



---

## The Ruling Concerning Takfeer

From the fataawaa of Imaam al-Albaanee, Shaykhul-Islaam Ibn Baaz and al-'Allaamah Ibnul-'Uthaymeen

Translation by Maaz Qureshi<sup>1</sup>

---

Version 1.0

---

### THE FATWAA OF IMAAM MUHAMMAD NAASIRUD-DEEN AL-ALBAANEE:

Verily the praise is for Allaah, we praise Him and seek His aid, and His forgiveness. And we seek refuge in Allaah from the evils of our own souls, and from our sinful actions. Whomsoever Allaah guides, then none can misguide him, and whomsoever He misguides, then there is no guide for him. I testify that there is no deity worthy of worship besides Allaah, alone, without any partners; and I testify that Muhammad is His servant and Messenger. To proceed:

So verily the matter of *Takfeer* is general, not for the ruler only. Rather, it is also for the ruled, it is a great old *fitnah* (trial, tribulation). It was utilized by a sect from the various old Islaamic sects, and they are known as the *Khawaarij*. And [we say] with great regret, that some of the callers and zealous youth have indeed fallen into leaving the Book and the *Sunnah*, but still using the name of the Book and the *Sunnah*!! The reason for this can be traced back to two matters:

**FIRSTLY:** The absence of knowledge.

**SECONDLY:** The other matter is – and this is very important – that they do not fully comprehend the *shar'ee* (divinely legislated) fundamentals. And these are the foundations of the correct Islaamic *da'wah* (call), such that whosoever leaves them, consequently enters those sects that have deviated from the *Jamaa'ah* (community),<sup>2</sup> which the Messenger of Allaah (*sallallaahu 'alayhi wa sallam*) praised in more than one *hadeeth*. Rather, it was

---

<sup>1</sup> The following is the first of a four part series concerning the issue of *Takfeer* and ruling by other than what Allaah revealed. This first section was taken from *at-Tahdheer min-Fitnatit-Takfeer* (p. 56-89) of Shaykh 'Alee Hasan al-Halabee.

<sup>2</sup> From 'Awf Ibn Maalik (*radiyallaahu 'anhu*) who said that the Messenger of Allaah (*sallallaahu 'alayhi wa sallam*) said: "The Jews will split into seventy-one sects, so one will be in Paradise and seventy will be in the Fire. And the Christians will split into seventy-two sects, so seventy-one will be in the Fire, and one will be in Paradise. Any by the One in whose Hand the soul of Muhammad is, my *Ummah* shall split into seventy-three sects, and one will be in Paradise and seventy-two will be in the Fire." It was said: 'Who are they O Messenger of Allaah?' He said: "The *Jamaa'ah*." It is a *hasan* (good) *hadeeth* related by Ibn Maaajah (no. 3992), it has been authenticated and explained by Shaykh al-Albaanee in *Silsilatul-Ahaadeethus-Saheehah* (no. 203, 1492), and *Dhilaalul-Jannah* (no. 63).

mentioned by our Lord the Mighty and Majestic. It has been explained that whosoever leaves from it will be in opposition to Allaah and His Messenger (*sallallaahu 'alayhi wa sallam*), and due to that, Allaah the Mighty and Majestic said,

**“And whosoever opposes the Messenger after the guidance has been made clear to him, and follows a path other than that of the Believers; We will turn him to what he has turned himself to, and burn him in Hell. What an evil abode.”** [Sooratun-Nisaa' 4:115]

So verily Allaah – in a clear command according to the people of knowledge – did not say anything short of, **“And whosoever opposes the Messenger after the guidance has been made clear to him...We will turn him to what he has turned himself to...”** So He connected opposing the Messenger with following other than the Path of the Believers, so He said, **“And whosoever opposes the Messenger after the guidance has been made clear to him, and follows a path other than that of the Believers; We will turn him to what he has turned himself to, and burn him in Hell. What an evil abode.”**

### **THE BASIC PRINCIPLE IN UNDERSTANDING THE BOOK AND THE SUNNAH:**

So following the Path of the Believers, or not following it, is a very important obligation and duty.<sup>3</sup> So whosoever follows the Path of the Believers, then he is saved according the Lord of the Worlds, and whosoever opposes the Path of the Believers, then his recompense is Hell and an evil end. For here, very many groups – old and new – deviated, because they did not suffice with following the Path of the Believers. Rather, they used their intellects and followed their desires in explaining the Book and the *Sunnah*, then upon this, they brought about extremely dangerous outcomes. They left off what our *Salafus-Saalih* – may Allaah be pleased with them all – were upon. This is the part of the noble *aayah*, **“...and follows a path other than that of the Believers...”** It has also been confirmed from him (*'alayhissalaatu was-salaam*) in a profound confirmation from more than one *hadeeth*. So these *ahaadeeth* – some of which we shall mention – are not unknown to the common Muslims, however – despite them being explicit – it seems unknown to the common Muslims that these *ahaadeeth* prove the necessity of following the Path of the Believers in understanding the Book and the *Sunnah*, and they confirm and obligate that. So this matter has been forgotten, and its necessity and duty has been neglected by many of those who are prominent; from them are those who have recently become known as *Jamaa'atut*

---

<sup>3</sup> Imaam Ibn Abee Jamrah said: “Indeed the scholars have said regarding the statement of Allaah, **“...And follows a Path other than that of the Believers, We will turn him to what he has turned to...”** that what is meant by it is the Companions, and the first generation, because they themselves were the first ones to encounter opposition to the *Sunnah*. So they cured it by the best of questions about what took place in their souls due to some ambiguity. So he (*sallallaahu 'alayhi wa sallam*) answered them with the best of answers, and explained to them with the most complete of explanations. So they listened, and they understood, and they acted, and they perfected, and they memorized, and they mastered, and they believed. So they have a tremendous virtue over us. It is through them that we can connect our rope to the rope of our leader, Muhammad (*sallallaahu 'alayhi wa sallam*), and to the Rope of our Protector.” *Bahjatun-Nufoos* (1/4).

*Takfeer*, or some of the various *jamaa'aat* (groups/parties) that have ascribed themselves to *Jihaad!* And the reality of the matter is that they are the remnants of an army of *takfeer!*

So these people could be regarded as righteous or sincere, however, this alone is not enough for a person to be from amongst the saved and successful with Allaah the Mighty and Majestic. Therefore, the Muslim must undoubtedly gather two matters: i) He must be truly sincere in making his intention for Allaah the Mighty and Majestic. ii) He must perfect his following by adhering that which the Prophet (*sallallaahu 'alayhi wa sallam*) was upon. So therefore, it is not enough for the Muslim to be sincere and distinguished in his aim by acting upon the Book and the *Sunnah* and calling to them. Rather, it is inevitable that in his connection to that, his methodology (*manhaj*) must also be a safe, rightly-guided, straight and correct methodology, and this cannot occur unless he follows what the *Salafus-Saalih* – may Allaah be pleased with them – were upon.

So from the known and confirmed *ahaadeeth* that establish the basis for what I have mentioned – indeed I made reference to them previously – is the *hadeeth* of the seventy-three sects. Indeed it is the statement of the Prophet (*sallallaahu 'alayhi wa sallam*), “The Jews split up into seventy-one sects, and the Christians split-up into seventy-two sects. And my *Ummah* shall split-up into seventy-three sects, all of them being in the Fire, except one.” They said, ‘Which one is that, O Messenger of Allaah?’ He said, “The *Jamaa'ah*.”<sup>4</sup> And in a narration he stated, “What I am upon, and my Companions.”<sup>5</sup> So we find that the answer of the Prophet (*sallallaahu 'alayhi wa sallam*) conforms completely with the previously mentioned *aayah*, “**...and follows a path other than that of the Believers...**” So the first of those who enter into this general *aayah* are the Companions of the Messenger (*sallallaahu 'alayhi wa sallam*). Consequently, the Messenger (*sallallaahu 'alayhi wa sallam*) did not suffice in this *hadeeth* by just saying, “What I am upon,” even though this could be sufficient for the Muslim who truly understood the Book and the *Sunnah*. However, the Prophet (*sallallaahu 'alayhi wa sallam*) made a knowledge-based addition here, thus testifying to the truth of the statement that he is “**kind and merciful with the Believers.**” [Sooratut-Tawbah 9:128]

So from the perfection of his kindness and the completeness of his mercy to his Companions and followers is that he (*sallallaahu 'alayhi wa sallam*) clarified to them that the sign upon which the Saved-Sect was built, was that which the Messenger (*sallallaahu 'alayhi wa sallam*) and his Companions were upon. So it is not permissible for the Muslims in

---

<sup>4</sup> Refer to the second footnote in this article.

