MAN-MADE LAWS
vs.
SHARI'AH

Ruling by Laws other than what Allah Revealed
Conditions and Rulings

Abdur-Rahmaan ibn Salih al-Mahmood, Dr.

INTERNATIONAL ISLAMIC PUBLISHING HOUSE
Bismi Allahi Al-Rahmani Al-Raheemi
In the name of Allah, the most Beneficent, the most Merciful
MAN-MADE LAWS VS. SHARI‘AH

Ruling by Laws other than what Allah Revealed

Dr. Abdur-Rahmaan ibn Salih al-Mahmood

Translated by:
Nasiruddin al-Khattab

INTERNATIONAL ISLAMIC PUBLISHING HOUSE
LIST OF CONTENTS

PUBLISHER’S NOTE

TRANSLATOR’S FOREWORD

INTRODUCTION

CHAPTER ONE

RULING ACCORDING TO SHARI’AH AND ITS STATUS IN ‘AQEEDAH

Its connection to Tawheed al-‘Ibaadah

Its connection to Tawheed ar-Ruboobiyah

Its connection to Tawheed al-Asmaa’ was-Sifaat

Its connection to Eemaan (Faith)

Its connection to Islam

Its connection to the Shahaadatayn

There is evidence to indicate that obedience to anyone other than Allah and turning away from His rulings is kufr and shirk

CHAPTER TWO

THE TEXTS WHICH PROVE THAT IT IS OBLIGATORY TO REFER TO THE LAWS OF ALLAH

The general aayaat which prove that it is obligatory to refer for judgement to the laws of Allah

Contemplating the meanings of some of the aayaat
CHAPTER THREE

THE VERSES FROM SOORAH AL-MAA’IDAH
CONCERNING RULING BY ANYTHING OTHER THAN
THAT WHICH ALLAH HAS REVEALED 119

The verses from Soorah al-Maa’idah 119
The reasons for revelation 123
Who is referred to in these verses, and are they
general or specific in meaning? 129
When does ruling by something other than that which
Allah has revealed constitute major kufr (kufr akbar)? 152
Cases of major kufr

Ideological (denial and regarding forbidden things
as permissible) 158

Man-made legislation that goes against the laws of Allah 171
Obeying those who change the laws of Allah knowing that
they are going against the shari‘ah and rulings of Allah 203

When does it constitute minor kufr (a lesser form of kufr)? 208
Ibn ‘Abbaas and his comment “kufr doona kufr (a lesser
form of kufr)” 211

The story of Abu Majlaz and the ‘Ibaadiyah and
analysis of what happened 212
Ibn ‘Abbaas and the Khawaarij 220

CHAPTER FOUR

EXAMPLES OF THE SCHOLARS’ VIEWS ON
THOSE WHO ALTER THE LAWS OF ALLAH 231

The Riddah (apostasy) movement 231
The Yaasiq of the Tartars and Ibn Taymiyah 243
The theoretical angle 251
The practical angle

Other examples

CHAPTER FIVE

SPECIOUS ARGUMENTS AND RESPONSES TO THEM 263

The first specious argument

The reports from Ibn 'Abbaas that he said concerning the aayah (A lesser form of kufr) 264

The second specious argument

The claim that the aayaat refer exclusively to the people of the book, and that the Muslims are not included in the rulings of these aayaat 265

The third specious argument

That ruling by something other than that which Allah has revealed is kufr of action, and kufr of action does not put one beyond the pale of Islam 265

The fourth specious argument

A person does not become a kaafir unless he regards it to be permissible to rule by something other than that which Allah has revealed and rejects that which Allah has revealed 273

The fifth specious argument

Comparing ruling by something other than that which Allah has revealed to bid'ah 302

The sixth specious argument

The narration of consensus that the one who rules by something other than that which Allah has revealed is not a kaafir, except in the case of one who denies and rejects (that which Allah has revealed) 315
List of Contents

The seventh specious argument 329
Extending the judgement of kufr to include minor incidents 329

CHAPTER SIX

RELATED TOPICS AND ISSUES 339
Differentiating between the shara'i system and the administrative system 339
The method of the salaf in classifying people as kaffir 342

CONCLUSION 353
REFERENCES 357
SYMBOLS’ DIRECTORY 370
GLOSSARY 371
INDEX OF THE QUR’AN 379
INDEX OF HADITH 381
TRANSLITERATION CHART 383
We worship none but Allah, the One, the First and the Last alone, the only worthy of all praise and thanks, the Creator of the universe, the Lord, the Sustainer, the All-Merciful. Blessings and Peace of Allah be upon the last of the Messengers and Prophets, Muhammad, his family, his Companions and all those who follow in his footsteps till the last Day on this universe.

Man turned into men leading to the formation of society. Man and society are thus inseparable and inter-dependent. Sociologists today say that man evolved in centuries, norms, attitudes, rules etc. to demarcate rights and duties for individuals and society to run the society for mutual benefit and harmonious growth. Islam, on the other hand, teaches us that Allah created man and provided him with the "dos and don’ts" to be followed by him and his progeny. This is termed as revelation. Revelation of the "dos and don’ts" from the Lord continued at every stage of history up to the last Prophet Muhammad (Blessings and Peace be upon him) and culminated in the form of the Qur’an.

A Muslim is a person who surrenders to the Laws of God as revealed to the last Prophet Muhammad (Blessings and Peace be upon him), sans any reservation. Anyone who prefers any other set of laws — manmade laws, ceases to be a Muslim. The Muslim societies today are confronted with a number of problems governing their affairs in their respective arena. In the past, too, such situations occurred and the scholars of the day discussed the issue.

The research work of Dr. Abdur-Raḥmaan al-Maḥmood discusses the issue from various angles drawing heavily from the original sources — the Qur’an and the Sunnah. Quotations from the writings of well-reputed Muslim scholars — past and present — are scattered through
the pages to make the issue crystal clear.

Brother Naṣiruddin al-Khaṭṭab rendered the research work into English for the wider readership.

May Allah bless with acceptance the labour of all those associated with the publication of the book.

*Muhammad ibn ʿAbdul-Muḥsin Al Tuwaijri*

General Manager
International Islamic Publishing House
Riyadh, Saudi Arabia
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TRANSLATOR’S FOREWORD

Ruling by something other than that which Allah (ﷻ) (the Exalted) has revealed is the most obvious deviation from the way of Islam which the ummah is experiencing on a very wide scale.

As the Islamic ruling on ruling by something other than that which Allah ( سبحانه وتعالى) has revealed is not clear in the minds of the majority of Muslims, most Muslims do not realize the seriousness of this deviation and its nature, because the views of the Murji‘ah are so widespread among the masses. These views say that Islam or faith is simply the matter of what is in the heart, and if a person believes in his heart then nothing can put him beyond the pale of Islam, no matter what he does. This is contrary to the view of the salaf and the scholars who followed in their footsteps, who affirmed that there are certain actions which may constitute major kufr (disbelief) and thus put a person beyond the pale of Islam. One of these actions, the focus of this book, is the promulgation of laws and legislative systems other than shari‘ah, making them binding upon the people and forcing them to refer to these man-made laws for judgement.

It is essential to clarify this serious issue for the ordinary Muslim, so that he may learn to judge any man-made law or system as a system of kufr, so that he may know that the action of promulgating these legal systems constitutes major kufr, and accepting these systems and thinking that they are as good as, or better than, shari‘ah, or that it is permissible to refer to them for judgement, constitutes major kufr which puts a person beyond the pale of Islam.

Once this idea is clear in the minds of ordinary Muslims, then the Muslim ummah will not accept anything from their governments and rulers except shari‘ah, to rule their lives, and they will realize that any other system or law is nothing more or less than kufr and a deviation from Islam.
The author has produced this book at a time when many other books and ideas are being propagated to justify the status quo of the ummah and the position of those who are not ruling by that which Allah has revealed, and to detract from the seriousness of the situation.

This book is a detailed discussion of the extreme views of both the Murji‘ah and Khawaarij, views which are clouding the ummah’s vision as they have for far too long. The view of the Murji‘ah is that faith is simply the matter of belief in the heart, with no link to action, whilst the view of the Khawaarij is that any sin constitutes major kufr which puts a person beyond the pale of Islam. The author highlights these distorted views, then explains the middle way of Ahl as-Sunnah wal-Jamaa‘ah, that the faith is composed of both belief and action, and that it may increase and decrease; sin does not necessarily constitute major kufr, but there are some sins which in and of themselves do constitute major kufr and put a person beyond the pale of Islam, such as ruling by something other than that which Allah (ﷻ) has revealed.

The author quotes the views of scholars both classical and modern, and he also refers to the views of those who hold opposing views, and refutes them with arguments that are based on the Qur’an and Sunnah and which highlight the influence of Murji‘ah on those misguided views.

We hope that this book will settle the matter for those who are seeking the truth and whose desire is to follow the path of the Prophet (صلى الله عليه وسلم) (Blessings and Peace be upon him) and his Companions.

May Allah reward the author for his efforts to describe the path of truth. May He guide us all, leaders, scholars and ordinary Muslims alike, to the way which is pleasing to Him.

Naṣiruddin al-Khaṭṭab
INTRODUCTION

Praise be to Allah, we praise Him and seek His help and forgiveness. We seek refuge in Allah from the evil of our own selves and from our evil deeds. Whomsoever Allah guides, none can lead him astray, and whomsoever Allah sends astray, none can guide him. I bear witness that there is no god except Allah, the Alone, with no partner or associate, and I bear witness that Muhammad (ﷺ) is His slave and Messenger.

(Qur'an 3: 102)

(Qur'an 4: 1)
O’ you who believe! Keep your duty to Allah and fear Him, and speak [always] the truth. He will direct you to do righteous good deeds and will forgive you your sins. And whosoever obeys Allah and His Messenger, he has indeed achieved a great achievement [i.e. he will be saved from the Hell-fire and will be admitted to Paradise].

(Qur’an 33: 70-71)

The most truthful of speech is the book of Allah, and the best of guidance is the guidance of Muhammad (ﷺ). The most evil of things are those which are new-inventions; every new-invention (in religion) is an innovation (bid‘ah) and every innovation is a going-astray.

Tribulations (fitan) have increased tremendously and are of many different kinds. Among the innovations that have been introduced into this ummah in recent times is: ruling according to something other than that which Allah has revealed, and referring to something other than the shari‘ah of Allah for judgement. This has become the main characteristic of many Muslim countries and is now a basic principle of their constitutions.

When I was studying the Commentary on At-Tahaawiyah by Ibn Abil-‘Izz al-Ḥanafi (may Allah have mercy on him), in the Faculty of Shari‘ah and in the College of Uṣool ad-Deen in Riyadh, I often used to examine what the commentator on At-Tahaawiyah said about issues connected to ‘ageedah.

One of those matters was the deviation into which both the Murji‘ah and the Wa‘eediyah (the Khawaarij and the Mu‘tazilah) fell concerning the one who commits major sin - what is the ruling on
him in the Hereafter and how is he to be classified in this world? Because the salaf — the pious predecessors — (may Allah have mercy on them) took a moderate approach to that, it was essential to discuss and examine the view of the two groups who went astray concerning this matter, so that the truth and the correct view might become clear.

The Khawaarij — and those among the Mu’tazilah and others, of the Wa’eediyah, who followed them — believed that eemaan (faith) included words, beliefs and the actions of the physical faculties, but they went astray when they made actions as the sole criteria to judge the validity of faith. As a result of this view, they said that those who committed major sins — such as adultery, theft, drinking alcohol, etc., without believing that these things are permissible — were beyond the pale of Islam. Some of them, such as the Khawaarij, regarded those who commit major sins as kaafir, and others, such as the Mu’tazilah, regarded them as being in a state between faith and kufr. With regard to the verdict in the Hereafter, they agreed that the person who commits major sin would abide forever in the Fire. This view is based on their corrupt principles.

In contrast to the view of the Khawaarij is the view of the Murji’ah, who regarded faith as mere knowledge, unconnected to any deeds, whether those deeds were actions of the heart or the body. This was also the view of the extremists among the Jahamiyah and others. Or they said that eemaan (faith) meant only believing, and that physical actions had nothing to do with it. This is the view of many groups of the Ahl al-Kalaam (“Islamic” philosophers) — such as the Ash’ariyah, Maatureediyah and others (may Allah forgive them). The belief of these groups is that when there is belief in the heart, there is faith, even if there are other things which may nullify faith. As a result of that, they thought that no one could be a kaafir except the one who has disbelief in his heart. They forgot that many of the actions for which the aimmah (leading Islamic scholars) of Islam, based on evidence, ruled that a
person was an apostate or something else, were merely physical actions, such as the one who insults Allah or His Messenger (ﷺ), or prostrates to an idol, or stamps on the Mus-haf. They did not stipulate a condition that he should also disbelieve in his heart, etc. Indeed, the scholars discussed many issues where, based on the outward appearance of actions, they ruled a person to be guilty of major kufr (al-kufr al-akbar), even though he affirmed belief and did not express disbelief, such as deliberately not praying, engaging in sihr (magic or witchcraft), befriending the enemies of Allah, and so on.

With regard to the matter which we are discussing here - the matter of ruling according to something other than that which Allah revealed — we find that those who are inclined towards the view of the Murji’ah take the opposite stance and say that no one is a kaafir except the one who rejects and disbelieves in that which is revealed by Allah, but with regard to ruling in any way according to something other than that which Allah has revealed, so long as a person does not clearly state that he is rejecting it, then he is guilty “only” of lesser shirk (ash-shirk al-așghar), as with any other major sin.

When Ibn Abil-‘Izz wanted to discuss the way in which the Khawaarij argued with a number of evidences (daleel) as proof, he said, “But there remains an issue which may seem to refute what Shaykh at-Taḥaawiyah (may Allah have mercy on him) said, which is that the Lawgiver called some sins kufr. Allah (ﷻ) says,

«وَمَنْ لَمْ يُحَكِّمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ»

«...And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers - of a lesser degree as they do not act on Allah’s Laws].»

(Qur’an 5: 44)
And the Prophet (ﷺ) said,

‘Abusing a Muslim is fusooq and fighting him is kufr...’¹

He quoted a number of other hadiths,² then he said: “The response to this is that the Ahl as-Sunnah are unanimous that the person who commits a major sin is not a kaaﬁr in the sense that he is no longer a Muslim at all, as the Khawaarij say; if he were a kaaﬁr in the sense that he is no longer a Muslim he would be a murtadd (apostate) who would be killed in any case...”³

Then he continued to discuss the issue, explaining the aayah quoted above and the hadiths which contain warnings, and describe the people who commit these sins as being kaaﬁr or hypocrites, or as not having faith. He discussed this matter at length, but in order to avoid misunderstanding, towards the end he said:

“But there is a matter which should not be overlooked, that is, the ruling according to something other than that which Allah has revealed may constitute kufr which puts a person beyond the pale of Islam, or it may be a major or minor sin; it may be called kufr in a metaphorical sense, or it may be lesser kufr, according to the two scholarly opinions mentioned, and depending on the case.

If the judge believes that ruling according to what Allah has revealed is not obligatory and is optional, or he thinks little of it even though he is certain that this is the ruling of Allah, then this is a major kufr (kufr akbar).

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¹ Bukhari, Kitaab al-Eemaan, hadith no. 48; Muslim, Kitaab al-Eemaan, hadith no. 64.
³ Ibid, Pp. 442.
If he believes that ruling according to what Allah has revealed is obligatory, and he knows the correct ruling in this particular case, but he does not judge or rule by it, whilst acknowledging that he deserves to be punished, then he is a sinner and he is described as a *kaafir* in a metaphorical sense, in the sense of lesser *kufr* (*kufr asghar*).

If he is unaware of the ruling of Allah in a case, but he does his best to reach the right conclusion, and suffers error, then he has made a mistake. He will be rewarded for his efforts and his mistake will be forgiven."^4

Here Ibn Abil-‘Izz wanted to draw attention to the issue of ruling according to something other than what Allah has revealed. There can be different situation, unlike other major sins which have only two forms — either the person who does it rejects the ruling, even though he is not unaware of it, so he is a *kaafir* in the sense of major *kufr*, or he accepts the ruling but he does it out of disobedience, so he commits a major sin but he is not a *kaafir*.

Think about what Ibn Abil-‘Izz said: "He knows the correct ruling in this particular case, but he does not judge or rule by it, whilst he acknowledges that he deserves to be punished." This refers to one of the forms of ruling according to something other than what Allah has revealed, which is a form of lesser *kufr* which does not put a person beyond the pale of Islam. We will discuss this matter in more detail below and quote the comments of the scholars on it.

Hence, as there is confusion concerning this matter, I have written, this book, discussing in detail what has been said about this and have quoted the views of the scholars, both the predecessors and contemporary, dealing this issue.

I have divided this book into six chapters, as follows:

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^4 Sharh at-Tahaawiyah, Pp. 446.
Chapter One: Ruling according to shari'ah and its status in 'aqeedah.

Here I explained that the matter of obedience to Allah and His Messenger (ﷺ) and connected issues are basic principles of 'aqeedah, and that they are connected to the pillars of 'aqeedah, namely the Oneness (Tawheed) of Divinity (Ulloohiyah), Lordship (Ruboobiyah) and the names and attributes of Allah, and the testimony that Muhammad (ﷺ) is the Messenger of Allah. Here I have quoted the comments of the most prominent muhassireen (exegetes - the commentators) and the views of the leading scholars (aimmah) of Islam, predecessors and contemporary.

Chapter Two: It deals with the texts which indicate that it is obligatory to refer to the shari'ah of Allah for judgement.

Because these texts are so many — especially in the Qur'an — I have divided them into three sections:

1) The general aayaat (verses) which indicate in general terms that it is obligatory to refer to the shari'ah of Allah for judgement and forbid following the laws of anyone else. Because these aayaat are so many, I first quoted some of them with the comments of the muhassireen and aimmah (leading Muslim scholars — Imams), then I quoted the rest of them without comment, for the readers who wish to pursue the commentaries on them.

2) Here I discussed some of the aayaat at length, because they contain evidence pertinent to this topic. I limited my discussions to four quotations, with the comments of the muhassireen and other Islamic scholars.

3) The aayaat (verses) from Soorah al-Maa'idah — the fifth chapter — about ruling according to something other than what Allah has revealed. Because this is a lengthy topic, I discussed it separately.
Chapter Three: Under this chapter I quoted the aayaat from Soorah al-Maa' idah about ruling according to anything other than that which Allah has revealed, and I explained the different forms that it may take: when it is major kufr and when it is lesser kufr. Because this is a lengthy discussion, I have divided it into five sections, so that the discussion may be clear.

1) The reasons for revelation (asbaab an-nuzool) of the aayaat in Soorah al-Maa' idah; the views of the mufassireen and others concerning that, pointing out which is the most correct view.

2) Discussion of who is referred to in this aayah - the Jews, the Christians or the Muslims? Are these aayaat general or specific? Here I mentioned the various opinions of the scholars and discussed my preference.

3) An explanation of when ruling according to something other than that which Allah has revealed may be major kufr, because the verses in Soorah al-Maa' idah say that it may be kufr or zulm (wrongdoing) or fusooq (rebellion), as Allah says, {Such are the kaafooroon [disbelievers]... zalimoon [polytheists and wrongdoers]... faasiqoon [rebellious, disobedient]} (Al-Maa' idah 5: 44, 45, 46). I discussed under this the major kufr (kufr akbar). It may take three forms:

a) Ideological, i.e., denial and regarding (haraam) things as permissible.
b) Legislation that goes against the laws of Allah.
c) Obedience to those who change the laws of Allah knowing that they are going against the shari'ah and rulings of Allah.

I discussed these three types at length, and quoted the evidence (daleel) for them, and the views of the aimmah — the leading jurists and founders of juristic schools — and scholars of Islam, ancestors and contemporary.
4) When it is considered to be minor or lesser *kufr*. Here I explained the particular case of which the scholars spoke of and explained that the one who does not rule according to that which Allah revealed is not guilty of major *kufr*.

5) This is the conclusion of the previous topic, where I discussed in detail the comment narrated from Ibn ‘Abbaas (R.A.) when he said concerning the *aayah* from Soorah al-Maa’idah, “*Kufr doona kufr* (a lesser type of *kufr*).”

**Chapter Four:** This consists of examples of the stand taken by the scholars and *aimmah* of Islam concerning those who changed the laws of Allah. Here I mention three examples:

1) The movement of the apostates who withheld the zakah and the ruling of the * Sahaba*ah concerning them.

2) The *Yaasiq* of the Tartars, and the stand that Shaykh al-Islam Ibn Taymiyyah, Ibn Katheer and other scholars took against it. Here I discussed what this *Yaasiq* was and its source, and how the Tartars became Muslim but they still adhered to the *Yaasiq*.

3) Other examples I mentioned in brief, those are important examples.

**Chapter Five:** This deals with the specious arguments and the responses to them. I have discussed the most important arguments of the people who hold different views, and the response to them.

**Chapter Six:** This is the conclusion. Here I mentioned other important but related topics:

1) The difference between the *shar‘i* system and the administrative system.

2) Denunciation of a person as a *kaafir*, and the methodology of the *salaf* in doing so.
I have tried throughout this book to mention evidence (*daleel*) and to quote the words of the scholars verbatim, even though this may have meant that some of the quotations are relatively long. The importance and seriousness of this research made it imperative that it be based on the evidence of shari'ah and supported by the views of the prominent and leading scholars.

In conclusion, I would like to draw attention to the fact that in this study of this important topic, I have discussed the rulings and cases that apply to it. With regard to its application in real life, that depends on the fulfilment of conditions and the removal of impediments. The purpose of this book is to explain the seriousness of the matter and the danger of turning away from the shari'ah of Allah and referring for judgement to other false laws which go against the laws of Allah.

I have tried my best to deal with this topic. If I have done well, it is by the help of Allah, and if I have made any mistakes, they are from me and from the *Shaytaan* (Satan).

I ask Allah to show us the truth as truth and to help us to follow it; I ask Him to show us falsehood as falsehood, and to help us to avoid it. And I ask Him to help us to be sincere in word and deed, and to help us to do that which He loves and which pleases Him.

May Allah bless our Prophet Muhammad and his family and Companions, and grant them peace.

Dr. 'Abdur-Rahmaan ibn Salih al-Mahmood
CHAPTER ONE

RULING ACCORDING TO SHARI‘AH AND ITS STATUS IN ‘AQEEDAH

The connection between ruling according to shari‘ah and 'aqeedah is deep and fundamental. It is not simply a distant relationship that has no effect on 'aqeedah, rather the matter is more serious as we shall see below. This chapter will discuss two main points, as follows:

1) The importance of this matter, and the principles on which it is based. The scholars' comments which speak of this matter in forceful terms stem from their awareness of this matter.

2) Refutation of some of those who think that the matter of ruling according to the shari‘ah of Allah is the matter of visible deeds and actions (as opposed to beliefs), and that any sins that have to do with this matter do not mean that a person is no longer a believer, so long as he does not reject (the shari‘ah).

There is a variety of evidence concerning the relationship to 'aqeedah of obedience, doing that which is commanded, avoiding that which is forbidden, and other issues that are related to ruling according to shari‘ah and applying that on the individual and community level.

— Sometimes it is connected to 'aqeedah on the basis of Tawheed al-‘Ibaadah (the Unity of Worship).

— Sometimes it is connected to 'aqeedah on the basis of Tawheed ar-Ruboobiyyah (the Unity of Lordship).

— Sometimes it is connected to 'aqeedah on the basis of Tawheed al-Asma' was-Şifaat (the Unity of the Divine Names and Attributes).
— Sometimes it is connected to ‘aqeedah on the basis of eemaan (faith, belief).

— Sometimes it is connected to ‘aqeedah on the basis of Islam.

— Sometimes it is connected to ‘aqeedah on the basis of the Shahaadatayn.

The aayaat which refer to that are very many. We will limit ourselves to quoting just a few examples.

Its Connection to Tawheed al-Ibaadah

Allah (ﷻ) says, in the story of Prophet Yoosuf (ﷺ) (may peace be upon him) and his calling others to Allah in prison:

كَمَا تُعْبَدُونَ مِنْ دُونِهِ إِلاَّ أَسماَءَ سَمَيْتُهَا أَنْبَعْثُ وَأَنَاَوُكُمْ مَآ أَنَزَّلَ عَلَيْهِمْ سُلْطَنًا إِلَّا بِلَيْبَهُ إِلاَّ بَيْنَ آمَرُهُ أَنْبَعْثُ إِلَّا إِيَّاهُ ذَلِكَ اللَّهُ الْقَهِيمُ وَلَا يَضَلُّ الْأَيَّامُ مُسْتَمِرًا

(You do not worship besides Him but only names which you have named [forged] - you and your fathers - for which Allah has sent down no authority. The command [or the judgement] is for none but Allah. He has commanded that you worship none but Him [i.e. His Monotheism]; that is the [true] straight religion, but most men know not.) (Qur’an 12: 40)

And Allah (ﷻ) says:

لَا إِكْرَاهَ فِي الْدِّينِ إِلَّا مَا تَبَيَّنَ الرُّسُلُ مِنْ الْقُرْآنِ فَإِنَّكَ لِتَكْفُرُ بِالَّذِينَ يَعْرَجُونَ

وَيُقَوْمُ بِاللَّهِ فَقَدْ أَسْتَمِسْكَ بِالْمَعْرُوفِ لَأَفَتَمِنَ لَا أَنفَصَّمُ لَهُ وَاللَّهُ سَمِيعُ

(There is no compulsion in religion. Verily, the Right Path has become distinct from the wrong path. Whoever
disbelieves in *taaghoot* and believes in Allah, then he has grasped the most trustworthy handhold that will never break. And Allah is All-Hearer, All-Knower.﴾
(Qur'an 2: 256)

And Allah (ﷻ) says:

﴾They [Jews and Christians] took their rabbis and their monks to be their lords besides Allah [by obeying them in things which they made lawful or unlawful according to their own desires without being ordered by Allah], and [they also took as their Lord] Messiah, son of Maryam [Mary], while they [Jews and Christians] were commanded [in the *Tawraat* (Torah) and the *Injeel* (Gospel)] to worship none but One *Ilah* [God — Allah] *Laa ilaaha illa Huwa* [none has the right to be worshipped but He]. Praise and glory be to Him [far above is He] from having the partners they associate [with Him].﴿
(Qur'an 9: 31)

**Its Connection to Tawheed ar-Ruboobiyah**

Allah (ﷻ) says:

﴾Indeed, your Lord is Allah, Who created the heavens and the earth in Six Days, and then He rose over
[Istawaq] the Throne [really in a manner that suits His Majesty]. He brings the night as a cover over the day, seeking it rapidly, and [He created] the sun, the moon, the stars subjected to His Command. Surely, His is the creation and commandment. Blessed is Allah, the Lord of the ‘Aalameen [mankind, jinn and all that exists]!

(Qur’an 7: 54)

And Allah (ﷻ) says:

وَمَكَّنَّاهُ عَمَّا نَتَّمِكْنُونَ

(And your Lord creates whatsoever He wills and chooses, no choice have they [in any matter]. Glorified is Allah, and exalted above all that they associate [as partners with Him].) (Qur’an 28: 68)

— and the like in other places.

Its Connection to Tawheed al-Asmaa’ was-Šifaat

The most significant of His Names in this regard are Al-Ḥakam, Al-Ḥaakim and Al-Ḥakeem.

Allah (ﷻ) says:

أَفْغَصْرَ اللَّهُ أَنتَ ذِي حَكْمِكَ وَهُوَ الَّذِي أَنْزَلَ إِلَيْهِمُ الْكِتَابَ مُضْصَلًا

وَأَلْبَيْنِ ذَاتِينِهِمُ الْكِتَابَ يَكْتُمُونَ أَنْثَرَ مَنْ نَزَّلَ مِنْهُ بِذِي هَيْبَتِهِ فَلا تَكُونَ

(并不意味 السِّمِّ أو نَصَامَةً)

(‘Shall I seek a judge other than Allah while it is He Who has sent down unto you the Book [the Qur’an], explained in detail.’ Those unto whom We gave the Scripture [the Tawraat (Torah) and the Injeel (Gospel)] know that it is revealed from your Lord in truth. So be not you of those who doubt.) (Qur’an 6: 114)
And Allah (عَزَّ وَجَلَّ) says:

«...That is the Judgement of Allah, He judges between you. And Allah is All-Knowing, All-Wise.»

(Qur'an 60: 10)

Allah (عَزَّ وَجَلَّ) is also described as:

«خَيْرُ الْحَاكِمِينَ...»

«...“Khayr al-Haakimeen [the Best of judges]”.»

(Qur'an 7: 87 — 10: 9 — 12: 80)

«أَحْكَمُ الْمَلَائِكَةِ...»

«...“Ahkam al-Haakimeen [the Most Just of the Judges]”.»

(Qur'an 11: 45 — 95: 8)

And Allah (عَزَّ وَجَلَّ) says:

«وَاللَّهُ يَّعْمَلُ لَا مُقْعَدًا لِّلْحَكِيمِ...»

«...And Allah judges, there is none to put back His Judgement and He is Swift at reckoning.»

(Qur'an 13: 41)

And Allah (عَزَّ وَجَلَّ) says:

«إِنَّ الْحَكِيمَ إِلاَّ يَذْهَبُ يَقْسِمُ الْحَقَّ وَهُوَ خَيْرُ الْمُنْصِرِينَ...»

«...The decision is only for Allah, He declares the truth, and He is the Best of judges.»

(Qur'an 6: 57)

Its Connection to Eemaan (Faith)

Allah (عَزَّ وَجَلَّ) says:
O’ you who believe! Obey Allah and obey the Messenger [Muhammad], and those of you [Muslims] 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.

(Qur’an 4: 59)

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 judgement [in their disputes] to the taaghoot [false judges] while they have been ordered to reject them. But Shaytaan [Satan] wishes to lead them far
astray. And when it is said to them: ‘Come to what Allah has sent down and to the Messenger [Muhammad],’ you [Muhammad] see the hypocrites turn away from you [Muhammad] with aversion. How then, when a catastrophe befalls them because of what their hands have sent forth, they come to you swearing by Allah, ‘We meant no more than goodwill and conciliation!’ They [hypocrites] are those of whom Allah knows what is in their hearts; so turn aside from them [do not punish them] but admonish them, and speak to them an effective word [i.e. to believe in Allah, worship Him, obey Him, and be afraid of Him] to reach their innerselves. We sent no Messenger, but to be obeyed by Allah’s Leave. If they [hypocrites], when they had been unjust to themselves, had come to you [Muhammad] and begged Allah’s forgiveness, and the Messenger had begged forgiveness for them, indeed, they would have found Allah All-Forgiving [One Who forgives and accepts repentance], Most Merciful. But no, by your Lord, they can have no Faith, until they make you [O’ Muhammad] judge in all disputes between them, and find in themselves no resistance against your decisions, and accept [them] with full submission.\[Qur’an 4: 60-65\]

And Allah (الله) says:

إِنَّمَا كَانَ قَوْلُ الْمُؤْمِنِينَ إِذَا دَعُوُوا إِلَى اللَّهِ وَرَسُولِهِ لِيُحَكَّرُ بِسَبِيلِ أَن

قُولُوا سَبِّحْنَا وَأَطْعَنَا وَأْوَلَدْنَا هُمُ الْمُفْلِحُونَ

(The only saying of the faithful believers, when they are called to Allah [His Words, the Qur’an] and His Messenger, to judge between them, is that they say: ‘We hear and we obey.’ And such are the successful [who will live forever in Paradise].\[Qur’an 24: 51\]
Its Connection to Islam

The basis of Islam is submission (istislaam) to Allah by obeying Him and by being free of shirk.

Allah (ﷻ) says:

« Vàn أَحْسَنُ دِينًا يَمِينًا أَسْلَمٌ وَجِهَهُ مُحَمَّدٌ وَهُوَ مُحْسِنُ...»

(And who can be better in religion than one who submits his face [himself] to Allah [i.e. follows Allah’s religion of Islamic Monotheism]; and he is a muhsin [a good-doer]...)

(Qur'an 4: 125)

And Allah (ﷻ) says:

« إِنَّ الْيَدَيْنِ عَنْدَ اللَّهِ الْإِسْلَامُ وَمَا أَحْتَفَلَ الْيَدَيْنِ أُوْلَٰئِكَ الْكَتَبَ إِلَّا مِنْ بَعْدِ مَا جَاءَهُمْ الْعِلْمُ بِبَيْنِ يَدَيْهِمْ وَمَنْ يَكْفُرُ بِيَدَيْنِ اللَّهِ فَأُتْبَعَ أَنَّهُ سَبِيعُ الْسَّبِيعِ إِنَّ خَاجَجَ فَقَلْ أَسَلْتُ وَجَهَّدْتُ لِلَّهِ وَمَنْ أَتَعْمَيْنِ وَقَلِلَ الْيَدَيْنِ أُوْلَٰئِكَ الْكَتَبَ وَالْأَلْبَابَ الْمُؤْمِنِينَ إِنَّ أَسَلْمَ أَلْيَأَدْ أَقْبَدْ أَهْتَكَنا وَأَيْتَ تَوَلَّى فَإِنَّ ذَٰلِكَ عَلَيْكَ الْبَيْنُ بِالَّذِي أَرَادْ بِالْعَفَاءِ إِلَّا غَيْرَكُمَا»

(Truely, the religion with Allah is Islam. Those who were given the Scripture [Jews and Christians] did not differ except, out of mutual jealousy, after knowledge had come to them. And whoever disbelieves in the aayaat [proofs, evidences, verses, signs, revelations, etc.] of Allah, then surely, Allah is Swift in calling to account. So if they dispute with you [Muhammad] say: ‘I have submitted myself to Allah [in Islam], and [so have] those who follow me.’ And say to those who were given the Scripture [Jews and Christians] and to those who are illiterates [Arab pagans]: ‘Do you [also] submit yourselves [to Allah in Islam]?’ If they do, they are rightly guided; but if they turn away, your duty is only to
convey the Message; and Allah is All-Seer of [His] slaves.

(Qur’an 3: 19-20)

And Allah (ﷻ) says:

وَمَن يُسَلِّمُ وَجَهَهُ إِلَى اللَّهِ وَهُوَ شَهِيدٌ فَقَدْ أَسْتَمَسْكَ بِالْعَرْوَةِ

(Qur’an 3: 73)

(And whosoever submits his face [himself] to Allah, while he is a *muhsin* [good-doer, i.e. performs good deeds totally for Allah’s sake without any show-off or to gain praise or fame and does them in accordance with the Sunnah of Allah’s Messenger Muhammad], then he has grasped the most trustworthy handhold *[Laa ilaaha illa-Allah* (none has the right to be worshipped but Allah)]...

(Qur’an 31: 22)

And Allah (ﷻ) says:

وَمَن يَتِبْ عَيْنَ النِّسْمَةِ وَيَبْلِغُ مَنَةَ وَهُوَ فِي الْعَجْرَةِ مِنَ النَّجَاسِينَ

(Qur’an 3: 124)

(And whoever seeks a religion other than Islam, it will never be accepted of him, and in the Hereafter he will be one of the losers.)

(Qur’an 3: 85)

And Allah (ﷻ) says:

وَنَزَّلَنَا عَلَيْكَ الْكِتَابَ تَبَالَةً لِِكُلِّ شَيْءٍ وَهُدٍّ وَرَحْمَةٌ وَبُشَرٍ

(Qur’an 6: 111)

(...And We have sent down to you the Book [the Qur’an] as an exposition of everything, a guidance, a mercy, and glad tidings for those who have submitted themselves [to Allah as Muslims].)

(Qur’an 16: 89)
Its Connection to the Shahaadatayn

With regard to the testimony that there is no god but Allah, the evidence under the heading of Tawheed al-‘Ibaadah explained that. With regard to the testimony that Muhammad (ﷺ) is the Messenger of Allah:

Allah (ﷻ) says:


(But no, by your Lord, they can have no Faith, until they make you [O’ Muhammad] judge in all disputes between them...) (Qur’an 4: 65)

And Allah (沙特) says:

...And whatsoever the Messenger [Muhammad] gives you, take it; and whatsoever he forbids you, abstain [from it]... (Qur’an 59: 7)

And Allah (沙特) says:

(Say [O’ Muhammad to mankind]: ‘If you [really] love Allah, then follow me [i.e. accept Islamic Monotheism, follow the Qur’an and the Sunnah], Allah will love you and forgive you your sins. And Allah is Oft-Forgiving, Most Merciful.’ Say [O’ Muhammad]: ‘Obey Allah and the Messenger [Muhammad].’ But if they turn away,
then Allah does not like the disbelievers.

(Qur'an 3: 31-32)

There is Evidence to Indicate that Obedience to Anyone other than Allah and Turning away from His Rulings is Kufr and Shirk

Allah (ﷻ) says:

«...ولا يشرك في حكيمه أحداً»

«...And He makes none to share in His Decision and His Rule.»

(Qur'an 18: 26)

And Allah (ﷻ) says:

«...إِنَّ أَطْعَمُوهُمْ لِيُسْتَكِبُونَ»

«...And if you obey them [the Shayaateen (Devils)], then you would indeed be mushrikoon [polytheists].»

(Qur'an 6: 121)

And Allah (ﷻ) says:

«أَفْحَمْكَ الْمَهْيَّةَ بِعَفْوٍ وَمِنْ أَحْسَنْ مِنْ أَنْفُسِهِنَّ حَكَمًا يُفْقِهُونَ»

«Do they then seek the judgement of [the days of] Ignorance? And who is better in judgement than Allah for a people who have firm Faith.»

(Qur'an 5: 50)

And there are many similar aayaat (verses).

This evidence, which is quoted here by way of example — for there is a great deal more than this — explains the extent to which this important matter is connected to ‘aageedah in all its various issues and principles.

Now we will turn our attention to the words of some of the scholars who connected the issue of ruling by other than that which Allah
revealed to ‘ageedah:

1 - Imam Muhammad ibn Naṣr al-Marwazi said, commenting on the reports of the famous hadith of Jibreel:

“The phrase ‘Eemaan (faith) means to believe in Allah’ means to affirm His Unity (Tawheed) and to believe in Him in one’s heart and verbally, and to submit to Him and His commands, by having the resolve to do what He commands and to avoid negligence, arrogance and stubbornness. If you do that, you will be adhering to that which He loves and you will avoid that which angers Him.”

Then he said, “With regard to the phrase ‘...and in His Messengers,’ this means believing in those whom Allah has named... and believing in Muhammad (ﷺ). The way in which you should believe in him is different from the way in which you should believe in the other Messengers. Your belief in the other Messengers means affirmation, but your belief in Muhammad (ﷺ) means both affirmation and believing in him, and following that which he brought. If you follow that which he brought, you fulfil the obligatory duties, accept as permissible that which is ḥalaal and accept as forbidden that which is ḥaraam, you refrain in cases where something is unclear, and you hasten to do good things.”

It may be noted that to belief in Allah and Tawheed, belief in the heart and verbal affirmation, he added the idea of submission to the commands of Allah, then he explained that. In the case of belief in His Messengers, he made a distinction between the other Messengers — who are to be affirmed — and His Messenger Muhammad (ﷺ), in whose case affirmation is not sufficient without following that which he brought.

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5 Ta‘zeem Qadr aş-Salaah, 1/392-393.
6 Ibid, 1/393.
2 - Al-‘Izz ibn ‘Abdus-Salaam (may Allah have mercy on him) said, in his discussion of the principle “Whom it is obligatory to obey, whom it is permissible to obey and whom it is not permissible to obey”:

“Only Allah is to be obeyed exclusively, because He is the only One Who bestows the blessings of creation, sustaining and nourishing His creation, and guiding His created beings to the correct path in their religious and worldly affairs. There is nothing good but He brings it, and there is nothing bad but He wards it off. No person deserves to be obeyed more than another, because none of them can bestow any of the blessings mentioned in the case of Allah. By the same token, no one has the right to rule or judge except Him, for His rulings are derived from the Qur’an and Sunnah, and from ijmaa‘ (scholarly consensus) and correct analogy (qiyaas), and other means of derivation. So no one has the right to use the method of istihsaan (discretion) or al-masaalah al-mursalah (matters which serve the common interests of the Muslims and which do not go against the basic principles of Islam)...”

Ibn ‘Abdus-Salaam based this matter on Tawheed ar-Ruboobiyyah (Oneness of Divine Lordship): just as the power of creation belongs exclusively to Allah, so too the power of command belongs exclusively to Him.

(...Surely, His is the creation and commandment...)

(Qur’an 7: 54)

3 - At-Ṭabari (may Allah have mercy on him) said in his commentary on the aayah —

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7 Qawaa'id al-Ahkam, 2/158. It should be noted that Al-‘Izz ibn ‘Abdus-Salaam was not rejecting Al-Masaalih al-Mursalah altogether, especially when they meet their specific conditions, as he explains in the book referred to here and in his other books.
Yes, but whoever submits his face [himself] to Allah [i.e. follows Allah’s religion of Islamic Monotheism] and he is a muhsin...

(Qur'an 2: 112) —

With regard to the phrase (whoever submits his face), what is meant by submitting the face is humbling oneself and obeying Him, and subjugating oneself to His command. The root meaning of Islam is submission (istsilaam), because He is the One to Whom you have submitted yourself, which means humbling oneself. The Muslim is so called because he submits all of his faculties in obedience to his Lord.”

Elsewhere, in his commentary on the aayah —

(Qur'an 2: 128) —

At-Tabari says: “Here too, Allah is telling us about the Prophets Ibraaheem and Ismaa‘eel, when they were raising the foundations of the House and saying, (Our Lord! And make us submissive unto You), meaning, cause us to submit to Your commands and to humble ourselves in obedience to You; let us not associate anyone other than You in our obedience or our worship. We have referred to above, the meaning of Islam, which is humility in obedience to Allah.”

At-Tabari clearly explains the meaning of Islam and the fact that Islam cannot be achieved except through humble submission to Allah Alone in worship and in obedience. This is what Shaykh al-Islam (Ibn Taymiyyah) mentions frequently, such as when he says in At-Tadmuriyah - after he mentions the Qur’anic texts which indicate that

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8 Tafsir at-Tabari, 2/510, edited by Shaakir.
the religion of all the Messengers was Islam, other than which Allah will not accept any religion from the earlier or later generations — "Islam implies submission (īstīslām) to Allah Alone. Whoever submits himself to Him and to anyone else is a mushrik and whoever does not submit himself to Him is too arrogant to worship Him. Both the mushrik and the one who is too arrogant to worship Him are kaafir. Submission to Him Alone implies worshipping Him alone and obeying Him alone. This is the religion of Islam, other than which Allah will not accept any religion. Submission is achieved by worshipping Allah at all times by doing that which He has commanded to be done at that particular time..."  

So Islam implies worship and obedience.

At-Ṭabari interprets religion (deen) as meaning obedience and humility. He states this in his commentary on the aayah —

∇ ﴾إنَّ الْبَيِّنَةَ عَنْذَهُ الْعَلِيمُ ﴾

«Truly, the religion [deen] with Allah is Islam...»

(Qur’an 3: 19) —

Then he says: "Such is Islam; it means submission and humility. The verb derived from this word is aslama, in the sense of entering into Islam. Similarly it is said (in Arabic), aqḥāta al-qawm when the people (al-qawm) enter a period of famine (qaḥt); or arba‘u when they enter the season of spring (ar-rabī‘). So it is said aslamū when they enter into Islam, which means submitting and humbling themselves, and giving up resistance. If this is the case, then the interpretation of the aayah — «Truly, the religion [deen] with Allah is Islam...» is that obedience means obedience to Him, and affirmation on the lips and in the heart of total enslavement (‘uboodiyah), subjugation and submission to Him by means of obedience to all His

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10 At-Tadmuriyah, Pp. 169, edited by Sa‘wi.
commands and prohibitions, submission without any arrogance or deviation, without associating any of His creatures in that submission or worship.”

Because At-Tabari is the shaykh of the mufassireen, and the most prominent scholar in knowledge of the Arabic language and the variant readings of the Qur’an, we will quote what he says about this matter. In his commentary on the aayah -

(O’ you who believe! Enter into Islam whole heartedly...(Qur’an 2: 208 - Yusuf ‘Ali’s translation)

— after mentioning the scholarly differences in interpreting it and the variant readings of the aayah, he says:

“If it is asked, what does it mean when Allah urges the believers to follow Muhammad (ﷺ) and the Islam that he brought? The answer is that it means to follow all His laws and apply all His rulings, without neglecting some whilst doing others. If this is the meaning, then the word (kaaffatan) translated here as “perfectly” is an adjective describing as-silm (Islam), and the meaning is, enter into action wholeheartedly, and do not omit any part of it, O’ you who believe in Muhammad and that which he brought.”

Then he mentioned a report from ‘Ikrimah concerning the revelation of this aayah. At-Tabari said: “Ikrimah stated something similar to that which we have stated above, that the meaning of that call to the believers is to reject all issues that are not part of the rulings of Islam, to follow all its rulings and not to neglect any of them.”

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11 Tafseer at-Tabari, 4/255, Edited by Shaakir.
12 Ibid, 4/356.
He then mentioned the second opinion concerning the *aayah*, that it means that the People of the Book are commanded to enter Islam. He stated that it is more likely that the *aayah* means entering into following all the laws of Islam, and that this is general and applies to both groups.\(^\text{13}\)

4 - As this is the case, then it *is* obligatory to refer all matters to Allah. The connection between this and the attributes of Allah is very clear. Hence Al-Khaṭṭāabi (may Allah have mercy on him) said, commenting on the meanings of the Names of Allah:

"*Al-Ḥakam*: *Al-Ḥakam* (the Judge) means *Al-Ḥaakim*. The true meaning is the One to Whom rulings are submitted and to Whom all matters are referred, as in the *aayaat* (verses):

\[
\begin{align*}
\text{...His is the Decision [al-ḥukm], and to Him you [all] shall be returned.}\quad \text{(*Qur’an 28: 88*)} \\
\text{...You will judge [ṭahkumu] between your slaves about that wherein they used to differ.}\quad \text{(*Qur’an 39: 46*)}
\end{align*}
\]

The word *ḥakam* is mentioned in the *aayah*:

\[
\begin{align*}
\text{Shall I seek a judge [ḥakaman] other than Allah while it is He Who has sent down unto you the Book [the Qur’an], explained in detail...}\quad \text{(*Qur’an 6: 114*)}
\end{align*}
\]

\(^{13}\text{Ibid, 4/258. See also his commentary on the *aayah*,...And follow not the footsteps of Ṣkwāṭān [Satan]...} \quad \text{(*Qur’an 2: 208*)} \text{.} \)
And the word **Al-Ḥaakim** is mentioned in several places, but it is mentioned in the plural form where the superlative is used, for example: «...And He is the Best of judges [Khayr al-Ḥaakimeen]» (Qur'an 7: 87; 10: 9; 12: 80), «...And You are the Most Just of the judges [Aḥkam al-Ḥaakimeen].» (Qur'an 11: 45), «Is not Allah the Best of judges [Aḥkam al-Ḥaakimeen]?» (Qur'an 95: 8).

And the word **Al-Ḥakeem** is mentioned in very many places, and the words derived from this name, such as ḥakama, yuḥkumu, taḥkumu, ḥukmuḥu, ḥukman are very many.”

Shaykh al-Islam Ibn Taymiyah said, making the connection between this matter and the attributes of Allah:

“Allah is the Judge (Al-Ḥakam) Who judges between His slaves; the Decision (Al-Ḥukm) belongs to Him Alone. Allah revealed the Books and sent the Messengers to judge between them. Whoever obeys the

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14 Brother Muhammad al-Ḥamad al-Ḥamood has compiled the names of Allah with an explanation of their meanings. He spoke at length about the names of Allah, Al-Ḥakam and Al-Ḥaakim and Al-Ḥakeem. Among the effects of believing in these three names, he mentioned the following:

a) That the Decision belongs to Allah alone with no partner or associate in that decision, just as He has no partner in worship. Allah says: «...And He makes none to share in His Decision and His Rule» (Qur'an 18: 26).

b) Allah (ﷻ) rules and judges as He wills, because He is One, with no partner or associate.

c) The words of Allah are wise and precise; how could they be otherwise, when He is the Most Just of the judges?

d) Belief in the above dictates referring to the Book of Allah for judgement amongst us, because there is no other book like the Qur’aan that is wise in all aspects.

e) Allah commanded His Messenger (ﷺ) to judge between people according to that which had been revealed to him of the Divine rulings, and to ignore anything else such as opinions and whims and desires...

Messenger is one of His pious close friends (awliya’) and will find happiness in this world and in the Hereafter. Whoever disobeys the Messenger will be one of those who are doomed to torment. Allah (ﷻ) says:

فَمَلَأَ الْأَلْبَابُ الْمُّهَدَّبَةَ بِالْحَكِيمَيْنِ بِيَدَيْنِهِمْ وَمَنَّاهُمْ وَأَنَلََّهُمُ الْكِتَابَ بِالْحَقِّ لِيَحْكُمَ بَيْنَ الْأَلْبَابِ فِي مَا أَخْلَفَهُمْ وَمَا أَخْلَفَهُ فِيهِ إِلَّا أَلْبَابَ يُؤْمِنُونَ مَنْ بَعْدَ مَا جَاءَهُمْ الْبَيْنَتُ بَعْدًا بِنَبِيٍّ بِنَبِيٍّ فَهَدَىٰ اللَّهُ أَلْبَابَ هُمَّةُ يَخْطِبُوهَا لِمَا أَخْلَفَهُمْ فِيهِ إِلَّا أَلْبَابَ يُؤْمِنُونَ

(Mankind were one community and Allah sent Prophets with glad tidings and warnings, and with them He sent down the Scripture in truth to judge between people in matters wherein they differed. And only those to whom [the Scripture] was given differed concerning it after clear proofs had come unto them through hatred, one to another. Then Allah by His Leave guided those who believed to the truth of that wherein they differed...)

(Qur’an 2: 213)

Allah (ﷻ) explains that He sent the Messengers and revealed the Books to them so that they might judge between the people concerning that wherein they differed. Allah (ﷻ) says:

وَمَا أَخْلَفْتُ فِيهِ مِنْ شَئٍّ فَحُكِمَ إِلَى اللَّهِ ذَلِكُمْ اللَّهُ رَبَّي عَلَيْهِ

(And in whatsoever you differ, the decision thereof is with Allah [He is the ruling Judge]. [And say O’ Muhammad to these polytheists:] Such is Allah, my Lord in Whom I put my trust, and to Him I turn [in all of my affairs and] in repentance.)

(Qur’an 42: 10)

And Prophet Yoosuf (牀) (may Allah’s peace be upon him) said:
O' two companions of the prison! Are many different lords [gods] better or Allah, the One, the Irresistible? You do not worship besides Him but only names which you have named [forged] — you and your fathers — for which Allah has sent down no authority. The command [or the judgement] is for none but Allah. He has commanded that you worship none but Him [i.e. His Monotheism]; that is the [true] straight religion, but most men know not.

(Qur'an 12: 39-40)

The Decision belongs to Allah Alone, and His Messengers conveyed that from Him. Their ruling is His ruling, and their command is His command; obeying them means obeying Him. Whatever the Messenger rules or commands them to do or prescribes in the religion, it is obligatory upon all people to follow that and to obey him, for that is the ruling of Allah upon His creation.”

Elsewhere, Shaykh al-Islam (Ibn Taymiyyah) elaborated upon the context of the wording used in the Qur’an, and he defined a principle concerning that, in which he explained that it is obligatory to believe in everything brought by the Messenger (Zen). (He stated that) just as disbelief in some of the Messengers is disbelief in the rest of them, so belief in some parts of the Message and not others is also kufr. After quoting the evidence (daleel) for that, he said: “So He condemned those who had been given a portion of the Scripture (the People of the Book) when they believed in that which went against the Message

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and preferred those who deviated from the Message to those who
believed in it, like those who preferred the Sabian philosophers and
the jaahili states - the jaahiliyah of the Turks, Daylam, Arabs,
Persians and others - to those who believed in Allah and His Book
and His Messenger. Similarly, He condemned those who claimed to
believe in all the Books, but they failed to refer to the Qurʾan and
Sunnah for judgement, and they referred, instead, to some of the false
lawgivers and are venerated instead of Allah, as often happens in the
case of those who claim to be Muslims but they refer for judgement
to the opinions of the Sabians, philosophers and others, or to the
regulations of some of the kings who have gone beyond the pale of
Islam, such as the kings of the Tartars and others. When it is said to
them, ‘Come to the Book of Allah and the Sunnah of His Messenger,’
they turn away from that completely.’’

Because the Decision (ḥukm) belongs to Allah Alone, it is obligatory
to follow everything that the Messenger (ﷺ) brought, without
differentiating. Referring for judgement to the opinions of the
Sabians and philosophers, or to anything other than the shariʿah of
Allah is referring to false laws (taaghoot) for judgement, and it is
essential to believe in Allah and to reject the false laws.

5 - This matter is also connected to the testimony that Muhammad is
the Messenger of Allah. Shaykh al-Islam Ibn Taymiyah said: “The
testimony that Muhammad (ﷺ) is the Messenger of Allah implies
believing in all that he said and obeying all that he commanded. What
he approved of should be approved, and what he denounced should
be denounced, just as people should affirm all the names and
attributes of Allah that He has affirmed for Himself, and they should
reject all the notions of resemblance to His creatures that He has
denied, and protect themselves from both taʿteel (denying Allah’s

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attributes) and *tamtheel* (anthropomorphism). When affirming His attributes they must avoid likening Him to any of His creation, and when denying that He resembles any of His creation they must avoid denying any of His attributes. They should do that which He commands and avoid that which He forbids. They must accept as *halaal* that which He has permitted and accept as *haraam* that which He has forbidden. Nothing is *haraam* except that which Allah and His Messenger have forbidden, and there is no religion except that which Allah and His Messenger have prescribed. Hence Allah condemns the *mushrikoon* in *Soorah al-An’aam, Soorah al-A’raaf* — the sixth and the seventh chapter of the Qur’an - and elsewhere for forbidding things which Allah has not forbidden and for inventing a religion for which Allah had not sent down any authority, as Allah (َ) says:

«وَجَعَلُواْ يَدَّ يَدًا ذَرَّةً مِنَ الْقَبْطَائِنِ وَالْأَنْفُسِينَ فَصَبْرًا...»  

«(And they assign to Allah a share of the tilth and cattle which He has created...)»  

*(Qur’an 6:136 — to the end of the soorah)*

This is also mentioned at the beginning of *Soorah al-A’raaf*, and Allah (َ) says:

«أَمِّنِلْهُمْ شَرْكًا تُشَرِّكُواْ بِهِمْ مِنِّ الْجَبَّالِ وَمِنْ الْأَزْوَاجِ لَمْ يَأْدِنَّ بِهِ يَدَ اللهِ...»  

«(Or have they partners with Allah [false gods] who have instituted for them a religion which Allah has not ordained?)»  

*(Qur’an 42: 21)*

And Allah said to His Prophet (َ):

«إِنِّي أَرْسَلْنِي سَبِيلًا مُّبَشِّرًا وَمُثِيبًا...»  

«وَسَارِجًا مُّبِينًا»  

*(Qur’an 17: 80)*
Verily, We have sent you as witness, and a bearer of glad tidings, and a warner, And as one who invites to Allah [Islamic Monotheism, i.e. to worship none but Allah (Alone)] by His Leave, and as a lamp spreading light [through your instructions from the Qur'an and the Sunnah the legal ways of the Prophet].

(Qur'an 33: 45-46)

So Allah told him that He had sent him to call people to Him by His Leave. So whoever calls people to anyone other than Allah is guilty of shirk and whoever calls people to something without His leave or permission is guilty of bid'ah. Shirk is bid'ah, and bid'ah ends up in shirk. There is no innovator who is not guilty of some kind of shirk, as Allah (swt) says:

They [Jews and Christians] took their rabbis and their monks to be their lords besides Allah [by obeying them in things which they made lawful or unlawful according to their own desires without being ordered by Allah], and [they also took as their Lord] Messiah, son of Maryam [Mary], while they [Jews and Christians] were commanded [in the Tawraat (Torah) and the Injeel (Gospel)] to worship none but One ilaah [God — Allah] Laa ilaaha illa Huwa [none has the right to be worshipped but He]. Praise and glory be to Him [far above is He] from having the partners they associate [with Him].

(Qur'an 9: 31)

One of the ways in which they committed shirk was that they (the rabbis and the monks) permitted them things which were forbidden,
and they obeyed them, and they forbade them things which were permitted, and they obeyed them."\(^{17}\)

This long comment from *Shaykh al-Islam* (Ibn Taymiyah) clearly explains how the matters of *‘aqeedah* are connected to one another. This is because both parts of the *Shahaadatayn*, the testimony that there is no god except Allah and the testimony that Muhammad is the Messenger of Allah, are strongly interconnected. They are like *eemaan* and Islam: if they are mentioned together in the same context, they have different meanings, but if they are mentioned separately, each of them carries the meaning of the other. If the testimony that there is no god but Allah is mentioned on its own, it implies the testimony that Muhammad is the Messenger of Allah, and it cannot be accepted from the person who says it without this belief. Similarly, if the testimony that Muhammad is the Messenger of Allah is mentioned, it implies the testimony that there is no god except Allah, and it cannot be accepted otherwise. If they are mentioned together, then each of them carries its own meaning.

Hence we find that a few lines after saying the words quoted above, *Shaykh al-Islam* (Ibn Taymiyah) made the connection between this matter and Islam. He made a comment similar to the words quoted above from *At-Tadmuriyah*, and said: “The word Islam implies submission and obedience, and it implies sincerity, as Allah (ﷻ) says:

\[
\text{اللهُ مَنْ كَ مَشَّيَّةٌ مَّلَىٰ ذَٰلِكَ فَيْنَّا وَرَجَعَناَْلَسْلَمَا...}
\]

(Allah puts forth a similitude: a [slave] man belonging to many partners [like those who worship others along with Allah] disputing with one another, and a [slave] man belonging entirely to one master [like those who worship Allah Alone]...)

\[(Qur’an 39: 29)\]

\(^{17}\) *Iqtidaa’ as-Siraat al-Mustaqeem*, 2/834-835.
Islam necessarily means submission to Allah Alone, and not submitting to anything or anyone other than Him. This is the true meaning of what we say, *Laa ilaaha illa-Allah* (There is no god except Allah). Whoever submits to Allah and to someone else is a *mushrik*, and Allah does not forgive the sin of associating anything with Him. Whoever does not submit to Him at all is one who is too arrogant to worship Him. Allah (ﷻ) says:

> وَقَالَ رَبُّكَ رَبِّي صَلَّيَلَّهُ عَلَيْهِ اسْتَجِبْ لَهُ إِنَّ الَّذِينَ يُنْفِقُونَ عَنَّهُ ۖ وَٰقِدُّونَ جَهَّالًا ذَٰلِكَ يَضْرُبُونَ عَنَّهُ ۖ

(And your Lord said: 'Invoke Me [i.e. believe in My Oneness (Islamic Monotheism) and ask Me for anything] I will respond to your [invocation]. Verily, those who scorn My worship [i.e. do not invoke Me, and do not believe in My Oneness, (Islamic Monotheism)] they will surely enter Hell in humiliation!')

*(Qur'an 40: 60)*

Undoubtedly the testimony that Muhammad is the Messenger of Allah implies a number of things without which belief in the Messenger cannot be achieved. Among these things is referring to the Messenger (ﷺ) and accepting his ruling. *Shaykh al-Islam* (Ibn Taymiyah) often asserts this, for example, when he says:

“Allah says:

> فَلاَ وَرَبَّكَ لَا يَوْمَ تُحْكَمُونَ فِيهِمْ سَجَرُونَ بِذَٰلِكَ لَا يَجِدُونَ فِيهِمُ الْمُصْلِحُونَ

(But no, by your Lord, they can have no Faith, until they make you [O’ Muhammad] judge in all disputes between them, and find in themselves no resistance against your

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decisions, and accept [them] with full submission."

(Qur’an 4: 65)

When Allah (ﷻ) denies that anyone has faith until they fulfil this condition, this indicates that this condition is obligatory upon people. Whoever does not meet this condition becomes one of those who are subject to the warning, and has not attained the obligatory level of faith for which those who attain it are promised admission to Paradise with no punishment. Allah has promised that to whoever acts according to what He commands. In the case of those who do some of the obligatory duties and neglect others, they are subject to the warning. It is known from the consensus of the Muslims that it is obligatory to refer to the Messenger for judgement in all disputes that arise among the people in both religious and worldly matters, with regard to both the fundamental issues of their religion and the minor issues. They are all obliged, once he has ruled concerning a matter, to find in themselves no resistance against his decisions, and accept (them) with full submission.”

We will discuss the tafseer of this aayah in more detail below, In sha Allah. Our purpose here is to explain the connection between the testimony that Muhammad is the Messenger of Allah and the testimony that there is no god but Allah, and the connection between the obligation to refer for judgement to the Qur’an and Sunnah, and the Shahaadatayn.

6 - Ibn al-Qayyim (may Allah have mercy on him) discussed this matter at length. We will limit our discussion here to one topic, where he commented on the ḥaadeeth,

“He has tasted the savour of faith who is content with Allah as his Lord, Islam as his religion and Muhammad

as his Messenger,” 20 and, “Whoever says, when he hears the call (to prayer), ‘I bear witness that there is no god but Allah... and I am content with Allah...” 21

Ibn al-Qayyim (may Allah have mercy on him) said: “These two hadiths are the focal point around which all the issues of religion revolve, and they form the ultimate goal. They include being content with the Lordship and Divinity of Allah, and being content with His Messenger and following him, and being content with his religion and submitting to it. Whoever combines these four features is truly a șiddeeq (true believer). It is easy to claim this verbally, but it is one of the most difficult things when it comes to the real test...” 22 Then he commented on both hadiths, then he said: “With regard to being content with His Prophet as a Messenger, implies following him in a complete sense and submitting to him absolutely, so that one gives him preference over one’s own self, taking guidance only from what he says, referring for judgement to no one but him, not accepting the judgement of anyone but him, not accepting the judgement of anyone else at all...” 23

Then he said, commenting on the fourth matter, “With regard to being content with his religion, when he speaks, passes judgement, commands or prohibits, he is completely content with that, and there is no element of resistance in his heart towards that ruling, and he accepts (it) with full submission, even if it goes against his own wishes or desires, or what his leader, shaykh or sect say.” 24

20 Muslim: Kitaab al-Eemaan, Baab ad-Daleel ‘ala man rađaa Billaahi rabban, hadith no. 34.
21 Muslim: Kitaab as-Şalaah, Baab istihbaab al-Qawl mithl qawl al-mu’adh-dhin, hadith no. 386.
22 Madaarih as-Saalikeen, 2/172.
23 Ibid, 2/172-173.
24 Ibid, 2/173.
This statement made by Ibn al-Qayyim, concerning this matter, is reiterated and commented on further elsewhere in his books,\footnote{Mukhtasar as-Sawaa'iq, 2/351 ff.} as we shall see below, \textit{In sha Allah}.

7 - Because this matter — the connection between the obligation of referring for judgement to the Qur’an and Sunnah, and ‘aqeedah — is one of the obvious issues, Shaykh al-Islam Muhammad ibn ‘Abdul-Wahhaab (may Allah have mercy on him) mentioned it in \textit{Kitaab at-Tawheed} under the chapter “The interpretation of Tawheed and the testimony that there is no god except Allah,” where he quotes the \textit{aayah},

\begin{quote}
\textit{\textbf{They [Jews and Christians] took their rabbis and their monks to be their lords besides Allah...}} (Qur’an 9: 31)
\end{quote}

He did not stop there, but he also devoted a separate chapter to this topic, entitled “Those who obey the scholars and rulers in regarding \textit{haraam} that which Allah (\textit{الله}) has permitted and regarding as \textit{halaal} that which Allah (\textit{الله}) has forbidden, have taken them (those scholars and rulers) as lords besides Allah.” In this chapter he mentioned some of the reports (about the Companions) and the hadith of ‘Adiy ibn Ḥaatim, then he followed that with a chapter entitled, “The \textit{aayah},

\begin{quote}
\textit{\textbf{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 judgement [in their disputes] to the taaghoot...}}
\end{quote}
[false judges]... (Qur'an 4: 60)

— in which he mentioned many other aayaat and hadiths.

All of those who commented on Kitaab at-Tawheed made the connection between these two chapters and the matter of Tawheed and the affirmation of the Shahaadatayn. Here we will quote in brief from what Shaykh Sulaymaan ibn ‘Abdullah ibn Muhammad ibn ‘Abdul-Wahhaab said in the first chapter:26 “Because obedience is a kind of worship, rather worship it is, by doing what Allah commands through the lips of His Messengers (peace be upon them), the author (may Allah have mercy on him) drew attention to the obligation of devoting obedience only to the Creator. No created being should be obeyed except where obeying him comes under the heading of obeying Allah. Otherwise, no created being should be obeyed independently. What is meant here is obedience that has to do specifically with forbidding what is permitted or permitting what is forbidden. Whoever obeys a created being with regard to that, apart from the Messenger (ﷺ) — who does not speak of his own desire — is a mushrik, as Allah explains in the aayah: (They [Jews and Christians] took their rabbis and their monks i.e., their scholars — to be their lords besides Allah [by obeying them in things which they made lawful or unlawful according to their own desires without being ordered by Allah], and [they also took as their Lord] Messiah, son of Maryam [Mary], while they [Jews and Christians] were commanded [in the Tawraat (Torah) and the Injeel (Gospel)] to worship none but One Ilaah [God — Allah] Laa ilaaha illa Huwa [none has the right to be worshipped but He]. Praise and glory be to Him [far above is He] from having the partners they associate [with Him].) (Qur'an 9: 31)

The Prophet (Blessings and Peace be upon him) explained this as referring to their obeying them with regard to forbidding what is

26 i.e., the chapter on “Those who obey the scholars and rulers...”
permitted or permitting what is forbidden."

Commenting on the second chapter, Shaykh Sulaymaan said: “Because Tawḥīd, which is the meaning of the testimony that there is no god except Allah, also includes and is inseparable from belief in the Messenger (ﷺ), and this forms the Shahaadatayn or twin testimony of faith, the Prophet (ﷺ) made them a single pillar when he said, “Islam is built on five (pillars)…” In this chapter, (the author) draws attention to the implications and obligations of Tawḥīd, which include referring to the Messenger (ﷺ) for judgement in disputed issues. This is the meaning of the testimony that there is no god except Allah, and the inevitable implication which every believer must believe in. Whoever acknowledges that there is no god except Allah is duty-bound to obey the decree of Allah and to submit to His commands which were brought from Him by His Messenger Muhammad (ﷺ). Whoever bears witness that there is no god except Allah then turns for judgement to someone other than the Messenger (ﷺ) concerning disputed issues has nullified the testimony he gave when he bore witness…”

This is clear and does not need further comment.

