraf the Jew." Then this Ayah was revealed.

Ash-Sha'bi said, "There was a dispute between a man from the munafiqin and a man from the Jews, and the Jew said: 'Let us take our case to Muhammad,' as he knew that he (sallallahu 'alayhi wa sallam) does not accept bribes, and the munafiq said: 'Let us seek judgment from the Jews,' since he knew that they take bribes. So, they agreed to refer to a fortuneteller in Juhaynah and to seek judgment from him. Then the Ayah 'Have you not seen those who claim...al-Ayah' was revealed." And despite that this narration from ash-Sha'bi has some weakness, there are plenty of related narrations that strengthen it.

And the supporting witness regarding the kufr and apostasy of those mentioned in the Ayah is that 'Umar ibnul-Khattab (radiyallahu 'anhu) killed the one who refused to prefer the ruling of the Prophet (sallallahu 'alayhi wa sallam), and if he was not an apostate, 'Umar would not have killed him.

It was narrated from 'Urwah ibnuz-Zubayr that he said: "Two men disputed and referred to the Messenger of Allah (sallallahu 'alayhi wa sallam) and he judged for one of them, and the one who was judged against said, 'Refer us to Umar,' so the Prophet (sallallahu 'alayhi wa sallam) said, 'Ok, refer to 'Umar,' and they went to him. When they met him, the one whom the Prophet (sallallahu 'alayhi wa sallam) judged for said, 'Oh ibnul-Khattab! The Messenger of Allah (sallallahu 'alayhi wa sallam) judged for me, and this man said refer us to 'Umar and the Prophet (sallallahu 'alayhi wa sallam) referred us to you,' so 'Umar said, 'Is it like that?' – to the one who was judged against – and he said, 'Yes.' So, 'Umar said, 'Stay where you are until I come out and judge between you.' Then, he came out with his sword and hit the one who said 'refer us to 'Umar' and killed him.

This difference in the ways of the context does not invalidate its existence because of the possibility of having many incidents, as in His (ta'ala) saying, "And when it is said to them, 'Come to what Allah has revealed and to the Messenger,' you see the munafiqin turning away from you in aversion," indicates that whoever shuns the hukm of Allah and His messenger and turns away from it – that he is a munafiq, and the munafiq is a kafir.

The one who judges by man-made laws is a kafir as established earlier, as well the one who legislates man-made laws because by his legislating these laws he [claims to] become a partner with Allah in legislation. He (ta'ala) said, "Or have they other deities who have legislated for them a way to which Allah has not given permission? But if not for the decisive word, it would have been concluded between them. And indeed, the wrongdoers will have a painful punishment," and He (ta'ala) said, "He does not have shirk in His rule," and He ('azza wa jall) said, "They have taken their scholars and monks as lords besides Allah."

That is why when 'Adi ibn Hatim heard this Ayah he said, "Oh messenger of Allah, we did not worship them," and the Prophet (sallallahu 'alayhi wa sallam) said, "Don't they prohibit what Allah has permitted and you prohibit it, and they permit what Allah has prohibited and you permit it?" He said: "Yes." He (sallallahu 'alayhi wa sallam) said, "That is you worshipping them."

The noble Ayah, based on the hadith of 'Adi ibn Hatim, makes it clear that permitting, prohibiting and legislating is from the characteristics specific to Him (ta'ala) and whoever prohibits, permits, legislates whatever contradicts the Shari'ah of Allah, then he claims to be a partner of Allah in His special qualities.

Based on the previous noble Ayat and our comments on them it is clear that whoever rules by other than what Allah has revealed and turns away from the Shari'ah of Allah and His hukm – that he is a kafir in Allah al-'Adhim, outside the fold of Islam, and like him is the one who sets man-made laws for people, because if he was not pleased with them, he would not have ruled by them, as reality shows his untruthfulness. Many of these rulers have the authority to postpone these laws, change the constitution, remove them, and other than that.

If we say, for example, that these rulers have not set these laws and legislated them for their people, then who made it obligatory upon the people to refer to these laws and punish whoever rejects them?

Their reality and situation is not far from the situation and reality of the Tatar that ibn Taymiyyah and ibn Kathir (rahimahumallah) narrated the ijma' on their kufr, as the Tatar did not set and legislate the Yasaq (their constitution), but the one who legislated it was one of their first rulers, Ghenghis Khan, and the status of these is like the status of that.

Therefore, it is clear that the ruler who rules by other than what Allah has revealed falls in kufr from one or two aspects:

First: From the aspect of legislation if he legislates.

Second: From the aspect of ruling if he rules.

And since I have finished mentioning the evidences on the kufr of the one who judges by man-made laws from the Texts (Qur'an and Sunnah), I will mention the statements of 'ulama and aimmah on the issue of the kufr of those who rule by man-made laws:

First: Shaykhul-Islam Taqiyyad-din ibn Taymiyyah said in al-Fatawa (3/267): “And whenever a person permits what is prohibited by ijma’, or prohibits what is permitted by ijma’, or changes the legislation that is agreed upon by ijma’, then he is a kafir by the agreement of the fuqaha.”

And he said in al-Fatawa (35/372): “And whenever the scholar leaves what he knows from the Book of Allah and the Sunnah of His messenger, and follows the hukm of the ruler who contradicts the hukm of Allah and His messenger, then he is an apostate kafir and deserves punishment in this life and the Hereafter.”

Second: ibn Kathir said in "al-Bidayah wan-Nihayah" (13/119): “Whoever leaves the legislation that was sent down to Muhammad, the seal of the Prophets (sallallahu 'alayhi wa sallam) and seeks judgment to other abrogated laws [of other messengers] then he has committed kufr, then what about the one who seeks judgment from the Yasaq and gives it priority? Whoever does that has committed kufr by the ijma’ of the Muslimin.”

Third: Our Shaykh, Shaykh Muhammad al-Amin ash-Shanqiti (rahimahullah), after he mentioned the texts that showed the kufr of those who rule by man-made laws, said: “And with these Heavenly texts that we have mentioned, it becomes apparent that the ones who follow the man-made laws, which the Shaytan has legislated upon the tongues of his allies and which oppose that which Allah (jalla wa 'ala) has legislated upon the tongue of His messenger (sallallahu 'alayhi wa sallam) that no one doubts their kufr and their shirk except him who Allah has removed his sight and has blinded them to the light of the revelation just like them (the followers of the taghut legislators).”

Fourth: Our Shaykh, Shaykh Muhammad ibn Ibrahim Al ash-Shaykh in his comment on the Ayah, “But no, by your Lord, they will not believe...al-Ayah,” he said, “Verily, Allah (subhanahu wa ta'ala) negated the iman of those who do not refer to the judgments of the Prophet (sallallahu 'alayhi wa sallam) in their disputes between them, an assured negation that is repeated by utilizing the linguistic tool of negation coupled with an oath.” That is what he (rahimahullah) has said commenting on this Ayah.

And since I have attended his (rahimahullah) circles for many years I have heard him more than once emphasizing this issue and stating the kufr of those who rule by other than the legislation of Allah, as he explained in his treatise “Ruling by Man-Made Laws”.

Fifth: Our Shaykh, Shaykh ‘Abdul-‘Aziz ibn Baz (rahimahullah) in his treatise “Refuting Arab Nationalism” on page 39 he said on those who set laws that contradicts the Qur’an, “And that is great corruption, clear kufr, and the clear apostasy, as He (ta'ala) said, ‘But no, by your Lord, they will not believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission,’ And He (ta'ala) said, ‘Then is it the judgment of ignorance they desire? But who is better than Allah in judgment for a people who are

certain..." Until the Shaykh (rahimahullah) said, "...And every state that does not rule by the Shari'ah of Allah and does not submit to the ruling of Allah, then it is a jahiliyyah kafirah dhalimah fasiqah state based on the evidences in these clear Ayat. It is obligatory on the people of Islam to hate it and show enmity towards it, and it is prohibited for them to love and ally with them until they believe in Allah alone and rule by his Shari'ah."

And what I have mentioned of texts and statements of scholars is enough to show that ruling with man-made laws is kufr, and the one who rules by it is kafir in Allah al-'Adhim, and if I was to mention all what the scholars have said in this issue, the speech would be long, and what I have mentioned is sufficient to answer the one who asked the question.

And may the salah and salam be upon our Prophet Muhammad, his family, and his companions.

[10/2/1422 Hijri]

**Question: What is wajib on us to do towards these rulers, so we will be excused in front of Allah?**

Answer:<sup>18</sup> Do not go to the courts of the taghut which rule by man-made laws, and instead adopt the Millah of Ibrahim, that is, "When they said to their people, 'Verily, we are free from you and whatever you worship besides Allah, we have rejected you, and there has started between us and you, hostility and hatred for ever, until you believe in Allah alone' (60:4). And act upon these Ayat, Allah (subhanahu wa ta'ala) said, "Therefore proclaim openly that which you are commanded, and turn away from the mushrikun" (15:94). And He (ta'ala) said, "Follow what has been inspired to you from your Lord, la ilaha illa Huwa (none has the right to be worshiped but He) and turn aside from the mushrikun" (6:106). And He (ta'ala) said, "Say: Oh you kafirun, I do not worship what you worship" (109:2).

And you must hate them and have hostility to them and have no wala'ah to them. He (ta'ala) said, "You will not find any people who believe in Allah and the Last Day, making friendship with those who oppose Allah and His messenger, even though they were their fathers, or their sons, or their brothers, or their kindred (people)" (58:22). And wage jihad against them according to ability and to prevent corruption after hijrah and separating (from them). "O Prophet, strive hard against the disbelievers and the hypocrites, and be harsh against them" (9:73). If you can not do this then have patience until the order of Allah comes but struggle against them with a jihad other than weapons. "So, obey not the disbelievers, but strive against them with the utmost with it (the Qur'an)" (25:52).

---

<sup>18</sup> Answered by Shaykh 'Ali al-Khudayr in as-Salafiyyin forum.



**Question: Do you make specific takfir on whoever does not judge by what Allah revealed or does this issue have elaboration? I hope for a clear answer as this matter is very confusing for me.**

Answer:<sup>19</sup> If one does not judge by what Allah revealed but rather judges by man-made law, system, rules, or regulations that clashes with the Shari'ah then he is a kafir specifically.

As for the one who judges by his desires and not by the man-made laws then he is not a kafir, rather he is a disobedient sinner and his action is from one of the major sins.

**Question: What is the ruling on and what is the difference between ruling by other than what Allah revealed and legislating laws other than what Allah has legislated, and is this what is occurring in some of the lands of Islam?**

Answer:<sup>20</sup> The difference between them is that legislating is more specific than ruling by other than what Allah revealed, and ruling by other than what Allah revealed is more general. That is because the one who rules (or judges) by other than what Allah revealed could be ruling according to the legislated man-made laws, or he may be ruling by his whims and desires. As for legislating, it is kufr akbar, and no more elaboration is needed. It is an action of kufr akbar (major kufr) and there is no need to look into the belief of the one who does it.

Allah (ta'ala) said, "Or have they partners with Allah who have legislated for them a way that Allah has not ordained?" (42:21). And He (ta'ala) said, "...and if you obey them, then you would indeed be mushrikun" (6:121).

As for ruling by other than what Allah revealed, then in this there are details. If he judges by his whims or desires in a single judgment, then this is kufr duna kufr as indicated in the hadith, "The judges are three; two judges that are in the Fire..." in which it speaks about the ignorant judge and the judge who rules by his desires, and this is the relevant part of the hadith.

If he judges by man-made law, legislation, rules, regulations, customs, traditions, and similar things which oppose the Shari'ah, then this is kufr akbar. Allah (ta'ala), "And whoever does not judge by what Allah has revealed, such are the kafirun" (5:44). And Allah said, "Have you seen those (hypocrites) who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgment (in their disputes) to the taghut while they have been ordered to disbelieve in it" (4:60). And He (ta'ala) said, "They took their rabbis and their monks to be their lords besides Allah" (9:31). And the Prophet

---

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

(sallallahu 'alayhi wa sallam) explained this as meaning they obey them in what they make halal and haram. And Allah (ta'ala) said, "...and if you obey them, then you would indeed be mushrikun" (6:121).

**Question: Which of these are considered kufr duna kufr and which are considered kufr akbar?**

Answer:<sup>21</sup> Ruling by other than what Allah revealed needs some explanation; it is major kufr which negates a person's iman and takes them out of the Millah in the case that they rule by the man-made laws or by customs, traditions, or legislations which clashes with Islam. As for judging by one's whims and desires, then this is minor kufr which goes against a person's iman, as indicated in the hadith, "The judges are three; two judges that are in the Fire..." in which it speaks about the ignorant judge and the judge who rules by his desires, and this is the relevant part of the hadith. As for legislating what goes against Islam, then this is major kufr and no further explanation is needed.

**Question: What is the Shari'ah hukm on judging by other than what Allah revealed, and is it like the rulers of the Umawiyyah and 'Abbasiyyah states in kufr duna kufr, or is their kufr the kufr which expels one from the Millah?**

Answer:<sup>22</sup> The ruler who rules by other than what Allah revealed and by the man-made laws, or by customs and traditions, these are kuffar mushrikin. He (ta'ala) said, "He does not have shirk in His rule with anyone." And He (ta'ala) said, "The ruling is for none except Allah."

Their kufr is kufr akbar (major kufr) by ijma', and this consensus was reported by ibn Kathir and others from his contemporaries from Ahlus-Sunnah. He (ta'ala) said, "And whoever does not judge by what Allah has revealed – such are the disbelievers." And He (ta'ala) said, "'Have you not seen those (hypocrites) who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgment (in their disputes) to the taghut while they have been ordered to disbelieve in it. And Shaytan wishes to lead them far astray." And He (ta'ala) said, "Or have they partners with Allah who have legislated for them a way that Allah has not ordained?"

This is the case today, we see them judge between the people by the man-made laws and in some places that is called by other than its name, however we look at the reality and the meaning and not the name and deception.

As for the judge, if he judges in a single case by his whims or desires and not according to the man-made laws, regulations, systems, or by customs or traditions, then this is kufr duna kufr as in the hadith, "The judges are

---

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

three; two judges that are in the Fire..." Then it speaks about the ignorant judge and the judge who rules by desires, and this is the relevant point from the hadith. Ibn 'Abdil-Barr said in "at-Tamhid" that this example is from the major sins by ijma', and this was what happened in the Umawiyah and 'Abbasiyyah states.

**Question: Is judging by other than what Allah revealed a nullifier of Islam or is it from the conditions of the completeness of iman?**

Answer:<sup>23</sup> There are details on the issue of judging by other than what Allah revealed; there is that which is a nullifier of iman and exits one from the Millah such as judging by the man-made laws or by customs, traditions, or legislations which clash with the Shari'ah. As for judging by one's whims or desires then this is minor kufr which makes a person's iman deficient.