<sup>5</sup> The complete *hadeeth* is as follows: From 'Abdullaah Ibn 'Umar Ibnul-'Aas (*radiyallaahu 'anhu*) who said that the Messenger of Allaah (*sallallaahu 'alayhi wa sallam*) said: “There will come upon my *Ummah* what came upon the Children of Israa'eel, handspan by handspan, to the extent that if one of them fornicated openly with his mother, there would be someone from my *Ummah* who would be like this. Verily the Children of Israa'eel split into seventy-two sects, and my *Ummah* will split up into seventy-three sects, all of them being in the Fire, except one.” They said: ‘And which one is that O Messenger of Allaah?’ He said: “That which I am upon today, and my Companions.” It is a *hasan hadeeth* related by at-Tirmidhee (no. 2641) and al-Haakim (1/128-129).

general – and the callers in particular – to fall short in understanding the Book and the *Sunnah* with the known ways of understanding such as the Arabic language, and the *naasikh wal-mansookh* (abrogators and abrogations), and other than that. Rather, being upon what the Companions of the Messenger (*sallallaahu 'alayhi wa sallam*) were upon must undoubtedly come before returning to all of that. Since the Companions – as is clear from their narrations and biographies – were the most sincere in worship to Allaah the Mighty and Majestic, and they were the most knowledgeable of us concerning the Book and the *Sunnah*; and other than that from praiseworthy characteristics that they displayed, and in good manners that they possessed.

And this *hadeeth* closely resembles – by way of its results and benefit – the *hadeeth* mentioning the Rightly-Guided Caliphs narrated in the *Sunan*. From al-'Irbaad Ibn Saariyah (*radiyallaahu 'anhu*) who said: The Messenger of Allaah (*sallallaahu 'alayhi wa sallam*) admonished us with an admonition that caused the hearts to fear, and they eyes to shed tears. So we said, 'It is as if this is a farewell admonition, so advise us, O Messenger of Allaah.' He said, "I advice you with the *taqwaa* (fear, reverence) of Allaah, and to listen and obey, even if the one who is appointed over you is an Abyssinian slave. And verily whosoever from amongst you lives long, then he shall see many differences. So adhere strictly to my *Sunnah*, and the *Sunnah* of my Rightly-Guided Caliphs after me, hold onto it with your molar teeth..."<sup>6</sup> And he mentioned the rest of the *hadeeth*. So this *hadeeth* serves as a witness to the meaning of his (*sallallaahu 'alayhi wa sallam*) to the question in the previous *hadeeth*, when the Prophet (*sallallaahu 'alayhi wa sallam*) in cited his *Ummah* – his Companions in person – to hold onto his *Sunnah*. So he did not stop upon that, rather, he said, "...and the *Sunnah* of my Rightly-Guided Caliphs after me." So it is inevitable that we – in this present condition – revolve around this pure principle, always and forever, if we wish to understand our creed, and our worship, and our manners and dealings. The Muslim cannot avoid returning to the methodology of our *Salafus-Saalih* in understanding all of these necessary affairs, until he truly comes to be from amongst the Saved-Sect.

So from here, old and new groups have deviated when they did not pay attention to what the previous *aayah* shows, and to the *hadeeth* about the *Sunnah* of the Rightly-Guided Caliphs, and likewise to the *hadeeth* of the division in the *Ummah*. So it is only natural that they deviate from the Book of Allaah, and the *Sunnah* of His Messenger (*sallallaahu 'alayhi wa sallam*), and from the methodology of the *Salafus-Saalih*; just as those before them deviated. And from these deviants are the *Khawaarij* – the old and the new! So verily the basis of the *fitnah* of *takfeer* in this age, rather, in all the ages, is the *aayah* that they always revolve around. Indeed it is the statement of Allaah the Exalted,

---

<sup>6</sup> **Saheeh:** Related by Ahmad (4/126), al-Haakim (1/96), Aboo Daawood (4/13), at-Tirmidhee (5/44), Ibn Maajah (4/126), and ad-Daarimee (6/42). It was authenticated by Shaykh al-Albaanee in *Irwaa'ul-Ghaleel* (no. 2455).

**“And whoever does not rule by what Allaah revealed, then these are the disbelievers.”**  
[Sooratul-Maa'idah 5:44]<sup>7</sup>

So they take it without profound understanding, and they mention it without detailed knowledge. And we know that this noble *aayah* has been repeated, and its ending has three different wordings, and they are:

**“...then they are the disbelievers.”** [Sooratul-Maa'idah 5:44]

**“...then they are the transgressors.”** [Sooratul-Maa'idah 5:45]

**“...then they are the disobedient.”** [Sooratul-Maa'idah 5:47]

So from the completeness of the ignorance of these people is that they use as a proof, only the wording of the first *aayah*, **“...then these are the disbelievers.”** So they gather upon the smallest part of the revealed texts – either from the *Qur'aan* or the *Sunnah* – which have in them the mentioning of the word *kufir* (disbelief). So they take them – without insight – to mean expelling one from the Religion, and that there is no difference between falling into this *kufir*, and the *kufir* of the polytheists from the Jews and the Christians, and from the people of other religions that fall outside the realm of Islaam! When the word *kufir* is mentioned in the language of the Book and the *Sunnah*, it does not always mean that which they revolve around, and they force this erroneous and incorrect understanding upon it!!

So in regards to the phrase, **“...the disbelievers.”**, it does not have only one meaning, rather, there are two other words, **“...the transgressors.”**, and **“...the disbelievers.”** So the one who is described as being a transgressor, or disobedient, then this does not necessitate his apostasy from the Religion, so likewise, the one who is described as a disbeliever, he is not indiscriminately that. This multiplicity of meaning for one word is proven in the language, then in the Revelation which came in the Arabic language – the language of the Noble *Qur'aan*. So due to that, the obligation upon everyone who is under the rulings upon the Muslims – whether they be the rulers, or the ruled – is that they be upon wide-stretching knowledge of the Book and the *Sunnah*, and upon the light of the methodology of the *Salafus-Saalih*. It is not possible to understand the Book and the *Sunnah* – and likewise whatever branches off from them – except by way of having general and detailed knowledge of the Arabic language, and its manners. So if the student of knowledge possesses a deficiency in knowledge of the Arabic language, then from that which will aid him in rectifying that deficiency is returning to the understanding of those who came

---

<sup>7</sup> Imaam Aboo Hayaan al-Andalusee – *rahimahullaah* – said “The *Khawaarij* use this *aayah* as a proof to say that everyone who disobeys Allaah, then he is a disbeliever! And they say that it is a textual proof stating that everyone who rules by other than what Allaah revealed, then he is a disbeliever. And everyone who sins, then indeed he rules by other than what Allaah revealed, so it is obligatory that he be a disbeliever.” *Bahrul-Muheet* (3/493).

before him from the *Imaams* and the scholars, especially the people of the three generations about whom the goodness has been testified to.

### **DISBELIEF LESS THAN DISBELIEF:**

So let us return to the *aayah*, “**And whoever does not rule by what Allaah revealed, then these are the disbelievers.**” So what is intended by ‘disbelief’ here, is it that which expels one from the Religion, or other than that?

So I say: there is no doubt after carefully understanding this *aayah*, that it means *al-kufrul-’amalee* (disbelief in action), and it refers to the actions that are outside some of the rules of Islaam. And this understanding was established by the Scholar of the *Ummah*, the Interpreter of the *Qur’aan*, ‘Abdullaah Ibn ‘Abbaas (*radiyallaahu ‘anhu*) upon whom all of the Muslims – except for those who were from amongst the misguided sects – have consensus that he alone was the *Imaam* of *Tafseer*. So it is as if he heard in those days what we are hearing today, where people understand this *aayah* with a superficial understanding, without detail (*tafseel*). So he (*radiyallaahu ‘anhu*) said, “It is not the disbelief that they got to,”<sup>8</sup> and “It is not the disbelief that expels one from the Religion,”<sup>9</sup> and “It is disbelief less than disbelief.”<sup>10</sup> And perhaps he was referring to the *Khawaarij* who revolted against ‘Alee (*radiyallaahu ‘anhu*), then from the end results of that was that they shed the blood of the Believers. And they did to the Believers, that that which they did not do to the polytheists,<sup>11</sup> so he said: The matter is not as you say, nor as you think, it is only disbelief less than disbelief. So this short yet decisive answer from the Interpreter of the *Qur’aan* in explanation of this *aayah* is the ruling which it is not possible to understand anything contradictory to, according to the conditions I laid out earlier.

So the word *kufr* (disbelief) is mentioned in many places in the *Qur’aan*, and the *Hadeeth*, and it is not possible that all of these instances be carried to mean that which expels one from the Religion. From that – for example – is the famous *hadeeth* related in the *Saheehayn* from ‘Abdullaah Ibn Mas’ood (*radiyallaahu ta’aalaa ‘anhu*) who said: The Prophet (*sallallaahu ‘alayhi wa sallam*) said, “Reviling the Muslim is an offence (*fisq*), and fighting him is disbelief (*kufr*).”<sup>12</sup> So the disbelief here is the sin that takes one out of obedience, however, the Messenger of Allaah (*sallallaahu ‘alayhi wa sallam*) – and he is the most eloquent in explanation – did not refrain from saying, “...and fighting him is *kufr*.”

---

<sup>8</sup> It is related by al-Haakim (2/313).

