

Principles of Takfir Mu'ayyan in Islam in The Wake of Contemporary Islamophobic Discourse

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KEYWORDS

Takfir Mu'ayyan, Islamophobia, Unity of the Ummah, Quranic Guidance, Islamic Jurisprudence

ABSTRACT

This paper explores the principles of Takfir Mu'ayyan within the context of contemporary Islamophobic discourse. The act of declaring a Muslim as a Kaafir is deeply sensitive and carries significant theological implications, akin to the grave act of amputating a diseased organ. The Quran and Sunnah emphasize caution in these judgments. For instance, the Quran instructs believers not to dismiss those who greet them as Muslims (Quran 4:94), and the Prophet Muhammad (peace be upon him) warned that unfounded accusations of disbelief would rebound on the accuser. Islamic scholars have established critical guidelines governing Takfir, framing them as essential prohibitions and requirements in Islamic jurisprudence. This study examines these tenets, offering insights into their application and relevance in the face of rising Islamophobia, highlighting the necessity for careful discernment in the application of Takfir to preserve unity within the Muslim Ummah.



Date of Publication: 20-11-2021

Introduction

In Islam, calling a Muslim “Kaaafir” is identified as Takfir e Muayyan which in fact, judged an extremely sensitive subject. It is something similar; rather, more sensitive as compared with amputating the diseased organ from a patient’s body and parallel to dismissing and rejecting the follower of Muslim Ummah. For that reason, a thoughtfulness in terms of care and cautiousness has been instructed in Quran and Sunnah.

As Allah Almighty says in the Quran:

[وَلَا تَقُولُوا لِمَنْ أَلْفَىٰ إِلَيْكُمْ السَّلَامَ لَسْتَ مُؤْمِنًا] ¹

*“and say not to anyone who greets you (by embracing Islam):
"You are not a believer"*

It is narrated by Abu Dhar that the Prophet (peace and blessings of Allaah be upon him) said:

«لا يرمي رجل رجلا بالفسوق، ولا يرميه بالكفر، إلا ارتدت عليه، إن لم يكن صاحبه كذلك»²

“If somebody accuses a Muslim of Fusuq (by calling him 'Fasiq' i.e. a person involved in major sin) or accuses him of Kufr, and that is not really the case, so this fatwa of Fisq and Kufar will return back to him”

As a result, in the light of Quran and Sunnah, Islamic scholars of this ummah have laid down very important principles on the question of Takfir. These tenets are interpreted as compulsory terms and prohibitions (Sharayat and Mawaneh) in Islamic Jurisprudence. In this research paper, similar procedures and regulations have been discussed by the author.

In order to comprehend for the common man, these principles can be divided into three further categories as following

Types of Takfir principles

1. Principles that apply to the individual who is implying Takfir on others
2. Principles that apply to the individual who has been defendant of Takfir
3. Principles that apply to the individual who is engaged in words and actions encompassing Takfir

1) Rules related with individual implying Takfir

Altogether three conditions must be fulfilled concurrently for the person implying Takfir to a precise individual or group.

First rule: Complete knowledge of principles of Takfir

The individual who is judging Takfir must be obligated to hold the full command on decrees, circumstances, conditions, and prohibitions on this

subject matter in the direction of Quran and Sunnah. In other case, without having in-depth knowledge of this conception, it is strictly forbidden in the light of Quran and Sunnah to employ any form of Takfir.

As, Allah Almighty reveals in the Quran

[وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ إِنَّ السَّمْعَ وَالْبَصَرَ وَالْفُؤَادَ كُلُّ أُولَئِكَ كَانَ عَنْهُ مَسْئُولًا] ³

And do not pursue that of which you have no knowledge. Indeed, the hearing, the sight and the heart - about all those [one] will be questioned.

In the commentary of this verse, Syedna Abdullah bin Abbas said

لا ترم احدا بما ليس لك به علم⁴

Do not accuse anyone without knowledge

Pragmatically, every single ordinary person is neither an Islamic scholar nor has a comprehensive knowledge of principles of Takfir. So, in result, it becomes absolutely unlawful and Haram in Islamic jurisprudence to pass any kind verdict on the matter of Takfir except the person is fully educated of the Sharia guidelines and parameters.

Second rule: Full command in Sharia Sciences

Individual involved in implying Takfir must hold ample amount of knowledge of Sharia and have academic expertise on the subject of Takfir as this understanding is directly linked with Islamic law and Justice (Qadha). So indeed, in this perspective, a lot of evidences and judicial support is required in order take the person out of the boundary of Islam which cannot be proposed by any student of knowledge or person having minor or insignificant information on this issue. In result, it is a primary responsibility of eminent Islamic scholars entitled as Rasikhul Ilm and Rabbanin as it is subject to the condition in terms of their knowledge, wisdom, and spiritual obligation to provide guidance.