**Question: What is the meaning of taghut and its derivation?**

Answer:<sup>24</sup> Taghut is derived from tughyan, which means to go beyond the limits, as in the Ayah, "When the water of the flood rose above its limits (tagha) We carried you in the Ark." Meaning that when the flood rose beyond the normal bounds (tagha), "We carried you in the Ark." The best explanation of the term "taghut" is that of ibnul-Qayyim (rahimahullah) who said, "Taghut is anything by which the slave transgresses the limits through worship, following, or obedience." So, the idols that are worshiped besides Allah are tawaghit, and the evil scholars who call to misguidance are also tawaghit; those who call to innovations in Islam, making lawful that which Allah (subhanahu wa ta'ala) has forbidden or forbidding that which Allah (subhanahu wa ta'ala) has made lawful, or those who make acceptable for the rulers to abandon the Islamic Shari'ah in favor of imported legislative systems that are contrary to the Islamic system. They are tawaghit because they exceed their limits. Verily, the limit of the scholar is that he should be a follower of the Divine Revelation brought by the Messenger of Allah (sallallahu 'alayhi wa sallam), since the scholars are the inheritors of the Prophets. They inherit from them in knowledge, action, ethics, teaching, and calling to Allah. If they go beyond this limit and begin to present as acceptable for rulers to abandon the Islamic Shari'ah in favor of man-made laws, then they are tawaghit, since they have gone beyond that which was binding upon them, that they should adhere to the Shari'ah...

**Question: When can we single someone out as a taghut?**

Answer:<sup>25</sup> Someone can be declared as a taghut in the case that they call towards shirk, call to worship themselves, claim to know anything from the matters of the unseen, or rules by other than what Allah revealed, and the like. Ibnul-Qayyim (rahimahullah) said, "Taghut is anything by which the slave transgresses the limits

---

<sup>23</sup> Ibid.

<sup>24</sup> Answered by Shaykh ibn 'Uthaymin in "Fiqh al-'Ibadah".

<sup>25</sup> Answered by Shaykh 'Abdullah bin Qa'ud, 'Abdur-Razzaq 'Afifi, and 'Abdul-'Aziz ibn Baz in fatwa #5966.

through worship, following, or obedience." May Allah grant us success. And may the salah and salam be upon our Prophet Muhammad, his family, and his companions.

**Question: Those who change the Shari'ah of Allah (subhanahu), are they excused with ignorance?**

Answer:<sup>26</sup> The one who propagates his misguidance and kufr, turns away from learning the Din of Allah from the scholars and turns away from the truth, then distorts the clear path of the Prophets and the Messengers, for this person, he is not excused. He (ta'ala) said, "And those who disbelieve, from which they are warned, are turning away" (46:3). And He (ta'ala) said, "Who is more wicked than he who, when reminded of the Ayat of his Lord turns away from them? Verily, We shall exact retribution from the mujrimun" (32:22).

As for those who propagate their shirk and kufr under the pretext of being excused for ignorance, some could be excused with the likes of those who haven't received the knowledge in an issue, or could have (a valid) ta'wil. These don't commit kufr until the hujjah is set up against them. Ignorance is 2 types:

The first (acceptable): The one who lacks the knowledge of the rulings in the Shari'ah, the ruling of kufr isn't placed on him until the proof has been established on him and the preventions of takfir have been removed.

The second (not acceptable): A known clear issue, that has been mentioned everywhere, the explanations of the issue are known; it's known throughout the schools of thought and the people of knowledge. And Allah knows best.<sup>27</sup>

**Question: What is the ruling on the Bedouins, from al-Bawadi and the like, who judge by their customs that they got from their parents and grandparents? Do we label them with kufr after it is made clear to them?**

Answer:<sup>28</sup> Whoever takes the judgment to other than the Book of Allah and the Sunnah of His messenger (sallallahu 'alayhi wa sallam) after it is made clear to him (that this is not permissible and kufr), then he is a kafir. He (ta'ala) said, "And whoever does not judge by what Allah has revealed, such are the kafirun."

"Is it other than the Din of Allah that they seek?"

---

<sup>26</sup> Answered by Shaykh Sulayman al-'Alwan.

<sup>27</sup> A shubhah that the Murjiah rejects bring up in this topic is the issue of an-Najashi. The shubhah is weak and the matter is simple. When an-Najashi accepted Islam the Shari'ah was not complete and he lived away from the Muslimin. He was a new Muslim in the lands of the kuffar and that one is excused for not knowing some matters others would not be.

<sup>28</sup> Answered by Shaykh 'Abdul-Latif Al ash-Shaykh in "ad-Durur as-Saniyyah".

"Have you seen those who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgment (in their disputes) to the taghut while they have been ordered to disbelieve in it." And the Ayat with this meaning are many.

**Question: What is the manner of judging by other than what Allah revealed?**

Answer:<sup>29</sup> The way of ruling by other than what Allah has revealed is divided into two parts:

The first: The ruler nullifies the judgment of Allah, in order to replace it with a taghut judgment, thus abolishes judgment by the Shari'ah amongst the people. He replaces the Divine Law of Allah or that of His messenger (sallallahu 'alayhi wa sallam) with man-made law; like those who abandon the legal judgments regarding transactions between the people and replace them with systems of man-made laws. There is no doubt that this constitutes substituting the Shari'ah of Allah (subhanahu wa ta'ala) for something else. And this is kufr that takes the person out of the fold of Islam, because this ruler has made himself equal in rank with the Creator; as he has legislated for the creation of Allah something that Allah did not approve of.<sup>30</sup> Also, whatever opposes the judgment of Allah (subhanahu wa ta'ala), if he makes of it the decisive judgment between the creation, then Allah has named this shirk in His saying, "Or have they partners with Allah who have legislated for them a way that Allah has not ordained?"

The second part: The legislations of Allah (subhanahu wa ta'ala) are maintained with full authority, and that judgment is conditional on them. However, if a ruler judges by other than what is necessitated by these legislations, so he judges by other than what Allah revealed, then three situations fall under this category:

The first situation: The ruler judges by that which is contrary to the Shari'ah of Allah while believing that it is better than that of Allah and more beneficial for the creation of Allah, or it is similar to the judgment of Allah, or it is permissible for him to judge by that which Allah has not revealed, then this is kufr that takes the ruler out of

---

<sup>29</sup> Answered by Shaykh ibn 'Uthaymin in "Fiqh al-'Ibadah".

<sup>30</sup> The Shaykh (ibn 'Uthaymin) said elsewhere, "Those who rule by the man-made laws do not rule in just a specific issue or instance that clashes with the Book and Sunnah because of a desire or to oppress, rather they substitute the Din with this man-made law and made this man-made law replace the Shari'ah of Allah. This is kufr even if they perform salah, fast, give sadaqah or make Hajj. They are kuffar" (Sharh Riyad as-Salihin). As for the Murjiah who say the Shaykh changed from this stance right before he died based on a short audio clip then they have thought ill of him and accused him of hiding knowledge. If he changed from this truth then why did he not order for all his writings on this subject (which all come to the same conclusion) be revoked and removed?

the fold of Islam, since he was not content with the judgment of Allah and did not appoint Allah as a judge between creation. Allah (subhanahu wa ta'ala) said, "Whoever does not judge by what Allah revealed, such are the kafirun."

The second situation: The ruler judges by other than that which Allah (subhanahu wa ta'ala) revealed while believing that the judgment of Allah is better and more beneficial for creation. However, he leaves it while feeling that he is disobedient to Allah (subhanahu wa ta'ala). He intends only to oppress the one being sentenced due to enmity between them. Thus, he rules by other than that which Allah revealed, not because of dislike to the ruling of Allah or as a replacement to it, or believing that his judgment is better or equal to it, or that it is permissible to judge by it. He did so, however, for the sake of inflicting harm upon the sentenced person. In this situation we do not say that this ruler is a kafir. Rather we say that this ruler is a tyrant, transgressor beyond bounds, and an oppressor. Allah (subhanahu wa ta'ala) said, "Whoever does not judge by what Allah revealed, such are the dhalimun."

The third situation: The ruler judges by other than that which Allah (subhanahu wa ta'ala) has revealed while believing that the judgment of Allah is better and more beneficial to the creation, and believes that in doing so he is being disobedient to Allah; but he, due to some lowly desire within himself, judges to his advantage or in his interest of the one in whose favor he passes judgment, then this is sinfulness and disobedience to Allah (subhanahu wa ta'ala), who said, "Whoever does not judge by what Allah revealed, such are the fasiqun."

This matter is from the most dangerous things occurring in our times, for there are some people who become so attached and fascinated by the man-made laws of the disbelievers until they become extremely fond of it. Then perhaps they would place them in preference to the judgment of Allah and His messenger (sallallahu 'alayhi wa sallam), not knowing that the judgment of Allah and His messenger (sallallahu 'alayhi wa sallam) will continue to the Day of Resurrection. For verily, the Prophet (sallallahu 'alayhi wa sallam) was sent to all mankind to the Day of Resurrection, and that the One (subhanahu wa ta'ala) who sent him is most knowledgeable of the affairs of His creation to the Day of Resurrection. So, it is impossible that He would legislate for His creation except that which is benefit to them in matters of their din and dunya until the Day of Resurrection. Therefore, anyone who claims, or is under the illusion, that in our times something other than the judgment of Allah (subhanahu wa ta'ala) is more beneficial for the creation of Allah than those judgments whose legislations appeared at the time of the Prophet (sallallahu 'alayhi wa sallam), then he has indeed strayed into plain error. He should then repent to Allah (subhanahu wa ta'ala) and return to his senses and contemplate his affair.

**Question: ...What type of kufr is mentioned in the saying of Allah, "And whoever does not judge by what Allah revealed, such are the kafirun"?**

Answer:<sup>31</sup> All praise belongs to Allah alone, and may the salah and salam be upon His messenger, his family, and his companions. As for what follows:

As for the type of kufr in the statement of Allah, "And whoever does not judge by what Allah revealed, such are the kafirun," then it is major kufr.<sup>32</sup> Al-Qurtubi said in his tafsir, "Ibn 'Abbas and Mujahid said, 'Whoever does not judge by what Allah revealed in rejection to the Qur'an, and in denial of the statement of the Messenger (sallallahu 'alayhi wa sallam), then he is a kafir.'"

As for the one who judges by other than what Allah revealed, and he believes that he is sinning, but he judges by other than that which Allah revealed due to bribes given to him, or other than that, or due to enmity to his opponent, or closeness to them, or their friendship with him, and the likes, then this is not major kufr. Rather, it is a sin, and it is kufr duna kufr, dhulm duna dhulm, and fisq duna fisq. All success is with Allah, and may the salah and salam be upon our Prophet Muhammad, his family, and his companions.

**Question: From the well-known types of ruling by other than what Allah revealed is the ruler who adheres to the judgment of Allah outwardly and inwardly, however he makes a judgment based upon a whim and desire in a specific matter, once or twice, and as is well-known he doesn't disbelieve according to the mathhab of the Salaf, so is this correct? And what is the ruling on whomever applied takfir upon him in a few matters (of ruling by other than the law of Allah)?**

Answer:<sup>33</sup> This matter became obscure to many brothers that even the Murjiah overcame them. From that is the debate in the recording between (...) and another person who views the kufr of the ruler that rules by other than the law of Allah, so (...) asked him what if he ruled in one matter? So, he replied, "He doesn't disbelieve." He asked in two matters? He replied, "He doesn't disbelieve." And he would keep increasing it bit by bit until he cornered him, and he said to him, "Give me the number which would make him reach kufr." So, he (the brother) wasn't able to respond, and the Murjiah considered these words as a final decisive blow! Whereas it's falsely corrupt. And to sum it up, the ruler in the likes of this situation is of two types:

---

<sup>31</sup> Answered by 'Abdullah ibn Qa'ud, 'Abdullah al-Ghunayman, 'Abdur-Razzaq 'Afifi and 'Abdul-'Aziz ibn Baz in fatwa #5226.

<sup>32</sup> Shaykh 'Abdul-Latif Al ash-Shaykh said, "As a rule when terms such as (al-kufr), adh-dhulm, al-ma'siyyah, al-fusuq, al-fujur, al-muwalat, al-ma'adat, ar-rukun, and ash-shirk etc are mentioned in the Book of Allah or in the Sunnah they originally mean their full wording and reality. This is the origin according to the scholars of Usul. As for the second (minor kufr) then this cannot be carried unless we are provided with a wording or meaning that diverts it (from its origin). And this is only known through clarification by the Prophet" (ad-Durur as-Saniyyah). Shakhul-Islam ibn Taymiyyah said, "There is a difference between kufr which comes with alif and lam (al), as in the Prophet's saying, 'There is nothing between a slave and al-kufr or ash-shirk, except abandoning the salah,' and between kufr which is not attached with alif and lam" (Majmu' al-Fatawa). And Shaykh Sulayman al-'Alwan said, "When the word kufr is generalized and it is preceded by alif and lam, then what is meant by it is major (kufr)" (Nasr Allah Qarib). This is important to know because it is unlike what the Murjiah and some translations of the Qur'an propagate in that this Ayah and those that follow are referring to minor kufr. Rather, the asl (origin) is major kufr and then the elaboration of the different types of rulers begin.

<sup>33</sup> Answered by Shaykh Nasir al-Fahd in "al-Fatawa al-Ha'riyyah".

1. Whoever's authoritative source was the Shari'ah in all of his affairs, however he ruled upon some of the issues by his whims and not by the Shari'ah, meaning that he questioned the integrity/justness of the witnesses for instance, while they are just, or he put doubts in a condition which is present, or he mentioned an impediment which doesn't exist, and similar to that. His basis for judgment is all outwardly from the Shari'ah, and inwardly his desires. So, this person is a sinner committing a major sin, and his sin increases depending on the issue that he ruled by. No matter how few or many he doesn't disbelieve as long as he's ruling by the Shari'ah, even if he was an oppressor. If he also leaves off a ruling in some affairs such as leaving off the ruling upon one of his relatives, and upon one who bribes him with money, and similar to that, then he is an oppressor who is committing a major sin. However, he doesn't disbelieve because his action is a sin (leaving off a specific ruling), not judging by the rulings of the taghut from other laws. There is a difference between someone leaving off ruling by what Allah revealed in (specific) matters, and whoever rules by other than what Allah revealed in (specific) matters.

2. Whoever's authoritative source was the Shari'ah in all his affairs, however in one issue he went to the taghut for judgment, such as ruling upon a thief for instance by the French law, and zina with another law, and similar to that, this person becomes a kafir even if he only ruled in one matter because he ruled by the taghut.

So, if you know the difference between the two matters the answer to the misconception of the Murijah would be clear to you, and Allah knows best

**Question: The sport games and the rules that are in it, is it included within ruling by other than what Allah revealed? And if that is the case then what is the ruling on those who work in it, engage in it, approve of it, and likewise the judges?**

Answer:<sup>34</sup> The fundamental principle is that anyone who judges between two parties, even [between] children in calligraphy writing ("Khutut" - he judges whose handwriting is better) and archery, then he is a judge as it was determined by the Sahabah, it was also mentioned by the scholars such as Shaykhul-Islam, and the aimmah ad-Da'wah (an-Najdiyyah). So, it is not permissible for any judge to make a judgment except by the judgment of Allah (subhanahu wa ta'ala) and His messenger (sallallahu 'alayhi wa sallam). Refer back to the words of Shaykhul-Islam (rahimahullah) in "al-Fatawa" the last volume, and in the explanation of the hadith of Abi Dharr in as-Siyasah ash-Shar'iyyah for he affirms this command, and he mentioned it from the Sahabah, and it is what the Texts have alluded towards.