<sup>9</sup> It is related by at-Tabaree in his *Tafseer* (10/355/12052).

<sup>10</sup> It is related by at-Tabaree (10/355/12053), and all of these narrations from Ibn ‘Abbaas have been authenticated and explained by Shaykh al-Albaanee in *Silsilatus-Saheehah* (no. 2552).

<sup>11</sup> There occurs in *as-Sunnah* (no. 87) of al-Khallaal, that Imaam Aboo Bakr al-Maroodhee said, “I heard Aboo ‘Abdullaah (Ahmad Ibn Hanbal) severely prohibiting the spilling of blood and revolting.” And Shaykhul-Islaam Ibn Taymiyyah (d.728H) – *rahimahullaah* – said in *Minhaajus-Sunnatin-Nabawiyyah* (3/390): “It was as if he did not know of a group that revolted against the ruler, except that its revolting caused a greater corruption than the corruption of the one whom it was supposed to remove.”

<sup>12</sup> Related by al-Bukhaaree (1/81) and Muslim (1/57)

And from another viewpoint, it is possible for us to take the first part of the *hadeeth*, “Reviling the Muslim is *fisq*...” upon the meaning of disobedience mentioned in the third version of the previous *aayah*, “**And whoever does not rule by what Allaah revealed, then these are the disobedient.**” And the answer is that this *fisq* (disobedience) could be a synonym for that *kufir* which means expelling one from the Religion, or it could be the *fisq* that is synonymous with the *kufir* that does not mean expelling one from the Religion. However, it is only what the Interpreter of the *Qur’aan* said it is: that it is disbelief less than disbelief.

And this *hadeeth*<sup>13</sup> is most certainly referring to the disbelief with this meaning, and that is because of the statement of Allaah the Mighty and Majestic:

**“And if two groups from amongst the Believers fight, then make peace between them. So if one of them transgresses upon the other, then fight the one that transgresses, until it returns to the Command of Allaah.”** [Sooratul-Hujuraat 49:9]

So our Lord the Mighty and Majestic mentioned here the transgressing group that fights the correct, believing group, but despite that, the transgressing group was not judged as having disbelief, in spite of the *hadeeth*, “...and fighting him is disbelief...”! Therefore, fighting him is disbelief less than disbelief, as Ibn ‘Abbaas said in his complete explanation of the preceding *aayah*. So the Muslim fighting the Muslim is transgression, outrage, disobedience, and disbelief. However, this means that the disbelief could be *kufir ‘amalee* (disbelief in action), or *kufir i’tiqaadee* (disbelief in creed). So from here comes the detailed separation (between *kufir ‘amalee* and *kufir i’tiqaadee*) whose explanation shall follow from the true Imaam, Shaykhul-Islam Ibn Taymeeyah (d.728H) - *rahimahullaah* - and from his sharp student, Ibnul-Qayyim al-Jawziyyah (d.751H) - *rahimahullaah*. The two of them were excellent in clarifying the separation between the two types of *kufir*, whose flag was raised by the Interpreter of the *Qur’aan* in that collective and concise statement. So Ibn Taymeeyah, and his student and companion Ibnul-Qayyim al-Jawziyyah always revolved around the necessity of separating between the disbelief in creed, and the disbelief in action. So the Muslim - whether he knows it or not - will be falling into the *fitnah* (trial) of leaving from the *Jamaa’ah* (united body) of Muslims, a *fitnah* that the *Khawaarij* of old, and their new followers have fallen into.

And in conclusion I say that the statement of the Prophet (*sallallaahu ‘alayhi wa sallam*): “...and fighting him is disbelief,” does not unrestrictedly mean that which expels one from the Religion. And the *ahaadeeth* concerning this are very many. So all of them are irrefutable proofs against these people who use their deficient understanding of the preceding *aayah*, and insist upon its explanation to be *kufir i’tiqaadee*. So for now, we shall suffice with this *hadeeth*, since it is decisive proof that the Muslims fighting his brother has disbelief with the meaning of disbelief in action, and not in belief! So therefore, we have enmity towards *Jamaa’atut-Takfeer* - and whosoever branches off from them - and whatever

---

<sup>13</sup> In reference to the *hadeeth*: “Reviling the Muslim is an offence (*fisq*), and fighting him is disbelief (*kufir*).”

they attribute to the rulers, and we have enmity towards whosoever lives under their banner, and gathers under their authority and appointment of disbelief and apostasy!! So this emanates from their corrupted view that is established upon the idea that the rulers commit sins, so they must be declared disbelievers due to that.

### **THE CONNECTION BETWEEN TAKFEER AND REVOLT (KHUROOJ):**

From amongst those matters whose mentioning and relating will be beneficial is that I met with some of those who used to be with *Jamaa'atut-Takfeer*, then Allaah the Mighty and Majestic guided them. So I said to them: 'Here you have declared some of the rulers to be disbelievers, but why do you - for example - perform *takfeer* upon the Imaams of the mosques, and the speakers in the mosques, and the *mu'adhdhins* (callers to Prayer) of the mosques, and the custodians of the mosques?! And what led you to perform *takfeer* upon the teachers of *Sharee'ah* knowledge in the schools and other places?!' They said: 'Because these people were content with the rule of the rulers who rule by other than what Allaah revealed!!'

So I say: If this contentment with the ruling by other than what Allaah revealed is a contentment in the heart, then it therefore turns the disbelief in action into disbelief in belief! So which ruler rules by other than what Allaah revealed, and he believes that this rule is suitable and befitting for this era, and that the *Sharee'ah* rule from the texts of the Book and the *Sunnah* is not suitable?! So there is no doubt that the disbelief of such a ruler is disbelief in belief, and not disbelief in action only. And whoever's contentment is contentment in belief, then he falls into it.

Then I said to them: So firstly, it is not possible for you to pass a judgement upon every ruler who rules by the disbelieving Western laws, or even most of the rulers, that if he is asked about ruling by other than what Allaah revealed, that he will say: that ruling by these laws is most befitting and correct for this era, and that it is not permissible to rule by Islaam!! Since, if they said that, they would truly be disbelievers without doubt or hesitation. So when we look at those who are ruled - and amongst them are the scholars and the righteous and other than them - then how can you pass judgements of disbelief upon them based solely upon the fact that they live under a rule that encompasses them just as it completely encompasses you! However, you only proclaim that these people are apostate disbelievers, and ruling by other than what Allaah revealed is obligatory. Then you make an excuse for yourselves by saying that opposing the *Sharee'ah* rule by actions only does not necessitate for a person that he has apostate from his Religion! And this is the same thing which, is said by other than you, except that you increase upon them - without due right - the judgement of *takfeer* and apostasy!!!

And from amongst the comprehensive matters that clarifies their error and unveils their misguidance is that it is said to them: 'When is the judgement placed upon the Muslim - who testifies that there no deity worthy of worship besides Allaah, and that Muhammad (*sallallaahu 'alayhi wa sallam*) is the Messenger of Allaah, and he prays - that he has apostate



from his Religion? Verily they do not know the answer! And they will never be guided to the correct position!! So we must draw the following example for them, so we say:<sup>14</sup>

A ruler rules by the *Sharee'ah*, as is his habit and system. However, in one ruling, he is mistaken, so he rules in opposition to the *Sharee'ah*; that is to say, he ruled in favour of the oppressor and did not give due right to the oppressed. So this is obviously ruling by other than what Allaah revealed, so do you say that he has disbelieved with the disbelief of apostasy? So they will say: No, because this only emanated from him once. So we say, what if it emanates from him a second time, or more, and he opposes the *Sharee'ah* again, so does he disbelieve? Then we repeat to them: Three times, four times! When do you say that he has disbelieved? It will not be possible for them to place a limit upon the number of his rulings in which he opposes the *Sharee'ah*, then they cannot perform *takfeer* upon him due to these rulings!! Contrary to them, it would be possible for them if it was known that in the first ruling he made, he preferred ruling by other than what Allaah revealed - making it *halaal* (lawful) in his heart - and denouncing the *Sharee'ah*. So at that moment, the judgement of apostasy can correctly be made upon him, from the very first ruling!

But on the other hand, tens of rulings in various issues, in which he opposes the *Sharee'ah*, and we ask him: 'Why do you rule by other than what Allaah the mighty and Majestic revealed?' So if he were to reply: 'I was afraid, and I feared for myself,' or 'I was bribed.' So this ruler is much more evil than the first, but despite that, it is still not possible for us to say that he is a disbeliever, until he makes known what is in his heart: that he does not see it fit to rule by other than what Allaah revealed. So it is only at that moment that it becomes possible for us to say that he is a disbeliever with the disbelief of apostasy. And in conclusion, it must be known that disbelief - like disobedience (*fisq*) and transgression (*dhulm*) - is divided into two categories: i) the disbelief, disobedience, and transgression that expels one from the Religion, and all of that depends upon the *istihlaal* (making lawful) in the heart; ii) and the other category does not expel one from the Religion, depending upon the *istihlaal* in action.

