

OPINION OF THE ULAMA'
REGARDING THOSE WHO RULE BY
OTHER THAN WHAT ALLAH
REVEALED

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

This is a short extract taken from the book 'الحكم بغير ما أنزل الله' written by Dr. Abdur-Rahman Ibn Saalih al-Mahmood and translated into the English Language by Nasiruddin Khattab with the title 'Man Made Laws VS Shari'ah'. The book was published by International Islamic Publishing House in 2003, this book is a must have for every student of knowledge as it discusses one of the most controversial issues of the modern time which is the epidemic of 'Ruling by other than what Allah Revealed'. The following is the opinion of 14 esteemed scholars regarding this issue.

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Ibn Hazm

He (رحمه الله) said:

Allah (سبحانه وتعالى) says,

﴿إِنَّمَا النَّسِيءُ زِيَادَةٌ فِي الْكُفْرِ يُضِلُّ بِهِ الَّذِينَ كَفَرُوا يُحِلُّونَهُ عَامًا وَيُحَرِّمُونَهُ عَامًا لِيُؤَاطِئُوا عِدَّةَ مَا حَرَّمَ اللَّهُ...﴾ (٣٧)

[التوبة/٣٧]

﴿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...﴾

[at-Tawbah 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 *kufir*, 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."¹

This is a clear statement on the part of Ibn Hazm that making permissible that which Allah has forbidden and making forbidden that which Allah has permitted is *kufir* and that it may be *kufir* by virtue of the action only, if it is done by one who knows the *shar'i* ruling then goes against it by making permissible that which Allah has forbidden and making forbidden that which Allah has permitted.

Ash-Shaatibi

He speaks a great deal about this topic, such as when he discusses the followers of bid 'ah (innovation). He quotes the *aayah*,

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تُحَرِّمُوا طَيِّبَاتٍ مَا أَحَلَّ اللَّهُ لَكُمْ...﴾ (٨٧)

[المائدة/٨٧]

¹ *Al-Fasl* by Ibn Hazm, 3/245, edited version.

﴿O you who believe! Make not unlawful the Taiyibat (all that is good as regards foods, things, deeds, beliefs, persons, etc.) which Allah has made lawful to you...﴾

[al-Ma'idah 5:87]

— and mentions the reasons for its revelation, and how some of the *sahaabah* 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 *baheerah*, *saa'ibah*, *waseelah* and *haami*,² and all other cases in which Allah has mentioned that the *kuffaar* make something forbidden on the basis of mere opinion. Another example is when Allah (سبحانه) (وتعالى) says:

﴿وَلَا تَقُولُوا لِمَا تَصِفُ أَلْسِنَتُكُمُ الْكَذِبَ هَذَا حَلَالٌ وَهَذَا حَرَامٌ لِتَفْتَرُوا عَلَى اللَّهِ الْكَذِبَ...﴾ (١١٦)

[النحل/١١٦]

﴿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...﴾

[an-Nahl 16:116]

And there are similar cases where the Muslims forbid things that are permitted on the basis of mere opinion..."³

Here Ash-Shaatibi is pointing out the difference between a person giving up something because of asceticism, and making things permissible or forbidden in

² These were types of camels concerning which the Arabs of the *Jaahiliyah* had instituted taboos connected to their false religion. The *baheerah* was a she-camel whose milk was spared for the sake of idols and nobody was allowed to milk it; the *saa'ibah* 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 *waseelah* 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 *haami* 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 Muhsin Khan and Dr. Muhammad Taqi-ud-Din al-Hilali, footnote to Soorah al- Maa'idah 5: 103 (Translator).

³ *Al-I'tisaam*, 1/328.