If this is affirmed then know that the judge-maker (umpire/referee) in the sport games is a judge who rules by other than what Allah (subhanahu wa ta'ala) has revealed. He rules by the laws of Fifa, may Allah curse them,

---

<sup>34</sup> Ibid.



and from the examples of that is that if a player intentionally hits another player then the ruling in the Shari'ah is qisas, but as for the ruling according to them then it is the "Red Card". Ruling by other than what Allah (subhanahu wa ta'ala) has revealed is kufr,<sup>35</sup> and this is from the matters wherein the good has become munkar and the munkar has become good. Allahul-musta'an.

**Question: What is the difference between tabdil and tashri'?**

Answer:<sup>36</sup> Tabdil is the mere action of replacing the laws of Allah by adopting other laws from his land (local constitutions) or from other countries. So, in tabdil he already found laws, and he only adopted them without falling in the abyss of legislating new laws. Tashri' is the action of formulating new laws, applying them, and importing them.

**Question: What is the ruling on the person who applies man-made laws without tabdil or tashri'?**

Answer:<sup>37</sup> We say this is an impossible scenario. As long as the person rules by man-made laws then automatically that counts as tabdil. Ruling by man-made laws is replacing the laws of Allah. As we previously explained the different levels of ruling by other than what Allah has revealed, that the only level which the classical scholars differed upon is the second level.<sup>38</sup> The Murjiah of today use the quotes made by the scholars regarding the second level and generalize them on all levels. And I will give an example to explain the second level's scenario:

Let's say there was a judge who is known to rule by the Qur'an and Sunnah all the time, then his cousin came to him who was caught as a married adulterer and that was established by four witnesses. Just to get his cousin out of trouble he unjustly rejects the testimony of one of the four witnesses. Therefore, the punishment didn't get applied. This is an example of the second level which is differed upon amongst the classical scholars.

---

<sup>35</sup> Shaykh Sulayman al-'Alwan said, "Soccer is a masonic game meant to distance Muslimin from their din, and most of those who follow it show loyalty to kuffar...There is a major problem with these games, which is the refereeing, which follows the man-made laws not the laws of Allah." Fifa, for example, and all those organizations like it have their own constitution and rule book that they fall back to and govern when disputes arise just like the Muslim has the Shari'ah of Allah has a constitution that one refers back to in cases of dispute. The judge in a Fifa match who judges between two people by laws other than Allah's is no different than the judge in the courts of Europe who judges between two people by laws other than Allah's. Both are kuffar tawaghit. Refer back to the meaning of taghut by ibnul-Qayyim and al-Fiqi.

<sup>36</sup> Answered by Shaykh Turki ibn Mubarak al-Bin'ali in his lessons on the nullifiers of Islam recorded in Tunis.

<sup>37</sup> Ibid.

<sup>38</sup> The Shaykh was referring to his lessons in which he broke down the different levels of ruling by other than what Allah revealed. The second form being when the reference is the Shari'ah but the judge turns away from it because of a bribe etc. The Shaykh brought the statement of ibn Mas'ud (radiyallahu 'anhu) when he was asked about bribes and replied, "It is unlawful money." They asked, "What about bribes when judging and ruling between people?" He answered, "Verily that is al-kufr" (at-Tabarani and al-Zawajir).

Now compare that to those who established a set of man-made laws (ether by tabdil or tashri') which have nothing to do with the Qur'an and Sunnah, such as saying the adulterer must pay a fine or stay in prison for six months and apply that. Another example:

Another judge who is known to rule by the Qur'an and the Sunnah, his cousin was caught stealing, and his cousin admitted that he stole, and the amount stolen reached the nisab (the limit for the punishment to be applied), and there was no means for confusion regarding the thing stolen, and it was established that he stole from a hirz (anything where people place valuable things away from people e.g. a safe). But in order to get his cousin out of trouble he claims that the money stolen was not stolen from a hirz. He ruled by other than what Allah has revealed in this event. But does this take this judge outside the fold of Islam? The majority of scholars say it does not due to the fact that he hasn't committed either tabdil or tashri'. How can we compare this scenario with a judge who is known never to apply the laws in the Qur'an and Sunnah or even refer to them and who constantly applied man-made laws on everyone?!

This is similar to what the Jews used to do, they used to apply the hadd of adultery on the weak ones and refrain from doing the same with those from the noble families. Then they gathered and said, "Why don't we come up with a common ruling which we could equally apply on the noble and the weak?" So, they agreed replacing stoning with flogging, humiliation, and parading them in public. The Prophet (sallallahu 'alayhi wa sallam) said, "You will follow the steps of the previous nations step by step, even if they were to enter a lizard's hole you would follow them in it." The companions asked, "The Jews and Christians?" The Prophet (sallallahu 'alayhi wa sallam) then confirmed by saying, "Who else?" On the authority of Anas (radiyallahu 'anhu) in Musanaf ibn Abi Shaybah, "There will be rulers over you then oppressive rulers then tawaghit."<sup>39</sup>

Yes, in history we find many oppressive rulers during the 'Abbasid and Umawi states, they were known to apply the laws of the Qur'an and Sunnah but sometimes used to fall in the second level which the scholars referred to as kufr duna kufr. And now we are living in the era of being ruled by tawaghit, as mentioned by the companion Anas (radiyallahu 'anhu). The tawaghit are those who replace the laws of Allah for other laws. Shaykh Muhammad ibn 'Abdil-Wahhab (rahimahullah) said, "The heads of tawaghit are five...the one who rules by other than what Allah has revealed."

**Question: What about the Murjiah of today who interpret the Ayah in Surah ash-Shura, "Or have they partners with Allah who have legislated for them a way that Allah has not ordained," by saying that this Ayah only applies on those who legislate laws and claim that these laws are from Allah?**

---

<sup>39</sup> Its chain goes: Abu Usamah on the authority of Zaidah on the authority of al-A'mash on the authority of Shamar on the authority of Anas. Imam Ahmad (rahimahullah) stated in different places that al-A'mash did not hear from Shamar ibn 'Atiyyah. So, although the meaning is sound and history attests to that, there is some reservations in its chain.

Answer:<sup>40</sup> There are two clear defects in those who misinterpret the Ayah above:

First: They narrowed down the definition of worship to only include salah, fasting, Hajj, or 'Umrah while worship is broader than this, it includes running the affairs of the people. The Prophet (sallallahu 'alayhi wa sallam) said, "The affairs of the people from Banu Isra'il was run by prophets." Running the affairs of people and running their life by the laws of their Creator is an act of worship but when people replace them for other man-made laws, then they have ordained for people a way which Allah has not consented. The same applies when it comes to the economy and the prohibition of riba. Also, for the teachings when it comes to business transactions there are many teachings in the books of fiqh. So, for someone to order and announce that it is allowed for everyone to deal with riba (10% or 3% or 0.5% interest) and apply the same for all other aspects of Shari'ah [then this is not acceptable]. Their problem is that they see worship as only salah and fasting, they have a very narrow understanding of what worship is.<sup>41</sup>

Second: They keep ignoring that enforcing laws and rules count as Din. The closest translation to the Arabic word is Din, a way of life, and not religion, which only refers to spiritual matters and salah. Allah (ta'ala) said in Surah Yusuf, "He could not have taken his brother by the din of the king, except that Allah willed it." So, the laws of the king and his enforcing those laws were the king's din. Notice how Allah referred to it as din, unlike those who give din a very narrow definition. Ibn Taymiyyah (rahimahullah) said whoever promotes any laws other than the laws of Shari'ah then he has committed kufr.<sup>42</sup> Compare that to those who enforce those under them to rule by man-made laws when just promoting them counts as kufr.

**Question: Some people claim that Shaykh Muhamad ibn 'Abdil-Wahhab spoke against the shirk of grave-worshipping only, is this true?**

---

<sup>40</sup> Ibid.

<sup>41</sup> Imam ash-Shanqiti (rahimahullah) said, "Committing shirk in Allah's rule is like committing shirk in His worship. Allah said concerning His rule, 'He does not have shirk in His rule with anyone' (18:26). In the recitation of Ibn 'Amir, one of the seven reciters, it comes in the form of a forbiddance: 'Do not commit shirk with anyone in His rule.' Likewise, Allah said concerning the act of committing shirk in His worship, 'Whoever longs to meet His Lord – let him do righteous deeds and not commit shirk with anyone in the worship of his Lord' (18:110). Both commands are equal, as is clearly seen" (Adwa al-Bayan).

<sup>42</sup> Shaykhul-Islam ibn Taymiyyah (rahimahullah) said in his fatawa, "It is known in the Din of the Muslimin by necessity and by the agreement of all Muslimin that whoever justified the following of other than Islam or following a Shari'ah other than the Shari'ah of Muhammad (sallallahu 'alayhi wa sallam) is a kafir."

Answer:<sup>43</sup> This is not true. He spoke both against the shirk of grave-worship and against the shirk of not ruling by what Allah has revealed. The Shaykh said in the end of his book "Usul ath-Thalathah" that, "The tawaghit are many and their heads are five: Iblis (may Allah curse him), whoever is satisfied while others are worshipping him, whoever calls people to worship himself, whoever claims to know the unseen, and whoever rules by other than what Allah has revealed." Notice how he put those five as the heads of the tawaghit, and he repeated that in many of his quotes in ad-Durur as-Saniyyah.<sup>44</sup> And this will be discussed in details when we move on to the fourth nullifier.

Even if the majority of his quotes spoke against grave-worshipping, the reason behind it was that grave-worshipping was widespread during his time. Just as how the majority of the quotes of Imam Ahmad ibn Hanbal (rahimahullah) were mostly speaking against the famous fitnah during his time. One cannot blame Imam Ahmad (rahimahullah) for why he didn't speak much about the shirk of grave-worshipping, because it wasn't the major evil act at that time. The majority of the refutations of Shaykh ibn Taymiyyah (rahimahullah) were on the topic of correcting the beliefs regarding the Tawhid of the names and attributes of Allah because that was the widespread problem during his time.

This is also the way of the Prophets ('alayhim salah wa salam). They first call people to Tawhid and then they concentrate on the widespread corruption. For example, Prophet Shu'ayb ('alayhis-salam), after he had called his people to Tawhid, warned them from being unjust while buying and selling products in their markets. So, every Prophet used to address the prevalent problems in their respective era.

**Question: Some of the Murjiah today claim that Shaykh ibn Taymiyyah (rahimahullah) excused the judges who ruled by other than what Allah revealed, is this true?**

Answer:<sup>45</sup> Yes, Shaykh ibn Taymiyyah (rahimahullah) excused some of those judges while declaring other judges as kuffar, but the question is which kind of judges did he excuse and which kind did he declare as kuffar? We already spoke about the different scenarios of ruling by other than what Allah has revealed. Those excused were from the second level or form of not ruling by what Allah has revealed, those were judges from the innovators at the time of Shaykh ibn Taymiyyah such as ibn Makhluaf whom used to judge by the Qur'an and Sunnah but

---

<sup>43</sup> Ibid.

<sup>44</sup> Shaykh al-Mujaddid Muhammad ibn 'Abdil-Wahhab (rahimahullah) said, "Verily those tawaghit, whom people believe that it is obligatory to obey besides Allah – they are all kuffar murtaddun from Islam. How can you say no? When they make halal what Allah made haram, and made haram what Allah has made halal, and they seek to corrupt the land with their words, actions and support? And whoever argues for them, or is critical of the one who does takfir on them, or claims that this act of theirs – although wrong – still doesn't take them out of Islam to kufr, then the least that one can say of this arguer is that he is a fasiq, because the Din of Islam cannot be upright except by bara'ah from those people, and making takfir on them" (ad-Durur as-Saniyyah).

<sup>45</sup> Ibid.

sometimes twisted the judgment for any reason, for example bribes, desires, innovations, personal conflicts, kinships etc.

**Question: Is it true that Shaykh ibn Baz or ibn 'Uthaymin said that the legislator is not a disbeliever even if he claims istihlal?**

Answer:<sup>46</sup> This is wrong, they never said so. The problem with many is that they quote correct statements but their defect comes from the way which they understood them. They're also those who deliberately twist the meanings of quotes from the scholars just to cause confusion amongst people. Shaykh ibn 'Uthaymin (rahimahullah) has explained this matter in a very clear detailed manner, for example, in his book "Fiqh al-'Ibadah" he clearly spoke about the matter of ruling by other than what Allah revealed and explained it very well.<sup>47</sup> He mentioned therein those ruling by other than what Allah revealed are divided into two types:

First: Those who refer to the Qur'an and Sunnah. Among them are those who change the judgments for the sake of a desire or to seek vengeance. Such people are either sinners or oppressors.

Second: Those who replace the judgments of Allah for man-made laws or legislate new laws from themselves. Such persons have committed major kufr, and istihlal is not a condition in this case.

This was also explained by Shaykh ibn Baz (rahimahullah) in his commentary on the book "Fath al-Majid." And Allah knows best.

**Question: We have read words from Shaykh Muhammad ibn Salih al-'Uthaymin, from his book "al-Qawl al-Mufid fi Sharh Kitab at-Tawhid" in which the Shaykh says what means that the one who rules with other than what Allah revealed, he would not have done this except for the fact that he believed that these laws are superior for the countries, the people, and superior to the Shari'ah of Allah. So, is this true that replacing the rulings of the Shari'ah is evidence that the ruler considers these laws to be better than the Shari'ah of Allah? Is this the reason for his kufr? Or is it that this action is kufr on its own?**

Answer:<sup>48</sup> What the general population of the Muslimin are upon, such that Hafidh ibn Kathir narrated their ijma' in "al-Bidayah wa-Nihayah" in the thirteenth volume in the biography of Genghis Khan, is that the action on its own is kufr and riddah without looking, and without tying it with beliefs, juhud, takthib, tafdil (preferring), or

---

<sup>46</sup> Ibid.

<sup>47</sup> The Shaykh is referring to the answer previously quoted by ibn 'Uthaymin on pg. 44.