### **TAKFEER OF THE SINNERS IN IMPERMISSIBLE:**

So every sin - specifically that which has become widespread in this era from making lawful the usage of interest, or fornication/adultery (*zinaa*), and the drinking of alcohol and other than that - these are disbelief in action (*kufrul-'amalee*). So it is not permissible for us to perform a general *takfeer* upon the sinners due to something from sins, based solely upon the fact that they physically do such things and make them lawful in action only, unless that which was hidden from us became clear to us - with certainty - showing that deep in their souls, they do not believe (*i'tiqaad*) to be lawful that which Allaah and His Messenger (*sallallahu 'alayhi wa sallam*) have made unlawful. So when we know that they have fallen

---

<sup>14</sup> "And in what follows is a criticism and refutation upon the one who differentiates between i) the one who rules by other than what Allaah revealed in a specific matter, or some matters, ii) and the one who rules by other than what Allaah revealed as general legislation (*tashree'il-'aam*)." From the footnote found in *at-Tahdheer min Fitnatit-Takfeer* (p. 74).

into this opposition in their hearts, then at that moment, we make the judgement upon them that they have disbelieved with the disbelief of apostasy.

As for when we do not know that, then there is no way for us to make the judgement of disbelief upon them, since we fear falling under the threat of the Prophet (*sallallaahu 'alayhi wa sallam*), "When a man says to his brother: 'O disbeliever,' indeed it comes back to one of them."<sup>15</sup> And the *ahaadeeth* mentioned with this meaning are very many, I shall mention a single *hadeeth* from amongst them that contains a decisive proof. It is the story of that Companion who was fighting one of the disbelievers. So when this disbeliever saw that he had come under the sword of the Muslims Companion, he said: 'I testify that there is no deity worthy of worship besides Allaah!' So the Companion did not notice this, so he killed him. So when this news reached the Prophet (*sallallaahu 'alayhi wa sallam*), he opposed this action severely. So this Companion made the excuse that this disbeliever did not make the statement, except out of fear of being killed. However, the Prophet (*sallallaahu 'alayhi wa sallam*) answered: "Have you split open his heart?!"<sup>16</sup>

Therefore, the disbelief in belief cannot be connected to a person based upon actions alone,<sup>17</sup> it can only be connected to him based upon what is in his heart. We do not see it possible to know what is in the heart of a disobedient person, or a sinner, or a thief, or an adulterer, or whoever resembles them, except by that which he expresses about his heart upon his tongue. As for his action, then he should be informed that he has opposed the *Sharee'ah* in action. So we say: Verily you have opposed (the *Sharee'ah*), and you have disobeyed, and you have sinned. However, we do not say: Verily you have disbelieved, and you have apostate from your Religion, unless something becomes apparent to us about him that would serve as an excuse with Allaah the Mighty and Majestic. Then comes the judgement upon him that is known in Islaam, indeed it is his (*sallallaahu 'alayhi wa sallam*) statement: "Whoever changes his Religion, then kill him."<sup>18</sup>

Indeed I say - that which I have always said - to those who revolve around the *takfeer* of the Muslim rulers: You allege these rulers to disbelievers with the disbelief of apostasy, and you also allege that a ruler over there is above these ones. So it is obligatory - in this situation - that the ruler who is higher in authority establishes the *hudoos* (Islaamic punishments) amongst them!!! So now, what benefit will you receive by way of action, if we surrender to the argument that these rulers are disbelievers with the disbelief of apostasy? What is possible for you to do and produce? If they say: *al-walaa' wal-baraa'* (allegiance and enmity)!! Then we say: *al-walaa' wal-baraa'* is of two levels allies (*muwaalaat*) and the

---

<sup>15</sup> Related by Muslim (1/71), refer to *Sharhul-'Aqeedatut-Tahaawiyyah* (no. 370) with the checking of Shaykh al-Albaanee

<sup>16</sup> Related by al-Bukhaaree (no. 4296) and Muslim (no. 157), from Usaamah Ibn Zayd

<sup>17</sup> Imaam Ibnul-Qayyim said: "If the person making a statement, does not intend by it the meaning of this statement - either due to the absence of intending it, or due to the absence of acting upon it, or that he meant other than its meaning - then he is not to be held accountable for his statement. This is the Religion of Allaah which He sent His Messengers with." *I'laamul-Muwaqqi'een* (4/403)

<sup>18</sup> Related by al-Bukhaaree, Ahmad, an-Nisaa'ee, at-Tirmidhee, and Aboo Daawood. Refer to *al-Irwaa'ul-Ghaleel* (no. 2471)

enemies (*mu'aadaat*) - in the heart, and in action - and it is in accordance with ones ability - so for *al-walaa' wal-baraa'* to take place, it is not a condition that *takfeer* must be pronounced, nor that apostasy must be made known. Rather, *al-walaa' wal-baraa'* can also take place in regards to an innovator, or a sinner, or a transgressor. Then I say to these people: Look at those disbelievers who have taken over some of the Islaamic lands - and with regret - we have been severed from Palestine by the overcoming of the Jews - so what can we do with these people, until you - one of you - establishes the opposite of these rulers whom you suspect - and call to - them being disbelievers? So will you not leave off this argument and begin by establishing that foundation upon which the true Muslim government was founded and erected? That foundation is following the *Sunnah* of the Messenger of Allaah (*sallallaahu 'alayhi wa sallam*), which he nurtured his Companions upon, and upon whose system and foundation they were brought up.

We mention once more, and we mention this repeatedly, every Muslim *jamaa'ah* that truly works for the return of the rule of Islaam - not only upon the land of Islaam, but upon the entire earth - then that is the actualization of the statement of Allaah the Blessed and Exalted:

**“He is the One who has sent His Messenger with the guidance and the True Religion, so as to make it apparent over all other religions, even though the disbelievers detest it.”**  
[Sooratut-Tawbah 9:33]

Indeed there occurs in some of the Prophetic *ahaadeeth* carrying good news that this *ayaah* shall become reality in what is yet to come.<sup>19</sup>

So it is not possible for the Muslims to truly establish this *Qur'aanic* text and this Divine Promise, except by a clarified path and a clear way. So can this path be the open pronouncing of revolting against those rulers whom these people suspect that their disbelief is the disbelief of apostasy?! No, despite this suspicion, and it is an incorrect and erroneous suspicion, they do not possess the ability to do anything about it!!

Therefore, what is the *manhaj* (methodology), and what is the way? There is no doubt that the correct the path is what the Messenger of Allaah (*sallallaahu 'alayhi wa sallam*) was upon, and it was mentioned by his Companions in every sermon: “And the best guidance is the guidance of Muhammad (*sallallaahu 'alayhi wa sallam*).”<sup>20</sup> So it is obligatory upon all of the Muslims - especially those from amongst them who are in charge of the Islaamic rule, that

---

<sup>19</sup> Imaam Muslim relates in his *Saheeh* (no. 2907): From 'Aa'ishah (*radiyallaahu 'anhaa*) who said: I heard the Messenger of Allaah (*sallallaahu 'alayhi wa sallam*) saying: “The night and the day will not come to pass, until al-Laah and al'Uzzaa are worshipped.” So I said: ‘O Messenger of Allaah! Verily I thought that when Allaah revealed: **“He is the One who has sent His Messenger with the guidance and the True Religion, so as to make it apparent over all other religions, even though the disbelievers detest it,”** that this was absolute!’ He said: “Verily there shall occur from that whatever Allaah wills.” Related by al-Bukhaaree (9/126) and by Muslim (8/57), refer to *as-Saheehah* (no. 1).

<sup>20</sup> Related by Muslim (3/11), Ahmad (3/381), an-Nisaa'ee (1/234) and al-Bayhaqee (3/214)

they begin from where the Messenger of Allaah (*sallallaahu 'alayhi wa sallam*) began, and that is what we have covered briefly in two truthful words: *at-tasfiyah* (purification) and *tarbiyah* (education). That is so that we may come to know the well-established and firmly-grounded realities which these extremists are ignorant of, they do not have anything except open pronouncement of *takfeer* upon the rulers, after that, they have nothing else. So they persist and remain distracted by *takfeer* upon the rulers, then nothing emanates from them, nor about them, except trials and tribulations!!