8 - The contemporary scholars have also spoken a great deal on this issue. It is sufficient here to quote from Shaykh Muhammad ibn Ibraaheem Aal ash-Shaykh (may Allah have mercy on him) and Shaykh ‘Abdul-‘Azeez ibn Baaz, and to refer readers to other scholars in the footnotes at the end of this section. Shaykh Muhammad ibn Ibraaheem said in a paper entitled Tahiq al-Qawaaneen (Referring to man-made laws for judgement):

“Allah states that those who do not make the Messenger (ﷺ) judge in all disputes between them do not have faith. This statement is

28 Ibid, Pp. 554-555. See the rest of his comments, for they are important.
confirmed by the repeated use of the negative (‘no... they can have no faith...’) and by the use of an oath (‘by your Lord’). Allah (ﷻ) says:

 فلا وَرَكَّ لَا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكَ فِي ضُرْعَكُ بَلِ الَّذِينَ يُبَيِّنُونَ ذَٰلِكَ لَعَلَّهُمْ يُنَبِّئُونَكَ ﴿٦٥﴾

﴾But no, by your Lord, they can have no Faith, until they make you [O’ Muhammad] judge in all disputes between them, and find in themselves no resistance against your decisions, and accept [them] with full submission.﴾

(Qur’an 4: 65)

But it is not sufficient for them merely to have no resistance in themselves, as Allah (ﷻ) says, ﴿...And find in themselves no resistance against your decisions...﴾. They must also be content and happy with that, and be free of any reservations or objections.

These two factors are also not enough, until submission (tasleem) is added to them which means total acceptance of and submission to the Prophet’s rulings that is free from any attachment of the soul to the disputed matter, and they submit to this true ruling in the most complete manner. Hence this is emphasized by the use of the verbal noun (tasleem) translated here as “with full submission”, to show that acceptance is not enough in this case, it must be absolute submission...”29

Shaykh ‘Abdul-‘Azeez ibn Baaz said: “What is meant is that it is essential to devote worship to Allah Alone (Tawheed), and to disassociate oneself from the worship of anyone else and from the worshippers of anyone else. It is essential to believe that shirk is false, and it is essential upon all His slaves, jinn and men alike, to devote their worship to Allah Alone and to fulfil the duty of this Tawheed by referring for judgement to the shari‘ah of Allah. Allah is

29 Tahkeem al-Qawaaneen, 5-6.
the Judge (Al-Haakim), and part of Tawheed is to believe in that. He is the Judge in this world through His shari‘ah and in the Hereafter He Himself will pass judgement, as He (اللهُ) says:

ное ... }

(...The decision [al-hukm] is only for Allah...)
(Qur’an 6: 57)

وهَمَا أَخْفَفْتُمْ فِيهِ مِنْ شَيْءٍ فَحُكِمَهُ إِلَى اللَّهِ ... }

(And in whatsoever you differ, the decision [al-hukm] thereof is with Allah [He is the ruling Judge]...)
(Qur’an 42: 10).”

Elsewhere Shaykh Ibn Baaz says: “With regard to the testimony that Muhammad is the Messenger of Allah, many people do not understand it properly, and they refer for judgement to man-made laws and turn away from the shari‘ah of Allah. They do not care about that, either because of ignorance or because of negligence. The testimony that Muhammad is the Messenger of Allah implies believing in the Messenger of Allah (الرسولُ), obeying his commands, avoiding that which he has forbidden, and believing in what he has told us. Allah cannot be worshipped except in accordance with the shari‘ah which he (الرسولُ) brought, as Allah (اللهُ) says:

قل إن كُنْتُمُ دُحْجَانَ أَنْ تُسْعَى بِمَالِكِمْ عَلَى اللَّهِ وَيَعِينِكُمْ لَكَمْ ذَوُيَْجَرٍ ... }

30 Majmoo’ al-Fataawa Ibn Baaz, 2/20.
(Say [O’ Muhammad to mankind]: ‘If you [really] love Allah, then follow me [i.e. accept Islamic Monotheism, follow the Qur’an and the Sunnah], Allah will love you and forgive you your sins...’)

(Qur’an 3: 31)

(And whatsoever he forbids you, abstain [from it]...

(Qur’an 59: 7)

What is obligatory upon all the Muslims and upon the two races (i.e., mankind and the jinn) is to worship Allah Alone and to refer for judgement to His Prophet Muhammad (ﷺ), as Allah (ﷻ) says: (But no, by your Lord, they can have no Faith, until they make you [O’ Muhammad] judge in all disputes between them...)

(Qur’an 4: 65)""
Tawheed, and it is implied by the Shahaadatayn as explained by the Shaykh (may Allah bestow abundant mercy upon him).

This is a summary of what some of the scholars have said concerning this matter. From this it is clear that the connection between this matter and 'aqeedah is something that is agreed upon, and that it is one of the obvious issues. With regard to the details of what is implied by this, this is what we will discuss in the following chapters, in sha Allah.

What is important here is to realize that discussing this issue is not the matter of blowing a minor issue out of proportion, as may be claimed by some of those who think that talking a great deal about referring for judgement to the shari‘ah of Allah is something which has arisen from political circumstances and the situation of the Islamic movements, and that these movements have taken this issue as a slogan to oppose the rulers and take a stand against deviation and westernization. On the contrary, it is a fundamental issue which is based on evidence (daleel).

There is no stronger indication that this issue is obvious to the scholars whose words we have quoted above and others. And Allah is the Guide to the straight path.

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33 See also the comments of some contemporary scholars, such as Shaykh Aḥmad Shaakir in Haashiyat 'Umdat at-Tafseer, 4/147, where he states that this is part of the essence of 'aqeedah. See also: Hawla Taṭbeeq ash-Sharee‘ah by Prof. Muhammad Quṭb, Pp. 9-23; Sharee‘ah al-Kamaal tashkoo min al-Ihmaal by 'Abdul-Wahhaab Rasheed Saaliḥ, Pp. 25, 26; Taḥkeem ash-Sharee‘ah wa Da‘aawa al-‘Ilmaaniyah by Dr. Ṣalaḥ as-Ṣaawi, Pp. 35-37, 42, 43; Al-Ḥadd al-Faasīl by 'Abdur-Rahmaan ‘Abdul-Khaaliq, Pp. 42-43; Ash-Sharee‘ah al-Islaamiyah laa al-Qawaaneen al-Waḍa‘iyah by 'Umar al-Ashqar, Pp. 165 ff. And there are many, many others.

34 The books and papers which explain the importance of applying Islamic shari‘ah and warn against ruling by any laws etc. other than that which Allah has revealed are very many. Here I will mention those that I have before me: =
= 1) *Tahdheer Ahl al-Eemaan ‘an al-Hukm bi ghayri ma anzala ar-Rahmaan* by Al-As’ardi, ed. by Saleem al-Hilaali.


3) *Al-Burhaan wa’d-Daleel ‘ala Kufir man hakama bi ghayr it-Tanzeel*, by Shaykh Ahmad ibn Naasir ibn Ghunaym, 1st edition, 1393 AH.


15) *Fi Wahj al-Mu’aamarah ‘ala Tatbeeq ash-Sharee’ah al-Islamiyah*, by Mustafa Farghali ash-Shuqayri, Daar al-Wafa’a, 1407 AH.


21) *Hatta laq tažill asb-Sharee’ah nasšan shakliyyan*, by Dr. ‘Ali Ḥasanayn az-Zahraa’.


23) *Nāzariyyah as-Siyaadah wa atharuhaa ‘ala Shar‘iyat al-Anẓimah al-Ṣaw‘iyah*, by Dr. Ṣalaḥ aṣ-Ṣawāwī, *Daar Ṭeebah*.

There are many other books which deal with this topic. The point here is to demonstrate the importance of this topic, not to comment on each book.
CHAPTER TWO

THE TEXTS WHICH PROVE THAT IT IS OBLIGATORY TO REFER FOR JUDGEMENT TO THE LAWS OF ALLAH

Most of these texts are in the Qur’an, and those which are narrated in the Sunnah mostly explain the reason for the revelation of the texts (sabah an-nuzool) or the meaning of the texts (tafseer).

This chapter will be divided into two parts:

1) The general texts which prove that it is obligatory to refer for judgement to the laws of Allah, or which forbid following the laws of anyone other than Him. It will be sufficient to quote some of them, and to quote the comments of some of the mufassireen on some of them.

2) The aayaat which make it obligatory to refer for judgement to the shari‘ah of Allah, or which forbid referring for judgement to any other (laws), but which came with the ruling that the one who goes against this is not a believer, or has taken lords instead of Allah, or is guilty of shirk, etc. This will be explained in some detail.

With regard to the aayah,

«...وَمَنْ لَمْ يَّتَعَفَّكُ رَبُّكَ يَسَاءَ أَنْزَلَ اللهُ فَأُولَئِكَ هُمُ الكَفِيرُونَ»

«...And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers].»

(Qur’an 5: 44)

— this will be discussed in a separate chapter. And Allah is the Source of strength and the One Whose help we seek.
The General Aayaat Which Prove that it is Obligatory to Refer for Judgement to the Laws of Allah

1 - Allah (الله) says:

\[\text{وَمَرَّ الَّذِينَ مِنْ يَدِينَ مِنْ دُونِ اللَّهِ أَنْ يَتَّخِذُواْ مِنْ قَوْمِهِمْ كَحْرِيْمَ اللَّهَ...} \]

\[\text{١٥} \]

(Qur’an 2: 165)

At-Tabari mentioned that the word “nad’id” (pl. andaad, translated here as “rivals”) means a peer or one of equal rank. Then he mentioned two views concerning the rivals who used to be worshipped instead of Allah. One view is that they are the gods which are worshipped instead of Allah. Then he said: “Others said that the ‘rivals’ referred to here are their leaders whom they used to obey in matters that involved disobedience to Allah... (Then he narrated from As-Suddi): (And of mankind are some who take [for worship] others besides Allah as rivals [to Allah]. They love them as they love Allah...). He said, these are rivals among men whom they obey as they should obey Allah; when they issue commands, they obey them and disobey Allah.”

The tafseer of As-Suddi explains the connection between love and obedience:

\[\text{١٣} \]

(Qur’an 3: 31)

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1 Tafseer At-Tabari, 3/280, Ed. by Shaakir.
Hence when Ibn Jareer spoke about the *aayah* of *Soorah al-Baqarah*, the second chapter of the Qur’an (2:165) quoted above, and the following *aayah*, and about how those who are followed will disown those who follow them, he said, “With regard to the *aayah*:

>> ([Qur’an 2:166])

— it only refers to the rivals who are taken instead of Allah by those people whom Allah described in the verse, *ÆAnd of mankind are some who take [for worship] others besides Allah as rivals [to Allah]...* *(Qur’an 2:165)*. These rivals are the ones who will disown their followers. If the *aayah* indicates this, then the way in which As-Suddi interpreted, it is correct, when he said that in the *aayah*, *ÆAnd of mankind are some who take [for worship] others besides Allah as rivals [to Allah]...*, the word ‘rivals’ (*andaad*) in this case referred to human rivals whom they obey when they issue commands, and they disobey Allah by obeying them. The believers, in contrast, obey Allah and disobey others besides Him. And the view that the *aayah*, *ÆWhen those who were followed disown [declare themselves innocent of] those who followed [them]...* *(Qur’an 2:166)* refers to the *Shayaateen* (devils) who will disown their human followers, is incorrect, because the context of this *aayah* is speaking of those who take rivals.”

Ibn al-Qayyim (may Allah have mercy on him) spoke at length about this *aayah* when he discussed the status of love in *Madaarij as-Saalikeen*. Among the things he said was: “Creation and commanding, reward and punishment, all stem from love and are for

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*2 Tafseer at-Tabari, 3/288, Ed. by Shaakir.*
its sake. This is the truth for which the heavens and the earth were created. This is the truth which includes commands and prohibitions, and this is the secret of being devoted to One God and of loving Him Alone. (This truth) is the testimony that there is no god except Allah." Then he said: “Allah (٥٠٦) says: \(\text{And of mankind are some who take [for worship] others besides Allah as rivals [to Allah].}\)

Here Allah tells us that whoever loves anything else as he loves Allah is one of those who have taken (for worship) rivals besides Allah. This is a rival in love, not in creation or Lordship. For no one among the people of this earth claims that this is a rival in Lordship, unlike the case of a rival in love, for most of the people of this earth have taken rivals in love and veneration to Allah.”

After mentioning the two scholarly views concerning the aayah, (They love them as they love Allah...) he said: “When Allah describes this making equal, He is telling us about them - and they will be in the Fire, saying to their gods and rivals, who will be sharing the torment with them,

\[
\text{تَأْلِـِه} \text{إِن كُنْنَا لَغَفِي ضَلَّالٍ مُـبِينٍ} \\
\text{إِذْ تَـسَوَّبُمُ رَبُّ الْعَلَمَيْنِ}
\]

(By Allah, we were truly, in a manifest error, When we held you [false gods] as equals [in worship] with the Lord of the ‘Aalameen [mankind, jinn and all that exists].) (Qur’an 26: 97-98)

It is well known that they did not regard them as equal to the Lord of the Worlds with regard to creation and Lordship,\(^5\) rather they made

\(^3\) Madaarij as-Saalikeen, 3/19.


\(^5\) Shaykh Al-Fiqqi (may Allah have mercy on him), commented here, “But they regarded them as equal with Him in the characteristics of Lordship, which means issuing laws and legislation... etc.”
them equal with Him in love and veneration. This is also holding equal as mentioned in the *aayah*,

«...ئَمَّ يَدُ اللَّهِ كُفْرًا ٍ فَرَّهُم بَعْدُ ٍ أَوَّلًا...»

«...Yet those who disbelieve hold others as equal with their Lord.» *(Qur'an 6:1)*,
— i.e., they hold others as equal with Him in worship, which is love and veneration.”

Undoubtedly the two views concerning the meaning of *andaad* (rivals) are both correct. The relevant point here is the fact that this word was interpreted as referring to the leaders who are obeyed besides Allah.

2 - Allah (ﷻ) says:

«كَانَ ائْتِيَاءُ النَّاسِ وَحِيدًا ۖ فَبَعَثَ اللَّهُ النَّبِيَّينِ مُبِينِينَ وَمَنِيَّينَ وَأَنْزَلَ مَعَهُمُ الْكِتَابَ بِالْحَقِّ لِيُجَابِهَا بَينَ النَّاسِ فِي مَا أُخْلِفَ فِيهِ ۖ أَنْتُمْ قَوْمٌ ضَلُّونَ» *(Qur'an 2:213)*

«Mankind were one community and Allah sent Prophets with glad tidings and warnings, and with them He sent down the Scripture in truth to judge between people in matters wherein they differed...» *(Qur'an 2:213)*

Al-Qaasimi said in *Maḥaasin at-Ta'weel*: «...And with them He sent down the Scripture...» means, His word which encompassed all that they needed with regard to religion, righteousness and complete guidance, so that they would be characterized with truth in all aspects.’ «...To judge between people in matters wherein they differed...' means, with regard to beliefs and actions, when before that they had been one community...”

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7 *Maḥaasin at-Ta'weel* by Al-Qaasimi, 3/528.
Every Prophet was sent to his people and there was sent down with Him a Book so that he might judge between his people in all the matters wherein they differed.

3 - Allah (ﷻ) says:

\[
... فَمَنْ يَكْفُرُ بِالْطَّغَوَاتِ وَيَتَّقُونَ بِبَلَاءِ فَقَدْ أَسْتَمَسْكَ بَلَاءَ
\]

(...Whoever disbelieves in taaghoot and believes in Allah, then he has grasped the most trustworthy handhold...\)

(\textit{Qur'an 2: 256})

There are a number of opinions concerning the word \textit{taaghoot}. It is said that it means the \textit{Shaytaan}, or that it means the magician or soothsayer; these were suggested by Ibn Jareer,\(^8\) and he quoted reports to support each of them.

When he mentioned the view that it means the soothsayer, he reported that Ibn Jurayj said that \(\ldots\)Whoever disbelieves in \(\textit{taaghoot}\ldots\) means, soothsayers to whom \textit{shayaateen} (devils) come down and cast (words) onto their tongues and into their hearts.

Then he said: “Abuz-Zubayr told me that he heard Jaabir ibn ‘Abdullah say, when he was asked about the \textit{taaghoot} to which they used to refer for judgement, ‘there was one in Juhaynah, one in Aslam, in every quarter there was one. They were the soothsayers to whom the \textit{Shaytaan} comes.”\(^9\)

Then At-Tabari stated which he believed to be more correct: “The correct view concerning \textit{taaghoot} in my opinion is that it means everything which is put in the place of Allah and is worshipped instead of Him, whether by force on the part of the one who is

\(^8\) \textit{Tafseer at-Tabari}, 5/416-418, Ed. by Shaakir.

\(^9\) Ibid, 5/418.
worshipped or by the free will of the worshipper, and whether the one who is so worshipped is a human or a *shaytaan*, a statue or an idol, or whatever it is.”

This is a comprehensive definition of the word *taghoot*. The word *taaghoot* is also mentioned in another aayah, where Allah (ﷻ) says:

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Allām tā'ir ̋l̋ A'llāh َوَأَظْلَمُونَ ... ۛأُوْلَئِكُمُ ِقُلُواَ نَقِيمُونَ مَنْ َوَيْمُونَ يَتُوبُونَ ِبِالْجِبَّتِ
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(Have you not seen those who were given a portion of the Scripture? They believe in *jibt* and *taaghoot*...)

(Qur’an 4: 51)

4 - Allah (ﷻ) says:

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َقَلْ ِإِنَّ ِكُنْتُمْ َقُلُونَ ِلِلَّهِ َفَأَنْتُمْ ِقُلُوُسُوْمُنَّ َوَيَبْعَثُ ِكُلْ َذَوَّارَكَ َوَاللَّهُ ِعَفَوَ رَحْمَةً َقَلْ َأَبْعَثُوْاَ ِلِلَّهِ َوَالرَّسُوْلِ َفَإِنْ َوَلُوُّاَ ِقَالُواَ ِإِنَّ ِلِلَّهِ َلَا ِكُفُوْرَ
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(Say [O’ Muhammad to mankind]: ‘If you [really] love Allah, then follow me [i.e. accept Islamic Monotheism, follow the Qur’an and the Sunnah], Allah will love you and forgive you your sins. And Allah is Oft-Forgiving, Most Merciful.’ Say [O’ Muhammad]: ‘Obey Allah and the Messenger [Muhammad].’ But if they turn away, then Allah does not like the disbelievers.)

(Qur’an 3: 31-32)

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10 *Tafseer at-Tabari*, 5/419; 8/465.

11 The words “*Jibt* and *Taaghoot*” cover wide meanings: They mean anything worshipped other than the Real God (Allah), i.e. all the false deities, it may be an idol, the *Shaytaan*, graves, stone, the sun, a star, an angel, a saint or any human being. (Footnote from Interpretation of the Meanings of the Noble Qur’an by Dr. Muhammad Muhsin Khan and Dr. Muhammad Taqi-ud-Din al-Hilali) - Translator.
At-Tabari thought it most likely that those who were being addressed here were the Christians of Najraan. But Ibn Katheer thought that it was general in meaning, and said, commenting on it, “This aayah states that everyone who claims to love Allah, but does not follow the way of Muhammad, is lying and making a false claim, until he does follow the way of Muhammad and the religion of the Prophet, in all his words, deeds and circumstances. It is reported in As-Saheeh that the Messenger of Allah (ﷺ) said:

‘Whoever does any action that is not in accordance with this matter of ours (Islam) will have it rejected.’...

Then Ibn Katheer said, commenting on the second aayah — (Say [O’ Muhammad]: ‘Obey Allah and the Messenger [Muhammad].’ But if they turn away...) i.e., if they go against his command — (...Then Allah does not like the disbelievers) —

“This indicates that going against his way is kufr, and Allah does not like anyone who is described as such, even if he claims to love Allah and thinks that he is drawing closer to Him, unless he follows the Messenger, the Unlettered Prophet, the Seal of the Messengers, the Messenger of Allah to the two races of jinn and mankind, who, if the Prophets — and even the Messengers, including the Messengers of strong will — had been alive during his time, they would have had no choice but to follow him and obey him and his laws...”

12 Tafseer at-Tabari, 6/324, ed. by Shaakir.
13 Muslim: Kitaab al-Aqdiyah, Baab Naqд al-Ahkaam al-Baatilah wa Radd Muhdathaat al-Umoor, hadith no. 1718. Before it there appears the hadith, “Whoever innovates anything in this matter of ours (Islam) that is not a part of it, will have it rejected.”
15 i.e., Muhammad, Nooh (Noah), Ibraaheem (Abraham), Moosa (Moses) and ‘Eesa (Jesus) (peace be upon them all). - Translator
It is as if Ibn Katheer was referring to some of his contemporaries, as if this is the reaction of one who is dealing with the reality of his own time. Hence he said, “even if he claims to love Allah and thinks that he is drawing closer to Him.”

5 - Allah (ﷻ) says, following the aayaat about inheritance:

\[
\text{وَمَن يَعْبِسُ آلّهَ وَرَسُولَهُ وَيَتَّخِذُ حُذُّوْمُ يَدْجَلُهُ نَارًا حَنِينًا}
\]
\[
\text{فَيُهْيَأ لَهُ وَلَمْ يُعْدَأ بِمُهَيْئَتٍ مُّهِيَّٰئٍ}
\]

(And whosoever disobeys Allah and His Messenger [Muhammad], and transgresses His limits, He will cast him into the Fire, to abide therein; and he shall have a disgraceful torment.) \((Qur'an\ 4: 14)\)

After commenting on this aayah, and stating that it is most likely that the “abiding” (khulood) referred to is eternal, At-Tabari said: “If someone were to ask, will the one who disobeys Allah and His Messenger with regard to inheritance abide forever in Hell? The answer is, yes, if there is, with his disobedience of Allah and His Messenger, any doubt concerning the obligation which Allah enjoins upon His slaves in these two aayaat, or who knows that but he opposes them in their command. This is according to what Ibn ‘Abbaas (ﷺ)\(^{17}\) narrated about what was said to the Messenger of Allah (ﷺ) when the following aayaat were revealed:

\[
\text{يُوصِيَكُمُ اللَّهُ فِي أَوْلَّيَّةِ صَرْعِكُمُ الْذَّكَرُ مُشَلِّ حَيْثُ أَنْشِئُونَ}...
\]

(Allah commands you as regards your children’s [inheritance]: to the male, a portion equal to that of two females...) \((Qur'an\ 4: 11-12,\ the\ verses\ on\ inheritance)\)

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\(^{17}\) This is a reference to something he said earlier. See Tafseer at-Tabari, 8/32, ed. by Shaakir.
Someone said, ‘Should the one who does not ride a horse, or fight the enemy, or acquire booty, acquire half or all of the wealth?’ This was an objection to the share that Allah allocated to the young children of the deceased and to his womenfolk and daughters, from one who objected to the manner in which Allah dictated that the wealth of the deceased should be divided among the heirs as stated in His Book, and he went against the ruling of Allah and His Messenger. He denounced their ruling as it was denounced by those whom Ibn ‘Abbaas mentioned, the hypocrites who were among the Companions of the Messenger of Allah (ﷺ), concerning whom and their like this aayah was revealed. So (such a person) is one of those who will abide forever in Hell, because by objecting to the ruling of Allah on this matter he becomes a kaafir who disbelieves in Allah, and goes beyond the pale of Islam.”\textsuperscript{18}

This is how Ibn Katheer understood it, when he said in his tafseer of the aayah, (And whosoever disobeys Allah and His Messenger [Muhammad], and transgresses His limits, He will cast him into the Fire, to abide therein; and he shall have a disgraceful torment.) \textit{(Qur’an 4: 14)} — “i.e., because he changed the ruling which Allah had given and he opposed Allah with regard to His ruling. This could only stem from a lack of acceptance of the division (of inheritance) which Allah had decreed. Hence He will punish him with humiliation in the eternal, painful torment.”\textsuperscript{19}

6 - Allah (ﷻ) says:

\[
إِنَّا أَرْسَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِيُحْكَمَ بَيْنَ النَّاسِ مِنْ قِبْلَةٍ أَرْضٍ الله
\]

(Surely, We have sent down to you [O’ Muhammad] the

\textsuperscript{18} \textit{Tafseer at-Tabari}, 8/72-73, ed. by Shaakir.

\textsuperscript{19} \textit{Tafseer Ibn Katheer}, 2/203, Ash-Sha’b edition.
Book [this Qur’an] in truth that you might judge between men by that which Allah has shown you...

(Qur’an 4: 105)

At-Tabari said: “(Surely, We have sent down to you...) — O’ Muhammad — (the Book) — meaning the Qur’an — (...That you might judge between men by that which Allah has shown you...) — meaning, by that which Allah has revealed to you of His Book.”

Ibn ‘Atiyah said: (...By that which Allah has shown you...) means, according to the laws of shari‘ah, whether based on the wahy and the texts, or in the light of the principles of the wahy, and Allah guaranteed infallibility to His Prophets.”

If Allah commanded His Messenger to judge by that which Allah had shown him (i.e., the laws of shari‘ah), then this injunction is even more binding on others. Hence Allah (ﷻ) says in another aayah:

(Not for you [O’ Muhammad, but for Allah] is the decision...

(Qur’an 3: 128)

At-Tabari said: (Not for you [O’ Muhammad, but for Allah] is the decision...) means, it is not for you, O’ Muhammad, to decide concerning My creation; rather it is for you to implement My command concerning them, and to guide them to obey Me. But the decision concerning them is Mine, and the judgement concerning them is in My hand and no one else’s. I will decide and rule concerning them as I will...”

Although the aayah was revealed concerning the battle of Uhud or the du‘aa’ in which the Messenger (ﷺ) prayed against the kuffaar or Quraysh, the wording is general as

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20 Tafseer at-Tabari, 9/175, ed. by Shaakir.
21 Al-Muharrar al-Wajeez, 4/245.
22 Tafseer at-Tabari, 7/194, ed. by Shaakir.
reflected at the beginning of the quotation from At-Tabari. This is similar to the *aayah,*

\[\text{(...) Say [O’ Muhammad]: ‘Indeed the affair belongs wholly to Allah...} \]

*(Qur’an 3: 154)*

— i.e., He directs it as He wills and controls it as He likes, as At-Tabari said.\(^{23}\)

7 - Allah ( supérieur ) says:

\[\text{(...) فَأَفْسَرْنَا أَنَّ الْأَمْرَ ﷺ} \]

*(Qur’an 6: 114)*

Qurtubi said: “The meaning is: shall I seek someone other than Allah as a judge for you, when He is the One Who has taken care of the issue in the verses that have been revealed from the clear Book? Then it is said, *al-hakam* is more emphatic than *al-qaakim,* so no one deserves to be called *hakam* except one who judges according to the truth, because it is an attribute of veneration and praise, whereas *al-qaakim* simply refers to an action, so one who judges according to something other than the truth may also be described as such.”\(^{24}\) The indication and meaning of the *aayah* are clear.

8 - Allah ( supérieur ) says:

\[\text{(...) ﷺ أَلَّا نَحْثُ الْأَمْرَ وَالْأَحْكَامَ} \]

*(Qur’an 7: 54)*

\(^{23}\) Tafseer at-Tabari, 7/322.

\(^{24}\) Tafseer al-Qurtubi, 7/70. See also *Rooh al-Ma’aani* by Al-Aloosi, 8/8, 2nd edition.
Undoubtedly the One to Whom alone belongs the creation, to Him alone also will the commandment belong. Al-Ṭabari says: "To Allah belongs all of creation, and the command which none may go against or put back. (This belongs exclusively to Him) and to none besides Him at all, and not to the gods and idols whom the mushrikoon worship, which can neither harm nor benefit, nor create nor command."²⁵ Al-Baghawi said: "His is the creation because He created them, and His is the commandment, to command His creation as He wills."²⁶

9 - There are very many similar aayaat; if we were to contemplate each of them, the discussion would be very long indeed. Perhaps what we have mentioned above is sufficient to provide examples of what the mufassireen have said concerning some of these aayaat. Below, it will be sufficient simply to refer to some of the aayaat and mention the soorahs (chapters) in which they are found, then any reader who wishes to learn more about their meanings and what they indicate may consult the books of tafseer. But it should be noted that rulings, commandments, permission, etc., as referred to in the Qur’an, are divided into two categories:

a) Kawni (universal) or qadari (decrees), having to do with His creation.

b) Deeni (religious) or shar‘i (legislative), having to do with His command.

So the kawnihukm (universal ruling) is reflected in aayaat such as:

(He [Muhammad] said: ‘My Lord! Judge You in truth!...’)  
(Qur’an 21: 112) —

²⁵ Tafseer al-Ṭabari, 12/483-484, ed. by Shaakir.
²⁶ Tafseer al-Baghawi, 3/286.
meaning, do that which will bring victory to Your slaves and humiliate Your enemies.

The shar‘i hukm (legislative ruling) is reflected in aayaat such as:

{

 Curso \textit{...That is the Judgement of Allah, He judges between you...} \\

\textit{(Qur’an 60: 10)}

Here we may note three points:

i) That this division serves to explain that there is no conflict between shar‘ (Divine law) and qadr (Divine decree). The Divine decree must inevitably come to pass, in which there will be things that go against the laws of Allah, such as the kufir of the kuffaar and the sin of the sinners. Shar‘ refers to that which Allah commands and is pleased with, but some of it happens and some does not.

ii) Some aayaat may combine the two, such as:

{

 Curso \textit{...And He makes none to share in His Decision and His Rule.} \\

\textit{(Qur’an 18: 26)}

Although some of the mufassireen, such as An-Nasafi and Al-Baydaawi, interpret hukmihi (translated here as “His Decision and His Rule”) as meaning “His Judgement”, most of them, including At-Tabari and Ibn Katheer, interpret it as meaning both things (shar‘ and qadr). Some of them stated that it includes both things.\footnote{They include, Ibn al-Qayyim in \textit{Shifaa‘ al-‘Aleel}, Pp. 280; Ibn Sa‘di, 5/27.} Al-Shanqetii said, “It includes all that Allah decrees, which includes tashree‘ (legislation) first and foremost.”\footnote{\textit{Aqwaa‘ al-Bayaan}, 4/90.} Then he mentioned many aayaat which convey the same meaning — some of which we will
quote below — and some of which may be interpreted as referring to 
Al-Hukm al-Qadri (the Divine decree), but they include the idea that 
Allah Alone has the power of hukm (ruling) and tashree’ 
(legislation), as noted in the next point.

iii) The fact that Allah Alone has the power of universal ruling and 
decree implies that He alone has the power of legislative ruling, as 
explained above in the aayah:  {...Surely, His is the creation and 
commandment...} (Qur’an 7: 54).

These points are made so that no one will have the right to object by 
saying that the context of some of these aayaat applies only to the 
Divine decree, even though most of these aayaat state that Allah 
Alone has the power of legislative ruling.

Among the aayaat (verses) that have been revealed concerning this 
are the following:

« آلآ لله الحكّم وهو أسرع الخمسين  
 {...Surely, for Him is the judgement and He is the 
Swiftest in taking account.} (Qur’an 6: 62)

« إن الحكم إلآ لله يفصل الحق وهو حي جليل  
 {...The decision is only for Allah, He declares the truth, 
and He is the Best of judges.} (Qur’an 6: 57)

« كل لله الأمر جميلًا  
 {...But the decision of all things is certainly with 
Allah...} (Qur’an 13: 31)

« وكذلك أرسلناحكما عريضًا  
 {...And thus have We sent it [the Qur’an] down to be a 
judgement of authority in Arabic...} (Qur’an 13: 37)
The Texts which Prove that it is Obligatory

(Qur'an 13: 41)

(Qur'an 12: 40)

(Qur'an 12: 67)

(Qur'an 18: 26)

We have indeed sent down [in this Qur'an] manifest aayaat [proofs, evidences, verses, lessons, signs, revelations, lawful and unlawful things, and the set boundaries of Islamic religion, that make things clear showing the Right Path of Allah]. And Allah guides
whom He wills to the Straight Path [i.e. to Allah’s religion of Islamic Monotheism]. They [hypocrites] say: ‘We have believed in Allah and in the Messenger [Muhammad], and we obey,’ then a party of them turn away thereafter, such are not believers. And when they are called to Allah [i.e. His Words, the Qur’an] and His Messenger, to judge between them, lo! a party of them refuses [to come] and turns away. But if the truth is on their side, they come to him willingly with submission. Is there a disease in their hearts? Or do they doubt or fear lest Allah and His Messenger should wrong them in judgement. Nay, it is they themselves who are the zaalimoon [polytheists, hypocrites and wrongdoers]. The only saying of the faithful believers, when they are called to Allah [His Words, the Qur’an] and His Messenger, to judge between them, is that they say: ‘We hear and we obey.’ And such are the successful [who will live forever in Paradise]. And whosoever obeys Allah and His Messenger, fears Allah, and keeps his duty [to Him], such are the successful.\(^\text{Qur’an 24: 46-52}\)

"لَا تَحْكَلُواْ دَعَاءً الْرُّسُولِ يَبْتَغُوهُمُ كَذَّابَاً بَعِيسَاً فَذُلِّلَهُمْ أَمَّنُ خَلَقَهُمْ تِلْبِيَّةً لَّكُمْ لِيُخَذَّلُواْ أُنْفُقُونَ عَنْ أَمْوَاهُمْ أَنْ تُصَبِّحُواْ فِيْنَةً أَوْ تُصِبِّحُواْ عَدَابَ أَلِيمً.

Make not the calling of the Messenger [Muhammad] among you as your calling one of another. Allah knows those of you who slip away under shelter [of some excuse without taking the permission to leave, from the Messenger]. And let those who oppose the Messenger’s [Muhammad’s] commandment [i.e. his Sunnah — legal ways, orders, acts of worship, statements] [among the
sects] beware, lest some fitnah [disbelief, trials, afflictions, earthquakes, killing, overpowered by a tyrant] should befall them or a painful torment be inflicted on them.  
(Qur’an 24: 63)

(And your Lord creates whatsoever He wills and chooses, no choice have they [in any matter]. Glorified is Allah, and exalted above all that they associate [as partners with Him]. And your Lord knows what their breasts conceal, and what they reveal. And He is Allah; Laa ilaaha illa Huwa [none has the right to be worshipped but He], all praises and thanks be to Him [both] in the first [i.e. in this world] and in the last [i.e. in the Hereafter]. And for Him is the Decision, and to Him shall you [all] be returned.  
(Qur’an 28: 68-70)

(And let them not turn you [O’ Muhammad] away from [preaching] the aayaat [revelations and verses] of Allah after they have been sent down to you: and invite [men] to [believe in] your Lord and be not of al-mushrikoon [those who associate partners with Allah, e.g. polytheists, pagans, idolaters, and those who disbelieve in the Oneness of Allah and deny the Prophethood of Messenger Muhammad]. And invoke not any other
ilaah [god] along with Allah, Laa ilaaha illa Huwa [none has the right to be worshipped but He]. Everything will perish save His Face. His is the Decision, and to Him you [all] shall be returned. (Qur'an 28: 87-88)

«Say [O' Muhammad to these polytheists]: ‘Tell me, what provision Allah has sent down to you! And you have made of it lawful and unlawful.’ Say [O' Muhammad]: ‘Has Allah permitted you [to do so], or do you invent a lie against Allah?’ And what think those who invent a lie against Allah, on the Day of Resurrection? [i.e. Do they think that they will be forgiven and excused! Nay, they will have an eternal punishment in the fire of Hell]. Truly, Allah is full of bounty to mankind, but most of them are ungrateful.» (Qur'an 10: 59-60)

«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. And whoever disobeys Allah and His Messenger, he has indeed strayed into a plain error.» (Qur'an 33: 36)
(And in whatsoever you differ, the decision thereof is with Allah [He is the ruling Judge]. [And say O’ Muhammad to these polytheists]: Such is Allah, my Lord in Whom I put my trust, and to Him I turn [in all of my affairs and] in repentance.)

(Qur’an 42: 10)

(And Allah sent down the Book in truth, and the Balance [i.e. to act justly]. And what can make you know that perhaps the Hour is close at hand?)

(Qur’an 42: 17)

(Then We have put you [O’ Muhammad] on a [plain] way of [Our] commandment [like the one which We commanded Our Messengers before you (i.e. legal ways and laws of the Islamic Monotheism)]. So follow you that [Islamic Monotheism and its laws], and follow not the desires of those who know not. Verily, they can avail you nothing against Allah [if He wants to punish you]. Verily, the zaalimoon [polytheists, wrongdoers] are awliyaa’ [protectors, helpers] of one another, but Allah is the wali [Helper, Protector] of the muttaqoon [the pious].)

(Qur’an 45: 18-19)

(O’ you who believe! Make not [a decision] in advance before Allah and His Messenger, and fear Allah. Verily,
Allah is All-Hearing, All-Knowing.\(^{(Qur’an 49: 1)}\)
\[
\text{ذَلِكَ حَسَبُكُمْ نَبِيّ} \quad \text{مَا بَيْنَكُمْ فِى عَلَمِ حَكَمَةٍ}
\]
\(\ldots\) That is the Judgement of Allah, He judges between you. And Allah is All-Knowing, All-Wise.\(^{(Qur’an 60: 10)}\)

And there are other aayaat, but it is not the point here to list them all. Further aayaat will be quoted below, in sha Allah.

**Contemplating the Meanings of Some of the Aayaat**

1 - Allah (ﷻ) says:

\[
\text{آَلُوْتَ إِلَى الْكِتَابِ أَوْتُوا نُصِيبًا مِنَ السِّبِيعَةِ يُنُفَوَّنُ إِلَى كَانِبِ الْلَّهِ}
\]

\(\text{ليَعْصَمُ بِبَيْنَهُمْ ثُمَّ يَتَوَلَّ فِرِيقَ بَيْنَهُمْ وَهُمْ مُّعَرَّضُونَ}\)

\(\text{Have you not seen those who have been given a portion of the Scripture? They are being invited to the Book of Allah to settle their dispute, then a party of them turn away, and they are averse.}\)\(^{(Qur’an 3: 23)}\)

There were some scholarly differences of opinion as to what is meant by “the Scripture”, and whether it means the Qur’an or the Tawraat (Torah). Ibn Jareer thought the latter to be more correct.\(^{29}\) There was also some scholarly dispute as to the reason for revelation (sabab annuzool). At-Tabari narrated that Ibn ‘Abbaas said: “The Messenger of Allah (ﷺ) passed through a group of Jews in the house of Al-Madaaris, and called them to Allah. Na’eeem ibn ‘Amr and Al-Haarith ibn Zayd said to him, ‘What religion do you follow, O’ Muhammad?’ He said, ‘I am of the community of Ibraaheem (Abraham) and I follow his religion.’ They said, ‘Ibraaheem was a

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\(^{29}\) Tafseer at-Tabari, 6/292, ed. Shaakir. Ibn Katheer mentioned only this view, 2/22, Ash-Sha‘b edition.
Jew.’ The Messenger of Allah (ﷺ) said to them, ‘Come, let us look at the Tawraat, (and it will decide) between us and you.’ They refused to do that, then Allah revealed the words:

> لا تُرَى إِلَّا الَّذِينَ كُفَّارٌ أُوْلَىٰ نَفْسَهُم بِنَصْبِ الْحَيْثَابِ يُعْتَبِرُونَ إِلَى كِتَابِ اللَّهِ يَحْكِمُ بِبَيْنِهِمْ مَّا بِأَيْمَانِهِمْ وَمَا مَعَضُونَ ذَلِكَ الَّذِينَ فَعَلُوهُ قَالُوا لِلَّهِ نَمَسَّا كُلَّ نَصْرٍ إِلَّا أَيْمَانَ مَعْدُودَةٍ وَرَجُلٍ فِي بَيْنِهِمْ مَّا حَكَاهُ مَنْ هُوَ حَقُّٰئِيْنَاءٍ

(Have you not seen those who have been given a portion of the Scripture? They are being invited to the Book of Allah to settle their dispute, then a party of them turn away, and they are averse. This is because they say: ‘The Fire shall not touch us but for a number of days.’ And that which they used to invent regarding their religion has deceived them."

(Qur'an 3: 23-24).”

— This indicates that the book to which they were being called was the Tawraat.

At-Tabari narrated that Qataadah said concerning this aayah: “These are the enemies of Allah, the Jews, who were called to the Book of Allah to settle their dispute, and to His Prophet to judge amongst them, mention of whom they found written in the Tawraat and Injeel, but they turned away from him and were averse.”

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30 This is narrated by At-Tabari with two isnads from Ibn ‘Abbaas (Tafseer at-Tabari, 6/289). It is also narrated in a mursal report by Ibn Abi Haatim from ‘Ikrimah (but At-Tabari made it mawsool). See Tafseer Ibn Abi Haatim (published portion), tafseer of Soorah Aal ‘Imraan, Pp. 165, hadith no. 286. This is also mentioned by As-Suyooti in Ad-Durr al-Manthoor, by Al-Baghwai in Sharh as-Sunnah, and Al-Waahidi in Asbaab an-Nuzool, Pp. 99, edited by Al-Humaydi, it is classed as hasan by the editor of Tafseer Ibn Abi Haatim, and also by the editor of Asbaab an-Nuzool.

31 Tafseer at-Tabari, 6/290, ed. Shaakir, see also Tafseer al-Qaasimi, 4/818.
It is narrated that Ibn Jurayj said concerning this aayah: “The people of the Book were being called to the Book of Allah to judge amongst them in accordance with the truth and to settle disputes concerning punishments. The Prophet (ﷺ) called them to Islam, but they turned away from that.”

This indicates that the Book in question is the Qur’ān. The phrase “disputes concerning punishments” is an indication of that which was mentioned by some scholars, that this aayah was revealed concerning two Jews who had committed zina (adultery); their story will be told when we discuss the verses of Soorah al-Maa’idah (the fifth chapter of the Qur’ān), and it is to be found in As-Saheehayn (Bukhari and Muslim) and elsewhere.

At-Ṭabari said, after mentioning the opinions and reports mentioned above, “In my opinion, the interpretation which is most likely to be correct is the view which says that Allah was speaking of a group of Jews who lived in Madeenah at the time of the Messenger of Allah (ﷺ). They had been given knowledge of the Tawraat (Torah), and they were being called to the book of Allah which they believed was from Allah — i.e., the Tawraat — in order to settle some of the matters of dispute between them and the Messenger of Allah (ﷺ). It may be that the issue concerning which they were disputing, they were called to refer to the Tawraat for judgement and they refused, was the matter of Muhammad (ﷺ) and his Prophethood. It may be that the disputed issue was the matter of Ibraaheem (Abraham), the Close Friend of Allah, and his religion. It may be that the disputed issue was Islam, which they were being called to believe in. Or it may be that the disputed issue was a punishment. All of these are issues concerning which they disputed with the Messenger of Allah (ﷺ), so he called them to the judgement of the Tawraat, but they refused to

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32 Tafseer at-Ṭabari, 6/290, ed. Shaakir, see also Tafseer al-Qaasimi, 4/818.
respond and some of them concealed it. There is no indication in the *aayah* to show which was meant (specifically), so that it could be said that it was this and not the other. We do not need to know that, because that to which they were being called to settle the dispute was something to which it was obligatory for them to respond according to their own religion, and they refused to do so. So Allah tells us that they were apostates who had rejected what was in their own Book, and they denied the covenant that they had made. Their rejection of Muhammad and his message of truth is as bad as their rejection of Moosa (Moses) and his message, whom they rejected even though they liked him and approved of him.

The phrase «...Then a party of them turn away, and they are averse» (cf. Qur'an 3: 23) means, they turn their backs on the Book of Allah to which they are called in order to settle their dispute, and they turn away from it although they know the truth of the matter and how clear the evidence is.”

From what At-Tabari said, we may note a number of points, the most important of which are:

a) That regardless of whether the Book to which they were called to settle the dispute between them was the Qur'an or the *Tawraat* (Torah), the ruling would be one and the same, because they were being called to the Book which they were obliged to follow. If they truly and sincerely believed what was in the *Tawraat*, they would have followed Muhammad (ﷺ).

b) That even though the *aayah* speaks of the People of the Book, it does not apply exclusively to them as far as the ruling is concerned, as we shall see below when we discuss the view of those who said that the *aayah-*

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«وَمَنْ لَمْ يُحْكُمْ بِمَا أُنْزِلَ إِلَيْهِمْ أَنْزِلَ اللَّهُ فَأُوْلَاهُمْ هُمُ الْكَايِدُونَ»

(...And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers].)

(Qur'an 5: 44)

— was speaking of the People of the Book.

c) That the aayah is general in terms of the reason for its revelation and the ruling which it points to. What this means — as Aṭ-Ṭabarî mentioned — is that whether it is about the Prophethood of Muhammad (ﷺ), or about Islam, or about one of the hadd punishments, these people were still turning away from the Book of Allah, thus deserved the warning which Allah mentions subsequently.

d) The ruling concerning these people — as Aṭ-Ṭabarî mentioned — is that they are apostates who reject what is stated in their own Book and who deny the covenant that they had made, in which they had promised to follow what was in their Book.

e) Finally, we should look again at what Ibn Jareer said: “Their rejection of Muhammad and his message of truth, is as bad as their rejection of Moosa (Moses) and his message, whom they rejected even though they liked him and approved of him.” That means that by turning away from what was in the Tawraat, they rejected Moosa and the message he brought. Their turning away from the ruling of Allah which Moosa brought in the Tawraat was an action of rejection and a negation of their claim to love Moosa and believe in his prophethood. What Aṭ-Ṭabarî said is important, as it explains that the aayah does not speak only about the People of the Book.

2 - Allah (ﷻ) says:
Have you not seen those who were given a portion of the Scripture? They believe in jibt and taaghoot and say to the disbelievers that they are better guided as regards the way than the believers [Muslims].} (Qur’an 4: 51)

We have already discussed the meaning of taaghoot above. There are many views concerning the meaning of this word and the word jibt. What matters here — after explaining that the aayah includes the Muslims too, as we noted in the case of the previous aayah — is to quote two of the comments of the salaf concerning this verse:

a) The report narrated by Mujaahid in his Tafseer, which says: “Al-Jibt means sihr (magic or witchcraft) and at-taaghoot means the Shaytaan in human form, to whom they refer for judgement. He controls their affairs.”

b) What At-Tabari said in his tafseer of this aayah — after quoting other opinions on it: “The correct view regarding the interpretation of the phrase, {...They believe in jibt and taaghoot...} (cf. Qur’an 4: 51) is that they believe in two gods other than Allah, which they worship instead of Allah, and take them as gods. That is because ‘al-jibt’ and ‘at-taaghoot’ are

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34 It is said that they were two idols; or that al-jibt meant the idols and at-taaghoot meant the spokesmen of the idols (i.e., the soothsayers who spoke on behalf of the idols); or that al-jibt meant magic and witchcraft and at-taaghoot meant the Shaytaan; or that al-jibt meant the sorcerer and at-taaghoot meant the soothsayer; or that al-jibt meant the soothsayer and at-taaghoot meant the sorcerer; or that al-jibt meant Ḥuyay ibn Akhtab and at-taaghoot meant Ka‘b ibn al-Ashraf, etc. From Tafseer at-Tabari, 461-465.

35 Tafseer Mujaahid, 1/161; Ibn Katheer, 1/512 at Istiqaamah edition.
two names for everything that is venerated and worshipped, or obeyed, or submitted to, instead of Allah, regardless of what that venerated thing is, whether it is a stone, a person or a devil. As this is the case, and as the idols which were worshipped during the jaahiliyah were venerated with worship instead of Allah, they were ‘jibt’ and ‘taaghoot’. The same may be said of the Shayaaiteen (devils) whom the kuffaar obey by disobeying Allah, and the sorcerers and soothsayers whose words are accepted by those who associate others with Allah (shirk). And it may also be said of Ḥuyay ibn Akhta’ab and Ka‘b ibn Ashraf because they were obeyed by their fellow-Jews in disobeying Allah and disbelieving in Him and His Messenger, so they were jibt and taaghoot.”  

36 Tafseer at-Tabari, 8/465.

37 Tafseer Ibn Sa’di, 1/358.
Q you who believe! Obey Allah and obey the Messenger [Muhammad], and those of you [Muslims] 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. 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 judgement [in their disputes] to the taaghoot [false judges] while they have been ordered to reject them. But Shaytaan [Satan] wishes to lead them far astray. And when it is said to them: ‘Come to what Allah has sent down and to the Messenger [Muhammad],’ you [Muhammad] see the hypocrites turn away from you [Muhammad] with aversion. How then, when a catastrophe befalls them because of what their hands have sent forth, they come to you swearing by Allah, ‘We meant no more than goodwill and conciliation!’ They [hypocrites] are those of whom Allah knows what
is in their hearts; so turn aside from them [do not punish them] but admonish them, and speak to them an effective word [i.e. to believe in Allah, worship Him, obey Him, and be afraid of Him] to reach their innerselves. We sent no Messenger, but to be obeyed by Allah’s Leave. If they [hypocrites], when they had been unjust to themselves, had come to you [Muhammad] and begged Allah’s forgiveness, and the Messenger had begged forgiveness for them, indeed, they would have found Allah All-Forgiving [One Who forgives and accepts repentance], Most Merciful. But no, by your Lord, they can have no Faith, until they make you [O’ Muhammad] judge in all disputes between them, and find in themselves no resistance against your decisions, and accept [them] with full submission.»

(Qur’an 4: 59-65)

These aayaat come in the context of speaking about the munaafiqueen (hypocrites) who claimed that they were believers, yet they referred for judgement to the taaghoot. Our aim here is not to look in detail at what the mufassireen said concerning these verses. But we will pause to look at three verses from this passage:

(i) «[And] if you differ in anything amongst yourselves, refer it to Allah and His Messenger»

(ii) «Have you not seen those [hypocrites] who claim that they believe»

(iii) «But no, by your Lord, they can have no Faith, until they make you [O’ Muhammad] judge in all disputes between them»

1) With regard to the first aayah (i), At-Tabari said, “What Allah means here is: if you have a difference, O’ believers, concerning any matter of your religion, amongst yourselves or between you and
those who are in authority over you, and you are disputing concerning it, (refer it to Allah), i.e., try to find out the ruling on the matter concerning which you are disputing, whether amongst yourselves or between you and those who are in authority over you. Try to find out the ruling from Allah, i.e., from the Book of Allah, and follow what you find. The phrase (and His Messenger) means, if you cannot find that out from the Book of Allah, then try to find out from the Messenger, if he is alive, or if he is dead, from his Sunnah, if you believe in Allah and the Last Day, i.e., if you truly believe in Allah and the Last Day.”

We may note from the words of At-Tabari that he connects his comments to the beginning of the aayah, which speaks of obedience to those who are in authority, because disputes may arise between the people and their leaders. So all of them are commanded to refer the disputed matter to Allah and the Messenger. This is a confirmation of what the scholars said about the reason why the command (Obey) is not repeated in reference to those who are in authority. It is because obedience to them is conditional upon obedience to Allah and His Messenger.

Ibn Katheer said in his Tafseer: “(...[And] if you differ in anything amongst yourselves, refer it to Allah and His Messenger...). Mujaahid and more than one of the salaf said: this means, refer to the Book of Allah and the Sunnah of His Messenger. This is a command from Allah with regard to any dispute that arises — and may arise — among the people, concerning basic principles or minor issues of religion, the matter should be referred to the Qur’an and Sunnah, as Allah (ﷻ) says:

\[\text{ومَا أَخْلِفْتُمُ فِيهِ مِن سَبِيلٍ فَحَكَمَهُ...}\]

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38 Tafseer at-Tabari, 8/504, ed. Shaakir.
And in whatsoever you differ, the decision thereof is with Allah [He is the ruling Judge]. (Qur'an 42: 10)

Whatever the Qur'an and Sunnah decide and attest to be correct is the truth, and what can there be beyond the truth other than falsehood? Hence Allah (سُلَيْمَانُ) says: (...If you believe in Allah and in the Last Day...), i.e., refer all disputed or unknown matters to the Book of Allah and the Sunnah of His Messenger, and seek judgement from them with regard to matters in which you dispute, (...If you believe in Allah and in the Last Day...). (cf. Qur’an 4: 59). This indicates that whoever does not refer for judgement concerning disputed matters to the Qur’an and Sunnah is not a believer in Allah and the Last Day.”

What Ibn Katheer said at the end is what is indicated in the text of the aayah, because it states the condition, (...If you believe in Allah and in the Last Day...). So whoever does not refer for judgement to the Qur’an and Sunnah is not a believer. Hence Shaykh Ibn Sa’di said: “The religion is based on the Book of Allah and the Sunnah of His Messenger, and belief cannot be sound without them. Referring to them both is a condition of faith. Hence Allah (سُلَيْمَانُ) says: (...If you believe in Allah and in the Last Day...). This indicates that whoever does not refer to them both in disputed matters is not really a believer, rather he is a believer in taaghoot as is mentioned in the following aayah.”

Ibn al-Qayyim mentioned, when discussing this aayah, that a number of things may be deduced from it, including:

a) That the believers may dispute concerning some rulings, but that does not mean that they are not believers if they refer the matters concerning which they dispute to Allah and His Messenger, as Allah has enjoined upon them.

40 Tafseer Ibn Sa’di, 1/362.
b) In the aayah, (...[And] if you differ in anything...), the use of the indefinite (shay‘in, translated here as “anything”) in a conditional clause indicates that this includes any matters of religion, major or minor, clear or ambiguous, concerning which the believers may dispute.

c) That the people agreed unanimously that referring to Allah and to His Messenger means referring to His Book, and to the Messenger himself during his lifetime, and to his Sunnah after his death.

d) That referring to Allah and His Messenger is a requirement and obligation of faith. If this referring is not done, cancels out faith, because the condition of faith is not fulfilled, therefore faith is cancelled out. The interconnection is especially strong in this case, for each is essential to the other, and if one of them is absent, the other is cancelled out.\(^{41}\)

This aayah indicates that it is not permissible to refer for judgement to anything other than the Qur’an and Sunnah.\(^{42}\)

2) With regard to the second aayah that says:

\[ 
\begin{align*}
\text{اَللَّهُ} & \text{ تَرَ إِلَى الْمِلَّةِ} \\
\text{بِعَرْمُوْنَ} & \text{ آنُهُم مَّامِعُونَ اِبْنَا أُمِّي} \\
\text{بِأَبِي} & \text{ إِلَيْكَ وَمَا أَنْوَلُ} \\
\end{align*} \\
\text{من مَّعِيَّكَ} & \text{ رَيْبُونَ} \\
\text{أَن يَحْكَمُوا} & \text{ إِلَى الْطَّعَوْنِ} ... \\
\]

(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 judgement [in their disputes] to the taaghoot...)

(Qur’an 4: 60)

— we have discussed the meaning of taaghoot above, and what the aayah indicates concerning the ruling on those who refer for

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\(^{42}\) *A‘waa’ al-Bayaan*, 1/292.
judgement to the *taaghoot*, and we have quoted the words of At-Tabari in more than one place.

Because this *aayah* was revealed concerning some of the hypocrites who claimed to be Muslims, it will suffice us to mention a few reports on the reasons for its revelation.

At-Tabaraani narrated that Ibn ‘Abbaas (ﷺ) said: Abu Barzah al-Aslami was a soothsayer who used to judge between the Jews concerning matters that they referred to him. Some of the Muslims also referred to him, so Allah (ﷻ) revealed the words: *(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 judgement [in their disputes] to the *taaghoot* [false judges] while they have been ordered to reject them. But Shayṭaan [Satan] wishes to lead them far astray. And when it is said to them: ‘Come to what Allah has sent down and to the Messenger [Muhammad],’ you [Muhammad] see the hypocrites turn away from you [Muhammad] with aversion. How then, when a catastrophe befalls them because of what their hands have sent forth, they come to you swearing by Allah, ’We meant no more than goodwill and conciliation!’)* (Qur’an 4: 60-62)⁴³

At-Tabari narrated that Qataadah said, concerning this *aayah*, that it was revealed concerning two men, a man from among the Anṣāar called Bishr and a man from among the Jews, with regard to a dispute between them concerning some debt or property. They disputed, then they referred to a soothsayer in Madeenah to judge between them,

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⁴³ At-Tabaraani: *Al-Mu’jam al-Kabeer*, 11/373, hadith no. 12045. *Majma’ az-Zawaa’id*, 7/6; he said, this is narrated by At-Tabaraani and its men are the men of As-Saheeh; Al-Waahidi in *Asbaab an-Nuzool*, Pp. 160 (and Abu Barzah was a famous *Saheebi* - that happened before he became Muslim). *Fath al-Baari*, 5/37, 1st Salafiyah edition.
and they did not go to the Prophet (ﷺ), so Allah criticized that. It is reported that the Jew called on him to go to the Prophet (ﷺ), to judge between them, because he knew that the Prophet (ﷺ) would not be unfair, but the Anṣaari refused, even though he claimed to be a Muslim, and he called on him to go to the soothsayer. So Allah revealed these words, and criticized the action of the one who claimed to be a Muslim, and the Jew who was one of the People of the Book, and He (Allah) (ﷻ), the Exalted, All-Glorious, All-Powerful, said: ‘Have you not seen those [hypocrites] who claim that they believe in that which has been sent down to you... you [Muhammad] see the hypocrites turn away from you [Muhammad] with aversion’.\(^{44}\)

According to a report narrated from Ibn ‘Abbaas (ﷺ) (may Allah be pleased with him): "At-Taaghoot was a man among the Jews who was called Ka‘b ibn al-Ashraf. When they were called to that which Allah had revealed and to the Messenger to judge between them, they said: ‘No, we will ask Ka‘b to judge between us.’ This is what Allah said, ‘And they wish to go for judgement [in their disputes] to the taaghoot [false judges]’.”\(^{45}\)

According to a report narrated by Mujaahid in his Tafseer, “A man from among the munaafiqueen (hypocrites) disputed with a man from among the Jews. The Jew said, ‘Let us go to Muhammad.’ The hypocrite said, ‘Let us go to Ka‘b ibn Ashraf.’ Then Allah revealed the words, ‘And they wish to go for judgement [in their disputes] to the taaghoot...’, which refers to Ka‘b ibn Ashraf.”\(^{46}\)

\(^{44}\) Tafseer at-Tabari, 8/509; Asbaab an-Nuzool, Pp. 161, ed. Al-Ḥumaydaan. Here it says that the name of the Anṣaari was Qays, and this is classed as saheeh by Ibn Ḥajar in Fath al-Baari, 5/38.

\(^{45}\) Tafseer at-Tabari, 8/511; Fath al-Baari, 5/37-38, 1st Salafiyyah edition.

\(^{46}\) Tafseer Mujaahid, 1/163-164; Tafseer at-Tabari, 8/511.
These examples give us a picture of the kind of referral for judgement which is condemned by Allah, although the *aayah* is general in meaning, as is stated by Ibn Katheer after he quoted — in brief — some of the reports concerning the reason for its revelation. He said: “The *aayah* is more general than all of that, because it condemns anyone who turns away from the Qur’an and Sunnah and refers for judgement to anything else which is false. This is what is meant by *taaghoot* here.”\(^{47}\)

It may be noted that Allah (ﷻ) says, {Those who claim}, because if they had been true believers, they would not have wanted to refer for judgement to anyone other than Allah and His Messenger. This indicates that they were claiming to be believers but they were liars.\(^{48}\) Allah (ﷻ) says, in the next *aayah*: {And when it is said to them: ‘Come to what Allah has sent down and to the Messenger [Muhammad],’ you [Muhammad] see the hypocrites turn away from you [Muhammad] with aversion} (Qur’an 4: 61).

Ibn al-Qayyim said: “Here Allah describes turning away from that which the Messenger brought and turning towards something else as being the essence of hypocrisy.”\(^{49}\) And it says in *Tayseer al-‘Azeez al-Ḥameed*: “Ibn al-Qayyim said: this indicates that whoever is called to refer for judgement to the Qur’an and Sunnah, and does not accept that and refuses to do so, is one of the hypocrites. The verb *yāsuddoon* (translated here as ‘turn away’) is intransitive, i.e., it does not take an object; it means that they turn away, not that they prevent others. If Allah has ruled that the one who turns away from that is a hypocrite, then how about the one who goes further than that and

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\(^{48}\) *Tayseer al-‘Azeez al-Ḥameed*, Pp. 556.

\(^{49}\) *Mukhtasar as-Ṣawaa’iq*, 2/353.
turns other people away from referring for judgement to the Qur’an and Sunnah through his words, teaching and books, still claims that he means no more than good will and reconciliation, goodwill through his actions and reconciliation between the taaghoot to which he refers for judgement and the Qur’an and Sunnah.”

What is indicated by this aayah and the aayaat that follow may be summed up as under:

a) That taaghoot is general in meaning; it may be one man to whom referral for judgement is made, or it may be more than one.

b) That referring to taaghoot for judgement is one of the attributes of the hypocrites.

c) That the one who turns away from referring for judgement to the Qur’an and Sunnah has been ruled by Allah to be a hypocrite. So the one who goes further than that by preventing the people from referring for judgement to the Qur’an and Sunnah in any way is even more of a kaafir and hypocrite.

3) With regard to the third aayah:

 فلا وَرِيكَ لَا يُصْنَوْنَ حَتَّى يُحْكمُواكَ فِي مَا شَجَكَرْ بَيْنَهُمْ ثُمَّ لَا يَعْبَدُونَ ﷺ

(But no, by your Lord, they can have no Faith, until they make you [O’ Muhammad] judge in all disputes between them, and find in themselves no resistance against your decisions, and accept [them] with full submission.)

(Qur’an 4: 65)

— the scholars spoke a great deal about this aayah. We will limit ourselves to discussion of two topics concerning this verse:

a) The reason for its revelation.
b) Some of the comments of the scholars concerning its meaning.

With regard to the reason for its revelation, Bukhari and others narrated the story of Az-Zubayr and the man from among the Anṣaar. It is narrated from ‘Urwah ibn az-Zubayr that a man from among the Anṣaar argued with Az-Zubayr about the channel from Al-Ḥarrah which was used to irrigate the date-palms. The Messenger of Allah (ﷺ) said, “Let the water flow, O’ Zubayr” — and he commanded him to be reasonable — “then let it go to your neighbour.” The Anṣaari said, “That is because he is your cousin (the son of your paternal aunt).” The face of the Messenger of Allah (ﷺ) changed colour (because of anger) and he said, “O’ Zubayr, irrigate (your land) and then stop the water until it reaches the walls between the pits around the trees.” Thus he gave Az-Zubayr his full rights (as opposed to telling him to compromise with his neighbour as he did at first). Az-Zubayr said, “By Allah, this aayah was revealed concerning that: (But no, by your Lord, they can have no Faith, until they make you [O’ Muhammad] judge in all disputes between them...). According to some of the reports, Az-Zubayr said, “I think that this aayah was revealed concerning that.”

There is another view, that is, the aayah was revealed concerning the hypocrite and the Jew concerning whom the aayah: (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,

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51 Bukhari in a number of places. This version is hadith no. 2362 in Kitaab al-Musaaqaah, Baab Sakr al-Anhaar and Baab Sharb al-A’laa qabl al-Asfal, and Baab Sharb al-A’laa ilal-Ka’bayn, hadith nos. 2359-2362 (Fath al-Baari), 5/34-39; also in Kitaab aṣ-Ṣulh, Baab Idha Ashaara al-Imam biṣ-Ṣulh, hadith no. 2708 (Fath al-Baari 5/309); and in Tafseeer Soorah an-Nisaa’, Baab Falaq wa Rabbiaka laa yu’minoona..., hadith no. 4585 (Fath al-Baari, 8/254). Muslim, hadith no. 2357.
and they wish to go for judgement [in their disputes] to the taaghoot — was revealed.\(^5^2\) This is narrated from Mujaahid.\(^5^3\)

Ishaaq ibn Raahawayh narrated in his Tafseer — with a saheeh isnad, as Ibn Ḥajar said in Fath al-Baari — that Ash-Sha‘bi said: there was a dispute between a man from among the Jews and a man from among the hypocrites. The Jew called on the hypocrite to go to the Prophet (ﷺ) because he knew that he would not accept a bribe, and the hypocrite called on the Jew to go to a Jewish judge because he knew that he would accept a bribe. So Allah revealed these aayaat, to where He says, "But no, by your Lord, they can have no Faith, until they make you [O’ Muhammad] judge in all disputes between them, and find in themselves no resistance against your decisions, and accept [them] with full submission." (Qur’an 4: 65).

Which of these was the reason for the revelation of the aayah?

At-Ṭabarani (may Allah have mercy on him), after quoting the reports, stated that the second view was more likely to be correct, when he said: "The view — I mean the view of those who said that it meant the two who referred for judgement to taaghoot whom Allah described in the aayah, "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" — is more likely to be correct, because the aayah, "But no, by your Lord, they can have no Faith, until they make you [O’ Muhammad] judge in all disputes between them" appears in the context of the story of those whose story Allah started to tell in the aayah, "Have you not seen those [hypocrites] who claim that they believe in that which has been sent down to you". There is no evidence of discontinuity as these aayaat (verses) follow on from one another. So long as there is no indication of

\(^{52}\) At-Ṭabarani from Mujaahid, 8/523, edited by Shaakir.

\(^{53}\) Tafseer Mujaahid, 1/164.
discontinuity, it is more sound to suggest that they are indeed speaking of the same thing.”

Then At-Tabari said: “If anyone thinks that there is any indication of discontinuity in the report narrated from Az-Zubayr and Ibn az-Zubayr about the dispute with the Ansâari concerning the channels from Al-Ḥarrah, or any suggestion that this aayah — {But no, by your Lord, they can have no Faith, until they make you [O’ Muhammad] judge in all disputes between them} — is unconnected to the story and the rulings mentioned in the preceding aayaat, it is not impossible that this aayah may have been revealed concerning the story of the two people who referred to taaghoot for judgement, but it also explains the issue concerning which Az-Zubayr and his opponent among the Ansâar referred for judgement, because the aayah indicates that, and because that is not impossible. It is more appropriate for them to be connected to one another, so long as the meaning flows in a coherent manner, unless there is evidence to show that there is no continuity between one and the other, in which case it should be understood in a different way.”

What At-Tabari mentioned is also pointed out by Ibn Ḥajar when he commented on the report: “Az-Zubayr said: by Allah, this aayah was revealed concerning that, and concerning another incident, the aayah {But no, by your Lord...} was revealed. Ibn Ḥajar said: “The more correct view is that which is reported by the majority, and that Az-Zubayr was not certain about that.” What he meant is: I think that this (the latter) aayah was revealed concerning that. Then Ibn Ḥajar said: “But in the report of Umm Salamah narrated by At-Tabari and At-Tabaraani, it shows that he was certain about that and that this is

54 Tafseer at-Tabari, 8/524.
55 Ibid, 8/524-525.
revealed concerning the story of Az-Zubayr and his opponent. This is also shown in the mursal report of Sa‘eed ibn al-Musayyib. Mujaahid and Ash-Sha‘bi were certain that this aayah was revealed concerning those concerning whom the previous aayah — "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 judgement [in their disputes] to the taaghoot..." — was revealed."