<sup>48</sup> Answered by Shaykh Sulayman al-'Alwan.

things like that. So, when we see the one who rules by other than what Allah revealed, it could be due to his belief that this ruling is superior to the legislation of Allah, or it could be that this action is not due to beliefs, rather it is only an action. So, we make takfir based on the action itself without looking to the beliefs. And if he adds to this (action) beliefs, then his kufr has increased. Otherwise, the action itself is kufr and riddah from the Din.<sup>49</sup> As He (ta'ala) said, "And whoever does not judge by what Allah has revealed, such are the kafirun." And as He (ta'ala) said, "Have you seen those who claim to believe in that which has been ent own to you, and that which was sent down before you, and they wish to go for judgment (in their disputes) to the taghut while they have been ordered to disbelieve in it." We say about His (jalla wa 'ala) saying, "And whoever does not judge by what Allah has revealed, such are the kafirun", the kufr of leaving the ruling and kufr in legislation and kufr in ruling with that legislation. So, they (the rulers who do this) join between three matters which take them outside the fold of Islam. Whoever says, "They do not disbelieve except with juhud or (due to a) belief," then this is the mathhab of the ghulah Jahmiyyah and Murjiah.<sup>50</sup>

**Question: It may have come to your knowledge that our government is a secular one that does not pay attention to Din. It governs the country with a constitution prepared by both 'Muslimin' and Christians. The question is: Can we call it an Islamic government or a kafir one?**

---

<sup>49</sup> Shaykh 'Ali al-Khudayr was asked: Are there some actions of kufr which take the person out of the Millah and are there some which do not? Or are actions of kufr all classified as kufr duna kufr which do not remove the person from the Millah except if accompanied by a belief or istihlal or juhud?

Answer: Kufr 'amali (actions of kufr) are of two kinds:

First: From them is that which removes the person from the Millah. Such as sujud to an idol and and sacrificing to other than Allah, tearing the Mushaf, allying with the kuffar and aiding them and giving them victory over the Muslimin, legislating man-made laws, leaving the salah and the like. All these things are made takfir upon because of the action itself without having to look at the belief (of the person who does them). Also, from the actions of kufr are those connected to the tongue, like cursing Allah or His messenger ('alayhis-salah wa salam) or mocking the Din or its clear symbols. This kind of speech is in itself kufr. Allah (ta'ala) said, "...but really they said the word of disbelief, and they disbelieved after accepting Islam..."

Second: Actions of kufr which do not remove the person from the Millah. Like attributing oneself to other than his real father, tearing the clothes and slapping one's cheeks when a misfortune strikes, having anal sex with one's wife and other issues like this. Like in the hadith, "Two (things) are found among men which are tantamount to unbelief: slandering one's lineage and lamentation on the dead." And in another hadith, "whoever attributes himself to other than his father has disbelieved." As for the saying that all kufr 'amali (actions of kuf) are kufr duna kufr except if accompanied with juhud or istihlal, then this is from the beliefs and speech of the Murjiah.

<sup>50</sup> The Shaykh is not suggesting that ibn 'Uthaymin said the speech of the ghulah Jahmiyyah or Murjiah as some might assume. He was referring to the ignorant Murjiah in our times who restrict the nullifiers of Islam to juhud (rejection), takthib (belying), or istihlal (making halal). What ibn 'Uthaymin meant when he said what he said is similar to when one mentions the kufr and shirk of the grave-worshippers. The one who calls on the dead for help or for intercession can only come from a heart that believes those in the graves have some type of power or control that belongs only to Allah.

Answer:<sup>51</sup> If such a government rules according to something other than what was revealed by Allah, then it is not an Islamic government. May Allah grant us success. May the salah and salam be upon our Prophet Muhammad, his family, and his companions.

**Question: The countries which have brothels (markets of prostitutes) and they are protected and there is no objection to them, does it enter in the meaning of declaring it permissible (istihlal)?**

Answer:<sup>52</sup> It is feared that it leads to kufr, and it is like man-made laws as it is a general permission even if he does not deem it permissible.

**Question: The one who leaves the hukm (ruling) of what Allah revealed; if he makes the general judgments with the fabricated man-made laws, does he disbelieve? And is there a difference between that, and the one who judges with the Shari'ah but then he opposes the Shari'ah in some of the matters due to desire, bribery, or other than that?**

Answer:<sup>53</sup> Yes, it is wajib to differentiate between them. There is a difference between the one who throws away the hukm of Allah (jalla wa 'ala) and replaces it with the hukm of the man-made laws and the hukm of men. This is kufr which takes one outside the Millah of Islam. But the one who is multazim (committed) upon the Din of Islam except that he is disobedient and a dhalim by following his desires in some of the ahkam (rulings) and goes after a benefit from the dunya, while accepting that he is dhalim with this, then this is not kufr which takes you out of the Millah. And whoever sees the hukm with the man-made laws to be equal to the hukm of the Shari'ah and makes it halal, then he also disbelieves with the kufr that takes one outside the Millah, even if it is in one instance.<sup>54</sup>

**Question: Is it correct to narrate an ijma' from the Salaf on not making takfir on the ruler who rules by other than what Allah revealed absolutely?**

Answer:<sup>55</sup> It is not correct to narrate an ijma' from the Salaf with regards to that. That goes against the proofs as the Texts from the Book of Allah and the Hadith of the Messenger (sallallahu 'alayhi wa sallam) make it clear

---

<sup>51</sup> Answered by Shaykh 'Abdur-Razzaq 'Afifi, 'Abdullah ibn Qa'ud and 'Abdul-'Aziz ibn Baz.

<sup>52</sup> Answered by Shaykh Muhammad ibn Ibrahim Al ash-Shaykh in his collection of fatawa.

<sup>53</sup> Answered by Shaykh 'Abdullah al-Ghunayman in "al-Islam Questions and Answers".

<sup>54</sup> Even if he does not see the man-made laws to be equal or even if he does not make it halal, if he refers to the fabricated man-made laws once or in one matter he disbelieves and is a believer in the taghut. Shaykh Muhammad ibn Ibrahim Al ash-Shaykh said in his fatawa, "If the one who rules by the man-made laws says I believe that they are falsehood, then this has no effect (in the ruling) rather this is a replacement to the Shari'ah, it is as if someone was to worship an idol but says I believe they (the idols) are falsehood."

<sup>55</sup> Ibid.

that whoever rules by other than what Allah revealed disbelieves absolutely. Allah (ta'ala) takes an oath on that and says, "But no, by your Lord, they will not believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in full submission." "Have you not seen those who were given a portion of the Scripture, who believe in jibt and taghut and say about the disbelievers, 'These are better guided than the believers as to the way.'" What is known regarding this is what Shaykhul-Islam Muhammad ibn 'Abdil-Wahhab (rahimahullah) said in that this preference from those who preferred the way of the kuffar over the way of the believers isn't to do with beliefs as they know with certainty that the way of the believers is better and better guided and yet still Allah cursed them because of that [saying].

**Question: Is ruling by other than what Allah revealed from the clear and apparent issues or unclear issues?**

Answer:<sup>56</sup> Ruling by other than what Allah revealed is from the clear and apparent issues because the issue deals with major shirk. The Lawgiver is a clear matter which deals with shirk, and passing a judgment is a clear issue which deals with shirk. [Undoubtedly], legislation is a clear and apparent issue dealing with (major) shirk.<sup>57</sup>

**Question: Is it permissible to curse the ruler of 'Iraq? Because some people say as long as he says the shahadatayn this prevents cursing him. Also, is it proven that he is a kafir? What is the opinion of your eminence regarding the one who says he is a kafir?**

Answer:<sup>58</sup> He is a kafir even if he says la ilaha illallah, performs salah, and fasts, so long as he does not disavow the principles of the deviant Ba'thism, announce his repentance to Allah from it, and from calling towards it. Ba'thism is kufr and misguidance, and if he does not openly declare this then he is a kafir just as 'Abdullah ibn Ubay was a kafir even though he performed salah with the Prophet (sallallahu 'alayhi wa sallam), said la ilaha illallah, and that Muhammad is the Messenger of Allah. Nonetheless, he was one of the most disbelieving people. None of that benefited him because of his kufr and nifaq.

---

<sup>56</sup> Answered by Shaykh 'Ali al-Khudayr.

<sup>57</sup> This is important to know as some say that ruling by the man-made laws is kufr but widen the gap of the saying an action is kufr but not the doer to such an extent that it touches no one and stays in the realm of theory. Shaykh 'Abdullah ibn Sulayman ibn Sahman and Shaykh Ibrahim ibn 'Abdul-Latif (who is the father of Muhammad ibn Ibrahim Al ash-Shaykh) said, "As for their saying, 'We say that the word is kufr but we will not rule with kufr the one who said it' so to generalize this is pure ignorance. Because this saying does not imply except upon the specific individual and the matter of takfir on the specific individual is a known matter. If one says such a word, which if said is kufr, then whoever says this a kafir. But, the specific person who uttered it is not ruled as a kafir until the hujjah, which one disbelieves if he turns away from it, is established upon him. However, this is in the hidden matters which at times its evidence is hidden from some people such as the issues of qadr, irja and its likes" ('Aqidah al-Muwahhidin).

<sup>58</sup> Answered by Shaykh 'Abdul-'Aziz ibn Baz.



Those who say la ilaha illallah, perform salah for worldly purposes, and hold kufr beliefs such as Ba'thism, communism, and the like, none of that (shahadah, salah) saves them from kufr because of their nifaq. It is known that the munafiqin will have a severe punishment as it comes in the Book of Allah, "Indeed, the hypocrites will be in the lowest depths of the Fire - and never will you find for them a helper." Saddam's claim to Islam and his claim to jihad or his saying that, "I am a believer," all that does not benefit anything and does not take him out of nifaq. In order for him to claim Islam and be a believer in reality it is necessary for him to declare his repentance from his previous beliefs and confirm that through action because Allah (ta'ala) said, "Except for those who repent and correct themselves and make evident [what they concealed]. Those - I will accept their repentance, and I am the Accepting of repentance, the Merciful."

Tawbah (repentance) is in speech and reforming actions. There is no other option except with this clarification, otherwise it would not be truthful. If he is sincere in repentance let him purify himself from Ba'thism, come out of Kuwait, stop oppressing its people, and declare his repentance from Ba'thism and that its principles are kufr and misguidance and turn to Allah and repent to Him. Let him embrace Islam and adhere to its principles in word and action; outwardly and inwardly. Let him be upright on the Din of Allah, believe in Allah, His messenger, and the Hereafter sincerely.

As for the glamor and hypocrisy, it is not valid with Allah nor with the believers.<sup>59</sup> He (subhanahu wa ta'ala) said, "Indeed, the hypocrites will be in the lowest depths of the Fire." And He (jalla wa 'ala) said, "And of the people are some who say, 'We believe in Allah and the Last Day,' but they are not believers. They [think to] deceive Allah and those who believe, but they deceive not except themselves and perceive [it] not. In their hearts is disease, so Allah has increased their disease; and for them is a painful punishment because they [habitually] used to lie. And when it is said to them, 'Do not cause corruption on the earth,' they say, 'We are but reformers.' Unquestionably, it is they who are the corrupters, but they perceive [it] not. And when it is said to them, 'Believe as the people have believed,' they say, 'Should we believe as the foolish have believed?' Unquestionably, it is they who are the foolish, but they know [it] not."

This is the situation of Saddam and his like; those who hypocritically and deceitfully claim Islam while afflicting harm and injustice against the Muslimin<sup>60</sup> and establishing their belief on the deviant Ba'thism.

---

<sup>59</sup> Shaykh Ahmad Jibril said, "They (the munafiqin) replace the entire Shari'ah with another of their own, but then show off for political purposes or for some gain. They show a little bit of Islamic significance for the ignorant and the bird-brained. They change the Shari'ah and replace it. They officially promote, spread and sponsor interfaith, give their wala and bara to the enemies of Allah, and then build a little couple of Masajid or pass-out a couple copies of the Qur'an and say look what we do. That can only fool the bird-brained people, not a generation raised on Tawhid. It can only fool traitors and the bird-brained, but not a generation well-founded and rooted on Tawhid."

<sup>60</sup> Remember this fatwa when the Murjiah rejects come at you defending the tawaghit today such as Erdogan and the others under the pretext that they say la ilaha illallah. Shaykh Ahmad Jibril said, "Another example is what secularists do. The ideology of the secularists is not Islam, but they will put a touch, smell, or scent of Islam in their kufr founded ideology

**Question: The shirk of legislation, what types of them are there in our times?**

Answer:<sup>61</sup> It is those types we are witnessing today. The reality is the form which you ask about; making the haram permissible and laws allowing the expression of any religion.

**Question: Is the shirk of obedience limited to the issues of kufr such as making things permissible haram and helping the kuffar against the Muslimin, or is it also in issues other than that like a son obeying his father to go buy smokes, for example?**

Answer:<sup>62</sup> As for the obedience of a son to his father in sin, then this is from the major sins but not the shirki obedience because the obedience that involves shirk is that which was issued from one who is in power of authority and can issue commands and forbiddances like an amir or a king or a scholar or a head of a tribe; those who are obeyed amongst a group of people. As for the specific obedience such as a wife to her husband, the son to his father, and the slave to his master, then this is from the section of disobedience and not shirk.<sup>63</sup>

**Question: Is the shirk of obedience judged based simply on the act or is it based off istihlal?**

---

as an appearance, so that people will accept them or for other purposes, and so they will not be rejected. It is the same with those who embrace the new religion – the Western Islam. That is a religion and that is not Islam. That is a Western Islam and that is a religion in itself. We embrace and submit to the pure unadulterated Islam, Millah Ibrahim Hanifa. Others choose a different brand of Islam which is called the Western Islam, but then you will see they will put a touch or smell of our Islam in it to fool the bird-brained. That will only fool people who are not well-founded, rooted and established on Tawhid."

<sup>61</sup> Answered by Shaykh Sulayman al-'Alwan.

<sup>62</sup> Answered by Shaykh 'Ali al-Khudayr in as-Salafiyyin forum.

<sup>63</sup> There is a doubt the Murjiah rejects bring that is related to this and that is if the father of the house decides to divide inheritance according to his desires or shave his beard or when he sends his son to buy smokes he has "ruled by other than what Allah has revealed". So, is he a kafir? These ignorant people instead of just accepting the clear proofs have to come up with this weak argument to justify their desires. This is the same argument the Khawarij used to justify their batil as well in making takfir on those who commit major sins claiming they have "ruled by other than what Allah revealed." Both have not separated between making and implementing a judgment and between an action. Also, they haven't made the distinction between the two roles of a ruler or judge and the man of the house. To put it simply; judgment is when one rules between people by a set of laws in matters of dispute. The man who shaves his beard or tells his son to go buy smokes is committing a sin less than kufr as long as he does not make that halal just like the ruler or judge who judges by his desires without making it halal has committed a sin less than kufr.

Answer:<sup>64</sup> When the shirk of obedience comes it is based by the mere action alone, which is obeying, without looking to the belief (in the heart) or istihlal. Allah (subhanahu wa ta'ala) said, "If you obey them, indeed, you would be mushrikin." Also, as He ('azza wa jall) said, "Indeed, those who turn on their backs (to disbelief) after guidance had become clear to them – Shaytan enticed them and prolonged hope for them. That is because they said to those who disliked what Allah sent down, 'We will obey you in part of the matter.' And Allah knows what they conceal." And as He (subhanahu wa ta'ala) said, "They took their rabbis and monks as lords besides Allah." The Prophet (sallallahu 'alayhi wa sallam) explained this Ayah as obedience in tahlil (making permissible) and tahrir (making forbidden).

When attaching the act of shirk of obedience to what one believes in his heart or to making it permissible, then this is the methodology of the Murjiah and Jahmiyyah.