As Imam Ghazali said :

فاذا فهمت ان النظر في التكفير موقوف على جميع هذه المقامات التي لا يستقل بأحاديها الا المبرزون، علمت ان المبادر الى تكفير من يخالف الاشعرى او غيره، جاهل مجازف، وكيف يستقل الفقيه بمجرد الفقه بهذا الخطب العظيم، وفي اي ربع من اربع الفقه يصادف هذه العلوم؟ فاذا رايت الفقيه الذي بضاعته مجرد الفقه يخوض في التكفير والتضليل، فاعرض عنه ولا تشغل به قلبك ولسانك، فان التحدى بالعلوم غزيرة في الطبع، لا يصبر عنه الجهال، ولاجله كثر الخلاف بين الناس، ولو سكت من لا يدري لقل الخلاف بين الخلق.

When you have understood that Takfir is based on all these sciences which are grasped only by eminent scholars so you must

have known that the one who does Takfir of the of Imam Ash'ari etc. can only be stubborn and ignorant. How a jurist can take such a big risk by just carrying out jurisprudence? In which source of jurisprudence will he find all this knowledge? So when you see such person whose drive is only jurisprudence and he is trying his best to make people disbelievers and transgressors, then turn away from him. Do not distract your emotion and dialect with him, because academic arrogance is very beloved to human nature, ignorant cannot prevent from it that is why the differences among the people have increased. If ignorant people remain silent, there will remain insignificant argument in the world.⁵

Third Rule: Comprehensive Knowledge of the definitive (Qatai) evidence of disbelief (Kufar)

Calling a specific individual kaafir can only be permissible if the person implying Takfeer has no doubt on his/her clear disbelieving (Kufar) actions and words. According to consensus of scholars a person is considered definitely (Qatai) a Muslim when he/she testifies Shahadah. In order to dismiss him/her from the boundary of Islam a similar definite evidence is required. A Muslim's faith cannot be disclaimed by some doubtful words or actions. In addition, none of the person can be called Kaafir on the basis of unconfirmed word-of-mouth

Sheikh-Ul-Islam Ibn-e-Taimia said:

ومن ثبت إيمانه بيقين لم يزل ذلك عنه بالشك

Whose faith (Iman) has been proven with conviction cannot be dispelled by doubt⁶

2) Rules related with Mahkoom Ilaihe (a person who is being accused of disbelief)

Forth rule: Mahkoom Ilaihe must be Muqalif (able to do it)

A person who has been nominated for Takfir on the basis of his/her words and actions must be able to perform his/her act with the free will (Muqalif). It means, the one who is not a Muqalif cannot be alleged of Takfir. Hence, it is compulsory for the individual following his actions at will without any hindrance. Besides, one has to hold the intellect and maturity to be called as Muqalif. In contrast, there are few people whom Sharia have excluded from being called Muqalif. On these specific individuals, Takfir cannot be imposed.

As Prophet SAW said

«رفع القلم عن ثلاثة، عن الصبي حتى يبلغ، وعن النائم حتى يستيقظ، وعن المعتوه حتى يبرأ»

The pen has been lifted from three types of people (No sin is written on them) one child, until he becomes an adult, second a sleeping person, until he wakes up, a third insane, until he comes to his senses.⁷

Fifth rule: Deliberate disbelieve by Mahkoom Ilaihe (Condemned)

Takfir is only permissible on those deliberate disbelieving actions and/or words of an individual which are also clearly known to him/her as Kufar (disbelief). Moreover, if those disbelieving actions and words are committed and said respectively, in case of oversight, ignorance and innocence of the person, then guidance need to be provided to him/her. In this perspective, implying Takfir on the specific individual must be avoided.

Allah Almighty has only to punish only those who deliberately sin, as He said

[وَلَيْسَ عَلَيْكُمْ جُنَاحٌ فِيمَا أَخْطَأْتُمْ بِهِ وَلَكِنْ مَا تَعَمَّدَتْ قُلُوبُكُمْ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا]

There is no sin on you in whatever happens by you unknowingly, but the sin is that which you intend with your heart. Allah is the Most Forgiving and the Most Merciful.⁸

As Allah's Apostle said

«إِنَّ اللَّهَ تَجَاوَزَ لِي عَنْ أُمَّتِي الْخَطَأَ، وَالْيَسِيَانَ، وَمَا اسْتُكْرِهُوا عَلَيْهِ»

Verily, Allah has forgiven my ummah for their unknowingly mistakes and those who are compelled to do so.⁹

Takfir cannot be implied on the error of Taveel (Interpretation) and Ijtihad (Independent reasoning of a jurist)

One of the extremely key condition of misinterpretation, ignorance and innocence, a person commits disbelieving actions and words due to error in his/her Taveel or Ijtihad. In such a case, instead of passing Fatwah of disbelief, the individual will be guided related with clear understanding of his/her error on Taveel or Ishtihad.