Then Ibn Ḥajar mentioned that which At-Ṭabari thought more likely to be correct, that the reason for revelation of these aayaat was all the same, and that they all refer to one thing. There is no reason why the story of Az-Zubayr and his opponent should not have taken place at the same time and not be covered by the general meaning of the aayah. And Allah knows best.

Whatever the case — even though what At-Ṭabari said is correct, especially since it fits the context of the aayah, because Allah clearly mentions the hypocrites in it: "...You [Muhammad] see the hypocrites turn away from you [Muhammad] with aversion" (Qur'an 4: 61), whilst the other report states that Az-Zubayr’s opponent was a man from among the Anṣāar — what these aayaat indicate is very clear, for Allah states that the person who does any such thing is not a believer. So it is general in meaning and applies to everyone who refuses to refer for judgement to the Qur’an and Sunnah, for faith cannot be complete without referring to the Messenger (ﷺ) for judgement and submitting to him.

What Az-Zubayr’s opponent said is a serious matter which involves slandering the Messenger (ﷺ) and doubting his justice. Hence An-Nawawi said concerning that: “The scholars said: if such words as

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57 Ibid.

58 Fath al-Baari, 5/38. See also Sharh an-Nawawi ‘ala Muslim, 15/109.
were spoken by this Anṣaari were to be uttered today by any person, suggesting that the Prophet (ﷺ) was following his own desires, that would be *kufr*, and the one who says them would be subject to the rulings on apostates, and he would have to be killed, subject to the relevant conditions. They said that the Prophet (ﷺ) only left this man alone because at the beginning of Islam he used to seek to put the people at ease and respond with that which is better. He put up with the insults of the hypocrites and those in whose hearts was a disease, and he (ﷺ) said,

‘Be easy-going, not harsh; give glad tidings, do not put people off,’ and, ‘I do not want the people to say that Muhammad kills his companions.’

And Allah (ﷻ) said:

... ولا تَرَوْلَ نَتَّخِيبَ عَلَى حَلَائِلِهِمْ وَلَا تَفَرِّدَنَّهُمْ أَن فَاعِفَ عَنْهُمْ

Waṣṣaṣhūn In-an Allāh yuḥbū Al-musīḥīn

...And you will not cease to discover deceit in them, except a few of them. But forgive them and overlook [their misdeeds]. Verily, Allah loves *al-muhsinoon* [good-doers].

(Qur’an 5: 13).”

Then he mentioned what some of the scholars said, that this man was a *munaafiq* (hypocrite); this issue was discussed by Ibn Ḥajar in *Fath al-Baari*.¹⁰

Having discussed what was said concerning the reasons for revelation, we will now move on to the second issue, that is, what the scholars said concerning this *aayah* (*Qur’an 4: 65*), and making the connection between that and the issue of referring for judgement.

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⁵⁹ *Sharh an-Nawawi*, 15/108; see also *Fath al-Baari*, 5/40.
At-Tabari (may Allah have mercy on him) said: "What Allah meant when He said, "But no" is, the matter is not as they claim, when they say that they believe in that which has been revealed to you, but they refer for judgement to the taaghoot, and they turn away from you when they are called to come to you, O’ Muhammad. "They can have no Faith" means, they do not truly believe in Me, in you and in that which was revealed to you, "Until they make you [O’ Muhammad] judge in all disputes between them" means, until they make you the judge between them concerning matters of which they are not certain and so they are confused about the rulings...”

Al-Jaṣṣaṣṣ mentioned a number of texts and the obligation of referring to the Messenger (ﷺ), at the end of which he quoted this aayah — "But no, by your Lord, they can have no Faith...". Then he said: "In these aayaat, Allah confirmed the obligation of obeying the Messenger (ﷺ) and explained that obedience to him is obedience to Allah, and that disobedience of him is disobedience of Allah. Allah (ﷻ) says:

أَلْيَعْفَرُ الَّذِينَ يَحَاقَقُونَ عَنْ أَمْرِيَّ أَنْ تُصِيبُهُمْ فَسَهَّلَتْ أَوْ تُصِيبُهُمْ غَيْرُ أَوْ تُصِيبُهُمْ

...And let those who oppose the Messenger’s [Muhammad’s] commandment [i.e. his Sunnah — legal ways, orders, acts of worship, statements] [among the sects] beware, lest some fitnah [disbelief, trials, afflictions, earthquakes, killing, overpowered by a tyrant] should befall them or a painful torment be inflicted on them."

(Qur’an 24: 63)

So He has warned against going against the commands of the Messenger, and He has stated that going against the commands of the

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61 Tafseer at-Tabari, 8/518, edited by Shaakir.
Messenger, refusing to submit to that which he has brought and doubting it are things that put a person beyond the pale of faith.

Allah (ﷻ) says: "But no, by your Lord, they can have no Faith, until they make you [O’ Muhammad] judge in all disputes between them, and find in themselves no resistance against your decisions, and accept [them] with full submission".

It is said that ḥaraj (translated here as “resistance”) means doubt. This is narrated from Mujaahid. The root meaning of ḥaraj is unease. It could be that what is meant is submission without any doubt that submission is obligatory, and no unease in the heart concerning that; rather it should be with an open heart and with insight and certainty. This aayah indicates that whoever rejects any of the commands of Allah or of His Messenger (ﷺ) is beyond the pale of Islam, whether he rejects it because of doubt concerning it, or because he does not accept it and refuses to submit. This proves that the Ṣaḥaabah were correct when they ruled that those who refused to pay the zakah were apostates, and they killed them and took their women and children into slavery, because Allah ruled that whoever does not submit to the judgement and ruling of the Prophet (ﷺ) is not among the people of faith (the believers).”

Ibn al-Qayyim (may Allah have mercy on him) said: “The obligation of referring to him for judgement did not come to an end when he died; it applies after his death just as it applied during his lifetime. Referring to him for judgement is not something that applies only to practical matters and not to theoretical matters, as the heretics say. Allah begins this aayah with an oath which confirms the negation which precedes it, and He swears that they do not have faith until they refer for judgement to the Messenger of Allah (ﷺ) in all matters

concerning which they dispute, whether they are major or minor issues of religion, basic principles or otherwise. This is not sufficient, however, until there is no haraj (resistance), i.e., unease concerning the ruling, and until their hearts are open to accepting the ruling in such a manner that there is no longer any unease, and they submit to him completely, i.e., follow his ruling."

Ibn Katheer said: "Allah (ﷻ) swears by His holy and divine Self that no one believes until he makes the Messenger (ﷺ) judge of all his affairs. So whatever he rules is the truth which must be followed both outwardly and inwardly. Hence Allah says: "(And find in themselves no resistance against your decisions, and accept [them] with full submission), i.e., when they make you judge, they should obey you inwardly and find no resistance in themselves to that which you decide. So they should follow you both outwardly and inwardly, and they should submit completely, with no objection or resistance, as is narrated in the hadith,

‘By the One in Whose hand is my soul, no one of you truly believes until his desire is in accordance with that which I have brought.’"  

Shaykh Ahmad Shaakir (may Allah have mercy on him) commented at length on what Ibn Katheer said concerning these aayaat. After a lengthy discussion in which he explained that these aayaat are quite clear in their meaning and unambiguous in their wording, that they do not need any lengthy explanation, that there is no room for tampering with their meaning or misinterpreting them, that obedience

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63 Mukhtasar as-Sawaa’iq, 2/352; see also I’laam al-Muwaqqi’een, 1/54; Tayseer al-’Azeez al-Hameed, Pp. 562-563, where he quotes some very important comments from Ibn al-Qayyim concerning this topic.

64 Tayseer Ibn Katheer, 1/520. The isnad of this hadith is da’eeef (weak); it is classed as such by Ibn Rajab in Jaami’ al-’Uloom wal-Hikam.
to Allah and His Messenger is a condition of faith and that whoever turns away from obeying them both and refers for judgement to anything else is a hypocrite, and hypocrisy is the worst kind of *kufr*, then he said:

"Then our Lord swore by His divine and holy Self that the people cannot be believers until they refer for judgement in all their affairs to His Messenger Muhammad (*ﷺ*), and until they accept his judgement with obedience and submission, and do not find any resistance in themselves, and until they submit in the depths of their hearts to the ruling of Allah and His Messenger with full and complete submission, not acting hypocritically in order to please the believers or submitting because of the power of the ruler or anyone else. Rather they should accept it no matter what difficulty or hardship they face as a result. If they do not do that, then they are not believers at all, rather they are counted among the *kuffaar* and hypocrites..."\(^{65}\)

Then he spoke of the (man-made) laws in many Muslim countries, and how they are sanctified and called *fiqh* and *tashree‘*, and other words that the scholars give to shari‘ah. Then, after stating that they have made their laws a new religion instead of Islam, he said: "This new religion has become the basic principle to which the Muslims in most of the Muslim countries refer for judgement and by which they rule. Whether some of its rulings are in accordance with any of the rulings of shari‘ah or they go against it, it is all false and goes beyond the pale of Islam, because whatever is in accordance with shari‘ah is merely a coincidence; it is not an action of following shari‘ah and it is not intended to be an act of obedience to the command of Allah and the command of His Messenger. That which is in accordance with shari‘ah and that which goes against it are both sinking in the mire of misguidance which leads a person to Hell. It is not permissible for the

\(^{65}\) *Umdat at-Tafsir*, 3/214.
Muslim to submit to this type of law or to accept it.”

Shaykh Muhammad ibn Ibraaheem (may Allah have mercy on him) said: “Allah has stated that those who do not refer to the Prophet (ﷺ) for judgement in all disputes between them do not have faith. This statement is confirmed by the repetition of the negative and by the oath (swearing by Allah). Allah (ﷻ) says: "But no, by your Lord, they can have no Faith, until they make you [O’ Muhammad] judge in all disputes between them, and find in themselves no resistance against your decisions, and accept [them] with full submission».

Merely referring to the Messenger (ﷺ) for judgement is not sufficient until there is added to that an absence of any element of resistance in their hearts, because Allah (ﷻ) says: "And find in themselves no resistance against your decisions». Haraj (translated here as ‘resistance’) means unease; so their hearts must be open to that and free of any kind of unease or reservation.

And these two things are not sufficient until, as Allah (ﷻ) says, they are accompanied by submission, i.e., complete surrender to his (the Prophet’s) rulings, so that there is no longer any attachment of the heart to this matter, and they submit to this true ruling with complete submission. Hence this is emphasized by use of the verbal noun tasleeman (translated here as “with full submission”). This shows that mere submission is not enough; it must be absolute submission.” Then he said: “Ponder also the general meaning of the second aayah, where Allah, the Exalted, says, "In all disputes between them», which conveys a general and comprehensive meaning, according to the scholars. This general meaning refers to all types and kinds of issues, whether major or minor, so there is no difference between one kind and another, or between major and minor.”

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67 Tahkeem al-Qawaaneen, Pp. 1-2; see also Aqwaa’ al-Bayaan, 1/294.
Man-Made Laws vs. Shari'ah

Whoever ponders this *aayah* and the reports concerning the reasons for its revelation, and what the scholars said concerning its meanings, will understand that this is not only the matter of belief, and that the warning does not apply only to those in whose heart is any element of doubt or dislike of what the Messenger brought. Indeed, if he rejects the ruling of the Messenger (ﷺ) and does not submit to him, then he is subject to the stern warning indicated by the *aayah*, which is that he is not a believer.

4 - Allah (ﷻ) says:

«أَنْتُّكُنَّ أَحْكَمَاءَ مَرْحَمَاءِ أَرْبَابُ الْأَمْيَلِ وَلَا تَأْتَيْنَاهَا إِلَّا ذُرِّيَّتُهَا وَلَمْ يُجْزَكُنَّ إِلَّا لَغَدًا لَّا إِلَهَ إِلَّا هُوَ سُجَّطَيْنِ عَمْناً يَسْتَرِكُونَ»

(They [Jews and Christians] took their rabbis and their monks to be their lords besides Allah [by obeying them in things which they made lawful or unlawful according to their own desires without being ordered by Allah], and [they also took as their Lord] Messiah, son of Maryam [Mary], while they [Jews and Christians] were commanded [in the Tawraat (Torah) and the Injeel (Gospel)] to worship none but One Ilaah [God — Allah] *Laa ilaaha illa Huwa* [none has the right to be worshipped but He]. Praise and glory be to Him [far above is He] from having the partners they associate [with Him].»

(Qur'an 9: 31)

All of the *mufassireen* interpreted this *aayah* in accordance with what is narrated from the Prophet (ﷺ) and from a group of the *salaf* (the pious predecessors), may Allah have mercy on them. At-Tabari said: «...lords besides Allah...» means, as masters instead of Allah, whom they obey by disobeying Allah, so they accept as permissible that which they permit to them of the things that Allah has forbidden for
them, and they regard as forbidden that which they forbid to them of things that Allah has permitted for them.”

The hadith narrated concerning that is the hadith of ‘Adiy ibn Ḥaatim, who said: I came to the Messenger of Allah (ﷺ) wearing a cross of gold around my neck. He said,

“O‘ Adiy, throw this idol away from your neck.’ So I threw it away, and I came to him whilst he was reciting from Soorah Baraa‘ah (Soorah at-Tawbah — the ninth chapter of the Qur’ān) and he recited this aayah - (They [Jews and Christians] took their rabbis and their monks to be their lords besides Allah). I said, ‘O’ Messenger of Allah, we do not worship them.’ He said, ‘Do they not forbid that which Allah has permitted, so you regard it as forbidden, and they permit that which Allah has forbidden, so you regard it as permissible?’ He said, ‘Yes.’ He said, ‘This is worship of them.”

According to another report, “I said, ‘O’ Messenger of Allah, they do not pray to them.’ He said,

“You are right, but they used to permit that which Allah had forbidden, so they regarded it as permissible, and they used to forbid that which Allah has permitted, so they regarded it as forbidden.”

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68 Tafseer at-Tabari, 14/209, edited byShaakir.
69 Tirmidhi, Kitaab at-Tafseer, Baab Soorah at-Tawbah, hadith no. 3095. He said, this is a ghareeb hadith, which we only know from the hadith of ‘Abdus-Salaam ibn Ḥarb, and Ghūṭayf ibn A’yān is not known in this hadith. This is what it says in the edition of ‘Āṭwah and Ad-Da’aas. In the Indian edition (published with Tuḥfat al-Ahwadhi), 4/117, it says, this is a hasan ghareeb hadith.
This hadith is classed as hasan by Shaykh al-Islam Ibn Taymiyah in Al-Eemaan (Majmoo‘ al-Fataawa, 7/67. In Minhaaj as-Sunnah, 1/48, he said: it was reported in Tirmidhi and elsewhere from the hadith of ‘Adiy).
Similar reports were narrated from more than one of the *salaf*. The reports from them were narrated by Aṭ-Ṭabari, Al-Khaṭeeb al-Baghdadi, As-Suyūṭī and others. These reports include:

— The report from Ḥudhayfah that he was asked about the *aayah*, *(They [Jews and Christians] took their rabbis and their monks to be their lords besides Allah)* — did they worship them? He (ﷺ) said,

> "No, but if they permitted them something they would take it as permitted, and if they forbade them something, they would take it as forbidden."

According to another report, he said:

> "They did not fast for them or pray to them, but if they permitted them something they would take it as permitted, and if they forbade them something that Allah had permitted to them, they would take it as forbidden, and this is how they took them as lords."\(^{70}\)

— It is narrated from Ar-Rabee' ibn Anas: *(They [Jews and Christians] took their rabbis and their monks to be their lords besides

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Allah — I said to Abul-‘Aaliyah, ‘How did the Children of Israel take them as lords?’ He said, ‘The way in which they took them as lords was that they found commands and prohibitions in the Book of Allah, but they said, we will decide about any matter unless our rabbis tell us first. What they command us to do, we will follow, and what they forbid us to do, we will pay heed to what they say. So they followed what men said and threw away the Book of Allah behind their backs.’”  

These reports do not express the personal opinions of the sahaabah; they are tafseer which is in accordance with that which is reported from the Prophet (ﷺ) in the hadith of ‘Adiy.

For more explanation of the aayah in question, let us look at the tafseer of the aayah:

قُلْ يُتَأَهِّلُ الْكَبَّارُ تَعاَلَوْا إِلَّا حَكَمُ رَبِّكُمْ مَبْيَضًا وَقَزَّيْنَآ إِلَّا نَصْرًا
إِلَّا أَنَّ اللَّهَ وَلَا شَرِيكَ لَهُ وَلَا يَنْجِدُ بَعْضُهُ بَعْضًا أَنْبَأْنَا مِنْ دُونِ اللَّهِ
فَإِنَّ تَوَلَّوْا فَقُولُوا أَنَّاهَا مُسْلِمُوٓاٍ

(Say [O’ Muhammad]: ‘O’ people of the Scripture [Jews and Christians]: Come to a word that is just between us and you, that we worship none but Allah [Alone], and that we associate no partners with Him, and that none of us shall take others as lords besides Allah.’ Then, if they turn away, say: ‘Bear witness that we are Muslims.’)  

(Qur’an 3: 64)

What is relevant here is the phrase (...And that none of us shall take others as lords besides Allah...), which is interpreted in the same way as the aayah from Soorah at-Tawbah.

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71 Al-Eemaan by Ibn Taymiyah, Pp. 64; Aț-Ṭabari, 14/212.
At-Tabari said: “With regard to the phrase, (And that none of us shall take others as lords besides Allah...), this taking of others as lords was in the sense of the followers’ obedience to their leaders when they commanded them to disobey Allah, and their abstaining from what they forbade them to do of obedience towards Allah, as Allah says: (They [Jews and Christians] took their rabbis and their monks to be their lords besides Allah...).”\(^{72}\) Then he narrated that Ibn Jurayj said: “(And that none of us shall take others as lords besides Allah...) means, we will not obey one another in disobeying Allah. And it is said that that taking of others as lords meant when the people obeyed their masters and leaders in matters other than worship, even though they did not pray to them.”\(^{73}\)

Qurtubi said: “(And that none of us shall take others as lords besides Allah...) means, we will not follow them in permitting or forbidding anything except that which Allah has permitted. This is like the aayah, (They [Jews and Christians] took their rabbis and their monks to be their lords besides Allah...), which means that they gave them the status of their Lord by accepting what they forbade and permitted, which Allah had not forbidden or permitted.”\(^{74}\)

Al-Qastallaani said in his commentary on Bukhari, when commenting on the letter of the Prophet ( ﷺ) to Heraclius, in which this aayah — (Say [O’ Muhammad]: ‘O’ people of the Scripture [Jews and Christians]: Come to a word...’) — is mentioned: (And that none of us shall take others as lords besides Allah...) means, we should not say that ‘Uzayr is the son of Allah, or that the Messiah is the son of Allah; let us not obey the rabbis in their innovations as

\(^{72}\) Tafseer at-Tabari, 6/488, edited by Shaakir.

\(^{73}\) Ibid. It is also narrated - in brief - by Ibn Abi Ḥaatim, Juz’ Aal ‘Imraan, Pp. 318, report no. 698.

\(^{74}\) Tafseer al-Qurtubi, 4/106.
regards what is prohibited and what is permitted, because they are all just like us, they are human like us." Then he quoted the hadith of ‘Adiy ibn Ḥaatim as evidence.

Al-Aloosi said concerning this aayah: "This means, do not obey one another by disobeying Allah." Then he narrated the report of Tirmidhi and how he classed the hadith of ‘Adiy as hasan.

So what is indicated by these two aayaat (the aayah from Aal ‘Imraan and the aayah from At-Tawbah) is one and the same, which is that taking others as lords means following the rabbis and monks in their innovations concerning what is permitted and what is forbidden, instead of following Allah’s rulings. As the salaf pointed out, worship of the rabbis and monks does not mean prostrating to them or praying to them; rather it means obeying them instead of Allah. The Jews and Christians — as ‘Adiy said to the Messenger (ﷺ) — do not worship their rabbis and monks by prostrating and praying to them.

Hence Ibn Ḥazm narrated this objection and responded to it. He said, "If someone were to say, how can the Jews and Christians take other lords instead of Allah when they deny that? We say, and Allah is the Source of strength, that the way in which things are named is a matter which rests with Allah. When the Jews and Christians accepted as forbidden that which their rabbis and monks forbade them, and accepted as permitted that which they permitted, this was taking them as lords in a real sense and worshipping them in a real sense, which they believed in. So Allah called this action taking of lords besides Allah and worship, and this is indisputably shirk." 

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75 Irshaad as-Saari, 1/80.
77 Al-Faṣl by Ibn Ḥazm, 3/266, edited version.
What Ibn Hazm stated is also mentioned by Ibn Katheer in his *Tafseer* of the *aayah*,

\[\text{‘Eat not [O’ believers] of that [meat] on which Allah’s Name has not been pronounced [at the time of the slaughtering of the animal], for sure it is *fisq* [a sin and disobedience of Allah]. And certainly, the *Shayateen* [devils] do inspire their friends [from mankind] to dispute with you, and if you obey them [by making *almaitah* (a dead animal) legal by eating it], then you would indeed be *mushrikoon* [polytheists]; [because they (devils and their friends) made lawful to you to eat that which Allah has made unlawful to eat and you obeyed them by considering it lawful to eat, and by doing so you worshipped them; and to worship others besides Allah is polytheism].} \]

*(Qur’an 6: 121)*

After a lengthy discussion of its *tafseer* and the reasons for its revelation — narrated in the *Sunans* of Tirmidhi, Abu Dawood, Ibn Maajah and others from Ibn ‘Abbaas with *sahee*h isnads, that the *mushrikeen* objected to the prohibition of eating dead meat, and they said to the Prophet (ﷺ), ‘We eat what we kill and we cannot eat what Allah kills?’ and according to another report they said, ‘You eat what you slaughter by your own hand but you do not eat what Allah slaughters?’ — Ibn Katheer said: “(...)And if you obey them, then you would indeed be *mushrikoon* [polytheists]...” means, if you turn away from the command of Allah to you and His laws, and turn towards what anyone else says, and you give others preference over

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Him, then this is shirk, as Allah (ﷻ) says, ﴿...They [Jews and Christians] took their rabbis and their monks to be their lords besides Allah...﴾."\(^{79}\) Then he mentioned the hadith of ‘Adiy ibn Ḥaatim.

These three aayaat (verses) (from Aal ‘Imraan, Al-An’aam and At-Tawbah), along with others mentioned in the Qur’an, interpret one another. So it should come as no surprise that the scholars spoke in strong words on this topic, because it is a serious matter which may lead to shirk (polytheism i.e., associating deities besides Allah). And Allah is the One Whose help we seek.

We will quote some of what the scholars said on this topic, which will explain the rulings which result from what is indicated by these aayaat:

Ash-Shanqeeti said — in a clear and unambiguous statement: “According to the guidance of the Qur’an, which guides to that which is most just and right, everyone who follows any laws other than those which were brought by the master of the sons of Adam, Muhammad ibn ‘Abdullah (—who), follows a deviant and contradicting laws. This is blatant kufr (disbelief) which puts him beyond the pale of Islam. When the kuffaar (disbelievers) said to the Prophet (ﷺ), ‘When you find a sheep dead in the morning, who killed it?’ He said to them. ‘Allah killed it.’ They said to him, ‘What you slaughter by your own hands is halaal (permitted), and what Allah kills, you say it is haraam (prohibited). Are you then better than Allah?’ Allah revealed this aayah concerning them: ﴿Eat not [O’ believers] of that [meat] on which Allah’s Name has not been pronounced [at the time of the slaughtering of the animal], for sure it is Fisq [a sin and disobedience of Allah]. And certainly, the Shayateen [devils] do inspire their friends [from mankind] to dispute with you, and if you obey them [by making al-maitah (a dead animal) legal by eating it],

then you would indeed be mushrikoon [polytheists].

The fact that there is no fa’ in the phrase translated as, (then you would indeed be mushrikoon] implies an oath. The fulfilment of the conditional clause (if you obey them] would be expected to begin with fa’. The fact that there is no fa’ means that this is not the fulfilment of the conditional clause and is therefore a new sentence.

Allah swears by this oath that whoever follows the Shayateen in permitting dead meat is a mushrik, and this shirk puts a person beyond the pale of Islam, according to scholarly consensus...” So he made the connection between the aayaat which spoke of this matter.

Shaykh al-Islam Ibn Taymiyah said concerning this matter: “When a knowledgeable person neglects what he knows of the Book of Allah and the Sunnah of His Messenger, and follows the ruling of a ruler who goes against the rulings of Allah and His Messenger, he is an apostate and a kaafir who deserves to be punished in this world and in the Hereafter.”

Elsewhere, Ibn Taymiyah explained the ruling concerning those who followed the rabbis and monks. He said: “What He said in the context of the aayah,

(Qur’an 37: 35),

80 See the Tafseers of At-Tabari and Ibn Katheer on this aayah. See Saheeh at-Tirmidhi, Maktab at-Tarbiyah edition, hadith no. 2454; Saheeh Abi Dawood, hadith nos. 2444, 2445.
82 Majmoo‘ al-Fataawa, 35/372-372.
— undoubtedly refers to both kinds of *shirk*, minor and major, and it also refers to those who reject the commands of Allah and turn away from obeying Him. This is part of the true meaning of *Laa ilaaha illa-Allah*. For the *Ilaah* (God) is the One Who deserves to be worshipped, and every way in which Allah is worshipped is a means of drawing close to Him as the *Ilaah*, so whoever refuses to worship Him in some way, thereby hearing and obeying someone other than Him, has not fully understood and acted upon the phrase *Laa ilaaha illa-Allah* in this case.

Those who took their rabbis and monks as lords when they obeyed them in permitting that which Allah had forbidden and in forbidding that which Allah had permitted, are of two types:

i) Those who knew that they altered the religion of Allah, so they followed them in that alteration, and they believed in their permitting of that which Allah had forbidden and in their forbidding of that which Allah had permitted, following their leaders even though they knew that they had gone against the religion of the Messengers. This is *kufir*, and Allah and His Messenger described it as *shirk*, even though they did not pray to them or prostrate to them. Whoever follows anyone else in going against the religion knowing that he is going against the religion, and believes in what they say instead of in what Allah and His Messenger say, is a *mushrik* (polytheist) like these people.

ii) They clearly understood that their rabbis and monks were prohibiting what was permitted by Allah and permitting what was forbidden by Allah, but they obeyed them by disobeying

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83 This is how it appears in the editions of *Kitaab al-Eemaan* and also in *Tayseer al-‘Azeez al-Hakeem*, where this is quoted from *Shaykh al-Islam* (Ibn Taymiyah). The meaning is: that the belief of those followers in what the rabbis and monks did by forbidding that which was permitted by Allah and permitted that which =
Allah. This is like the Muslim who commits sins knowing that they are sins, so they come under the category of sinners, as it was reported in Aṣ-Ṣaḥeeh (Bukhari) that the Prophet (ﷺ) said:

‘Obedience is only with regard to that which is proper and correct...’

There are other important comments made by Ibn Taymiyah, which we will refer to below. But we will pause here to highlight two points:

The first point is that Shaykh al-Islam was not referring — when he mentioned the two cases — to the monks and rabbis themselves who permit and forbid things by themselves. Rather he was speaking only about their followers.

There is no doubt that the rabbis and monks and their like, who change (the religion) and permit that which Allah has forbidden and forbid that which Allah has permitted, are kuffaar, indeed they are worse in kufr than their followers. But it should be noted that this does not include the mujtahid who strives by means of his ijtihaad to follow the Messenger and reach the truth that he brought, but reaches a conclusion concerning ḥalaal and ḥaraam which goes against the view of the majority — or some — of the scholars, because he failed to reach the right conclusion in this case.

Hence Ibn Taymiyah pointed out that: “The one who forbids something which is ḥalaal or permits something which is ḥaraam, if he is a mujtahid whose intention was to follow the Messenger, but he failed to reach the right conclusion in this matter, but he feared Allah as much as he could, then Allah will not punish him for his mistake,

= was prohibited by Him is clear to them in the sense that they know what Allah forbids and what He permits, as it came from Him.

In Fath al-Majeed, 1/213 (edited by Al-Waleed al-Firyaan) it says: “That their belief in what is ḥaraam and what is ḥalaal is clear to them.”

rather He will reward him for his *ijtihaad* in which he obeyed his Lord."\(^{85}\)

Then he went on to explain the ruling concerning those who follow him (the *mujtahid*) in his mistake. He said: "But those who know that it is a mistake and goes against what the Messenger said, still follow him in his mistakes and turn away from what the Messenger said, have a share in that *shirk* which Allah condemns, especially if they are following their whims and desires and they support it by their actions, even though they know that this goes against what the Messenger said. This is *shirk* and the one who does this deserves to be punished for it. Hence the scholars are agreed that if a person knows the truth (the correct view on a matter), it is not permissible for him to follow anyone in going against it..."\(^{86}\)

The scholars mentioned this issue in the context of following one who goes against the evidence even though the follower knows that he is going against it, as was said by Ibn al-Qayyim in *Ilaam al-Muwaqqi‘een*, Al-Khaṭeeb in *Al-Faqeeh wal-Mutafaqqih*, and others, who quoted the *aayah* from Soorah at-Tawbah — *(They [Jews and Christians] took their rabbis and their monks to be their lords)* — and the hadith of ‘Adiy ibn Ḥaatim. Ibn Taymiyyah also referred to this here, when he said. "They have a share in that *shirk*..."

In conclusion, the rabbis and monks who go against the Book of Allah, forbidding what Allah permitted and permitting what Allah forbade, turning away from the truth even though they know what it is, are not the ones whom *Shaykh al-Islam* was discussing here, because there is no doubt concerning their *kufr*.

\(^{85}\) *Al-Eemaan*, Pp. 67; *Majmoo’ al-Fataawa*, 7/71.

\(^{86}\) Ibid.
The second point is that when Ibn Taymiyah mentioned the second type of people who follow the rabbis and monks, he said, “They clearly understood that their rabbis and monks were prohibiting what was permitted by Allah and permitting what was forbidden by Allah” meaning, they understood what was *halaal* and what was *haraam* according to the way in which it had been revealed by Allah. What this means is that they do not follow the rabbis and monks when they forbid that which is permitted or permit that which is forbidden, rather they accept as permitted that which Allah has permitted and regard as forbidden that which Allah has forbidden. These followers — who believe in that correct belief — may go against what they believe in their actions only, so they obey the rabbis and monks in disobeying Allah, but they are not regarded as *kaafir* because they are like those who commit sins such as adultery or drinking wine or consuming *riba* even though they believe that these are sins and are forbidden. So this is a person who has committed a major sin, and the ruling concerning such a person is well known to *Ahl as-Sunnah wal-Jamaa’ah*.

Ibn Taymiyah’s comment, “so they obey them in disobeying Allah” is explained as meaning that this is like what the Muslim does who sins and knows that it is a sin.

So it is obeying them in sin only; it is not obeying and following one who forbids that which is permitted and permits that which is forbidden. There is a great difference between the two things.

The first type follows the rabbis and monks in their alteration of the religion of Allah, and they accept what they say, so they come under the same ruling as them.

The second type does not follow them in that, and they do not accept the changes and alterations that they have introduced, but they follow them by committing sins, so they are like those who commit sins which are less than *shirk*. 
The Texts which Prove that it is Obligatory
CHAPTER THREE

THE VERSES FROM SOORAH AL-MAA’IDAH CONCERNING RULING BY ANYTHING OTHER THAN THAT WHICH ALLAH HAS REVEALED

The Verses from Soorah al-Maa’idah

These verses — concerning ruling by anything other than that which Allah has revealed, and warning against that and against following the misguided People of the Book who have deviated and have distorted the Book of Allah, and who refused to rule according to it, and which enjoin ruling according to the Book of Allah and warn against the fitnah of these people and others — these verses all appear in one context, from verse 41 to verse 50. This is the text:
O’ Messenger [Muhammad]! Let not those who hurry to fall into disbelief grieve you, of such who say: ‘We believe’ with their mouths but their hearts have no Faith. And of the Jews are men who listen much and eagerly to lies — listen to others who have not come to you. They change the words from their places; they say, ‘If you are given this, take it, but if you are not given this, then beware!’ And whomsoever Allah wants to put in al-
*fitnah* [error, because of his rejecting of Faith], you can do nothing for him against Allah. Those are the ones whose hearts Allah does not want to purify [from disbelief and hypocrisy]; for them there is a disgrace in this world, and in the Hereafter a great torment. [They like to] listen to falsehood, to devour anything forbidden. So if they come to you [O’ Muhammad], either judge between them, or turn away from them. If you turn away from them, they cannot hurt you in the least. And if you judge, judge with justice between them. Verily, Allah loves those who act justly. But how do they come to you for decision while they have the *Tawraat* [Torah], in which is the [plain] Decision of Allah; yet even after that, they turn away. For they are not [really] believers. Verily, We did send down the *Tawraat* [Torah] [to Moosa (Moses)], therein was guidance and light, by which the Prophets, who submitted themselves to Allah’s Will, judged for the Jews. And the rabbis and the priests [too judged for the Jews by the *Tawraat* (Torah) after those Prophets], for to them was entrusted the protection of Allah’s Book, and they were witnesses thereto. Therefore fear not men but fear Me [O’ Jews] and sell not My Verses for a miserable price. And whosoever does not judge by what Allah has revealed, such are the *kaafiroon* [i.e. disbelievers — of a lesser degree as they do not act on Allah’s Laws]. And We ordained therein for them: Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal. But if anyone remits the retaliation by way of charity, it shall be for him an expiation. And whosoever does not judge by that which Allah has revealed, such are the *zaalimoon* [polytheists and wrongdoers — of a lesser degree]. And in their footsteps, We sent ‘Eesa
[Jesus], son of Maryam [Mary], confirming the Tawraat [Torah] that had come before him, and We gave him the Injeel [Gospel], in which was guidance and light and confirmation of the Tawraat [Torah] that had come before it, a guidance and an admonition for al-muttaqoon [the pious]. Let the people of the Injeel [Gospel] judge by what Allah has revealed therein. And whosoever does not judge by what Allah has revealed [then] such [people] are the faasiqoon [the rebellious i.e. disobedient (of a lesser degree)] to Allah. And We have sent down to you [O’ Muhammad] the Book [this Qur’an] in truth, confirming the Scripture that came before it and Mohaymin [trustworthy in highness and a witness] over it [old Scriptures]. So judge among them by what Allah has revealed, and follow not their vain desires, diverging away from the truth that has come to you. To each among you, We have prescribed a law and a clear way. If Allah had willed, He would have made you one nation, but that [He] may test you in what He has given you; so compete in good deeds. The return of you [all] is to Allah; then He will inform you about that in which you used to differ. And so judge [you O’ Muhammad] among them by what Allah has revealed and follow not their vain desires, but beware of them lest they turn you [O’ Muhammad] far away from some of that which Allah has sent down to you. And if they turn away, then know that Allah’s Will is to punish them for some sins of theirs. And truly, most of men are faasiqoon [rebellious and disobedient to Allah]. Do they then seek the judgement of [the days of] Ignorance? And who is better in judgement than Allah for a people who have firm Faith.\(\) \(\) (Qur’an 5: 41-50)

In this passage the following phrases are to be noted here:
...And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]. (Qur'an 5: 44)

...And whosoever does not judge by that which Allah has revealed, such are the zaalimoon [polytheists and wrongdoers]. (Qur'an 5: 45)

...And whosoever does not judge by what Allah has revealed [then] such [people] are the faasiqoon [the rebellious i.e. disobedient]. (Qur'an 5: 47)

We will discuss in brief and in general terms these aayaat and quote what the scholars said concerning them. For a detailed tafseer of each aayah and what was said concerning it, refer to the books of Tafseer. Because this is a lengthy topic, it is divided into sections.

The Reasons for Revelation

There are a number of opinions concerning the reason for the revelation of these aayaat, the most important of which are the two:

The first view is that it was revealed concerning two Jews who committed zina (unlawful sexual relations), as was narrated by ‘Abdullah ibn ‘Umar (may Allah be pleased with them both). He said: “The Jews came to the Messenger of Allah (ﷺ) and told him that a man and a woman from them had committed zina. The Messenger of Allah (ﷺ) said to them:

‘What do you find in the Tawraat concerning stoning?’ They said, that they should be humiliated and flogged. ‘Abdullah ibn Salaam said, ‘You are lying; the punishment prescribed in the Tawraat is stoning.’ They brought the Tawraat and opened it, but one of them put his hand over the verse about stoning, and read the verses before it and after it. ‘Abdullah ibn Salaam said, ‘Lift up your hand.’ So he lifted up his hand, and there was the verse about stoning. They said, ‘He is speaking
the truth, O’ Muhammad, there is the verse about stoning.’ So the Messenger of Allah (ﷺ) commanded that they should be stoned, and I saw the man trying to shield the woman from the stones.” — This is narrated by Bukhari, Muslim and others.¹

According to a report narrated by Muslim from Al-Baraa’ ibn ‘Aazib (رياضة), “Two Jews were brought to the Prophet (ﷺ) with blackened faces, having been whipped. He said,

‘Is this the punishment for zina that you find in your Book?’ They said, ‘Yes.’ So he called one of their scholars and said, ‘I ask you by the One Who revealed the Tawraat to Moosa, is this the punishment for zina that you find in your Book?’ He said, ‘No, if you had not asked me by Allah I would not have told you. The punishment that we find (in the Tawraat) is stoning, but zina became widespread among our leaders. So if we found a leader doing this, we would leave him alone, and if we found a weaker (member of our community) doing this, we would carry out the punishment on him. So we said, let us agree on some punishment that we could apply equally to the leaders and the weak alike. So we agreed on blackening the face and flogging in place of stoning.’ The Messenger of Allah (ﷺ) said: ‘O’ Allah, I am the first to revive Your command which they had abandoned.’ He commanded that they should be stoned, and Allah revealed the words: ‘O’ Messenger

¹ Bukhari, in numerous places, Al-Janaa’iz, hadith no 1329; Al-Manaaqib, hadith no. 3635; At-Tafseer - Soorah Aal ‘Imraan, Baab Qul Fa’tu bil-Tawraat fatloohaa - hadith no. 4556; Al-Hudood - Baab al-Rajm fil-Balaat - hadith no. 6819; Baab Ahkaam Ahl adh-Dhimmah, hadith no. 6840, 7332, 7543. Muslim in Kitaab al-Hudood, Baab Rajm al-Yahood, hadith no. 1699.
[Muhammad]! Let not those who hurry to fall into disbelief grieve you... If you are given this, take it.\(\text{(Qur'an 5: 41)}\). They said: 'Go to Muhammad and if he tells you to blacken their faces and flog them, then accept it, and if he tells you to stone them, then beware.' Then Allah revealed the words, \(\text{\textit{And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers].}}\) \(\text{(Qur'an 5: 44)}\), \(\text{\textit{And whosoever does not judge by that which Allah has revealed, such are the zaalimoon [polytheists and wrongdoers].}}\) \(\text{(Qur'an 5: 45)}\) and \(\text{\textit{And whosoever does not judge by what Allah has revealed [then] such [people] are the faasiqoon [the rebellious i.e. disobedient].}}\) \(\text{(Qur'an 5: 47)}\) concerning all the kuffaar.'\(^2\)

There are other reports and versions of this hadith, many of which are mentioned by At-Tabari and Ibn Katheer in their tafseers. The reports of Al-Baraa’ ibn ‘Aazib narrated in Muslim and elsewhere clearly states the reason for revelation.

The second view is that is was revealed concerning two groups of Jews with regard to the issue of diyah (blood money) between them. One group had defeated the other, so the diyah for one of their number who was killed was twice what it was for anyone from the other group, or that for one group a person would be killed in return whereas for the other group only the diyah would be paid.

It is narrated that Ibn ‘Abbaas (ﷺ) said: "They were Qurayzah and An-Naâeer. An-Naâeer were considered to be of a higher status than Qurayzah, so that if a man from Qurayzah killed a man from An-Naâeer, he would be killed in return, but if a man from An-Naâeer

\(^2\) Muslim, Kitaab al-Hudoood, Bab Rajm al-Yahood, hadith no. 1700, etc.
killed a man from Qurayṣah, he would be ransomed by the payment of one hundred wasq of dates. When the Prophet (ﷺ) migrated to Madeenah, a man from An-Naḍeer killed a man from Qurayṣah, and they said, ‘Give him to us and we will kill him.’ They (An-Naḍeer) said, ‘Between you and us (as judge) is the Prophet (ﷺ).’ So they came to him, then these words were revealed: ‘And if you judge, judge with justice between them’. Justice means, a soul for a soul. Then the words were revealed: §Do they then seek the judgement of [the days of] Ignorance?§”

There is another report from Ibn ‘Abbaas which we will quote in full because of the additional details it gives and because it speaks of the differences in diyaḥ. It is narrated that Ibn ‘Abbaas (ﷺ) said: “Allah revealed the words: §And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers].§ (Qur’an 5: 44), §And whosoever does not judge by that which Allah has revealed, such are the zaalimoon [polytheists and wrongdoers].§ (Qur’an 5: 45) and §And whosoever does not judge by what Allah has revealed [then] such [people] are the faasiqoon [the rebellious i.e. disobedient].§ (Qur’an 5: 47). Allah revealed these words concerning two groups of Jews, one of which had subjugated the other during the jaahiliyah until they reached an agreement that for every person among the inferior group killed by the superior group, the blood-money would be fifty wasq, and for every person among the superior group killed by the inferior group, the blood-money would be one hundred wasq. This remained in force until the Prophet (ﷺ) came to Madeenah, and both groups felt that they lost their status when he (ﷺ) came. Then the inferior group killed a man from the

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3 Abu Dawood, Kitaab ad-Diyaat, Baab an-Nafs bi’n-Nafs, hadith no. 4494. It is also narrated in Saheeh Abi Dawood, hadith no. 3772; Nasaa’i in Kitaab al-Qisaamah, Baab Ta’weel Qawlihi ta’aala, “Wa in hakamta fahkam baynahum bil-Qisṭ”, 8/18; Saheeh Sunan an-Nasaa’i, hadith no. 4410.
superior group, so the superior group sent word to the inferior group,
telling them to send one hundred wasq. The inferior group said,
‘Have there ever been two tribes whose religion, lineage and country
are the same, where the blood-money of some of them is half the
blood-money of the others? We accepted this deal because of our
weakness and our fear of you, but now that Muhammad has come,
we will no longer accept this.’ There was almost war between them,
then they agreed to appoint the Messenger of Allah (ﷺ) as the judge
between them. Then the superior group said, ‘By Allah, Muhammad
is not going to approve of this state of affairs whereby you receive
double what they receive, and they are right, they only accepted this
arrangement because of their fear and weakness. Send someone in
disguise to Muhammad so that he can tell you what his opinion is. If
he is going to give you what you want, then appoint him as judge,
otherwise be cautious and do not appoint him as judge.’ So they sent
some people from among the hypocrites in disguise to the Messenger
of Allah (ﷺ), to find out for them what the opinion of the Messenger
of Allah (ﷺ) was.

When they came to the Messenger of Allah (ﷺ), Allah informed His
Messenger about them and what they wanted. And Allah revealed the
words: ‘O’ Messenger [Muhammad]! Let not those who hurry to fall
into disbelief grieve you, of such who say: “We believe”... And
whosoever does not judge by what Allah has revealed [then] such
[people] are the faasisqoon [the rebellious i.e. disobedient].’ Then he
said,

“Concerning them (the two groups), by Allah, it was
revealed, and they are the ones whom Allah meant.”

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4 Imam Ahmads, 1/246. It is classed as saheeh by Shaakir, hadith no. 2212.
Nasaa’i, 8/19; Saheeh an-Nasaa’i, hadith no. 4411; Ibn Jareer, 10/326, edited by
Shaakir, report no. 11984.
So long as these two reasons are both proven to be *saheeh*, it may be said: these two reasons may have existed at the same time, so that these *aayaat* (verse) were revealed concerning all of that, as Ibn Katheer said. And Allah knows best.

There are also other views concerning the reasons for revelation, but they are either *da‘eeef* (weak), such as the idea that it was revealed concerning the story of Abu Lubaabah and Banu Qurayzhah, or they come under the same heading as the reports narrated above, such that the views that it was revealed concerning the Jew ‘Abdullah ibn Şooriya who apostatized after becoming Muslim, or that it was revealed concerning the hypocrites.

From this examination of the reasons for revelation, the following points may be noted:

1 - That there is a strong connection between the reasons for revelation and the *aayaat* quoted, for they mention the Jews who distorted words by altering their sequence, and say that if they come to you then judge between them or turn away from them, and how can they appoint you as judge when they have the *Tawraat*, etc. So any story concerning the reason for revelation which does not mention the Jews is unlikely to be correct.

2 - That these *aayaat* which were revealed, exposing the Jews and their allies among the hypocrites, ruling that those who judged or ruled by anything other than that which Allah has revealed are guilty of *kufr, fisq* (rebellion) and *zulm* (wrongdoing), and commanding the Messenger (ﷺ) to judge and rule by that which Allah has revealed, and warning against being tempted to ignore some of that which Allah has revealed, etc. - these *aayaat* were revealed concerning only one ruling that the Jews had agreed amongst themselves to change

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and base it on something other than that which Allah had revealed. This ruling concerned either *zina* (adultery) or *qiṣaṣ* (blood-money). These *aayaat* may also refer to any situation which resembles that of these Jews, regardless of time or place.

3 - That agreement between two parties on a matter which goes against the rulings of Allah does not make it permissible. This is a matter concerning which many people are mistaken.

4 - The relationship between the hypocrites and the Jews, and the role that each played in waging war against Islam and trying to circumvent the laws of Islam. Anyone who studies history will see that they have persisted in doing these things at all times and in all places.

5 - Al-Baraa’ ibn ‘Aazib said: “It was concerning all the *kuffaar.*” We will discuss this in the following section, *in sha Allah.*

**Who is Referred to in These Verses? Are They General or Specific in Meaning?**

Here we will focus on the phrases: (And whosoever does not judge by what Allah has revealed, such are the *kaafiroon* [i.e. disbelievers] ... the *zaalimoon* [polytheists and wrongdoers] ... the *faasiqoon* [the rebellious i.e. disobedient].) *(Qur’an 5: 44-47).*

The *salaf* (may Allah have mercy on them) differed concerning these verses and had numerous opinions. We will quote some of their views, then we will examine the differences concerning that. And Allah is the Source of strength and help.

These differences may be summed up as follows:

1 - That those who are referred to here are the Jews who distorted the Book of Allah and changed His rulings. This view is narrated from Al-Baraa’ ibn ‘Aazib when he said - as mentioned above from
Saheeh Muslim — concerning these three aayaat, that they were "concerning all the kuffaar." ⁶

It is narrated that Abu Saaliḥ said: "The three aayaat from Soorah al-Maa'idah — ʿ(And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers].) (Qur'an 5: 44), ʿ(... such are the zaalimoon [polytheists and wrongdoers].) (Qur'an 5: 45) and ʿ(... such [people] are the faasiqoon [the rebellious i.e. disobedient]).) (Qur'an 5: 47) — do not refer to the Muslims at all; they refer to the kuffaar." ⁷

It is narrated that Aḍ-Ḍaḥḥaak also said: "These aayaat were revealed concerning the People of the Book." ⁸

It is narrated that Abu Majlaz said: "They were revealed concerning the Jews, Christians and people of shirk." ⁹

It is narrated that ‘Ikrimah said: "These aayaat are concerning the People of the Book." ¹⁰

It is narrated that Qataadah said: "It was mentioned to us that these aayaat were revealed concerning a murdered Jew." ¹¹

It is narrated that ‘Ubaydullah ibn ‘Abdullah ibn ‘Utbah ibn Mas‘ood mentioned the story of the dispute between the two Jewish tribes of Qurayzah and An-Naḍeer concerning a murder, then he said: "What is meant by that are the Jews, and this was revealed concerning them." ¹²

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⁶ Quoted above. See also Tafseer at-Tabari, 1/346, 351, 352, reports nos. 12022, 12034, 12036.
⁷ Tafseer at-Tabari, 10/346, report no. 12023.
⁸ Ibid, 10/347, 350, report nos. 12024, 12028.
⁹ Ibid, 10/347, report nos. 12025, 12026.
¹⁰ Ibid, 10/351, report nos. 12031, 12033.
¹¹ Ibid, 10/351, report no. 12032.
¹² Ibid, 10/352, report no. 12037.
This is also narrated from Ibn ‘Abbaas,\(^13\) and something similar is narrated from Ḥudhayfah (ﷺ), as it is narrated that he said concerning the \textit{aayah} — \textit{And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]} — \textit{‘What good brothers the Children of Israel are to you. If everything sweet (i.e., words of praise) is for you then everything bitter (i.e., words of condemnation) is for them. And you will certainly follow them, step by step.’}\(^14\) The phrase \textit{‘you will certainly follow them}’ may be understood as meaning that he thought it was revealed concerning the Children of Israel.

Those who state this view quote as evidence the fact that \textit{‘the Holy Qur’an indicates that it is concerning the Jews, because in the preceding aayaat, Allah mentions that they changed some of the words from their places, and that they said, ‘If you are given this’, meaning the distorted ruling that is not the ruling of Allah, ‘take it’, ‘but if you are not given this’, meaning the distorted ruling, but you are given the true ruling of Allah, then beware. So they were enjoining caution in the case of the ruling of Allah which they knew was the truth. Then Allah said, \textit{‘And We ordained therein for them: Life for life.}’ This indicates that they are being spoken of here.}\(^15\)

This view is also favoured by Az-Zajjaaj, who said in support of it: \textit{‘Among the best views that were expressed concerning this is the view of Ash-Sha’bi, who said: This is specifically about the Jews.}\(^16\) Three things prove what he says: the Jews are mentioned prior to this,

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\(^13\) \textit{Ad-Durr al-Manthoor}, 3/87-88, where two reports are narrated from him, in one of which he states that it is narrated specifically concerning the Jews.


\(^15\) \textit{Aḏwaa’ al-Bayaaan}, 2/90.

\(^16\) This is what Az-Zajjaaj said, quoting from Ash-Sha’bi; there appears below a comment from Ash-Sha’bi which says something different.
in the aayah, ‘for the Jews’, so the pronoun refers back to them; the context of the aayah indicates that, because after that it says, {And We ordained therein for them...}, and this pronoun refers back to the Jews, according to consensus; and the Jews are the ones who rejected stoning and settling scores (qiṣaṣaṣ).”\textsuperscript{17} Then he mentioned some objections and the response to them.

This is what Ibn Jarir thought most likely to be correct, when he thought that it was revealed concerning the kuffaar of the People of the Book, then he stated that it was more general in meaning and included everyone who denies (the rulings of Allah).\textsuperscript{18}

2 - Some of them said that “the kaafiroon (i.e. disbelievers)” meant the Muslims, “the zaalimoon (polytheists and wrongdoers)” meant the Jews and “the faasiqoon (the rebellious i.e. disobedient)” meant the Christians.

Among those who suggested this was Ash-Sha‘bi. It is narrated that he said: “One aayah referring to us and two aayaat referring to the People of the Book. {And whosoever does not judge by what Allah has revealed, such are the zaalimoon [polytheists and wrongdoers]}, and {...the faasiqoon [the rebellious i.e. disobedient]} — refers to the People of the Book.” According to another comment narrated from him, he said: “The first (aayah) refers to the Muslims, the second to the Jews and the third to the Christians.”\textsuperscript{19} This is the view favoured by Abu Bakr ibn al-‘Arabi when he said: “Among them are those who say {the kaafiroon [i.e. disbelievers]} refers to the mushrieken,\textsuperscript{20} {the

\textsuperscript{17} I‘raab al-Qur’an, 2/21-22, Beirut edition.

\textsuperscript{18} Tafseer at-Tabari, 10/358.

\textsuperscript{19} Ibid, 10/353-355, reports 12038-12046.

\textsuperscript{20} This is how it appears in Ahkaam al-Qur’an by Ibn al-‘Arabi. In Al-Jaami‘ li Ahkaam al-Qur’an by Qurtubi, it says, “Al-Kaafiroon (the disbelievers) refers to the Muslims...” He was quoting from Ibn al-‘Arabi.
zaalimoon [polytheists and wrongdoers] refers to the Jews and faasigoon [the rebellious i.e. disobedient] refers to the Christians. This is also my opinion, because this is the apparent meaning of the aayaat, and it is the view of Ibn ‘Abbaas, Jaabir, Ibn Abi Zaa’idah and Ibn Shubrumah.”

Ash-Shanqeeti also thought this most likely to be correct, when he said: “The apparent meaning from the context of the aayaat is that the phrase such are the kaafiroon [i.e. disbelievers] refers to the Muslims, because prior to this, Allah said, addressing the Muslims of this ummah: Therefore fear not men but fear Me and sell not My Verses for a miserable price (Qur’an 5: 44), then He said: And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]. So those who are being addressed here are the Muslims, as is apparent from the context of the aayah, and on this basis the kufr mentioned here is either a lesser form of kufr, or a major form of kufr, when the one who does that does so because he believes it to be permitted, or he aims thereby to deny and reject the rulings of Allah even though he knows them. But in the case of one who rules according to something other than that which Allah revealed, recognizing that he is committing a sin and an evil action, but he is compelled to do that by his whims and desires, he is one of the sinners among the Muslims. The context of the Qur’an also clearly indicates that the aayah such are the zaalimoon [polytheists and wrongdoers] refers to the Jews, because before that Allah (الله) says: And We ordained therein for them: Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal. But if anyone remits the retaliation by way of charity, it shall be for him an expiation. And whosoever does not judge by that which Allah has revealed, such are the zaalimoon [polytheists and wrongdoers — of a lesser degree] (Qur’an 5: 45). So this is addressed to them (the

21 Ahkaam al-Qur’an by Ibn al-‘Arabi, 2/621.
Jews), as is clearly indicated by the context. And the aayah, (such [people] are the faasiqoon [the rebellious i.e. disobedient]) refers to the Christians, because prior to that Allah says: (Let the people of the Injeel [Gospel] judge by what Allah has revealed therein. And whosoever does not judge by what Allah has revealed [then] such [people] are the faasiqoon [the rebellious i.e. disobedient (of a lesser degree)] to Allah) (Qur'an 5: 46).”

Then he explains that kufr, zulm (wrongdoing) and fisq (rebellion) are all of two types, major and minor. Then he said: “What counts is the general meaning of the words and not the specific reason for revelation. I have stated my opinion above and Allah knows best.”

3 - That what is meant by these aayaat is a lesser form of kufr, a lesser form of zulm (wrongdoing), a lesser form of fisq (rebellion). This is based on the assumption that the aayaat are speaking of the Muslims.

This view is narrated from the great scholar of the ummah, Ibn ‘Abbaas (sal). It is narrated from him via a number of isnads which strengthen one another, and which, taken all together, are saheeh.

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22 Adwa’ al-Bayaan, 2/92.
23 Ibid., 2/93.
24 This is what we think is most likely to be correct, noting that there are those who classify this report from Ibn ‘Abbaas as da’eeef (weak). The criticisms directed against these reports - and our comments as to what we believe is more likely to be correct - are as follows:

1 - The report of Ibn Abi Talhah from Ibn ‘Abbaas: “Whoever rejects that which Allah has revealed is a kaafir, and whoever approves of it but does not judge according to it is a zaalim and a faasiq.” It is said that ‘Abdullah ibn Saalih, who is in the isnad and was the scribe of Al-Layth was regarded as thiqah by some and as da’eeef by others. Ibn Hajjar said concerning him: “He is sadooq but makes many mistakes. He is thaabit when he reads from his books but sometimes he is confused.”

2 - The report of Sufyaan from a man from Taawoos from Ibn ‘Abbaas who said: “Kufr which does not put one beyond the pale of Islam.” In (this isnad) is an unknown man, so it is da’eeef (weak). This wording is also narrated from Taawoos.
= It is narrated from him by Sa’eed al-Makki, which is a sounder isnad.

3 - The report: "It is not the kafir which they think it is." According to one version: "It is not the kafir which they think it is; it is not the kafir which puts one beyond the pale of Islam. (And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]) refers to a lesser form of kafir." And it is said, these two reports come via Hishaam ibn Hujayr from Ibn Abbaas. There is some dispute as to whether he is thiqaah or da’eef. Among those who regarded him as thiqaah were Al-‘Ajali, Ibn Hibbaan in Ath-Thiqaat and Ibn Shaheen. Among those who regarded him as da’eef was Imam Ahmad who said, "He is not very reliable." I (‘Abdullah ibn Ahmad) said, Is he da’eef? He said, he is not very reliable. He said: I asked Yahyaa ibn Ma’een about him and he said that he was very da’eef (weak). And he is classed as da’eef by Yahyaa al-Qat’aan. Those who regard him as da’eef are more knowledgeable, which means that those who criticize him outweigh those who commend him. Hence Ibn Jareer said concerning him: “He is sadooq (sincere) but confused.” This is narrated in Al-Hady fiman tan’a’na feehim min Rijaal al-Bukhari, where he says: “Al-‘Ajali and Ibn Sa’d classed him as thiqaah and Yahyaa al-Qat’aan and Yahyaa ibn Ma’een classed him as da’eef. Ahmad said: ‘He is not very reliable.’ Abu Ja’far al-‘Aqeeli mentioned him among those who are da’eef, and narrated that Sufyaaan ibn ‘Uayynah said: ‘We do not take anything from him except that which we cannot find with anyone else.’ (Hady as-Saari, 447-448, 1st Salafiyyah edition). Concerning the above, see Tahdheeb al-Kamaal, no. 6571 (30/179, edited by Bashshaar ‘Awaad)

Even though Hishaam ibn Hujayr is one of the men of Bukhari and Muslim, they did not narrate from him except as corroborating reports, as is mentioned by Ibn Hajar in his comment on the reports narrated by Bukhari.

4 - The report of Sufyaaan ibn Mu’ammarr ibn Raashid from Ibn Taawoos from his father, that Ibn Abbaas was asked about the aayah (And whosoever does not judge by what Allah has revealed), and he said, “It is kufr (disbelief).” Ibn Taawoos said: but it is not like disbelief in Allah, His angels, His Books and His Messengers.”

Another report is also narrated from Sufyaaan from Mu’ammarr from Ibn Taawoos from Ibn ‘Abbaas: (And whosoever does not judge by what Allah has revealed.) He said: “It is kufr (disbelief), but it is not disbelief in Allah, His angels, His Books and His Messengers.”

It is said, commenting on these two reports, that the sound report from Ibn ‘Abbaas, is the report in which he says “It is kufr (disbelief).” The phrase, “but it is not disbelief in Allah, His angels, His Books and His Messengers” may be the words of Ibn Taawoos, as is clearly stated in the first report.
These include:

— It is narrated that Ibn ‘Abbaas said: “👰 And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]👰 ... this is kufr (disbelief), but it is not disbelief in Allah, His angels, His Books and His Messengers.”

— That he said: “... kufr which does not put a person beyond the pale of Islam.”

— (The report) from Ibn Ṭaawoos from his father, who said: “A man said to Ibn ‘Abbaas concerning this aayah - 🌹 And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]🌹 — ‘Is the one who does that is guilty of kufr?’ Ibn ‘Abbaas said, ‘If he does that, it is kufr, but he is not like one who disbelieves in Allah and the Last Day, or in such and such.’”

— It is narrated from Ibn Ṭaawoos from his father that he said: “Ibn ‘Abbaas was asked about the aayah, 🌹 And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]🌹. He said, ‘It is kufr.’ Ibn Ṭaawoos said, ‘But he is not like one who disbelieves in Allah, His angels, His Books and His Messengers.’”

— It is narrated from Ṭaawoos from Ibn ‘Abbaas concerning the aayah 🌹 And whosoever does not judge by what Allah has revealed,

= This is a summary of the refutations of these reports, but what we think most likely to be correct is that these reports from Ibn ‘Abbaas are sound and trustworthy, for the following three reasons:

1) The report narrated with an isnad from Sufyaan from Mu’ammar from Ibn Ṭaawoos from his father is saheeh. No one casts aspersions on this.

2) These reports are saheeh and are supported by other reports. At the very least, they are saheeh when their isnads are put together.

3) The fact that the scholars have unanimously used the report of Ibn ‘Abbaas as evidence and have quoted it when discussing the meaning of the aayah.

Our discussion is based on the fact that the report from Ibn ‘Abbaas is sound. And Allah knows best.
such are the kaaﬁroon [i.e. disbelievers], that he said: ‘This is not the kufr which they think of.’

— And it is narrated from Ibn ‘Abbaas with the wording: “It is not the kufr which they think of, it is not the kufr which puts a person beyond the pale of Islam.” ❧And whosoever does not judge by what Allah has revealed, such are the kaaﬁroon [i.e. disbelievers] is a lesser form of kufr.” Some of them added: “...and a lesser form of zulm (wrongdoing) and a lesser form of fisq (rebellion).”

This view is also narrated from ‘Ataa’, who said: a lesser form of kufr, a lesser form of fisq and a lesser form of zulm. And it was also narrated that Taawoos said: “It is not kufr which puts a person beyond the pale of Islam.”

4 - That what is meant by the aayah ❧And whosoever does not judge by what Allah has revealed, such are the kaaﬁroon [i.e. disbelievers] is the one who does not rule by what Allah has revealed because he rejects it. The verses which describe those who do not rule by that which Allah has revealed as zaalimoon (wrongdoers) and faasisqoon (rebels), are referring to those who accept and approve of shari’ah (Islamic law) but do not rule in accordance with it.

This is narrated from Ibn ‘Abbaas (may Allah be pleased with him), who said: “Whoever rejects that which Allah has revealed is guilty of kufr, and whoever accepts it and approves of it but does not

25 Tafseer at-Tabari, 10/355-356; Ta’zeem Qadr as-Salaah, 2/521, reports nos. 569-575. See also Ad-Durr al-Manthoor, 3/87-88, Daar al-Fikr, Beirut, edition. See Al-Qawl al-Ma’moon fi Takhreej ma warada ‘an ibn ‘Abbaas fi Tafseer ‘Wa man lam yahkum bima anzala Allah fa oolaa’ika hum al-kaafiroon, written by ‘Ali Hasan ‘Abdul-Hameed. In this book and in the footnotes of Ta’zeem Qadr as-Salaah there is a study of the isnads of these reports.
26 Tafseer at-Tabari, 10/355.
27 Ibid, 10/356; Tafseer ‘Abdur-Raazaaq, 1/191.
rule by it is a *zaalim* (wrongdoer) and a *faasiq* (rebel)."\(^{28}\)

Many of the *mufassireen* mentioned this view and said that the kind of *kufr* which puts a person beyond the pale of Islam applies only in the case of the one who rejects that which Allah has revealed.

5 - It is said that these *aayaat* were revealed concerning the People of the Book, and that they also refer to all of mankind, Muslims and *kuffaar* alike.

This view is referred to by Ḥudhayfah when he said, concerning the *aayah* from *Soorah al-Maa’idah*, "‘What good brothers the Children of Israel are to you. If everything sweet is for you then everything bitter is for them. But you will certainly follow them, step by step.’"\(^{29}\)

Among those who were also of this view was Ḳabraheem an-Nakha‘ī. He said concerning this *aayah* — (And whosoever does not judge by what Allah has revealed, such are the *kaafiroon* [i.e. disbelievers]) — "These *aayaat* (verses) were revealed concerning the Children of Israel, and Allah included also this ummah in these verses.”\(^{30}\)

It is also narrated that Al-Ḥasan said: “It was revealed concerning the Jews, and it is also applicable to us.”\(^{31}\)

Reports (from the Companions) are narrated from Ibn Mas‘ood which indicate that it is general in meaning, and it is narrated from ‘Ilqimah and Masrooq that they asked Ibn Mas‘ood about bribes, and

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\(^{28}\) *Tafseer at-Tabari*, 10/357, report no. 12063. It is also narrated from ‘Ikrimah; see *Al-Baghawi*, 3/61.

\(^{29}\) *Tafseer at-Tabari*, 10/349-350, reports 12027, 12029, 12030; *Tafseer ‘Abdur-Razzaaq*, 1/191. Also narrated by Al-Ḥakim in *Al-Mustadrak*, 2/312-313. He said, this is a *ṣaheeh* hadith according to the conditions of the two *shaykhs*, although they did not narrate it, and Adh-Dhahabi agreed with him.


he said: it is one of the illegal things (cf. Qur’an 5: 62-63). They said, what about when one bribes a judge (to give a wrong ruling)? He said, that is *kufr*, then he recited this *aayah*: (And whosoever does not judge by what Allah has revealed, such are the *kaafiroon* [i.e. disbelievers]).

It is narrated that As-Suddi said: “(And whosoever does not judge by what Allah has revealed) — whoever does not judge according to what was revealed and neglects it deliberately, and knowingly passes an unjust ruling, is one of the *kaafireen*.”

6 - That this *aayah* is to be interpreted in a manner different to its apparent meaning, as meaning not judging or ruling by all that Allah has revealed, including judging or ruling by *Tawheed* and the laws of Islam. This is narrated from ‘Abdul-‘Azeez al-Kinaani, who said, when he was asked about these *aayaat*: “They apply to all that has been revealed by Allah, not only to part of it. Everyone who does not rule by all that Allah has revealed is a *kaafir*, a *zaalim* and a *faasiq*. With regard to one who rules according to what Allah has revealed with regard to *Tawheed* and keeping away from *shirk*, but does not rule according to all that Allah has revealed of laws, these *aayaat* are not applicable to him.”

7 - There is a view that what is meant are those who deliberately reject a ruling of Allah which is clearly stated in a text, but not those who are confused about a specific ruling or who make a mistake in interpretation.

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32 *At-Tabari*, 10/321, report no. 11960, 11963; also, 10/357, report no. 12061.
33 *At-Tabari*, 10/357, report no. 12062.
34 *Tafseer al-Baghawi*, 3/61. See also *Tafseer al-Qurtubi*, 6/190.
Az-Zajjaaj said: “And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers] means, whoever claims that one of the rulings of Allah which were brought by the Prophets (peace be upon them) is invalid, is a kaafir. The fuqaha’ are agreed that whoever says that married people do not have to be stoned if they commit adultery — and they are free (as opposed to slaves) — is a kaafir, and this is the kufr of one who rejects one of the rulings of the Prophet because he disbelieves in him, and whoever disbelieves in the Prophet is a kaafir.”

8 - The Khawaarij said that this is kufr which puts a person beyond the pale of Islam, and they regarded this as general, applying to every ruling. This is well known from the earliest Khawaarij, and from the later Khawaarij such as the Ibaadiyah, who thought that when ‘Ali (A.S.) agreed to accept the two arbitrators, this was ruling by something other than that which Allah had revealed, and was therefore kufr.

Now we will examine these viewpoints and indicate which among them is most likely to be correct.