**Question: What is the ruling on those who rule by democracy and those who call to it?**

Answer:<sup>65</sup> The answer to this question is a long one, and I am afraid I don't have the time to fully answer it but a summarized answer is that the term democracy is very alien to Islam, if you search all the books of 'aqidah, all the books of fiqh you won't find the word democracy in it. It's a foreign concept that came to Muslimin from Greek origins. It's a Greek word which means the rule of the majority by the majority. Before the Greeks adopted it they used to be ruled by what their oppressive heads called "divine law" issued by the church, while in reality the corrupted priests used to oppress the people through claiming their oppression as divine law. When that became very widespread people revolted against the church and claimed to establish the law of the majority which was called democracy. It's a way of governing where divine laws are trapped within the doors of places of worship, but when it comes to running the affairs of the people then it's only the majority who decides and not the divine law.

They found it hard to consult the majority of the population before making a tiny decision, so they asked for representatives from different groups within the population to represent the majority, these representatives are the official representatives of the population, and it's totally up for these representatives to decide on what's permissible, what's not, and that they have the right to legislate whatever laws they want.

Allah said in Surah Yusuf, "Legislation is for none but Allah." But in democracy they say, "Legislation is for none but the majority." Allah says in Surah al-Kahf, "He does not have shirk in His rule with anyone." But in democracy they say, "The majority does not share their rule with anyone." Allah says in Surah ar-Ra'd, "And Allah decides; there is none to repel His decision." But in democracy they say, "And the majority decides; there is none to repel their decision." Allah says in Surah al-A'raf, "His is the creation and the command." But in democracy they say, "His is the creation but the command belongs to the majority."

---

<sup>64</sup> Ibid.

<sup>65</sup> Answered by Shaykh Turki ibn Mubarak al-Bin'ali in the previous mentioned lessons.

This is the reality of democracy. Once you know its reality you would know its ruling and how contradictory it is to the Shari'ah of Allah.<sup>66</sup> Imam Malik (rahimahullah) said, "Nothing would fix our ummah today except that which fixed it from its beginning." If our ummah today is ruled the exact same way it was at the times of the companions and the khulafa (radiyallahu 'anhum), the situation of the ummah would have been fixed. Unfortunately, we are being governed by whims and desires which is reflecting upon our reality in more oppression and more disunity. The only thing which would fix the ummah today is through the exact way the Prophet (sallallahu 'alayhi wa salam) ruled it by the laws of Allah. Allah (subhanahu wa ta'ala) said in Surah an-Nisa, "Indeed We have revealed to you, [O Muhammad], the Book in truth, so you may judge between the people by that which Allah has shown you." The Qur'an was revealed to govern and not to be governed.

Regarding shura Allah said in Surah Al 'Imran, "Consult them in the matter," and in Surah ash-Shura, "Whose affairs are settled by mutual consultation." Shura applies in matters regarding which no Ayah was revealed. In matters regarding which Allah hasn't set a law. In such matters it is recommended to consult ahlul-halli wal-'aqd.<sup>67</sup> It's the ahlul-halli wal-'aqd who should be consulted and not random individuals. Matters like where shall we build the Masjid, here or there? Where should we build the road? Should we wage a battle against the kuffar tomorrow or after one month? How many floors should we build in this location? These are examples of matters where shura is allowed. But matters like, "Is riba allowed or not? Shall we allow hotels to sell alcohol or not?"<sup>68</sup> These are not matters where shura is allowed because these are matters which Allah has clarified in the Qur'an and the Sunnah of the Prophet (sallallahu 'alayhi wa sallam). That's the difference between shura and democracy.

Shura	Democracy
In matters which no law was mentioned by Allah	In everything not caring about the law of Allah
To consult ahlul-halli wal-'aqd from the Muslimin	To consult everyone whether Muslim or kafir, righteous or sinful, secular, communist, socialist as

<sup>66</sup> Shaykh Abu Mus'ab az-Zarqawi (rahimahullah) said, "Whoever strives in the implementation of this methodology with help and assistance, then he is considered as an ally to it and its people and his ruling is as the ones who calls for it or assists it. Candidates who call for votes are claimers to rububiyah and uluhiyyah, and their voters have taken them as objects of worship and partners besides Allah (subhanahu wa ta'ala). Their ruling in the Din of Allah (subhanahu wa ta'ala) is kufr and apostasy from Islam. Oh Allah have I conveyed? Oh Allah be my witness" (Democracy).

<sup>67</sup> Ahlul-halli wal-'aqd are those from the ummah of Muhammad (sallallahu 'alayhi wa sallam) will power and influence. Shaykh Hamad al-Humaydi (rahimahullah) said, "These two groups, the people of knowledge and jihad, are ahlul-halli wal-'aqd."

<sup>68</sup> Shaykh Abu Yahya al-Libi (rahimahullah) said, "Allah has forbidden alcohol, thus if all the nations of the world, and the men and jinn gathered to analyze whether they should forbid alcohol or not, they would all be mushrikin and rejecting the laws of Allah, caring less whether they actually forbid it or not" (Democracy: The Modern Idol). One should refer back to the just mentioned lectures by Shaykh Abu Yahya al-Libi and Imam Abu Mus'ab az-Zarqawi as they are from the best of what has been said on this topic.

	long as he is counted as a "fellow citizen", even if he was Musaylamah the liar
Follows the right opinion, even if the minority chooses it	Follows what the majority says, even if it contradicts sound logic

The majority have always been highlighted negatively in the Qur'an. Allah (tabaraka wa ta'ala) said, "And if you obey most of those upon the earth, they will mislead you from the way of Allah." And He (ta'ala) said, "Its knowledge is only with Allah, but most of the people do not know." And He (ta'ala) said, "But most of the people do not believe." And He (ta'ala) said, "And most of the people, although you strive [for it], are not believers." And He (ta'ala) said, "And most of them believe not in Allah except while they associate others with Him." And He (ta'ala) said, "And few of My servants are grateful." We ask Allah to make us from the few who are thankful to Him.

**Question: What is the meaning of democracy? And what is the difference between democracy and shura? And what is the ruling regarding entering parliaments?**

Answer:<sup>69</sup> Democracy is the rule of the people, and it means that legislating, permitting, and prohibiting is for the population itself. It existed in Greece before the birth of 'Isa ('alayhis-salam) then it developed further after the English Revolution, then the French until it reached what it reached [today]. It is clear kufr because the judgment is for Allah (subhanahu wa ta'ala) with no shirk, as He (ta'ala) said, "He does not have shirk in His rule with anyone."

Its difference from shura is greater than zina is to nikah, due to several aspects:

1. Shura is only for matters open to ijtihad where there is no explicit text regarding it, as for when the ruling is apparent then there's no shura. But, as for democracy, then it is included into everything without exception.
2. Shura is for a group among ahlul-halli wal-'aqd who are well known for their justness, righteousness, and uprightness upon the Din. As for democracy, then it is for a group of people who are elected by the people according to their desires and what brings benefit to them even if they were from the vilest of people.
3. The judgment made in the shura is not compellable upon the correct view, so the just leader is not compelled to take it if he views benefit opposing it, as for democracy it is compellable.

---

<sup>69</sup> Answered by Shaykh Nasir al-Fahd in "Fatawa al-Ha'riyyah".

4. In shura they do not come up with rulings and laws which are imposed upon the population, as for democracy, they impose that by force.

There are more differences other than these, and there are books which have been written on it which are good and to be returned back too.

As for entering parliaments then this is great evil from several aspects as well:

1. There is acknowledgement for the judgment of the population because parliament is a legislative gathering which comes up with laws, so by him entering it he is acknowledging a lawgiver besides Allah (subhanahu wa ta'ala) and this is kufr. Even if the Islamists rule over parliament, for example, and they made the constitution Islamic this is not the ruling of Allah (jalla wa 'ala), rather it is the ruling of the population. That is why if the members of parliament were changed the laws change and similar to this. This isn't ruling by Shari'ah, the Shari'ah rules by force, and whoever refuses it from the people is hit with a sword and thrown in the trash. We do not look at the number of voters; those for and against.

2. It is obliged for the person entering parliament to take an oath to respect the constitution, and the constitution is kufr in its origin, and it has many uncountable things that are kufr and respecting it is kufr, so how can you take an oath by that?!

3. Those that are called Islamists compromise on many issues in their path to reach towards the parliament then do not achieve a portion of what they gave in their compromises. Look at our current situation today, and you would know that very well.

Shaykh Ahmad Shakir (rahimahullah) in "'Umdah at-Tafsir" regarding the statement of Allah (ta'ala), "And consult them in the matter," has very beautiful words in comparing democracy and shura and replies against whoever considered democracy to be from shura and whoever calls towards the elections. So, refer back to it because it has words which should be written in gold.<sup>70</sup>

---

<sup>70</sup> Shaykh Ahmad Shakir (rahimahullah) said, "The mockers of the Din at this time, rather those affiliated to knowledge and others, took them (the Ayat on shura) as a means of misleading others in symbolic interpretation to agree with the Europeans on the constitutional system method, which they claim, and cheat people by naming it the democratic system. So, these mockers took these two verses as a motto, or slogan, to cheat the Islamic Ummah, people, and everyone who returns to Islam. They say a word of truth but they intend falsehood. They say, 'Islam calls to a consultation,' and other such expressions. Islam does call to consultation, but what is the consultation that Islam calls to? Allah (subhanahu) says to His prophet (sallallahu 'alayhi wa sallam), 'And consult them in the matter and when you have come to a decision place your trust in Allah alone.' The meaning of this Ayah is very clear and obvious. It does not need any interpretation, or any symbolic interpretation. It is an order to the Prophet (sallallahu 'alayhi wa sallam), then to the khalifah after him. That is, to

**Question: The issue of bringing about the Shari'ah or ruling by the Shari'ah through the process of voting, is this considered a nullifier which takes one outside the fold of Islam? And what if he said: "I know for a fact, or I am fairly certain, that the majority will vote in favor 'for' (the Shari'ah)."**

Answer:<sup>71</sup> Yes (it's a nullifier), and this is the rule of the people which is called "democracy", we declare our innocence to Allah from it and from every taghut. Even if he said that all the people, not only the majority, will vote for it, it is still invalid, and this is not the rule of Allah. Rather, it is the rule of the people. They did not rule by it because Allah has obligated or legislated it, rather they ruled by it because the people wanted it, and if someone else wanted it he would go ahead with it. So, the deviations of those who affiliate themselves to the "Islamic" parties in this matter are numerous and all you need to ponder over are the ahadith regarding the Khawarij and how they were ruled by leaving Islam, were ordered to be killed, and they were rebuked severely despite their great acts of worship, their exaltation of Islam, the Shari'ah, and their good intentions. What is the reason for that? It is because they took a methodology from their own intellect, not the manhaj of the Prophet (sallallahu 'alayhi wa sallam) and his companions. So, how about these (people) who do not have such acts of worship and exaltation of the Shari'ah which was present amongst those (Khawarij), and they (i.e. those who try bring the Shari'ah through the means of voting) have fell into almost every form of kufr. Will their good intentions intercede for them? And the discussion regarding this is lengthy. Allahul-musta'an.

**Question: There are some who say that entering parliaments is not kufr to begin with because he could enter (parliament) without indulging in any kind of kufr?**

---

examine the opinions of his companions, who are the knowledgeable men of intelligence; to examine their opinions on the issues and matters which can be argued and the matters in which they can exercise a judgment. He then chooses what he thinks to be right, or in the best or most interest, useful, then to resolve on doing it, unlimited, unrestricted by the opinions of any group, or any limited number, or the majority, or the minority. When he resolves, he trusts in Allah alone. When he resolves, he will trust in Allah, then do what he determines. It does not need any evidence or proof that the people who the Prophet (sallallahu 'alayhi wa sallam) ordered them to consult, and to be models to the khulafa after him, are the righteous men who apply Allah's decree, perform salah, and pay the zakah. Those who fight for the sake of Allah that the Prophet (sallallahu 'alayhi wa sallam) said about them, 'The men of gentleness and of intelligence from you, must come after me.' They are not those who reject Allah, or fight against Allah's decree and Din. They are not the wicked who do every evil deed. They are not the people who pretend to have the right to legislate, or to put laws that do not agree with the Din of Allah, and destroy the Shari'ah. The right place of these and those disbelievers is under the sword or the whip, not in the situation of shura or the exchange of views. And yet another Ayah, the Ayah in Surah ash-Shura has the same clarity and clearness, 'Who obey the commands of their Lord and fulfill their obligations, whose affairs are settled by mutual consultation, who spend of what We have given them.'"

<sup>71</sup> Ibid.

Answer:<sup>72</sup> That is impossible because parliament is a legislative gathering, and affiliating himself to it makes him a legislator besides Allah just as he (must) take an oath to respect the constitution, so how could he enter without indulging in any kind of kufr?!

**Question: The advocates of those who say it is permissible to enter parliament use the principle of repelling evil which in this case is the secularists ruling and passing man-made law, such as legalizing alcohol and the like. So, what is your opinion regarding this? May Allah protect you.**

Answer:<sup>73</sup> The biggest evil is shirk and kufr. If they enter into the parliament and proceed with those, they fell into the greatest evil, so "what is there after the truth except falsehood." The secularists ruling is not repelled by the likes of the parliaments, and we have never seen an Islamic state be established by entering parliament. Rather, when they came to power they were removed from it as what happened in Turkey. They lost their din and did not prevent the biggest evil.<sup>74</sup>

**Question: The majority of the people of Islam are now seeking judgment from other than the Shari'ah of Allah by seeking judgment from the courts which rule according to the French and Western laws, in addition to their implementation of some rulings of Islam, such as issues related to divorce and inheritance. So, is this what is meant by shirk of obedience? What is our obligation towards it as it is what rules the majority of our situations now? Knowingly, some who are characterized as adhering to the Din know that these are non-Shari'ah courts, but even so, they cannot seek judgments from anything other than them. We hope from you an explanation, and may Allah reward you with good.**

Answer:<sup>75</sup> No, this is shirk in seeking judgment from other than Allah and His messenger, as it contains a dispute and ruling between two in conflict. As for shirk of obedience, it is in following someone who has the power of ordering and prohibiting in a general issue which has an obvious clash to the Shari'ah.

And what is our obligation on this?

Our obligation is abandoning it, disbelieving in it, hating it, making takfir on who judges with it, and the like. He (ta'ala) said, "And when Ibrahim said to his father and people, I am free from what you are worshiping. Except the One who created me for He will guide me." And He said, "And when they said to their people, we are free from you and from what you are worshiping besides Allah. We disbelieve in you, and between us and you is hatred and enmity forever until you believe in Allah alone."

---

<sup>72</sup> Ibid.

<sup>73</sup> Answered by Shaykh 'Ali al-Khudayr in as-Salafiyyin forum.

<sup>74</sup> Add to that Egypt and the rest of those lands which were consumed by the "Arab spring".

<sup>75</sup> Ibid.