So the true state of affairs in these later years is that these people began from the *fitnah* in the Sacred Sanctuary of Makkah, then onto the *fitnah* in Egypt, and the murder of Sadat, then lastly to Syria. Now it exists in Egypt and Algeria...Everyone can see that spilling the blood of large numbers of Muslims is the cause for these trials and calamities, and it brings about many tribulations and suffering. All of this is a reason why these people oppose many texts from the Book and the *Sunnah*, and the most notable of them is the statement of Allaah the Exalted:

**“Indeed you have an excellent example in the Messenger of Allaah, for whosoever hopes in Allaah and the Last Day, and remembers Allaah much.”** [Sooratul-Ahzaab 33:21]

Therefore, if we wish to establish the rule of Allaah upon the truth - truly, not presumably - then should we begin with *takfeer* of the rulers whilst we are not even capable of opposing them, or fighting them? Or should we begin with the obligation which the Messenger of Allaah (*sallallaahu 'alayhi wa sallam*) began with? There is no doubt that the answer is: **“Indeed you have an excellent example in the Messenger of Allaah...”** But what did the Messenger of Allaah (*sallallaahu 'alayhi wa sallam*) begin with? Anyone who has smelled the fragrance of knowledge will be absolutely certain that he (*sallallaahu 'alayhi wa sallam*) began with *da'wah* to those whom he thought to be more willing to accept the truth. Then, his *da'wah* was answered by those individual Companions who answered, as is known from the Prophetic *seerah* (biography). Then there occurred much difficulty and adversity that afflicted these Muslims in Makkah. Then the command for the first *hijrah* (migration) came, and Allaah strengthened Islaam in al-Madeenatul-Munawwarah. From there, the armed engagement and opposition began, and it was from there that fighting between the Muslims and the disbelievers began from a direction, and fighting the Jews from another direction, and so on. Therefore, we must undoubtedly begin by teaching true Islaam to the people, just as the Messenger (*sallallaahu 'alayhi wa sallam*) began. However, now it is not sufficient for us to teach only, since now, that which is not from Islaam, and that which is not related to it, has entered into it from innovations and newly invented matters which are a reason for the destruction of the lofty plain of Islaam. So due to that, it becomes obligatory upon the callers that they begin by *tasfiyah* (purification) of this Islaam from that which has newly entered into it. So this was the first principle; *at-tasfiyah*.

As for the second principle, *at-tarbiyah* (education), then it is to bring up and to educate along with *tasfiyah*, the Muslim youth upon this purified Islaam. So if we study the reality of the Islaamic *jamaa'at* (parties) which have now existed for approximately a century, and

we study their ideas and methods of practical application; we find that many of them have not benefited, nor have they benefited others by their yelling and screaming, and their claims that they want an Islaamic government!! The blood of a large number of Muslims has been spilled by this unfounded basis, without these people establishing anything. So we have not ceased to hear from them beliefs (*'aqaa'id*) which oppose the Book and the *Sunnah*, not to mention that they are always involved in baseless things that oppose the *Sharee'ah*.

So in conclusion, I say: There was a statement made by one of the callers - I am content to follow it, sticking to it, and establishing it - and it is: 'Establish the Islaamic State in your heart, it will be established for you upon your land.' So if the creed of the Muslim is correct - built upon the Book and the *Sunnah* - then there is no doubt that due to this, his worship will become corrected and his manners will become corrected and his dealings will become corrected. However, this good statement - unfortunately - is not acted upon by these people. So they go astray with shouting demands for the establishment of the Islaamic state, but to no avail. Indeed that poet - by Allaah - spoke truthfully about them:

'You desire salvation, but you do not tread its path.  
Verily the boat does not sail upon dry land.'<sup>21</sup>

Perhaps there is in what I have mentioned, sufficiency for every just person, and closure for every thoughtless person. And Allaah is the One from whom aid is sought.

### **THE FATWAA OF SHAYKHUL-ISLAAM 'ABDUL-'AZEEZ IBN BAAZ:**<sup>22</sup>

The praise is for Allaah, and may the Prayers and Peace be upon the Messenger of Allaah, and upon his Family, and his Companions, and whoever is guided by his guidance. To proceed:

So verily I reviewed the beneficial and valuable answer which was given by the noble Shaykh, Muhammad Naasirud-Deen al-Albaanee - may Allaah grant him success - which was published in the *al-Muslimoon* newspaper. He answered - by his excellence - the one who asked about *Takfeer* of the one who rules by other than what Allaah revealed without elaboration. So he wrote a valuable word, reaching the truth in it. And he traversed the Path of the Believers in it, and he clarified - may Allaah grant him success - that it is not permissible for anyone from amongst the people to perform *takfeer* upon the one who rules by other than what Allaah revealed, based upon action alone, without knowing whether or not he makes that lawful (*halaal*) in his heart. So he used as proof for this, that which came from Ibn 'Abbaas (*radiyallaahu 'anhumaa*), and other than him from the *Salaf* of the *Ummah*.

---

<sup>21</sup> This is from the poetry of Imaam ash-Shaafi'ee related in his *Deewaan* (p. 89) with the checking of Muhammad 'Abdul-Mun'am al-Khaffaagee.

<sup>22</sup> From what is found in *ad-Da'wah* magazine (no. 151) in Jumaada'l-Oolaa 1416H, and in *al-Muslimoon* magazine (no. 557), and it can be found in *Majmoo'ul-Fataawaa* (2/326) of Shaykh Ibn Baaz.

## THE MEANING OF DISBELIEF:

So there is no doubt that what he mentioned as an answer in explaining the statement of Allaah the Exalted:

**“Whosoever does not rule by what Allaah revealed, then these are the disbelievers (*kaafiroon*).”** [Sooratul-Maa'idah 5:44]

And:

**“Whosoever does not rule by what Allaah revealed, then these are the disobedient (*faasiqoon*).”** [Sooratul-Maa'idah 5:47]

**“Whosoever does not rule by what Allaah revealed, then these are the transgressors (*dhaalimoon*).”** [Sooratul-Maa'idah 5:45]

is correct.

So he - may Allaah grant him success - explained that *kufir* (disbelief) is of two types: major and minor, just as *dhulm* (transgression) is of two types, and likewise, *fisq* (disobedience) is of two types: major and minor. So whosoever makes ruling by other than what Allaah revealed lawful in his heart, or *zinaa* (adultery, fornication), or usury, and other than those things upon which there is consensus of their prohibition: then he has indeed disbelieved with major disbelief, and he has transgressed with major transgression, and he has disobeyed with major disobedience. However, whosoever does that without declaring it lawful (*istihlaal*), then his disbelief is minor disbelief, and his transgression is minor transgression, and his disobedience is likewise, due to the statement of the Prophet (*sallallaahu 'alayhi wa sallam*) in the *hadeeth* of ibn Mas'ood (*radiyallaahu 'anhu*): “Abusing a Muslim is disobedience, and fighting him is disbelief.”<sup>23</sup> He (*sallallaahu 'alayhi wa sallam*) meant by this, the minor disobedience, and the minor disbelief, and he used a prohibitive mode of expression concerning this evil action. And similar to this is his (*sallallaahu 'alayhi wa sallam*) statement: “Two things, if done by the people, are disbelief: cursing the lineage, and lamenting over the dead.”<sup>24</sup> Muslim relates in his *Saheeh* that the Prophet (*sallallaahu 'alayhi wa sallam*) said: “Do not revert back to being disbelievers after me by striking the necks of each other.”<sup>25</sup> And the *ahaadeeth* with this meaning are very many.

So the obligation upon every Muslim - and not only upon the people of knowledge - is to carefully examine the affairs, and to rule in light of the Book and the *Sunnah*, upon the path of the *Salaf* of the *Ummah*; and to beware of the disastrous path that the majority of the people follow by issuing judgements (of disbelief) without *tafseel* (elaboration). So there is no doubt that Allaah the Glorified has obligated His servants to rule by His *Sharee'ah*,

---

<sup>23</sup> Related by Muslim (1/81)

<sup>24</sup> Related by Muslim (1/58)

<sup>25</sup> Related by al-Bukhaaree (no. 121) and Muslim (no. 65) from Jareer Ibn 'Abdullaah (*radiyallaahu 'anhu*)

and to judge by it. And he has obligated them to beware of the rules other than this, and He has informed them that every rule other than the Rule of Allaah the Glorified is from the rules of *jaahiliyyah* (pre-Islaamic times of ignorance).

### **THE KNOWLEDGE BASED ELABORATION:**

As for those who study the laws, or teach them, then they are divided into various types:

Firstly, there is the one who studies them, or teaches them, in order to know their reality, or to know the excellence that the *Sharee'ah* has over them, or to benefit from them in a way that does not oppose the pure *Sharee'ah*, or to benefit other than themselves in that. So there is no problem in this, from what is apparent to me from the *Sharee'ah*. Rather, it could be rewardable and praiseworthy if he wishes to explain their differences, and to make apparent the excellence that the *Sharee'ah* has over them. And there is no doubt concerning the correctness of Prayer behind this type of person.

The ruling upon the people in this category is like the ruling upon those who study the rules and regulations of usury, and the types of gambling, and the likes of that, like the corrupt beliefs, or to present its study in order to know it, and to know the Judgement of Allaah upon it, and to reaffirm other peoples faith as well as his own concerning the prohibition of ruling by the secular laws that oppose the *Sharee'ah* of Allaah the mighty and Majestic. The ruling upon this type of person is not like the ruling upon the one who learns magic, or other than it, because the magic itself is prohibited, regardless whether there is anything in it from *Shirk*, or worship of *Jinns* besides Allaah. So the one who studies it (magic) is not like the one who studies other than it, not attaining it, except by *Shirk*, as opposed to the one who learns the secular laws and other than them, not to rule by them, nor to believe in their lawfulness. It depends on whether the objective is permissible (*mubaah*) or *Sharee'ah* legislated, as has proceeded.