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-Shaatibi 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 لِلَّهِ مِمَّا ذَرَأَ مِنَ الْحَرْثِ وَالْأَنْعَامِ نَصِيبًا فَقَالُوا هَذَا لِلَّهِ بِزَعْمِهِمْ وَهَذَا لِشُرَكَائِنَا...﴾ (١٣٦)

[الأنعام/١٣٦]

﴿And they assign to Allah a share of the tilth and cattle which He has created, and they say: "This is for Allah according to their pretending, and this is for our (Allah's so-called) partners."...﴾

[al-An'am 6:136]

﴿وَقَالُوا مَا فِي بُطُونِ هَذِهِ الْأَنْعَامِ خَالِصَةٌ لِلَّذِينَ نَدُكُورِنَا وَمُحَرَّمٌ عَلَىٰ أَزْوَاجِنَا وَإِنْ يَكُن مَيِّتَةً فَهُمْ فِيهِ شُرَكَاءُ...﴾ (١٣٩)

[الأنعام/١٣٩]

﴿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...﴾

[al-An'am 6:139]

﴿مَا جَعَلَ اللَّهُ مِنْ بَحِيرَةٍ وَلَا سَائِبَةٍ وَلَا وَصِيلَةٍ وَلَا حَامٍ...﴾ (١٠٣)

[المائدة/١٠٣]

﴿Allah has not instituted things like *Bahirah* or a *Sa'ibah* or a *Wasilah* or a *Ham*...﴾

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*.⁴

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 not reach Allah, but what was for Allah would reach the (so-called) partners (c.f. Qur'an 6: 136); and their taboos concerning the *baheerah*, *saa'ibah*, *waseelah* and *haami*; and killing their own children from folly, without knowledge (c.f. Qur'an 6: 140); and their failing to be just in matters of retaliation (*qasaas*) 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 Ibrahim (Abraham) (عليه السلام), 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..."⁵

Think about what he said: "until issuing laws and legislation became a custom for them..."

⁴ *Al-I'tisaam*, 2/37.

⁵ *Al-I'tisaam*, 2/210-302.

Shaykh al-Islam Ibn Taymiyyah

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 insha'Allah.

Ibn Taymiyyah 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 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,

﴿...لَهُ الْحَمْدُ فِي الْأُولَىٰ وَالْآخِرَةِ ۖ وَلَهُ الْحُكْمُ وَإِلَيْهِ تُرْجَعُونَ ﴿٧٠﴾﴾

[القصاص/٧٠]

﴿...His is all praise, 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.﴾

[al-Qasas 28:70]

﴿هُوَ الَّذِي أَرْسَلَ رَسُولَهُ بِالْهُدَىٰ وَدِينِ الْحَقِّ لِيُظْهِرَهُ عَلَى الدِّينِ كُلِّهِ ۚ وَكَفَىٰ
بِاللَّهِ شَهِيدًا ﴿٢٨﴾﴾

[الفتح/٢٨]

﴿He it is Who has sent His Messenger (Muhammad) with guidance and the religion of truth (Islam), that He may make it (Islam) superior over all religions. And All-Sufficient is Allah as a Witness.﴾

[al-Fath 48:28]⁶

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 Taymiyyah 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.

In many places, Ibn Taymiyyah 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.⁷ 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."⁸

Ibn Katheer

He is one of the later scholars who were contemporary with the Tartars. Commenting on the aayah:

﴿أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ ۚ وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِّقَوْمٍ يُوقِنُونَ ﴿٥٠﴾﴾

[المائدة/٥٠]

﴿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.﴾

⁶ *Majmu' al-Fataawa*, 35/388, see also 3/267-268.

⁷ Opt.cit, 28/468-471, 35/395.

⁸ Ahkaam Ahl adh-Dhimmah, 1/259.

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 *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 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 (صلى الله عليه وسلم). 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."⁹

Simply referring to the *Yaasiq* for judgement is *kufir*, 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 (صلى الله عليه وسلم), 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..."¹⁰

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 *kufir* 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 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

⁹ *Tafseer Ibn Katheer*, 3/122-123, *Ash-Sha'b* edition.

¹⁰ *Al-Bidaayah wan-Nihaayah*, 13/119.

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-Lateef ibn 'Abdur-Rahmaan

He (رحمه الله) 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 (صلى الله عليه وسلم), 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]﴾ (al-Ma'idah 5: 44), and He says: ﴿Do they seek other than the religion of Allah...?﴾ (Ali' Imran 3: 83)."¹¹

Shaykh Hamad ibn 'Ateeq

He (رحمه الله) 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 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'an and the *ahadith*; disputing concerning that; rejecting anything that is in the Qur'an, 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.¹²

Then he said: 'The fourteenth issue is: referring for judgement to anything other than the Book of Allah and the Sunnah of His Messenger (صلى الله عليه وسلم). 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

¹¹ *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.