It is not permissible for you to seek judgment from it as seeking judgment from it is seeking judgment from the taghut. He (ta'ala) said, "'Have you not seen those (hypocrites) who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgment (in their disputes) to the taghut while they have been ordered to disbelieve in it.'"

The point you have alluded to is that you have fallen in need, and necessity (darurah) does not permit shirk. Shirk is only permitted for those other than transgressors with coercion (ikrah). He (ta'ala) said, "The one who disbelieved in Allah after believing in Him, except the one who is coerced while his heart is content with belief." If the loss of money permits shirk, then the Sahabah would not have abandoned their wealth and homes and made hijrah for Allah achieving Tawhid and the Millah of Ibrahim. And these are some evidences for you regarding that:

He (ta'ala) said, "And fitnah is greater than killing." And He (ta'ala) said, "And fitnah is more severe than killing." Regarding this Ayah Ibn Kathir said in his tafsir, "Abul-'Aliyah, Mujahid, Sa'id ibn Jubayr, 'Ikrimah, al-Hasan, Qatadah, ad-Dahhak, and ar-Rabi' ibn Anas said, 'Shirk is more severe than killing.'"

Shaykh Ibn Sahman said, "Fitnah is disbelief. If the townfolks and the Bedouins fought until they perish, (then) it is lesser than setting up a taghut on the land who governs in opposition to the Islamic Shari'ah."

In response to those who compare necessity with coercion, Shaykh Ibn 'Atiq said, "He (ta'ala) said, 'But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], there is no sin upon him.' So, after necessity He conditioned the one in need to not be one in pursuit of a desire nor a transgressor. And the difference between the two situations is not hidden." And he said, "And is there in the permission of eating the dead meat (maytah) for the one in need, evidence for the permissibility of apostatizing willingly?! And is this not like marrying one's sister or daughter by making qiyas on the permission for the free to marry a slave for fear of committing zina and lack of wealth?! For the one who makes a comparison (of necessity with coercion) has exceeded above the qiyas of those who said, 'Trade is (just) like interest.'"

He (ta'ala) said, "Say, 'My Lord has only forbidden immoralities - what is apparent of them and what is concealed - and sin, and oppression without right, and that you associate with Allah that for which He has not sent down authority, and that you say about Allah that which you do not know.'" And He (ta'ala) said, "But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], there is no sin upon him."

Ibn Taymiyyah said in his fatawa (14/476), "Shirk, speaking about Allah without knowledge, fawahish - what is apparent and hidden - and oppression; there is absolutely no maslahah (benefit) found in them." And he said, "Being sincere in the Din to Allah and having justice is obligatory in all cases and in all [revealed] laws."

And he said in his fatawa (14/477), "What is forbidden for everyone in every situation and not permissible for anything is fawahish, oppression, shirk, and speaking about Allah without knowledge."

And he said in his fatawa (14/470-471), "The forbidden matters consist of things with absolute clearness that the Shari'ah does not permit anything from it, neither for necessity or without necessity, such as shirk, immoralities (fawahish), speaking about Allah without knowledge, and oppression. These are the four that are mentioned in His saying, 'Say, 'My Lord has only forbidden immoralities - what is apparent of them and what is concealed - and sin, and oppression without right, and that you associate with Allah that for which He has not sent down authority, and that you say about Allah that which you do not know.'" These things are forbidden in every Shari'ah, and with this prohibition He sent all prophets, and He never permitted anything from them in any situation. And that is why this Meccan Surah was revealed."

And he said in his fatawa (14/474), "As for a man himself, then it is not permissible for him to do something that he knows is forbidden based on his assumption that it will help him in obedience to Allah."

And in the Sirah the Muslimin were besieged in Shi'b for three years. Also, in the Sirah the story of the hijrah to Habashah. And in it (sirah) the negotiations of Quraysh with the Prophet, (all of which are) in well-known stories, and the Prophet did not commit kufr or shirk for that.

**Question: Whoever isn't able to solve an issue except by going to the taghut courts, then this is a necessity (darurah), and necessities make lawful the muharramat (haram acts) not the mukaffirat (kufr acts), so what is the tafsil (expanation) in this issue?**

Answer:<sup>76</sup> It is not permissible to go towards the taghut for judgment except in the case of ikrah (coercion) alone because it is kufr. However, some students of knowledge view that necessity here permits that using the hadith of al-Hajjaj ibn 'Alat as evidence, just as some of the scholars have entered darurah into ikrah as it was mentioned in the previous answer,<sup>77</sup> but what is correct is that it's not permissible. However, if he had a ta'wil (interpretation) such as these ta'wilat (interpretations), and he was in necessary need of that he doesn't become a kafir, and Allah knows best.

---

<sup>76</sup> Answered by Shaykh Nasir al-Fahd in "al-Fatawa al-Ha'riyyah".

<sup>77</sup> The Shaykh is alluding to the previous answer in "al-Fatawa al-Ha'riyyah" which has been fully translated thanks to Allah (tabaraka wa ta'ala).

**Question: We live in a country controlled by a non-Muslim government that applies man-made laws. Is it permissible for us to pursue lawsuits in their courts?**

Answer:<sup>78</sup> It is not permissible for a Muslim to pursue a lawsuit under a non-Muslim government as He (ta'ala) said, "And whoever does not judge by what Allah has revealed – such are the disbelievers."

This is clear and all praise is due to Allah. May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and his companions.

**Question: What is the general meaning of taghut? We would also like to know the interpretation of ibn Kathir concerning the Ayah mentioned in Surah an-Nisa: "Have you not seen those (hypocrites) who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgment (in their disputes) to the taghut while they have been ordered to disbelieve in it. And Shaytan wishes to lead them far astray." So, we would like to know two things. Firstly: What is the general meaning of the taghut? Is what is said by ibn Kathir, "The taghut of every people are those whom they refer to in judgment beside Allah," included in this meaning? Does the word taghut comprise rulers and those who refer to them in judgment when they do not judge according to the law of Allah according to the interpretation of ibn Kathir? Secondly: What is the meaning of His saying, "They wish to seek judgment..." Some of them said that the "wish" here is a hidden act that nobody knows. Therefore, we cannot judge with kufr whoever goes for judgment except after realizing his inner intention which is inconceivable. Others said that the "wish" here means an explicit doing derived from the Hadith of the Prophet (sallallahu 'alayhi wa-sallam) that means content and continuity in seeking judgment in this way. Which one is true?**

Answer:<sup>79</sup> Firstly, the general meaning of taghut is what is worshiped instead of Allah. This worship may be by salah, sawm (fasting), vowing, resorting for removing harm or bringing benefit, referring to him in judgment instead of the Qur'an and Sunnah, or any other thing that should be dedicated to Allah alone. The taghut in the Ayah means all what is referred to for judgment besides the Qur'an and Sunnah including man-made laws, systems, inherited customs, and traditions or what is made by chiefs, leaders, and soothsayers. Therefore, we know that systems made to be referred to for judgment are included in the meaning of taghut. Those who are worshiped besides Allah, though they were not satisfied with that, such as prophets and righteous people will be excluded from the meaning of taghut. The taghut is whoever calls and incites people to do so from among the jinn and mankind.

Secondly, what is meant by "wish" in the saying of Allah (subhanahu wa ta'ala): "They wish to seek judgment (in their disputes) to the taghut..." is what is accompanied by signs and indications that prove the intention. This is affirmed by the next Ayah: "And when it is said to them, "Come to what Allah has revealed and to the

---

<sup>78</sup> Answered by Shaykh 'Abdur-Razzaq 'Afifi, 'Abdullah ibn Qa'ud and 'Abdul-'Aziz ibn Baz.

<sup>79</sup> Ibid.

Messenger, you see the munafiqin turning away from you in aversion." This is also affirmed by the reason behind the revelation of the Ayah that was mentioned by ibn Kathir and others in interpreting this Ayah. Continuity in doing anything means approval. Thus, these things remove the problematic saying that "wish" is a hidden meaning that cannot be judged except after knowing the intention of the doer, which is inconceivable.

May Allah grant us success. And may the salah and salam be upon our Prophet Muhammad, his family, and companions.

**Question: I work as a judge in a Muslim country that does not rule according to the Book of Allah and the Sunnah of the Prophet (sallallahu 'alayhi wa sallam). Is the money I earn halal or not?**

Answer:<sup>80</sup> Firstly: Anyone who acts as a judge and does not rule according to what Allah has revealed has different cases:

1. Anyone who does not rule according to what Allah has revealed but rules instead according to man-made laws knowingly and indifferently without any care is a kafir with the consensus of the scholars. The wages or salary of this person is considered ill-gotten and it is unlawful for them to take it.
2. Anyone who knowingly does not rule according to what Allah has revealed without considering it to be lawful nor out of negligence but due to fanaticism to a relative, the taking of a bribe, to harm the interests of a rival, or any other similar reason has committed a major sin but this does not take them out of Islam. Such a person is a believer based on the amount of iman they have and a sinner based on the major sin they commit.
3. Anyone who does not rule according to what Allah has revealed due to ignorance is a sinner. This person has to quit the job and perform tawbah from what they have done. Anyone who does that is not an efficient judge but is among the judges threatened to be cast in Hellfire for giving rulings ignorantly and for being unjust. It is not lawful for them to take a salary for doing so.
4. Anyone who judges on a case in error after exerting all effort and while being knowledgeable of the rulings of Shari`ah is not a sinner. This person will be rewarded for their ijtiḥad and excused for their error. It is permissible for them to take the designated salary or wages.

---

<sup>80</sup> Ibid.

**Question: Is it permissible to work in the jahili legal system composed of man-made laws with the pretext of helping Muslimin and defending them if they were to be subjected to questioning by the tawaghit?**

Answer:<sup>81</sup> It is not permissible if it means following certain man-made laws or systems which clash with the law of Allah. If he were to work using laws that defy the Shari'ah willingly, knowing that it is against the Shari'ah then this is kufr, riddah, and belief in the taghut, may Allah protect us from that. He (ta'ala) said, "Have you not seen those (hypocrites) who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgment (in their disputes) to the taghut while they have been ordered to disbelieve in it." But if he was acting as an attorney for and defending Muslimin without committing disbelief or sin nor being satisfied with the laws nor moving upon that way and not under the man-made laws of jahiliyyah, there is no objection based on the hadith, "Whomever of you is able to benefit his brother should do so." And the saying of Allah, "So, whoever does an atom's weight of good will see it." And the hadith, "The Muslim is for a Muslim a structure (support)." And other than these.

So, based upon that it is not permissible, and the first answer becomes the questions response. Rather, they should be patient as was the case of the Sahabah when they were being persecuted by the tawaghit of Quraysh in Makkah. The Messenger of Allah (sallallahu 'alayhi wa sallam) did not, and Allah forbid, commit kufr or riddah in order to defend them. They were to be patient or migrate to a safe place until jihad was prescribed or deliverance came.

**Question: A person from our nearest relatives graduated from the "Imam (Muhammad ibn Sa'ud) University," and works as a judge in one of the emirates (in Arabia), and another relative works as an inspector (investigator) in "Investigation and Prosecution Authority," and their excuse is that their rulers claim to rule by Shari'ah. Is it obligatory to advise them to leave their jobs? And if they insist on what they are doing is it obligatory to hate them and disassociate from them?**

Answer:<sup>82</sup> The judge that works by Shari'ah; this is a muhsan (one who does good), and he did what is obligatory on him, so may Allah reward him with good. As for the judge who judges based on desires in a certain case, he is disobedient to Allah, a fasiq, committed a major sin, so he is to be loved as much of iman he has and hated as much of disobedience he has.

As for the judge that works based on man-made laws, rules, or circulations that are against the Shari'ah, then he is a kafir apostate. So, he is hated, shown enmity, and called a kafir.

---

<sup>81</sup> Answered by Shaykh 'Ali al-Khudayr in as-Salafiyyin forum.

<sup>82</sup> Ibid.

He (ta'ala) said, "And whoever does not judge by what Allah has revealed - such are the disbelievers." And He (sallallahu 'alayhi wa sallam) said, "The judges are of three types; a judge in Jannah, and two in Fire." And He (sallallahu 'alayhi wa sallam) mentioned that the judge who is in Jannah is the just judge, and the ones in Hellfire are the oppressive judge and the ignorant judge.

As for the one in "Prosecution Authority," I do not know what his work entails.

**Question: What is your opinion on denying hakimiyyah? Has the one who separates it out left the mathhab of the Salaf? And in which category of Tawhid would it enter into?**

Answer:<sup>83</sup> It is not allowed to deny Tawhid al-Hakimiyyah, for it is a type from the types of Tawhid. It enters into Tawhid al-'Ibadah in relation to the hakim (ruler) himself, and as for the connection to Allah then it - meaning Tawhid - enters into the Tawhid of rububiyyah because al-Hakim (The Ruler) is Allah (subhanahu wa ta'ala); the Rabb is the One which the hukm belongs to. So, it enters into the Tawhid of rububiyyah in terms of ruling, commanding, prohibiting, and authority. In terms of application and acting then the slave is entrusted to follow the ruling of Allah. This part is from the Tawhid of 'Ibadah.

As for making it a fourth category; it is not necessary to do because it enters into the three categories, and division without the need to increase the speech is inessential. It is easy nonetheless in any case, and if one makes it into an independent category it is the same, and there is no problem.

**Question: Isn't ruling by other than what Allah has revealed constitute part of shirk of rububiyyah?**

Answer:<sup>84</sup> When we mentioned previously that ruling by other than what Allah has revealed is an example of shirk of uluhiyyah, we were referring to the action made by the slave himself. It can also be part of shirk of rububiyyah and in asma and sifat, the following example would make it clearer:

If a person claims himself the exclusive right to legislate, then such a person has fallen in shirk by claiming to have one of the attributes of Allah and violated the rububiyyah of Allah by thinking that he has the exclusive right to decide what's permissible and what's not for the people. Just like how Fir'awn said to his people, "I am your supreme lord." So, Fir'awn claimed rububiyyah, and at the end of times the Dajjal would claim rububiyyah by claiming to be a creator. Allah says in Surah al-A'raf, "Indeed, His is the creation and command. Blessed be Allah, the Lord of the 'alamin." Just as we believe that Allah is the creator we also believe that Allah is the

---

<sup>83</sup> Answered by Shaykh 'Abdullah al-Ghunayman in "al-Islam Questions and Answers".

<sup>84</sup> Answered by Shaykh Turki ibn Mubarak al-Bin'ali in the previous mentioned lessons.

legislator and governor who has the exclusive right to command His slaves what's permissible and what's forbidden.

Whoever claims to have the exclusive rights of legislation is the same as the person who claims that he is the creator of the universe; they both fell in shirk of rububiyah for claiming rights that belong to Allah alone. If a person only rules by other than what Allah has revealed without claiming the right of being a legislator, then such a person has committed shirk of uluhiyyah for not ruling by what Allah has revealed. Allah says in Surah al-Kahf, "They have no protector other than Him, and He does not have shirk in His rule with anyone." Whoever rules by other than what Allah has revealed is the same as the one who directs an act of worship to deities other than Allah as mentioned in "Adwa al-Bayan" by Shaykh Muhammad al-Amin ash-Shanqiti.