Analysis

The purpose here is not to determine whether ruling by something other than that which Allah has revealed is major kufr or minor kufr, because this point will be discussed in detail in a following section. Rather the purpose here is to determine whether these aayaat speak specifically of the People of the Book, or of the Muslims, or if they apply to all, as suggested in the opinions referred to above.

It is also not the purpose here to determine the reason for the revelation of these aayaat, because we have already discussed this

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matter above and determined — as narrated in the saheeh reports — that they were revealed concerning the People of the Book.

On this basis, we say:

The one who ponders these opinions will notice that they point to only two views:

a) That the ruling of these aayaat applies specifically to the People of the Book, and not to the Muslims.

b) That the ruling of these aayaat applies to both of them, the People of the Book and, to those Muslims among them who do the deeds of the People of the Book.

With regard to the view that some of these verses apply specifically to the Muslims, some to the Jews and some to the Christians, points to the second view, because our discussion is centred on the first aayah, 'And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]''. The People of the Book are inevitably included in this ruling.

We say that they point to two views because the rest of the views apart from the first one are included in that which we have listed as the second view.

— The view that the first aayah — 'And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]' — is about the Muslims, the second is about the Jews and the third is about the Christians implies that it is general in meaning, because the zuulm (wrongdoing) and fisq (rebellion) which the People of the Book committed is of the type which puts one beyond the pale of faith, so the People of the Book are included in the ruling of the first aayah, as stated above.

— The third view, that it is a lesser form of kufr... is based on the assumption that it is concerning the Muslims, or that they are
included along with the People of the Book, so this statement is applicable to the Muslims.

— The same applies to the fourth view, so it may be interpreted as referring to those who reject.
— The fifth view states that it is general in application.
— The sixth view states that it applies to the Muslims.
— The seventh view is like the fourth view.
— The view of the Khawaarij is also based on the assumption that it refers only to the Muslims. This is a false view, as we shall see below.

So to sum up, there are two views concerning this matter:

a) That these verses apply only to the People of the Book.
b) That they are general and apply to both of them, the People of the Book and the Muslims - with differences in the way in which they apply to the Muslims.

The view which is more likely to be correct is the second view — that these verses are general in meaning. The evidence for this is as follows:

I - That the scholars have stated that the reason for revelation and what is indicated by an aayah may be interconnected. Undoubtedly the reason for revelation has to do with the Jews who changed the rulings of Allah concerning the married adulterer and concerning qisaaš (retribution). The context of the aayah indicates that, beyond a doubt: "(They change the words), (the Jews), (And We ordained therein for them: Life for life), (Let the people of the Injeel [Gospel] judge)."

All of them indicate that the reason for revelation had to do with the People of the Book, but what is implied by the aayah is something different, as stated above. The evidence that these two matters are interconnected is that some of those who were reported to have said
that it was about the People of the Book were also reported to have said that these verses were revealed concerning a victim killed by the Jews who was one of them, as is narrated by Qataadah. Some — such as Ad-Dāḥaak — said that these verses were revealed concerning the People of the Book, without being more specific.

We should note that stating that it is more likely to be general in application does not contradict the fact that it was revealed concerning the People of the Book, because the point here is the general applicability of the wording, not the specific reason for revelation. We will discuss this in more detail below.

2 - In the comments of some of those who say that it applies only to the People of the Book, there is the indication that it is general. For example, Ḥudhayfah’s comment: “What good brothers the Children of Israel are to you. If everything sweet is for you then everything bitter is for them. But you will certainly follow them, step by step.” Similarly, it is narrated that Ibn ‘Abbaas said: “What good people you are. If there is something sweet, it is for you, and if it is bitter, it is for the People of the Book.” It is as if he thought that these words referred to the Muslims: (And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]). Although it is narrated from him that he thought it was specifically concerning the Jews. It is also narrated from him that it was concerning those who reject (the ruling of Allah) or that it referred to a lesser form of kufr. This indicates that his statement that it applies specifically to the Jews does not mean that he did not think that it could go beyond them to include the Muslims too. The same may be said concerning the view of Ḥudhayfah.

3 - With regard to the view of Abu Majlaz — “These aayaat (verses) were revealed concerning the Jews and Christians” (according to

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another report, “They were revealed concerning the Jews, Christians and people of *shirk*”) — it should be borne in mind that Abu Majlaz was discussing the *Ibaadiya Khawaarij.* (We will discuss this matter in more detail below *in sha Allah*). At the end of his comment he mentioned the people of *shirk*. Thus he was explaining that whoever acts in a manner similar to the Jews is one of the people of *shirk* and is therefore subject to the ruling of this aayah.

4 - With regard to the view of Abu  Şaaliḥ — “(These *aayaat*) do not refer to the Muslims at all; they refer to the *kuffaar*”, and the view of Al-Baraa’ ibn ‘Aazib (ﷺ) — “They are all about the *kuffaar*” — there is nothing to indicate that they are exclusively about the People of the Book.

Indeed, it might be said:

a) The comments of Abu Majlaz and Abu  Şaaliḥ indicate that the words in the *aayaat* are addressed to the *kuffaar* of the People of the Book. This does not rule out the idea that they may be general in application, including both the People of the Book and others who do deeds similar to theirs — because the point is the general applicability of the wording.

b) Although it may be understood from the words of Abu  Şaaliḥ that these words may apply exclusively to the *kuffaar* and that the Muslims are not included in that, it may be the case that he intended to refute those who denounced oppressive rulers as *kaafir*. This is what is implied by the *saheeh* report from Ibn ‘Abbaas (ﷺ). So what is narrated from them both amounts to the same thing.

The conclusion of both is the same, that is, that what is indicated by the *aayaat* is not limited only to the People of the Book. This will be explained in the following points.
5 - The apparent meaning of the wording of the aayaat is general, because the word man (whoever) is used, which indicates a general meaning.

Hence when Ibn al-Qayyim mentioned the view that these aayaat referred (only) to the People of the Book, he immediately followed that by saying: “This is unlikely, and it goes against the apparent meaning of the words, so it is not valid.”

6 - Even if we assume that this was the opinion of some — I mean the view that it applied specifically to the People of the Book — the view of the majority of the salaf was that it is general in application. This is also the view of the scholars of Islam who came after them. This is what is indicated by other aayaat in the Qur’an, such as the command to judge or rule according to the Book of Allah, and the statement that the one who does not refer for judgement to the Qur’an and Sunnah is not a believer, and the prohibition of referring to Taaghoot for judgement, etc.

7 - Whatever may be the case, what counts is the general applicability of the wording, not the specific reason for revelation — as is well known. The point of what those who differ say is that these aayaat were revealed concerning the Jews, for a specific reason, so they apply only to them. But in order to refute this, we say that whatever aayaat or ahaadeeth came for a specific reason, if the wording

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38 Madaarij as-Saalikeen, 1/336. Bukhari included a chapter which used this aayah as evidence; this chapter is entitled Baab Ajr man qadaa bi’l-Hikmah li Qawlihi ta’ala “Wa man lâm yahkum bimaa anzala Allah fa oolaa’ika hum al-faasiqoon.” Ibn Hajar (31/120) said: “From Bukhari’s title it appears that he thought it more likely to be general in meaning.” Then he narrated that Ismaa’eel al-Qaadi said: “The apparent meaning of the aayaat indicates that whoever acts in a manner similar to theirs and invents rulings that go against the rulings of Allah, and makes that a way to be followed, is subject to the same warning as them, whether he is a judge or not.” (Fath al-Baari, 13/120 - 1st Salafiyyah edition).
indicates whether it is general or specific in meaning, then it should be taken as such. There is no dispute on this point. But if the wording does not indicate one or the other, then the most correct view is that what counts is the general meaning of the words (not the specific reason for revelation). This is the view of the majority of scholars, and their evidence for that is expounded in the books of Usool al-Fiqh. 39

This matter may be clarified further by pointing out the following:

a) That the context of the aayaat in Soorah al-Maa’idah — the fifth chapter of the Qur’an — indicates that the meaning is general and not restricted to the People of the Book. For example:

(i) The phrase begins with the words (And whosoever does not judge by what Allah has revealed) (Qur’an 5: 44). The conditional pronoun man (whosoever) is one of the clearest signs that the meaning is general. Hence some of the sahaabah and a group of the mu fissireen said that it is general in meaning.

(ii) The words in these aayaat are addressed to the Messenger (ﷺ), such as (either judge between them, or turn away from them) (Qur’an 5: 42) and (So judge among them by what Allah has revealed, and follow not their vain desires) (Qur’an 5: 48). This wording is addressed to the Messenger and his ummah.

b) It is narrated that the Prophet (ﷺ) and his Companions would refer to verses which had been revealed concerning the People of the Book or the mushrikeen, and use them as

evidence when debating with Muslims, which indicates that they understood these *aayaat* to be general in application, not specific.

Ash-Shaatibii said in *Al-Muwaafaqaat*: “Someone may say that even though the righteous *salaf‘* knew the aims of shari‘ah and were Arabs, they understood the wording as being 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...”

Then Ash-Shaatibii mentioned examples, some of which we will quote shortly. Then he said: “This is like the *aayah* — *(And whosoever does not judge by what Allah has revealed, such are the *kaafiroon* [i.e. disbelievers]*) — even though it was revealed concerning the Jews as is indicated by the context. But the scholars understood it to be general in application, referring not only to the *kuffaar*. They said, this is a lesser form of *kufr*.”

In his *tafsir* of the *aayah* —

*(أَحْلَمُ بِسَبَاطَةِ الْحَالِجِ وَمَعَارَةِ الْمَسْجِدِ الْمَرْوَاتِ كَمَا مَأَمَّ بَيْنِيَ اللَّهِ* 

*(وَالَّذِينَ أَذْهَبَ بِخَالِصَةِ الْمَغَارِقَةِ فِي سَبِيلِ اللَّهِ...)*

*(Do you consider the providing of drinking water to the pilgrims and the maintenance of *Al-Masjid al-Haraam* [at Makkah] as equal to the worth of those who believe in Allah and the Last Day, and strive hard and fight in the cause of Allah?...*)

*(Qur’an 9: 19)* —

Qurtubi quoted the hadith of An-Nu‘maan ibn Basheer (ﷺ) who said: “I was at the *minbar* of the Messenger of Allah (ﷺ) when a man said, ‘I wouldn’t mind if I don’t do anything after becoming Muslim

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41 Ibid, 4/39.
except providing drinking water to the pilgrims.’ Another man said, ‘I wouldn’t mind if I don’t do anything after becoming Muslims except maintaining Al-Masjid al-Haraam.’ Another man said, ‘Jihad for the sake of Allah is better than what you are saying. ‘Umar (ﷺ) rebuked him and said, ‘Do not raise your voices at the minbar of the Messenger of Allah (ﷺ) on a Friday. But when you pray the Jumu‘ah prayer, consult him concerning that wherein you differ.’ Then Allah revealed the words: ‘Do you consider the providing of drinking water to the pilgrims and the maintenance of Al-Masjid al-Haraam [at Makkah] as equal to the worth of those who believe in Allah and the Last Day...’.”⁴²

Qurtubi said, after discussing this point:

“If it were said that on this basis it is permissible to use as evidence when debating with Muslims verses which were revealed concerning the kaafireen and it is known that the rulings concerning them are different, then it may be said to him that it is not far-fetched to derive rulings concerning the Muslims from that which Allah has revealed concerning the mushrikeen. ‘Umar said, ‘If we wished, we could take fried and grilled food one plate after another, but we have heard the words of Allah,

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\text{...You received your good things in the life of the world, and you took your pleasure therein...}
\]

(Qur’an 46: 20).

This aayah speaks of the kuffaar, but ‘Umar understood it to be a warning against being like them in some ways, and none of the sahaabah denounced his interpretation. It may be that this aayah

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⁴² Muslim in Kitaab al-Eemaan, Baab Fadl ash-Shahaadah fi Sabeel-Allah ta’ala, hadith no. 1879.


(Qur'an 5: 44) is of this type. This is a valuable point which resolves the problem and dispels confusion. And Allah knows best.”

‘Umar’s comments and reference to the aayah (You received your good things...) was also narrated by Ash-Sha'aibibi.

Shaykh al-Islam Ibn Taymiyah said: “The texts of the Qur’an and Sunnah, which comprise the message of Muhammad (ﷺ), convey general meanings which apply to all of mankind through the general applicability of both the wording and the meaning, or of the meaning only. The covenants of Allah in the Book of Allah and the Sunnah of His Prophet apply to the latter generations of this ummah just as they applied to the first generations. Allah has told us the stories of the nations who came before us so that they may be a lesson for us, so that we may liken our situation to theirs and draw analogies between the later generations and the earlier generations of the nations, and so that the believers of the later generations might have an example in the earlier believers, and the kaafireen and hypocrites of the later generations might learn from what happened to the kuffaar and hypocrites of the earlier generations.”


44 Al-Muwaaqaqaat, 4/34-35. See the comments on the report in the footnotes, Hasan Salmaan edition.

45 Majmoo’ al-Fataawa, 28/425. It should be noted that these comments of Ibn Taymiyah appear in an important essay concerning the war with the Tartars and the Muslims’ victory over them, and the role which Ibn Taymiyah played in that, and how much the Muslims had suffered prior to that, and how there had been many hypocrites and people who tried to foster discouragement. Ibn Taymiyah drew unique parallels between this situation which arose during his lifetime, and the military campaigns of the Messenger (ﷺ).

Ibn Taymiyah started this essay with the words, “Allah has fulfilled His promise, granted victory to His slave, made His troops victorious and defeated the confederates on His own. (And Allah drove back those who disbelieved in their rage: they gained no advantage [booty]) (Qur’an 33: 25) ... This tribulation (fitnah) with which the Muslims have been tested with the corrupt enemy who =
Other examples of that include:

i) The report narrated from ‘Umar (r), quoted above.

ii) The way in which the Prophet (ﷺ) quoted the aayah,

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(...But, man is ever more quarrelsome than anything.)
\]
(Qur’an 18: 54)

— in the case of ‘Ali (r) and Faa‘timah, even though this aayah was revealed concerning the kuffaar. The hadith is narrated in Bukhari.\(^{46}\)

iii) The way in which Abu Hurayrah (r) quoted the aayah:

\[
(...Verily, those who conceal the clear proofs, evidences and the guidance, which We have sent down...)
\]
(Qur’an 2: 159)

— when explaining why he narrated the hadith. This is reported in Bukhari.\(^{47}\)

iv) Abu Bakrah quoted the hadith,

“No people will ever succeed who appoint a woman to rule over them.”\(^{48}\)

\(^{46}\) Bukhari: Kitaab at-Tahajjud, Baab Tāhreeq an-Nabi (r) ‘ala Šalaat al-Layl, hadith no. 1127.

\(^{47}\) Bukhari: Kitaab al-‘Ilm, Baab Ḥifz al-‘Ilm, hadith no. 118.

\(^{48}\) Bukhari: Kitaab al-Fitan, chapter no. 18, hadith no. 7099.
— when debating with the Muslims, even though it originally referred to the *kuffaar*.

And there are many other examples.

This indicates what we have said above, that *aayaat* which were revealed for a specific reason may be general in application, and this includes the *aayaat* from *Soorah al-Maa’idah* which speak about judging or ruling by anything other than that which Allah has revealed.

8 - Here there is an inevitable conclusion, that those among the later generations who say that they apply only to the People of the Book, make another mistake in addition to this less valid view, when they claim that the Jews became *kaafir* and were labelled as such — in the *aayaat* of *Soorah al-Maa’idah* which have to do with judging or ruling by anything other than that which Allah has revealed — because they rejected the message of Muhammad (ﷺ) and committed major *shirk*.

This is obviously a mistake, because if it were correct, the Qur’an would have labelled them as *kuffaar* without connecting it to the reason for which these *aayaat* were revealed. Moreover, if that were correct, this *aayah* — *And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]*, would be meaningless. The ruling in this *aayah* (that they are *kaafir*) is based on the fact that they did not judge or rule according to that which Allah had revealed, and the observation that this view would render meaningless many texts of the Qur’an and Sunnah is sufficient to denounce this view as wrong.

Similar to this is the view of those who claimed that when Ibn Katheer denounced the Tartars as *kaafir* because they ruled according to the *Yaasiq*, he did so because of their *kufr* (disbelief) and *shirk* (polytheism). This is a distortion of and deviation from the words of
the scholars. Ibn Katheer connected what he said to the fact that they ruled according to the \textit{Yaasiq}, not to anything else, and his words are not ambiguous.

Based on the above arguments we may state that the correct view is that the Muslims are included in the rulings of these \textit{aayaat}. More details of that will be presented below, \textit{In sha Allah}.

\textbf{When Does Ruling by Something Other than that Which Allah has Revealed Constitute Major Kufr (Kufr Akbar)?}

Since it is most likely that these \textit{aayaat} (verses) are general in application, does ruling by something other than that which Allah revealed constitute major \textit{shirk} or \textit{minor shirk}? The correct view — that of the majority of scholars — will be described below.

Before we embark upon a more detailed discussion of this matter, I would like to quote two passages, one from Ibn al-Qayyim and one from his \textit{shaykh} Ibn Taymiyah, concerning this topic. The reason why I want to quote them is that they speak of the exact same topic that we are dealing with here, i.e., they discuss \textit{the aayah} — \textit{And whosoever does not judge by what Allah has revealed, such are the kaafiroon} [i.e. disbelievers]\textbullet. They explained the root of the dispute concerning this matter and gave examples of situations where it is major \textit{kufr} and where it is minor \textit{kufr}. I have made sure that I have quoted the relevant points.

1 - Ibn al-Qayyim (may Allah have mercy on him) said \textit{(when he mentioned lesser kufr)}: \textit{"This is the interpretation of Ibn ‘Abbaas and most of the sahaabah of the aayah \textit{And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]}\textbullet. Ibn ‘Abbaas said: ‘This is not the kind of kufr which puts one beyond the pale of Islam. It is kufr but it is not like}
disbelieving in Allah and the Last Day.’ This was also the view of Taaawoos. ‘Ataa’ said: ‘It is a lesser form of kufr, a lesser form of wrongdoing, a lesser form of rebellion.’”

Some of them interpreted the aayah as referring to not ruling by that which Allah has revealed because one rejects it. This is the view of ‘Ikrimah. But this view is less likely to be correct, because the very act of rejection is kufr, regardless of whether or not he rules by it.

Some of them interpreted the aayah as referring to not ruling by anything that Allah revealed at all, which includes not ruling on the basis of Tawheed and Islam. This is the interpretation of ‘Abdul-Azeez al-Kanaani. This is also unlikely to be correct, because the warning has to do with not ruling according to the revealed ruling, which implies not ruling by shari‘ah at all or not ruling by some aspects of shari‘ah.

Some of them interpreted it as referring to judging in a manner that goes against the text deliberately, not as a result of ignorance or a mistaken interpretation. Al-Baghawi narrated this from some of the scholars.

Some of them interpreted it as referring to the People of the Book. This is the view of Qataadah, Aḍ-Ḍahḥaak and others. This is unlikely to be correct, and it goes against the apparent meaning of the wording, so it should not be accepted.

Some of them regarded it as meaning the kind of kufr which puts a person beyond the pale of Islam.

The correct view is that ruling according to something other than that which Allah has revealed includes both major and minor kufr, depending on the position of the judge. If he believes that it is obligatory to rule according to that which Allah has revealed in this case, but he turns away from that out of disobedience, whilst acknowledging that he is deserving of punishment, then this is lesser
kufr. But if he believes that it is not obligatory and that the choice is his, even though he is certain that this is the ruling of Allah, then this is major kufr. If he is unaware of the ruling or makes a mistake, then he is one who is in error and is subject to the rulings of those who err.”

From Ibn al-Qayyim’s discussion of the matter, the following points may be noted:

— He regards as weak the view of those who limit the meaning of the aayah to those who deny (that it is obligatory to rule according to that which Allah has revealed). He says that the very act of rejection is kufr, regardless of whether or not he judges or rules by it.

— He regards as weak the view of those who say that what is meant is not ruling by anything that Allah revealed at all.

— He does not comment on what Al-Baghawi narrated, even though it says what it says.

— He regards as weak the view of those who say that it applies only to the People of the Book.

— With regard to lesser kufr, he says “in this instance...”

2 - Shaykh al-Islam Ibn Taymiyah said, following on from his comments on the texts in which the Messenger (ﷺ) and others are commanded to rule according to that which Allah (ﷻ) has revealed:

“(Allah) commanded him to rule by that which Allah has revealed and warned him lest they turn him far away from some of that which Allah had sent down to him. He told him that this was the ruling of Allah, and whoever sought anything other than that was seeking the ruling of jaahiliyyah. And He said: ❦And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]❖. Undoubtedly, whoever does not believe that it is obligatory to rule

49 Madaarij as-Saalikeen, 1/336-337.
according to that which Allah has revealed to His Messenger is a *kaafir,* and whoever thinks that it is permissible to rule among people according to his own opinions, turning away and not following that which Allah has revealed is also a *kaafir.* There is no nation which does not enjoin ruling with justice, but justice in their view may be what their leaders think is just. Indeed, many of those who claim to be Muslims rule according to their customs which were not revealed by Allah, such as the customs of the Bedouin or the commands of their leaders. They think that this is what they should rule by, instead of the Qur’an and Sunnah. This is *kufr.* Many people have become Muslim, but they still do not rule by anything except the customs prevalent among them as dictated by their leaders. If they know that it is not permissible to rule by anything except that which Allah has revealed and they do not adhere to that, rather they allow themselves to rule by that which goes against that which Allah has revealed, then they are *kaafir;* otherwise they are ignorant, like those whom we have described above.

Allah has commanded all the Muslims, when they dispute concerning anything, to refer the matter to Allah and His Messenger. Allah (اللهُ) says:

"أَوْلَدُواْ إِنَّمَا أَوْلَدُواْ اللَّهُ وَأَرْسَلَهُمْ إِلَى اللَّهِ مَنْ تُؤْمِنُونَ بِاللَّهِ وَالرَّسُولِ الَّذِي أُنْبِئْتُمْ بِهِ ۚ ذَلِكَ حَقٌّ وَأَحْسَنَ تَأْوِيلًا"  

(O’ you who believe! Obey Allah and obey the Messenger [Muhammad], and those of you [Muslims] 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.)

(Qur’an 4: 59)
Whoever does not adhere to referring to Allah and His Messenger for judgement concerning disputes that arise among the people, Allah has sworn by His own self that such a person does not believe. But it he does adhere to the ruling of Allah and His Messenger, both inwardly and outwardly, but he disobeys and follows his own desires, then his status is like that of other sinners.

This aayah is one of the things which the Khawaarij used as evidence to denounce the authority figures as kaafir who did not rule by that which Allah had revealed. Then they (the Khawaarij) claimed that their belief was the ruling of Allah. People have expressed many opinions — more than we can list here — but what I have mentioned here is the one that is indicated by the context of the aayah.

The point is that ruling justly is absolutely obligatory, at every time and in every place, for every person, in the case of every person. Ruling by that which Allah revealed to Muhammad (ﷺ) is a specific type of justice, it is the best and most perfect form of justice. Ruling according to that is obligatory upon the Prophet (ﷺ) and upon everyone who follows him. Whoever does not adhere to the rulings of Allah and His Messenger is a kaafir.

This is obligatory upon the ummah (nation, Muslim community) in all their disputes, whether they be about the matters of belief or practical matters. Allah (ﷻ) says:
Mankind were one community and Allah sent Prophets with glad tidings and warnings, and with them He sent down the Scripture in truth to judge between people in matters wherein they differed... \(\text{(Qur'an 2: 213)}\)

So in matters which are common to the ummah as a whole, it is not permissible to rule or judge according to anything except the Qur'an and Sunnah. No one has the right to make the people follow the words of a scholar or Ameer or Shaykh or king. Whoever believes that he can judge between people according to any such thing, and does not judge between them according to the Qur'an and Sunnah, is a kaafir.

The judges of the Muslims judge concerning specific cases, not concerning general matters. If they are judging a specific case, then they must judge according to the book of Allah; if that is not possible, then according to the sunnah of the Messenger of Allah (ﷺ). If they do not find the answer there, then the judge must strive to form his own opinion (ijtihad).”\(^{50}\)

From what Ibn Taymiyyah says, we may note the following:

— He mentions the one who regards it as permissible (to rule by something other than that which Allah has revealed), and states that he is a kaafir.

— He mentions those who rule according to their own customs, such as the customs of the bedouin and the commands of their leaders, thinking that this is what they should rule by. This is kufr.

\(^{50}\) Minhaaj as-Sunnah, 5/130-132.
— Whoever does not adhere to referring for judgement to Allah and His Messenger, Allah has sworn by His own Self that such a person does not believe.

— Whoever does not adhere to the ruling of Allah and His Messenger is a *kaafir*.

— The one who adheres to it both inwardly and outwardly, but disobeys and follows his own desires is in the same position as other sinners. We should note that He (ﷺ) said: “Both inwardly and outwardly”.

— We should also note that He refers to matters which are common to the ummah, and that no one has the right to make the people follow the words of a scholar, shaykh or king. Rather judgement should not passed among them by anything other than the Qur’an and Sunnah. Here He is referring to the general law (shari‘ah) which applies to everyone.

Following this Introduction, we will now look at this matter in detail, which is examining the cases in which judging by something other than that which Allah has revealed constitutes major *kufr*.

**Cases of Major Kufr**

These cases may be divided into three groups — catagories:

**Ideological (denial and regarding forbidden things as permissible)**

This is based on a principle which is unanimously agreed upon by the scholars, that whoever denies something which is a well known and well established issue of Islam (which no Muslim has any excuse for not knowing), whether that issue is one of the basic principles of Islam (*usool ad-deen*) or one of its minor issues, or who denies even a single letter of the message which the Messenger (ﷺ) brought —
which includes denying the obligations and regarding as permitted that which is forbidden — all of that is major *kufr* which puts one beyond the pale of Islam.

In view of the fact that some people are so confused about the issue of committing *haraam* actions or neglecting obligatory duties without denying that the former are *haraam* or the latter are obligatory, and they think that this comes under the first category (things which put one beyond the pale of Islam), it is essential to clarify this matter. The *Khawaarij* went astray in this matter in the past, and some of those who are too hasty in passing judgement on people may also go astray in a similar manner.

Having quoted these scholarly views, and defining the issue, we will now list the cases in which judging by something other than that which Allah has revealed constitutes major *kufr* in this sense:

1 - It says in *Al-Mughni*: “Whoever believes in the permissibility of a thing on which there is consensus that it is forbidden, and the ruling is well known among the Muslims, and there is no room for confusion because of the clear texts narrated concerning it — such as pork, adultery and other things concerning which there is no dispute — is a *kaafir*, for the same reasons as we have mentioned concerning the one who does not pray...”\(^{51}\)

2 - Al-Qarraafi said in *Al-Furooq*: “The essence of *kufr* is the specific violation of the sanctity of Lordship, whether by not acknowledging the existence of the Creator, or rejecting something which is a well known and well established issue of Islam (which no Muslim has any excuse for not knowing), such as denying prayer or fasting. This is not limited only to obligatory and other acts of worship; if a person denies something which is permitted and is well known as such, he is a *kaafir*, such as if one were to say that Allah does not allow us to eat

\(^{51}\) *Al-Mughni*, 12/276 with commentary, published by *Daar Hajr*. 
figs or grapes. It should not be thought that the one who denies something upon which there is consensus is a *kaafir* in all cases; the thing that is agreed upon should be something that is well established in Islam, to the extent that there is no excuse for not knowing it.”

3 - The author of *Nihayat al-Muhtaat* says, discussing that which constitutes apostasy (*riddah*): “... or disbelieving a Messenger... (or permitting something that is forbidden by consensus), when its prohibition is something which is a well known and well established issue of Islam (which no Muslim has any excuse for not knowing), and there is no possible excuse for not knowing it, such as adultery, sodomy, drinking alcohol, etc., — because denying and rejecting something which is well established and proven to be a part of the religion of Muhammad (ﷺ) means that one is disbelieving in him (ﷺ). And the converse also applies, i.e., forbidding something which is permitted according to consensus — even if it is *makrooh* this still applies — such as matters connected to marriage and selling. Or denying an obligation on which there is consensus, such as denying one prostration of the five daily prayers. Or making obligatory something which is known by consensus not to be obligatory, such as adding a sixth prayer; or denying that something is prescribed in shari’ah when it is known by consensus to be so, even if it is *nafl*, such as the regular *nafl* prayers or the ‘Eid prayer, as Al-Baghawi clearly stated.”

4 - Shaykh al-Islam Ibn Taymiyah said: “Whoever does not believe that the five daily prayers, the obligatory zakah, fasting the month of Ramadaan and going on pilgrimage to the Ancient House (Ka‘bah) are obligatory, and does not regard as forbidden the things that Allah and His Messenger have forbidden of immoral actions, wrongdoing,

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*shirk* and lying, is a *kaafir* and an apostate. He should be asked to repent; if he repents, all well and good, otherwise he should be killed, according to the consensus of the *aimmah* (Imams, the leading jurists) of the Muslims. The fact that he utters the words of the *Shahaadatayn* does not help him at all.\(^{54}\)

5 - Because of the seriousness of this issue, I want to quote a lengthy passage from *Shaykh al-Islam* Ibn Taymiyah concerning it, in which he explains the difference between committing sins and thinking of something forbidden as permitted — which makes one a *kaafir*. This is an important comment, especially concerning this topic which we are discussing here. He (may Allah have mercy on him) said:

“It is well-established in the *madhhab* of *Ahl as-Sunnah wal-Jamaa’ah*, based on the evidence of the Qur’an and Sunnah, that they do not regard any of the people of the *Qiblah* (i.e., Muslims) as a *kaafir* because of a sin, and they do not regard him as being out of Islam for doing a forbidden action such as adultery, stealing or drinking wine, unless it also involves his giving up faith. If it involves rejecting some aspect of faith which Allah has enjoined, such as belief in Allah, His angels, His Books, His Messengers and the Resurrection after death, then he becomes a *kaafir* thereby. He also becomes a *kaafir* if he does not believe that the well known and well established duties are obligatory, or if he does not regard as forbidden the things that are well known and well established as being forbidden.

If you say that sins may be divided into not doing that which is commanded and doing that which is forbidden (sins of omission and of commission), I say that if a person fails to do that which is commanded, he either believes that it is obligatory or he does not. If he believes that it is obligatory but he fails to do it, then he is not

\(^{54}\text{Majmoo’ al-Fataawa, 35/105.}\)
neglecting the duty altogether, because he is doing some of it, which is believing in it, and neglecting some of it, which is actually doing it. The same applies to that which is forbidden; if a person does it, either he believes that it is forbidden or he does not. If he believes that it is forbidden but he does it, then he is both fulfilling a duty (i.e., believing it) and doing something forbidden, so he will have both ḥasanah (a good deed) and sayi‘ah (a bad deed). What we are saying here is with regard to issues that are well established and known in Islam, and nobody could be excused for not believing in the obligation or the prohibition. With regard to the one who does not have the correct belief with regard to an action that he is doing or an action from which he is abstaining, because of misinterpretation or ignorance for which he may be excused, the way in which we discuss this lack of proper belief is similar to the way in which we examine whether his action or lack of it is based on misinterpretation or ignorance for which he may be excused.

With regard to the fact that not believing in these laws constitutes kufr, but merely doing a ḥaraam action does not constitute kufr — this is discussed in the appropriate place. This is indicated by the Book of Allah, in the aayah (verse):

\[
\text{فإن نابوا وافقناا الصلاة وافقناا الزكوة إخونكم في الدين...} \\
\]

\{But if they repent [by rejecting shirk (polytheism) and accept Islamic Monotheism], perform \text{Aṣ-Ṣalaah} [Iqaamat-as-Ṣalaah] and give Zakah, then they are your brethren in religion...\} (Qur'an 9: 11)

Accepting and believing (in the laws of Allah) is what is required, according to the consensus; concerning not doing what is commanded there is some dispute. The same applies to the aayah:
And Ḥajj [pilgrimage to Makkah] to the House [Ka‘bah] is a duty that mankind owes to Allah, those who can afford the expenses [for one’s conveyance, provision and residence]; and whoever disbelieves [i.e. denies Ḥajj (pilgrimage to Makkah), then he is a disbeliever of Allah], then Allah stands not in need of any of the ‘Aalameen [mankind, jinn and all that exists].

(Qur’an 3: 97)

— not believing that Ḥajj is obligatory and not doing it is kufr. Believing that it is obligatory and doing it must be what is meant by this text, as is stated by those among the salaf who said: this means the one who does not think that Ḥajj is a good action, or that not doing it is not a sin. But with regard to merely not doing it, there is some scholarly dispute.

There is also the hadith of Abu Bardah ibn Nayyaar, whom the Prophet (ﷺ) sent to the man who had married his father’s wife. He ordered him to behead him and to take his wealth and give one-fifth of it to the Muslim state (like war-booty); the fact that his wealth was seized and one-fifth given to the Muslim state indicates that he was a kaafir and not merely an evildoer. His kufr was because he did not regard as haram that which Allah and His Messenger had forbidden.”

Ibn Jareer said, commenting on this incident: “His action was the clearest evidence that he disbelieved in the message that the Messenger of Allah (ﷺ) had brought from Allah, and that he denied the clear, unambiguous aayah... Based on his action, he deserved the

55 Majmoo’ al-Fatawa, 20/90-92.
ruling of killing and beheading. Hence the Messenger of Allah (ﷺ) commanded that he should be killed and beheaded, because that was his way concerning the apostates who left Islam.⁵⁶

Then Shaykh al-Islam said: “The saḥaabah - such as ‘Umar, ‘Ali and others (may Allah be pleased with them all) — did likewise when Qudaamah ibn ‘Abdullah drank wine. He was one of those who had fought at Badr, and he thought that this was permitted to the believers who do righteous deeds and that he was one of them, because of his mistaken interpretation of the aayah:

Lisa‘allahu Al-Dīlībī mā‘ūnā wa-‘ilmūnawwa al-SA‘īlīkī jā‘ātī fīmā tā‘īmūn ‘inna fā’irān wa=mā ‘ilmūnawwa al-SA‘īlīkī...

“Those who believe and do righteous good deeds, there is no sin on them for what they ate [in the past], if they fear Allah [by keeping away from His forbidden things], and believe and do righteous good deeds...”

(Qur’an 5: 93)

The saḥaabah agreed that if he persisted in that he should be killed, and that if he repented he should be flogged. He repented, so he was flogged.⁵⁷

With regard to sin, the cutting off of the thief’s hand and the flogging of the fornicator are mentioned in the Qur’an, but it does not rule that they are kāfa‘ir. The Qur’an also refers to fighting between two


⁵⁷ It should be noted that Qudaamah (ṣ) drank wine thinking that it was permitted, but he was mistaken. The saḥaabah agreed that after the ruling had been explained to him and those who were with him, if they persisted, they were to be killed, otherwise they were to be flogged. They repented from thinking that it was permitted, and they were flogged. See Al-Mughni by Ibn Qudaamah, 12/276; Al-I‘tiṣāam, 2/46. The original story is narrated in Muṣannaf ‘Abdur-Razzaaq, 9/240; Sunan al-Bayhaqi al-Kubra, 8/315-316; Muṣannaf Ibn Abi Shaybah. 10/39.
groups when one of them is in the wrong, and attests that they are still nonetheless believers and brothers...”\textsuperscript{58}

The matter may be clarified further by referring to what Ibn Taymiyah said about differentiating between the believer who goes against shari‘ah by committing a sin, and the one who does not believe in something that is well-established and well-known, for which there can be no excuse for not believing in it, whether that belief is accompanied by doing that haraam action or neglecting to do that obligatory duty. The former is a believer who is doing wrong, and the latter is a disbeliever and a kaafir. Whoever says that zina is permitted, when his peers cannot be unaware of the ruling, is rejecting the obligatory belief that Allah has forbidden zina, and so on. But whoever believes that zina is forbidden, then he commits this sin, is an evildoer who deserves to be punished, but he is not to be denounced as a kaafir.

Having introduced the topic of denying well-established obligations and regarding forbidden things as permitted, and the way in which this issue is connected to the issue of faith, we will now turn to the matter of judging by something other than that which Allah has revealed, and how it is connected to this topic.

The scholars (may Allah have mercy on them) included in this matter anything that involves rejecting the laws of Allah, or preferring anything other than the laws of Allah to His laws, or the belief that religion is not relevant to life, because all of that is included in the rejection of the detailed matters of faith and shari‘ah which are well established and known from the Book of Allah, the Sunnah of His Messenger and the consensus of the ummah.

Therefore the scholars described as major kufr the following:

\begin{footnotesize}
\textsuperscript{58} Majmoo‘ al-Fataawa, 20/92.
\end{footnotesize}
1 - When the ruler or judge who rules by something other than that which Allah has revealed denies that the ruling of Allah and His Messenger is the one which is to be followed, which is the meaning of that which was narrated from Ibn ‘Abbaas (ﷺ).\(^{59}\) It was also the view of Ibn Jareer that this constitutes rejection of a shar‘i ruling which was revealed by Allah. This is a matter concerning which there is no dispute among the scholars. The well-established principle upon which they are agreed is that whoever denies and rejects one of the basic principles of the religion, or one of the minor issues on which there is consensus, or denies even a single letter that is definitively narrated from the Messenger (ﷺ), becomes a kaafir whose kufr puts him beyond the pale of Islam.”\(^{60}\)

The words of Ibn Jareer to which Shaykh Muhammad ibn Ibraheem was referring are: “If someone were to say that the aayah refers to all of those who do not rule according to that which Allah has revealed, so how can you now limit it? We would say that Allah stated that in general terms concerning people who, according to the judgement of Allah given in His Book, were denying and rejecting His ruling, so He stated that by turning away from the ruling of Allah in the manner in which they did that, they became kaafir. The same might be said of everyone who does not rule according to that which Allah has revealed and rejects it: he is a kaafir who disbelieves in Allah, as Ibn ‘Abbaas said, because rejecting the ruling of Allah after he has come to know that it has been revealed in His Book is like rejecting His Prophet after coming to know that he is a Prophet.”\(^{61}\)

Think about what At-Tabari said: “... it is like rejecting His Prophet after coming to know that he is a Prophet.” Compare that to what is

\(^{59}\) Ibn Jareer, 10/357, report no. 12063.


\(^{61}\) Tafseer at-Tabari, 10/358.
said above about denial and regarding that which is forbidden (ruling according to something other than that which Allah has revealed) as being permitted.

2 - “When the ruler or judge who rules by something other than that which Allah has revealed does not deny that the ruling of Allah and His Messenger is true, but he believes that the ruling of someone other than the Messenger (ﷺ) is better than his ruling, and more suited to what the people need to judge between them when there is a dispute, whether he believes that in absolute terms or in relation to new developments that have arisen with the passage of time and the change of circumstances. There is no doubt that this too is kufr, because it involves giving precedence to the rulings of created beings, which are merely the product of their cheap thought processes, over the ruling of the Most Wise, Most Praiseworthy (Allah).”

3 - When he does not believe that it is better than the ruling of Allah and His Messenger, but he does believe that it is equal to it. This is like the two previous examples, in that it is kufr which puts a person beyond the pale of Islam, because that implies that he regards the created being as equal with the Creator, and this goes against the aayah,

\[\text{...There is nothing like Him...} \]  
\textit{(Qur’an 42: 11)}

— and other similar aayaat which indicate that Allah is unique in His perfection and He is above any resemblance to His creatures in essence, attributes, deeds and judging between people concerning that wherein they dispute.

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62 Tahkeem al-Qawaaneen, Pp. 5. See also Majmoo’ al-Fataawa by Ibn Taymiyah, 27/58.
63 Ibid, Pp. 5-6.
4 - When he does not believe that the ruling of the ruler or judge who rules according to something other than that which Allah has revealed is equal to the ruling of Allah and His Messenger, let alone believing that it is better, but he believes that it is permissible to rule in a manner that goes against the ruling of Allah. This is like the previous case and the same applies, because he believes that what is well established from the clear and $\textit{saheeh}$ texts to be forbidden is permitted.\(^{64}\)

Look at how He connects this matter (the idea that it is permissible to rule in a manner that goes against the ruling of Allah) with the issue of regarding as permitted that which is forbidden, for they are both the which is forbidden, for they are both the same in terms of rejection.

\textit{Shaykh} ‘Abdul-‘Azeez ibn Baaz said: “Whoever rules by something other than that which Allah has revealed thinking that that is better than the laws of Allah is a \textit{kaafir} according to all the Muslims. The same applies to one who rules by man-made laws instead of the laws of Allah and thinks that that is permissible — even if he says that referring to the shari‘ah for judgement is better — he is a \textit{kaafir} because he regards as permitted something that Allah has forbidden.”\(^{65}\)

Other similar cases also come under the same heading as those mentioned above. They all come under this heading, and they include:

5 - Those who believe that the Islamic system is not fit to be applied in this century.

6 - Or they believe that Islam is the reason for the backwardness of the Muslims.

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\(^{64}\) \textit{Tahkeem al-Qawaaneen}, Pp. 6.

\(^{65}\) \textit{Majmoo‘ al-Fataawa Ibn Baaz}, 4/416.
7 - Or that Islam is limited to the relationship between a person and his Lord, without being involved in other matters of life.

8 - Or they think that applying the ruling of Allah by cutting off the hand of the thief or stoning the married adulterer is not appropriate in the present age.\(^66\)

These cases and examples were mentioned by Ibn Baaz when he was speaking of things which nullify one’s Islam. He said: “Included in the fourth category \(^67\) are those who believe that the legal systems which people promulgate are better than the shari‘ah of Islam, or that they are equal to it, or that it is permissible to refer to them for judgement — even if he believes that the ruling of shari‘ah is superior — or that the Islamic system is not fit to be applied in the twentieth century, or that it was a cause of the backwardness of the Muslims, or that it is limited only to the relationship between a person and his Lord, without being involved in any other affairs of life. Also included in the fourth category are those who think that implementing the ruling of Allah by cutting off the hand of the thief or stoning the married adulterer is not appropriate in the present age. And that also includes everyone who believes that it is permissible to rule by anything other than the shari‘ah of Allah in matters of transactions, punishments, etc — even if he does not believe that that is better than the ruling of shari‘ah — because by believing this, he has permitted something which Allah has forbidden, according to scholarly consensus, and everyone who regards as permitted something that Allah has forbidden — of things which are well

\(^66\) Opt.cit, 1/137.

\(^67\) From Nawaaqid al-Islam by Shaykh Muhammad ibn ‘Abdul-Wahhaab. The wording is: “Whoever believes that the guidance of anyone other than the Prophet (ﷺ) is more perfect than his guidance, or that the ruling of anyone else is better than his rulings, such as those who prefer the ruling of the tawaagheet (pl. of taaghoot, i.e., false judges) to his ruling, is a kaafir.”
known and well established in Islam as being forbidden, and no one has any excuse for not knowing them, such as adultery, alcohol, riba and ruling by anything other than that which Allah has revealed — is a *kaafir* according to the consensus of the Muslims.\(^6^8\)

These matters are often referred to by the scholars when they refute the *Baa'tinis* who misinterpret the laws in a esoteric (*baa'tini*) fashion. No one doubts that they are *kaafir*. The scholars also refer to these matters when refuting those among the extreme Sufis and their ilk who claim to have knowledge of the unseen and who claim, based on the story of Moosa and Al-Khiḍr, that it is permissible to go beyond the law of Prophet Muhammad (ﷺ) in the case of those whom they call *awliya'a* ("saints").

*Shaykh al-Islam* Ibn Taymiyah said: "If he thinks that something other than the guidance of the Prophet (ﷺ) is more perfect than his guidance, or that among the *awliya'a* are those who are allowed to go beyond the shari‘ah of Muhammad (ﷺ) — as Al-Khiḍr went beyond the law of Moosa (Moses) (ﷺ) — he is a *kaafir* who must be killed after asking him to repent, because the call of Moosa was not universal and Al-Khiḍr was not obliged to follow Moosa (may peace be upon them both). Indeed, Al-Khiḍr said to Moosa, I know something that Allah has taught me, that you do not know, and you know something that Allah has taught you, that I do not know.

But Muhammad ibn ‘Abdullah ibn ‘Abdul-Muţtalib (ﷺ) is the Messenger of Allah to all of the two races of the jinn and mankind, the Arabs and non-Arabs, near and far, kings and subjects, ascetics and non-ascetics. Allah (ﷻ) says:

\[
\text{وَمَا أَرْسُلْنَا إِلَّا لِثَابِتَةِ الْبُطُورِ وَأَسِيرَةِ...}
\]

\[
\text{And We have not sent you [O’ Muhammad] except as a}
\]

\(^6^8\) *Majmoo' al-Fataawa* Ibn Baaz, 1/137.
giver of glad tidings and a warner to all mankind...

(Qur'an 34: 28)

Whoever believes that anyone among mankind, scholars, slaves or kings, is allowed not to follow him, obey him or take what was given to him of the Book and Wisdom (the Sunnah) is a kaafir (disbeliever).”

This matter is clear and there is no dispute concerning it.

Man-made legislation that goes against the laws of Allah

This is one of the examples of ruling by something other than that which Allah has revealed which comes under the heading of major kufr. Before going into the details of what the scholars said on this topic, we should first note the following points:

1 - It is clear from what has been said above (in Chapter 2) that ruling and legislation, and the connected matters of commands and prohibitions, deciding what is halaal or haraam or permitted — whether that is on the individual, familial, communal or state level, in all spheres of life — is the preserved right of Allah alone with no partner or associate.

We have presented above some of the evidences for that, without quoting all of the evidences in detail. What has been stated above is sufficient for those whom Allah has guided to the right path.

2 - When men — instead of Allah — issue laws which apply to everyone and set up systems which go against the laws of Allah, this implies two things:

a) Rejecting the shari’ah of Allah, because if they had not rejected it, why would they replace it with something else?

b) Transgressing upon something which is the exclusive right

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of Allah, the right to rule and legislate, which He has reserved for Himself alone.

Hence we find that some of the scholars describe this as making that which is forbidden permissible, because the one who does this thinks that it is permissible to rule by something other than that which Allah has revealed. We will quote some of their comments on the matter below, In sha Allah.

3 - Anyone who ponders the story behind the reason for the revelation of the aayah (And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]) will find that it is not merely the matter of falling into sin;\(^{70}\) rather it is a major issue, where the Jews agreed to change the ruling of Allah concerning zina. It should be noted here that they did not make it permitted in the sense that they thought it was allowed, rather they turned away from the ruling of Allah, that the married adulterer should be stoned, and changed it (the punishment) into flogging and blackening the face. They made this their system which applied to everyone. At the same time, they felt that they were doing something wrong, and they felt guilty too. Hence, when Muhammad ibn ‘Abdullah (رضي الله عنه) came to them, and they knew in the depths of their hearts that he was the Messenger of Allah, they wanted, in a devious manner, to attribute their alteration of the ruling of Allah to the Messenger of Allah. That was if he was to rule that (the punishment for adultery) was flogging rather than stoning.

That (the alteration of the ruling on adultery) was one incident but it became part of their system, so Allah described them as hastening to fall into disbelief (Qur’an 5: 41), and judged them to be kaafir. Every case which is similar to their case — whether it is on the part of

\(^{70}\) Or injustice, as they used to do before they changed the ruling of Allah concerning the married adulterer, when they used to carry out the punishment on the weak and not on the nobles.
Muslims or others — is subject to the same ruling as that which was applied to the Jews.

It should be noted here that the reason for the ruling was that the Jews had agreed upon that, and it was not an individual matter. Hence in some reports it is said that the Jews said, “We agreed” or “We agreed amongst ourselves to keep it secret”...

4 - The view that it does not make a person kaafir unless he regards it as permitted, even if he institutes a legislative system that affects everyone, is a weak view, because the mere act of regarding it as permitted makes him a kaafir, regardless of whether he legislates or not. The Jews, by their very actions — as stated in the reason for revelation — became kaafir, and their being kaafir was not conditional upon whether they actually said that what they were doing was permitted.

5 - The view that it does not make one a kaafir unless one believes it to be permitted is the basis of the view of the Murji’ah, who think that faith is in the heart only, and that actions have nothing to do with it. Shaykh al-Islam Ibn Taymiyah criticized them for this view and explained in many places (in his writings) what was wrong with it. 71

6 - It is essential to differentiate between general legislation which affects everyone, such as laws which are applied to all, and individual cases and isolated incidents. This matter will be discussed in more detail below, in sha Allah.

Having noted these points, we will move on to a detailed discussion of this topic.

It should be noted that this includes everyone who claims that he has the right to decide what is permitted and forbidden instead of Allah. It also applies to those who institute man-made laws and make them

71 Al-Eemaan al-Awsat - Majmoo’ al-Fataawa, 7/528, 541, 556, 579, 609 and 616.
into a system for passing judgements, whether that system comes from him, or he imports it in its entirety from the east or the west or elsewhere, from the systems of *jaahiliyah*. All of that comes under the same ruling.

We will quote some of the comments of the scholars on this matter, ending with a general summary.

**Ibn Ĥazm**

He (may Allah have mercy on him) said: “Allah (ﷻ) says:

﴾
إِنَّمَا الْيَوْمُ ۚ ذِي الْخَيْمَةِ ۚ فِي الصَّفِّ يُصَلُّ يُبِّرُ بِهِ الْذَّبَابِيِّ كَفُوْا يَجْعَلُونَهُ
﴿
(The postponing [of a Sacred Month] is indeed an addition to disbelief: thereby the unbelievers are led astray, for they make it lawful one year and forbid it another year in order to adjust the number of months forbidden by Allah...)

(Qur'an 9: 37)

Abu Muhammad said: According to the rules of the language in which the Qur'an was revealed, the addition of a thing can only be from something of the same nature, not from something else. It is true that the postponing (of a Sacred Month) is *kufr*, and it is a kind of action, which involved making permissible that which Allah had forbidden. Whoever makes permissible that which Allah has forbidden — knowing that Allah has forbidden it — becomes a *kaafir* by virtue of that very action.”

This is a clear statement on the part of Ibn Ĥazm that making permissible that which Allah has forbidden and making forbidden that which Allah has permitted is *kufr*, and that it may be *kufr* by virtue of the action only, if it is done by one who knows the *shar'i*

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ruling then goes against it by making permissible that which Allah has forbidden and making forbidden that which Allah has permitted.

Ash-Shaaṭibi

He speaks a great deal about this topic, such as when he discusses the followers of bid‘ah (innovation). He quotes the aayah,

\[
\text{وَكُنِّيَنَّا لِلَّهِ مُتَقِينِينَ}
\]

\[
(\text{O’ you who believe! Make not unlawful the Ṭayyibat [all that is good as regards foods, things, deeds, beliefs, persons] which Allah has made lawful to you...})
\]

(Qur’an 5: 87)

— and mentions the reasons for its revelation, and how some of the saḥaaba had resolved not to get married or not to eat meat... He said:

"... there are a number of issues connected to this matter, the first of which is that the prohibition of permitted things and the like may take different forms. The first is when people state that something is believed to be forbidden — which is what the kuffaar do — such as the baḥeerah, saa’ībah, waṣeelah and ḥaami,\(^{73}\) and all other cases in

\[^{73}\text{These were types of camels concerning which the Arabs of the Jaahiliyah had instituted taboos connected to their false religion. The baḥeerah was a she-camel whose milk was spared for the sake of idols and nobody was allowed to milk it; the saa’ībah was she-camel let loose for free pasture for their false gods, e.g. idols, and nothing was allowed to be carried on it; the waṣeelah was a she-camel set free for idols because it had given birth to a she-camel at its first delivery and then again gave birth to a she-camel at its second delivery; and the ḥaami was a stallion camel freed from work for the sake of their idols, after it had finished a number of copulations assigned for it.}

See The Translation of the Meanings of the Noble Qur’an by Dr. Muhammad Muḥsin Khan and Dr. Muhammad Taqi-ud-Din al-Hilali, footnote to Soorah al-Maa’īdah 5: 103 (Translator).
which Allah has mentioned that the kuffaar make something forbidden on the basis of mere opinion. Another example is when Allah (ﷻ) says:

وَلَا تُقُولُوا لَمَّا تَصِفُّ أَلسَّنَّكُمْ أَلْكَذَّبَ هَذَا حَلَالٌ وَهَذَا حَرَامٌ

(And say not concerning that which your tongues put forth falsely: ‘This is lawful and this is forbidden,’ so as to invent lies against Allah...) (Qur’an 16: 116)

And there are similar cases where the Muslims forbid things that are permitted on the basis of mere opinion...”

Here Ash-Shaaṭibi is pointing out the difference between a person giving up something because of asceticism, and making things permissible or forbidden in a way that goes against the laws of Allah — which constitutes kufr. He compares the actions of the people of the jaahiliyah, who forbade the baheerah, saa’ibah, etc. to what some Muslims do when they make things halaal or haraam on the basis of mere opinion. This is the essence of what those who institute man-made laws do.

Ash-Shaaṭibi explained this elsewhere, when he said: “If you ponder the basis of bid’ahs (innovations), you will find that they vary in degree. Some cases are blatant kufr, such as the bid’ah of the jaahiliyah which the Qur’an refers to in verses such as the following:

وَجَعَلُوا بَيْنَ الْحَرَثِ وَالْأَنْعَامِ تَصِيبًا فَقَالُوا

(And they assign to Allah a share of the tilth and cattle which He has created, and they say: ‘This is for Allah’

74 Al-I’tiṣaam, 1/328.
according to their claim, ‘and this is for our [Allah’s so-called] partners’...\(\text{Qur’an 6: 136}\)

\[\text{وَقَالَواَ مَا فِي بَطُولِهِمُ الْأَبْنَاءَ خَالِصَة} \quad \text{أَنْكُرُونَ وَتَحْكُرُونَ} \]

\[\text{عَلَى أَرْوَاحَكُمْ} \quad \text{وَإِنْ يَكُن مَّيْسَةً فَهُمُ فِي هَذِهِ شَرْكَةٌ...} \]

\(\text{And they say: ‘What is in the bellies of such and such cattle [milk or foetus] is for our males alone, and forbidden to our females [girls and women], but if it is born dead, then all have shares therein...\(\text{Qur’an 6: 139}\)}\]

\[\text{مَا جُعِلَ اللَّهَ مِنْ مَجْرِيَّة} \quad \text{وَلَا سَاَيَّيَّة} \quad \text{وَلَا وَصِيلَة} \quad \text{وَلَا حَامِ...} \]

\(\text{Allah has not instituted things like baheerah or a saa’ibah or a waseelah or a haami [all these animals were liberated in honour of idols as practised by pagan Arabs in the pre-Islamic period...\(\text{Qur’an 5: 103}\)}\]

The same is true of the bid’ah of the hypocrites when they took Islam as a means of protecting themselves and their wealth, and similar cases where there is no doubt that it is blatant kufr.\(^75\)

What is it that is included in his words “and similar cases?” There is no doubt that the man-made laws which go against the laws of Allah should be included in that, first and foremost, and the reason is that these laws, like the laws of the jaahiliyah, involve men legislating instead of Allah.

In a third place, Ash-Shaatibi said: “It was also reported that the kuffaar were guilty of other minor innovations, but these are nonetheless serious matters, such as when they allocated a share of the tilth and cattle to Allah, and a share to their (so-called) partners, then they decided that what was for those (so-called) partners would

\(^75\) \text{Al-I’tiṣaam, 2/37.}
not reach Allah, but what was for Allah would reach the (so-called) partners (cf. Qur'an 6: 136); and their taboos concerning the baheerah, saa'ibah, waselah and ḥaami; and killing their own children from folly, without knowledge (cf. Qur'an 6: 140); and their failing to be just in matters of retaliation (qaṣaṣṣ) and inheritance; their injustice in matters of marriage and divorce; their consuming orphan's wealth by means of trickery and cheating; and other similar matters which are referred to in shari'ah and mentioned by the scholars — until issuing laws and legislation became a custom for them and it became easy for them to change the religion of Prophet Ibraaheem (Abraham) (אברהם), which resulted in their adopting and accepting an additional principle which entitled them to issue laws with no restriction, based on their whims and desires..."\(^{76}\)

Think about what he said: “until issuing laws and legislation became a custom for them...”

**Shaykh al-Islam Ibn Taymiyah**

We have already quoted a great deal from him on this topic. Here we will quote further from what he said on this matter. As is well known, he is distinguished by the fact that he was contemporary with a real — live example of issuing laws which had entered the Muslim world — which we will look at in a separate section of this book *in sha Allah*.

Ibn Taymiyah described the case of the one who has the audacity to change the shari'ah and make what is true, false and vice versa. He said - and think of the context in which he was speaking: “If the judge is a man of religious commitment, but he passes judgement without knowledge, then he is one of the people of Hell. If he is knowledgeable but he passes a judgement that goes against what he knows to be correct, then he is one of the people of Hell. If he passes

\(^{76}\) Al-I’iṣaam, 2/210-302.
a judgement with no justice and no knowledge, it is more appropriate that he should be among the people of Hell. This is so if he is ruling in an individual case. But if he is passing a general ruling concerning the religion of the Muslims, making the truth false and falsehood true, making Sunnah *bid‘ah* and *bid‘ah* Sunnah, making what is good evil and what is evil good, forbidding that which Allah and His Messenger have enjoined and enjoining that which Allah and His Messenger have forbidden, then this is another matter altogether and he will be judged by the Lord of the Worlds, the God of the Messengers, the Only Owner of the Day of Recompense,

«...لله الحمد في الأول والآخرة وله الحكم وإليه يرجعون»

«...All praises and thanks be to Him [both] in the first [i.e. in this world] and in the last [i.e. in the Hereafter]. And for Him is the Decision, and to Him shall you [all] be returned.»

(Qur'an 28: 70)

«هو الذي أرسل رسولًا بإلهي أبدن الحق ليظهره على الذين كفروا وكم خلقنا لله شهيدًا»

«He it is Who has sent His Messenger [Muhammad] with guidance and the religion of truth [Islam], that He may make it [Islam] superior to all religions. And All-Sufficient is Allah as a Witness.»

(Qur'an 48: 28).”

Note how he describes a general ruling which goes against shari‘ah as being a very serious matter, and how he differentiates between that and a ruling concerning an individual case. We have quoted above what Ibn Taymiyah said in *Minhaaj as-Sunnah* and how it differentiates between matters which are common to the whole ummah, and matters which are specific to the individual.

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77 *Majmoo’ al-Fataawa*, 35/388, see also 3/267-268.
In many places, Ibn Taymiyah explains that if someone goes beyond any of the well-established laws of Islam, he is to be fought, according to the consensus of the Muslims. We will quote below his comments on this matter.

Ibn al-Qayyim

He said: "The Qur’an and proven consensus state that the religion of Islam abrogated all religions that came before it, and that whoever adheres to that which the Tawraat and Injeel brought and does not follow the Qur’an is a kaafir. Allah has abrogated all the laws in the Tawraat, Injeel and other nations, and He has made it obligatory upon the two races of the jinn and mankind to adhere to the laws of Islam. So there is nothing forbidden except that which Islam forbids, and there is nothing obligatory except that which Islam enjoins."

Ibn Katheer

He is one of the later scholars who were contemporary with the Tartars. Commenting on the aayah:

[Do they then seek the judgement of [the days of] Ignorance? And who is better in judgement than Allah for a people who have firm Faith?] (Qur’an 5: 50),

He said: "Allah denounces those who go beyond the wise and just rulings of Allah which encompass everything that is good and forbid everything that is evil, and turn to other things such as opinions or whims and desires and conventions which people have fabricated with no basis in the laws of Allah, as the people of the jaahiliyyah used to do when they judged according to the misguided and ignorant

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79 Ahkaam Ahl adh-Dhimmah, 1/259.
notions which they had fabricated from their own opinions and desires, and as the Tartars do when they rule according to the royal decrees taken from their king Genghis Khan who instituted the Yaasiq for them. This Yaasiq is a book which is a compilation of laws which he took from the laws of the Jews, Christians and Muslims, and in which there are many rulings which are based solely on his opinion or his whims and desires. So it has become a law to be followed among his children, which they prefer to the rulings of the Book of Allah and the Sunnah of His Messenger (ﷺ). Whoever does that is a kaafir and must be fought until he comes back to the ruling of Allah and His Messenger, and does not rule (judge) according to anything else in either minor or major matters.”

Simply referring to the Yaasiq for judgement is kufr; it is not conditional upon uttering words which indicate that one regards it as permissible. Hence Ibn Katheer said in Al-Bidaayah wan-Nihaayah: “So whoever neglects the shari‘ah which was revealed to Muhammad ibn ‘Abdullah (ﷺ), the Seal of the Prophets, and refers for judgement to any other laws which have been abrogated, is a kaafir, so how about the one who refers for judgement to the Yaasiq and prefers it to (the shari‘ah of Islam)? Whoever does that is a kaafir according to the consensus of the Muslims...”

See how Ibn Katheer judged the one who refers for judgement to the abrogated laws; with regard to those who refer for judgement to the Yaasiq and the contemporary man-made laws, they are even worse.

Whoever thinks that the fatwa of Ibn Katheer and his narration of consensus (ijmaa‘) apply only to the Tartars, or that their kufr was due to reasons other than their referring for judgement to the Yaasiq is trying too hard to interpret his words in a way other than what was

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81 Al-Bidaayah wan-Nihaayah, 13/119.
meant. In fact, he meant that it was general when he said: “just like the misguided notions according to which the people of the jaahiliyah ruled” and “just like the (royal) decrees to which the Tartars refer for judgement”. Then he said: “And whoever does that is a kaafir.” So he gave examples, then he indicated that the rulings were general in application. So their view has no basis. O’ Allah, we seek refuge in You from being overwhelmed by whims and desires.

Shaykh ‘Abdul-La‘teef ibn ‘Abdur-Rahmaan

He (may Allah have mercy on him) was asked about the customs of fathers and grandfathers by which the traditional people among the Bedouins and others rule: can they be described as kaafir because of that, after they have been told (that it is wrong)? He replied: “Whoever refers for judgement to anything other than the Book of Allah and the Sunnah of His Messenger (ﷺ), after being told about that, is a kaafir. Allah says: {And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]} (Qur’an 5: 44), and He says: {Do they seek other than the religion of Allah...?} (Qur’an 3: 83).”

7 - Shaykh Ḥamad ibn ‘Ateeq

He (may Allah have mercy on him) mentioned the things which make a Muslim an apostate. These include associating anything with Allah (shirk); outwardly obeying and agreeing with the mushrikeen in their religion; befriending the mushrikeen; sitting with the mushrikeen in their gatherings of shirk without denouncing them; mocking Allah or His Book or His Messenger; expressing dislike or anger when one is called to Allah, or His verses are recited, or when good is enjoined or

82 Ad-Durar as-Saniyah, 8/241. See also 8/271-275, 1st edition, 1356 AH, where he mentions the claim of those who refer for judgement to taaghoot (false judges), that if they did not refer to them for judgement the tribes would not accept that and it would lead to fighting amongst them. He refuted this specious argument.
evil is forbidden; disliking what Allah revealed to His Messenger, of the Book and wisdom (the Sunnah); not agreeing with what is indicated in the verses of the Qur’ān and the ahaadeeth; disputing concerning that; rejecting anything that is in the Qur’ān, even if it is only one aayah or part of an aayah; turning away from learning the religion of Allah and being negligent concerning it; practising magic or witchcraft (sihr); and denying the resurrection.83

Then he said: “The fourteenth issue is: referring for judgement to anything other than the Book of Allah and the Sunnah of His Messenger (ﷺ). Ibn Katheer said: as the people of the jaahiliyah used to do when they judged according to the misguided and ignorant notions which they had fabricated from their own opinions and desires, and as the Tartars do when they rule according to the royal decrees taken from their king Genghis Khan who got compiled a book for them comprising laws derived from various sources called Yaasig. It contained laws of the Jews, the Christians and the Muslims, and tribal customs etc.. It has become a law to be followed among his children, which they prefer to the rulings of the Book of Allah and the Sunnah of His Messenger (ﷺ). Whoever does that is a kaafir and must be fought until he comes back to the ruling of Allah and His Messenger, and does not rule (judge) according to anything else in either minor or major matters. Allah (ﷻ) says: (Do they then seek the judgement of [the days of] Ignorance? And who is better in judgement than Allah for a people who have firm Faith) (Qur’ān 5: 50).

And I say that this is like what the common folk among the Bedouin and their like do, when they refer for judgement to the customs of their forefathers and the accursed rules fabricated by their leaders, which they call shar‘ ar-rifaaqah (the laws of kindness) and give

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83 See the detailed list, with evidence (daleel), in Sabeel an-Najaat wal-Fakaak, Pp. 74-83, by Al-Waleed ibn ‘Abdur-Rahmaan al-Firyaan.
them precedence over the Book of Allah and the Sunnah of His Messenger (ﷺ). Whoever does that is a kaafir who should be fought until he returns to the ruling of Allah and His Messenger. Shaykh al-Islam Ibn Taymiyah said: ‘Undoubtedly anyone who does not believe that it is obligatory to judge or rule according to that which Allah revealed to His Messenger is a kaafir. Whoever believes that it is permissible to judge between people according to what he thinks is just, without following that which Allah revealed, is a kaafir. For there is no nation which does not enjoin judging with justice, but according to them, justice may mean that which their leaders think is just. Indeed many of those who claim to be Muslims judge or rule according to their customs which were not revealed by Allah, such as the customs of the Bedouin and the commands of the leaders, and they think that this is what they should judge or rule by, not the Qur’ān and Sunnah. This is the essence of kufr. Many people became Muslim but they still judge and rule according to their customs as dictated by their leaders. If they knew that it is not permissible for them to judge or rule by anything except that which Allah has revealed, but they do not adhere to that, and they allow themselves to judge or rule by that which goes against what Allah revealed, then they are kaafir.’ These words are from Minhaj as-Sunnah an-Nabawiyah, and are a commentary on the aayah, ‘And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]. May Allah have mercy on him and forgive him.’

We have quoted at length from the words of Shaykh Ḥamad ibn ‘Ateeq, along with his quotations from Ibn Katheer and Shaykh al-Islam Ibn Taymiyah — even though we have quoted their words above — in order that the reader may clearly understand what the

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leading scholars said. They were speaking in general terms concerning anyone who does the same as they did; it is not as some people think, that Ibn Katheer was referring to the Tartars and that the matter did not go beyond them to include anyone else. We have pointed that out above.

**Shaykh Ash-Shawkaani**

Ash-Shawkaani (may Allah have mercy on him) devoted a separate essay to the issue of the alienation of religion in the land of Yemen at his time, whether that was the part which was under Ottoman rule or the other parts. He divided Yemen into three parts, and described the situation of each part and the examples of things that went against Islam and constituted *kufr* which were happening in each part. Among the things that he said about the second part of this country was: “Now that you have a full picture of what is happening in the first of the three parts, let us turn to the second part, concerning the people of the area that is beyond Ottoman control, like the land of the *qiblah* (the north) and the east, etc.