Furthermore, these mistakes of ignorance or Ijtihad can be based on the misunderstanding related with fundamental beliefs and jurisprudence. Even if an individual has committed a mistake/error on the basis ignorance or Ijtihad, takfir is not permissible, even in such state of affairs.

This explanation is based on the incident where a man rendered his will to his sons to cremate his body when he dies afterward blow ashes in the air.

There was a man among the people before you who had the great bounty of Allah in terms of wealth and children. When his death approached, he said to his sons: How did I treat you as a father? He said: You were a noble father. He said: (Then follow my will) I have not added any good for my Hereafter. If Allah had power over me and brought me back to life He will punish. So cremate me when I die. Just as when I become like a coal, turn me into ashes. When heavy wind blows, blow my ashes into it. He took a solemn oath from his sons. The sons followed his will and blew away his ashes on a stormy day. The Almighty said the word (Kun) and he stood before Allah. Allah asked: My servant, what persuaded you to do what you did? He replied your fear forced to do it. Allah Almighty showered His mercy on him.¹⁰

Shaykh al-Islam Ibn Taymiyyah writes:

Certainly, the narrator who intends to follow the Prophet (peace and blessings of Allaah be upon him) with his interpretation, He will not be judged as a disbeliever, nor will he be declared as a transgressor. When he does Ijtihad and makes error in it, while this is known to people in practical issues, as those issues, that are related with faith. Hence, many people have judged them as disbeliever in those mistakes and this is a saying which is not known to any of the companions or the people who follow them in an upright way nor is it known to any of the Muslim Imams. This is in fact one of the sayings of the heretics who invent an innovation and call their opponents infidels such as Kharijites, Mu'tazilites and Jahmiyas and there have been many people who follow the Imams, such as the companions of Imam Malik, Imam Shafi'i and Imam Ahmad and others.¹¹

Sixth rule: Mahkoom Ilaihe should be independently authoritative

Takfir cannot be implied on the individual's call of action until and unless the person hold and independent authority on one's own actions. Since, sometimes people can be threatened with their lives, valuable property, and close family member's loss and forced to conduct disbelieving actions or words, such people are also excused in Sharia.

Allah Almighty said:

[مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أَكْرَهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ وَلَكِنْ مَنْ شَرَحَ بِالْكُفْرِ صَدْرًا
فَعَلَيْهِمْ غَضَبٌ مِنَ اللَّهِ وَلَهُمْ عَذَابٌ عَظِيمٌ]

Whoever disbelieves in Allah after their belief not those who are forced while their hearts are firm in faith, but those who embrace

*disbelief wholeheartedly they will be condemned by Allah and suffer a tremendous punishment.*¹²

In this regard, the saying of the Holy Prophet has also been stated in the previous lines that Allah forgives the person who has been forced.

Seventh rule: Ihtemam-e-hujjat (final ultimatum) is implied on Mahkoom Ilaihe

If a Muslim commits a disbelieving action or word. In that case, it is obligatory for an Islamic scholar to comprehensively justify and put the finishing touches to the complete case before passing any judgment of Takfir to him. Besides, it also needed for an Islamic intellectual to present his arguments and testimonies to make it flawless and well-defined that how those word or deed are taken into account of disbelieve in the light of Quran and Sunnah. Subsequently, if the individual kept on persisting and stick with his disbelief. In such scenario, as a consequence, he/she will be declared disbeliever by eminent Islamic authorities after completion of Hujjat (argument),

Likewise, Allah Almighty has also made it a condition for the punishment of people that the message must have reached them. As Allah Almighty says:

(وَمَا كُنَّا مُعَذِّبِينَ حَتَّى نَبْعَثَ رَسُولًا)

*And we are not tormentors until we send a messenger.*¹³

The scholars of the ummah have always considered this rule as a fundamental condition for Takfir.