In the end, they are all forms of shirk which nullify one's Islam to varying degrees...

**Question: What is the authenticity of the narration from ibn 'Abbas in which he said: "Kufr duna kufr," as Shaykh al-Albani (rahimahullah) said: "It is sahih" and that those who weakened it do not know how to authenticate narrations; even though Shaykh ibn 'Uthaymin (rahimahullah) considered it to be weak?**

Answer:<sup>85</sup> As for the wording "kufr duna kufr" from ibn 'Abbas then it is not authentic. It was narrated in al-Hakim (2/313) and he authenticated it with adh-Dhahabi agreeing, and it was narrated in al-Bayhaqi (8/20) but in its chain of narration there is Hisham ibn Hujayr, and he is weak. He was declared weak by Ahmad, ibn Ma'in, and ibnul-Madini.

Rather, it is authentic from 'Ata and a statement from 'Ata only. It was narrated by al-Marwazi in his book "T'adhim Qadr as-Salah" (2/5227), by 'Abdur-Razzaq in his tafsir (1/191), and it was narrated by ibn Jarir at-Tabari in his tafsir, ibn Battah, and others. What comes from ibn 'Abbas are words besides this.<sup>86</sup>

---

<sup>85</sup> Answered by Shaykh 'Ali al-Khudayr in as-Salafiyyin forum.

<sup>86</sup> Shaykh Sulayman al-'Alwan said, "What is narrated from ibn 'Abbas (radiyallahu 'anhu) that he said, 'Kufr duna kufr,' as it is mentioned by al-Marwazi in 'T'adhim Qadr as-Salah' and al-Hakim in 'al-Mustadrak' from the path of Hisham ibn Hujayr from Tawus from ibn 'Abbas is not authentic. Hisham was weakened by Imam Ahmad, Yahya ibn Ma'in and al-'Uqayli as well as another group. 'Ali ibnul-Madini said, 'I read upon Yahya ibn Sa'id saying: 'Ibn Jurayj narrated to us from Hisham ibn Hujayr...' So, Yahya ibn Sa'id said, 'It is befitting that I disregard him.' I said, 'Should I cross out his narrations?' He said, 'Yes.'" And ibn 'Uyaynah said, 'We did not used to take from Hisham ibn Hujayr that which we did not find with other than him.' And this is something that Hisham narrated alone and furthermore, he went against others besides him from the trustworthy (narrators) as it was mentioned by 'Abdullah ibn Tawus from his father who said, 'Ibn 'Abbas was asked about His (ta'ala) saying, 'And whoever does not judge by what Allah has revealed – such are the disbelievers.' He said, 'It is disbelief (kufr).'" And in a narration, 'It is disbelief (kufr) within him.' And in another, 'This is sufficient for his disbelief (kufr).' Narrated by 'Abdur-Razzaq in his tafsir (1/191) and ibn Jarir (6/256) and Waki' in 'Akhbar al-Qudhat' (1/41) and others with

**Question: If there appears a taifah mumtani'ah<sup>87</sup> that spreads kufr, such as ruling by the tawaghit and seeking judgment from the tawaghit, do we make takfir on all of them [under their authority] based on the apparent? Or, do you separate between them according to the obstacles and reasons [that necessitate kufr]? Is their land considered darul-harb and between us and them is a war of hakimiyyah? Or, do we refrain from making takfir on them based on the apparent except in the case of an actual war because it is not possible to separate, know the reasons, and check the obstacles [at that time]?**

Answer:<sup>88</sup> It is not permissible to make takfir on them all. No, rather that is the mathhab of the Khawarij who make takfir on the general masses or make takfir on the people if the ruler disbelieves.

**Question: If the land does not apply the Shari'ah it is considered darul-kufr, does that mean those living in it are also kuffar?**

Answer:<sup>89</sup> No, that is not correct. That is one of the principles of creed of the Khawarij. They have a principle that if the ruler disbelieves then those under him disbelieve whether they're living in the city or outskirts. They declare the Muslim masses as kuffar based on the disbelief of the rulers or their governments.

---

an authentic chain. This is what is confirmed from ibn 'Abbas (radiyallahu 'anhu) as he generalized the phrasing and did not restrict it.

The path of Hisham Ibn Hujayr is munkar (rejected) from two angles:

The first angle: The isolated narration of Hisham.

The second angle: He clashes with those who are more trustworthy than him. His saying, 'It is disbelief (kufr),' and the other phrase, 'It is disbelief (kufr) within him,' means that the Ayah is upon its generality and the basic rule (asl) concerning kufr if it is preceded with the 'lam' is that it is major kufr as Shaykhul-Islam (rahimahullah) established in 'al-Iqtida' (1/208), unless it is restricted or something comes to alter it."

<sup>87</sup> It is a group who attributes itself to Islam, then refrains with force and power from committing and adhering to a clear and apparent act or ruling of the Shari'ah.

<sup>88</sup> Ibid.

<sup>89</sup> Answered by Shaykh Turki ibn Mubarak al-Bin'ali in the lessons previously mentioned.



## Allah is the Judge and the Rule is His

(A translation of "Inna Allah Huwa al-Hakam wa Ilayhi al-Hukm" by a group of scholars and students of knowledge)

Indeed, the statement of Tawhid (la ilaha illallah), which negates ilahiyyah (the right to be worshiped) from all but Allah and affirms it for Allah alone, nullifies all forms of major shirk – in rububiyah (lordship), uluhiyyah (godhood), and al-asma was-sifat (names and attributes) – for the ilah (god) is the one that deserves to be worshiped and obeyed due to "those attributes it possesses necessitating that it be loved with the utmost love and submitted to with the utmost submission" (Taysir al-'Aziz al-Hamid). Thus, whoever does not single out Allah with ilahiyyah in all forms of worship and obedience has nullified the shahadah of Tawhid and – through his actions – has belied what he claims of belief in the Tawhid of rububiyah and al-asma was-sifat.<sup>90</sup>

From among the different forms of worship that Allah (ta'ala) has singled out for mention in His Book and in the Sunnah of His prophet (sallallahu 'alayhi wa sallam) is the act of seeking judgment from His legislation alone and ruling by it alone. This is what is necessitated by one's belief that Allah is "the most just of judges" (Hud 45) and "the best of judges" (Al-An'am 57), that there is none more just in word than Allah, that there is none better than Him in judgment, and that He has no partner in legislation. The evidences for tawhid in rule and legislation are very numerous.

Ash-Shanqiti said, "Committing shirk in Allah's rule is like committing shirk in His worship. Allah said concerning His rule, 'He does not have shirk in His rule with anyone' (al-Kahf 26). In the recitation of Ibn 'Amir, one of the seven reciters, it comes in the form of a forbiddance: 'Do not commit shirk with anyone in His rule.' Likewise, Allah said concerning the act of committing shirk in His worship, 'Whoever longs to meet His Lord – let him do righteous deeds and not commit shirk with anyone in the worship of his Lord' (al-Kahf 110). Both commands are equal, as is clearly seen."

---

<sup>90</sup> "Tawhid is traditionally categorized by scholars into three categories: rububiyah, uluhiyyah, and al-asma was-sifat. Tawhid of rububiyah means that there is no Lord but Allah, no one creates except Him, and no one provides the creation with what it needs save Him. This tawhid was recognized by the Arab mushrikin, as Allah (ta'ala) said, "If you were to ask them, 'Who created the heavens and the earth?' They indeed would say, Allah.' Say, 'Then have you considered what you supplicate besides Allah? If Allah intended me harm, are they removers of His harm; or if He intended me mercy, are they withholders of His mercy?' Say, 'Sufficient for me is Allah; upon Him [alone] rely the [wise] reliers'" (Az-Zumar 38). This tawhid did not exclude the mushrikin from takfir nor did it save them from the sword and Hellfire. Allah (ta'ala) said in this regard, "Most of them believe not in Allah except while they commit shirk" (Yusuf 108), meaning, they believe in rububiyah but disbelieve in uluhiyyah. Tawhid of uluhiyyah is to worship Allah alone, as none deserves to be worshiped except Him. Tawhid of asma was-sifat means that Allah ('azza wa jal) has the most beautiful names and loftiest attributes and that He has no equal therein" (Footnote from the authors).

He then said, "What this noble verse entails – that rule belongs to Allah alone, without partner, according to both recitations – has been further explained in other Ayat." He then mentioned from among them Allah's statement, "The rule is only for Allah. He has commanded that you worship only Him. That is the correct Din, but most of the people do not know" (Yusuf 40), and His statement, "Then is it the judgment of [the time of] ignorance they desire? But who is better than Allah in judgment for a people who are certain [in iman]" (al-Maidah 50), and His statement, "Is it other than Allah I should seek as a judge while it is He who has revealed to you the Book explained in detail?" (al-An'am 114).

He then said, "What is understood from these Ayat... is that the followers of the rulings of lawmakers who legislate what Allah has not permitted are committing shirk with Allah. This understanding was made clear in other verses, such as in Allah's statement concerning those who follow Shaytan's legislation in permitting maytah [the meat of unslaughtered animals] under the pretext that they were slaughtered by Allah: 'Do not eat of that upon which the name of Allah has not been mentioned, for indeed, it is grave disobedience. Indeed, the devils inspire their awliya to dispute with you, and if you were to obey them, indeed, you would be mushrikin' (al-An'am 121). So, he declared them to be mushrikin due to their obedience [to taghut legislation], and this shirk in obedience – following legislation that rivals what Allah has legislated – is what is meant by worshiping Shaytan in Allah's statement, 'Did I not enjoin upon you, O children of Adam, that you not worship Shaytan – [for] indeed, he is a clear enemy to you – and that you worship [only] Me? This is a straight path'" (Yasin 60-61).

He then said, "For this reason, Allah named as 'shuraka' [partners] those who are obeyed in the sins they beautify. He ('azza wa jall) said, 'Likewise, the 'shuraka' of the mushrikin have beautified to them the killing of their children in order to bring about their destruction and to mislead them in their way. And if Allah had willed, they would not have done so. So, leave them and that which they devise' (al-An'am 137). The Prophet (sallallahu 'alayhi wa sallam) explained this to 'Adi ibn Hatim (radiyallahu 'anhu) when 'Adi asked about Allah's statement, 'They took their rabbis and monks as lords besides Allah' (at-Tawbah 31). The Prophet (sallallahu 'alayhi wa sallam) explained to him that the clergy permitted for them what Allah had prohibited, and prohibited for them what Allah had permitted, and the Jews and Christians followed them in that regard, and that was their taking of their clergy as lords. From the most explicit of evidences concerning this is that Allah ('azza wa jall) explained in Surah an-Nisa that He is amazed at the claim of faith from those who want to seek judgment from what Allah has not legislated, and that is only because their claim of having faith despite their desire to seek judgment from taghut reaches a level of lying so great that it is amazing, and this is in His statement, "Have you not seen those (hypocrites) who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgment (in their disputes) to the taghut while they have been ordered to disbelieve in it. And Shaytan wishes to lead them far astray" (an-Nisa 60). And with these Heavenly texts that we have mentioned, it becomes apparent that the ones who follow the man-made laws, which the Shaytan has legislated upon the tongues of his allies and which oppose that which Allah (jalla wa 'ala) has legislated upon the tongue of His messenger (sallallahu 'alayhi wa sallam) that no one doubts their kufr and their shirk except him who Allah has removed his sight and has blinded them to the light of the revelation just like them (the followers of the taghut legislators) (Adwa al-Bayan)".

As for Allah's statement, "Is it other than Allah I should seek as a judge while it is He who has revealed to you the Book explained in detail?" (Al-An'am 114), then in pondering the many benefits ash-Shanqiti said, "Some scholars mentioned that some of the kuffar asked the Prophet (sallallahu 'alayhi wa sallam) to seek judgment along with them from some of the soothsayers, as it was the custom of the Arabs – when they had disputes and disagreements – to seek judgment from some of the soothsayers, and Allah's refuge is sought." Allah (ta'ala) then revealed this Ayah and ordered the Prophet (sallallahu 'alayhi wa sallam) "to completely denounce those who seek a judge other than the Creator of the heavens and the earth, who is the Just Judge, the Subtly Kind, the All Aware" (al-'Adhb an-Namir).

A similar verse is found in Surah al-An'am. Allah ('azza wa jall) said, "Say, 'Is it other than Allah – the Creator of the heavens and the earth – I should take as a wali [guardian], while it is He who feeds and is not fed? Say, 'Indeed, I have been commanded to be the first who submits [to Allah] and [was commanded]: Do not ever be of the mushrikin'" (al-An'am 14). He (ta'ala) also said, "Say, 'Is it other than Allah I should want as a lord while He is the Lord of all things? No soul does evil except against itself, and no one shall bear another's burden. Then to your Lord is your return, and He will inform you concerning that over which you used to differ'" (al-An'am 164). He (ta'ala) also said in Surah al-A'raf, "[Musa] said, 'Is it other than Allah I should seek as a god for you while He has chosen you over all creation?'" (al-A'raf 140).

Ibnul-Qayyim (rahimahullah) said, "One's being pleased with Allah as his lord means that he does not take a lord other than Allah, trusting in its management of affairs and appealing to it for his needs. Allah (subhanahu wa ta'ala) said, 'Say, 'Is it other than Allah I should want as a (rabb) lord while He is the Lord of creation?' (al-An'am 164). Ibn 'Abbas (radiyallahu 'anhu) said [explaining the meaning of rabb], 'As a master and a god.' The Ayah means, how can I seek a lord other than Him, when He is the Lord of creation? In the beginning of the surah, Allah (subhanahu wa ta'ala) said, 'Is it other than Allah – the Creator of the heavens and the earth – I should take as a wali' (al-An'am 14), meaning, as one worshiped, a supporter, a helper, and a refuge. This all is derived from wala (patronage), which entails love and obedience. In the middle of the surah, Allah (subhanahu wa ta'ala) said, 'Is it other than Allah I should seek as a judge while it is He who has revealed to you the Book explained in detail?' (al-An'am 114), meaning, is it other than Allah I should want to judge between us, so that we seek his judgment concerning what we have differed on? ... If you were to contemplate these three Ayat as they should be contemplated, you would see that they correspond to being pleased with Allah as a lord, with Islam as a din, and with Muhammad (sallallahu 'alayhi wa sallam) as a messenger... Many people are pleased with Allah as a lord and do not seek a lord other than Him, but are not pleased with Him alone as a wali and supporter. Rather, they take others beneath Him as awliya (guardians) believing that they bring them closer to Allah and that taking them as awliya is like taking a king's close associates as awliya, and this is the essence of shirk. Rather, Tawhid is that one not take other than Allah as a wali, and the Quran is filled with places describing the mushrikin as having taken awliya other than Allah... And many people seek other than Him as a judge from whom they seek judgment, to whom they present their dispute, and with whose judgment they are pleased. These three perspectives are the pillars of Tawhid – that one not take other than Him as a lord, nor as a god, nor as a judge" (Madarij as-Salikin).