You should know, may Allah bless you, that everything we have mentioned about the first part (of Yemen), where the citizens do not pray or do any of the obligatory duties, apart from a few rare individuals, is also the case in the lands which are beyond Ottoman control; indeed, things are even worse there... but in addition to that there are serious problems and appalling deviations among them, things which are not found in the first part. For example, they refer for judgement to those among them who know the rulings of *taaghoot* (falsehood) concerning all matters that they come across, without anyone denouncing them and without their feeling any shame before Allah or His slaves. They are not afraid of anyone. They may judge in such a manner between any people who come to them. This is well known to all the people, but no one is able to denounce it or ward it off. It is more obvious than a beacon on a hill.
Undoubtedly this is kufr, disbelief in Allah and His shari‘ah which He enjoined through his Messenger and chose for His slaves in His Book and on the lips of His Messenger. Indeed, they have disbelieved in all the laws from Adam (مآ) to the present. It is obligatory to wage jihad against these people and to fight them until they accept the rulings of Islam and submit to them, and judge amongst them according to the pure shari‘ah, and give up all the devilish taaghoot which they are currently following. In addition to this they are persisting in other matters apart from judging according to the taaghoot and referring to it for judgement. Each one of these things on its own is sufficient to condemn them as kaafir and put them beyond the pale of Islam. That includes their abolishing women’s rights of inheritance, and persisting in that and supporting one another in it. It is stated in the basic principles of Islam that whoever denies something that is definitive and well known in Islam, and rejects it and does that which goes against it, rebelling against it, stubbornly rejecting it, and regarding his action as permissible or taking the matter lightly, is a kaafir who disbelieves in Allah and the pure shari‘ah which Allah has chosen for His slaves.”

What Ash-Shawkaani says indicates a number of things:

a) That referring for judgment to taaghoot constitutes major kufr.

b) That referring for judgment to taaghoot is just one of a number of actions of kufr, each of which in its own is sufficient to condemn the one who does it as a kaafir.

c) He gives examples of kufr, such as their agreeing to deny women their rights of inheritance and their persisting and cooperating in that, and he states that this is major kufr.

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85 Risaalah ad-Dawaa’ al-‘Aqil fi Daf’ al-‘Adw wa’s-Saa‘il, included in Ar-Rasaa’il as-Salafiyyah by Ash-Shawkaani, Pp. 33-34.
Shaykh Muhammad ibn Ibraheem

What he has to say on this topic is clear, that it comes under the heading of major *kufr* which puts a person beyond the pale of Islam, and which is of several types. We have quoted the first four above; he also mentioned two more, which are:

“The fifth is the most serious, and is an obviously stubborn resistance against the shari‘ah and its rules, opposing Allah and His Messenger, setting up courts to compete with the shari‘ah courts by preparing them, supporting them, establishing principles for them, making them of different types, making their rulings binding, and preparing theoretical bases for them. Just as the shari‘ah courts have references which are all based on the Book of Allah and the Sunnah of His Messenger, so too these courts have references which are the laws fabricated from many various laws and legal systems, such as French law, American law, British law and other kinds of laws, and from the *madhhab* of some of the innovators who claim to belong to Islam, etc.

These courts are now well-established in many Islamic regions. Their doors are open and people are flocking to them so that their judges may judge between them according to these laws that go against the rulings of the Sunnah and the Qur’an. These court rulings are made binding upon them. What *kufr* can be greater than this *kufr*, what contradiction of the testimony that Muhammad is the Messenger of Allah can there be after this contradiction? The evidence for all that we have stated here is available in detail and is well-known, and there is no need to mention it here...”\(^86\)

Then he mentioned the last kind, and said:

\(^86\) *Tahkeem al-Qawaaneen*, Pp. 6-7.
“The sixth kind is that by which many leaders of Bedouin clans and tribes and others rule, based on the stories of their fathers and grandfathers, and their customs, which they call their salloom and which they inherited from them. They judge according to this, and they encourage referring to this for judgement when disputes arise, adhering to the rulings of jaahiliyah and turning away from and rejecting the rulings of Allah and His Messenger. There is no power and no strength except with Allah.”

It is worth pointing out here that the shaykh knew the situation of those who advocate (man-made) laws and he referred to the sources of those laws, which are sources that differ from the sources of Islamic shari‘ah. This is a basic issue in the case of legislation that goes against the laws of Allah, so there are two important points:

a) The basis from which the law derives its legitimacy.

b) General applicability, which means that the law applies to and is binding upon all the people.

It is clear that man-made laws — and their ilk among the inherited salloom of the tribes and Bedouins, which they accept to the exclusion of all other laws and which go against the laws of Allah — stem from complete rejection of the shari‘ah of Islam and the One Who revealed it. But this is not the place to discuss this point in further detail.

Shaykh Ash-Shanqeeti

He has a great deal to say on this topic, and we have quoted some of his comments above, to which we will add the following. He says, commenting on the aayah,

87 Tahkeem al-Qawaaneen, Pp. 6-7.
"...And He makes none to share in His Decision and His Rule."

(Qur'an 18: 26):

"It may be understood from this aayah that those who follow the rulings of legislators who issue rulings and laws that are not based on the rulings of Allah are mushrikeen who associate others with Allah. This concept is stated clearly in other aayaat such as the verse concerning the one who follows the law of the Shaytaan (Satan) in allowing the meat of animals which have not been slaughtered correctly on the basis that they were slaughtered by Allah:

وَلاَ تَأْسَكُوا مَنَا لَّمْ يَذَّكِرَ آيَاتَ اللَّهِ عَلَيْهِ وَإِنَّ الْقَبْلَيْنَ إِنَّ الْقَبْلَيْنَ لَشَكَارًا

(6: 121)

"Eat not [O’ believers] of that [meat] on which Allah’s Name has not been pronounced [at the time of the slaughtering of the animal], for sure it is fisq [a sin and disobedience of Allah]. And certainly, the Shayaaiteen [devils] do inspire their friends [from mankind] to dispute with you, and if you obey them [by making al-maytah (a dead animal) legal by eating it], then you would indeed be mushrikoon [polytheists]; [because they (devils and their friends) made lawful to you to eat that which Allah has made unlawful to eat and you obeyed them by considering it lawful to eat, and by doing so you worshipped them; and to worship others besides Allah is polytheism]."

(Qur’an 6: 121)

Thus this aayah states clearly that they would be mushrik if they obeyed the Shayaaiteen, and that this obedience towards others besides Allah and following the laws which go against the laws of Allah is considered the worship of the Shaytaan mentioned in the aayah (verse):
Did I not command you, O' Children of Adam, that you should not worship Shayṭaan [Satan]. Verily, he is a plain enemy to you. And that you should worship Me [Alone Islamic Monotheism, and set up not rivals, associate-gods with Me]. That is the Straight Path.

(Qur'an 36: 60-61)...

From these divine texts which we have quoted here, it is abundantly clear that there is no doubt concerning the kufr and shirk of those who follow the man-made laws which have been instituted by the Shayṭaan through his friends and which go against the laws which Allah has instituted through His Messengers (may the blessings and peace of Allah be upon them all). Nobody could doubt that they are kaafir and mushrik except the one whom Allah has caused to have no understanding and has blinded his eyes, like theirs, to the light of revelation.”

The shaykh does not state that this is conditional upon their saying that they regard it as permissible or uttering words of denial. We have quoted above that the shaykh said: “Everyone who follows laws other than the laws of the leader of the sons of Adam, Muhammad ibn ‘Abdullah (ﷺ), his following of those laws, which are opposed to shari‘ah, is blatant kufr…”

The shaykh also comments at length — covering twelve pages — on the aayah from Soorah ash-Shoo ‘raa, the 42nd chapter of the Qur’an,
And in whatsoever you differ, the decision thereof is with Allah [He is the ruling Judge]... (Qur’an 42: 10)

He demonstrated the basic principles on which this issue is based, and the connection between it and Tawḥeed, and he explained — by examining Qur’anic verses — the attributes of the One who is entitled to have the power of decision, comparing them to the state of the legislators and advocates of man-made laws. This is an important comparison which deserves to be published as a separate book.⁹⁰

One of the comments which he makes — which is worth quoting here — is: “This is a divine decree from the Creator in which He clearly states that the one who follows the law of the Shayṭaan which goes against the law of the Most Merciful is a mushrik who associates others with Allah.”⁹¹

And he says: “Among the clearest signs of that is that when the kuffaar permit something which they know that Allah has forbidden, or forbid something which they know Allah has permitted, they add further kufr to their original kufr. That is what Allah (ﷻ) says: (The postponing [of a Sacred Month] is indeed an addition to disbelief: thereby the disbelievers are led astray, for they make it lawful one year and forbid it another year in order to adjust the number of months forbidden by Allah, and make such forbidden ones lawful. The evil of their deeds is made fair-seeming to them. And Allah guides not the people who disbelieve.) (Qur’an 9: 37) Whatever the case, there is no doubt that everyone who obeys someone other than Allah in laws that go against those which Allah has prescribed has associated him with Allah (shirk).”⁹²

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⁹⁰ Adwaa’ al-Bayaan, 7/162-163.
⁹¹ Ibid, 7/170.
⁹² Ibid, 7/173.
If we add this to what the Shaykh said in the beginning about those who follow man-made laws and judged them to be kaafir, it will be clear that he connected this serious matter to the basics of Islam and Tawheed, to such an extent that he said that whoever follows any law other than the law of Allah has taken that lawmaker as a lord and associated him with Allah. He said: “The aayaat which indicate that are many. We have quoted many of them above and will repeat here only what we need…”\(^\text{93}\)

This is only because the shaykh felt acute bitterness and deep sorrow concerning the state of the Muslim ummah, and how it had turned its back on the perfect shari‘ah of Allah and replaced it with the garbage of lawmakers from the east and the west, and followed the fools and hypocrites.

**Shaykh Aḥmad Shaakir and Shaykh Maḥmood Shaakir**

Shaykh Aḥmad Shaakir (may Allah have mercy on him) wrote a number of footnotes on ‘Umdat at-Tafseer, the abridged version of Tafseer Ibn Katheer.\(^\text{94}\) Among that is his footnote to Ibn Katheer’s commentary on the aayah,

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\begin{align*}
\text{(Do they then seek the judgement of [the days of]} \\
\text{Ignorance?...)} \\
\text{(Qur’an 5 : 50)}
\end{align*}
\]

We have quoted Ibn Katheer’s comments above. Shaykh Aḥmad Shaakir said, commenting on that (it should be noted that he commented at length and that we are quoting only some of what he said):

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\(^\text{93}\) Adwoa’ al-Bayaan, 7/169.

\(^\text{94}\) Hawaashi ‘Umdat at-Tafseer, 3/125, 4/146-147, 155-158 and 165-168.
"I say, how can it be right, according to the laws of Allah, for the Muslims to rule in their land according to the heretic and pagan laws of Europe? Laws which are subject to whims and desires and false opinions, which they change and alter as they wish, and those who institute them do not care whether they are in accordance with Islamic shari‘ah or go against it.

The Muslims did not face such a (serious) problem at all — as far as we know from their history — except at that time, the time of the Tartars. Do you not see how Al-Haafiz Ibn Katheer, in the eighth century (AH) described and condemned in such strong terms the man-made law invented by the enemy of Islam, Genghiz Khan? Do you not think that it also applies to the Muslims of this age, the fourteenth century (AH)? But the Muslims now are in a worse position and are deviating further than they were then, because most of the Muslim nations, now, have virtually fully adopted such laws which go against the shari‘ah, which resemble Yaasiq made by a kaafir whose kufr was obvious. These laws are legislated by people who claim to follow Islam. They teach them to the children of the Muslims, and fathers and sons feel proud of that. They entrust their affairs to the followers of this modern Yaasiq, and they belittle those who oppose them, describing those who call them to adhere to their religion and their shari‘ah as backward and rigid, and use other insulting terms. The matter of these man-made laws is as clear as the light of day: they constitute blatant kufr......"\textsuperscript{95}

His brother Maḥmood Shaakir (may Allah have mercy on him) commented on At-Ṭabari’s commentary on the aayah, (And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]) (Qur’an 5: 44), where At-Ṭabari

narrated a report of Abu Majlaz with the Ibaadiyah — which we will refer to below. Shaykh Maḥmood added a lengthy footnote, in which he said:

“So their question was not about something that the innovators refer to in our times, of ruling or judging concerning matters of wealth, honour and blood-money according to laws which go against the Islamic shari‘ah or of issuing laws obliging the Muslims to refer for judgement to a ruling other than the ruling of Allah in His Book or in the words of His Prophet (ﷺ), because such actions are tantamount to turning away from the ruling of Allah and rejecting His religion, and preferring the rulings of the kuffaar (disbelievers) to the rulings of Allah. This is kufr and no one among any of the various groups of Muslims doubts that those who say or advocate this are kaafir.”\(^{96}\)

These are the words of scholars who lived through the calamities which befell the ummah in Egypt and elsewhere, where the shari‘ah of Allah was rejected and man-made laws and jaahili systems which go against the laws and rulings of Allah were imposed upon the ummah.

**Rasheed Riḍa**

A question from India was addressed to him concerning ruling by English law, whether it was permissible for Muslims to rule according to it. He mentioned the differences of opinion concerning the aayah: (And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]), and the view that it is general in application, he explained that those who expressed this view, interpreted the aayah in two ways, one of which was that it was a lesser form of kufr. Then he said: “Some of them said that kufr is based on one of the general principles, that whoever does not rule according to that which Allah has revealed because he objects to it, or

\(^{96}\) Tafseer at-Ṭabari (footnote), 10/348.
because he is rejecting it and believes it to be unjust, when he knows that it is the ruling of Allah, or the like, which is something that no one could do who has any kind of faith or submission to Allah's religion, is a *kaafir* in the sense of major *kufur*.

No doubt the case of those rulers who promulgate their legislated laws is worse and it is more difficult to justify their actions. This interpretation of *kufur* (as being a lesser form of *kufur*) cannot be applied in their case, and it is difficult to imagine that someone who believes and submits to the religion of Allah and believes that His Book stipulates a certain ruling, would then change it by choice and replace it with another ruling, willingly turning away from it and replacing it with something else, and think that his faith or his Islam still counts for anything. It is clear that the Muslims are obliged, in such a case or with such a ruler, to force him to annul that which he has imposed that goes against the rulings of Allah, and not to be content merely with not helping or supporting him. If they are not able to do that, then the land cannot be considered to be *Daar Islam* (a Muslim land), as it is subject to rulings other than those which apply to *Daar Islam*. "97

It seems that the Shaykh thought that the ruling on the actions of these people was clear. It is very difficult to excuse them by saying that they are not denying or rejecting a ruling of Allah when it is the case that they have willingly changed the ruling of Allah and replaced it with the laws of *jaahiliyyah*. With regard to the comments at the end of this quotation that the land cannot be considered to be *Daar Islam*, we have quoted it to demonstrate how far he went by considering that the land ruled by those who impose man-made laws, and refuse to respond to those who advocate annulling those laws and ruling by the shari'ah of Allah, comes to be considered a non-Islamic country.

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97 *Fataawa Rasheed Riqa*, 1/132-133.
However, there is a great deal of debate on this matter, but this is not the place to examine it in detail.\(^98\)

‘Abdul-Razzaaq ‘Afeefi

In his essay *Al-Ḥukm bi ghayri ma anzala Allah*, he followed his introduction with a list of different types of those who rule by something other than that which Allah has revealed. After mentioning the first and second types, he said: “The third (type) is the one who claims to belong to Islam and knows its rulings, but he legisitates — makes laws, for the people and sets up a system to be followed by people and refer to them for judgement, knowing that they go against the rulings of Islam. Such a person is a *kaafir*, is beyond the pale of Islam. The same ruling applies to one who orders the forming of committees or councils for that purpose, and orders the people to refer for judgement to that system and those laws, or forces them to do so, knowing that they go against the shari‘ah of Islam. The same applies to the one who passes judgement on that basis and applies it to different cases, and those who obey them in referring to it for judgement by choice, knowing that it goes against Islam. They are all the same in turning away from the ruling of Allah. The same ruling (of *kufr* which puts one beyond the pale of Islam) also applies to those who knowingly make laws to compete with and oppose the laws of Islam, and those who enforce its implementation or force the ummah to follow it, or become judges to judge the people according to those laws or implement rulings according to them. The same ruling applies to those who obey the rulers and accept the laws

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98 *Shaykh* Muhammad Rasheed Riḍa - may Allah forgive him - made many mistakes in his *fatwa* in which he tried to defend those who do not rule by that which Allah has revealed. What we have quoted here shows that even though he was keen to defend them, the matter is in fact very clear. The points he mentioned has been discussed by *Shaykh* Muhammad Qūṭb in his book *Waaqi‘unaa al-Mu’aaṣir*, Pp. 231-241.
which they institute for which Allah has not sent down any authority. All of them have followed their own whims and desires, and not the guidance of Allah.

وَلَقَدْ صَدَّقَ عَلَى هُمْ إِبَّانِهِمْ ظَلَّنَّهُمْ فَانْتَجَعَهُ أَلَا فَرِيقًا مِنَ الْمُؤْمِنِينَ

(And indeed Iblees [Devil] did prove true his thought about them, and they followed him...) (Qur'an 34: 20).

They are partners in deviation, heresy, *kufr* and transgression; their knowledge of the laws of Allah and their belief in what they contain do not benefit them when they have turned away from them and kept away from their rulings by implementing laws legislated by themselves and referring to them for judgement — just as Iblees did not benefit from his knowledge of the truth and his belief in it, when he turned away from it and did not submit to it. In this way they took their own whims and desires as god..."99

Then he quoted the aayaat (verses) which state that it is obligatory to follow the laws of Allah and judge by that which Allah has revealed, and explained the situation of those who institute man-made laws, and stated that they are opposing the Qur'an and Sunnah and are trying to undermine the shari'ah.

The Shaykh clearly states that *kufr* is not limited to believing that ruling by anything other than that which Allah has revealed is permitted, when he says: their knowledge of the laws of Allah and their belief in what they contain did not benefit them when they turned away from them and kept away from their rulings.

99 Shubahaat hawl as-Sunnah and a dissertation Al-Hukm bi ghayri ma anzala Allah, Pp. 64-65, Daar al-Fadeelah edition, 1417 AH.
Muḥammad aṣ-Ṣaaliḥ al-ʿUthaymeen

In answer to a question about the ruling on one who rules by something other than that which Allah has revealed — after a lengthy and useful introduction — he mentioned the first kind of major *kufr* and said:

“We say: whoever does not rule by that which Allah has revealed because he takes it lightly, or he does not respect it, or he believes that something else is better than it and more beneficial to people, is a *kaafir* whose *kufr* puts him beyond the pale of Islam. Among them are those who impose laws on the people which go against the laws of Islam to be a way for the people to follow. They only impose these laws which go against the Islamic shari’ah because they believe that they are better for the people, because it is simply common sense that a person does not turn from one way to another that goes against it unless he believes that the one to which he is turning is better and the one from which he is turning away is lacking in some respect...”

Then he discussed when ruling by something other than that which Allah has revealed constitutes *zulm* (wrongdoing) or *fisq* (rebellion) which does not make a person a *kaafir* — which is the second category.

In a response to yet another question concerning the difference between a specific case and setting out legislation and laws to be applied to all, he said: “Yes, there is a difference. Issues which are considered to be universal legislation cannot be examined in the same way as the above; they belong to the first category only (i.e., major *kufr*), because this legislator who is instituting laws which go against Islam is only doing so because he believes that they are better than Islam and more suited to the people — as we have pointed out above.

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100 *Al-Majmoo’ ath-Thameen min Fataawa Fađeelat ash-Shaykh Muḥammad ibn Ṣaaliḥ ibn ʿUthaymeen*, 1/36, compiled and edited by Fahd ibn Naasir as-Sulaymaan.
Ruling by something other than that which Allah has revealed may take one of the two forms:

1. Replacing a ruling of Allah with a man-made ruling, when the legislator is aware of the ruling of Allah but he thinks that the ruling which goes against it is better and is more beneficial for the people than the ruling of Allah, or that it is equal to the ruling of Allah, or that turning away from the ruling of Allah to the other ruling is permissible, so he promulgates the (man-made) law as that to which referral for judgement is to be made. Such a person is a kaafir whose kufr puts him beyond the pale of Islam, because the one who does this is not content with Allah as his Lord, Muhammad as his Messenger or Islam as his religion. The following aayaat apply to him:

«أَخْرِجُواْ الْجَهَلَةِ الْبَعْقُونَ وَمِنْ أَحْسَنِ مِنِّ الْلَّهِ حُكْمَهُ لَقَوْمِ يُؤْتُونَ»

(Do they then seek the judgement of [the days of] Ignorance? And who is better in judgement than Allah for a people who have firm Faith) (Qur’an 5: 50).

«وَمَنْ لَمْ يَجْعَلْ يَّتَحَكَّمُ بِمَا أَنزَلَ اللَّهُ فَأَوْلِيَّكَ هُمُ الْكُفَّارُ»

...And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers] (Qur’an 5: 44).

«ذَلِكَ بِلَاتَعْبُدُونَ رَبَّنَا الْهُدَيْنَ خَشْيَةَ مَوْقتَهُمُ اللَّهُ سُتِّيِّعُضُمَّ فِي بَعْضِ الْأَمْرِ وَاللَّهُ يُبْلِدُ إِسْرَاهَلَكُمُ فَكِيفَ إِذَا مُوَقَتُ مَوْقَتَهُمُ السَّلِّيْكَةِ بِصُرْيَيْنِ وَجَهْرَيْنِ وَأَدْبَرُوهُمُ ذَلِكَ بِلَاتَعْبُدُونَ رَبَّنَا خَشْيَةَ مَوْقَتَهُمُ اللَّهُ وَصِكْرُوهُوا رَضْوَانُهُمْ أَحْبَبَ أَعْمَلَهُمْ»

«ذَلِكَ بِلَاتَعْبُدُونَ رَبَّنَا الْهُدَيْنَ خَشْيَةَ مَوْقَتَهُمُ اللَّهُ سُتِّيِّعُضُمَّ فِي بَعْضِ الْأَمْرِ وَاللَّهُ يُبْلِدُ إِسْرَاهَلَكُمُ فَكِيفَ إِذَا مُوَقَتُ مَوْقَتَهُمُ السَّلِّيْكَةِ بِصُرْيَيْنِ وَجَهْرَيْنِ وَأَدْبَرُوهُمُ ذَلِكَ بِلَاتَعْبُدُونَ رَبَّنَا خَشْيَةَ مَوْقَتَهُمُ اللَّهُ وَصِكْرُوهُوا رَضْوَانُهُمْ أَحْبَبَ أَعْمَلَهُمْ»

This is because they said to those who hate what Allah has sent down: ‘We will obey you in part of the matter.’ But Allah knows their secrets. Then how [will it be] when the angels will take their souls at death, smiting
their faces and their backs? That is because they followed that which angered Allah and hated that which pleased Him. So He made their deeds fruitless.

(\textit{Qur'an} 47: 26-28)

So his Prayer, Fasting, Zakah and Hajj are of no benefit to him, because the one who rejects part of Islam rejects all of it. Allah (الله) says:

\begin{align*}
\text{\textit{Qur'an} 2: 85}\end{align*}

«...Then do you believe in a part of the Scripture and reject the rest? Then what is the recompense of those who do so among you, except disgrace in the life of this world, and on the Day of Resurrection they shall be consigned to the most grievous torment. And Allah is not unaware of what you do.»

\begin{align*}
\text{\textit{Qur'an} 4: 150-151}\end{align*}

«Verily, those who disbelieve in Allah and His Messengers and wish to make distinction between Allah and His Messengers [by believing in Allah and disbelieving in His Messengers] saying, “We believe in some but reject others,” and wish to adopt a way in between. They are in truth disbelievers. And We have prepared for the disbelievers a humiliating torment.»
2 - When the judge passes a judgement which goes against the ruling of Allah in a specific case, without making this ruling universally applicable. This may take three forms:

a) When he does that knowing the ruling of Allah, but he believes that the opposite ruling is better and more beneficial, or that it is equal to it, or that turning away from the ruling of Allah is permissible. This person is a kaafir whose kufr puts him beyond the pale of Islam, for the same reasons as mentioned in 1-, above.

b) When he does that knowing the ruling of Allah and believing that it is better and more beneficial, but he goes against it with the aim of harming the person against whom judgement is made or benefitting the one in whose favour judgement is passed. Such a person is a zaalim (wrongdoer, oppressor), not a kaafir, and he is the one who is referred to in the aayah,

\[\text{\textbar} \text{And whosoever does not judge by what Allah has revealed, such are the zaalimoon [polytheists and wrongdoers]}\ (\text{Qur’an 5: 45}).\]

c) When he does that, but he goes against (the ruling of Allah) because of his own desires, or for some interest of his that will be served by that. Such a person is a faasisq (rebellious, disobedient), not a kaafir, and he is the one who is referred to in the aayah,

\[\text{\textbar} \text{And whosoever does not judge by what Allah has revealed, such are the faasisqoon [the rebellious i.e. disobedient]}\ (\text{Qur’an 5: 47}).\]
This issue — I mean the issue of ruling by something other than that which Allah has revealed — is one of the major issues with which the rulers of this time are being tested. We should not hasten to pass judgement against them undeservedly unless we are sure of the situation, because the matter is serious. We ask Allah to reform the leaders of the Muslims and their advisors. Those to whom Allah has given knowledge must explain it to these rulers so as to establish proof against them and show them the way of Islam, and then those who are to be destroyed (for their rejecting the Faith) might be destroyed after a clear evidence, and those who are to live (i.e. believers) might live after a clear evidence (cf. Qur'an 8: 42). No one should think of himself as insignificant and think that he is unable to speak concerning this issue, and no one should fear anyone else with regard to this matter, for honour, power and glory belong to Allah and His Messenger and the believers. And Allah is the Source of strength."  

We have quoted the second fatwa in full, so as to give a complete and clear picture of the fatwa as issued by the Shaykh. But the second category will be discussed in the following section In sha Allah.

It is worth pointing out that the Shaykh has included in the category of major kufr the thinking that judging by something other than that which Allah has revealed is permissible or believing that rulings other than those of Allah are better than or equal to His rulings, or that ruling by them is permissible, whether that involved generally-applicable laws or individual cases.

This is a summary of the views of the scholars concerning this matter, from which it is clear that this category of ruling by anything other than that which Allah has revealed, which constitutes major kufr, may include the following cases:

a) The one who appropriates for himself the right to make laws, and dictate what is permitted and what is prohibited instead of Allah, whether that is an individual, a group, a parliament or something else, so that they promulgate generally-applicable laws which go against the laws of Allah and impose them upon the people, and do not allow them to refer for judgement to the shari‘ah of Allah.

b) Those who set up systems or laws which go against the laws of Allah. This is like the man-made laws implemented in many Muslim countries, which impose obligations and dictate what is prohibited and what is permitted, instead of Allah, and go against what is in the Qur’an and Sunnah.

c) Tribal customs, the so-called “salloom”, which they pass down from one generation to another. If these customs go against the laws of Allah and they know the ruling of Allah, they insist on referring for judgement to their customary laws which go against the ruling of Allah and the ruling of His Messenger (ﷺ).

We should still pay attention to the guidelines and conditions regarding who is to be designated a kaafir. This applies both to this type and to others.

**Obeying those who change the laws of Allah knowing that they are going against the shari‘ah and rulings of Allah**

This is a very delicate and subtle issue, hence it should be noted that the title above is somewhat lengthy so as to be specific as to what we intend to discuss in this section, which is one of the categories of ruling by something other than that which Allah has revealed which constitute major kufr.

We have described this topic as subtle (lit. slippery) because some of those who speak or issue fatwa concerning this matter have, as a
result, denounced as *kaafir* entire Muslim societies who are governed by these (man-made) laws, and they have not made any exceptions except for those who oppose them or declare that they are boycotting the entire society. Undoubtedly this is an extreme view which deviates from the proper understanding of the texts and how they are to be applied in the real life.

This issue has been discussed in detail above, when we dealt with the *aayah*,

«...آتِنَّهُمَا أَحْبَارًا مِّن ذَرِّيَّةِ آدمٍ، وَرَسُولَٰنَا مِن ذَرِّيَّةِ نُوحٍ...»

(They [Jews and Christians] took their rabbis and their monks to be their lords besides Allah...)

(Qur'an 9: 31),

— and similar verses, and the hadith of ‘Adiyy ibn Haatim (ﷺ). We have also quoted the comments of Ibn Taymiyyah on this *aayah* and this hadith. We will repeat here only the comments of Ibn Taymiyyah, because they are so important, so that we may comment on them further:

He said: "Those who took their rabbis and monks as lords when they obeyed them in permitting that which Allah had forbidden and in forbidding that which Allah had permitted, are of two types:

a) Those who knew that they had altered the religion of Allah, so they followed them in that alteration, and they accepted their permitting of that which Allah had forbidden and their forbidding of that which Allah had permitted, following their leaders even though they knew that they had gone against the religion of the Messengers. This is *kufr*, and Allah and His Messenger described it as *shirk*...

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102 See above, Pp. 105-117.
b) They clearly understood that their rabbis and monks were prohibiting that which was permitted by Allah and permitting that which was forbidden by Allah, but they obeyed them by disobeying Allah. This is like the Muslim who commits sins knowing that they are sins, so they come under the category of sinners..."103

On this basis, the followers who are ruled by anything other than that which Allah has revealed cannot be described as kaafir unless certain conditions apply, the most important of which are:

(i) They know that the rulers who govern by something other than that which Allah has revealed have altered and changed the laws of Allah, and they follow them in that.
(ii) There is something to indicate that they accept and approve of them, so they have the same belief as those who issue laws instead of Allah concerning what is permitted and what is prohibited, and they follow them.

We cannot say here that the ruling concerning these people is the same as the ruling concerning those who rule by something other than that which Allah has revealed and make it a generally-applicable law, because it may be the case that the one who is so ruled follows them because of some whim or desire of his own, in which case he would come under the same heading as sinners. Or he may be ignorant and thus think that the law promulgated by these leaders is the ruling of Allah; or he may be forced to follow it; or he may have a compelling reason to do so, in order that he may have some right restored to him, etc.

Because all of these cases are possible, we say that there has to be definitive evidence, because the basic principle concerning Muslims

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in general is that they are Muslims, and they cannot be regarded as being beyond the pale of Islam unless there is something which obviously nullifies Islam and which fully meets the conditions of nullifying Islam.

The ruling concerning these followers — because they are governed and have no power over the matter — is often similar to the ruling of a judge in a specific case. If he does that believing that what he has done is permissible, then his *kufir* constitutes major *kufir*. Otherwise he is a *faasiq* (rebellious or disobedient) who has committed a major sin. The same applies to these followers. If they follow those who issue laws instead of Allah, knowing what they really are but they obey them because they accept them and approve of what they are doing, then the same ruling (i.e., major *kufir*) applies to them, otherwise they are *faasiq*.

In order to make the matter clearer — lest there be any error or confusion — we will quote the *fatwa* of Shaykh Muḥammad ibn Ṣaalih al-‘Uthaymeen concerning this topic:

He was asked, what is the ruling on the followers of scholars or governors who permit that which Allah has forbidden or vice versa? He replied: “The followers of scholars or governors who permit that which Allah has forbidden, or vice versa, may be divided into three categories:

a) Those who follow them in that because they approve of what they say and give it precedence over the ruling of Allah and they dislike the ruling of Allah. Such a person is *kaafir*, because he dislikes that which Allah has revealed, and disliking what Allah has revealed is *kufir*, because Allah (ﷻ) says:

\[
ذَلِكَ يَا بَنِي مَشَيَّدُ كُرِّهُوا مَا أَنْزَلَ اللَّهُ فَأَحَظُّ أَعْمَالَهُمْ
\]
(That is because they hate that which Allah has sent down [this Qur’an and Islamic laws]; so He has made their deeds fruitless.)

(Qur’an 47: 9)

Deeds are only made fruitless by kufr, so everyone who hates that which Allah has sent down is a kaafir.

b) Those who follow them in that although they approve of the ruling of Allah and know that it is better and more suited for people and for the country, but because of some personal whims and desires they follow them. Such a person is not a kaafir but he is a faasiq (rebellious, disobedient).

If it were asked, why is he not a kaafir? My answer is, because he does not reject the ruling of Allah, but he approves of that which goes against it because of some personal whim or desire, so he is like any other sinner.

c) Those who follow them out of ignorance, thinking that this is the ruling of Allah. These may be further divided into two categories:

i) Those who are able to find out the truth for themselves, but they are negligent and fall short. Such a person is a sinner, because Allah has commanded us to ask the people of knowledge when we do not know something.

ii) Those who are ignorant and are not able to find out the truth for themselves, so they follow them by way of imitation, thinking that this is the truth. Such a person is not to be blamed, because he did that which he was commanded to do, and he is excused for that...”

Based on the above, only the first category comes under the heading of major kufr, which is the first category mentioned by Ibn Taymiyah

104 Al-Majmoo‘ ath-Thameen, 2/129-130.
above, subject to the conditions and guidelines which we have referred to. And Allah knows best.

This is a summary of the three categories of major kufr which apply to those who rule by something other than that which Allah has revealed:

a) Ideological or connected to belief - i.e., rejecting, believing that ruling by something other than that which Allah has revealed is permissible, and so on. (This includes several categories).

b) Issuing legislation which goes against the laws of Allah (promulgating man-made laws as the law of the country). (This includes several categories).

c) Obeying those who change the laws of Allah, knowing that they are going against the shari‘ah of Allah. (This includes one category only).

We have discussed each of them in detail above. Now we will move on to the next topic.

**When does it Constitute Minor Kufr (A Lesser Form of Kufr)?**

It is narrated that Ibn ‘Abbaas (النبي) said concerning the verse from *Soorah al-Maa’idah*, "A lesser form of kufr; it is not like one who disbelieves in Allah and the Last Day." And he said: “It is not the kufr which they think it is.” We have quoted above the reports concerning this. Here we will discuss the views of those who use this as proof that the comment of Ibn ‘Abbaas is general in meaning and applies to all of those who rule by something other than that which Allah (الله) (the Exalted) has revealed, so long as he does not regard that as being permissible.
It is clear from the above that the correct view is that the matter requires further discussion. In some cases, ruling by something other than that which Allah has revealed constitutes major *kufr*, and in other cases it constitutes lesser *kufr*. In the previous section, we discussed the cases in which it constitutes major *kufr*. Now we will look at those cases in which the one who judges or rules by something other than that which Allah has revealed is guilty of lesser *kufr*.

From the comments of *Shaykh al-Islam* Ibn Taymiyah, Ash-Shanqeti, Ibn ‘Uthaymeen and others that we have quoted above, it will be clear that there are cases in which ruling by something other than that which Allah, the Exalted has revealed may constitute lesser *kufr*. In order to make the matter clearer, in addition to what has been quoted above, it will suffice to quote what one of the scholars has said, then we will follow that with a description of the guidelines and limits governing this issue.

*Shaykh* Muhammed ibn Ibraheem said: “The second type of *kufr* of one who rules by something other than that which Allah has revealed, is that which does not put a person beyond the pale of Islam. We have stated above that the commentary of Ibn ‘Abbaas on the aayah (And whosoever does not judge by what Allah has revealed, such are the *Kaafiroon* [i.e. disbelievers]) (Qur’an 5: 44), includes this category of *kufr*. That was when he said concerning the aayah, (A lesser form of *kufr*), and, (It is not the *kufr* which they think it is). That is because (the judge’s) whims and desires may make him judge a case according to something other than that which Allah has revealed, even though he believes that the ruling of Allah and His Messenger is the truth and he acknowledges that he is erring and deviating from true guidance.

105 See Pp. 152 ff.
Even though this *kufr* does not put him beyond the pale of Islam, it is still a grave sin which is more serious than major sins such as adultery, drinking alcohol, stealing, perjury, etc. A sin which Allah describes in His Book as *kufr* is greater than a sin which He does not describe as *kufr*.”

We have quoted above the comments of Shaykh al-Islam Ibn Taymiyyah and Ibn ‘Uthaymeen, stating that this comment about lesser *kufr* refers only to specific cases. This is how the words of Ibn ‘Abbaas should be interpreted, as we shall see below.

From the words of the scholars and an examination of the texts it is clear that in order for judging or ruling by something other than that which Allah has revealed to constitute lesser *kufr*, the following guidelines must be adhered to:

1 - Islamic shari‘ah must be prevalent, and the basis of referring for judgement must be based on Qur’an and Sunnah. The ruler or judge should acknowledge and accept that, and should not deny or reject it. He should not believe that judging by something other than that which Allah has revealed is permissible, whether in this particular case where he is passing a judgement which goes against the ruling of Allah, or in any other case, or even if he does not pass a judgement that goes against the shari‘ah.

2 - It should be with regard to specific cases, not general matters which are imposed on the people so that they become universally-applied laws.\(^{107}\)

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\(^{107}\) The commentator on *At-Tahaawiyah*, Ibn Abi’l-‘Izz al-Ḥanafi says: “If he [the judge] believes that ruling by something other than that which Allah has revealed is not obligatory or is optional, or he disregards the matter even though he is certain that it is the ruling of Allah, then this is major *kufr*. If he believes that it is obligatory to rule by that which Allah has revealed, and he knows (the ruling)=
3 - He should agree that the ruling of Allah is the true ruling, and that it is not permissible to refer for judgement to anything else, and he should agree that if he ignores that ruling in this specific case, he is a sinner who is committing an act of disobedience. But if he believes that his ruling (which goes against shari‘ah) is permissible and that he is not sinning by passing this judgement, then his kufr is not lesser kufr.

Ibn ‘Abbaas (ﷺ) and his Comment, “Kufr doona Kufr (A Lesser Form of Kufr)”

Those who say that the one who rules by something other than that which Allah has revealed does not become a kaafir in the absolute sense, unless he believes that it is permissible to do so, quote as evidence for their view the comment narrated from Ibn ‘Abbaas concerning the aayah in Soorah al-Maa‘idah: (A lesser form of kufr, but it is not like the one who disbelieves in Allah, His angels and the Last Day).

They said, “It indicates that regarding as a kaafir in the absolute sense the one who does not believe it is permissible, is the view of the Khawaarij as per the report narrated from Abu Majlaz, Laahiq ibn Humayd, of the discussion that he had with the Ibadaa’iyah concerning the rulers of their time, the application of the aayah (And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]) (Qur’an 5: 44) to them, and how Abu Majlaz did not agree with them and explained that the ones who do this were only sinners, not kuffaar.”

= in this case, but he turns away from it whilst admitting that he is deserving of punishment, then he is a sinner and is described as a kaafir in a metaphorical sense, or a kaafir in the sense of lesser kufr...” Sharh at-Tahaawiyah, Pp. 363-364, 4th edition, Al-Maktab al-Islami.
We have referred above to Shaykh Maḥmood Shaakir’s discussion of this argument in his commentary on Tafseer at-Tabari. 108

We will quote the reports narrated by At-Tabari concerning the story of Abu Majlaz and the Ibaadiyah, then we will discuss the matter in some detail.

The story of Abu Majlaz and the Ibaadiyah and analysis of what happened

At-Tabari narrated that ‘Imraan ibn Ḥudayr said: some people from (the tribe of) Bani ‘Amr ibn Sadoos came to Abu Majlaz and said: “O’ Abu Majlaz, do you think that the aayah (And whosoever does not judge by what Allāh has revealed, such are the kaafiroon [i.e. disbelievers]) (Qur’an 5: 44) is true?” He said, “Yes.” They said, “And is the aayah, (And whosoever does not judge by what Allāh has revealed, such are the zaalimoon [polytheists and wrongdoers]) (Qur’an 5: 45) true?” He said, “Yes.” They said, “And is the aayah, (And whosoever does not judge by what Allāh has revealed, ... such [people] are the faasiqoon [the rebellious i.e. disobedient]) (Qur’an 5: 47) true?” He said, “Yes.” They said, “O’ Abu Majlaz, are these people (the rulers of that time) ruling by that which Allāh has revealed?” He said, “That is their religion which they follow, in which they believe and to which they call others. If they neglect any part of it, they know that they have committed a sin.” They said, “No, by Allāh, you are scared (of the rulers).” He said, “That is more true in your case than mine. I do not accept this view, but you do and you do not find anything wrong with that. But these aayaat were revealed concerning the Jews, Christians and polytheists” — or words to that effect.

108 Tafseer at-Tabari, 10/348. His brother Shaykh Aḥmad Shaakir quoted it in ‘Umdat at-Tafseer, 4/155-158.
According to a report from ‘Imraan ibn Hudayr, he said: A group of the Ibaadiyah sat with Abu Majlaz and said to him: “Allah says, ¶And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers] (Qur’an 5: 44), ¶... such are the zaalimoon [polytheists and wrongdoers] (Qur’an 5: 45), ¶... such [people] are the faasiqoon [the rebellious i.e. disobedient] (Qur’an 5: 47).”

Abu Majlaz said: “They do what they do” — referring to the governors — “and they know that it is a sin. These aayaat were revealed concerning the Jews and Christians.” They said, “By Allah, you know what we know, but you fear them.” He said, “You are more deserving than I of this description. I do not accept what you know.” They said: “But you do know it, but what is preventing you from following what you know is your fear of them.”

Shaykh Ma’hmood Shaakir’s refutation of those who use these two reports to support their view may be summed up as follows:

1 - Laahiq ibn Ḥumayd (Abu Majlaz) was a trustworthy Taabi’i who loved ‘Ali. He was Shaybaani Sadoosi and his people — Bani Shaybaan — were among the supporters of ‘Ali at the Battle of the Camel and the Battle of Šiffeen. When the Khawaarij emerged, there was among them a group from Bani Shaybaan and from Bani Sadoos ibn Shaybaan. Amongst these were some who were followers of ‘Abdullah ibn Ibaad, the founder of the Ibaadiyah sect of the Khawaarij. Their view was that ‘Ali (ﷺ) became a kaafir when he accepted the appointment of the two arbitrators, and they thought that ‘Ali had not ruled by that which Allah had revealed when he agreed to refer for judgement to these arbitrators.

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109 *Tafseer at-Tabari*, 10/347-348, reports nos. 12025 and 12026.

110 This refers to his tribal affiliation and lineage, as becomes clearer in the remainder of the paragraph (Translator).
These Ibaadiyah also believed that the lands of their opponents were the lands of Tawheed (Muslim lands), apart from the seat of the ruler, which was daar kufir (abode of disbelief, non-Muslim land), and that whoever committed a major sin was a kaafir in the sense of denying the blessing of Allah, but in the Hereafter he would abide in the Fire for eternity.

Summary: the Ibaadiyah wanted to prove to Abu Majlaz that the governors were kaafir, because they were in the camp of the ruler, and because they may have committed sins or some things that Allah had forbidden. Hence, according to the first report (no. 12025) he said to them, “If they neglect any part of it, they know that they have committed a sin” and according to the second report, he said to them, “They do what they do and they know that it is a sin.”

So their question did not have anything to do with that which the innovators of our own time use as evidence about passing judgment on matters of wealth, honour and blood according to laws which go against the shari‘ah of the Muslims, or promulgating laws which force the Muslims to refer to for judgement to something other than the rulings of Allah revealed in His Book or on the lips of His Prophet (ﷺ). This action is a turning away from the ruling and religion of Allah, preferring the rulings of the kuffaar to the rulings of Allah. This is kufir, and none of the Muslims, despite their differences, doubts that the one who believes in and advocates this is a kaafir.\footnote{Tafseer at-Tabari, 10/348, editor’s footnote.}

2 - It never happened in the history of Islam — until recent times — including the time of Abu Majlaz, during the Umawi (Umayyad) era, that a ruler promulgated a ruling and made it a law which the people were obliged to refer to for judgement. All that happened were some sins, wrongdoing and oppression on the part of some of the governors. If it so happened that judgement was passed according to
something other than that which Allah had revealed, these were incidents that were restricted to specific cases. If this was done on the part of one who was ignorant, then this is the case of one who is ignorant of the shari‘ah, and if it was done on the basis of whims and disobedience, then this is a sin which is subject to repentance — that is, if the judge accepts the ruling of Allah and believes that it is the truth. But if his ruling was based on his interpretation which differed from that of the scholars, then this comes under the rulings on one who has a different interpretation. This is what the discussion between Abu Majlaz and the Ibaadiyah focused on: incidents of wrongdoing and oppression in individual cases. “But to suggest that at the time of Abu Majlaz, or before or after his time, there was a ruler who issued a judgement on the basis of denying one of the rulings of shari‘ah, or preferring the rulings of the kuffaar over the rulings of Islam — this is something which never happened, and the discussion of Abu Majlaz with the Ibaadiyah cannot be understood as referring to that.”\(^{112}\)

I would like to add to what Shaykh Mahmood Shaakir said the following points concerning Abu Majlaz and the Ibaadiyah:

3 - Whoever studies the biography of Abu Majlaz will note the following:\(^{113}\)

a) He was concerned with the Khawaarij and he was one of those who narrated the story of what happened between them

\(^{112}\) Tafseer at-Tabari, 10/349, editor’s footnote.

\(^{113}\) I studied his biography in order to acquire detailed information about him, but I found that his biography is brief and is centred on what was said about him being thiqah (trustworthy) and so on. The most detailed biography that I could find was in the MS of Taareekh Dimashq (18/3-10) (MS in Maktabat ad-Daar). See his biography in At-Taareekh al-Kabeer by Bukhari, 8/58; Tabaqaat Ibn Sa’d, 7/216; At-Thiqaat by Ibn Hibbaan, 5/518; Al-Jarh wat-Ta’deel, 9/124; Tadhheeb al-Mazzi MS; Tadhheeb at-Tadhheeb by Ibn Hajar, 11/171; Meezaan al-I’tidaal, 4/356, etc.
and 'Ali ibn Abi Ṭaalib (ﷺ). He is the one who narrated that he ('Ali) forbade his companions to attack the Khawaarij until provocation came from them, that is, when they killed 'Abdullah ibn Khabbaab and his pregnant slave woman, as told in the well-known story.\footnote{Al-Muṣannaf by Ibn Abi Shaybah, 15/308, 323, no. 19739 and 19769.}

It is very likely that he played a role with the Khawaarij of his time, the Ḳbaadīyāh and others.

b) He was one of those who were appointed as governors at some time. His biographers mentioned that he came to Khurasaan with Qutaybah ibn Muslim al-Baahili. Indeed Ibn 'Asaakir mentioned that the people of Merv came to Abu Majlaaz and appointed him as their governor until Wakee' ibn Abi Aswad came.\footnote{This is what it says in the MS. See Taareekh Dimashq, 18/6-7 (MS of Maktabat ad-Daar in Madeenah).} It is also reported that he used to ride with Qutaybah ibn Muslim in his cavalcade, glorifying Allah twelve times.\footnote{Ibid, 18/8.}

Because he was thiqah (trustworthy) in narrating hadith, and used to discuss issues of fiqh and Sunnah with his companions and was in contact with some of the governors,\footnote{Ibid. It should be noted that his connection with the governors was based on self-respect. It is narrated that he said: "I never stood at the door of any governor or went to him until he had sent his messenger to me; if he sent for me, I would go in with his messenger." Taareekh Dimashq, 18/9.} then it is entirely natural that the Ḳbaadīyāh would come to him for discussions, especially since they thought that the camp of the ruler — which included the governors — was the camp of shirk. He answered them in the manner which he thought was true and in accordance with the maḍḥhab of Ahl as-Sunnah wal-Jamaa'ah. This is what he said, according to the reports which At-Ṭabarī narrated from him in his Tafseer.
c) Abu Majlaz was in contact with ‘Umar ibn ‘Abdul-‘Azeez (may Allah have mercy on him). It is narrated that ‘Umar said: “I want to know about Khurasaan; find me a truthful man,” and he was told to ask Abu Majlaz, so he called for him and asked him.\(^{118}\)

‘Umar ibn ‘Abdul-‘Azeez also engaged in discussions with the Khawaarij of his time. He debated with them and established proof against them, and they were pleased with him in general. Since he regarded Abu Majlaz as trustworthy, it is possible that some of the discussions of the Khawaarij were held with him too.

4 - With regard to the Ibaadiyah, we have referred to above to the comments of Shaykh Mahmood Shaakir which describe them. I would like to add the following:

The Ibaadiyah condemned ‘Uthmaan and ‘Ali (may Allah be pleased with them both), the two rightly-guided Caliphs, and accused them of ruling by something other than that which Allah revealed, therefore they denounced them as kaafir. I will quote some passages from a letter which ‘Abdullah ibn Ibaad sent to the Umawi (Umayyad) khaleefah ‘Abdul-Maalik ibn Marwaan — which is quoted in some of the Ibaadiyah’s books, boasting of it, its style and the courageous attitude of Ibn Ibaa’d.

Ibn ‘Ibaa’d said, after mentioning the so-called faults of ‘Uthmaan (many of which were mentioned by those who held grudges against him and rebelled against him): “One of the things that we hold against him is that he did not let the people of Bahrain and Oman sell any of their food until the food of the state had been sold. This was forbidding something that Allah had permitted, and:

\(^{118}\) Taareekh at-Tabari, 6/559-561; Al-Kaamil by Ibn al-Atheer, 5/51-52, Daar Saadir edition.
"Among the things that ‘Uthmaan did was to rule according to something other than that which Allah had revealed, and to go against the way of the Messenger of Allah (ﷺ) and his two Companions.

Allah (ﷻ) says:

وَمَنْ يُشَافِقِي الَّذِينَ آمَنُوا مِنْ بَعْدِ مَا نَبَيَّنَ لَهُم بِاللَّهِ وَيَتَبَيَّنَ عَنْهُ شَيْءٌ

And whoever contradicts and opposes the Messenger [Muhammad] after the right path has been shown clearly to him, and follows other than the believers’ way, We shall keep him in the path he has chosen, and burn him in Hell - what an evil destination!" (Qur’an 4: 115)

And: «And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]» (Qur’an 5: 44), «... such are the zaalimoon [polytheists and wrongdoers]» (Qur’an 5: 45), «... such [people] are the faasiqoon [the rebellious i.e. disobedient]» (Qur’an 5: 47).”

Then he said: “This and similar stories is the reason why the Muslims and the believers denounced ‘Uthmaan, and for that reason we also denounce him. They condemned him for that reason and we also condemn him... (Then he criticized ‘Ali, then he said:)... Know that the sign that this ummah has returned to kufr is when they forsake

ruling according to that which Allah, the Almighty, All-Powerful, has revealed and rule according to something other than that which He has revealed...”

Then Ibn Ibaaḍ said of his Khaarijī (Kharijite) predecessors: “They were the opponents of ʿUthmaan who denounced him for the innovations that he introduced and forsook him when he abandoned the ruling of Allah. They were the opponents of Talḥah and Zubayr when they deviated, and the opponents of Muʿaawiyah when he transgressed, and the opponents of ʿAli when he changed the ruling of Allah, and appointed ʿAbdullah ibn Qays and ʿAmr ibn al-ʿAas (as arbitrators). So they forsook all of them. This is the story of the Khawaarij (Kharijites), and Allah and His angels bear witness that we are the enemies of those who take them as enemies, and we are the friends of those who take them as friends, (and we will support them) with our words, our actions and in our hearts...”

Then he said: “As for the leaders of misguidance, they are the ones who rule according to something other than that which Allah has revealed, they divide things in a manner other than that which is prescribed by Allah, and they follow their own desires instead of the way of Allah.”

This Ibn Ibaaḍ accused the great and prominent sahaabah — above all the rightly-guided khaleefah ʿUthmaan ibn ʿAffaan and the rightly-guided khaleefah ʿAli ibn Abi ʿTaalib — of ruling according to something other than that which Allah had revealed, hence according to him they were kaafir, because of the aayah revealed concerning that. So what would their attitude be towards those who came after them, such as Muʿaawiyah (ṣ) and the rest of the Caliphs from Bani

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120 Ibid, Pp. 94.
121 Ibid, Pp. 97.
Umayyah? No doubt according to these Ibaadis their kufr would be worse than that (of ‘Uthmaan and ‘Ali) because they — apart from Mu‘aawiyah and ‘Umar ibn ‘Abdul-‘Azeez — committed acts of oppression and injustice, as is well known. The methodology of the Ibaadiyah is quite obvious. They consider oppression and injustice — even things which according to scholarly consensus are not oppression or injustice, such as the actions of ‘Uthmaan and ‘Ali’s appointing the two arbitrators — to be ruling by something other than that which Allah has revealed, and whoever rules by something other than that which Allah has revealed is a kaafir.

The story of Abu Majlaz and his debate with the Ibaadiyah no doubt involved topics of this nature, and what Abu Majlaz said is true and what the Ibaadati wanted to prove was false — as stated above. So how can something like this be used as evidence to support what is happening in many Muslim countries, where the ruling of Allah is being rejected and the rule of man-made law is being imposed and the people are being forced to refer to it for judgement?

Ibn ‘Abbaas and the Khawaarij

From the above it is clear that it is invalid to quote as evidence the story of Ibn Majlaz and the Ibaadiyah who regarded those who committed injustice as kaafir — especially those who were in the ruling camp such as governors and others. It remains for us now to discuss the saheeh reports from Ibn ‘Abbaas which state that he commented on the aayah and said “A lesser form of kufr.” Does this constitute evidence for those who claim that those who replace the shari‘ah of Allah with man-made laws and impose them on the people, and give them precedence over the shari‘ah of Allah, do not become kaafir by doing so?

The truth is that this does not constitute such evidence. This may be explained as follows:
1 - The *Khawaarij* made this *aayah* - *(And whosoever does not judge by what Allah has revealed, such are the *kaafiroon* [i.e. disbelievers])*(Qur'an 5: 44) — one of their basic grounds for denouncing those who commit major sins as *kaafir* who would abide forever in Hell. Therefore you find that when the scholars discuss this issue, and the views and evidence of the *Khawaarij*, they quote this *aayah* and say that this is the evidence of the *Khawaarij*.

For example, Al-Qaadi Abu Ya'laa mentioned the evidence used by the *Khawaarij* and *Mu'tazilah* for their views concerning those who commit major sins. He said: “They quote a number of things as evidence, including the *aayah* (verse), *(And whosoever does not judge by what Allah has revealed, such are the *kaafiroon* [i.e. disbelievers])*(Qur'an 5: 44), saying that the apparent meaning of this is that unjust rulers should be denounced as *kaafir*, and this is our view.”¹²³ Then Al-Qaadi Abu Ya'laa refuted their view by noting that this *aayah* refers specifically to the Jews. The point here is not to discuss the response of Abu Ya'laa to their views, but to prove that this *aayah* is one of the things that they quote as evidence for denouncing as *kaafir* those who commit major sins, including unjust leaders.

Their arguments were well known to the *khulafa* (Caliphs) and governors of the Umawis (Umayyads) and 'Abbaasis (Abbasids), and there are many stories about that.¹²⁴

2 - The methodology of the *Khawaarij* in quoting these *aayaat* — which is a deviant methodology — was well known to the *sahaabah*. We will quote some evidence concerning Ibn 'Abbaas below. With regard to other *sahaabah*, it is narrated by Ibn Wahb from Bukayr

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¹²⁴ *Taareekh Baghdaad*, 10/186; *Siyar A'laam al-Nubalaah*, 10/280.
that he asked Naafi', "What was Ibn 'Umar's view of the Harooriyah (Khawaarrij)?" He said, "he believed that they were the worst of Allah's creation, for they referred to aayaat that had been revealed concerning the kuffaar and applied them to the believers." Sa'eed ibn Jubayr was happy about that, and said: "One of the ambiguous aayaat to which the Harooriyah refer to is the aayah, (And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]) (Qur'an 5: 44). They add to it the verse,

\[...\text{...Yet those who disbelieve hold others as equal with their Lord.}\] \text{(Qur'an 6: 1)}

Then when they see the leader ruling by something other than the truth, they say that he has become a kaafir, and the one who becomes a kaafir holds others as equal with his Lord, so he is a mushrik. So this ummah is mushrikeen. They then rebel and kill as you know, because they misinterpret this aayah."\(^{125}\)

The deviant way in which the Khawaarrij interpreted and used these verses was a major concern of many of the sahaabah, who explained what was wrong with their interpretation, especially when saheeh ahaadeeth which condemn them are so many and reach the level of being mutawaatir.

3 - The sahaabah were well acquainted with the reports of the Khawaarrij, because they used to mix with them. Many of them did not regard the Khawaarrij as kaafir even though they did what they did. Shaykh al-Islam Ibn Taymiyah said: "Among the things which indicate that the sahaabah did not regard the Khawaarrij as kaafir is

\(^{125}\) Al-I'tisaam by Ash-Shaatibi, 2/183-184. What Sa'eed ibn Jubayr said is narrated by Al-Aajurri in Ash-Shaaree'ah, 1/342, hadith no. 44, edited by Dr. 'Abdullah ad-Dumayji, published by Daar al-Watan.
that fact that they prayed behind them. ‘Abdullah ibn ‘Umar ( الإسلامي) and other $ةاااباب$ used to pray behind Najdah al-Haroori. They also used to speak with them, issue $فاااس$ to them and address them as one Muslim addresses another. ‘Abdullah ibn ‘Abbaas used to respond to Najdah al-Haroori when he sent word to him asking about various matters, and his hadith is narrated in Bukhari.\textsuperscript{126} Naafi‘ ibn al-Azraq also answered questions on well-known issues, and Al-Naafi‘ used to debate with him on matters mentioned in the Qur’an, as he used to debate with other Muslims...’\textsuperscript{127} even though the $خواارااج$ denounced the Muslims as $كاااير$ and fought them, and the Messenger ( الإسلامي) had said of them that they were the worst of the slain under the sky, and they regarded people’s blood and wealth as permissible, and they even regarded killing women and children as permissible, regarding all of them as $كاااير$.

The point we are trying to make is that when the $ةاااباب$ were discussing and interpreting the Qur’an, the issue of the $خواارااج$ and their arguments, was a very real issue with which the $ةاااباب$

\textsuperscript{126} The question of Najdah to Ibn ‘Abbaas is narrated clearly in Muslim (Al-Jihaad, hadith no. 1812) with a number of isnads. In Bukhari it is mentioned in At-Tafseer, Soorah Haa-Meem as-Sajdaah: “Al-Minhaal reported that Sa‘eed stated: A man said to Ibn ‘Abbaas: ‘I find things in the Qur’an about which I am confused...’” In (the Tafseer of) Soorah al-Mursalaaat: “Ibn ‘Abbaas was asked...” The commentators on Bukhari think it most likely that this was Naafi‘ ibn al-Azraq (the subsequent leader of the Azaariqah). Ibn Hajar narrated in Fath al-Baari the report of At-Tabaraani that Naafi‘ ibn al-Azraq and Najdah ibn ‘Uwaymir came to Makkah with a group of Khaariji leaders, and they met Ibn ‘Abbaas... (Fath al-Baari, 8/557). Concerning the above, see Fath al-Baari, 8/686, first Salafi edition; ‘Umdat al-Qaari’, 19/150, Muneeriyyah edition; Irshaad as-Saari, 7/260, 2nd Boolaaq edition; Tuhfat al-Baari by Zakariya al-Ansaaari, 9/107, Al-Maymaniyyah edition published in one volume with Irshaad as-Saari. The report of Al-Minhaal from Sa‘eed and the question of Naafi‘ and Najdah are both narrated in At-Tabaraani, 10/300, 304, hadith nos. 10594 and 10597.

\textsuperscript{127} Minhaj as-Sunnah, 5/247.
were dealing directly. One of their most famous arguments was based on the verse from Soorah al-Maa'idah which they used to prove that those who differed with them were kaafir. The response of Ibn ‘Abbaas and his comments on the interpretation of this aayah should not be understood outside of this context.

4 - One fact which will explain the matter further is that Ibn ‘Abbaas, according to some of the reports narrated from him, said, “It is not the kufir which they think it is.” Undoubtedly this is a reference to the Khawaarij. The evidence for that is the fact that he engaged in debates with them, as was narrated by the scholars of hadith with saheeh isnads. This is after the two arbitrators were appointed and the Khawaarij had split from the army of ‘Ali (ع), denouncing him as a kaafir because he had appointed men as judges, and judging or ruling by anything other than that which Allah has revealed is kufir. It is narrated that ‘Ali ibn Abi Ṭaalib mounted the minbar (pulpit) on a Friday and praised Allah, then he gave a sermon in which he mentioned the Khawaarij and criticized them, and he mentioned the issue of creating division among the people, and the issue concerning which this division had arisen. (Abu Razeen) said: “When he came down from the minbar, they called out from all across the mosque, ‘The judgement is only for Allah.’ ‘Ali said, ‘I am waiting for the judgement of Allah concerning you.’ Then he gestured with his hand that they should be silent, and remained on the minbar until a man came forward putting his fingers in his ears, saying,

(...If you join others in worship with Allah, [then] surely, [all] your deeds will be in vain, and you will certainly be among the losers.)

(Qur’an 39: 65).”

128 Muṣannaf Ibn Abi Shaybah, 15/312-313, no. 19746.
It is narrated that he engaged directly in debates with them. ‘Ali sent Ibn ‘Abbaas to them to debate with them, then Ibn ‘Abbaas came to them and discussed their specious arguments one by one until most of them recanted, then a few of them were left, whom ‘Ali (ﷺ) fought against.

We will quote relevant parts of the debates which Ibn ‘Abbaas had with them, which was their most famous argument, and the response given by Ibn ‘Abbaas to it.

Ibn ‘Abbaas said (after he came to them, which is narrated in a lengthy story): “I said, ‘Tell me, why are you so upset with the cousin and son-in-law of the Messenger of Allah (ﷺ), and the muhaajireen and the Anṣaār?’ They said, ‘For three reasons.’ I said, ‘What are they?’ They said: ‘The first is that he appointed men to judge concerning the command of Allah, and Allah (ﷻ) says,

\[
\text{إِنِ الْحُكْمَ إِلَّا يَتَّبِعُونَ...}
\]

\[
\text{(...The decision is only for Allah...)}
\]

\[\text{(Qur’an 6: 57; 12: 40, 67).}\]

What do men have to do with the decision or ruling?’ I said, ‘That is fine — what else?...’ I said to them, ‘Do you think that if I recite to you from the Book of Allah and the Sunnah of His Prophet (ﷺ) that which refutes what you say, that you will accept it?’ They said, ‘Yes.’ I said, ‘With regard to your view that he appointed men to judge concerning the ruling of Allah, I will recite to you an aayah which says that we should refer the judgement to men concerning a rabbit, which is worth no more than a quarter of a dirham, or other game. Allah (ﷻ) says:

\[
\text{كَبَّارُ الْاَيَّةِ مَأْمَأَوَّ لَا تَقْتُلُوا الْصَّدَدَ وَأَصْمَامَ حَرْمِ وَمِنْ قَتْلَمْ يَعْقِبُ مَعْدِلًا}
\]

\[
\text{فَخَرَّرَهُمْ مَا قَتَلَ مِنْ نَفْسٍ يَعْقِبُهُ مَهَّدًا عَدَلًا وَيَقُولُهُمْ...}
\]

\[
\text{O’ you who believe! Kill not the game while you are in...}
\]
a state of *Ihраam* [for Ḥаjj or ‘Umrah (pilgrimage)], and whosoever of you kills it intentionally, the penalty is an offering, brought to the Ka‘bah, of an eatable animal [i.e. sheep, goat, cow] equivalent to the one he killed, as adjudged by two just men among you... *(Qur’an 5: 95)*

Tell me for the sake of Allah, is the appointment of two men to judge concerning a rabbit or similar game more important than appointing men to judge concerning the issue of preventing bloodshed and reconciling between people? You know that if Allah had willed, He could have ruled Himself, and He would not have delegated that to men. Concerning a woman and her husband, Allah (ﷻ) says:

>٥٣٤١فَإِنْ حَفَّظَكُمُ الْأَهْلُ مِنْ شَفَاقِ بَيْنِهَا فَأَبْعَثْنَا حُكْمًا مَّنْ أَهْلَهَا وَحُكْمًا مَّنْ أَهْلَهَا إِنْ تُرِيدُ مَا يَوْفِقُ اللَّهُ بِبَيْنَهُمَا...<br>

*(If you fear a breach between them twain [the man and his wife], appoint [two] arbitrators, one from his family and the other from hers; if they both wish for peace, Allah will cause their reconciliation...)* *(Qur’an 4: 35)*

So Allah has made the appointment of men as arbitrators the method to be used all the time. ‘Have we finished with this issue?’ They said, ‘Yes.’...”

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129 This is narrated by Al-Ḥaakim in *Al-Mustadrak*, 2/150-152; he said, it is *saheeh* according to the conditions of Muslim although they (Bukhari and Muslim) did not narrate it, and Adh-Dhahabi agreed with him. It is also narrated by Ahmad in *Al-Musnad*, 1/342, in brief. Its number according to Ahmad Shaa'ir is 3187, and he said, its isnad is *saheeh*. It is narrated by Al-Bayhaqi in *As-Sunan al-Kubra*, 8/179; At-Tabaraani in *Al-Mu’jam al-Kabeer*, 10/312, no. 10598; ‘Abdur-Razzaaq in *Al-Musannaf*, 10/157, no. 18678. Also narrated by Al-Fasawi in *Al-Ma’rifah wat-Taareekh*, 1/522, Maktabat ad-Daar edition; Ibn ‘Abdul-Barr in *Jaami’ al-Bayaan al-Tirmi*, Pp. 375-377, edited by ‘Abdul-Kareem al-Khaṭeeb, or 2/103 *Al-Muneeriyah* edition. Narrated by Al-Balaadhuri in *Ansaab al-Ashraaf*, part 3, Pp. 43-44, edited by ‘Abdul-'Azeez ad-Doori.
This indicates that Ibn ‘Abbaas (ﷺ) used to engage in debates with these Khawaarrij and respond to their specious arguments, including the matter of referring to men for judgement, and their denouncing ‘Ali (🪜) and those who were with him as kaafir. He wanted to protect the Muslims from the danger they represented and from their specious arguments, therefore he explained to them where they had gone wrong in their using the aayah (‘And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]’ (Qur’an 5: 44) to prove that ‘Ali and his companions were kaafir, and why their argument was false. What Ibn ‘Abbaas said, commenting on this aayah — (A lesser form of kufr); it is not the kufr which they think it is — should be understood as meaning that he was referring to these people who accused unjust rulers, and even the noblest of the sahaabah (may Allah be pleased with them), of being kaafir.

Although Ibn ‘Abbaas had some contact with them, as stated above, in the sense that he responded to their questions and debated with them, he still, like the rest of the sahaabah, understood the danger that they posed to the Muslim ummah. Hence Ibn Abi Shaybah narrated from ‘Abdullah ibn Abi Yazeed from Ibn ‘Abbaas that when he talked to him about the Khawaarrij and told him how hard they strove in worship, he (Ibn ‘Abbaas) said: “They do not strive harder than the Jews and the Christians in their worship, but still they are misguided.” Ibn Taawoos narrated from his father that Ibn ‘Abbaas mentioned how the Khawaarrij reacted when they heard the Qur’an (i.e., with humility), then he said: “They are believers when they hear the unambiguous verses but they are doomed when they hear the ambiguous verses.”