¹² See the detailed list, with evidence (*daleel*), in *Sabeel an-Najaat wal-Fakaak*, Pp. 74-83, by Al-Waleed ibn 'Abdur-Rahmaan al-Firyaan.

book for them comprising laws derived from various sources called *Yaasiq*. 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 (صلى الله عليه وسلم). 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 (سبحانه وتعالى) 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﴾ (al-Ma'idah 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 them precedence over the Book of Allah and the Sunnah of His Messenger (صلى الله عليه وسلم). 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 Taymiyyah 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'an and Sunnah. This is the essence of *kufur*. 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 *Minhaaj as-Sunnah an-Nabawiyyah*, 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."¹³

We have quoted at length from the words of Shaykh Hamad ibn 'Ateeq, along with his quotations from Ibn Katheer and Shaykh al-Islam Ibn Taymiyyah — even though we have quoted their words above — in order that the reader may

¹³ *Sabeel an-Najaat wal-Fakaak*, Hamad ibn 'Ateeq, Pp. 83-84, ed. by Al-Waleed ibn 'Abdur-Rahmaan al-Firyaan, pub. 1409 AH.

clearly understand what the 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 (رحمه الله) 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 *kufir* 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 *kufir*, 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 (عليه السلام) 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."¹⁴

What Ash-Shawkaani says indicates a number of things:

- a) That referring for judgment to *taaghoot* constitutes major *kufir*.
- b) That referring for judgment to *taaghoot* is just one of a number of actions of *kufir*, each of which in its own is sufficient to condemn the one who does it as a *kaafir*.
- c) He gives examples of *kufir*, such as their agreeing to deny women their rights of inheritance and their persisting and co-operating in that, and he states that this is major *kufir*.

Shaykh Muhammad ibn Ibrahim

What he has to say on this topic is clear, that it comes under the heading of major *kufir* 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 madhhabs 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 *kufir* can be

¹⁴ *Risaalah ad-Dawaa' al-'Aajil fi Daf al-'Adw was-Saa'il*, included in *Ar-Rasaa'il as-Salafiyah* by Ash-Shawkaani, Pp. 33-34.

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..."¹⁵

Then he mentioned the last kind, and said:

"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."¹⁶

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,

﴿...وَلَا يُشْرِكُ فِي حُكْمِهِ أَحَدًا﴾ (٢٦)

¹⁵ *Tahkeem al-Qawaaneen*, Pp. 6-7.

¹⁶ *Ibid*

[الكهف/٢٦]

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

[al-Kahf 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:

﴿وَلَا تَأْكُلُوا مِمَّا لَمْ يُذْكَرِ اسْمُ اللَّهِ عَلَيْهِ وَإِنَّهُ لَفِسْقٌ وَإِنَّ الشَّيَاطِينَ لَيُوحُونَ إِلَىٰ أَوْلِيَائِهِمْ لِيُجَادِلُوكُمْ وَإِنْ أَطَعْتُمُوهُمْ إِنَّكُمْ لَمُشْرِكُونَ ﴿١٢١﴾﴾

[الأنعام/١٢١]

{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 *Shayatin* (devils) do inspire their friends (from mankind) to dispute with you, and if you obey them [by making *Al-Maytatah* (a dead animal) legal by eating it], then you would indeed be *Mushrikun* (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].}

[al-An'am 6:121]

Thus this *aayah* states clearly that they would be *mushrik* if they obeyed the *Shayaateen*, 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):

﴿أَلَمْ أَعْهَدْ إِلَيْكُمْ يَا بَنِي آدَمَ أَنْ لَا تَعْبُدُوا الشَّيْطَانَ إِنَّهُ لَكُمْ عَدُوٌّ مُّبِينٌ ﴿٦٠﴾ وَأَنْ اعْبُدُونِي ۗ هَذَا صِرَاطٌ مُسْتَقِيمٌ ﴿٦١﴾﴾

[يس/٦٠،٦١]

﴿Did I not ordain for you, O Children of Adam, that you should not worship *Shaytaan* (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 a Straight Path.﴾

[Yasin 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 *Shaytaan* 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."¹⁷

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 (صلى الله عليه وسلم), his following of those laws, which are opposed to shari'ah, is blatant kufr..."¹⁸

The shaykh also comments at length — covering twelve pages — on the aayah from Surah ash-Shu'raa, the 42nd chapter of the Qur'an,

﴿وَمَا اخْتَلَفْتُمْ فِيهِ مِنْ شَيْءٍ فَحُكْمُهُ إِلَى اللَّهِ... (١٠)﴾

[الشورى/١٠]

﴿And in whatsoever you differ, the decision thereof is with Allah (He is the ruling Judge).﴾

[ash-Shu'raa 42:10]

He demonstrated the basic principles on which this issue is based, and the connection between it and Tawheed, 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.