Thus, he who seeks a judge other than Allah is a mushrik who believes in and worships the taghut just like one who seeks other than Him as a lord, a god, or a wali. What underscores this point is that Allah has ruled that whoever takes a legislator besides Him has made a rival for Him, and there is no difference between him and one who makes a partner for Allah in supplication or intercession. Allah ('azza wa jall) said, "You have certainly come to Us alone as We created you the first time, and you have left whatever We bestowed upon you behind you. And We do not see with you your 'intercessors' whom you claimed to be partners with Allah. The bond between you has been severed. And what you used to claim has lost you" (al-An'am 94). He (ta'ala) also said, "Say, 'Have you considered your 'partners' whom you invoke besides Allah? Show me what they have created from the earth, or have they partnership [with Him] in the heavens? Or have We given them a book so they are [standing] on evidence therefrom? [No], rather, the oppressors do not promise each other except delusion' (Fatir 40). He (ta'ala) also said, "Or do they have 'partners' who have legislated for them a din that which Allah has not permitted? But if not for the decisive word, it would have been concluded between them. And indeed, the oppressors will have a painful torment" (ash-Shura 21). He (ta'ala) also said, "Likewise, the 'partners' of the mushrikin have beautified to them the killing of their children in order to bring about their destruction and to mislead them in their religion" (al-An'am 137).

Furthermore, Allah ('azza wa jall) made Tawhid in rule and legislation a proof against those who do not make Tawhid of Him in worship, and made Tawhid of rububiyah and asma was-sifat a proof against those who do not practice Tawhid of uluhiyyah. He (ta'ala) said, "[Yusuf said,] 'O [my] two cellmates, are divided lords better or Allah, the One, the Subduer? You worship not besides Him except [mere] names you and your fathers invented, names for which Allah has sent down no authority. The rule is only for Allah. He has commanded that you worship only Him. That is the correct religion, but most people do not know'" (Yusuf 39-40). He (ta'ala) also said, "Recite to them the news of Ibrahim, when he said to his father and his people, 'What do you worship?' They said, 'We worship idols and remain devoted to them.' He said, 'Do they hear you when you supplicate? Or do they benefit you, or do they harm?' They said, 'But we found our fathers doing thus.' He said, 'Then do you see what you have been worshiping, you and your ancient forefathers? Indeed, they are enemies to me, except the Lord of creation. It is He who created me and then guides me. And it is He who feeds me and gives me drink. And when I am ill, it is He who cures me, and who will cause me to die and then bring me to life, and who I hope will forgive me my sin on the Day of Recompense.' [And he said,] 'My Lord, grant me authority and join me with the righteous'" (ash-Shu'ara 69-83).

Moreover, those who worshiped rabbis and monks by making them partners with Allah in legislation and those who worshiped the Messiah ('alayhis-salam) by making him a part of Allah's entity were equated by Allah ('azza wa jall), as He said, "They took their rabbis and monks as lords besides Allah as well as the Messiah, the son of Maryam. Whereas they were only commanded to worship one god; there is no god but Him. Exalted is He above whatever they partner with Him" (at-Tawbah 31). And when one of the Sahabah (radiyallahu 'anhu) took the kunyah (nickname) of Abul-Hakam (father of the judge), the Prophet (sallallahu 'alayhi wa sallam) forbid him from so, saying, "Indeed, Allah is al-Hakam (the Judge) and the rule is His" (Reported by Abu Dawud and an-Nasai from Abu Shurayh). As for he who submits to the rule and legislation of the taghut, as is the case with those who vote in the democratic elections and referendums and those who seek judgment from courts judging by man-made laws, then such people believe in and worship taghut and have left the basis of Islam – the testimony that there is no god but Allah, that there is none deserving worship or obedience except Allah – as

And They Were Ordered to Disbelieve in It

well as its reality – salamah (sincerity) and istislam (submission) to Allah – and whoever considers them to be Muslimin, Muwahhidin, abandoners of taghut, and disbelievers in it should review the Din of Islam before he is laid down in his grave. Our Lord, pour upon us patience, let us die as Muslimin, and join us with the righteous. Amin.

## Exclusive Fatwa

(A joint fatwa signed by Muhammad ar-Rashudi, 'Ali al-Khudayr, Hamad ar-Rayyis, Muhammad as-Saq'ibi, Nasir al-Fahd, 'Abdullah Al Sa'd, Hamad al-Humaydi, Ahmad as-Sinani, Ahmad al-Khalidi, and 'Abdul-'Aziz al-'Amr)

All praise belongs to Allah the lord of all creation and may the salah and salam be upon the Messenger of Allah and those who gave their allegiance to him, to proceed...

To the noble scholars, may Allah grant you all success, as-salamu 'alaykum wa rahmatullahi wa barakatuhu, as for what follows:

A memo has been issued to the judges by the number 13/Ta/2071 on the date 5/9/1423 H, attached herein, adopting to not take complaints to Shari'ah courts concerning what gets published in the papers and magazines and delivering it to the media department instead. Also, what gets published in the papers like in the economic journal, number 3331 on the date 18/Ramadan/1423 H, directed by the justice minister to the court's judges with the necessity of complying with the verdict, article 37 from the scheme of print outs and publications, and it dictates that: "The affairs related to publications in the papers is exclusive to the media department, not the Shari'ah courts. A committee looks into the specific differences within the system itself, is comprised of decisions from the media minister, and is headed by the deputy of the ministry who has authorization. Its members aren't less than three, each one of them would be a legal consultant and the committee issues decisions based upon the majority vote after inviting the opposition or whoever represents him and listening to his statement. It is permissible to invite whoever it sees can be heard regarding his opinions, just as it's permissible for it to seek aid by whom it sees fit, and the decisions made by the committee aren't approved except after the ministry conforms to it."

So, what is your opinion regarding this? And may Allah preserve you all.

The answer:

All praise belongs to Allah and may the salah and salam be upon the Messenger of Allah. And 'alaykum salam wa rahmatullahi wa barakatuh. To proceed...

Allah (subhanahu wa ta'ala) has made the judgment for Him and seeking judgment from His Shari'ah exclusively, nothing else. He (ta'ala) said, "The decision (hukm) is only for Allah. He relates the truth, and He is the best of deciders." He (ta'ala) said, "The command (hukm) is for none but Allah. He has commanded that you worship

none but Him." And He (ta'ala) said, "He does not have shirk in His rule." And He (ta'ala) said, "Whoever does not judge by what Allah revealed, such are the kafirun." And He (ta'ala) said, "And Allah judges (yahkumu); there is no adjuster of His decision." And He (ta'ala) said, "But no, by your Lord, they will not believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in full submission." And He (ta'ala) said: "Have you not seen those who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgment to the taghut while they have been ordered to disbelieve in it. And Shaytan wishes to lead them far astray." And He (ta'ala) said, "Unquestionably, His is the judgment (hukm), and He is the swiftest of accountants." And He (ta'ala) said, "To Him is [due all] praise in the first [life] and the Hereafter. And His is the [final] decision (hukm), and to Him you will be returned." And He (ta'ala) said, "And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day." And He (ta'ala) said, "But who is better than Allah in judgment for a people who are certain [in faith]." And He (ta'ala) said, "Is not Allah the most just of judges?"

And He said to His prophet, "Indeed, We have revealed to you, [O Muhammad], the Book in truth, so you may judge between the people by that which Allah has shown you." And He also said, "So, judge between them by what Allah has revealed and do not follow their inclinations..."

And on the authority of Abu Shurayh, that the Prophet (sallallahu 'alayhi wa sallam) said to him, "Allah is the Judge and the rule is His" (Abu Dawud and an-Nasai). And other than it from the Ayat and ahadith which establish that judgment is not referred back except Allah; not towards the fabricated man-made courts in any ministry or whatever circle it may be. The scholars have remained confronting the likes of this trend.

Shaykh al-'Allamah Muhammad ibn Ibrahim (rahimahullah) has confronted the likes of that and it's mentioned in his fatawa "A Memo for the Judges in Observing all Affairs." His (rahimahullah) memo states: "It has reached us that some judges refer some matters to the ministry of labor and social development or other than it from the panels under the pretext that this is from the exclusivity of a particular entity. It is clear that the Islamic Shari'ah is capable of fixing human circumstances in all aspects, in every material respect and the likes. There is an acknowledgement for the fabricated man-made laws by referring to those entities (for judgment), agreeing upon the systems that contradict the fundamental principles of the pure Shari'ah, outwardly showing the courts in an incapable and sluggish fashion, announcing the freeing of oneself from the obligations and running away from responsibilities. So, base your observations and judgments in everything that gets referred to you by of what the noble Shari'ah necessitates."

He also mentioned in a similar reply: "We have verified that when this commercial chamber became the reference point in disputes there will be a court for it and that the rulers aren't legitimate, rather they are systematic and man-made. There's no doubt that this clashes with what Allah sent His messenger (sallallahu 'alayhi wa sallam) with of the Shari'ah which is the only suitable law to judge between mankind with. Taking into consideration something from the fabricated man-made laws to judge by it, even if it's a little, no doubt displays

And They Were Ordered to Disbelieve in It

a lack of acceptance to the ruling of Allah and His messenger and attributes deficiency towards the judgment of Allah and His messenger."

The likes of this are plenty in his (rahimahullah) and also in the fatawa of his brothers amongst the righteous scholars (rahimahumullah).

From the man-made courts which Shaykh Muhammad ibn Ibrahim and his brothers rejected and fought include:

- Commercial courts
- Commercial courts for solving disputes
- Labor courts
- The committees that possess jurisdiction capabilities
- Health courts
- Military courts
- Media department courts

And other than that which opposes the Shari'ah of Allah and clashes with it and expels one from the Millah. We ask Allah for safety and well-being.

As for the claim that the entities which these courts rule by do not go against the Shari'ah, or that it's extracted from it, or that the judgment within it is by legitimate judges, then it is a claim which is void of proof and evidences. It is demolished by the instituted proceeds of these laws which are known as entities or statues or protocols which do not refer back to the Shari'ah for solutions or regulations. Just like it's demolished by the character of its members who don't have anything to do with the Shari'ah, and even if there were some shar'iyyin they cannot act independently from the decisions made by these committees because it goes by the majority vote and it doesn't permit one to go outside the tenets of the system.

The previous deputy minister of justice mentioned in his book "at-Tandhim al-Qadai", "The other judicial committees and panels, said: Indeed, many of the affairs and disputes which came out of the authority of the common courts, and distributing it of other judicial committees and panels which follow several entities, such as the commercial courts - which was previously known as 'the committee of solving commercial disputes' which presently follows in its configuration and intelligence the commercial ministry. The judiciary labor committee follows the labor department and social affairs, and the tariff committees are compromised by the command of the deputy minister of wealth etc... Which constricts the judicial authorities command, and deprives it from its



position of solving all the differences and disputes, where the system could hardly issue anything, except that it dictates in it, the distribution of a committee to implement the punishments upon the contravener."

Then he listed the present man-made courts under a committee name; mentioning over 20 man-made courts by the name of a committee or panel.

It is not possible to give an exception to anyone, whoever it may be, from the Shari'ah so that he isn't judged through Shari'ah courts; whether they were journalists, politicians, soldiers, staff personnel or others. As well, there's also no separation between the Din, journalism, politics or anything else.

On the authority of Ibn 'Abbas (radiyallahu 'anhu) that the Prophet (sallallahu 'alayhi wa sallam) said, "The most hated of people to Allah are three: the mulhid (deviant) in the Haram, a person who seeks to bring the traditions of jahiliyyah in Islam..." (al-Bukhari).

And it's reported from 'Aishah in the Sahihayn that Usamah spoke to the Prophet (sallallahu 'alayhi wa sallam) regarding a woman, so he replied, "Those before you were destroyed because if anyone of their nobles stole they spared him, and if any poor amongst them stole they implemented the punishment upon him. By the One who holds my soul in His hand, even if Fatimah stole I would have her hand cut off."

A chapter of al-Bukhari is named, "Establishing the hudud upon the noble and poor."

Ibn Hajr said, "He must depart from favoritism in applying the hadd upon whom it is required even if it was his father or close relative or someone with noble status. He must emphasize that and reject those who give leeway or wish to intercede for one whom the hadd is required."

Ibn Taymiyyah (rahimahullah) said, "Whoever believes there's something given to the awliya of Allah that makes them non-obliged to follow the messengers and obey them then he is a kafir whose repentance must be sought. He either repents or is killed, such as whoever believes that there's someone in the ummah of Muhammad that can free himself from following him the way al-Khidr freed himself from following Musa."

Shaykh Muhammad ibn 'Abdil-Wahhab (rahimahullah) mentioned in the ninth nullifier, "Whoever believes that some people can leave the Shari'ah of Muhammad (sallallahu 'alayhi wa sallam) like al-Khidr left the Shari'ah of Musa ('alayhis-salam) is a kafir."

So, it is incumbent upon the scholars, judges, du'ah and people of goodness to stand up to what's obligatory upon them in repelling this enormous evil and hoping for Allah's reward in confronting and striving against it. For verily, it relates to Tawhid, iman and kufr. Abstaining from judging by the Shari'ah for the man-made laws is disbelief in Allah al-'Adhim and something which takes one outside the fold of Islam. And there is no power nor strength except with Allah.

Finally, the mufti of the land, Shaykh Muhammad ibn Ibrahim (rahimahullah) said, "Verily from the greatest and clearest kufr is giving the accursed man-made laws the position of that which the faithful spirit descended upon the heart of Muhammad (sallallahu 'alayhi wa sallam) that he should be a warner in the clear Arabic tongue, judging between the nations by it, referring back to it when there is a dispute, in contradiction to, and in obstinate rejection to the saying of Allah ('azza wa jall), 'Oh you who believe! Obey Allah and obey the Messenger, and those of you (Muslimin) who are in authority. (And) if you differ in anything amongst yourselves, refer it to Allah and His messenger, if you believe in Allah and in the Last Day. That is better and more suitable for final determination.'"

May the salah and salam be upon our Prophet Muhammad, his family, and his companions altogether.

Shaykh al-Mujaddid Muhammad ibn 'Abdil-Wahhab (rahimahullah) said:

*"So, Allah, Allah oh brothers! Hold tightly to the foundation of your din, its beginning and its end, its base and its head. It is the testimony that there is nothing worthy of worship except Allah. Recognize it, know its meaning, love its people and make them your brothers, even if they are far away; and disbelieve in the taghut, be hostile against them and hate anyone who loves them, or argues for them, or does not declare them to be kuffar, or says: 'I am not bothered by them' or says: 'Allah has not made it obligatory on me regarding them.' Without any doubt, whoever says that has fabricated a lie against Allah. Rather, Allah has made it obligatory on him to oppose them and He has obligated disbelieving in them and forsaking them, even if they are his blood brothers and sons. So, Allah, Allah! Hold steadfastly to the foundation of your din so that you can meet your Lord without having committed shirk with Him. Oh Allah take us away as Muslimin, and gather us with the righteous."*

(ad-Durur as-Saniyyah)



And They Were Ordered to Disbelieve in It