130 Ibn Abi Shaybah, 15/313, no. 19737; Al-Laalkaa’i in Sharh as-Sunnah, 8/1322, hadith no. 2315.

131 Ibn Abi Shaybah, 15/313, no. 19748.
(Companions of the last Prophet) also spoke a great deal about the Khawaarij.

5 - What Ibn ‘Abbaas said may also be understood as referring to the Khawaarij who denounced people as *kaafir* for every sin. So his comment "a lesser form of *kufir*" could refer to one who judged unjustly, according to something other than that which Allah revealed, in an individual case. This is how it was understood by the scholars, including Shaykh Muhammad ibn Ibraaheem and others, as we have quoted from them above.

6 - What has been said concerning the story of Abu Majlaz and the *Ibaadiyah*¹³² may also be said concerning the words of Ibn ‘Abbaas. Indeed, it is more appropriate in this case, because the Khawaarij at his time denounced the great and reputed *sahaabah*, including some of the Rightly-Guided Caliphs (*Al-Khulafa’ ar-Raashidoon*), as *kaafir*. Hence Shaykh Ahmad Shaakir co-related the two matters and said, commenting on the report from Ibn ‘Abbaas, "These reports — from Ibn ‘Abbaas and others — are things with which the misleading elements of our own times are toying, those who claim to have knowledge and those who have the audacity to say things which undermine the principles of Islam. They make these things an excuse to permit the introduction of idolatrous man-made laws which they impose on the Muslim lands.

There is a report from Abu Majlaz concerning the debate which the Khaariji Ibaadiyah had with him, concerning the unjust actions of some of the governors. In some cases they ruled in a manner that went against the shari‘ah, either deliberately because of some whim or desire, or because they were ignorant of the ruling. According to the *madhhab* of the Khawaarij, whoever committed a major sin was a *kaafir*, so in their debates with Abu Majlaz, they wanted to make him

¹³² See the debate mentioned above, Pp. 210-219.
agree with them in condemning those governors as *kaafir*, because that was their excuse for mounting an armed rebellion against them. ”\(^{133}\) Then the *Shaykh* quoted two reports from *Tafseer at-Tabari*, and the comments of his brother Maḥmood on them. We have referred to this above.

At the time of Ibn ‘Abbaas — whether during the time of ‘Ali (‡) or after — there was no one who thought that the Muslims could be ruled by anything other than the shari‘ah of Allah, or that anyone could promulgate laws which went against the Qur’an and Sunnah, then force the people to refer to them for judgement. Since this was the case — and the *Khawaarij* were following a wrong method of deriving evidence from the texts, and their understanding was incorrect\(^ {134}\) — Ibn ‘Abbaas explained that this *aayah* was not referring to them and that what it referred to was lesser *kufr*.
CHAPTER FOUR

EXAMPLES OF THE SCHOLARS’ VIEWS ON THOSE WHO ALTER THE LAWS OF ALLAH

In this chapter we will refer to in brief to some of the views of the scholars and how they stood against those who altered and changed the laws of Allah. Even though the Muslim world had not, at that time, gone through the things that it is going through now, where people have turned away from the laws of Allah and are openly replacing them with laws and systems that go against the laws and religion of Allah, the Muslim world has experienced this kind of problem to varying degrees. So what was the ummah’s attitude towards these attempts to change the laws of Allah? This is what we shall examine below.

The Riddah (Apostasy) Movement

This happened after the death of the Prophet (ﷺ). Bukhari said in his Ṣaḥīḥ: “Baab Qatl man abaa Qubool al-Faraa‘iḍ wa ma nusiboo ila ar-Riddah (Chapter on Killing those who refuse to accept the obligatory duties and how they were labelled as apostates). Then he narrated, with his isnad, that Abu Hurayrah said: ‘When the Prophet (ﷺ) died, and Abu Bakr was appointed as Khaleefah, and those Arabs who apostatized did so, ‘Umar said: ‘O’ Abu Bakr, how can you fight the people when the Messenger of Allah (ﷺ) said,

‘I have been commanded to fight the people until they say, Laa ilaaha illa-Allah, and whoever says Laa ilaaha illa-Allah, his property and his life are safe from me,
unless he trespasses the law (he does something for which he receives legal punishment justly), and his account will be with Allah’?’

Abu Bakr said: ‘By Allah, I will fight whoever differentiates between Prayer and Zakah, for zakah is the right to be taken from property. By Allah, if they refuse to give me even so much as a kid (young goat) (i‘naaqān) that they used to give to the Messenger of Allah (ﷺ) (in zakah), I will fight them for withholding it.’ ‘Umar said: ‘By Allah, I could see that Allah had opened Abu Bakr’s heart to the idea of fighting, so I realized that he was right.’”

Ibn Ḥajar said: “The fact that he said ‘Chapter on Killing those who refuse to accept the obligatory duties’ means that it is permissible to kill those who refuse to adhere to the obligatory rulings and follow them. Al-Muhallab said: ‘Whoever refuses to accept the obligatory duties, his case should be examined, and if he agrees that zakah is obligatory, for example, it should be taken from him by force, but he should not be killed. But if in addition to refusing to pay he also fights and resists, then he should be fought until he recants. Maalik said in Al-Muwatta’: in our opinion, if people refuse to obey one of the obligatory duties enjoined by Allah, and the Muslims cannot take it from them, then it is their duty to wage jihad against them. Ibn Baṭṭaal said: this applies even if they accept that it is obligatory, and there is no scholarly dispute concerning that.”

Al-Baaji said, commenting on the words of Imam Maalik quoted above: “This is as he said: whoever withholds some of the dues of

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Allah concerning which there is no dispute that they are obligatory, the Muslims must wage jihad against him until they take these dues. This is what Abu Bakr did with the apostates (Ahl ar-Riddah), especially when they withheld the zakah. It may have meant all the dues concerning which the rulings are the same as the rulings on zakah.”

As is well known, the apostates were of various types:

— Those who went back to idol-worship.
— Those who followed the false prophets Al-Aswad, Musaylimah and Sajjaah.
— Those who denied that zakah was obligatory.
— Those who did not deny that it is obligatory but they refused to pay it to Abu Bakr.

The difference of opinion between Abu Bakr and ‘Umar — in the beginning — was concerning the fourth category only. With regard to the first three types, there was no dispute concerning that the fact that they were kuffaar who must be fought. What these people did was considered by Bukhari to be tampering with the religion and altering its rulings. He said: “The aimmah (the most reputed religious scholars, Imams) after the Prophet (ﷺ) used to consult trustworthy scholars concerning permissible matters so that they might adopt the easiest option. But if the Qur’an and Sunnah were clear, they would not look for any other opinion, following the example of the Prophet (ﷺ). Abu Bakr thought that he should fight those who withheld the zakah but ‘Umar said, ‘How can you fight the people when...’ Then ‘Umar followed his opinion. Abu Bakr did not resort to consultation, because he had the ruling of the Messenger of Allah (ﷺ) concerning those who differentiated between prayer and zakah, and who wanted to change the religion and its rulings. The Prophet (ﷺ) said:

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‘Whoever changes his religion, execute him...’

The point here is not to discuss the issue of riddah (apostasy) in detail, but to explain two matters which are relevant to our own discussion:

1 - The consensus of the sahaabah that those who withheld the zakah were to be fought. They did not differ concerning this matter, which indicates that the one who refuses to carry out one of the obligatory duties of Islam is to be fought.

Whether these people are judged to be kaafir or not, this is an indication of how serious the matter is. This is the case when the people agree to reject one of the rulings of Allah, so how about when they cast aside the entire shari‘ah of Allah and replace it with man-made laws?

2 - With regard to whether or not one who refuses to pay zakah although he believes that it is obligatory is a kaafir, this is a well-known controversy. It is narrated that when the delegation of Buzaakhah came to Abu Bakr seeking peace, after he had fought them, he gave them the choice between all-out war or a humiliating peace. They said, ‘We know what all-out war means, but what is this humiliating peace?’ He said, ‘We will take away from you your weapons and horses, we will keep as booty that which we have taken from you, but you will have to return to us that which you have taken from us, you will have to pay us blood money for our slain, but your slain are in Hell...’

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quoted this as evidence, but it is said in *Al-Mughni* that this evidence was open to interpretation; it could be understood as meaning that they were apostates (even if they believed that zakah was obligatory), or it could be understood as meaning that they denied that zakah is obligatory, etc...”

There are two views narrated from Imam Aḥmad concerning this matter. Al-Qaafī Abu Ya‘laa said concerning the two reports and the two views: “There are different reports from Aḥmad (may Allah have mercy on him) concerning those who believe that zakah is obligatory, but refuse to pay and fight for that purpose — are they to be denounced as *kaafir*? Al-Maymooni narrated concerning those who withhold the zakah and fight for that purpose — as they refused to pay it to Abu Bakr and fought him for that purpose — that no one should inherit from them and the funeral prayer should not be offered for them (i.e., they are not Muslim). Whoever withholds it because of stinginess or negligence, but does not fight for not paying it, may be inherited from and the funeral prayer may be offered for him (i.e., he is a Muslim). The apparent meaning of this is that if they fight for the purpose of withholding it, then they become *kaafir* by doing that, because Abu Bakr (ﷺ) stated definitively that those who withheld the zakah were *kaafir*, and said, ‘No, not until they bear witness that their slain are in Hell.’

Al-Athram said, concerning the question whether those who do not fast in Ramadaan are like those who do not pray, ‘Prayer is more important, it is not like other things.’ It was said to him, ‘(What about) the one who does not pay zakah?’ He said, ‘It is narrated from ‘Abdullah’ that the one who does not pray is not a Muslim. Abu Bakr

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7 This means Ibn Mas‘ood. This report is narrated from him by Ibn Abi Shaybah in *Al-Musanaaf*, 3/114. See also *Al-Mughni*, 4/9.
fought them for not paying zakah (obligatory charity, one of the pillars of Islam), but the hadith is about prayer.'

From this it seems that he narrated what 'Abdullah said and what Abu Bakr did, but he did not give a definitive verdict on this matter, because he said, "the hadith is about prayer" — the hadith which was narrated concerning their being kaaafir. The Prophet (ﷺ) said:

'Between a person and kufir there stands his giving up prayer. Whoever gives up prayer becomes a kaaafir.'

Zakah is something which is an obligation upon people's wealth; they do not become kaaafir by withholding it and fighting for that purpose, as is the case with not paying kafaarah (expiation) and things owed to other people.'

These two reports were referred to by Shaykh al-Islam Ibn Taymiyah (may Allah's mercy be upon him) when he discussed this topic; he mentioned that there were also two scholarly views. The two reports were also quoted and discussed in detail by the author of Al-Mughni. It appears that he thought it more likely that this does not make one a kaaafir (disbeliever), as is indicated by the context of his comments, his discussion of the evidence for this view, and his response to the evidence of those who say that it does make one a kaaafir. What Ibn Taymiyah thought more likely to be correct is that if it is a group who is refusing to pay zakah and is fighting for that purpose, then they are to be regarded as kaaafir, because of what Abu Bakr did with the apostates (Ahl ar-Riddah) when the sahaabah did

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8 Muslim: Al-Eemaan, Baab I’tlaaq Ism al-Kufr ‘ala Taarik as-Salaah, hadith no. 82.
10 Majmoo‘ al-Fataawa, 28/518, 35/57.
11 Al-Mughni, 4/8, 9.
not differentiate between those who were withholding their zakah and others.

With regard to the difference of opinion mentioned by the fuqahaa’ (scholars of Islamic jurisprudence), this has to do with individuals who withhold their zakah but do not fight. There is evidence to support that view, that such a person is not a kaafir, for example: “We are going to take it and half of his wealth,” and the hadith, “What is wrong with Ibn Jameel...?” etc.

In order to explain the matter further, I will quote what Shaykh al-Islam Ibn Taymiyyah said, which will explain what is meant. He (may Allah have mercy on him) said: “The sahaabah and the aimmah (the reputed jurists) after them were agreed that those who withhold the zakah should be fought, even if they pray the five daily prayers and fast the month of Ramaḍaan, for such people do not have any justifiable reason, and hence they are apostates; they should be fought for withholding their zakah even if they state that it is obligatory as enjoined by Allah. It is narrated that they said: ‘Allah commanded His Prophet to take the zakah when He said,

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\text{١٠٣} \\
\text{Take Ṣadaqah [alms] from their wealth...}
\]

\text{(Qur’an 9: 103),}

--- but now that he has died this no longer applies.”'\[^{12}\] And he also said: “With regard to fighting the Khawaarij, those who withheld their zakah and the people of At-Taa’if who did not give up dealing in riba, such people are to be fought until they implement all the rulings that were proven from the Prophet (ﷺ). If they form a group and refuse to implement (some aspects of shari‘ah), there is no doubt that

\[^{12}\text{Majmoo‘ al-Fataawa, 28/519.}\]
it is permissible to kill their prisoners, pursue those who flee the battlefield, finish off their wounded, and if they stayed in their own land doing what they were doing, it would be obligatory upon the Muslims to go to where they are and fight them until they submit completely."\(^{13}\)

One of the clearest comments that I have seen from Ibn Taymiyah is that which was quoted from him in Ad-Durar as-Sanniyyah: "The Şaḫaābah did not ask, 'Do you believe that it is obligatory or do you deny that?' Such a thing was not known among the şaḥaābah at all. Rather as-şiddeeq (Abu Bakr) said to 'Umar: 'By Allah, if they refuse to give me even so much as a kid (young goat) that they used to give to the Messenger of Allah (ﷺ), I will fight them for withholding it.'" So his view was that simply refusing to pay — not denying that it is obligatory — was grounds for fighting them. It is narrated that some groups among them used to believe that it was obligatory, but they were too stingy to pay. Nevertheless, the way in which all the khulafaa' dealt with them was the same, that is, to kill their fighting men, take their women and children prisoner, seize their wealth as booty and they testify that their slain were in Hell. They called all of them Ahl ar-Riddah (apostates). One of the greatest virtues of as-şiddeeq (Abu Bakr) was that Allah made him steadfast in fighting them and he did not hesitate as others did, debating with them until they agreed with him. With regard to those who affirmed the prophethood of Musaylimah, there was no dispute that it was obligatory to fight them. This is the evidence of those scholars who said that if they (those who withhold the zakah) fight the khaleefah they become kaafir, otherwise they do not. The labelling of these people as kaafir and their inclusion among the apostates was approved by the şaḥaābah on the basis of the texts of the Qur'an and

\(^{13}\) Majmoo’ al-Fataawa, 28/551.
Sunnah, unlike those who did not fight the khaleefah for this reason. It is narrated in As-Saheeh (Bukhari) that it was said to the Prophet (ﷺ), “Ibn Jameel is withholding (his zakah).” He said, “All that is wrong with Ibn Jameel is that he was poor and Allah made him rich.” He did not issue orders that he be killed, nor did he state that he was a kaafir. In As-Sunan it is narrated from Bahz ibn Ḥakeem from his father from his grandfather that the Prophet (ﷺ) said:

“Whatsoever he withholds of zakah, we will take it and half of his wealth...”\(^\text{14}\)

I want to explain something which was referred to by Ibn Taymiyah in one of the above quotations from him, where he mentions the people of At-Taa’if and how they did not give up dealing in riba. He explained this elsewhere, and because it is relevant to our discussion, we will quote it here. He said, in response to (a question) about the Tartars: “Fighting the Tartars who have come to Syria is obligatory according to the Qur’an and Sunnah. Allah (ﷻ) the Exalted, All-Powerful, says in the Qur’an:

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\text{وَقَدْ نَسَيْتُمُ هُمُّ خَلَقَنَّهُمْ لَعَظَمَّهُمُ الْحَقَّ مِنْهُمْ وَيَسْتَفْلِيُّ الْبَلَاءَ الَّذِينَ كَسَبَّهُمُ اللَّهُ...}
\]

(And fight them until there is no more fitnah [disbelief and polytheism, i.e. worshipping others besides Allah], and the religion [worship] will all be for Allah Alone...)

\((\text{Qur’an 8: 39})\)

Religion here means obedience, so if part of the religion is for Allah and part is for someone other than Allah, then it is obligatory to fight them until the religion is all for Allah. Hence Allah (ﷻ) says:

\(\text{14 Ad-Durar as-Sanniyyah, 8/131, from a letter to Shaykh ‘Abdullah ibn Muhammad ibn ‘Abdul-Wahhaab (may Allah have mercy on him).}\)
"O you who believe! Be afraid of Allah and give up what remains [due to you] from *riba* [from now onward] if you are [really] believers. And if you do not do it, then take a notice of war from Allah and His Messenger..."

(*Qur'an 2: 278-279*)

This *aayah* was revealed concerning the people of At-Taa'if, when they entered Islam and observed prayer and fasting, but they refused to give up *riba*. Allah explained that they would be at war with Him and His Messenger if they did not give up *riba*. *Riba* is the last of the things that Allah forbade; it means money which is taken with the owner's consent. If these people were in a state of war with Allah and His Messenger and it is obligatory to wage jihad against them, then how about those who ignore many or most of the laws of Islam, such as the Tartars?"\(^{15}\)

In conclusion, the *sahaabah* were unanimous that in the case of those who withheld zakah — including those who did not deny that it was obligatory — it was obligatory to fight them and that they were apostates, but this does not apply unless the following two conditions are also met:

a) That they form a group which is refusing to pay zakah.

b) That they are fighting the *khaleefah* (Caliphs) for the purpose of withholding it.

If these two conditions are present, then all the *sahaabah* ruled that they are apostates.

This issue explains what was mentioned above about judging or ruling by something other than that which Allah has revealed, where a distinction is made between individual cases and cases where a general system is imposed upon a society as a whole. The two issues are similar. The ruling of kufr and apostasy may be applied to the one who does that, but this is subject to certain conditions.

The scholars often point out the difference between individuals and groups, between individual cases and things that affect the whole ummah. Ibn Taymiyah said concerning the obligation of fighting the extreme Raafidis and those who exaggerate about their shaykhs etc., “All of these people are kaafir and must be fought according to the consensus of the Muslims; individuals must be killed when it is possible to do so. But with regard to killing individuals from among the Khawaarij and Raafidis when it is possible to do so, it is narrated from them — i.e., ‘Umar and ‘Ali — that they should also be killed. Although the fuqaha’ differed concerning killing individuals from among these groups when it is possible to do so, they did not dispute that it is obligatory to fight them if they are rebels. And fighting is broader in meaning than killing...”

This is a very important guideline concerning this matter and others. The sahaabah’s ruling that those who withheld their zakah were apostates — without differentiating between those who believed it to be obligatory and those who did not — was based on this principle.

There remains another issue connected to those who withheld their zakah, which was often quoted as proof by those who have a different opinion. They say that during his reign as khaleefah, ‘Umar ibn al-Khaṭṭaab (R) went back on his first opinion that those who withheld their zakah were kaafir whose children could be taken prisoner and whose wealth could be kept as war-booty, because he returned to

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16 Majmoo’ al-Fataawa, 28/475-476.
them that which he had taken from them; on this basis it is not correct
to say that there was consensus among the šaḥaḥah [Companions of
the Prophet (ṣallallaahu 'alayhi wa sallam)] concerning that.

This issue confused me for a long time, until I came across an answer
given by Ibn Taymiyah concerning this matter.

This specious argument was mentioned by the Raafīḍī author of
Minhaaj al-Karaamah, where in a discussion of the differences of
opinion that arose among the šaḥaḥah, he said: “The sixth
difference of opinion was concerning those who withheld their
zakah. Abu Bakr fought them, and ʿUmar reviewed their case during
the days of his reign as khaleefah, then he returned the prisoners and
property to them, and released the detainees.” Ibn Taymiyah refuted
this by saying:

“This is a lie, as is obvious to anyone who knows about the
circumstances of the Muslims. Abu Bakr and ʿUmar were agreed that
those who withheld the zakah were to be fought, after ʿUmar had
discussed the matter with Abu Bakr, as is narrated in Aṣ-Ṣaḥeeḥayn
(Bukhari and Muslim). So ʿUmar agreed with Abu Bakr that the
apostates who withheld the zakah were to be fought, and all the
šaḥaḥah agreed with that. Then those people agreed to pay the
zakah after having withheld it, and their women and children were
not taken prisoner, neither were any of them detained. There was no
prison in Madeenah, either during the time of the Messenger (ṣallallaahu 'alayhi wa sallam) or
the time of Abu Bakr, so how could he have died whilst they were
being detained by him? The first prison in Islam was in Makkah,
where ʿUmar bought the house of Safwaan ibn Umayyah and made it
into a prison.

But there are some people who say: Abu Bakr took their women and
children prisoner, then ʿUmar returned them to them. Even if this did
happen, it does not show that there was a difference of opinion
concerning them. It may be that ʿUmar agreed that it was permissible
to take their women and children prisoner, but he returned the prisoners to them just as the Prophet (ﷺ) returned the women and children of Hawaazin to them after they had been divided among the Muslims; whoever was willing to return them did so, otherwise the Prophet (ﷺ) commanded that they be returned to them and he offered compensation for that. That was when Hawaazin came to the Prophet (ﷺ) declaring their Islam and demanding that their families be returned to them.

Abu Bakr, ‘Umar and all the șahaabah were unanimous that the apostates should not be allowed to ride horses or bear arms, rather they should be left to engage in agricultural pursuits until Allah showed the successor to His Messenger and the believers that they were indeed good Muslims. Ḥ

When it became clear to ‘Umar that they were now good Muslims, he returned the prisoners (their women and children) to them because it was permissible to do so.”

We have dwelt at length on this point — the attitude of the șahaabah towards fighting the apostates, including those who withheld the zakah — because this is considered to be the first movement to turn away from Islam and tried to change the religion and its rulings, as is stated by Bukhari (may Allah have mercy on him).

The Yaaasiq of the Tartars and Ibn Taymiyah

This is one of the important issues that characterized the time of Shaykh al-Islam Ibn Taymiyah and made it distinct from the preceding eras. From the beginning of Islam, and as the religion spread in the conquered lands, the Muslims had never known any system or rule other than that which was brought by the shari‘ah of

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18 Minhaj as-Sunnah, 6/347-349.
Islam. This does not mean that injustice or oppression never happened, or that blood was never shed and property was never seized wrongfully. There was injustice on the part of some rulers — during Umawi and ‘Abbaasi times, and others — and there was a great deal of oppression on the part of rulers and others in positions of authority. There were trials and tribulations in various regions of the Muslim world, as is detailed in the books of history written by Muslim historians. But despite all that, these things happened with the knowledge that they were against Islam and were the result of whims and desires, a wish for vengeance, or other reasons, and when a new, just ruler came to power, he would set matters straight and restore people’s rights in accordance with Islamic shari‘ah. The view of Ahl as-Sunnah wal-Jamaa‘ah is that it is not permitted to rebel against the rulers even if they are unjust. This acknowledges that oppression and injustice may occur, but if they do occur, it is not permissible to take that as an excuse to rebel against them and to stop obeying them, unless they commit acts of blatant kufr.

But to have a system of law which goes against shari‘ah, and to have a group or state referring to it for judgement, even though they call themselves Muslims — this is something which never happened except in the period which we are discussing here. If there were some groups who ruled over some parts of the Muslim world and imposed beliefs and promulgated laws which went against Islam, these groups were beyond the pale of Islam, such as the ‘Ubaydiyah (‘Faαtimiyah’ — the Fatimids) of whom Ibn Taymiyah said:

“For nearly two hundred years, Cairo was ruled by something other than the shari‘ah of Islam; its rulers were outwardly Raafidis, but inwardly they were baaţini Ismaa’eeelis, Nuşayris, Qaraamīţah. As Al-Ghazaali (may Allah have mercy on him) said in his book which he wrote to refute them: ‘Outwardly they follow the way of Ar-Rafid, but inwardly it is pure kufr.’
All the various groups of Muslims, their scholars, kings and common folk, Ḥanafis, Maalikis, Shafī’is and Ḥanbalis and others are unanimous that they were beyond the pale of Islam and that fighting them was permissible. Indeed they stated that their claims of descent from Faaṭimah were false... The Ismaa’eeelis, Nuṣayris, Druze etc. who were present in the Muslim lands were the ones who helped the Tartars to fight the Muslims.¹⁹ The adviser of Hulagu, An-Naṣeer at-Ṭoosi, was one of their Imams.”²⁰

This new development which appeared at this time came with the emergence of the Tartars and their attacks on the Islamic world. These Tartars were governed by a system and law which had been set out for them by their leader Genghis Khan, and was known as Al-Yaasaa or Al-Yaasiq. They used to apply this law in totality, and it became sacred to them. During their attacks on the Muslims they carried it with them and followed it.

The word Yaasaa - which also appears as Yaasah, Yasaaq or Yasaq²¹ — is a Mongol (Turkish) word which means the laws of the Tartars set out by their leader.

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¹⁹ It is amazing - when Ibn Taymiyah was referring to the cooperation of the Raafidis with the Tartars - that in the texts of the Tartar law, the Yaasiq, parts of which were quoted by Al-Maqreezi in his MS, there are clauses which say that preferential treatment is to be given to the children of ‘Ali ibn Abī Ṭaaliib ( записи), and that no hardships or tasks are to be imposed on them. It says: “And the condition is that no hardships or tasks are to be imposed on any of the children of ‘Ali ibn Abī Ṭaaliib ( записи).” MSS 2/220, Boolaaq edition.

²⁰ Majmoo’ al-Fataawa, 28/635-636.

²¹ In Taaj al-‘Aroos (7/98), it adds in the section on “yaa’ with qaaf”: the word Yasaaq may also be pronounced as yasaq, without the long alif. The word was originally yasaagh, with a ghayn, which may be changed to a qaaf. This is a Turkish word which means setting out laws governing dealings between people. Because most of the punishments dictated in the system of the Yaasaa were death, the word came to be known as synonymous with killing or death. See Al-Mughul fil-Taareekh, 1/338.
Al-Maqreezi said — in his discussion of the role of the ḥaajibs (literally the gatekeepers of the rulers) of his period — that "the task of the person who held such a position was to judge between the commanders and soldiers, sometimes acting on his own initiative and sometimes in consultation with the ruler or his deputy. But the judgement of the ḥaajib did not go beyond the soldiers’ disputes and differences among them concerning allocation of land and the like. None of the ḥaajibs in the past interfered in passing judgement concerning matters of shari‘ah such as disputes between spouses or between lenders and debtors. They would refer such matters to the qaadis (judges) of shari‘ah. It was usually the case that one of the scribes or guarantors would try to run from the door of the ḥaajib, trying to reach the door of one of the qaadis, seeking their ruling of shari‘ah, after which no one would be able to take him from the door of the qaadi..."²²

Then Al-Maqreezi mentioned the subsequent developments in the role of the ḥaajib. He said: "Then all that changed, so that now²³ the name of ḥaajib is applied to many of the commanders who have set themselves up to pass judgement among the people... Nowadays the ḥaajib passes judgement on any major or minor issue among the people, whether the ruling is according to shari‘ah or according to ‘siyaasah’ as they claim. If any of the qaadis of shari‘ah tries to take the plaintiff away from the ḥaajib, he will not be able to do that."²⁴

Then he said: "The rulings of the ḥaajibs were the first to be described as the ruling of siyaasah.' This is a devilish term, the origins of which most people do not know, and they use it without

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²² Al-Khuṭat, 2/219, Boolaaq edition.

²³ Al-Maqreezi died in 845 AH. His full name was Taqiy ad-Deen Abul-‘Abbaas Ahmad ibn ‘Ali; he was born in 766 AH. See Aḏ-Ḍaw’ al-Laami’, 2/21; Al-Badr at-Ṭaali‘, 1/79; Al-A’laam, 1/177.

²⁴ Al-Khuṭat, 2/219,220.
thinking. They say, 'This matter could not be resolved on the basis of the rulings of shari‘ah, so it is one of the rulings of siyaasah.' They count it a little thing, while with Allah it is very great (i.e., serious, cf. Qur'an 24: 15)."

Then Al-Maqreezi discussed the meaning of shar‘ and of siyaasah in the Arabic language. He states that siyaasah is of two types: siyaasah ‘aadilah or just siyaasah, which is the siyaasah of shari‘ah, on which many books have been written, and siyaasah zaalimah or oppressive siyaasah, which is forbidden by shari‘ah. Then he discussed the origins of this word and the mistaken belief of those who think that it is originally an Arabic word. He said: "What the people of our own times say concerning that is not true at all. Rather it is a verb which was originally yaasah, then the people of Egypt changed it and added the letter seen to the beginning, so they said siyaasah. Then they added the definite article al- to it, so that those who have no knowledge think that it is an Arabic word, but the matter is no more than what I have mentioned. Look now at how this word has spread until it is well known in Egypt and Syria. That is because when Genghis Khan, the leader of the Tartar state in the east, defeated the king Ong Khan, and he developed an empire, he established principles and punishments which he wrote down in a book called Yaasah, which some people call Yasaq, although it is originally Yaasah. When he had finished writing it, he had it engraved on steel plates, and he made it a law for his people. They adhered to that after he died, until Allah destroyed them. Genghis Khan did not follow any of the religions of the people of earth, as you will know if you have any knowledge of their history. The Yaasah continued to govern the subsequent generations and they never deviated from his rulings."\(^{25}\)

\(^{25}\) *Al-Khutaf*, 2/220.
Al-Qalqashandi \textsuperscript{26} narrated that ‘Ala ad-Deen al-Juwayni \textsuperscript{27} — who was one of the closest scribes to the Tartar leader Arghoon, during whose time Halagu’s attack on Baghdaad took place — said: “Among the customs of the people of Genghis Khan is that everyone among them who follows a particular religion will not be denounced by another for that.”\textsuperscript{28} Then Al-Qalqashandi mentioned the \textit{Yaasah} and said: “Then the way that was followed by Genghis Khan was followed by the subsequent generations, who adhered to the \textit{Yaasah} that he had written. This is composed of laws which he formed from his own ideas, in which he stipulated rulings and punishments, very few of which are in accordance with the shari‘ah of Muhammad, and most of which go against that. He called it \textit{Al-Yaasah al-Kubra} (the greater \textit{Yaasah}), which he wrote down and issued orders that it was to be placed in a chest which would be inherited by subsequent generations and be taught to the children of his household.”\textsuperscript{29}

Ibn Katheer said: “With regard to his book \textit{Al-Yaasah}, it is written in two volumes in a large hand, and carried on a camel with them.”\textsuperscript{30}

\textsuperscript{26} Aḥmad ibn ‘Ali ibn Aḥmad al-Fazaari, b. 756 AH, d. 821 AH. \textit{Ad-Ḍaw’ al-Laami’}, 2/8; \textit{Al-Aʿlaam}, 1/177.

\textsuperscript{27} ‘Ala‘ ad-Deen ‘Ata‘ Malīk al-Juwayni. He and his father worked for the Mongols. He was born in 623 AH and died in 686 AH. \textit{Ad-Dawlah al-İsmaa‘eiliyah fil-Iran}, Pp. 127-138. Al-Juwayni was one of those who wrote the history of the Mongols. Many historians relied on his writings and on the writings of another historian, Rasheed ad-Deen, when writing the history of the Mongols, including Ibn Katheer in his biography of Genghis Khan, in \textit{Al-Bidaayah wan-Nihaayah}, 13/117.


\textsuperscript{29} Ibid, 4/310-311. For more details on the development of this law, see the book by Al-Juwayni - \textit{Taareekh Faatih al-ʿAalam}, 1/61-68.

\textsuperscript{30} \textit{Al-Bidaayah wan-Nihaayah}, 13/118.
Among the laws of this *Yaasah* are the following: "Whoever commits adultery is to be killed — and no differentiation is made between a married and an unmarried adulterer. Whoever commits sodomy is to be killed. Whoever deliberately tells a lie, practises magic, spies on anyone, or interferes between two people who are arguing and helps one of them against the other, is to be killed. Whoever urinates into water or onto ashes is to be killed. Whoever is given some trade goods and makes a loss on them is to be killed if this happens the third time. Whoever feeds or clothes the prisoner of some people without their permission is to be killed... Whoever slaughters an animal in the manner of the Muslims is to be slaughtered... He enjoined respect for all religions, without being devoted to any one of them rather than another... He enjoined upon them that no one should put his hand into water, but should drink water by using something to scoop it up. He forbade them to wash their clothes, and said that they should wear them until they wore out. He forbade calling anything impure *najis*, and said: all things are pure. He did not differentiate between pure and impure, and he forced them not to be devoted to any one sect." It is worth noting that among these laws was one which stipulated that the ruler had to establish a mail system so that news of the kingdom might be gathered quickly.

This was the system of the *Yaasah* which was established by the leader of the Tartars. "When he died, those who came after him, his children and followers, adhered to the ruling of the *Yaasah* just as the

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31 See some of these strange laws in *Taareekh 'Ataa' Malik al-Juwayni*, 1/191, 248.

32 Ibid.

33 *Al-Khutat*, 2/220-221.

34 Ibid. It is also worth noting that at the end of the 'Abbaasi (Abassid) period, the mail system was abolished. This was one of the factors which helped to weaken resistance against the Tartars.
early Muslims adhered to the ruling of the Qurʾan. They made that a
religion which none of them opposed in any way."

This was the system which the Tartars followed when they attacked
the Muslim world, but an important development occurred, many of
them entered Islam and their leader, Qaazaan, declared his Islam. But
t heir claim to be Muslim was accompanied by a number of things
which were contrary to the behaviour expected of a Muslim, for
example:

a) Their attacks against the Muslim lands in Syria and
elsewhere, when they fought the Muslims, confiscated their
wealth and committed other acts of mischief.

b) Their veneration of their Yaasiq system, and their
implementation of some of its clauses even though they went
against Islamic shariʿah.

c) Their failure to implement some of the laws of Islam, such as
establishing regular prayer, paying the zakah, refraining from
shedding the blood of the Muslims, imposing the jizyah on the
Jews and the Christians, etc.

d) Approving evil things such as taverns and brothels, and
allowing the Christians to display their crosses openly, as
happened in Bayt al-Maqdis (Jerusalem) and Al-Khaleel
(Hebron) at the time of the Tartars.

Despite this they declared that they were Muslims and affirmed the
Shahaadatayn. Indeed, Qaazaan claimed in his letters to sultan An-
Naaṣir Qalaaqoon that they were all of one religion, Allah had
honoured them the religion of Islam, and that he had defended the
people of Mardeen when they were attacked by some of the
Mamlook troops, and the only reason why he had done so was for the

\[35\] Al-Khutaṭ, 2/221.
purpose of Islamic solidarity. In another letter which he wrote when he took over Damascus, he accused the rulers of Egypt and Syria of deviating from the religion and not adhering to the rulings of Islam.\textsuperscript{36}

Because of these circumstances and claims, and because of the outbreak of war between the people of Syria and the Tartars, people became confused. How could they fight the Tartars when they claimed to be Muslims and proclaimed the \textit{Shahaadatayn}?\textsuperscript{37} This confusion was not restricted to the common folk; the scholars and \textit{fuqaha’} were also confused. The matter needed someone to explain the ruling on this real-life issue, and to explain the truth concerning it, so that the people might be guided. Among those who were asked to do so and who came forward to explain this matter was \textit{Shaykh al-Islam} Ibn Taymiyah (may Allah have mercy on him), who dealt with the matter from two angles:

\textbf{The theoretical angle}

He explained the ruling on these Tartars. A number of questions were directed to Ibn Taymiyah concerning these people who proclaimed the \textit{Shahaadatayn} but killed the Muslims and took prisoner some of the women and children of the Muslims, and violated the things that Islam held sacred, by humiliating the Muslims and desecrating the mosques, especially \textit{Bayt al-Maqdis} (Jerusalem)... and at the same time, some Muslims claimed that it was \textit{haraam} to fight the Tartar fighters because they claimed in principle to be Muslim — so was it permissible to fight them?

In another question, in addition to the above (it was asked): what is the ruling on those who are among their soldiers and claim to have

\textsuperscript{36} See the letters of Qaazaan to An-Naaşir Qalaawoon and his responses to them in \textit{Wathaa'iq al-Huroob as-Saleebiyah wal-Ghazw al-Mughooli}, Pp. 383-403.

\textsuperscript{37} \textit{Shahaadatayn}: Declaration and witnessing the two things that (a) there is no god/deity but Allah alone and (b) Muhammad is Allah’s messenger.
knowledge and understanding (of Islam), or claim to be mystics or Sufis, and so on? What may be said concerning those who claim that the Tartars are Muslims, and that the ones who are fighting them are Muslims, and both parties are wrongdoers so we should not fight on either side?... Give us a clear detailed answer that will help us, for this matter is confusing to many of the Muslims, indeed for most of them, either because they do not know how these people really are or because they do not know the ruling of Allah and His Messenger (ﷺ) concerning such people.

In another question, he was asked about the troops who refused to fight the Tartars, saying that among them were those who were forced to march with them, and if anyone deserted the battlefield should he be pursued?

In another question, he was asked about their wealth — was it permitted or forbidden to confiscate it?

Ibn Taymiyyah answered these questions with all clarity, based on an important principle which everyone who is in a position to issue fatwa (the religious verdict on particular issue/s) — especially concerning new issues — should adhere to.

In one of his answers, he said: “Yes, it is obligatory to fight these people, according to the Book of Allah and the Sunnah of His Messenger, and the consensus of the aimmah (the most reputed Muslim jurists) of the Muslims. This is based on two principles:

i) Knowledge of how they are.

ii) Knowledge of the ruling of Allah concerning such people.

With regard to the first (principle): everyone who mixes with these people knows what they are, and those who do not mix with them know what they are through the well-established reports and reports of truthful people that he hears. We will discuss what they are in some
detail, after we explain another principle which is only for people who understand the Islamic shari‘ah to know. We say: every group which rebels against one of the clear, well-established issues of Islam must be fought, according to the consensus of the aimmah (the most reputed Muslim jurists) of the Muslims, even if they have uttered the Shahaadatayn. If they affirm the Shahaadatayn but refuse to pray the five daily prayers, then they must be fought until they do pray; if they refuse to pay zakah, they must be fought until they do pray zakah. The same applies if they refuse to fast the month of Ramaḍaan or to perform pilgrimage to the Ancient House (Ka‘bah), or if they refuse to accept that immoral actions, zina, gambling, wine, or other things that are prohibited by shari‘ah are haraam. The same applies if they refuse to follow the ruling of the Qur’ān and Sunnah concerning people’s blood, property, honour and wounds, etc. The same applies if they refuse to enjoin what is good and forbid what is evil, or to engage in jihad against the kuffaar until they submit and pay the jizyah with willing submission, and feel themselves subdued (cf. Qur’ān 9: 29). The same applies if they openly practise bid‘ahs (innovations) which go against the Qur’ān and Sunnah and the way of the early generation of this ummah and their leaders, such as openly denying (or uttering impious words against) the names and signs of Allah (cf. Qur’ān 7: 180), or disbelieving in the names and attributes of Allah, or disbelieving in His will and decree, or disbelieving in that which was followed by the majority of the Muslims at the time of the Rightly-Guided Khulafah (Caliphs), or slandering the first Muslims, the muhaajireen and Anṣaar, and those who followed them in truth, or fighting the Muslims until they are forced to obey them, which implies that they must be deviating from the laws of Islam, and other similar matters...”

38 Majmoo‘ al-Fataawa, 28/510-511.
Then he mentioned the evidence from the Qur'an and Sunnah, and the way in which the sahaabah dealt with the apostates, Khawaarij and others. Then he said: "The last principle is to know how they (i.e. the Tartars) are. It is known that they attacked Syria for the first time in 699 (AH), and they gave the people assurances of safety which were proclaimed from the minbar in Damascus, despite that they took some of the women and children of the Muslims as prisoners, and it is said that the number reached one hundred thousand or more. What they did in Bayt al-Maqdis, Jabal as-Saalihiyah, Nablus, Homs, Daariya and elsewhere of killing and taking prisoners, only Allah knows. It is said that they took nearly one hundred thousand Muslim prisoners, and they raped the righteous Muslim women in the mosques and elsewhere, such as in Al-Masjid al-Aqsa (in Jerusalem) and Al-Masjid al-Umawi (the Umayyad Mosque, in Damascus) and elsewhere, and they reduced to rubble the mosque which used to be in 'Uqaybah.

We have seen the troops of these people, and we saw that most of them do not pray. We have never seen a muadh-dhin or an Imam in their camp. What they have taken of the property of the Muslims, and their women and children, and what they have destroyed of their lands, only Allah knows... They are fighting to establish the kingdom of Genghis Khan, and whoever obeys them they take as a friend, even if he is a kaafir, and whoever does not obey them, they take him as an enemy, even if he is one of the best of the Muslims. They are not fighting for the sake of Islam and they do not impose jizyah or subdue (the People of the Book)."  

Then he explained how they venerated Genghis Khan and compared him to the Prophet (ﷺ), and regarded his teachings as sacred, then he said: "It is well known in the religion of Islam, that no Muslim has

39 Majmoo' al-Fataawa, 28/519-521.
any excuse for not knowing, that whoever justifies following any religion other than the religion of Islam is a kaafir. This is like the kufr of one who believes in part of the Book and disbelieves in part of the Book.” Then he spoke of their advisors, and how they manifest their Raafidi beliefs, then he answered the rest of the questions and confusing issues.

This is the first angle. The second angle is the practical angle.

The practical angle
This took the form of urging jihad against these Tartars and declaring war against them. He travelled from Syria to Egypt in order to meet the sultan and his governors and advisors in order to urge them to engage in jihad against them and to gather armies to fight them. Ibn Taymiyah played a leading role in this jihad and in the preparations for it, and he led some of the troops himself, as is well known.

Ibn Katheer (may Allah have mercy on him) also referred to this issue — the issue of the confusion about fighting the Tartars who claimed to be Muslim. He discussed a little about how they were, and he said concerning the battle of Shaqhab: “The people spoke about fighting these Tartars and asked of what type it is, for they make an outward show of Islam and they are not rebelling against the khaleefah because they never promised to obey him at one time and then rebelled against him. Shaykh Taqiy ad-Deen (Ibn Taymiyah) said: ‘They are like the Khawaarij who rebelled against ‘Ali and Mu‘aawiyah, and thought that they were more entitled to be in a position of authority than them. They claim that they are more entitled to be in a position of authority than the Muslims, and they criticize the Muslims for the sins and wrongdoings that they do, but they are doing things that are many times worse.’ He drew the

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40 Majmoo‘ al-Fataawa, 28/524.
41 Ibid, 28/501-553, 589.
attention of the scholars and the people to that, and he used to say to the people: 'If you see me on that side with the Mus-haf on my head, kill me.' So he encouraged the people to fight the Tartars, and he strengthened their hearts and their intention, to Allah be praise."

When the Yaasah and some of its rulings were mentioned, Ibn Katheer said: "All of that goes against the laws of Allah which He revealed to His slaves the Prophets, upon whom be blessings and peace. Whoever leaves the perfect laws which were revealed to Muhammad ibn ‘Abdullah (ﷺ), the Seal of the Prophets, and refers for judgement to anything else among the abrogated laws, is a kaafir, so how about one who refers for judgement to the Yaasah and gives it precedence? Whoever does that is a kaafir according to the consensus of the Muslims."

In his commentary on the aayah — (Do they then seek the judgement of [the days of] Ignorance? And who is better in judgement than Allah for a people who have firm Faith.) (Qur'an 5: 50) — he said: "Allah denounces the one who rebels against the perfect ruling of Allah, which encompasses all that is good and forbids all that is evil, and turns to anything else, be it opinions, whims and desires or traditions that people have established without basing them on the shari'ah of Allah, as the people of the jaahiliyyah used to refer for judgement to misguided and ignorant ideas which they made up from their own opinions and whims and desires, as the Tartars do with the royal decrees which they took from their king Genghis Khan, who wrote the Yaasiq for them. This is the name of a book which is a collection of rulings which he gathered from various laws of the Jews, the Christians and the Muslims, and it includes many rulings which are taken from his own opinions and whims and desires. This

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43 Ibid, 13/119.
became a law to be followed among his people, to which they give precedence over the rulings of the Book of Allah and the Sunnah of His Messenger (ﷺ). Whoever among them does that is a kafir who must be fought until he returns to the ruling of Allah and His Messenger and does not refer to anything else for judgement, whether in a minor or a major issue.”

In this manner, Ibn Taymiyah, and his students after him, made clear the ruling on this issue. Their answers decisively explained the ruling, and strongly urged jihad against these Tartars to remove the danger they posed to the Muslims.

Other Examples

There are other examples of attempts to reject the shari‘ah of Allah, but they were of a lesser degree than the previous examples, either because of the confusion that characterized them, or because their proponents were not able to implement what they believed in. It will suffice here to give just three examples:

a) The baaţini (esoteric) movements whose various groups spread throughout different regions of the Muslim world. What distinguished all of them as Al-Ghazaali described in Faḍaa ‘iḥ al-Baaţiniyyah, where he said: “The fifth aspect of their belief concerning the obligations of shari‘ah. It is narrated from them that they believe in absolute license, eliminating hijaab, permitting forbidden things and regarding them as permissible, rejecting the laws of shari‘ah...”

Their baaţini (esoteric) misinterpretations of the clear laws of Islam such as Prayer, Fasting, Ḥajj and Jihad are well known.

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45 Faḍaa ‘iḥ al-Baaţiniyyah, Pp. 46.
But the fact that their *kufār* is so obvious, and that the people of the Sunnah — Sunnis, took such a strong stand against them, meant that the ruling on their being apostates and *kaafir* was clear to everyone. This led to their being secretive and concealing their beliefs, and taking a gradual approach in spreading their views.

b) What Al-Juwayni mentioned concerning some of the *zindeeq* (heretics) of his time (who could also be described as secularists). Al-Juwayni said, — addressing Ghiyaath ad-Dawlah Niẓaaam al-Mulk, the famous ‘Abbaasi advisor — “What I want to convey to His Excellency, after mentioning the news from the various regions, is a serious *fitnah* (tribulation) which is affecting the religion. If it is not stopped, it will reach most of the Muslims and the problem will go beyond our control and will be very difficult to deal with later on. This is one of the most serious problems facing the common folk.

It is the duty of the one whom Allah has put in a position to support Islam, to watch and protect the ummah night and day. The best that I can do is to try to extinguish (this *fitnah*) the way it started. The responsibility of the one to whom Allah has given authority is to strive to protect the people from the means of destruction.

There has spread throughout various regions and cities — may Allah protect our leaders — a group of heretics and those who deny the attributes of Allah, who are striving to call people to cast aside true guidance. In making this call, they rely on groups of misguided notables who have become their protectors and supporters. Those deluded persons, who are enjoying the blessings of Allah (*الله* ) — the Exalted, All-Merciful — and a life of ease, started to use the jokes made in their gatherings to belittle religion, criticizing the shari‘ah of the Muslims by hints and gestures. Their behaviour and attitudes passed to their followers among the ignorant commoners who imitate
them, and the specious arguments of the heretics and misguidance of
the deniers have spread amongst the common folk of the Muslims.
Discussions and debates aimed at undermining and criticizing Islam
have become widespread..."46

To whom was Al-Juwayni referring when he mentioned these
zindeeq groups? Were they the baatiniyah or others? All of that is
possible, but what he says elsewhere indicates that he was referring to
people other than the baatinis. He says:

"In conclusion, whoever thinks that the shari‘ah may be
derived from what people agree upon, of reason or from the
opinions of wise men, has rejected the shari‘ah and has taken
this principle as a means to reject the shari‘ah.

If this is acceptable, then it would be acceptable to stone the
unmarried fornicator who commits fornication in our times,
based on this argument. And it would be permissible to execute
a person on the basis of suspicion. And it would be justifiable
to kill a person whom it was feared would betray the ummah, if
there were signs and indications to that effect. And it would be
permissible to increase the rate of zakah if there appeared to be
a need to do so...

These arguments have no strong foundation. If they were to
form the foundation of religion, then you would find that
everyone who has some rational power would take his own
ideas and thoughts as shari‘ah, and thus ideas and thoughts
would take the place of the Revelation sent to the Messengers.
These ideas and thoughts would vary according to time and
place, thus the shari‘ah would have no stability..."47

46 Al-Ghiyaathi by Al-Juwayni, Pp. 381-382, edited by Dr. ‘Abdul-‘Azeem ad-
Deeb.
It is clear that the Shaykh was referring to some of those who believed that using excessive force and harshness against those who commit major sins and their like was a more effective deterrent, and so wanted to add to the rulings of shari‘ah. For example, they wanted to stone the unmarried fornicator, or execute on the basis of mere suspicion, and so on. Look at what he says concerning such people — even though they had good intentions. He said:

“Anyone who oversteps the limits set by shari‘ah should be viewed as definitely deviating from the religion of the Prophet (ﷺ). Whoever transgresses, knowing that he is committing a sin and engaging in a wrongful action, is a sinner but he should not despair of the mercy of Allah.

Woe to those who commit major sins and, based on their own ideas and what they think is correct, decide that it is part of the religion of the Prophet. For the truth is that which has been defined by the prominent scholars, following the Prophet (ﷺ), and anything else is misguidance. And after the truth, what else can there be, save error? (cf. Qur‘an 10: 32)

This way of thinking is similar to the one who takes the traditions of Chosroes and extinct kings as the basis for religion. Whoever adheres to such a thing has cast aside Islam as easily as one who pulls a hair from the dough.”

This is what he (may Allah have mercy on him) said about the people who wanted and tried to change the religion, but did not succeed. Rather the Muslim ummah continued to refer to nothing but the

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48 Al-Ghiyaathi, Pp. 221-222. What Al-Juwayni describes here is similar to the man-made laws which have become widespread among the Muslims, for they are the ways and laws of the kaafir west, the Christians and others. Al-Juwayni stated that the one who takes the laws of Chosroes as a reference point and basis for religion is a kaafir, who is beyond the pale of Islam.
shari'ah of Allah for judgement, during Al-Juwayni’s time and subsequently; despite the incidents of oppression and injustice that occurred, and despite the spread of evil actions, the ruling and laws of Allah were the prevailing system.

Al-Juwayni then mentioned the reason why he told the story of the scholar who gave a fatwa to one of the kings concerning intercourse during the day in Ramaḍaan, and told him to fast (for sixty consecutive days), so that this would be a deterrent. He did not tell him to follow the first option, which is to free a slave — although this is the ruling of shari‘ah — because that would be too easy for the ruler. Al-Juwayni commented on this fatwa in strong terms.⁴⁹

  c) The followers of bid‘ah. Ash-Shaafi‘i mentions this in his book Al-I’tiṣaam, and makes the connection between this issue and the issue of the perfection and soundness of the shari‘ah, because the people of bid‘ah claim, in effect, that the shari‘ah is not complete. Because the book of Ash-Shaafi‘i is so well known, we do not need to speak about it at length; it is sufficient merely to refer to it here.

⁴⁹ Al-Ghiyaathi, 222-226.
CHAPTER FIVE

SPECIOUS ARGUMENTS AND RESPONSES TO THEM

In this chapter we will examine the important specious arguments which have been put forward concerning the topic which we have examined in detail above, especially those which have to do with legislation that goes against the laws of Allah, or with ruling by something other than that which Allah has revealed, in the sense of permanent, binding laws which are referred to for judgement and which, as is clear from the above discussion, constitute major kufr. With regard to the one who denies that which Allah has revealed and regards it as permissible to refer for judgement to something other than that which Allah has revealed, hardly anyone whose opinion carries any weight holds a different view.

The important specious arguments that have been put forward by those who hold differing views and which they use as evidence are as follows:

1) The reports from Ibn ‘Abbaas ( ) that he said concerning the aayah (Qur’an 5: 44), (A lesser form of kufr).

2) That the aayaat which speak of ruling by something other than that which Allah has revealed refer exclusively to the People of the Book.

3) That referring for judgement to (man-made) laws is the matter of kufr of action (al-kufr al-‘amali), and kufr of action does not put a person beyond the pale of Islam; that which puts a person beyond the pale of Islam is kufr of belief (al-kufr al-‘i’tiqaadi).
4) That only the one who thinks that it is permissible to rule by something other than that which Allah has revealed, or rejects that which Allah has revealed, is a kaafer.

5) The attitude of the salaf towards the people of bid‘ah (innovation), whereby they said that some bid‘ah make one a kaafer and some bid‘ah do not do that, and the one who rules by something other than that which Allah has revealed is like one who innovates.

6) The reports of scholarly consensus that it does not constitute kufur.

7) Applying the ruling of kufur in all cases so that it even includes minor issues.

These are the very important specious arguments that have been raised concerning this topic. In order to complete the picture and explain the truth concerning this matter, we will examine them further, as follows.

The First Specious Argument

The reports from Ibn ‘Abbaas that he said concerning the aayah (A lesser form of kufur)

We have discussed this matter above, in section 5 of Chapter 3, where we discussed it in detail from a number of angles, some of which are sufficient to refute those who use the words of Ibn ‘Abbaas ( Rasul ) as evidence and make them the basis of their argument, and they do not pay attention to other things he said, or to the words of other sahaabah.¹

¹ See above, Pp. 209 ff.
The Second Specious Argument

The claim that the aayaat refer exclusively to the people of the book, and that the Muslims are not included in the rulings of these aayaat

We have discussed this view above, in the second part of Chapter 3, where we discussed the verses of Soorah al-Maa‘idah, the reasons for their revelation and the comments (of the scholars) on them.

Knowing that the view that they are exclusive was narrated concerning the verses from Soorah al-Maa‘idah, there is no dispute that other verses which were revealed concerning ruling by that which Allah has revealed and connected matters are general in application. In the Introduction to this book we have quoted many aayaat on this topic.

The Third Specious Argument

That ruling by something other than that which Allah has revealed is kufr of action, and kufr of action does not put one beyond the pale of Islam

This is based on the fact that the one who rules by something other than that which Allah has revealed but does not deny (that ruling by that which Allah has revealed is obligatory) is a kaafir in the sense of kufr of action, and kufr of action differs from kufr of belief in that it does not put one beyond the pale of Islam. In response to this it is sufficient to explain the basis of this argument, which is the claim that kufr is of two types, kufr of belief which puts a person beyond the pale of Islam, and kufr of action which does not put a person beyond the pale of Islam — but no guidelines or explanation is offered.

Before we discuss the matter further in order to refute this argument, I would like to explain how this terminology developed — I mean the
terminology of *kufar* of belief and *kufar* of action. It is known that the
texts of the Qur’an and Sunnah which describe certain things as *kufar*
may refer to matters which put a person beyond the pale of Islam, or
things which do not do so. In contrast to the *Khawaarij* and the
*Wa‘eidiyah*, whose views were similar, the *salaf* and the *aimmah* (the
great Muslim jurists and scholars) spoke of the difference between
the two matters and distinguished between the two types of *kufar*, so
that the truth became clear and so that the *Khawaarij* were refuted. So
they divided *kufar* into two types, one of which puts a person beyond
the pale of Islam and one which does not. But the phrases used by the
*salaf* and *aimmah* to describe that varied:

— Some of them distinguished between them by calling one of
them *kufar akbar* (major or greater *kufar*) and the other *kufar
aşghar* (minor or lesser *kufar*).
— Some of them distinguished between them by calling one of
them *kufar* which puts a person beyond the pale of Islam and the
other *kufar* which does not put a person beyond the pale of
Islam.
— Some of them distinguished between them by calling the
second type — that which does not put a person beyond the
pale of Islam — *(a lesser form of *kufar)*.
— Some of them distinguished between them by calling one of
them *kufar* of belief (*al-kufar al-i‘tiqaadi*, lit. ideological *kufar*)
and the other *kufar* of action (*al-kufar al-‘amali*, lit. practical
*kufar*). By ‘practical’ they meant that which has to do with
actions — doing or not doing them — such as the obligations
of zakah, fasting and honouring one’s parents, and abstaining
from forbidden things such as adultery, theft, drinking alcohol
and killing a soul wrongfully. They regarded all of these as
coming under the heading of *kufar* of action which does not put
a person beyond the pale of Islam, unless he believes these
actions to be permitted.
These expressions which have been narrated from the salaf concerning the differentiation between major and minor kufr are synonymous, and all boil down to the same meaning, that is, what they all understood and what they were all referring to, and none of them disputed these meanings — unlike those who differed from them such as the Khawaarij and Murji’ah.

But in later times there were those who were influenced to a great extent by some of the views of the Murji’ah, 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 al-kufr al-i’tiqaadi (kufr of belief) and al-kufr al-‘amali (kufr of action). They made this into a principle which they then applied in general terms, basing on that the specious argument that no one could be classified as a kaafir except the one who believed that the forbidden action he was doing was permitted, and they applied this specious argument to all the things that may constitute kufr.

It became the habit of these people, when commenting on matters of faith or when refuting the Khawaarij, to quote this guideline and say: this is the matter of kufr of action, and kufr of action does not put a person beyond the pale of Islam. For example, it might be said that ruling by something other than that which Allah has revealed, such as man-made laws — so long as one does not regard that as being permissible — is the matter of kufr of action, and kufr of action does not put one beyond the pale of Islam. Thus the matter for them would be settled in definitive terms (and would not require any further discussion), because it was based — or so they claimed — on one of the principles set out by 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 ‘aqeedah, or of some of them,
including the issue under discussion here.

In order to refute this specious argument and explain the truth, we will explain the confusion surrounding the matter in the following two ways:

1. The scholars who used this terminology — kufr of belief and kufr of action — explained the correct meaning of these words, and they explained the confusion that might arise from them, so they went back and commented further on it, and explained the truth of the matter. I will quote from two of the major scholars of Ahl as-Sunnah wal-Jamaa'ah:

Ibn al-Qayyim (may Allah have mercy on him) said in Kitaab aṣ-Ṣalahah: “Faith of action (al-eemaan al-ʿamali, lit. practical faith) is diametrically opposed by kufr of action, and faith of belief (al-eemaan al-iʿtiqaadi, lit. ideological faith) is diametrically opposed by kufr of belief. The Prophet (ﷺ) stated this when he said in the saheeh hadith,

‘Trading insults with a Muslim is fusooq (evil doing) and fighting him is kufr.’

He differentiated between fighting and trading insults, describing one of them as being fusooq which does not make one a kaafir, and the other as kufr. Of course, he meant kufr of action, not kufr of belief, and this type of kufr does not put one completely beyond the pale of Islam, just as the adulterer, thief or wine-drinker does not go beyond the pale of Islam, even though the description of having faith does not apply to them.”

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What Ibn al-Qayyim says is correct and is in accordance with the view of the aimmah of the salaf, when he gives examples to explain

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the terminology that he uses. But Ibn al-Qayyim understood that this terminology might cause confusion, so he went back and commented on it and explained it further. This explanation came before these comments, where he said: “Just as one may become a kaafir by uttering words of kufr willingly, which is one of the branches of kufr, so too one may become a kaafir by doing an action which is one of the branches of kufr, such as prostrating to idols or showing disrespect to the Mus-haf.”

These two examples — prostrating to the idols and showing disrespect to the Mus-haf — undermine the basis used by those who generalize this rule and apply it to all cases by saying that kufr of action does not put one beyond the pale of Islam, because these two actions make one a kaafir, according to scholarly consensus, and these are actions, according to scholarly consensus.

Ibn al-Qayyim clarified the matter further by saying: “Kufr of action may be divided into that which is diametrically opposed to faith and that which is not diametrically opposed to faith. Prostrating to idols, showing disrespect to the Mus-haf and killing or insulting the Prophet are all diametrically opposed to faith.” In other words, even though they are actions.

Stating in absolute terms, without further explanation, that all cases of kufr of action come under the category of minor kufr is undermined by the examples given by Ibn al-Qayyim, referred to above. Anyone who describes minor kufr as “kufr of action” must accompany that with examples of things that the salaf unanimously agreed to be a kind of lesser kufr, such as fighting a believer, casting aspersions upon a person’s lineage, wailing over the dead, zina (adultery or fornication), theft, etc.

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3 Kitaab as-Salaah, Pp. 405.
This is similar to the well-known phrases which were used in general terms to refute the Khawaarij: “we do not label anyone as a kaafir because of sin” or, “we do not label anyone as a kaafir because of major sin,” etc. Some people thought that the view of the salaf was not to label a person as a kaafir for any sin or for any major sin, even though sins and major sins include shirk or the association of others with Allah, which no one disputes is major kufr. The Prophet (ﷺ) described it as a sin in the hadith where he was asked, “Which sin is the greatest?” and he (ﷺ) said,

“To set up a rival to Allah.”

He also described it as a major sin, as in the hadith,

“Shall I not tell you of the greatest of major sins?” then he said, “Associating others with Allah, and disobeying one’s parents...”

In the case of those who used these phrases in general terms, all that they wanted to do was to refute the Khawaarij who denounced people as kaafirs for any type of sins or any type of major sins.

The other scholar is Shaykh Haafiz Hakami (may Allah have mercy on him) who mentioned in his famous book, A'laam as-Sunnah al-Manshoorah, the various kinds of kufr, and said: “Kufr is of two types, major kufr which puts a person beyond the pale of Islam, the kufr of belief that contradicts the beliefs and actions of the heart, or one of them; and minor kufr which undermines the perfection of faith but does not cancel out faith altogether — this is the kufr of action which does not contradict the beliefs and actions of the heart and does not necessarily imply that.”\(^5\) Then he mentioned a question — what is the kufr of action which does not put a person beyond the pale

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of Islam? — and replied: “It is every sin which the Lawgiver has described as kufr, but the one who does it is still regarded as having faith...”

What the Shaykh says perfectly explains why the phrase “kufr of action” is used to describe minor kufr. This is sufficient to explain the matter and to dispel any confusion that may arise. However, he went back and explained it further by quoting a second question: “If it is said to us: ‘Prostrating to idols, showing disrespect to the Mus-haf, insulting the Messenger, mocking the religion, etc., all appear to be kufr of action, so they would not put a person beyond the pale of Islam, as you have defined minor kufr as kufr of action?’ —

The answer is that these four things and other similar actions are not kufr of action except in the sense that they happen as physical actions that people may see. But they could not take place unless all belief in the heart has been destroyed, such as good intention, sincerity, love and submission, so that nothing of that is left. Although it appears to be kufr of action, it inevitably implies kufr of belief... We do not define minor kufr as being kufr of action in all cases; rather we define it as referring to that which is purely physical and does not undermine faith or contradict the belief or actions of the heart.”

This further clarification from Shaykh Ḥaafiz explains that the phrase “kufr of action” is not absolute and that it must be further qualified. 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 of action” because it is confusing, as we have seen above.

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6 A‘laam as-Sunnah al-Manshoorah, Pp. 179.
7 Ibid, Pp. 181-182.
2 - Uttering the *Shahaadatayn* — which is a physical action — is a prerequisite of faith. Whoever does not utter them — although he is able to do so — is a *kaafir*. This is in contrast to what the *Murji’ah* say. *Shaykh al-Islam* Ibn Taymiyah (may Allah have mercy on him) said: “With regard to the *Shahaadatayn*, if a person does not utter them although he is able to do so, then he is a *kaafir*, according to the consensus of the Muslims. He is a *kaafir* both outwardly and inwardly according to the *Salaf* of the ummah and the majority of its scholars. A group of the *Murji’ah* — the *Jahamiyah* of the *Murji’ah* such as *Jaham as-Ṣaalihi* and his followers — said that if he believes in his heart, then he is outwardly a *kaafir* but not inwardly. We have pointed out above the origin of this belief, that this is an innovated belief that has been introduced into Islam. This was not the belief of any of the *aimmah* — the reputed Muslim jurists and scholars. We have stated above that inward belief must be confirmed by outward words of acknowledgement rather more than that, and that the existence of inward faith, belief and love without any outward confirmation is not possible.”

Would anyone say that not uttering the *Shahaadatayn* — which is a physical action — does not put a person beyond the pale of Islam because it is *kufr* of action? This is contrary to scholarly consensus. If we add to this what we have mentioned above, that the one who insults Allah or His Messenger, or shows disrespect towards the *Mus-haf*, etc., is a *kaafir*, and that this is *kufr* according to scholarly consensus, although it is a kind of action, then the matter is explained clearly.

What we are going to discuss in the next section and the answer we are going to give, complements the two points discussed above.

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The Fourth Specious Argument

A person does not become a kaafir unless he regards it to be permissible to rule by something other than that which Allah has revealed and rejects that which Allah has revealed.

Some researchers connect this to that which is more general and more comprehensive, namely the claim that no one who commits an act of kufr becomes a kaafir unless he rejects and denies (the ruling of Allah). They quote as evidence for that things like the words of At-Taghaawiyi, who was quoting from the a’immah before him, “We do not regard any of the people of the Qiblah (i.e., Muslims) as a kaafir for committing a sin so long he does not regard it as being permissible.” The one who rules or judges by something other than that which Allah has revealed is included in this general statement so he is not regarded as a kaafir unless he regards his action as being permissible.

This issue and the response to it may be discussed from several angles:

1 - The aimmah — the reputed Muslim jurists and scholars (may Allah have mercy on them), did not speak in general terms in the way that some have understood from the words of At-Taghaawiyi and others.

For example, Imam Bukhari gave one of the chapters in Kitaab al-Eemaan in his Saheeh the title Baab al-Ma’aasi min Amr al-Jaahiliyah wa laa yakfur Saahibuhaa bi irtikaabihaa illaa bish-Shirk (Chapter: Sin is the matter of Jaahiliyah and the one who commits sin is not a kaafir unless he commits shirk). Here Imam Bukhari is pointing out that shirk on its own is kufr, although it is also a type of sin. What may be noted here is that Bukhari did not mention the one who believes sins to be permissible, so does this mean that he did not
regard the one who believed sins to be permissible as a *kaafir*? Bukhari, like other *aimmah*, was speaking in general terms and did not mean that this was the only way of labelling a person *kaafir*; what he intended here was to refute the *Khawaarij* who labelled all sinners as *kaafir*.

Barbahaari said in *Sharh as-Sunnah*: “No Muslim goes beyond the pale of Islam unless he rejects one or more verses of the Book of Allah, or rejects any of the hadith of the Messenger of Allah (ﷺ), or prays to anyone other than Allah, or offers a sacrifice to anyone other than Allah. If he does any of these things, then you must regard him as being beyond the pale of Islam, but if he does not do any of these things, then he is a believer and a Muslim in name, if not in reality.”

He mentioned praying to anyone other than Allah and offering sacrifices to anyone other than Allah. These are sins and they are also actions, and the one who does them is beyond the pale of Islam. Barbahaari meant to give examples, but he did not intend to list all the examples. By the same token, when the scholars said that the adulterer and the thief are not *kaafirs*, they did not limit that to those people; they were merely giving examples. This is clear.