¹⁷ *Adwa al-Bayan*, 4/91-92.

¹⁸ *Ibid*, 3/439

This is an important comparison which deserves to be published as a separate book.¹⁹

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 *Shaytaan* which goes against the law of the Most Merciful is a *mushrik* who associates others with Allah."²⁰

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 (سبحانه وتعالى) 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.﴾ (at-Tawbah 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*)."²¹

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...' "²²

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.

¹⁹ *Adwa' al-Bayan*, 7/162-163.

²⁰ *Ibid*, 7/170.

²¹ *Ibid*, 7/173.

²² *Ibid*, 7/169.

Shaykh Ahmad Shakir and Shaykh Mahmood Shakir

Shaykh Ahmad Shakir (رحمه الله) wrote a number of footnotes on 'Umdat at-Tafseer, the abridged version of Tafseer Ibn Katheer.²³ Among that is his footnote to Ibn Katheer's commentary on the aayah,

﴿أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ...﴾ (٥٠)

[المائدة/٥٠]

﴿Do they then seek the judgement of (the Days of) Ignorance?...﴾

[al-Ma'idah 5:50]

We have quoted Ibn Katheer's comments above. Shaykh Ahmad Shakir said, commenting on that (it should be noted that he commented at length and that we are quoting only some of what he said):

"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, Genghis 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 *kufir* 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

²³ *Hawaashi 'Umdat at-Tafseer*, 3/125, 4/146-147, 155-158 and 165-168.

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*."²⁴

His brother Mahmood Shakir (رحمه الله) commented on At-Tabari's commentary on the *aayah*, {And whosoever does not judge by what Allah has revealed, such are the *kaafiroon* [i.e. disbelievers]} (al-Ma'idah 5:44), where At-Tabari narrated a report of Abu Majlaz with the *Ibaadiyah* — which we will refer to below. Shaykh Mahmood 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 (صلى الله عليه وسلم), 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*."²⁵

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 Rida

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 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 *kufr*."

²⁴ 'Umdat at-Tafseer, 4/173-174. See also his comments on *Sharh at-Tahawiyyah*, Pp. 258, *Daar al-Ma'aarif*, Egypt, edition, 1373 AH, and in the *Al-Maktab al-Islami* edition, Pp. 364, 4th print.

²⁵ *Tafseer at-Tabari* (footnote), 10/348.

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 *kufr* (as being a lesser form of *kufr*) 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 *Dar al-Islam* (a Muslim land), as it is subject to rulings other than those which apply to *Dar al-Islam*.²⁶

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 *jaahiliyah*. With regard to the comments at the end of this quotation that the land cannot be considered to be *Dar al-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.

However, there is a great deal of debate on this matter, but this is not the place to examine it in detail.²⁷

'Abdur-Razzaq 'Afeefi

In his essay *Al-Hukm 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 legislates — 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

²⁶ *Fataawa Rasheed Rida*, 1/132-133.

²⁷ Shaykh Muhammad Rasheed Rida - 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 Qutb in his book *Waaqi'unaa al- Mu'aasir*, Pp. 231-241.

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 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 صَدَقَ عَلَيْهِمْ إِبْلِيسُ ظَنَّهُ فَاتَّبَعُوهُ إِلَّا فَرِيقًا مِّنَ الْمُؤْمِنِينَ ﴿٢٠﴾﴾

[سبأ/٢٠]

﴿And indeed *Iblis* (Satan) did prove true his thought about them, and they followed him, all except a group of true believers (in the Oneness of Allah).﴾

[Saba 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..."²⁸

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:

²⁸ *Shubahaat hawl as-Sunnah and a dissertation Al-Hukm bi ghayri ma anzala Allah*, Pp. 64-65, Daar al-Fadeelah edition, 1417 AH.