### **THE TWO TYPES OF DISBELIEF:**

The second type of people (who possess minor disbelief) are those who study or teach them to rule by them, or helping others to do that, along with their belief in the prohibition of ruling by other than what Allaah revealed. However, he does this due to desire, or due to love of the wealth found in that. So there is no doubt in the sinfulness of this type of people, and they have minor disbelief, and minor transgression, they have not left from the realm of Islaam. And this statement is known amongst the people of knowledge,<sup>26</sup> and it is the statement of Ibn 'Abbaas, Taawoos and 'Ataa', and Mujaahid, and the rest of the *Salaf* and the *khalaf* (those who came after), as is mentioned by al-Haafidh Ibn Katheer, al-

---

<sup>26</sup> Al-'Allaamah al-Qaasimee said in *Mahaasinut-Ta'weel* (3/215): "The disbelief of the ruler (who rules by) other than what Allaah revealed - due to his rejection and denial of it - he is the one whom many have withdrawn, and the narrations concerning him are from 'Ikrimah and Ibn 'Abbaas."

Baghawe, al-Qurtube, and other than them.<sup>27</sup> And its meaning was mentioned by al-'Allaamah Ibnul-Qayyim - *rahimahullaah* - in his book *as-Salaat*, and Shaykh 'Abdul-Lateef Ibn 'Abdur-Rahmaan Ibn Hasan - *rahimahullaah* - has a good treatise concerning this matter which is published in the third volume of *Majmoo'atur-Rasaa'il*.<sup>28</sup>

There is no doubt that the people of this category are upon great danger, falling into apostasy is feared for them. As for Prayer behind the likes of them from the sinners, there is a well-known disagreement about that. So what is apparent from the *Sharee'ah* proofs is that it is correct to pray behind all of the disobedient sinners, whose disobedience does not reach the level of major disbelief. And this is the statement of a large number of the people of knowledge, and it was preferred by Ibn Taymiyyah, and he has beautiful speech concerning it. We shall quote it here due to its tremendous benefit. So Shaykhul-Islam Ibn Taymiyyah (d.728H) - *rahimahullaah* - said:

"It is permissible for a man to offer congregational Prayers, and the Friday Prayer, or other than that, behind one about whom he does not know of having an innovation, nor to disbelieve, by agreement of the four *imaams*, and other than them from the *imaams* of the Muslims. It is not a condition that the follower knows the *'aqeedah* (creed) of his *imaam*, nor that he put him to trial by saying: What do you believe!? Rather, he should pray behind the one whose condition is hidden. And if he prays behind one whom he knows is a sinner, or an innovator; then there are two statements concerning the correctness of his Prayer in the *madhhab* of Imaam Ahmad and Maalik, and it is correct according to the *madhaahib* of ash-Shaafi'ee and Aboo Haneefah.

The statement: 'My wealth is not safe, except with the one whom I know.' Its meaning is: 'I shall not pray behind the one whom I do not know, just as my wealth is not safe, except with the one whom I know.' This is ignorant speech that was not said by any of the *imaams* of Islaam. Since the wealth, if it is given to an unknown man, then he acts treacherously, the lender himself loses. As for the *imaam*, if he makes a mistake, or forgets, then the follower is not held responsible, as is found in al-Bukhaaree and others, that the Prophet (*sallallaahu 'alayhi wa sallam*) said: "Offer Prayers by yourselves, and with them, since if they are correct, it counts for you and them, but if they err, then it only counts against them."<sup>29</sup> So the mistake of the *imaam* only affects him, not his followers. Indeed 'Umar and other than him from the Companions (*radiyallaahu 'anhum*) prayed, and he was sexually impure, and he had forgotten about it. So (when he remembered) he went back,

---

<sup>27</sup> Refer to *Tafseerul-Qur'aanil-Adtheem* (3/111), *Ma'aalimut-Tanzeel* (3/61) and *al-Jaami'ul-Ahkaamil-Qur'aan* (6/188)

<sup>28</sup> This treatise has been published separately under the title *Usool wa Dawaabit fit-Takfeer* with the checking of Shaykh 'Abdus-Salaam Ibn Burjiss. And Shaykh Ibn Sahmaan (*rahimahullaah*) mentioned in his book *Kashful-Ghiyaahib* (p. 311) that the principles mentioned in the treatise of Shaykh 'Abdul-Lateef were extracted from *as-Salaat* of Ibnul-Qayyim.

<sup>29</sup> Related by al-Bukhaaree (1/663)



and the followers did not go back.<sup>30</sup> This was the position of the majority of the scholars such as Maalik, ash-Shaafi'ee and Ahmad in that which is well-known from him.<sup>31</sup>

Likewise, if the *imaam* does that which seems correct to him, but it is something that invalidates the Prayer according to the followers, such as praying whilst bleeding, or that he has not performed ablution, or he has touched his penis, or he has left off the *basmalah* - and he believes that his Prayer is accepted despite this, then the majority of the scholars hold that the Prayer is still accepted from the followers, as is found in the *madhhab* of Maalik, and Ahmad in the most apparent of the two narrations from him. And this is one of the two viewpoints in the *madhhab* of ash-Shaafi'ee. If it occurs by chance that the *imaam* deliberately prays without ablution, and the followers die afterwards not knowing that he did this, Allaah will not hold them accountable for that, and there can be no sin upon them by agreement of the Muslims.

However, if they know that he is praying without ablution, then they must not pray behind him, since he is not really praying, rather, he is just playing. If they come to know after the Prayer that he was praying without ablution, then there is differing as regards whether or not they should repeat their Prayer. If the followers know that the *imaam* is an innovator, who calls to his innovation, or that he is a disobedient sinner (*faasiq*) who openly sins - but he is an appointed *imaam* whom it is not possible to pray, except behind him, like the *imaam* of the Friday Prayers and the two 'Eeds and the likes of that - then the followers must pray behind him according to the general view of the *Salaf* and those who came after. And this is the *madhhab* of Ahmad, ash-Shaafi'ee, Abee Haneefah and other than them.

Due to this, they say in the works of '*aqeedah*'<sup>32</sup> that the Friday and 'Eed Prayers are to be offered behind every *imaam*, whether he is righteous or sinful. Likewise, if there is only one *imaam* in a city, then you must pray behind him in the congregational Prayers, because the Prayer in congregation is better than the Prayer offered by a single person, even if the *imaam* was a sinner. This is the view of the majority of the scholars, Ahmad Ibn Hanbal, ash-Shaafi'ee and other than them. Rather, the congregation is obligatory upon the individuals according to what is apparent from the *madhhab* of Ahmad. And whoever leaves off the Friday congregational Prayer behind the sinful *imaam*, then he is an innovator according to Imaam Ahmad and other than him from the *Imaams* of the *Sunnah*, as is mentioned in the *Risaalah* of 'Abdoos Ibn Maalik al-'Attaar.<sup>33</sup>

So the correct position is that the Prayer is to be offered behind him, and it is not to be repeated, because the Companions used to pray the Friday congregational Prayers behind

---

<sup>30</sup> **Saheeh:** Related by Maalik in *al-Muwatta'* (1/49) and al-Bayhaqee in *as-Sunanul-Kubraa* (no. 170) and in *Ma'rifatus-Sunnah wal-Aathaar* (no. 1408). Refer also to *Musannaf Ibn Abee Shaybah* (1/393) and *Musannaf 'Abdur-Razzaaq* (2/347).

<sup>31</sup> Refer to *al-Mughnee* (2/504) of Ibn Qudaamah

<sup>32</sup> Refer to *Sharhul-'Aqeedatit-Tahaawiyyah* (2/529) with the checking of Shaykh al-Albaanee

<sup>33</sup> This treatise has been published with the checking of Waleed Ibn Muhammad Nabeeh, and refer also to *Tabaqaatul-Hanaabilah* (1/241), and *Sharh Usoolul-'I'tiqaad* (1/156)

sinful rulers, and they did not repeat their Prayers. For example, Ibn 'Umar (*radiyallaahu 'anhu*) used to pray behind al-Hajjaaj,<sup>34</sup> and Ibn Mas'ood (*radiyallaahu 'anhu*) and other than him used to pray behind Waleed Ibn 'Uqbah, and he was a person who used to drink wine, to the extent that he once prayed the morning Prayer with them four times. Then he said: Have you increased (the Prayer)? So Ibn Mas'ood said: We have not slipped up and added to it until today. And because of this, they took him to 'Uthmaan (*radiyallaahu 'anhu*).<sup>35</sup> There occurs in *Saheehul-Bukhaaree* that 'Uthmaan (*radiyallaahu 'anhu*) was restrained by a person from leading the people in Prayer, so a questioner asked 'Uthmaan: Verily you are the regular *imaam*, and this is an *imaam* who causes *fitnah* (trials/tribulations)!? So he said: 'O son of my brother! Verily the Prayer is from the best things that the people do, so when they do something good, then do it along with them, and if they do something evil, then leave off their evil.' And the likes of these narrations are very many.