2 - Similarly, the *aimmah* (may Allah have mercy on them) explained the correct meaning of the phrases used by At-†-†hāawi and others, and that the intention was to refute the *Khawaarij*; they did not mean that this applies to all sins and that no sins could make one a *kaafir*. It is sufficient to mention a few brief examples of what the scholars said concerning that.

Among them *Shaykh al-Islam* Ibn Taymiyah said: “Hence the Sunni scholars said, when describing the belief of *Ahl as-Sunnah wal-Jamaa‘ah*, that they did not denounce any Muslim as a *kaafir* for

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10 *Sharh as-Sunnah*, Pp. 31, edited by Dr. Muhammad Sa‘eed al-Qahtāani.
sinning, referring to the *bid'ah* (innovation) of the *Khawaarij* who denounced people as *kaafirs* for any sin."^{11} The phrase "denounced people as *kaafir* for any sin" refers to what we mentioned above, which is that the *Khawaarij* denounced people as *kaafir* for any sin; in contrast, the *Ahl al-Sunnah* do not denounce people as *kaafir* for all sins, only for some sins, for which there is clear evidence that the one who does them is a *kaafir*.

Ibn Taymiyah also said: "What is indicated by the Qur'an and Sunnah is an established principle of *Ahl as-Sunnah wal-Jamaa‘ah*, that they do not denounce any Muslim as a *kaafir* because of sin, and they do not regard him as being beyond the pale of Islam because of his actions, if he does something that is not allowed, such as committing adultery or stealing or drinking alcohol, so long as it does not imply that he no longer believes"^{12} — i.e., by doing something which nullifies faith, such as regarding the forbidden thing he is doing as being permissible, etc.

He also said: "If we say that the *Ahl as-Sunnah* are agreed that a person is not to be denounced as a *kaafir* because of sin, we mean that the sins such as adultery and drinking wine. But with regard to these basic issues, there is a well known dispute as to whether the one who neglects them is to be denounced as a *kaafir.*"^{13}

What he means by "these basic issues" is the four pillars of Prayer, Zakah, Fasting and Hajj.

*Shaykh* Muhammad ibn ‘Abdul-Wahhaab (may Allah have mercy on him) said, refuting those who use the fact that the scholars said that it is not permissible to denounce a Muslim as *kaafir* because of sin (to support their own specious arguments): "This is true, but this is not

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^{11} *Majmoo’ al-Fataawa*, 12/474.

^{12} Ibid, 20/90.

^{13} Ibid, 7/302.
the issue which we are dealing with here. The Khawaarij used to
denounce as a *kaafir* the one who committed adultery, stole or shed
blood, indeed (their view was that) if a Muslim committed any major
sin, he became a *kaafir*. But the view of the *Ahl as-Sunnah* was that a
Muslim becomes a *kaafir* only if he commits *shirk*. We did not
denounce the misguided leaders and their followers as *kaafirs* for
anything but their *shirk*. You are one of the most ignorant of men if
you think that a person who prays and claims to be a Muslim can
never be denounced as a *kaafir*..."\(^{14}\)

He further said, refuting the same idea: "Do you not see that when the
Companions of the Messenger of Allah (ﷺ) fought those who
withheld the zakah, when they wanted to repent, Abu Bakr said, 'We
will not accept your repentance until you bear witness that our slain
are in Paradise and your slain are in Hell.' Do you think that Abu
Bakr and his companions did not understand and that you and your
father are the ones who understand? Woe to you, O' deeply ignorant
one, if you think that that!"\(^ {15}\)

He mentioned *shirk* and withholding the zakah, and he explained the
meaning of the words of the *salaf*, "we do not denounce anyone as a
*kaafir* for sins." This Shaykh is the author of a well-known essay
entitled *Nawaaqid al-Islam* (What nullifies Islam), which includes
things other than regarding as permissible that which is forbidden,
such as practising witchcraft or magic, and ruling by anything other
than that which Allah has revealed.

Shaykh 'Abdul-La'teef ibn 'Abdur-Rahmaan ibn Hasan (may Allah
have mercy on them) said, refuting Dawood ibn Jarjees al-Iraqi:
"With regard to his saying that Shaykh A'hmad ibn Taymiyah and his
student Ibn al-Qayyim did not denounce any of the people of the

\(^{14}\) *Ma'ilifaat Muhammad ibn 'Abdul-Wahhaab, Ar-Rasaa'il ash-Shakhshiyyah*, pp. 233.

\(^{15}\) Ibid, pp. 234.
qiblah as kaafir, it has to be said: if only he knew who were the people of the qiblah mentioned in this context and what is meant by this phrase, he would not have mentioned it here as evidence to support those who call upon anyone other than Allah and to say that they are not to be denounced as kaafir.

Whoever turns away from the words of the scholars and thinks that anyone who prays and says Laa ilaaha illa-Allah is one of the people of the qiblah (i.e., a Muslim) even though he does what he does of things that indicate that he is guilty of shirk and has left the religion of Islam, is calling attention to his own ignorance and misguidance, and is exposing his lack of knowledge and religion by saying that. Imam Aḥmad (may Allah have mercy on him) denounced the one who says, we do not label those who sin as kaafir,16 but this person claims to be following the madhhab of Imam Aḥmad. This phrase meant a disavowal of the belief of the Khawaarij who denounced people as kaafir simply for committing shirk and pray to righteous people. Thus he became confused and did not understand what the salaf meant by these words. This incorrect understanding is refuted by the Book of Allah, the Sunnah of His Messenger and the consensus of the scholars. The leading fuqahaa of the madhahib (madhhabs) devoted a separate chapter to this issue, where they mentioned the ruling concerning apostates from Islam and listed many actions which make one a kaafir, which are less serious than the issue we are dealing with here. They affirmed that the means of protection against kufr is adherence to Islam and its pillars and basic principles, not merely

16 I say: perhaps when Ibn Abil-'Izz mentioned in Sharh at-Tahaawiyah that many of the Sunni scholars disallowed use of the phrase “we do not denounce those who sin as kaafir” (as we will refer to in point 3 below), he was referring to the saying of Imam Aḥmad as quoted from him by Shaykh 'Abdul-Lateef.
saying words and praying whilst still persisting in things that go against Islam. Students who have only just begun their studies know this, and it is mentioned in the summaries of the books of the Hanbalis and others. This person does not know what young boys in school know. This claim is baseless and his lack of intellectual ability is obvious.”

What Shaykh ‘Abdul-Laṭeef says is applicable to the matter we are discussing here, when he refutes those who quote as evidence the comments of At-Ṭaḥaawi and the conclusion that no one becomes a kaafir except the one who regards that which is forbidden as being permissible.

3 - When the aimmah (Imams) said, “we do not denounce anyone as a kaafir for sins”, they intended thereby to refute the Khawaarij. The error stems from a misunderstanding of this phrase and using it in general terms to refer to all sins. That is not what the aimmah intended when they said this. The confusion surrounding this phrase may be dispelled in two ways:

a) The commentator on At-Ṭaḥaawiyah, Ibn Abil-‘Izz, said that many of the scholars of Ahl as-Sunnah stopped using this phrase in general terms, and that the correct thing to say in this case is “we do not denounce people as kaafir for all sins.”

This is in order to differentiate between the view of the Khawaarij, who denounce people as kaafir for all sins, and the view of Ahl as-Sunnah, who denounce people as kaafir for some sins which imply kufr, for which there is clear evidence that the one who does them is a kaafir, but they do not denounce people as kaafir for all sins.

b) What is meant by sins is acts of disobedience to Allah which

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do not make the person who does them a *kaafir*, such as adultery, stealing, drinking alcohol, killing unlawfully, disobeying one’s parents, casting aspersions upon a person’s lineage, wailing for the dead, etc. These do not make the one who does them a *kaafir* unless he believes that they are permissible. The sins which do make one a *kaafir*, such as insulting Allah, worshipping idols, showing disrespect to the *Mus-haf*, make the one who does them a *kaafir* regardless of whether he believes them to be permissible or not.

Perhaps the phrase used by Aṭ-Ṭahaawi, “from among the people of the qiblah” indicates that “the people of the qiblah” includes those who commit sins which do not nullify their Islam, such as those who commits sin like adultery, theft, consuming *riba*, etc. These people do not become *kaafir* because of their sins, unless they believe that they are permissible.

By taking these two points into consideration, what Aṭ-Ṭahaawi meant becomes clear.

4 - Saying that no one is a *kaafir* except the one who rejects (the ruling) is the view of the *Murji’ah* of all kinds. The reason for that is that when they defined faith as being belief, they limited *kufr* to the opposite of faith, which is disbelief and denial.

The *salaf* were unanimous in condemning all the *Murji’ah*, whether they were the *Jahamiyah* or the ‘Islamic philosophers’ (*mutakallimoon*) such as the *Ash’ariyah* and *Al-Maaturidiyah*, or the *Murji’ah al-Fuqahaa*. But unfortunately there are people among those who claim to follow the *salaf* who express the same view as the *Murji’ah* with regard to some issues of faith.

*Shaykh al-Islam* Ibn Taymiyah said: “Jaham used to say that faith is simply belief in the heart, even if one does not speak the words of faith. This view is unknown from any of the scholars or *aimmah*
(Imams) of this ummah. Indeed, Aḥmad, Wakeeʿ and others regarded kaaṣīr those who expressed this view. But this view was supported by Al-Ashʿari and most of his followers, despite that they said that everyone who is judged by shariʿah to be a kaaṣīr, we also judge him to be a kaaṣīr, and we take the fact that the shariʿah judges him to be a kaaṣīr as evidence that his heart is devoid of knowledge.”

The view that no one becomes a kaaṣīr except the one who rejects (the ruling) is the view of the extreme Murjiʿah, but it should be noted that even when the Murjiʿah al-Fuqahaaʾ and the mutakallimoons went along with this principle, they did not take it as an absolute rule. Rather, they said: whoever is judged by the Lawgiver to be a kaaṣīr (i.e., because of any of the types of kufr apart from denial), we also judge him to be a kaaṣīr. This, in general, is in accordance with the view of the salaf, but they introduced a bidʿah (innovation) and said: whoever is judged by the Lawgiver to be a kaaṣīr, this is an indication that his heart is devoid of knowledge — which goes against common sense, reason and sharʿ.

We are not discussing the issues that have to do with classifying a person as a kaaṣīr, but I shall quote one principle — on which there is consensus — to refute clearly the issue that we are discussing, and to settle the dispute between Ahl as-Sunnah and the Murjiʿah of various kinds.

I have limited this to one issue for the sake of brevity, because in the case of what nullifies faith, quantity is irrelevant, as Shaykh al-Islam Ibn Taymiyah says: “In the case of words that nullify faith, it does not matter whether it is one or many, even if the person does not utter words of blatant kufr, for example, if he rejects one aayah, or denies one obligatory duty, or insults the Messenger once, even if he does not state that he disbelieves in the Messenger. The same applies to

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19 Majmooʿ al-Fatawa, 13/47.
words which nullify faith if they are uttered, such as saying, ‘I nullify the covenant’ or ‘I have nothing to do with you.’ The covenant (of Islam) becomes null and void because of this, even if he does not repeat it. Similarly, insulting the religion etc., does not need to be repeated.”

These are matters concerning which there is no dispute. If a person disbelieves in Prophet Nooh (Noah) (ﷺ), then he is a kaafir, even if he believes in the rest of the Prophets, just as tahaarah (purity) and salaah (prayer) may be nullified by one of the things that nullify them. Similarly, a Muslim may be one of those who profess the Shahaadatayn and perform all the other pillars of Islam, but if he commits one action that nullifies Islam — such as denying that adultery or drinking alcohol is haraam — then he is a kaafir, according to scholarly consensus.

Insulting the Messenger (ﷺ)

The one issue which we will examine here is that of insulting the Messenger (ﷺ). The scholars are unanimous that whoever clearly insults the Messenger (ﷺ) is a kaafir. Among those who stated that there is a consensus, are:

1 - Ishaaq ibn Raahawayh, the famous Imam. Shaykh al-Islam Ibn Taymiyah said: “Imam Ishaaq ibn Raahawayh, one of the prominent aimmah (Imams), said: the Muslims are agreed that whoever insults Allah or His Messenger, or rejects anything that Allah has revealed, or kills one of the Prophets of Allah, is a kaafir by virtue of that, even if he believes in everything that Allah has revealed.”

2 - Ibn al-Mundhir and Al-Faarisi. Ibn Ḥijr said in Fath al-Baari:

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20 As-Saarim al-Masool, 2/178.
21 Ibid, 2/15, 3/955. The words of Ishaaq are mentioned in At-Tamheed by Ibn ‘Abdul-Barr, 4/226.
“Ibn al-Mundhir narrated that there was consensus that whoever insults the Prophet (ﷺ) in clear terms must be killed. Abu Bakr al-Faarisi, one of the Shaafa‘i Imams, narrated in Kitaab al-Ijmaa‘ that whoever insults the Prophet (ﷺ) in a manner that is clearly slander, is a kaafir according to scholarly consensus.”

3 - Muhammad ibn Sa‘noon who said: “The scholars are agreed that whoever insults the Prophet (ﷺ) and shows disrespect to him is a kaafir and is subject to the warning of Allah’s punishment. According to the view of the ummah, he is to be killed, and whoever doubts that he is a kaafir and deserves punishment is also a kaafir.”

This ruling of kufr, which is agreed upon concerning the one who insults the Messenger (ﷺ), is applicable simply for the action of insulting, regardless of whether he believes it to be permissible or thinks that it is forbidden. His kufr is both outward and inward, in contrast to the view of the Murji‘ah. Shaykh al-Islam Ibn Taymiyah said: “We say: that insulting Allah or insulting His Messenger is kufr both outwardly and inwardly, whether the one who does that believes that it is forbidden or he thinks that it is permissible, or if he does not have any opinion on that. This is the view of the fuqahaa’ (Muslim jurists) and all of the Ahl as-Sunnah, who say that faith is both words and deeds.” In this case, there is no difference between one who is joking and the one who is serious.

The mere act of insulting is major kufr, whether one believes it to be permissible or not. Whoever says that it is kufr only in the case of one who believes it to be permissible has taken that from the Murji‘ah,

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22 Fath al-Baari, commentary on hadith no. 6928 of Sahheeh al-Bukhari. (Fath al-Baari, 12/281, 1st Salafiyah edition)
whom Ibn Taymiyah criticized severely when he said: “It must be noted that saying the reason why the one who insults (Allah or His Messenger) is a *kaafir* is his belief that this is permissible, is a serious mistake and a grave error. May Allah have mercy on Al-Qaadi Abu Ya’laa who mentioned in more than one place in his books things that contradict what he said here. The reason why they fell into this pit is what they learned from a group of the later *mutakallimoon* (Scholastics), who were influenced by the *Jahamiyah* in saying faith is merely the matter of belief in the heart, even if it is not accompanied by words on the lips and even if it does not lead to any action of the heart or physical action...”

This consensus of the scholars and their comments on this issue indicate a number of things:

a) That *kufur* is not limited only to rejection.

b) That *kufur* may take the form of words or deeds.

c) That *kufur* is not only dependent on a person believing something forbidden to be permitted.

d) That this kind of *kufur* — which is described as such in a text — is both inward and outward *kufur*, and that it is *kufur* in and of itself, not because it indicates that the person believes something forbidden to be permissible.

e) Those who go against this view are kinds of *Murji’ah*, extreme or otherwise.

In order to distinguish the view of *Ahl as-Sunnah wal-Jamaa’ah* — concerning the issue of insulting the Prophet (ﷺ) — from the views of the *Murji’ah*, we will mention various views on the matter, and the views of each group which went against the view of the *salaf*. These views (which are opposed to the view of the *salaf*) are as follows:

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The first view: That a person who insults the Prophet (ﷺ) is not considered to be a kaafir (disbeliever) in this world unless he clearly states that he rejects (the ruling) or believes that uttering such insults is permissible. This is the view of the extreme Murji'ah who say that whoever is described by shari'ah as being a kaafir because he does or says something that implies kufr should not be judged to be a kaafir in this world unless he clearly states that he rejects (the ruling).

This group was accused of bid'ah (innovation) by the salaf because of their extreme Murji'i views which went against the texts which describe the one who commits an action that implies kufr (disbelief) as being a kaafir without stipulating the condition that it should be accompanied by denial or rejection. Thus they made rejection a condition for classifying a person as a kaafir, so that no one could be described as kaafir unless he clearly stated that he denied or rejected (the ruling).

The second view: That the one who insults the Prophet (ﷺ) is a kaafir outwardly — i.e., as far as the rulings of this world are concerned — but he may be a believer on the inside, if he believes in his heart. These people say that everyone who is described in shari'ah as being a kaafir must be judged as such outwardly, and the rulings of kufr must be applied to him in this world, but it may be that inwardly he is a believer, if he believes in his heart and does not reject (the ruling). This view is well known among the extreme Murji'ah who say that faith is knowledge. Their justification for that is “that he may say with his lips something that is not in his heart. If there is respect and veneration of the Messenger in his heart, what is inward cannot be undermined by his contrary outward speech, just as the hypocrite does not gain anything by making an outward show that goes against what is in his heart.”

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27 As-Šaarim al-Masool, 3/966.
Shaykh al-Islam Ibn Taymiyah refuted the specious arguments of these people from three angles, of which the first one concerns us here. "The implication of this is that whoever utters words of rejection and denial, or any kind of kufr, without being forced to do so, may nevertheless still be a believer. Whoever believes this has cast aside the covenant of Islam (i.e., become a kaafir)."\(^{28}\)

Because of the seriousness of this specious argument — I mean the argument of the Jahamiyah — and the extent to which it spread in later periods, I will quote what Ibn Taymiyah said about it, and how groups among the Ahl al-Kalaam (Scholastics) other than the Jahamiyah were influenced by it. He said: "Hence it is clear that Jaham ibn Šafwaan and his followers erred when they thought that faith is simply the matter of belief and knowledge in the heart, and they did not regard actions of the heart as being part of faith. They thought that a person could have perfect faith in his heart, yet at the same time he could insult Allah and His Messenger, or oppose Allah and His Messenger, and oppose the friends (awliya’) of Allah and take the enemies of Allah as friends, and kill the Prophets, and destroy mosques, and show disrespect towards the Mus-haf, and show the utmost respect to the kuffaar, and the utmost disrespect towards the believers. They said, all of that is sin which does not nullify faith which is in the heart, indeed a person may do that whilst inwardly and before Allah he is a believer. They said: indeed the rulings on the kuffaar may be applied to him in this world because these words\(^{29}\) are sign of kufr, so he should be judged on outward appearance just as judgement may be based on confession and the testimony of witnesses, even though inwardly he may be different from that which he has confessed and that the witnesses have testified. If the Qur’an, Sunnah and scholarly consensus are quoted to

\(^{28}\) Ṣaārim al-Maslool, 3/973.

\(^{29}\) In Al-‘Abeekaan edition, Pp. 212, it says "deeds".
them to prove that one of these people is a *kaafir* because of doing these actions and he will be punished in the Hereafter, they say: these actions are an indication of the absence of belief and knowledge in his heart. So in their view *kufr* means *only* one thing, namely ignorance, and belief means *only* one thing, namely knowledge, or rejection or belief in the heart. So they dispute as to whether belief in the heart is anything other than knowledge, or is it merely knowledge?

Though this is the *most* corrupt statement ever uttered concerning *faith*, it is the view of many of the scholars of *kalaam* who were influenced by the *Murji‘ah*. The *salaf*, such as Wakee‘ ibn al-Jarraah, Aḥmad ibn Ḥanbal, Abu ‘Ubayd and others described as *kaafir* those who expressed this view. They said: *Iblees* is a *kaafir* according to the text of the Qur‘an, and he became a *kaafir* because of his arrogance and his refusal to prostrate to Adam, not because he disbelieved in any text. The same applies to Pharaoh and his people, concerning whom Allah (ﷻ) said:

> وَحْمَدَّهُمَا بِهَا وَأَسْتَفْتَنَّهَا أَنْفُسَهُمْ عَلَى مَا وَعَلَّمُونَا [(Qur‘an 27:14)](Qur‘an 27:14).

(And they belied them [those *aayaat*] wrongfully and arrogantly, though their own selves were convinced thereof [i.e. those (*aayaat*) are from Allah, and Moosa (Moses) is the Messenger of Allah in truth, but they disliked to obey Moosa (Moses), and hated to believe in his Message of Monotheism...].) — (Qur‘an 27:14).”

The difference between this group of the *Murji‘ah* and that which came before — both of whom are among the extreme *Murji‘ah* — is that the first group did not regard a person as *kaafir*, either in this world or in the Hereafter, unless he denied and rejected (the ruling),

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whereas the second group said: whoever is judged to be a *kaafir* according to shari‘ah, we also regard him as a *kaafir* in this world, but inwardly he may be a believer so before Allah he is a believer.

These two groups were regarded by some of the *salaf* as *kaafir*, as stated above, because of their extreme views and because they went against the clear text (of the Qur‘an and Sunnah).

**The third view:** That whoever is judged by the texts to be a *kaafir* — such as one who insults the Prophet (ﷺ) — is a *kaafir* both outwardly and inwardly, both in this world and in the Hereafter, but if his *kufr* is because of an action such as words or deeds, it is not because of the action itself, but because the action is indicative of the absence of belief in his heart, i.e., his action indicates that there is disbelief in his heart. This is the view of the *kalaami Murji‘ah* such as the *Ash‘aris* and others, who wanted to reconcile between their view that *kufr* is merely rejection or disbelief and their agreement with shari‘ah that such people are *kaafir*. So they said: this action is major *kufr*, but *kufr* happens because it is a sign of disbelief in the heart.

This is the view of those who say that the *kufr* of the one who insults the Prophet (ﷺ) is essentially because he believes it to be permissible to utter such insults. This is what Ibn Taymiyah described as a serious mistake and a grave error, and he attributed this view to the later *Jahamiyah* who followed the views of the early *Jahamiyah*. We have quoted above what he said concerning this matter and how he criticized this specious argument.

They agreed with *Ahl as-Sunnah wal-Jamaa‘ah* concerning the ruling, that whoever does this is a *kaafir* both outwardly and inwardly, but they differed from them concerning the reason for that. *Ahl as-Sunnah* said that he is a *kaafir* by virtue of the very action or words which imply *kufr*, whereas these people said that he is a *kaafir* because this action or these words are a sign of the absence of belief
in his heart, and that is the reason why he became a *kaafir*. This is false, because not every *kaafir* disbelieves in his heart. *Iblees*, Pharaoh, the Jews, Heraclius and others believed and knew in their hearts, but they were *kaafirs* (disbelievers) because of their actions of refusal and turning away.

The *aimmah* (Imams) engaged in debate with them, especially Ibn Taymiyah in his two books *Al-Eemaan* and *Aṣ-Ṣaarim al-Maslool*. Among the things that he said concerning these people was: “The words of Allah contain information and commands. With regard to the information, it is to be believed, and the commands are to be obeyed and submitted to. This is an action in the heart, based on submission to the command even if one does not do what is commanded... (Then he said): if there is any element of belittling or disrespect in the heart then there cannot be submission to the command, and thus there can be no faith in the heart. This is the very nature of the *kufr* of *Iblees*, for he heard the command of Allah and he did not disbelieve in any messenger, but he did not obey the command or submit to it, and he was too arrogant to obey, so he became a *kaafir*. This is an issue concerning which some of the later generations were confused. They imagined that faith is basically nothing more than belief, then they thought like *Iblees* and Pharaoh and others who did not disbelieve as such, either verbally or in their hearts, but their *kufr* was of the most extreme type. So they became confused, but if they had followed the guidance followed by the righteous *salaf*, they would have known that faith is both words and deeds...” After mentioning that both belief and obedience are essential, he said: “He cannot be a believer unless both conditions are met, for if he fails to obey and submit he is being arrogant, so he is one of the *kaafirs* (disbelievers) even if he believes. For *kufr* is more general than rejection. It may mean rejection and ignorance, or arrogance and wrongdoing. Hence *Iblees* was described as a *kaafir* and as being arrogant, but he was not described as rejecting or disbelieving. Hence
the *kufr* of those who had knowledge, like the Jews and their ilk, is described as being like the *kufr* of Iblees, and the *kufr* of those who were ignorant, like the Christians and their ilk, is described as misguidance, which is ignorance. Do you not see that a group of the Jews came to the Prophet (ﷺ) and asked him about some things, and when he told them, they said, ‘We bear witness that you are a Prophet,’ but they did not follow him. The same is true of Heraclius and others. This knowledge and belief did not benefit them...”

Then he mentioned the *Shahadaatayn* (the twin testimony of faith): the testimony that there is no god except Allah, and the testimony that Muhammad is the Messenger of Allah, then he said: “Since belief must be based on both parts of the *Shahadaatayn*, — which simply means that one has accepted the Message — there were some who thought that this is the only foundation of faith, and they forgot the other essential principle, which is submission. So he may believe in the Messenger both outwardly and inwardly, but he still refuses to submit to the commands. All he achieves by believing in the Messenger is that he becomes like the one who heard the message directly from Allah, like Iblees. This explains to you that mocking Allah and His Messenger essentially contradicts submission and obedience to Him, and it contradicts belief by implication, because it contradicts the consequences and implications of belief and prevents him from reaping its benefits.

These *Murji’ah* and those who agreed with them thought that there could be no *kufr* unless it was accompanied by disbelief or rejection.

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31 This story is narrated by Tirmidhi, hadith no. 2877. He said, this is a *saheeh hasan* hadith.

32 i.e., without any intermediary such as an angel or Prophet. This is the highest level of establishing evidence, since Iblees heard the command to prostrate (to Adam) directly from Allah.

33 *Aṣ-Ṣaarim al-Maslool*, 3/967-969.
When these cases were quoted to them, in which there is definitive proof that the people who commit these sins are *kaafir*, they said: this is *kufar*, but then they introduced a *bid’ah* (innovation) which goes against the view of *Ahl as-Sunnah wal-Jamaa‘ah*, when they said: but it is *kufar* because doing that is an indication of the lack of belief in his heart. So they went against the evidence of shari‘ah which stated that there is belief in their hearts, and they also went against the evidence of common sense, for a man may believe in his heart but his words and actions may demonstrate something other than what is in his heart.

**The fourth view:** *Ahl as-Sunnah wal-Jamaa‘ah* say: just as faith is the matter of what is in the heart and what one says and does, the same applies to its opposite. *Kufar* is the matter of what is in the heart or what one says and does, or all of them. If a person does something which implies *kufar* — whether it is verbal, such as insulting Allah, or a physical action, such as showing disrespect towards the Qur’an — by virtue of this very action, he becomes a *kaafir*, both inwardly and outwardly, according to the rulings of both this world and the Hereafter. What is in his heart does not matter, because he may have belief or disbelief in his heart. What Allah tells us is true both outwardly and inwardly. So when Allah tells us about the *kufar* of those who say that Allah is one of three, or that Allah is the *Messiah* son of Maryam, or as He told us about those who mocked the religion:

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لا تصدروا... (Qur’an 9: 66)

(Make no excuse; you disbelieved after you had believed...)
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— these statements are true, and the *kufar* of such a person is real; the fact that the one who does it believes that Allah is One, or that the *Messiah* is not God, etc., will not avail him anything.
These views — which I have discussed in detail, with examples — explain the difference between the view of Ahl as-Sunnah wal-Jamaa‘ah and the views of the Murji’i groups.

Conclusion

— Ahl as-Sunnah wal-Jamaa‘ah say: this action which constitutes kufr is kufr in and of itself.

— The Ahl al-Kalaam (Scholastics) who were influenced by the Murji’ah said that this was major kufr — which is in accordance with the view of Ahl as-Sunnah wal-Jamaa‘ah — but they also said that it was kufr because it was indicative of disbelief or rejection in the heart. Thus they went against the view of Ahl as-Sunnah wal-Jamaa‘ah in this sense, because they restricted the meaning of kufr to disbelief and rejection.

— One group went to extremes and said that it was kufr in an outward sense, according to the rulings of this world, but inwardly such a person may be a believer. This is a false view, as stated above.

— Another group went to extremes by saying that in principle, no one was a kaafir except the one who believed that the action he was doing, which constituted kufr, is permissible and who disbelieved in the sense that he clearly rejected (the ruling). This is also a false view.

Let those who speak or write about these topics think long and hard lest they express these false views without realizing, and then attribute what they say to the view of the salaf.

5 - Kufr is not restricted only to disbelief or rejection. It may mean disbelief or it may mean some other action which implies kufr, whether that takes the form of words spoken or physical actions. There follow some examples of what the scholars have said on this matter:
a) Whoever mocks Allah or His religion or the Messenger is a kaafir. Allah (ﷻ) says:

وَلَٰٓئِنْ سَأَلَّهُمْ لَيْفُولُوهُ إِنَّمَا حَتَّىْ تُخْضَعَ وَتُلْعَبْ فَلْأَيُّهُ وَأَنْعَمُونَ لَا تَشَرَّعْنَ وَلَا تَبْعَثْنَ إِلَّا بِبُلْعَةٍ أَنْذَكِرُوهُ بَعْدَ إِيمَانِنَا إِنْ نَفَقَ عَنْ طَلَاقَةٍ مِّنْكُمْ عَلَيْهِ طَلَاقَةٍ فَيَدْخُلُ طَلَاقَةٍ بَيْنَهُمْ سَعَانَا

If you ask them [about this], they declare: ‘We were only talking idly and joking.’ Say: ‘Was it at Allah, and His aayaat [proofs, evidences, verses, lessons, signs, revelations, etc.] and His Messenger that you were mocking?’ Make no excuse; you disbelieved after you had believed. If We pardon some of you, We will punish others amongst you because they were mujrimoon [disbelievers, polytheists, sinners, criminals].

(Qur’an 9: 65-66)

Shaykh al-Islam Ibn Taymiyah said:

“Allah tells them that they disbelieved (became kaafir) after they had believed, even though they said, ‘we were speaking of kufar but we did not believe in it; we were only talking idly and joking.’ He explains that mocking the signs or verses of Allah is kufar.”

Ibn Taymiyah also said:

“Allah says: ‘If you ask them [about this], they declare: ‘We were only talking idly and joking...’’ (Qur’an 9: 65) so they admitted it and made excuses, hence Allah says: ‘Make no excuse; you disbelieved after you had believed. If We pardon some of you, We will punish others amongst you because they were mujrimoon [disbelievers, polytheists, sinners, criminals].’” (Qur’an 9: 66).

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This indicates that in their own view, they were not guilty of *kufr*, rather they thought that this was not *kufr*. So Allah explained that mocking Allah, His signs or verses and His Messengers is *kufr* which makes the one who does it a *kaafir* after he had believed. This indicates that they had weak faith and they committed his forbidden action, which they knew was *haraam*, but they did not think that it would constitute *kufr*. But it did constitute *kufr* and they became *kaafir* because of it, even though they did not believe that it was permissible. This was the view of more than one of the Salaf concerning the description of the hypocrites of whom analogies are given in Soorah al-Baqaraah, where they are described as seeing then being blind, as knowing then denying, as believing then disbelieving...”

They became *kaafir* because of this mocking; no attention was paid to what they believed; in fact, the apparent meaning of the *aayah* is that they did not believe in the words that they were saying.

b) *Iblees* became a *kaafir* because of his refusal to prostrate to Adam, although he acknowledged Allah and had sworn an oath by His Glory, and asked Him to give him respite until the Day when they would be resurrected. So He believed in Allah, had knowledge of Him and believed in the Last Day. Allah (ﷺ) says:

> وَإِذْ قُلْنَا لِلْجَهَّالِ وَالْكُفَّارِ: أَسْجُدُوا لِلَّهِ مَا سَلَبْنَاهُ إِلَّا إِبْلِيسُ أَنْ تَسْجُدُوا إِلَّا مَعَهُ وَأَسْتَكْبِرْتُمْ وَتَكْفُرُنَّ

> (Qur’ān 2: 34)

> And [remember] when We said to the angels: ‘Prostrate yourselves before Adam.’ And they prostrated except *Iblees* [Satan], he refused and was proud and was one of the disbelievers [disobedient to Allah].

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His *kufr* was the *kufr* of disdain and arrogance, caused by his refusal to prostrate (to Adam). He is a *kaafir* (disbeliever) simply because of this action, and the fact that he believed and did not deny is of no avail to him.

c) Allah has described some people as *kaafir* because of things that they have said. Allah (زَيْنِبُ) says:

وَلَقَدْ صَيْغَرَ الْذِّبَحَةِ قَالُوا إِنَّ اللَّهَ هُوَ الْمَسِيحُ إِبْنُ مَرْيَمّ ... 

(Surely, in disbelief are they who say that Allah is the Messiah, son of Maryam [Mary]... (Qur’an 5: 17,72)

And He (زَيْنِبُ) says:

وَلَقَدْ صَيْغَرَ الْذِّبَحَةِ قَالُوا إِنِّي إِلَّا اللَّهُ قَدَمْتُ ... 

(Surely, disbelievers are those who said: ‘Allah is the third of the three [in a Trinity]...’ (Qur’an 5: 73)

These are words that in and of themselves constitute major *kufr*, and the fact that the one who says them believes in his heart is of no avail, even if he believes that Allah is One with no partner or associate.

d) Those who worship graves, calling upon someone other than Allah, offering sacrifices to them and seeking their help are *kaafir* simply because of these actions, even if they claim to believe in *Tawheed* and that they believe in their hearts that benefit and harm are in the hand of Allah Alone, and they say that there is no god but Allah and Muhammad is the Messenger of Allah. All of that is of no benefit to them.

The evidence for this is well known, and the scholars, in the past and more recently, have discussed this matter a great deal. They have refuted the specious arguments of the grave-worshippers who quoted the evidence of the *Murji’ah* as proof that praying to graves, offering
sacrifices and making vows to them is not *shirk* or *kufr* if the one who
does that believes in his heart and utters the *Shahaadatayn*.

The point here is that the action on its own constitutes major *kufr*,
regardless of whether he regards it as being permissible or not.

This nullifies the claim of the one who says that no sin makes the one
who does it a *kaafir* unless he regards it as being permitted.

e) Insulting Allah or the Messenger (ﷺ) is major *kufr*,
regardless of whether one regards it as permissible or not.
More than one scholar has reported consensus on this point, as
we have quoted above. 36

f) The *sahaabah* unanimously agreed that those who withheld
the zakah and fought to do so were *kaafir*. We have discussed
this matter in detail in Chapter 4. The point is that those who
withheld the zakah became *kaafir* simply by withholding it —
whether they denied (the obligation) or not was not relevant.

g) Whoever claims that any created being, whether a *wali*
("saint") or anyone else, is allowed to go against the shari‘ah
of Muhammad (ﷺ) is a *kaafir* 37 — regardless of whether he
believes that in his heart or not.

h) There is consensus that the one who deliberately mishandles
the Qur’an or shows disrespect towards it is a *kaafir*, 38
regardless of whether he means that in his heart or not.

i) The one who does not pray — we are referring here to the
one who does not deny that it is obligatory, because concerning

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38 *Ash-Shifaa’* by Al-Qaadi ‘Iyaad, 2/1101, where he narrated that there is
consensus on this point. See also *Rawdah at-Taalibeen* by An-Nawawi, 10/64; *Al-
‘Iqnaa’*, 4/297.
the one who does deny that, there is no dispute (that he is a 
\textit{kaafir}). The evidence of the Qur’an and Sunnah indicates that
the one who does not pray is a \textit{kaafir}. This evidence is listed
by Al-Marwazi in \textit{Ta’zeem Qadr as-Salaah},\textsuperscript{39} Ibn al-Qayyim
in \textit{Kitaab as-Salaah},\textsuperscript{40} and others.

What concerns us here is the fact that some scholars narrated that
there was consensus on the \textit{kuf\'r} of the one who does not pray, even
if he does not deny (that it is obligatory). This refutes the \textit{Murji’ah}
who said that no sin makes a person a \textit{kaafir} unless he believes it to
be permissible, without differentiating between major sins of action
such as \textit{zina}, stealing, etc., which do not make a person a \textit{kaafir}
unless he believes them to be permitted, and major sins which
constitute \textit{kuf\'r} and make a person a \textit{kaafir} regardless of whether he
regards it as permissible or not — as in the examples given above. In
the case of prayer, even though there is a dispute concerning it among
the \textit{aimmah} (Imams), especially after the time of the \textit{sa\'aabah}, more
than one scholar narrated that there was consensus that the one who
does not pray is a \textit{kaafir}. It is narrated that Ayyooob said: not praying
is \textit{kuf\'r} and there is no dispute on this point.\textsuperscript{41} Ishaaq ibn Raahawayh
also narrated that there was consensus on this point,\textsuperscript{42} and he refuted
the \textit{Murji’ah} who said that denial or rejection of the ruling was a
prerequisite for denouncing anyone as a \textit{kaafir},\textsuperscript{43} even though not
eyery scholar who did not denounce the one who does not pray as a
\textit{kaafir} was a \textit{Murji’i}.

Ibn Rajab (may Allah have mercy on him) said: “Many of the
scholars of \textit{Ahl al-\textit{Hadeeth}} think that the one who does not pray is a

\textsuperscript{39} 2/873 ff., no. 886 ff.
\textsuperscript{40} Pp. 395 ff., in \textit{Majmoo‘ al-\textit{Hadeeth an-Najdiyah}, As-Salafiyyah} edition.
\textsuperscript{41} \textit{Ta’zeem Qadr as-Salaah}, 2/925, hadith no. 978; \textit{Sa\'eeh at-Targheeb}, 1/230.
\textsuperscript{42} Ibid, 2/929, hadith no. 990.
\textsuperscript{43} Ibid, 2/930 ff.
kaafir. Ishaaq ibn Raahawayh narrated that there was consensus among them on this point, and he even described the view of those who say that the one who neglects these pillars but believes in them is not a kaafir, as being the view of the Murji’ah. Similarly, Sufyaan ibn ‘Uayynah said that the Murji’ah called not doing the obligatory duties a sin, equivalent to committing forbidden actions. But they are not the same, because committing haram actions deliberately, without believing that they are permitted, is a sin, but not doing the obligatory duties, without being ignorant of them and with no excuse, is kufur. This is clear in the story of Adam and Iblees, and the Jewish scholars who verbally affirmed the mission of the Prophet (sws) but did not follow his shari‘ah. It is narrated that ‘Ataa‘ and Naafi‘, the freed slave of Ibn ‘Umar, were asked about the one who says, prayer is obligatory but I do not pray. They said: he is a kaafir. This is the view of Imam Aḥmad...”

Then he mentioned some of the views concerning the kufur of the one who does not abide by the four pillars — Prayer, Zakah, Fasting and Hajj — then he said: “Most of the scholars of hadith are of the view that not praying is kufur, unlike the case with the other pillars. Muhammad ibn Naṣr al-Marwazi and others also narrated this view from them. Among those who said this was Ibn al-Mubaarak, and Aḥmad — in the well-known view narrated from him — and Ishaaq. It is narrated that there was consensus among the scholars on this point, as stated above. Ayyoob said: not praying is kufur, and there is no dispute on this point. ‘Abdullah ibn Shaqeeq said: the Companions of the Messenger of Allah (saas) did not think that neglecting any deed was kufur, except in the case of prayer. This is narrated by Tirmidhi, who narrated that ‘Ali, Sa‘d, Ibn Mas‘ood and others said: whoever does not pray is guilty of kufur. ‘Umar (saas)

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said: there is no share of Islam for the one who does not pray...”

We are not discussing the dispute concerning this matter here — although the most correct view, based on the evidence, is that one who does not pray is a *kaafir* even if he does not deny (that it is obligatory) — but we would like to mention here a number of points:

a) The fact that consensus is reported on the point that the one who does not pray is a *kaafir*, even if he does not deny (that it is obligatory), or at the very least this is the view of the majority of the *salaf* of *Ahl al-Ḥadeeth* (i.e., early hadith scholars) destroys the view of the *Murji’ah* completely, because this is a sin of action, and whoever commits it, even if he does not deny (that prayer is obligatory) is a *kaafir* in the sense of major *kufr* according to these *aimmah* (Imams). So what is left of the *Murji’i* claim whose scholars say that no one can be denounced as a *kaafir* except the one who thinks that it is permissible for him to do (that sin), without differentiating between sins which constitute *kufr* and sins which are acts of disobedience but do not constitute *kufr* unless one believes them to be permissible.

b) If (a scholar) denounces the one who does not pray as a *kaafir* even though he does not deny (that it is obligatory), can it be said that he is going against the well-known principle that no one can be denounced as a *kaafir* for committing sin, so long as he does not regard that as permissible? Or can it be said that he is one of the *Khawaarij* who denounce people as *kaafir* for committing sins even though they do not regard them as permissible?

Those who set up these principles and rules say that no one can be denounced as a *kaafir* except the one who denies (obligations, etc.), and they make this a *salafi* principle, such that those who differ from

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45 *Fath al-Baari* by Ibn Rajab al-Ḥanbali, 1/25.
it are viewed as being Khawaarij. This is the accusation which they make against those great aimmah (Imams) of the past and present. The same is also said with regard to the issue of ruling by something other than that which Allah has revealed without denying (the obligation of ruling by shari‘ah).

c) Some of those who liked the views of the Murji‘ah were keen to support the view that the one who does not pray is not a kaafir unless he denies (that prayer is obligatory). This was so as not to undermine the principles of the Murji‘ah, which state that no-one can be denounced as a kaafir unless he denies and rejects (the obligations and prohibitions etc). I do not know what makes him reject the view of those aimmah (Imams) — of Ahl al-Hadeeth — and the salaf and aimmah (Imams) of this ummah. Theirs are the views which destroy the false and innovated views of the Murji‘ah.

They did not stop at opposing the aimmah’s (Imams’) views concerning the issue of one who does not pray. They also opposed them with regard to another aspect of the issues of faith, namely the actions which constitute kufr, concerning which the aimmah (Imams) are unanimous that the one who does them is a kaafir — such as insulting Allah and His Messenger, or showing disrespect towards the Mus-haf. They said that the one who does that is not a kaafir unless he believes that it is permissible. This was so as not to undermine their basic principles, even though there is scholarly consensus on this matter, as stated above when we discussed the issue of insulting Allah and His Messenger, etc.

We said “some of them”, because not everyone who said that the one who does not pray is not a kaafir was following the view of the Murji‘ah. We have noted this point above.

d) We have quoted from Ibn Rajab, some of which was mentioned by Al-Marwazi in Ta‘zeem Qadr as-Salaah, there
is an indication that the aimmah (Imams) of the salaf were aware of and understood the views of the Murji‘ah who said that no one was to be denounced as kaafir except the one who denied (the obligations or prohibitions). The fact that they mentioned the Murji‘ah in connection with the issue of prayer is an indication that those who applied the principle that no one was to be denounced as a kaafir for sinning except the one who denies (that the sin is forbidden) to all cases of sin, are Murji‘ah or express the same views as they did.

In conclusion: the view of the majority, if not all, of the salaf, that the one who does not pray is a kaafir even if he does not deny (that prayer is obligatory), refutes the principle mentioned by those who oppose this view and go along with the Murji‘ah, knowingly or otherwise.

6 - From discussion of the previous points concerning this specious argument, it is clear that the view that no one can be denounced as a kaafir except the one who denies that which Allah has revealed,\(^46\) is a view which is based on false principles which they set out so that they could apply them to the issue of ruling by something other than that which Allah has revealed. Concerning this matter we say the following:

It is clear that this principle, which they set out and applied to all sins, is false, and that this applies only to sins of action, such as adultery, stealing and drinking alcohol, for which a person does not become a kaafir unless he regards that action as permissible, unlike the view of the Khawaarij. With regard to words and actions which constitute kufir and which nullify faith — examples of which we have given

\(^{46}\) Shaykh Muhammad ibn Ibraheem said in his Fataawa (6/189): “If the one who judges according to man-made laws says, ‘I believe that this is false,’ this does not change the ruling, rather he is abolishing the Shari‘ah. It is like a person saying, ‘I worship idols but I believe that they are false.’”
above - this principle does not apply to them; rather the one who does
such things is a *kaafir* regardless of whether or not he regards them as
being permissible. If this is clear, then we say: the ruler who rules by
something other than that which Allah has revealed, at the national
level — without regarding that as being permissible — is, according
to the evidence, a *kaafir*. We have discussed this in detail above, in
the previous section, and quoted the comments of scholars of the past
and present. This shows that they think it more correct to view such a
person as a *kaafir* in the sense of major *kufr*. This is the whole point
of this book.

Our purpose in mentioning this specious argument and refuting it is
to undermine the principle on which those who hold the opposite
view base their view and which they use as definitive evidence. This
has been explained in the previous section.

Thus the issue of ruling by something other than that which Allah has
revealed clearly does not come under the same heading as the
principle referred to above, rather it is similar to the issue of the one
who does not pray, and it is to be examined and judged in the light of
the same evidence, i.e., the relevant evidence and the view of the
*aimmah* — the reputed jurists and scholars, then we may see which
view is more correct and preferrable.

The preferred view concerning this issue (ruling by something other
than that which Allah has revealed) and concerning the ruling on the
one who does not pray is that both constitute major *kufr*. Praise be to
Allah, in thinking that this is the preferred view, that we have the
example of many of the *aimmah* (Imams) who came before us.
Indeed, it has been narrated that there is consensus, as stated above
concerning the issue of prayer, and as we shall see below concerning
the issue of ruling by something other than that which Allah has
revealed, when we respond to the sixth specious argument. And
Allah knows best.
The Fifth Specious Argument

Comparing ruling by something other than that which Allah has revealed to bid‘ah

This may be summed up as follows: that the innovator is, in effect, trying to compete with the shari‘ah by means of his bid‘ah, trying to fill gaps in it and claiming that it is imperfect. The innovator is opposing shari‘ah and diverting from it, and the one who rules by something other than that which Allah has revealed is also like this: he thinks that the shari‘ah is imperfect, and he is trying to match it with his man-made laws, claiming implicitly and explicitly that the shari‘ah is incomplete.

If this be the case, the proponents of this specious argument say that the innovator is more opposed to the shari‘ah than the one who rules by something other than that which Allah has revealed, and he is more dangerous, because he attributes his innovation to Islam, unlike the one who rules by something other than that which Allah has revealed, because he does not attribute the man-made laws to shari‘ah. The danger posed by the innovator to the common folk is greater because he is dividing the ummah and splitting it into various groups and factions.

Then they say that the aimmah (Imams) divided bid‘ah into two categories:

1 - Bid‘ah which constitutes kufr and puts a person beyond the pale of Islam, such as the bid‘ah of those who deny something which is a well known and well established part of Islam, and which no Muslim has any excuse for not knowing, or believe the opposite of such a thing.

2 - Bid‘ah which does not constitute kufr and does not put a person beyond the pale of Islam; this is apart from that described above.
They then seek to apply this to the issue of ruling by anything other than that which Allah has revealed, which they divide into two categories:

a) That which constitutes major *kufr*, that is, when the ruler regards ruling by anything other than that which Allah has revealed as being permissible, and rejects (the ruling of Islam).

b) That which constitutes lesser *kufr*, which is the case of the ruler who rules by something other than that which Allah has revealed, without regarding that as being permissible, even if he promulgates man-made laws and enforces them.

This is the summary of the specious argument of those who compare ruling by something other than that which Allah revealed to *bid‘ah* and the people who do it, and the view of the *salaf* concerning them.

At the end of Chapter 4 we referred to the issue of *bid‘ah* and the attitude of the *salaf* towards it and those who followed it. We said that this was an example of the attitude of the scholars towards those who alter the shari‘ah; as Ash-Shaafi‘i said, those who follow *bid‘ah* are accusing the shari‘ah of being imperfect.

Undoubtedly the similarities between *bid‘ah* and man-made laws are many.\(^{47}\) How could it be otherwise, when the man-made laws are innovations that have been introduced into Islam?

This specious argument is based on the previous comparison, but it contains a number of contradictions and errors which we have no choice but to examine. These include the following:

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\(^{47}\) See *Al-Iʿtiṣām*, 1/46-53, where he describes in detail the perfection of shari‘ah and the fact that human minds cannot independently know people’s best interests. He describes therein the opposition of the followers of *bid‘ah* towards the shari‘ah, and how they try to compete with it by means of their innovations and following of their whims and desires.
1) Promulgating man-made laws which go against the Islamic shari‘ah is a kind of innovation that has been introduced into Islam, indeed it is a kind of innovation that never happened to the Muslim ummah — in the way it is happening now — except in the most recent times, whereas some of the other kinds of bid‘ah had emerged during the time of the ṣaḥaaba (may Allah be pleased with them).

It may be said: how can one bid‘ah be compared and contrasted with another, based on the general wording of the scholars concerning innovation? This is imprecise and inaccurate. It is more appropriate to say that these man-made laws are a kind of newly-invented innovation, then we should examine the evidence in the words of the scholars concerning them, to see whether they regarded it as constituting kufr or not.

The comparison made by some between man-made laws and bid‘ah is like one who says that the issue of worshipping graves is something which, like bid‘ah, may be divided into that which constitutes kufr and that which does not constitute kufr; or that the issue of celebrating the Mawlid (Prophet’s birthday) is something which, like bid‘ah, may be divided into that which constitutes kufr and that which does not constitute kufr; or that giving the adhaan for the ‘Eid prayer is something which, like bid‘ah, may be divided into that which constitutes kufr and that which does not constitute kufr ... and so on. This involves a significant degree of mixing unrelated issues and making mistakes.

The correct view is to say that this is a kind of newly invented bid‘ah, we should then examine what kind of bid‘ah it is, whether it constitutes kufr or not, by examining it in the light of the evidence, correct principles and the comments of the scholars.

2) Even though ruling by something other than that which Allah has revealed is a kind of newly invented innovation, it is still incorrect to
compare it to the well-known general kinds of bid‘ah, because there are differences between the two. These differences include:

a) That the one who rules by something other than that which Allah has revealed is blatantly opposing the shari‘ah because he is basing his judgement on mere opinion, not on any kind of evidence. He does not have any evidence, or anything that even resembles evidence, for his laws which clearly go against Islamic shari‘ah.

But the one who follows bid‘ah — as he claims — is basing his view on shari‘ah, or so he says. Hence he presents evidences from the Qur‘an or Sunnah or qiyaas (scholarly analogy), or the words of a scholar. Indeed, he — as Ash-Shaa‘thi says48 — “can never think of it as being bid‘ah; rather in his view it is something which is a part of that which is prescribed by shari‘ah, like the view of the one who allocates Mondays for fasting because that is the day on which the Prophet (ﷺ) was born, or who regards the twelfth day of Rabee‘ al-Awwal as an ‘Eid day because the Prophet (ﷺ) was born on that day...”49 He also says concerning the followers of bid‘ah — in the context of explaining why the scholars have some considerations in some cases for the views those who follow bid‘ah —

“If we accept the fact that they sometimes have some consideration for the views of the innovators, this is because they are not following their whims and desires in an absolute sense. But those who do follow their whims and desires in an absolute sense do not believe in shari‘ah in the first place. But in the case of the one whose belief is so strong that one may think that he is only following that which the

48 We have quoted what Ash-Shaa‘thi says because he is one of the most well known scholars who explained in detail that those who follow bid‘ah are opposed to shari‘ah and accuse it of being incomplete, as stated above.
49 Al-I‘ti‘aam, 2/63.
evidence (*daleel*) leads him to, it cannot be said that he is following his whims and desires in an absolute sense, rather he is following the shari‘ah, but in another sense he is following his whims and desires because he is following something that is unclear. So in a way he has something in common with those who follow their whims and desires, and he has something in common with those who follow the truth, in the sense that in general he does not accept anything but that which is based on evidence. It also seems that in general they have the same intention as the followers of truth, which is to follow the shari‘ah...”

The one who follows *bid‘ah* attributes his innovation to Islam, and looks to shari‘ah for evidence, whereas the one who replaces shari‘ah with man-made laws is going against shari‘ah and he has no evidence for his laws.

Thus the difference between the one who follows *bid‘ah* and the one who invents laws which oppose shari‘ah becomes clear. Hence Ash-Shaatibi called (the latter) the one who follows his whims and desires in an absolute sense, and the one who does not believe in shari‘ah in the first place, because he is not following evidence or any interpretation of any text.

b) Innovations (*bid‘ah*) may be major or minor; they vary in degree. Some of them may make the one who does them a *kaafir* and some of them may not. But changing the shari‘ah is *kufr* in every case, minor or major. Ash-Shaatibi said, referring to the fact that *bid‘ah* contains some element of introducing new laws — which he mentioned in the context of listing

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51 This is one of the very serious aspects of the danger which innovation poses to Islam, because its proponents claim to be Muslims, thus they deceive the common folk and their like. But Islam is free of any innovation, and Allah is the One Whose help we seek. (Author)
questions and answers on the matter of dividing bid‘ah into major and minor, and the dispute concerning that — “Every bid‘ah — even if it is minor — involves adding or taking away laws and rituals, or changing their original form. All of that may be with regard to one issue of shari‘ah or it may be with regard to something that is connected to shari‘ah, thus undermining that which is prescribed. If anyone does this deliberately with regard to shari‘ah, then he is a kaafir, because adding to it, taking away from it or changing it — whether that is to a greater or lesser extent — is kufr. Whether that is done to a greater or lesser extent makes no difference. But if a person does that because of a misinterpretation or a wrong opinion which he formed or ascribed to shari‘ah, even though we do not regard him as a kaafir, what he does is still wrong regardless of its extent, because all of that is a sin that cannot be tolerated by shari‘ah, regardless of its extent.”\(^{52}\)

From pondering the comments of Ash-Shaatibi, the following points become clear:

— There is a similarity between the action of introducing bid‘ah and the action of making laws which go against shari‘ah. This is true.

— Whether this is done to a greater or lesser extent, both are a manifest going astray.

— There are two-pronged differences between the innovator and the one who promulgates laws over and above the laws of Allah:

a) The innovator tries to base his opinion on evidence, albeit a misinterpretation or an incorrect opinion, whereas the one who promulgates laws has no evidence, rather he is deliberately going against shari‘ah.

\(^{52}\) *Al-I’tiṣaam*, 2/61.
This difference between the innovator and the promulgator of laws is quite obvious.

b) With regard to the ruling on each, the one who invents laws deliberately and adds to or takes away from the shari‘ah becomes a kaafir, whereas a mere innovator may or may not become a kaafir. In either case — whether the innovator becomes or does not become a kaafir — there is no difference whether the bid‘ah is done on a large or small scale.

Thus it becomes clear that there is a difference between the one who rules by something other than that which Allah has revealed, and the one who introduces bid‘ah. How can we compare the one to the other in absolute terms? Any comparison made when these differences exist is a false comparison, I mean the comparison made by the proponent of this specious argument, which led him to the conclusion that the one who rules by something other than that which Allah has revealed and who changes the laws of Allah — without denying them or believing that to be permissible — comes under the same category as bid‘ah that does not constitute kufr. We will explain this further in the following section.

3) The comparison made by the proponent of this specious argument leads to incorrect conclusions. This is clear from the fact that he divides bid‘ah into two categories, that which constitutes kufr, which includes disbelieving in or denying well known and well established matters of shari‘ah which no Muslim has any excuse for not knowing; and that which does not constitute kufr, which is any other kind of bid‘ah — i.e., bid‘ah in word or deed which does not involve disbelieving in or denying matters which no Muslim has any excuse for not knowing. By the same token, he also divided ruling by something other than that which Allah has revealed into two categories: that which constitutes major kufr, which involves regarding that which is forbidden as permissible and denying or
rejecting (the rulings of Allah); and that which constitutes minor *kufr* which means ruling by something other than that which Allah has revealed and changing the laws of Allah without denying or rejecting (the ruling of Allah).

It should be noted that this leads to two incorrect conclusions:

a) That the implication of major *kufr* attached to ruling by something other than that which Allah has revealed is limited to matters of belief, i.e., denial and disbelieving. So he should be consistent in applying this principle to *bid‘ah*, so that every *bid‘ah* that involves belief would be denounced as major *kufr*. Therefore the label of major *kufr* would be applied to everyone who misinterprets some of the attributes of Allah; or who says that we cannot know what they mean, so we should leave this matter to Allah; or who believes that ‘Ali is superior to Abu Bakr and ‘Umar (may Allah be pleased with them all), whilst believing that all of them are good; or who denies some aspects of *Al-Qadr* (Divine Decree), like the *Qadari Mu‘tazilah* and others. This argument implies that everyone whose *bid‘ah* involves some aspect of belief (*‘aqeedah*) should be denounced as a *kaafir*, and this is obviously false and incorrect.

b) In addition, this implies that just as he does not regard as a *kaafir* the one who rules by (man-made) laws, so long as he does not believe that it is permissible for him to do so, by the same token he should not denounce anyone as a *kaafir* because of a *bid‘ah* that takes the form of action, no matter how serious the *kufr* involved, such as worshipping graves and offering sacrifices to them, or saying that the *‘aarif* and *wali* are not subject to the obligations of Islam, or worshipping *Al-Ḥaakim bi Amr-Allah,*\(^5\) like the Druze, or prostrating to idols — especially if, in addition to doing those things,

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\(^5\) The sixth *Fatimid* (*khalifah*) and *Isma‘ili* Imam who died in Cairo in 411 AH/1021 CE. (Translator)
they say that they venerate Allah alone and that they do not believe that those whom they worship can bring benefit or ward off harm — or other actions which are *kufr* according to the consensus of the Muslims.

These are the two false implications which result from this specious argument. The reason is — as in the case of the previous specious arguments — that this opinion is based on the division of *kufr* into major *kufr* or *kufr* of belief, and minor *kufr* or *kufr* of action. See how these specious arguments are interconnected:

— The specious argument which says that promulgating man-made laws is *kufr* of action, and *kufr* of action does not put one beyond the pale of Islam.
— The specious argument which says that as a general principle, no one is a *kaafir* except the one who denies and rejects (the ruling of Allah) in the case of ruling by something other than that which Allah has revealed and in other cases, meaning that no one can ever be denounced as a *kaafir* for an action.
— This specious argument which says that just as no one can be denounced as a *kaafir* except the innovator who rejects (the ruling of Allah), so, too, no one can be denounced as a *kaafir* except the one who denies and rejects that which Allah has revealed.

These lead to false conclusions, as stated above.

4) What has been said concerning the definition of *bid‘ah* which makes one a *kaafir* and puts one beyond the pale of Islam is that it means one who denies and rejects something which is a well known and well established part of shari‘ah, something which no Muslim has any excuse for not knowing, or who believes the opposite of such a thing. It may be said concerning this:

(i) That this definition is based on the principles of the *Murji‘ah*, who said that no one should be denounced as a
kaafir except the one who denies and rejects (the rulings of Allah) — the response to this view appears above, in the discussion of the third and fourth specious arguments.

(ii) That what, as the reputed scholars and ainmah said, divides bid‘ah into that which constitutes kufr and that which does not constitute kufr. They based their arguments on matters which have to do with the bid‘ah itself, and they did not connect the reasons for denouncing someone as a kaafir or not to the issue of whether it was the matter of belief or action. This is also their approach to whether words, actions or belief constitute kufr or not.

The following examples will make the matter more clear:

a) The extreme Jahamiyah, denied all the attributes of Allah. The well known view of Imam Aḥmad and the reputed scholars of the salaf is that they were kaafir, whereas those who misinterpreted some of the attributes of Allah, like the Ash‘aris, were not regarded as kaafirs, according to the well known views of the ainmah — the well-reputed theologians and jurists of Islam.

(Both cases are concerned with the misinterpretation of the aspects of belief.)

b) The bid‘ah of rejecting any of the pillars of Islam, or denying any of the clear prohibitions such as theft, adultery and drinking alcohol, or denying the resurrection after death. All of that is major kufr, according to the consensus. Whoever denies the Balance (al-meezaan) or some of the kinds of intercession, or some of the matters which have been narrated in the aahaad ahaadeeth — there is some dispute as to whether such a one is a kaafir, and the majority of scholars say that he is not a kaafir.

(Both cases have to do with the matters of belief.)
c) The baatini (esoteric) misinterpretations of the prayer and fasting constitute major kufr, and the views of some of those who misinterpret the divine attributes or divine decree or some aspects of faith are not considered to constitute major kufr.

d) The bid'ah of the Şüfi zindeeqs (heretics) who say that the obligations of shari'ah do not apply to the wali constitutes kufr according to consensus, whilst their innovations in rituals and practices and asceticism, etc., that are not prescribed by shari'ah do not constitute major kufr.

e) The innovations of offering sacrifices at graves, circumambulating them and praying to their occupants constitute major kufr, whilst the innovations of the Mawlid (Prophet's birthday), spending the night of the 15th of Sha'baan (laylat an-nisf min Sha'baan) in prayer, reciting dhikr in unison, reciting the niyah (intention for prayer) out loud and giving the adhaan for the 'Eid prayer do not constitute major kufr.54 (All of these are innovations of action)

The aimmah — the reputed scholars, did not divide bid'ah into matters of belief which constitute kufr and matters of action which do not constitute kufr; rather innovations of both belief and action were divided by the scholars into those which constitute major kufr and those which constitute minor kufr. The examples preceded above. We have explained where this specious argument goes wrong with regard to the comparison it makes — where it limits major kufr to matters of disbelief and denial — it is made clear that whatever is based on it is also false, namely the notion that no one can be regarded as a kaafir except the one who denies and rejects that which Allah revealed.

54 For more details on which innovations do and do not imply kufr, and the comments of the aimmah on that. See in the desertation Haqeeqat al-Bid'ah wa Ahkaamuhaa by Shaykh Sa'eed ibn Naaşir al-Ghaamidi, 2/190-305, published by Maktabat ar-Rushd.
5) The correct view on this matter — according to what we have mentioned, that ruling by anything other than that which Allah has revealed is a kind of bid‘ah, or for the sake of argument, comparing ruling by anything other than that which Allah has revealed to bid‘ah — is to say that just as bid‘ah may be divided into two categories —

i) Bid‘ah which constitute kufr in the sense of major kufr, are all those concerning which the evidence indicates that the one who invents them is a kaafir, whether they are innovations of belief or of action;

ii) Bid‘ah which do not constitute kufr are lesser forms of innovation of belief or action, which do not reach the level of being major kufr —

Similarly the matter of ruling by anything other than that which Allah has revealed may also be divided into two categories:

i) That which constitutes major kufr, such as denying and rejecting that which Allah has revealed, or issuing laws and legislation with no authority from Allah, or ruling by something other than that which Allah has revealed, namely man-made laws, and referring to those laws for judgement and forcing the people to do so.

ii) That which constitutes lesser kufr, which has to do with minor matters and individual cases of judging or ruling by something other than that which Allah has revealed, on the condition that this is accompanied by affirmation and belief in the shari‘ah of Allah.

Thus we cannot judge as kaafir all those who rule by something other than that which Allah has revealed. Rather the matter is subject to examination as we have discussed above, and this is in accordance with the division of bid‘ah into that which constitutes kufr and that which does not constitute kufr. And Allah knows best.
The discussion on this specious argument may be summed up as follows:

a) That whoever bases his view and judgement of the people of bid‘ah on the proper principles — that bid‘ah may take the form of words, beliefs or actions, and that it may be divided into that which constitutes major kufr and that which constitutes minor kufr, even in the case of actions — then says that this also applies to the issue of ruling by something other than that which Allah has revealed — which may also take the form of words, beliefs or actions, and may be divided into that which constitutes major kufr and that which constitutes minor kufr — comes to the conclusion that the one who denies and rejects on his lips or in his heart that which Allah has revealed, and similarly the one who by man-made laws and adheres to them, is a kaafir who is guilty of major kufr. The one who rules (or judges) according to his own whims and desires in a minor issue — but does not deny or reject (the ruling of Allah) — is guilty of a lesser form of kufr.

Whoever says this is saying the right thing, and in accordance with the views of the aimmah.

b) But whoever bases his views on the notion that bid‘ah does not constitute kufr unless one also denies and rejects something which is a well established fact of Islam which no Muslim has any excuse for not knowing, then makes an analogy on that basis and says that no one can be described as a kaafir except the one who denies and rejects that which Allah has revealed, has gone against the Imams and what he says leads to incorrect implications, as described above.

c) The one who came up with this specious argument based his view on a principle which he adheres to steadfastly and is unable to let go of, otherwise his conclusions would become baseless and he would contradict himself. Do you not see — as in the case of the previous
specious arguments — that he does not stop repeating the idea that kufr can only apply in the case of rejection and denial — which is one of the basic principles of the Murji‘ah — but he will never give up this idea. Every time he is cornered by the evidence and words of the scholars, he refers again to this corrupt principle and says that no one may be described as a kaafir except the one who denies and rejects (the ruling of Allah), and that no one may be described as a kaafir for judging by something other than that which Allah has revealed except the one who denies and rejects (the ruling of Allah), and that the one who follows bid‘ah cannot be described as a kaafir unless he denies and rejects (the ruling of Allah), and so on.

In our discussion of the previous specious argument we have already explained what is wrong with this principle, which goes against the views of the aimmah (Imams) of the salaf.

The Sixth Specious Argument

The narration of consensus that the one who rules by something other than that which Allah has revealed is not a kaafir, except in the case of one who denies and rejects (that which Allah has revealed)

This is explained by saying that ruling by something other than that which Allah (ﷻ) has revealed is of two types:

a) Where the person regards it as permissible to rule by something other than that which Allah has revealed, or denies and rejects (the idea of) ruling by that which Allah has revealed. There is no dispute that the one who does this is a kaafir in the sense of major kufr, and the consensus of the salaf on this point is well known. He is a kaafir in all cases, whether he rules by something other than that which Allah has revealed or not, so long as he is denying and rejecting (the ruling of Allah).
b) The one who rules by something other than that which Allah has revealed, but he does not regard that as being permissible. This may be one of two cases:

The first case is where he sets up a general system of binding legislation or man-made laws which go against the shari‘ah. Such a person, as we have explained in this book, is guilty of major *kufr*.

The second case is where he rules (judges) in an individual case by something other than that which Allah has revealed, because of some whim or desire, whilst he believes in and adheres to ruling by that which Allah has revealed. Such a person commits a major sin, but his *kufr* is a lesser form of *kufr* which does not put him beyond the pale of Islam.

So there are three cases:

a) Regarding ruling by something other than that which Allah has revealed as being permissible, and denying or rejecting the ruling of Allah.

b) Promulgating general legislation and laws — without regarding that as being permissible.

c) Ruling in an individual case according to one’s whims and desires, without regarding that as being permissible.

With regard to the first case: there is no dispute concerning this; there is consensus that the one who is guilty of this is a *kaafir*.

With regard to the third case: there are those who consider him a *kaafir*. In the following section, when discussing the responses to these specious arguments, we will explain why this view is weak, and that the one who does this is not guilty of major *kufr*, rather it is a lesser form of *kufr*.

With regard to the second case: This is the focal point of the discussion and disagreement, especially among the later scholars. We
have already mentioned the various kinds of evidence from the Qur’an, the Sunnah and the words of the scholars, both classical and modern, whose words carry weight, to show that in these cases the ruling is that this constitutes major *kufr*.