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.

Muhammad as-Saalih al-'Uthaymeen

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 *kufir* 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 *kufir* 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..."²⁹ 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 *kufir*), 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.

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 *kufir*

²⁹ *Al-Majmu' ath-Thameen min Fataawa Fadeelat ash-Shaykh Muhammad ibn Saalih ibn 'Uthaymeen*, 1/36, compiled and edited by *Fahd ibn Naasir as-Sulaymaan*.

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 *ayaat* apply to him:

﴿أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ ۚ وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِّقَوْمٍ يُوقِنُونَ ﴿٥٠﴾﴾

[المائدة/٥٠]

﴿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.﴾

[al-Ma'idah 5:50]

﴿...وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴿٤٤﴾﴾

[المائدة/٤٤]

﴿...And whosoever does not judge by what Allah has revealed, such are the *Kafiroon* (i.e. disbelievers).﴾

[al-Ma'idah 5:44]

﴿ذَلِكَ بِأَنَّهُمْ قَالُوا لِلَّذِينَ كَرِهُوا مَا نَزَّلَ اللَّهُ سَنُطِيعُكُمْ فِي بَعْضِ الْأَمْرِ ۗ وَاللَّهُ يَعْلَمُ
إِسْرَارَهُمْ ﴿٢٦﴾ فَكَيْفَ إِذَا تَوَفَّتْهُمُ الْمَلَائِكَةُ يَضْرِبُونَ وُجُوهَهُمْ
وَأَدْبَارَهُمْ ﴿٢٧﴾ ذَلِكَ بِأَنَّهُمْ اتَّبَعُوا مَا أَسْخَطَ اللَّهَ وَكَرِهُوا رِضْوَانَهُ
فَأَخْبَطَ أَعْمَالَهُمْ ﴿٢٨﴾﴾

[محمد/٢٦, ٢٨]

﴿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.﴾

[Muhammad 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 (سبحانه وتعالى) says:

﴿...أَفْتُمُونَن بَبْعَصِ الْكِتَابِ وَتَكْفُرُونَ بَبْعَصِ ۚ فَمَا جَزَاءُ مَن يَفْعَلُ ذَلِكَ مِنكُم
إِلَّا خِزْيٌ فِي الْحَيَاةِ الدُّنْيَا ۖ وَيَوْمَ الْقِيَامَةِ يُرَدُّونَ إِلَىٰ أَشَدِّ الْعَذَابِ ۗ وَمَا اللَّهُ
بِغَافِلٍ عَمَّا تَعْمَلُونَ ﴿٨٥﴾﴾

[البقرة/٨٥]

﴿...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.﴾

[al-Baqarah 2:85]

إِنَّ الَّذِينَ يَكْفُرُونَ بِاللَّهِ وَرُسُلِهِ وَيُرِيدُونَ أَن يُفَرِّقُوا بَيْنَ اللَّهِ وَرُسُلِهِ وَيَقُولُونَ
نُؤْمِنُ بِبَعْضٍ وَنَكْفُرُ بِبَعْضٍ وَيُرِيدُونَ أَن يَتَّخِذُوا بَيْنَ ذَلِكَ سَبِيلًا ﴿١٥٠﴾
أُولَٰئِكَ هُمُ الْكَافِرُونَ حَقًّا ۗ وَأَعْتَدْنَا لِلْكَافِرِينَ عَذَابًا مُّهِينًا ﴿١٥١﴾﴾

[النساء/١٥٠,١٥١]

﴿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.﴾

[an-Nisa 4:150-151]

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*,

﴿...وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ ﴿٤٥﴾﴾

[المائدة/٤٥]

﴿...And whosoever does not judge by what Allah has revealed, such are the *Zalimun*.﴾

[al-Ma'idah 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 *faasiq* (rebellious, disobedient), not a *kaafir*, and he is the one who is referred to in the *aayah*,

﴿... وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الفَاسِقُونَ ﴿٤٧﴾﴾

[المائدة/٤٧]

﴿...And whosoever does not judge by what Allah has revealed, such are the *Fasiqun*.﴾

[al-Ma'idah 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 (c.f. 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."³⁰

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 Insha'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 (صلى الله عليه وسلم).

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.

³⁰ Al-Majmu' ath-Thameen, 1/37-39.