So the correct view is that the Prayer of the *faasiq* (disobedient sinner) and the innovator is for himself. So if the followers pray behind him, it does not invalidate their Prayer. Rather, it is only disliked for the one who is compelled to offer the Prayer behind him, because enjoining the good and prohibiting the evil is obligatory. So from this is that the one who openly manifests innovation or sinfulness is not to be appointed an *imaam* for the Muslims, because he is deserving of censure until he repents. So when it is possible, they can boycott him until he repents, this is good. If some of the people abandon Prayer behind him, and pray behind other than him, if this will bring about his repentance, or that they prohibit the people from his sins. So the likes of this abandonment of Prayer behind him is done when there is a benefit, but the followers must not miss the Friday Prayer, nor the congregation. As for when abandonment of the Prayer (behind him) will result in the followers missing the Friday Prayer, or the congregation, then no one abandons Prayer behind him, except an innovator who is opposing the Companions (*radiyallaahu 'anhum*).

Likewise, if the *imaam* has been appointed by the ruler, and there is no benefit in abandoning Prayer behind him, then it is not upon the follower to abandon Prayer behind him. Rather, offering Prayer behind the *imaam* is the best thing to do. All of this applies to the one who openly manifests sinful disobedience, and to the one who openly manifests an innovation that opposes the Book and the *Sunnah*, such as the innovation of the *Raafidah* and the *Jahmiyyah* and their likes."<sup>36</sup>

So with this it is clear that he (Ibn Taymiyyah) is not with the one who speaks of the incorrectness of the Prayer offered behind a disobedient *imaam*, he brings proof in confirmation of this. So it is known that the secular systems of law and those who learn

---

<sup>34</sup> Narrations demonstrating this are related by Ibn Abee Shaybah in *al-Musannaf* (2/378), and refer to *Talkheesul-Habeer* (2/43), and *Fathul-Baaree* (3/512). Refer also to *Irwaa'ul-Ghaleel* (2/303) of Shaykh al-Albaanee.

<sup>35</sup> A similar narration is related by Muslim (no. 1707), and refer to *al-Istee'aab* (3/596) of Ibn 'Abdul-Barr.

<sup>36</sup> *Majmoo'ul-Fataawaa* (23/351) of Shaykhul-Islaam Ibn Taymiyyah

them resemble those who learn the various types of usury, or the types of intoxicants, or gambling, or those who learn other than that for their own evil, or out of a desire for wealth. Along with this, they do not make it lawful. Rather, it is known that all usury-related transactions are unlawful, just as it is known that drinking wine is unlawful, and that gambling is unlawful. However, due to their weak *eemaan*, and being overcome with desires - or desiring wealth - they do not conform to the prohibitions of these evils. So these people are not disbelievers according to *Ahlu-Sunnah wal-Jama'ah* due to their pursuing what was mentioned, whilst not declaring it lawful, as has been explained previously.

The third category [of major disbelief]: Whoever learns such laws, or teaches them whilst declaring it lawful to rule by them, regardless of whether he believes the *Sharee'ah* to be more excellent than them or not. So the person in this category is a disbeliever with major disbelief by consensus of the Muslims, because he declares it lawful to rule by those secular laws that oppose the *Sharee'ah* of Allaah, being that they are made lawful when it is known in the Religion by necessity that they are unlawful. So there could be in such a rule, one who declares wine and adultery to be lawful, and due to this declaration of lawfulness, he becomes a liar upon Allaah and His Messenger (*sallallahu 'alayhi wa sallam*), and a rejector of the Book and the *Sunnah*. Indeed the scholars of Islaam have consensus upon the disbelief of the one who makes lawful that which Allaah has made unlawful, or the one who makes unlawful that which Allaah has made lawful, this is from that which is known in the Religion by necessity. Whoever reflects upon the words of the scholars from all four *madhaahib* concerning the topic of the apostate, then what we have mentioned will become clear to him.<sup>37</sup>

There is no doubt that those who study some of the secular laws, or enter into them in an institute of law administration, or in an institute of education, not intending by that to rule by other than the *Sharee'ah* of Allaah, and they only want - and it is wanted from them - to come to know them, and to combine between them and the ruling of the Islaamic *Sharee'ah*, in order to know due to that the excellence of the *Sharee'ah* rule over the rule of secular laws. Indeed they receive other benefits from this study giving them further understanding of the *Sharee'ah* and assurance of its perfection.

If we suppose that there is to be found amongst them a person who intends by learning these laws to rule by them, replacing the Islaamic *Sharee'ah*, and making that action *halaal* (lawful), it is not permissible to judge the rest of the people with his judgement. This is because Allaah the Glorified says:

**“And no bearer of burdens shall bear the burdens of another.”** [Sooratul-Iraa' 17:15]

---

<sup>37</sup> Imaam 'Abdur-Rahmaan Ibn Naasir as-Sa'dee said in his treatise *Minhaajus-Saalikeen* (p. 112) concerning the ruling of the apostate: “Indeed the scholars, may Allaah have mercy upon them, have explained in detail what results in the servant leaving Islaam. And all of it comes back to rejecting what the Messenger of Allaah (*sallallahu 'alayhi wa sallam*) came with, or rejecting part of it.”

And the Prophet (*sallallaahu 'alayhi wa sallam*) said: "No criminal commits a crime, except against himself."<sup>38</sup> So with what we have explained, the evilness of these peoples' pursuit for imaamate, and the ruling of incorrectness of Prayer behind them is a matter not affirmed by the *Sharee'ah*, nor is it affirmed by the people of knowledge, and it has no basis unto which it can be traced back.

So I hope that what I have mentioned will prevent one from falling into doubt concerning those who were mentioned in the first category, or their *tafseeq* (declaration of *fisq*) or *takfeer*. As for the second category, then there is no doubt in their *fisq* (disobedience). As for the third category, then there is no doubt in the disbelief of such people, and the incorrectness of Prayer behind them. It is upon the people of knowledge that they become involved with the call to Allaah the Glorified in detail, and that they clarify Islaam to the people. Along with its proofs from the Book and the *Sunnah*. They must encourage them to be steadfast upon it, and they must advise them sincerely in regards to that, along with warning them against everything that opposes the commandments of Islaam.

So by this, they will indeed be traversing the path of the Prophet (*sallallaahu 'alayhi wa sallam*), and the path of the Rightly-Guided Caliphs, and his Companions who were content with clarifying the truth, and guiding to it, and warning against whatever opposes it, acting upon the statement of Allaah:

**"And who is better than the one who calls to Allaah, and does righteous deeds, and says: Verily I am from amongst the Muslims."** [Soorah Fussilat 41:33]

And the statement of Allaah the Mighty and Majestic:

**"Say: This is my path, I call unto Allaah upon sure knowledge. I and those who follow me, and free is Allaah from all imperfection, and I am not from the polytheists."** [Soorah Yoosuf 12:108]

And the statement of Allaah the Glorified:

**"Call to the Way of your Lord with wisdom and a good admonition, and debate with them in a manner that is good."** [Sooratun-Nahl 16:125]

And the Prophet (*sallallaahu 'alayhi wa sallam*) said: "Whoever directs towards goodness, then he will have a reward similar to that of its doer."<sup>39</sup> And the Prophet (*sallallaahu 'alayhi wa sallam*) said: "Whoever calls to guidance, he will have a reward similar to those who follow him, without decreasing anything from their reward. And whoever calls to

---

<sup>38</sup> **Hasan:** Related by Ibn Maajah (no. 2669), at-Tirmidhee (no. 2150) and Ahmad (3/498-499) from 'Amr Ibnul-Ahwas with a *hasan* chain of narration. It was also related by Ibn Maajah (no. 2670), an-Nisaa'ee (2/251) and al-Haakim (2/611) from Taariq al-Muhaaribee, and it was authenticated by al-Busayree in *Misbaahuz-Zujaajah* (2/611).

<sup>39</sup> Related by Muslim (no. 1893) from 'Abdullaah Ibn Mas'ood (*radiyallaahu 'anhu*)

misguidance, he will have sin similar to those who follow him, without decreasing anything from their sins.”<sup>40</sup> It is related by Muslim in his *Saheeh*. And the Prophet (*sallallaahu 'alayhi wa sallam*) said to 'Alee when he sent him to Khaybar: “Call them to Islaam and inform them of what is obligatory upon them from the Right of Allaah over them. So by Allaah, that Allaah should guide one person through you is better for you than red camels.”<sup>41</sup> Its authenticity is agreed upon.

Indeed the Prophet (*sallallaahu 'alayhi wa sallam*) remained in Makkah for thirteen years calling the people to the Oneness of Allaah and entering them into Islaam, until Allaah guided by his hands, and by the hands of his Companions, those who proceeded them in support. Then the Prophet (*sallallaahu 'alayhi wa sallam*) migrated to al-Madeenah and continued to call to Allaah the Glorified along with his Companions (*radiyallaahu 'anhum*) with wisdom and good admonition and patience, and debating with them in manners that are good. This went on until Allaah legislated for them *Jihaad* with the sword against the disbelievers. So the Prophet (*sallallaahu 'alayhi wa sallam*) and his Companions (*radiyallaahu 'anhu*) established that in its entirety. So Allaah aided them and supported them and gave them a praiseworthy end result. So this demonstrates how the victory and good end result is for the one who follows them in goodness, and traverses their methodology until the Day of Judgement.