Those of the later scholars whose view on this matter is that the one who rules by something other than that which Allah has revealed by promulgating man-made laws and making them binding is not a *kaafir* — unless he regards that as being permissible — can do no more than quote some of the words of the scholars and use them as evidence to support their view.

Would that the matter stopped at this point, then it would not be so serious. But to claim that there is consensus on that which they say is incredibly strange!

The reason why this is so strange is that no scholar has been quoted as saying that there is consensus that the one who rules by something other than that which Allah has revealed is not a *kaafir* — except in the case of the one who regards that as being permissible. In fact, more than one scholar has narrated that there is consensus that such a person is a *kaafir* in the sense of major *kufr*, so how could this matter be reversed?

Nevertheless, we will pause to examine the claim of consensus made by those who holds the opposing view. Here we will discuss the second case only, since this is the focal point of the dispute.

Those who hold the opposing view claim that there is consensus among the earlier and later generations of *Ahl as-Sunnah* and others\(^{55}\) that the one who rules by something other than that which Allah has

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\(^{55}\) This is his wording. I do not know what he would say about the *Khawaarij*, and whether he would include them or not. Whatever be the case, there is some contradiction in what he says.
revealed, but does not reject it or regard what he does as being permissible, is not a kaafir. They base this on a number of things, as they claim, which may be summed up as follows:

(i) The consensus of the salaf that no Muslim may be described as a kaafir for committing a major sin unless he believes it to be permissible or denies that it is forbidden.

(ii) There is no dispute among the mufassireen of the earlier and later generations concerning the interpretation of the aayah from Soorah al-Maa’idah, (And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]) (Qur’an 5: 44), that a differentiation should be made between the one who denies and the one who does not deny: the former is a kaafir in the sense of major kufr and the latter is a kaafir in the sense of lesser kufr.

(iii) The Ahl as-Sunnah are agreed that bid’ah is of two types: that which constitutes kufr and that which does not constitute kufr; the same is true of ruling by anything other than that which Allah has revealed.

It may be noted that there is no report from any scholar that there is consensus on this view; rather this (alleged) consensus is his deduction, and then he forbade anyone to disagree with him.

This is one aspect of the argument against this claim, especially when it comes from a seeker of knowledge (taalib al-‘ilm) who has not reached the level of the scholars and mujtahids who know the views and opinions (of the scholars and schools of thought) and the evidence for them. So what about the fact that there is a variety of evidence and statements of the scholars, both classical and modern, which go against and undermine this claim?

We shall explain the matter further in order to refute this claim:
1 - Where are the quotations from the scholars who said that there is consensus? Narrating scholarly consensus is not something to be taken lightly, unless someone believes in an idea and thinks that no one would disagree with him on that, so he claims that there is consensus on that. This happened a great deal to some people, then it became clear that the matter was not as they thought. So what about the cases where it has been narrated that there is consensus on the opposite of what is being claimed?

2 - The claim that the salaf were unanimously agreed that the one who commits a major sin is not a kaafir — unless he regards that as being permissible. We have discussed this matter above when discussing the third and fourth specious arguments. The salaf unanimously agreed on this point with regard to major sins that do not constitute kufr — such as adultery, theft, drinking wine and disobeying one’s parents. These sins do not mean that the one who commits them is a kaafir, so long as he does not regard them as being permissible. If he does regard them as being permissible then he becomes a kaafir, even if he does not commit them.

But sins which constitute kufr — such as associating others with Allah (shirk), worshipping idols, offering sacrifices to them, insulting Allah, insulting the Messenger (ﷺ), showing disrespect towards the Mus-haf, etc. — are major sins which also constitute major kufr, regardless of whether the one who does them believes them to be permissible or not. This is according to the consensus of the salaf, and no one disputed that except the extreme Murji’ah.

Apart from the extreme mutakallimoon (scholastics) among the Murji’ah and others, there is scholarly agreement with the salaf concerning the ruling - even though they differed as to the justification.

Therefore the principle referred to cannot be used as evidence with regard to major sins which constitute major kufr — as discussed above.
What would the one who uses this idea as evidence (to support his argument) and the one who derives the idea of consensus from it say if a grave-worshipper were to say to them, “praying to the dead and offering sacrifices to them does not constitute major *kufr*, according to scholarly consensus, unless one believes that to be permissible, and the evidence for consensus is the principle of the *salaf* that no Muslim can be regarded as a *kaafir* for a major sin unless he regards it as being permissible”?

What if he were to say something similar concerning the one who insults Allah or shows disrespect towards the *Mus-haf*?

The one who claims such consensus has to choose one of the following:

Either he has to be consistent and say that the one who prays to someone other than Allah, or insults Him, or shows disrespect towards the *Mus-haf*, is not a *kaafir* unless he regards that as being permissible, based on the principle mentioned.

If he does that, then he has gone against scholarly consensus and has expressed the view of the extreme *Murji’ah* such as the *Jahamiyah* and others.

Or he has to make an exception in the case of these major sins which constitute *kufr*, and express the view of the *salaf*, that the one who commits that is a *kaafir* in the sense of major *kufr*, regardless of whether he regards that as being permissible or not.

In this case, his use of that principle becomes baseless (his whole argument collapses), let alone his suggestion of consensus on the topic under discussion here.

Thus it becomes obvious that his using this principle is false. And Allah is the Guide to the straight path.
3 - His suggestion of consensus based on the comments of the mufassireen on the verse from Al-Maa'īdah is also shown to be false in two ways.

a) What some of the scholars, such as Ismaa'eeel al-Qaađi said. He said: 'The apparent meaning of the aayah indicates that whoever does what they did and invents a law that goes against the ruling of Allah and makes it a way to be followed, is subject to the same warning as was issued to them, whether he is a ruler or not.'

He did not mention the issue of regarding ruling by something other than that which Allah has revealed as being permissible, rather he mentioned the issue of inventing laws and making them a way to be followed. The Jews became kaafir by doing the action mentioned in the reason for revelation, but they did not regard it as being permissible, because they felt guilty for their action. They tried to find some approval from the Prophet Muhammad (ﷺ) to support their misguided notion and their ruling by something other than that which Allah had revealed.

Although some of the mufassireen mentioned the condition of regarding ruling by something other than that which Allah has revealed as being permissible, there are others who did not mention it, so where does this consensus come from?

If we add to that the comments of Imaams such as Ibn Katheer and others, it will become apparent that the claim that there is consensus among them is a claim that is to be rejected. This is sufficient here — the verse from Al-Maa'īdah has been discussed in detail above, to which the discussion may refer to.

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56 Fatḥ al-Baari by Ibn Ḥajar, Kitaab al-Ahkām, Baab Ajr ma'an qadāa bil-ḥikmah, hadith no. 7141.
b) It is narrated from Ash-Shu‘bi that by *al-kaafireen* (disbelievers) Allah meant the Muslims; *az-zaalimeen* (wrongdoers) meant the Jews and *al-faasiqueen* (rebellious) the Christians. This view was also favoured by Ibn al-‘Arabi al-Maaliki and by Shaykh Ash-Shanqeeṭī in *Aḍwaa’ al-Bayaan*, as quoted from them above.⁵⁷

Ash-Shu‘bi thought that the most likely meaning of *al-kaafireen* here is the Muslims, because *kufr* is mentioned here with the definite article *al-* . No distinction is made between the one who regards ruling by something other than that which Allah has revealed as being permissible and the one who does not. Indeed, he thought that what was meant by *az-zaalimeen* was the Jews and what was meant by *al-faasiqueen* was the Christians, and *ẓulm* (wrongdoing) and *fisq* (rebellion), in his view, can only mean that which accompanies major *kufr*. But it is known that in the Qur’an, *ẓulm*, *fisq* and *kufr* may all be divided into major and minor.

What would the one who claims consensus say about the view of Ash-Shu‘bi and the views of two of the Imams of *taфseer*, both classical and modern? If someone were to say that Ash-Shu‘bi meant lesser *kufr* we would say that the context of his words does not indicate that, rather it indicates the other view. If we assume that it is possible, what to say then about the claim of consensus in view of this and other comments?

4 - With regard to the claim of consensus based on the view of the *salaf* (pious predecessors) regarding the rulings on those who commit *bid‘ah*, we have discussed above in our response to the sixth specious argument.

If the ruling on the people of *bid‘ah* were to be used as evidence concerning the issue of ruling by something other than that which

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⁵⁷ See above, p. 132 ff.
Allah has revealed in the manner claimed — falsely — by those who hold the opposing view, as discussed in detail above, then their derivation of consensus becomes more far-fetched and more apparently false to the one who thinks deeply and is objective. If we reverse their claim of consensus and say that the *salaf* were unanimous, that some of those who committed *bid'ah* of action became *kaafir* in the sense of major *kufr* — such as offering sacrifices at graves and showing disrespect towards the *Mus-haf*, and also ruling by something other than that which Allah has revealed, even if he did not believe that this is permissible — this would be more acceptable than the claim of the one who holds the opposing view. But we do not say this in the sense that we compare ruling by something other than that which Allah has revealed to grave worship in the sense that both are actions. Rather we say that each *bid'ah* should be examined by itself, then judged as appropriate, whilst noting that the *salaf* denounced some actions as *kufr* without stipulating any condition that the action should be regarded as being permissible — as has been discussed above more than once.

5 - The scholars are unanimously agreed that the one who rules by something other than that which Allah has revealed is a *kaafir*, even if he does not regard that as being permissible. This consensus is narrated by more than one scholar.

This aspect alone is sufficient to refute the claim of those who hold the opposing view, who say that there is consensus that the one who rules by something other than that which Allah has revealed is not a *kaafir*, unless he regards that as being permissible. Because if we assume that it is narrated from one of the scholars that there was consensus as he claims, we should say to him that there are also reports of consensus on the opposite view, so we cannot say that one carries more weight than the other.
Moreover, the one who holds this opposing view does not narrate consensus from any scholar to support his claim. Rather it is something that he has deduced by himself, and we have explained above the weaknesses and faults in his notion.

Hence we say that more than one of the scholars has narrated that there was consensus to the effect that the one who rules by something other than that which Allah has revealed is a kaafir; this applies to all those who promulgate the laws of jaahiliyah and other systems, even if they do not regard that as being permissible. These scholars include Shaykh al-Islam Ibn Taymiyah, Ibn al-Qayyim and Al-Ḥaafiẓ ibn Katheer (may Allah have mercy on them), as we shall see below.

If someone were to ask, what about the scholars who came before Ibn Taymiyah and Ibn Katheer; what did they say about this matter and are there any reports of consensus from them?

Our response is that the Muslim ummah did not witness any alteration of the shari‘ah or referral to any other laws for judgement until the Tartars came with their Yaasiq which they made a law to which they referred for judgement. But it should be noted that they did not oblige the rest of the Muslim ummah to refer to it. At there time there were regions of the Islamic world which continued to be ruled only by the pure shari‘ah, but when these Tartars adhered to the law of their grandfather, the Imams (reputed scholars and jurists) — including Ibn Taymiyah, as mentioned above — took a stand and explained the ruling of Allah concerning them.

Here we will point out the following:

a) That when Islam came and the Prophet (ﷺ) was sent, there were those who did not obey Allah, such as the mushrikeen of Makkah who used to refer for judgement to their jaahili customs and false laws (taaghoot), and the Jews in Madeenah who had distorted their scriptures and changed their rulings,
agreeing amongst themselves to do so. It was concerning them that the verses of *Al-Maa'idah* were revealed.

The Qur’an was sent down to the Muslims, warning against obeying the *mushrikeen* or the People of the Book, or following them in their *kaafir* rulings; it stated that whoever did what they did was like them.

b) Amongst the Muslims, there was no one who referred for judgement to anything other than the Qur’an and Sunnah, apart from a few cases among the hypocrites, whom Allah exposed with regard to this matter — i.e., the matter of referring for judgement — in many *aayaat*, and pointed out the corrupt nature of their attitude. One of the most prominent features of the hypocrites was their refusal to refer for judgement to the Qur’an and Sunnah, and their referral to *taaghoot* (false laws or false judges) instead.

The Muslim ummah continued to refer only to the Qur’an and Sunnah for judgement, except for some individual cases of injustice and oppression on the part of some rulers and judges.

c) With regard to the practical aspect, the matter was clear to the Muslims because of the clarity and unambiguous nature of the evidence concerning this important matter.

The ummah continued to follow this clear way until *bid‘ah* began to emerge. The most prominent followers of *bid‘ah* with regard to this matter were of two groups:

(i) Those who went to extremes in this matter and regarded injustice on the part of the rulers and judges to be ruling according to something other than that which Allah had revealed, so they regarded the one who did that as a *kaafir*. They even went to the extent to say that one who committed adultery, stole, or drank alcohol — and other major sins — was
ruling by something other than that which Allah had revealed, and they judged such people to be guilty of major *kufr*.

The *aimmah* — the reputed jurists and theologians — confronted this misguided group of the *Khawaarij* and refuted their claims that injustice and committing major sins constituted ruling by something other than that which Allah had revealed in the sense of *kufr* (disbelief).

They said that this injustice was a lesser form of *kufr*, or *kufr* which did not put one beyond the pale of Islam. We have discussed this in detail above, when we examined what has been narrated from Ibn ‘Abbaas concerning that.

(ii) Those who went to the other extreme and said that all actions — doing obligatory duties and not doing that which is forbidden — had nothing to do with faith. These are the *Murji’ah*. The *aimmah* confronted them and explained where they were going wrong, and they even denounced the extreme *Murji’ah* as *kaafir*.

d) With regard to practical matters and implementation, the Muslim ummah never knew of any referral for judgement to man-made laws and rejection of the Islamic shari‘ah until two later times:

The first time was when the Tartars came with their law, the *Yaasiq*, to which they referred for judgement instead of shari‘ah, even though they claimed to be Muslims.

This was one of the new phenomena, the like of which had never been known before on such a scale.

The scholars resisted this and issued *fataawa* concerning it, based on what they knew of the *Yaasiq* and its rulings and what they knew of the rulings of Allah concerning that.
Even though the Tartars did not impose the *Yaasiq* on the Muslim ummah, and the pure shari‘ah continued to rule all regions of the Islamic world, when they adhered to their *Yaasiq* and referred to it for judgement instead of to the shari‘ah, the Imams considered this action of theirs to be changing and altering the shari‘ah, so they judged this to be major *kufr*.

This is the point on which it is narrated that there was consensus among these *aimmah*. It was not the issue of injustice or oppression, as had been the case previously, for which the followers of *bid‘ah* among the *Khawaarij* condemned people as *kaafir*. The action of the Tartars was a binding law to which they referred for judgement instead of the laws of Allah. So those *aimmah* (Imams) explained that this action of their constituted major *kufr* according to consensus, and that anyone who did the same as they did would be subject to the same ruling as them.

The second time was the modern times, when the Muslim ummah became weak and divided, and its enemies among the Christians and others attacked it. One of the most serious effects and elements of *kufr* which they transferred to the Muslims was these man-made laws - the historical details of which would take too long to explain here. The contemporary *aimmah*, like their brothers in the past, confronted these laws and explained the position of the laws and of those who refer to them for judgement instead of the laws of Allah.

This was another incident, more serious than the first, and the need to explain (the ruling of Islam) was more urgent, especially because it is so widespread in the Muslim lands and there are groups of Muslims

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58 It should be noted that this law quickly became extinct, so it cannot be regarded as a ruling which was applied in general terms. Perhaps the reason for that was the strongly worded and decisive *fataawa* issued by the scholars on this matter, and the fact that the Tartars were absorbed and assimilated into the Muslim ummah.
who promote these laws and give them precedence over the shari‘ah of Allah. And Allah is the One Whose help we seek.

After noting these brief but important points, we will return to the issue of the narration of consensus from some of the aimmah, and quote what they said concerning this matter:

1) Shaykh al-Islam Ibn Taymiyah said:

“When a person regards as permissible something which is agreed by consensus to be forbidden, or he regards as forbidden something which is agreed by consensus to be permitted, or he alters a ruling of shari‘ah which is agreed upon by consensus, then he is a kaafir according to the consensus of the fuqahaa’.”

2) He also said:

“It is also known that whoever disregards the commands and prohibitions with which Allah sent His Messengers is a kaafir according to the consensus of the Muslims, Jews and Christians.”

3) Ibn al-Qayyim (may Allah have mercy on him) said:

“It is stated in the Qur’an and in sound reports of scholarly consensus that the religion of Islam abrogates all religions which came before it, and that whoever adheres to that which is in the Tawraat (Torah) and Injeel (Gospel), and does not follow the Qur’an, is a kaafir.”

4) Ibn Katheer (may Allah have mercy on him) said:

“Whoever turns away from the laws which were revealed to Muhammad ibn ‘Abdullah, the Seal of the Prophets (ﷺ), and refers for judgement to any of the abrogated laws (of earlier Prophets) is a kaafir, so how about one who refers for judgement to the Yaasaa

60 Ibid, 8/106.
61 Ahkaam Ahl adh-Dhimmah, 1/259.
(Yaasiq) and gives it precedence over (the shari‘ah)? Whoever does that is a kaafir according to the consensus of the Muslims.”

These are the reports of scholarly consensus that the one who refers to something other than the shari‘ah is a kaafir. Modern man-made laws are not the abrogated laws of earlier Prophets, rather they are more like the Yaasiq of the Tartars which was composed of the laws from the Jews, the Christians and the Muslims etc.

The modern jaahili laws are a more extreme form of kufr than the Yaasiq of the Tartars, so the ruling of kufr is more applicable in this case, as is pointed out by Ahmadi Shaakir and Shaykh Ash-Shanqeeeti — as stated above.

**Conclusion:** The claims of consensus made by the one who holds the opposing view is a claim that is to be rejected. What is narrated from the aimmah (Imams) — leading Muslim jurists — concerning consensus is the opposite of this claim and thus refutes it.

**The Seventh Specious Argument**

**Extending the judgement of kufr to include minor incidents**

This specious argument goes to the opposite extreme compared to the previous specious arguments. This happened in the case of some contemporary writers, who extended the ruling of the aayah from Soorah al-Maa‘idah — the fifth chapter of the Noble Qur’an — to apply to all cases in such a way that major kufr included the following:

1) Denying or rejecting that which Allah has revealed or legalising things as per rule other than that which Allah has revealed.

2) Promulgating general legislation or laws which go against shari‘ah, even if that is not regarded as being permissible.

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3) Ruling by something other than that which Allah has revealed, even if that is in only one case, or a person judged on one occasion by something other than that which Allah has revealed because of his own whims and desires, or because of a bribe, or for some other reason, even if he did not regard that as being permissible.

They do not make any exception, apart from the mujtahid who commits a mistake in deciding something; he is not to be regarded as a kaafir, rather he will be rewarded for his ijtihad.

We disagree with what they say concerning a judgement made in an individual case or concerning a minor issue — as we have explained in detail above, in part four of Chapter Three, where we said: it is lesser kufr and a major sin, so long as he does not regard that as being permissible.

The reasons why they reached this incorrect conclusion by believing that the one who judges by something other than that which Allah has revealed in an isolated case were:

1) They regarded the report narrated from Ibn ‘Abbaas concerning his comment on the aayah, “A lesser form of kufr” as being weak, so it could not be used as evidence to say that ruling by something other than that which Allah has revealed is lesser kufr.

2) The reason for the revelation of the aayah of Al-Maa’idah had to do with a single case, which was their altering of the ruling on adultery, which happened in the case of one of the Jews, so Allah described them as kaafir because of that, when He said: ٌAnd whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers]...ٔ (Qur’an 5: 44).

This specious argument may be answered, with evidence, as follows:
1 - The preferred view is that what Ibn ‘Abbaas said was sound, when he said, “A lesser form of *kufur*”, or, “it is not the *kufur* which they think it is.” That is when the isnads of the report from Ibn ‘Abbaas are taken together.

Moreover, the statement that it is a lesser form of *kufur* is narrated in *saheeh* reports from Taawoos, who was one of the *taabi‘een* (generation after the Companions of the Prophet).

So this is a statement which has been narrated from the *salaf*. It is narrated in order to refute the *Khawaarij* who regarded unjust rulers and judges as being *kaafir*, and it is correct. Whoever adheres to shari‘ah, then in an individual case he is guilty of injustice because of some whim or desire or some other reason, this is a major sin and is lesser *kufur*, but it does not put him beyond the pale of Islam.

2 - The *kufr* of the Jews — as is stated in the reason for revelation — was not only in one case, as suggested by the one who holds the opposing view; rather they had agreed, in general, to change the ruling of Allah concerning the punishment of the adulterer, whereby they made blackening the face an universally applied ruling which was applied to every adulterer. Thus they changed the law in a way that was applicable to all. They did not — as some people claim — change it in just one case. No one who studies the reasons for revelation would say that the Jews were adhering to the ruling of Allah in a complete and general sense, then when one of them committed adultery they were unjust in their ruling concerning him. Rather what happened in their case was that they agreed to change the shari‘ah and replace it with a law to be applied to and enforced upon all.

Whoever passes an unfair judgement in an individual case — concerning the punishment for adultery, for example — and goes against the ruling of Allah, although, generally speaking he adheres to that which Allah has revealed, is not like the one who changes the
entire ruling and enforces that which goes against shari‘ah in every case that he comes across — of the punishment of adultery — and adheres to that and forces it upon others.

The difference between the two is very clear, praise be to Allah.

3 - The claim that what the Jews did was concerning one specific case is mistaken. Whoever examines the reports concerning the reasons for revelation will understand the following:

Concerning the report of Al-Baraa’ ibn ‘Aazib — the story of the face — blackened and flogged Jew who passed by the Prophet (ﷺ) — one of the Jew scholars said to the Prophet (ﷺ), when he asked him about the punishment for adultery among them, “Adultery became widespread amongst our nobles, so if we caught one of our nobles we would let him get away with it, but if we caught one of the lowly amongst us, we would carry out the punishment on him. Then we said, come, let us get together and agree upon something instead of stoning that may be applied to noble and common people alike. So we instituted blackening of the face and flogging instead of stoning...”

Look at the differences between the two cases of the Jews:

In the first case, they adhered to the ruling of Allah concerning the punishment for adultery, but they were unjust in that they did not apply it to their nobles. This was injustice and a grave major sin on their part, though they did not regard that as being permissible.

In the second case, they changed the ruling of Allah concerning the punishment for adultery, and they thought, that it was better for them than their previous situation. They agreed to institute another ruling instead of stoning, to be a general ruling applied to everyone.

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63 Tafseer at-Tabari, 10/305, hadith no. 11922; also 10/351, hadith no. 12033, edited by Shaakir.
This general law which they agreed upon and made binding upon everyone was a general law which was an alteration of the shari‘ah. This constituted major kufr, and it was concerning this that the verses of Al-Maa‘idah were revealed.

The difference between the two cases is very great. Whoever confuses them and applies one ruling to both cases is making a mistake.

4 - This is explained further by another report concerning the reason for revelation narrated from Abu Hurayrah (Radio), in which it says: ‘The Messenger of Allah (تعالى) said:

‘What was the first thing in which you made an exception to the ruling of Allah?’ He said: ‘A nephew of a king committed adultery, and he was not stoned. Then a man from an ordinary family committed adultery, and that king wanted to have him stoned. Some of the people came to him and said, ‘By Allah you will not stone him until you stone So-and-so, the king’s nephew.’ Then they agreed amongst themselves on a punishment other than stoning, and they forsook the punishment of stoning.’ The Messenger of Allah (تعالى) said: ‘I pass judgement according to what is in the Tawraat.’

Then Allah (تعالى) revealed the words:
O’ Messenger [Muhammad]! Let not those who hurry to fall into disbelief grieve you, of such who say: ‘We believe’ with their mouths but their hearts have no Faith. And of the Jews are men who listen much and eagerly to lies — listen to others who have not come to you. They change the words from their places; they say, ‘If you are given this, take it, but if you are not given this, then beware!’ And whomsoever Allah wants to put in al-fitnah [error, because of his rejecting of Faith], you can do nothing for him against Allah. Those are the ones whose hearts Allah does not want to purify [from disbelief and hypocrisy]; for them there is a disgrace in this world, and in the Hereafter a great torment. [They like to] listen to falsehood, to devour anything forbidden. So if they come to you [O’ Muhammad], either judge between them, or turn away from them. If you turn away from them, they cannot hurt you in the least. And if you judge, judge with justice between them. Verily, Allah loves those who act justly. But how do they come to you for decision while they have the Tawraat [Torah], in which is the [plain] Decision of Allah; yet
even after that, they turn away. For they are not [really] believers. Verily, We did send down the Tawraat [Torah] [to Moosa (Moses)], therein was guidance and light, by which the Prophets, who submitted themselves to Allah’s Will, judged for the Jews. And the rabbis and the priests [too judged for the Jews by the Tawraat (Torah) after those Prophets], for to them was entrusted the protection of Allah’s Book, and they were witnesses thereto. Therefore fear not men but fear Me [O’ Jews] and sell not My Verses for a miserable price. And whosoever does not judge by what Allah has revealed, such are the kaafiroon [i.e. disbelievers — of a lesser degree as they do not act on Allah’s Laws].”

(Qur’an 5: 41-44).”

This report, like the report quoted previously, indicates that they — at first — were adhering to the ruling of Allah concerning the punishment for adultery, but that they were unjust in that they did not carry out the punishment on some of their nobles, such as the king’s nephew. The evidence that they were adhering to the ruling is the fact that the king wanted to stone the adulterer from amongst the ordinary people. So they did not change the ruling or institute something else in its place, rather they were adhering to it in general, but they were unjust in some cases. This is a major sin and is a lesser form of kufr.

Then matters changed and they altered the ruling of Allah by agreeing amongst themselves upon a punishment other than stoning. They made this punishment a generally applicable system to be applied to everyone, nobles and others. This action of theirs was changing the shari‘ah, and this constituted major kufr.

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64 Tafseer at-Tabari, 10/306, hadith no. 11924, edited by Shaakir.
Thus it is clear that the argument of those who oppose this view is weak, and that what we have established, that there is a difference between promulgating laws to be applied in all cases and judgements passed in individual cases, is correct. And Allah knows best.

5 - Injustice in judgements passed in individual cases was well known in the Muslim lands, especially after the time of the Rightly-Guided khulafa’ (Caliphs), when Islam spread east and west. In every city and town of the Muslim world there were governors and judges, on whose part there may have been cases of injustice — for various reasons — in some individual cases, in which they went against the ruling of Allah because of some whims and desires, or a bribe, or for some other reason.

Because these incidents are something which is well-known, none of the aimmah of Islam are known to have classified any of these (rulers or judges) as being kaafir in the sense of kufr which puts one beyond the pale of Islam. If any such thing had happened, it would have been well-known and widely-reported.

This indicates that injustice in judging by something other than that which Allah has revealed in an individual case, when one adheres to the shari‘ah and applies it, comes under the heading of major sins which are forbidden, but that does not mean that the one who does that is beyond the pale of Islam, unless he regards this judging by something other than that which Allah has revealed as being permissible.

Injustice on the part of rulers is something well known. It may occur to a lesser extent at some times and a greater extent at others. The same applies to injustice on the part of judges, it may happen to a greater extent at some times and a lesser extent at others, depending on the circumstances of the Islamic state. But the general principle in all cases was adherence to Islam and its shari‘ah, and if there were
instances of rulers or judges going beyond the boundaries of Islam, this did not happen in any general and widespread fashion, rather these were isolated incidents.

The leading Muslim jurists and theologians of Islam in every period knew of that and heard of it. Indeed in some cases they themselves were subjected to injustice. But they did not think of this as being anything more than injustice and oppression; they did not regard it as reaching the level of major *kufr*.

6 - It is known that the basis of the *bid'ah* of the *Khawaarij* who rebelled at the time of ‘Ali ibn Abi Ṭaalib (ﷺ), and of those who staged successive rebellions during the time of the Umawis (Umaayads) — during which many historical events and great battles happened — and their reason for rebelling, was the injustice and oppression of the rulers. This is what they called ruling by something other than that which Allah had revealed and they applied the ruling of *kufr* to all of them, based on their interpretation of the *aayah*.

Although it is known that some of the Umawis,65 and their governors in the various regions, committed acts of injustice — as is well known and well-established — the Imams of the *salaf* at that time, most of whom were from among the *taabi‘een* and the succeeding generation, did not agree with the *Khawaarij* and their labeling of the rulers as *kaafir* and fighting them. Rather, they opposed the methodology of the *Khawaarij* and this opposition took the following forms:

a) Classifying the *Khawaarij* as innovators whose *bid‘ah* took the form of words, such as their denouncing as *kaafir* those who committed major sins, or of actions, such as their rebelling

65 The word “some” is used because of the exceptions of Mu‘aawiyah (ﷺ), ‘Umar ibn ‘Abdul-‘Azeez (may Allah have mercy on him) and others who were known for their justice.
against and fighting the leaders who were unjust. The books of Sunnah — most of which were compiled after the time of the Umawis — contain warnings against the innovations of the Khawaarij.

b) They did not denounce those unjust rulers and judges as kaafir, rather they viewed them as Muslims and prayed behind them, and they believed that it was obligatory to obey them with regard to matters that involved obedience towards Allah.

Even though injustice may be prevalent at some times, this does not undermine the basic principle. Although there may be some scholars who denounced one of these rulers as a kaafir, such as Al-Hajjaaj, that was an exceptional and isolated case in which he learned something about Al-Ḥajjaaj which none of the other scholars knew, even though his view differed from that of the majority.

Thus it becomes clear that those who apply the ruling of kufr to everyone who rules by something other than that which Allah has revealed, including those who do so with regard to individual cases, is mistaken. And Allah knows best.
CHAPTER SIX

RELATED TOPICS AND ISSUES

There are some issues which have to do with ruling by something other than that which Allah has revealed, concerning which some people may be mistaken. Therefore we will examine them briefly in this chapter.

The most important of these issues are as follows:

Differentiating between the Shar‘i System and the Administrative System

Two groups make mistakes concerning this issue.

The first group thinks that every system devised by the ruler is a case of ruling by something other than that which Allah has revealed, even if it is a purely administrative system which does not lead to permitting that which Allah has forbidden or forbidding that which Allah has permitted, or does not go against the laws of Allah.

The other group thinks that so long as the ruler is permitted to issue administrative regulations, then every system that the ruler devises with the intention of serving the society is justifiable, so long as the ruler declares his commitment to Islam, even if these laws and systems involve something that goes against the laws of Allah, because they are matters of necessity, and other such justifications.

Both groups have misunderstood this issue. The correct way is to differentiate between systems which go against the laws of Allah, and administrative systems which do not involve going against the rulings of Allah. The former is not permissible whilst there is nothing wrong with the latter.
One of those who drew attention to this fact is Shaykh Ash-Shanqeeti (may Allah have mercy on him), who after discussing the issue of promulgating legislation without any authority from Allah and ruling by something other than that which Allah has revealed, said:

"It should be noted that we should differentiate between man-made systems, promulgating which constitutes kufr or disbelief in the Creator of the heavens and the earth, and systems which do not constitute kufr.

This may be clarified by pointing out that systems are of two types, administrative and legislative. Administrative systems are those intended for the purposes of organization and efficiency, without going against the shari‘ah. There is nothing wrong with this, and there was no dispute concerning this among the sahaabah and those who came after them. ‘Umar (رضي الله عنه) did many such things which were not done at the time of the Prophet (صلى الله عليه وسلم), such as recording the names of the troops in a book so as to keep track of who was absent and who was present, even though the Prophet (صلى الله عليه وسلم) did not do that, and he did not know that Ka‘b ibn Maalik had stayed behind from the campaign of Tabook until after he reached Tabook. And ‘Umar (رضي الله عنه) bought the house of Saffaan ibn Umayyah and made it into a prison in Makkah, although neither the Prophet (صلى الله عليه وسلم) nor Abu Bakr (رضي الله عنه) had established a prison.

There is nothing wrong with administrative matters such as these, which are done for the sake of efficiency and do not go against shari‘ah, such as organizing the affairs of employees or organizing the administration of work in a manner that does not go against shari‘ah. This kind of man-made system is fine, and it does not go against the shar‘i aims of taking care of the general interests of people.

But promulgating legislative systems that go against the shari‘ah of the Creator of the heavens and the earth, and referring to them for
judgement, constitutes *kufr* or disbelief in the Creator of the heavens and the earth, such as claiming that giving preference to males over females in matters of inheritance is not fair, and that they should be given equal shares; or claiming that plurality of marriage is oppression, or that divorce is unfair to women, or that stoning and amputation of hands, etc., are bestial acts which cannot be justifiably done to anyone, and so on.

Imposing this kind of system on the members of a society and on their wealth, honour, lineage, minds and ways constitutes *kufr* and disbelief in the Creator of the heavens and the earth. It is a rebellion against the divine system which was designed by the One Who created all of mankind and Who knows best what is in their interests, Glorified and Exalted be He far above having any partner in legislation.”

The difference between what is man-made legislation which goes against shari‘ah, and what is administrative but does not go against shari‘ah, will be made clearer by noting three things:

a) Who has the right, according to the system and constitution of the state, to issue laws and legislation? Is there any authority, be it a council, body or individual, that possesses the right to issue laws and legislation? Is there any council that has the power to issue legislation, without whose approval legislation cannot be passed, but with whose approval laws may be passed even if they go against the ruling of Allah and the ruling of His Messenger (ﷺ)? Or is the foundation of the systems and laws that it promulgates the shari‘ah of Allah, so that the shari‘ah of Allah is ruling and everyone submits to that, as is the case when Islam rules and it is applied in the correct manner?

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1 *Adwaa' al-Bayaan*, 4/92-93.
Undoubtedly the purely administrative systems will differ based on the above, depending on examining any given system and the overlapping of rulings.

b) Does this system include anything that goes against shari‘ah or not? Going against shari‘ah here refers to all matters of life concerning which shar‘i evidence has been narrated, whether in a text or by derivation and ijtihad.

c) Matters which are the subject of scholarly dispute are not trivial matters with which those who make laws can play about as they like; rather they must be examined from two aspects:

(i) What we have mentioned first above, which is the source of legislation in the state.

(ii) What the evidence indicates is most likely to be correct, through the ijtihad of the scholars and mujtahideen.

The Method of the Salaf in Classifying People as Kaafir

The view of the salaf with regard to this matter — the issue of classifying people as kaafir — is distinguished by a clear method which treads a middle path between the view of the Murji‘ah and that of the Khawaarij. It should be noted that the dispute concerning that is based on the dispute concerning faith and its implications. Our intention here is not to discuss the issues of faith in detail, because that requires a book of its own, but we will refer to the matter in brief so as to demonstrate clearly the moderate nature of the view of the salaf (pious predecessors — may Allah have mercy on them).

This mistake which both the Khawaarij and the Murji‘ah made was to think that faith is one indivisible entity, and that if one part of it was lacking, faith would be annulled altogether.

The Khawaarij and those who agreed with them said: the texts indicate that deeds are a part of faith, and based on this principle
which they had set out, they said that if a deed or part of it is lacking, faith is lacking altogether; therefore they said that the one who committed a major sin was not a believer, and in the Hereafter he would abide in Hell forever.

The Murji'ah said: the texts prove that those who commit major sins, if they die believing in Allah Alone, will ultimately end up in Paradise. Because they believed in the principle mentioned above, which they and the Khawaarij were agreed upon — that faith is indivisible and if any part of it is lacking then faith is lacking altogether — they said that the only solution was to limit faith to belief in the heart, and leave actions out of it, because if we include actions in faith, then saying that part of it is lacking would imply that all of it is lacking; so we say what the Khawaarij say.

The result was that the Khawaarij denounced as a kaafir everyone who committed a major sin. For example, they said that unjust rule was a major sin, and that it was ruling by something other than that which Allah has revealed, so it was major kufr, even if it was only in a specific case, and even if the one who did that believed that he was disobeying Allah. They said the same of the one who consumed riba, or drank wine, or committed adultery — even if he did not regard that as being permissible. Undoubtedly this is misguidance and a serious deviation.

The Murji'ah ended up contradicting themselves in a strange manner when they said: everyone who believes in his heart is a believer even if he does what he does. So in their view, no person could become a kaafir, regardless of whatever he did, so long as he believed in his heart. When it was said to them, what is your view of one who knowingly insults Allah or prostrates to an idol or stomps with his feet on the Mus-haf — is this not kufr according to the consensus of the Muslims? They say, Yes it is. Then it is said to them, this could be done by one who believes in his heart, but he is stubborn or arrogant,
or he thinks that this is a trivial matter; so one who believes in his heart could be guilty of *kufr*. This is the case of *Iblees*, Pharaoh and the Jews, who knew the truth in their hearts, but they were *kaafir* because of their stubbornness and arrogance.

The *Murji'ah* gave an answer which contradicts common sense when they said: everyone who commits *kufr* in word or deed, that is a sign of the lack of belief in his heart or of his ignorance and lack of knowledge.²

This is contrary to reality, as indicated above in the case of Pharaoh, who knew of his Lord, but despite that he did not believe and follow the Messenger of Allah Moosa (Moses) (ﷺ), so he was one of the *kuffaar*. Allah (ﷻ) says:

«وَجَهَّدُوا بِهَا وَأَسَّسُوا أَنْفُسَهُمُ الْكُفْرَ وَعَلَّمُوا...»

«(And they belied them [those aayaat] wrongfully and arrogantly, though their ownselves were convinced thereof...)»

(*Qur'an* 27: 14)

The same was true of *Iblees*, and of the Jews, who,

«وَيَعْرَفُونَ كَمَا يَعْرَفُونَ أَبْنَائُهُمْ...»

«(...Recognize him [Muhammad] as they recognize their sons...)»

(*Qur'an* 2: 146; 6: 20)

We have discussed the views of the *Murji'ah* in detail above, in the chapter on specious arguments.

As for *Ahl as-Sunnah*, Allah has guided them to the truth and the moderate path, whereby they believe that faith is composed of words, belief and action; it increases when one worships and obeys Allah,

² Some of them said: he may be a *kaafir* outwardly whilst in reality he is a believer.
and it decreases when one disobeys Him and sins. The principle which the Khawaarij and Murji’ah believed in is a corrupt principle, because the fact that one aspect of faith may be lacking does not mean that the rest of it is also lacking; rather it may or may not be lacking, depending on the degrees and branches of faith. The one who commits a major sin — if he does not regard that as being permissible — is a believer whose faith is lacking, or he is a disobedient believer. In the Hereafter he will be subject to the will of Allah; if He wills, He will punish him and if He wills, He will forgive him. Although the salaf were certain of the general warning — as indicated by the texts — no one will abide in Hell forever except the kuffaar. People who committed major sins, apart from the kuffaar, will — after they have been punished in the Fire — be brought forth from it and admitted to Paradise.

The methodology of the salaf in classifying a person as a kaafir is based on a number of principles, including:

1 - That everyone who declares his Islam and pronounces the Shahaaadatayn is a Muslim, with all the rights and duties of any other Muslim. We do not describe any of the people of the qiblah (i.e., Muslims) as being beyond the pale of Islam except in very clear-cut cases. Hence the error of some sects and groups, who claim that all the people are kaafir, is quite obvious. Those groups claim that all the people are kaafir, except those whose Islam is proven in the manner dictated by them, such as joining their groups and the like. This may have been correct in the jaahili society of Makkah at the time of the Messenger (ﷺ), before the conquest, and in idolatrous or Christian societies in which the kuffaar are prevalent and the Muslims form a minority. Yet and despite that, whoever pronounces the Shahaaadatayn and does not commit any action that invalidates Islam, is a Muslim.
Those who classify Muslim societies — for whatever reason — as being *kaafir* or apostate societies, and therefore regard each individual member as being a *kaafir* unless he declares his Islam, are extremists who are deviating from the way of the *salaf* (may Allah have mercy on them). Look at the story of *Usaamah*, when he killed the man who was fighting him after he had uttered the *Shahaadatayn* — what did the Messenger (ﷺ) say to him?³

2 - That a believer cannot be labeled a *kaafir* for each and every sin, in contrast to the view of the *Khawaarij* and those who agreed with them, and *kufr* may take the form of actions, in contrast to the view of the *Murji’ah* who said that no one can be labeled as a *kaafir* except the one who disbelieves (in his heart), even if he does whatever he does.

The *Ahl as-Sunnah* said that the type of *kufr* and *shirk* which put one beyond the pale of Islam may take the form of words spoken on the tongue, actions of the heart (beliefs in the heart) and deeds of the body. Hence they spoke of matters which nullify Islam, which include different kinds of *kufr* and *shirk*.

The Muslim may be one of those who utter the *Shahaadatayn* and perform the pillars of Islam, and do many kinds of good deeds, yet he may be beyond the pale of Islam when he does something that nullifies Islam. The *Murji’ah* went astray concerning this issue, because they thought that everyone who uttered the *Shahaadatayn* and entered Islam could never leave Islam unless he disbelieved in a manner that showed there was a lack of belief in his heart:

a) For example, the person who worships someone other than Allah, such as a *wali* (saint) or the occupant of a grave. They

said that he cannot be described as a *kaafir* unless he believes that this *wali* or the occupant of this grave had independent powers of creation, because this is the meaning of *Tawheed al-Uloohiyah* (the unity of the Divine), according to them; if a person directs his worship to anyone other than Allah, if it is not accompanied by any belief in *shirk*, then this is not *shirk*, in their view. This is mistaken, because the *mushrikeen* who worshipped idols used to believe that the only Creator and Provider was Allah, and that the idols were intermediaries who would bring them closer to Allah; despite that, they were *mushrikeen* and *kuffaar*.

b) Some of them regarded it as permissible to prostrate to the sun, the moon and the heavenly bodies, and to offer sacrifices and make vows to them. Then they said: this is not *shirk*, so long as one does not believe that they are in control; but if one regards them as a means of drawing closer to Allah or as intermediaries, this is not *shirk*.

c) Concerning the topic which we are discussing here, the *Murfji‘ah* said: whoever rejects the shari‘ah of Allah and replaces it with man-made laws which go against the laws of Allah, is not a *kaafir* unless he regards that as being permissible, because *kufr* is the matter of beliefs only. This is a serious mistake, as explained above.

3 - The one who examines the texts that have been narrated concerning the topic of faith and its opposites, namely *kufr* and *shirk*, will inevitably — in order to be consistent — have to say that hypocrisy, *kufr*, *shirk*, wrongdoing and rebellion, etc., include major types which put one beyond the pale of Islam, and lesser types which do not put one beyond the pale of Islam. Therefore a person may

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combine obedience and disobedience, *kufr* and faith, Islam and hypocrisy, but this does not put him beyond the pale of Islam. This is unlike the view of the Murji'ah who interpret the texts as all meaning the same thing. Every mention of *kufr*, hypocrisy or *shirk* mentioned in the texts, in their view, is a major form which puts a person beyond the pale of Islam. This is misguidance and deviation which involves accepting some texts whilst overlooking others which state that some of those who do these things are still believers, as is well known and well established from the texts.

4 - There is a difference between a general ruling that leads to classifying some actions or some matters which constitute *kufr*, and applying that in a specific case.

Two groups erred concerning this matter:

The first group thought that an individual can never be labeled as a *kaafir*, so they closed the door to apostasy by saying that it is too difficult to apply the ruling to an individual, because none of the conditions for classifying him as a *kaafir* is present, or because there is an impediment which prevents us from doing so. We referred to this briefly above, when discussing the view of the Murji'ah that no one can be classified as a *kaafir* except the one who disbelieves in his heart. What this means is that we cannot judge any individual to be a *kaafir* for any words or deeds - no matter how much they contradict Islam — because he may be a believer by virtue of belief in his heart.

The other group thought that if there is a general ruling which describes some actions as being *kufr*, this is applicable to all individuals who do this action, so they will all be classified as *kaafir* individually, without any need to examine each individual case on its own merits, to see whether the conditions of classifying a person as a *kaafir* apply in this case, or whether any impediment which prevents us from doing so is present. The *Ahl as-Sunnah*, however, do not say
that a specific individual can never be classified as a *kaafir*, and they do not apply the label of *kaafir* to every person who commits an evil action without seeing whether this case is qualified to be judged as *kufr*.

If we examine what the *salaf* (may Allah have mercy on them) did, we will see that they often applied the label of *kufr* to some actions, innovations, opinions and the like. Whenever they wanted to apply this label to an individual, they were very strict in applying it, because sometimes the one who does such things may be ignorant, or it may be a case of excusable misunderstanding, or the person may be new in Islam, or there may be some other reason why he should not be judged to be a *kaafir*.

*Shaykh al-Islam* Ibn Taymiyah said: “The ideas or actions which are described as *kufr* in the Qur’an, Sunnah and scholarly consensus should be regarded as such in general terms, as is indicated by the *shar'i* evidence. For the matter of judging whether a person has faith or not is subject to the rulings received from Allah and His Messenger, it is not something that is for people to judge based on speculation or on their whims and desires. We should not judge every person who says such things to be a *kaafir* unless it is proven that he meets the conditions of *kufr* and the impediments to classifying him as such are shown to be absent. An example is the case of one who says that alcohol and *riba* are permitted, because he is new in Islam, or because he grew up in a remote desert, or he heard words which he denied and did not believe that they were from the Qur’an or from the *aahaadeeth* of the Messenger (ﷺ).

Similarly, some of the *salaf* rejected things until it was proven to them that the Prophet (ﷺ) had said that. And the *saahaabah* (Companions) doubted some things, such as seeing Allah (in the Hereafter), etc., until they asked the Messenger of Allah (ﷺ) about that. For example, the one who said, “When I die, turn me into dust
and scatter me in the sea, so that I am lost from the grip of Allah (and not resurrected and punished),” and so on. Such people cannot be classified as kaafir until proof is established against them, as Allah (ﷻ) says:

\[
\begin{align*}
\text{...} & \text{إِنَّا يَعْلَمُونَ إِلَى النَّاسِ عَلَى أَللَّهِ حُجَّةً بَعْدَ الرَّسُلِ...} \\
\text{...In order that mankind should have no plea against Allah after the [coming of] Messengers...} \\
\end{align*}
\]

(Qur'an 4: 165)

Allah has forgiven this ummah for its mistakes and for what they forget.”

Imam Aḥmad and others applied the label of kufr to ideas of Jahamiyyah, denial of the attributes of Allah, saying that the Qur’an was created, denying that we will see Allah (in the Hereafter) and denying the Divine will and decree, but they did not label any individual as a kaafir except in a few cases, where the person’s kufr was proven by the conditions being met and the absence of any impediments. Only then did they carry out the rulings of apostasy such as executions etc.

5 - When a group is fought, that does not necessarily mean that they are believed to be kaafir. This is another issue concerning which some people err, and think that everyone whom we are obliged to fight or whom it is permissible to fight is a kaafir and an apostate. This is obviously incorrect. It is well known from the rulings of Islam that execution or fighting may involve people who are not apostates, such as executing a murderer or fighting rebels, just as fighting may be directed against oppressors or rebels, without classifying them as kaafir. Indeed, the ṣaḥaaba were unanimously agreed that they

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5 Majmoo‘ al-Fataawa, 35/165-166.
should fight some people — such as the *Khawaarij* — but there was some dispute among the scholars as to whether they were *kaafir*; the most likely view is that they are not *kaafir*, even though they committed some innovations such as denouncing the people as *kaafir* and fighting them.\(^6\) On the other hand, the *Ahl adh-Dhimmah* such as the Jews and Christians are *kaafir* beyond doubt, but they are not to be fought except when they break the treaty... and so on.

From the above — and we are discussing the issue of ruling by something other than that which Allah has revealed — we may say that this book is aimed at explaining the ruling of Islam and what the scholars said concerning this issue. This is a theoretical study which explains the ruling of shari‘ah through the texts and words of the scholars on this matter. With regard to applying it in an appropriate manner — in a particular country, this is something which we need to study very carefully, then apply the ruling, whilst paying attention to the conditions and impediments of classifying a person as a *kaafir* — as stated above. And Allah knows best.

CONCLUSION

It becomes clear that the issue of ruling by something other than that which Allah has revealed is one of the most serious issues that have arisen in recent times, and is a calamity which the Muslims are going through. It has become widespread and prevalent, and it is one of the reasons for the sorry state of the Muslim ummah, which grieves every Muslim who feels protective jealousy towards his religion.

It is essential for the scholars, seekers of knowledge and du‘aat (Muslim missionaries) who call people to Allah to undertake their obligations towards this serious matter and explain to the people — rulers and subjects alike — the importance of ruling by that which Allah has revealed and of referring for judgement to the shari‘ah in all matters. They should point out that this is obligatory, and the Muslim has no choice in this matter at all, and they should tell them of the danger of turning away from the ruling of Allah and referring for judgement to something else among the systems, laws and legislation of jaahiliyah. I hope that this study will form a humble contribution towards explaining the truth of this matter. I ask Allah to grant me sincerity and purity of intention, and to make this work beneficial to others.

We have established — in this study — a number of important points which may be summed up as follows:

1 - The status of ruling by that which Allah has revealed in Islamic ‘aqeedah. This is connected to ‘aqeedah in a number of ways, such as belief in Allah, the obligation to obey Him, affirmation of His names and attributes, the testimony that Muhammad is the Messenger of Allah, and what is implied by the twin testimony of faith, the testimony that there is no god but Allah and the testimony that Muhammad is the Messenger of Allah (ﷺ).
2 - The texts which indicate that it is obligatory to refer for judgement to the laws of Allah are many and varied. They describe those who turn away from that sometimes as mushrikeen, sometimes as kuffaar and sometimes as hypocrites. The variety of the evidence is an indication of how important and serious the matter is, for both individuals and the ummah, when they turn away from the laws of Allah and from obeying Him and His Messenger (ﷺ).

3 - Ruling by something other than that which Allah has revealed may take two forms:

(i) It may constitute major kufr which puts one beyond the pale of Islam. This may vary, but it is not restricted to cases of regarding it as being permitted or of denying that which Allah has revealed, as some people claim. Rather it includes denial and believing it to be permitted, but it also includes promulgating legislation that goes against the laws of Allah and imposing jaahili laws and making them binding.

(ii) It may constitute lesser kufr which does not put one beyond the pale of Islam. This is when there is injustice and oppression in individual cases, provided that the judge believes that he is a sinner and that the ruling of Allah is true. This is still a major sin, and is worse than many other major sins.

The condition in this case — as in the case of the major sins of adultery, theft and riba — is that it should not be regarded as being permissible. If it is regarded as being permissible, then the one who is doing that is a kaafir, because regarding what is forbidden as being permissible, in and of itself, nullifies Islam, as is well known.

4 - Discussion of the comment of Ibn `Abbaas on the aayah:

\[
\text{...And whosoever does not judge by what Allah has}
\]

\[
\text{...And whosoever does not judge by what Allah has}
\]
revealed, such are the *kaafiroon* [i.e. disbelievers].

(Qur’an 5: 44),

that it is a lesser form of *kufr*, and explaining the truth of the matter. Refuting those who quote this report and ignore the many other texts on this topic, by which I mean the texts of the Qur’an and Sunnah, and the words of the *saahaabah*, and even that which is narrated from Ibn ‘Abbaas himself concerning this matter.

5 - There have been various attempts to change the shari‘ah of Allah, which the scholars of Islam confronted. Several examples have been given in this book, which are of interest to those who study the history of the Muslim ummah and related ideological issues.

6 - Those who hold opposing views quote many specious arguments, which they try to promote and try to prove that this serious issue does not really matter. This book is an attempt to respond to them from a number of angles.

I have also discussed the specious arguments of those who go to extremes with regard to this topic and label people as *kaafir* even in specific cases.

7 - Finally, discussion of these topics requires a cautious approach to its results and implications. We should not confuse the legislative system with the purely administrative system, or hasten to label people as *kaafir*. We should be careful when examining specific cases to make sure that the conditions for classifying an individual as a *kaafir* have been fulfilled and to ensure that there are no impediments to doing so. The book ends with a discussion of these matters.

Finally, I say that this is my effort, in which I have relied upon Allah, and then upon the evidence. I have based this work on the views of the *aimmah* (the leading Muslim jurists and theologians) — the Imams of *Ahl as-Sunnah wal-Jamaa‘ah*, classical and modern. I ask
Allah to benefit the Muslim ummah by this book, and to make my intention purely and sincerely for His sake. I ask him not to deprive me, my parents, my shaykhs and my Muslim brothers of the reward.

May Allah bless our Prophet Muhammad and his family and Companions, and grant them abundant peace. Praise be to Allah, the Lord of the Worlds.
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SYMBOLS' DIRECTORY

(ﷺ) : *Subḥaanahu wa Ta‘alla* - "The Exalted."

(ﷺ) : *Ṣalla-Allahu ‘Alayhi wa Sallam* -
   "Blessings and Peace be upon him."

(ﷺ) : *‘Alayhis-Salaam* - "May Peace be upon him."

(ﷺ) : *Raḍi-Allahu ‘Anhu* - "May Allah be pleased with him."
GLOSSARY

A'immah  

أئمة: Sing. Imam; Leading Islamic jurists and scholars

Aayaat  

آيات: Sing. Aayah; Signs, Proofs, Verses of the Qur’an

'Aalameen  

عالمين: The worlds, the universe. Mankind, jinn and all that exists

Aḥkam al-Ḥaakimeen  

أحكام الحاكمين: The Most just of the Judges, an attribute of Allah

Kufr al-‘amal  

كفر العمل: Kufr (disbelief) of action; disbelief manifested in action

Kufr al-Iʿtiqaad  

كفر الاعتقاد: Kufr of belief; disbelief

Al-Maṣaaliḥ al-Mursalah  

المصالح المرسلة: Matters which serve the common interests of the Muslims and which do not go against the basic principles of Islam, one of the major principles of ijtihad in Maaliki and Ḥanbali school of fiqh

Al-Qadar  

القدر: Divine Decree

Al-Meezaan  

الميزان: The balance

Al-Maytah  

الميتة: A dead (animal)

Ar-Rabeeʿ  

الربع: The season of spring

Ahl al-Kalaam  

أهل الكلام: Scholastics, Islamic philosophers dealing with divinity

Ahl al-Ḥadeeth  

أهل الحديث: Hadith scholars, group strictly adhering to hadith
Ahl as-Sunnah wal Jamaa‘ah: The Sunnis, the people strictly adhering to the Sunnah of the Prophet, the Khulafaa’ ar-Rashidoon and the early generation of the Muslims

Asbaab an-Nuzool: Reasons for the revelation

Awliya’: Sing. Wali; Supporters, guardians, friends

Bid’ah: Reprehensible innovation in religion, heresy

Baaṭini: Esoteric, a group of the shi‘ites, Isma‘eelis

Daleel: Proof, Evidence

Deen: Religion

Deeni: Religious

Diyah: Blood money

Dā‘eeef: Weak

Daar al-Islaan: Muslim land

Eemaan: Faith

Fitan: Sing. Fitna; Tribulations, trials, tests

Fiqh: Islamic jurisprudence

Fisq: Pl. Fusoog; A sin, disobedience to Allah, rebellion

Faasigoon: Sing. Faasig; The rebellious, disobedients

Fuqahaa’: Sing. Faqeeh; Scholars of Islamic
jurisprudence, the Jurists

**Fatwa**

 imposed : Religious verdict on particular issue/s

**Haraam**

 حرام : Forbidden in Islamic Shari’ah

**Haraj**

 حرج : Impediment, prohibitions, sin, guilt

**Hasanah**

 حسنة : Good deed

**Haajib**

 حاجب : Chamberlain

**Halaal**

 حلال : Permissible in Islamic Shari‘ah

**Iblees**

 إبليس : Satan, devil

**Ihraam**

 إحرام : The ritual garments for ‘Umrah and Hajj

**Istislaam**

 استسلام : Submission, total surrender

**Istihsaan**

 استحسان : Application of discretion in legal matters, juristic preference

**Ijmaa‘**

 إجماع : Consensus, agreement of Muslim jurists over certain issue/s, a source of Islamic jurisprudence

**Jizyah**

 جزية : Poll tax realized from non-Muslim subjects in an Islamic state, protection tax

**Kufir**

 كفر : Disbelief

**Khawaarij**

 خوارج : Lit. the secessionists; a group of people who seceded the camp of ‘Ali, the fourth caliph of Islam and later emerged as a sect with specific dogmas. Committing sin is kufir to them

**Kaaﬁroon**

 كافرون : Sing. Kaafir; Disbelievers,
arrogants

Khayr al-
Haamayn

Khulood
Kawnee
Kaffaar
Murji‘ah

Mu‘azza

Mus-haf
Murtad
Mufassireen
Muhsin
Mushrikoon
Muttaqoon

The best of judges, an attribute of Allah
All Perfectly
Abiding
Universal
Expiation
A sect in Islam with the dogma that belief and action are not interrelated, belief is not affected by sin
A deviating sect in Islam adhering to the belief that sin puts a believer in the middle between kufir and Islam i.e., he is neither a disbeliever nor a Muslim. This sect is said to be founded by Waakil ibn ‘Aa‘a
The Divine Scripture
Apostate
Sing. Musfassir; Exegetes - the commentators specially of the Qur’an
Good-doer, pious
Sing. Mushrik; Polytheists, associating deities besides Allah, believing in deities (more than one)
Sing. Muttaqi; The pious, God-fearing
Munaafiqoon: Sing. Munaafiq; Hypocrites

Mujtahid: Lit. Diligent; In Islamic terminology a legist formulating independent decisions in legal or theological matters, based on the interpretation and application of the four Usool as opposed to muqallid (imitator)

Muhaymin: Overseer, overwhelming, the preserver of safety, an attribute of Allah

Minbar: Pulpit

Muadh-dhin: Caller of prayer

Mujrimoon: Sing. Mujrim; Polytheists, sinners, criminals

Nidd: Rivals, parallels, equals

Qiyaas: Analogy, a principle source of Islamic jurisprudence

Qaht: Famine

Qiṣaṣ: Retaliation, Law of equality, punishment

Qaḍī: Judge of Islamic shari‘ah court

Rubūbiyyah: Lordship

Riba: Usury, interest

Riddah: Apostasy

Shari‘ah: Islamic law
**Salaf**  
سلف: The pious predecessors

**Sihr**  
سحر: Magic or witchcraft

**Shirk**  
شرك: Polytheism, associating deity with Allah

**Ash-Shirk al-Akbar**  
الشرك الأكبر: Major polytheism

**Ash-Shirk al-Asghar**  
الشرك الأصغر: Minor polytheism

**Ṣaḥaabaḥ**  
صحابه: Sing. Ṣaḥāabi; The Companions of the last Prophet

**Shahadatayn**  
شهاداتين: The twin testimony of faith. i.e witnessing that there is no deity save and except Allah, and Muhammad is His Messenger

**Shayateen**  
شياطين: Sing. Shayṭaān; Devils

**Ṣiddeeq**  
صديق: True believer, title of Abu Bakr, the first caliph

**Shar‘i**  
شرعى: Legislative, legal, Islamic

**Shai’**  
شيء: Anything

**Sayi‘ah**  
سيرة: Bad, bad deed

**Ṣadaqah**  
صدقة: Charity

**Ṣalaat**  
صلاة: The prayer (obligatory / optional)

**Tawheed**  
توحيد العبادة: The unity of Worship

**Tawheed al-‘Ibaadah**  
توحيد العبادة: The unity of Lordship

**Tawheed ar-Ruboobiyyah**  
توحيد الروبية: The unity of Lordship

**Tawheed al-Asma’ waṣ-Ṣifaaṭ**  
توحيد الأسماء والصفات: The unity of the Divine names and Attributes


**Taghoot**

Lit. one who exceeds legitimate limits; In the Qur’an it refers to a creature who exceeds limits of his creatureliness and arrogates to himself godhead and lordship. First stage of man’s error is fisq, second stage is that of kufr and the last stage where man not only rebels against Allah but also imposes his rebellious will on others. False gods. Leaders calling to establish non Islamic orders etc.

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**Ta’teel**

Denying Allah’s Attributes

**Tamtheel**

Anthropomorphism

**Tahkeem al-Qawaaneen**

Referring (to man-made laws) for judgement

**Tayyibaat**

Sing. Tayyib; All that is good as regards foods, things, deeds, beliefs, persons

**Tahaarah**

The ritual purity

**Taalib al-’Ilm**

A seeker of knowledge, student

**Uloohiyah**

Divinity

**Usool ad-Deen**

The basic principles of religion (Islam)

**’Uboodiyah**

Servitude, total submission to Allah, bondage

**Wali**

Protector, helper, saint

**Zina**

Unlawful sexual relations, adultery, fornication

**Zulm**

Wrongdoing, disbelief.
<table>
<thead>
<tr>
<th>Soorah No./Name</th>
<th>Aayah No. / Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 - Al-Baqarah</td>
<td>256/24, 64, 112/36, 128/36, 208/38, 213/41, 63, 157, 165/60, 166/61, 159/150, 85/200, 275/217, 278-279/240, 34/293, 146/344</td>
</tr>
<tr>
<td>5 - Al-Maa'idah</td>
<td>44/16, 59, 83, 199, 355, 50/33, 180, 192, 199, 13/99, 41-50/119, 93/164, 87/175, 103/177, 95/225, 17/294, 73/294, 41-44/333</td>
</tr>
<tr>
<td>6 - Al-Ana'am</td>
<td>114/26, 39, 70, 57/27, 54, 121/33, 111, 189, 136/44, 176, 1/63, 221, 62/73, 57/73, 225, 139/177</td>
</tr>
<tr>
<td>7 - Al-'A'raaf</td>
<td>54/25, 35, 70, 87/27</td>
</tr>
<tr>
<td>8 - Al-Anfaal</td>
<td>39/239</td>
</tr>
<tr>
<td>9 - At-Taubah</td>
<td>31/25, 45, 50, 105, 19/147, 111/162, 37/174, 103/237, 66/290, 65-66/292</td>
</tr>
<tr>
<td>10 - Yunus</td>
<td>59-60/77</td>
</tr>
<tr>
<td>11 - Hud</td>
<td>45/27</td>
</tr>
<tr>
<td>12 - Yusuf</td>
<td>40/24, 74, 39-40/42, 67/74</td>
</tr>
<tr>
<td>13 - Ar-Ra'd</td>
<td>41/27, 74, 31/73, 37/73</td>
</tr>
<tr>
<td>16 - An-Naḥl</td>
<td>89/31, 116/176</td>
</tr>
<tr>
<td>No.</td>
<td>Surah Title</td>
</tr>
<tr>
<td>-----</td>
<td>---------------------</td>
</tr>
<tr>
<td>18</td>
<td>Al-Kahf</td>
</tr>
<tr>
<td>21</td>
<td>Al-Anbiyaa</td>
</tr>
<tr>
<td>24</td>
<td>An-Noor</td>
</tr>
<tr>
<td>26</td>
<td>Ash-Shu'araa'</td>
</tr>
<tr>
<td>27</td>
<td>An-Naml</td>
</tr>
<tr>
<td>28</td>
<td>Al-Qasas</td>
</tr>
<tr>
<td>31</td>
<td>Luqmaan</td>
</tr>
<tr>
<td>33</td>
<td>Al-Ahzab</td>
</tr>
<tr>
<td>34</td>
<td>Saba'</td>
</tr>
<tr>
<td>36</td>
<td>Yaa-seen</td>
</tr>
<tr>
<td>37</td>
<td>As-Saaffaat</td>
</tr>
<tr>
<td>39</td>
<td>Az-Zumar</td>
</tr>
<tr>
<td>40</td>
<td>Ghaafir/Al-Mumin</td>
</tr>
<tr>
<td>42</td>
<td>Ash-Shoora</td>
</tr>
<tr>
<td>45</td>
<td>Al-Jaathiyah</td>
</tr>
<tr>
<td>46</td>
<td>Al-Ahzaaaf</td>
</tr>
<tr>
<td>47</td>
<td>Muhammed</td>
</tr>
<tr>
<td>48</td>
<td>Al-Fath</td>
</tr>
<tr>
<td>49</td>
<td>Al-Hujuraat</td>
</tr>
<tr>
<td>59</td>
<td>Al-Hashr</td>
</tr>
<tr>
<td>60</td>
<td>Al-Muntahanah</td>
</tr>
</tbody>
</table>
## INDEX OF HADITH

<table>
<thead>
<tr>
<th>BOOK</th>
<th>CHAPTER / BAAB</th>
<th>NO.</th>
<th>PAGE NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bukhari</td>
<td>Kitaab al-Eemaan</td>
<td>46</td>
<td>17, 286</td>
</tr>
<tr>
<td></td>
<td>Kitaab al-Masafah</td>
<td>2187</td>
<td>95</td>
</tr>
<tr>
<td></td>
<td>Kitaab al-Manaaqib</td>
<td>3363</td>
<td>123</td>
</tr>
<tr>
<td></td>
<td>Kitaab al-'Itiṣaam....</td>
<td>6801</td>
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_Note: The above given reference nos. of hadith are from the CD programme “Hadith Encyclopedia” by Harf Information Technology._
# TRANSLITERATION CHART

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<td>آآي</td>
<td>aa</td>
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<td>ب</td>
<td>b</td>
</tr>
<tr>
<td>ت</td>
<td>t</td>
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<td>ء</td>
<td>h or t</td>
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<td>(when followed by another Arabic word)</td>
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<td>ث</td>
<td>th</td>
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</tr>
<tr>
<td>هـ - هـ (as vowel)</td>
<td>h (Omitted in initial position)</td>
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<tr>
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<tr>
<td>ي</td>
<td>y</td>
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<tr>
<td>يـ (as vowel)</td>
<td>ee</td>
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<table>
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<th>Transliteration</th>
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<td>a</td>
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<td>ـ</td>
<td>Kasra</td>
<td>i</td>
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<td>ـ</td>
<td>Dammah</td>
<td>u</td>
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<tr>
<td>ـ</td>
<td>Shaddah</td>
<td>Double letter</td>
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<td>ـ</td>
<td>Sukoon</td>
<td>Absence of vowel</td>
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This book appears at a time when many other books and ideas are being propagated to justify the status quo of the ummah, and the position of those who are not ruling by what Allah has revealed and to detract from the seriousness of the situation.

This book is a detailed discussion of the extreme views of both the Murji‘ah and Khawaarij, which are clouding the ummah’s vision as they have done for far too long. The view of the Murji‘ah states that faith is simply the matter of belief in the heart, with no link to action, whilst the view of the Khawaarij is that any sin equals a major kufr act which puts a person beyond the pale of Islam. The author highlights these distorted views, then explains the middle way of Ahl as-Sunnah wa’l-Jama‘ah, based on the Qur’ān and Sunnah, where faith is composed of both belief and action, and it may increase and decrease; while sin does not necessarily equal a major kufr act, but there are some major sins which do constitute major kufr acts and put a person beyond the pale of Islam, such as ruling by something other than what Allah has revealed.

Once this idea is clear in the minds of ordinary Muslims, the Muslim ummah will not accept anything from their governments and rulers except shari‘ah, to rule their lives, and they will realize that any other system or law is nothing more or less than kufr disbelief and a deviation from Islam.