So we ask Allaah to make us and the rest of our brothers those who follow them in goodness, and that He provides an opening for us and the rest of our brothers, and allows us to perform righteous deeds, and to patiently persevere upon the truth until we meet Allaah the Glorified. Verily He is fully capable of doing that. And may the Prayers and Peace of Allaah be upon our Prophet Muhammad and his Family, and his Companions, and whosoever follows them in goodness until the Day of Judgement.

### **THE FATWAA OF IMAAM MUHAMMAD IBN SAALIH AL-'UTHAYMEEN:**<sup>42</sup>

That which is understood from the words of the two Shaykhs is that disbelief is for the one who declares it lawful. As for the one who ruled by other than it, whilst knowing that he is opposing and being disobedient, then he is not a disbeliever, since he does not declare it lawful. It could be said that he does it out of fear, or weakness, or whatever resembles that. Due to this, the three *ayaat* have been revealed for three conditions.

1. Whoever rules by other than what Allaah revealed, by replacing (*tabdeel*) the Religion of Allaah.<sup>43</sup> So this is major disbelief that expels one from the Religion, because he

---

<sup>40</sup> Related by Muslim (8/62)

<sup>41</sup> Related by al-Bukhaaree (1/25) and Muslim (1/17)

<sup>42</sup> Taken from *at-Tahdheer min-Fitnatit-Takfeer* (p. 108-116)

<sup>43</sup> Shaykh Muhammad Ibn Saalih al'Uthaymeen explains the condition the person must be in, to make *takfeer* upon him. He says in his *Majmoo'ul-Fataawaa* (2/145) that *takfeer* upon him is to be performed “when he knows about the rule of Allaah, but he sees the opposing rule as a priority, or he feels that it is more beneficial for the servants than the Rule of Allaah, or he feels that abandoning the rule of Allaah is permissible for him.” Refer also to *Fathul-Baaree* (13/127).

makes himself a legislator along with Allaah the Mighty and Majestic, and because he dislikes His *Sharee'ah*.

2. Whoever rules by his own desire, or due to fear, or whatever resembles that. So this one does not disbelieve, but his situation is brought down to the level of *fisq* (disobedience).
3. Whoever rules by other than it due to injustice and oppression - and this does not occur in the secular law - rather, it occurs in a specific ruling, such as making a ruling upon a person in order to get revenge from him. So it is said about this person that he is an oppressor. So the descriptions are applied in accordance to the nature of the situation.

There are those from amongst the scholars who say that these three descriptions are all referring to the same thing, and that every disbeliever (*kaafir*) is a *dhaalim* (transgressor), and every *kaafir* is a *faasiq* (disobedient person), and they use as proof the statement of Allaah the Exalted:

**“And the disbelievers are the oppressors.”** [Sooratul-Baqarah 2:254]

And the statement of Allaah the Exalted:

**“As for those who disobey, then their dwelling place shall be the Fire.”** [Sooratus-Sajdah 32:20]

so this refers to major disobedience (*fisq*).

### **THE DOUBT OF AL-ISTIBDAAL AND ITS ANSWER:**

So there is a doubt amongst many of the youth, it has occupied a deep-seated place in their minds, and it has revived amongst them the issue of revolting against the ruler, and it is that these rulers replace (the Law of Allaah), and they rule by the secular laws from themselves instead, and that they do not rule by what Allaah revealed whilst the Rule is present. Rather, they rule by laws from themselves!! So they judge these rulers to have apostated and disbelieved! Built upon this is that as long as they are disbelievers, it is obligatory to fight them, and our situation of weakness does not matter, because the situation of weakness was abrogated by the *aayaat* pertaining to the sword!!! So there does not remain any place to act accordance with the condition of weakness - or as they say - the condition that the Muslims in Makkah were in!!

So the answer to this doubt is that we say: It is inevitable that we say firstly: Can the description of apostasy be applied upon them, or not? This requires knowing the proof that show this statement or action to be to be one of apostasy, then to know that application of it upon a specific person, and is the affair of this person excusable or not? Meaning, there could be a text showing this action to be disbelief, or showing this

statement to be disbelief. However, there may be an obstacle preventing the application of the ruling of disbelief upon this specific person. So the preventative obstacles are many, from them is suspicion - and it is ignorance - and from them is idle talk. So the man who said to his family: "When I die, burn me and scatter my ashes over the ocean, because if Allaah gets hold of me, He will punish me with a punishment that He has not given to anyone in the world."<sup>44</sup> The *'aqeedah* (belief) of this man was evidently disbelief and doubt in the Power of Allaah. However, when Allaah gathered him up, and let him speak, he said: "O Lord, I was afraid of You," or a statement similar to this. So this action emanated from him unintentionally.

Similar to that is the case of the man who was overcome with happiness and he took his she-camel and said: "O Allaah, You are my Servant, and I am Your lord."<sup>45</sup> This is a statement of disbelief, but this speaker did not become a disbeliever because he was overwhelmed at the moment, and he erred due to being overcome with happiness. He meant to say: "O Allaah, You are my Lord, and I am Your servant," but he ended up saying: "O Allaah, You are my Servant, and I am Your lord!" And the fact that a person is compelled to commit disbelief, so he says a statement of disbelief, or he performs an action of disbelief, but he cannot become a disbeliever by any text from the *Qur'aan*, because he did not intend it, nor did he choose it.

So we know that these rulers judge by what the *Qur'aan* gives evidence to - in accordance with the differences in the various *madhaahib* (schools of jurisprudence) - in personal matters like marriage, and inheritance and whatever resembles that. As for ruling between the people, then they differ...and they have a doubt that is mentioned to them by some of the evil scholars, they say: 'Verily the Prophet (*sallallaahu 'alayhi wa sallam*) said: "You are more knowledgeable concerning the affairs of your worldly life."<sup>46</sup> And this is general, so whatever benefits in the worldly life, then we have freedom in it!' Because the Messenger of Allaah (*sallallaahu 'alayhi wa sallam*) said: "You are more knowledgeable concerning the affairs of your worldly life!!" And this is - without a doubt - a doubt! However, is it correct for them to leave off the Laws of Islaam, like establishing the *hudoos* (legislated punishments), the prohibition of intoxicants, and whatever resembles that? And they enter a doubt into some of the economic prohibitions, even though this is a matter in which there is no doubt.

---

<sup>44</sup> Related by al-Bukhaaree (no. 3291) and Muslim (no. 2757)

<sup>45</sup> Related by al-Bukhaaree (no. 6309) and Muslim (no. 2747) from Anas Ibn Maalik (*radiyallaahu 'anhu*). Imaam Ibnul-Qayyim al-Jawziyyah said in *Madaarijus-Saalikeen* (1/241): "From the principles of knowledge contained in the *hadeeth* is that the statement that passes over the tongue of the servant due to error in his state of extreme happiness, or in extreme anger, and the likes of that, he is not to be held accountable for it. Due to this, he does not become a disbeliever by his statement: "I am Your lord, and You are my Servant." It is known that the effects of anger can cause one to unintentionally reach such a condition, or a condition greater than it. So it is not befitting that he be held accountable for the likes of these statements which emanate from him in a state of extreme anger, nor for his divorce in such a state, nor for his apostasy."

<sup>46</sup> Related by Muslim (no. 2362) from Raafi' Ibn Khadeej.

As for the complete discarding of ambiguity, then it is to be said about it: When Allaah the Exalted legislated fighting, He said:

**“If there are amongst you twenty who patiently persevere, they will overcome two hundred. And if there are amongst you a hundred, they can overcome a thousand of those who disbelieve, because they are a people who do not understand.”** [Sooratul-Anfaal 8:66]

Indeed some of the scholars say that this occurs during the times of weakness, so the ruling depends upon the condition, so after Allaah legislated for them the patient perseverance of ten, He said:

**“Now, Allaah has lightened the affair for you, and He knows that amongst you is weakness.”** [Sooratul-Anfaal 8:66]

Then we say: We have commanding texts explaining this matter and clarifying it; from it is the statement of Allaah the Exalted:

**“Allaah does not burden a soul, except with that which it can bear.”** [Sooratul-Baqarah 2:286]

So Allaah the Exalted does not burden a soul, except with that which it can bear, and that which it is capable of. Allaah the Exalted also says:

**“Fear Allaah as much as you are able.”** [Sooratut-Taghaabun 64:16]

So if it is obligatory upon us to revolt against the aforementioned ruler, then it cannot be obligated upon us when we are not even capable of removing him. So the matter is clear... however, a person's desires mislead him.<sup>47</sup>

---

<sup>47</sup> Refer also to the beneficial reply of the Shaykh found in the *al-Muslimoon* magazine (issue no. 593).