Amir al-mu'minin in the hadith, Imam Bukhari says-

باب قتل الخوارج والملحدين بعد إقامة الحجة عليهم

*Report of exterminating Kharijites and atheists after iqamah hujjat.*¹⁴

The commentator of the Qur'an, Imam Tabari says:

*And we do not destroy any nation except after we have sent apostles to them, eradicated justification and after establishing the authority against them with such verses as will remove their excuse.*¹⁵

Imam Ibn Hazm says:

There is no difference of opinion that if a person is a Muslim, but he is unfamiliar with the Shari'a of Islam, he believes that alcohol is halal and prayer is not obligatory on a person. If the command of Allah has not reached such a person, then he will not be a

*disbeliever. If the case is established against him and he disobeys, at that time he will be a disbeliever by consensus.*¹⁶

Well known commentator, Allama Qurtubi says

Indeed, Allah does not destroy any ummah with an anguish except after He has sent to them a messenger and warned them.¹⁷

Shaykh al-Islam Ibn Taymiyyah says

The ruling of Takfir will not be passed on the person who is rejecting until judgment has been established on him, sometimes person has not heard these evidences, if heard but not proven, or find an opposing argument against those evidences, which requires necessary interpretation.¹⁸

Allama Ibn Qayyim writes:

“Allah Almighty does not punish anyone before establishing a reason.....

There are many verses in the Quran implying this, which means that a person is punished only with the condition, when the messenger has come to him and an argument is established against him, It means a sinner who confesses his sin.”¹⁹

Allama Shatibi writes:

Evidence from saying of Allah Almighty not to charge before warning: And we are not going to punish you until a messenger is sent. This tradition of his regarding creatures is continuous that he takes hold of not following him only after sending messengers, when an argument is established against them, then whoever wills may believe and whoever wills may disbelieve, there is an exchange of deeds like this for everyone.²⁰

The famous commentator, Allama Abdul Rahman Saadi, writes in his commentary:

Allah is the most just, he will not punish anyone until the testimonial of the Prophet hood is established on him and it not proven that he has shown stubbornness with the argument. As for the person who acknowledged due of the Prophet or if Allah's Hujjat has not reached him, then Allah will not punish such a person. It is argued from this verse. That Allah will not punish the people of Fitrat (ie the people of that time or area until Prophet hood has not reached them) and the children of the polytheists, because he is free and clean from oppression.²¹

Nawab Siddique Hassan Khan Qanoji writes:

Allah does not punish his servants except after sending his messengers and sending down the book, after they have made excuses. So, Allah Almighty

made it clear that he did not leave them in vain nor will he hold them before they have established an argument.²²

It is narrated on the authority of Aswa ibn Sari 'that the Holy Prophet said: Four men on the Day of Judgment: A deaf person who hears nothing, the second is insane, the third is very old, insane, and the fourth is the man who died in a fit of rage. Either way, the deaf will say: My Lord! Of course Islam came and I didn't hear anything. And the insane will say: O my Lord! Of course Islam came and the children used to hit me with camel feces. And the insane person will say: O my Lord! Of course Islam came and I could not understand anything. He will say: O my Lord! No messenger of yours has come to me, Allah Almighty will take a firm pledge from them that they will surely obey Him. Then he will send an angel to them and say: Enter the fire. I swear upon in whose hands is the soul of Muhammad! If they enter, it will be cool and safe for them.²³

The hadith of Mu'adh ibn Jabal is well known:

When Mu'adh returned from Syria, he prostrated before the Holy Prophet (SAW). Messenger of Allah (SAW) said: O Mu'adh! What's this? He said: When I went to Syria, I saw that they prostrated before their priests and leaders. So I liked that in my heart, let us do the same with you. The Prophet (peace and blessings of Allah be upon him) said: You do not do that. If I had commanded prostration for anyone other than Allah, I would then instructed the woman to prostrate before her husband. I swear upon in whose hands is the soul of Muhammad! A woman cannot fulfill her Lord's rights unless she fulfills her husband's rights and if the husband expresses his desires, and she is sitting on the side of a camel, let her not refuse him.²⁴

In its explanation, Allama Shokani writes:

There is evidence in this hadith that a person who prostrates before other than Allah due to ignorance has not become a kaafir.²⁵

Abu Hurayrah narrated that the Prophet said:

«والذي نفس محمد بيده، لا يسمع بي أحد من هذه الأمة يهودي، ولا نصراني، ثم يموت ولم يؤمن بالذي أرسلت به، إلا كان من أصحاب النار»

*I swear upon whose hands the soul of Muhammad is! No amongst, whether Jew or Christian, hears about me. Then he dies and does not believe in what has been sent to me, but he will be of the inmates of the fire.*²⁶

According to this hadith, Qazi Ayyaz says:

There is evidence in this hadith that a person who lives different far sides of the world and in different islands of the sea and he did not receive the call of Islam and the proclamation of the Prophet so the responsibility and sin of not believing in the prophet is removed because of this commandment of Allah: "Who does not hear about me....."²⁷

Commentator of Sahih Muslim, Allama Nawawi writes

In this opinion, it indicates that the one who has not received the call of Islam is exempted because according to the correct view, no ruling will be applied before the presenting the Sharia. ²⁸

Abu Ja'far al-Khatami states:

"We were in Madinah on Ashura and the girls were playing the tambourine. Rabi' visited us. So we mentioned this to him. He said, The Messenger of Allah, may Allah bless him and grant him peace, said, "Messenger of Allah (peace and blessings of Allah be upon him) came on my wedding day." So I had two girls narrating the virtues of their predecessors who were killed in Badr. The girls said: We have prophet (SAW) who know what will happen tomorrow. The Messenger of Allah, may Allah bless him and grant him peace, said, that do not say this and say that no one knows what will happen tomorrow except Allah."²⁹

It is obvious from this hadith that the Holy Prophet (SAW) did not imply takfir on those girls for stating a false belief, nor did he ask them to re-enter Islam, but corrected them by making their ignorance an excuse.

Abu Sa'eed al-Khudri narrates that the Messenger of Allah, May Allah bless him and grant him peace, said:-

There was a man amongst the previous nations who was blessed with a lot of wealth by Allah Almighty. When the time came for his death, he called his sons and asked, "How did I live as a father?" He replied: You have proved to be a very good father. He said: I have not done any good deed. When I die, cremate, then on any day when the wind is blowing, blow my ashes. The sons obeyed their father's will. After his death, Allah Almighty collected his particles and stood him up and asked why he made such a will. He replied: I did it out of fear of you. God forgave him out of his mercy."³⁰

Imam Ibn Hazm writes

This is the man who stayed ignorant and unaware until his death that Allah is able to join together his ashes and revive him to life, and Allah forgave him for his confession, fear and ignorance.³¹

He also writes about the disciples of Jesus:

*These are the disciples whom Allah has praised, who out of ignorance, said to Jesus: Does your Lord have the power to send down food from heaven on us? This did not invalidate their faith. This is an evidence from which there is no excuse and escaping. They would have become infidel when the argument was established against them and the issue, even after that they said the same thing.*³²

Allama Ibn Qudamah al-Maqdisi says:

*In the same way, every ignorant person who is ignorant of something will not be implied with the verdict of disbelief until he recognizes it and the doubt goes away from it and then after that he considers it lawful, at that point he becomes a disbeliever.*³³

Imam Ibn Qutaybah says:

*Sometimes some Muslims make a mistake in some of the attributes of the Almighty, so they are not considered as infidels.*³⁴

Rules relates with disbelieving actions and words

Rule 8: Disbelief should be explicitly open (Kufar Buhaa') and clear (Sareeh)

Those actions or words of an individual which are lead to Takfeer must fall into the classification of disbelief (Kufar). If there is any probability of exemption and exonerate, ought to be granted to the person indicted of disbelief, takfir must be prevented. It is for the reason that judgment by the Islamic scholar would have been passed with the possibility of human miscalculation. Since, it is accepted by everyone that only divine revelation is definite and undeniable. In other words, ruling of Takfir can be only announced with unambiguous and instantly recognizable confirmation on the basis of words or actions of disbelief by Allah and his Messengers (SAW).

According to Islamic teachings revolt against the Muslim ruler is considered illegal unless he is blatantly engaged in disbelief and declared

a disbeliever by Islamic responsible entities. Up to then, any form armed uprising will remain prohibited (Haraam).

The hadeeth of Ibadah ibn Samit is a well-defined evidence:

عن جنادة بن أبي أمية، قال: دخلنا على عبادة بن الصامت، وهو مريض، قلنا: أصلحك الله، حدث بحديث ينفعك الله به، سمعته من النبي ﷺ، قال: دعانا النبي ﷺ فبايعناه، فقال فيما أخذ علينا: أن بايعنا على السمع والطاعة، في منشطنا ومكرهنا، وعسرنا ويسرنا وأثرة علينا، وأن لا ننازع الأمر أهله، إلا أن تروا كفرا بواحا، عندكم من الله فيه برهان.

Jinada ibn Abi Umayyah says that we went to Ibadah ibn Samit, he was ill in those days, we said, may Allah grant you health. Narrate a hadith through which Allah will benefit you, which you have heard from the Holy Prophet (SAW) He said: We were called by the Holy Prophet (peace and blessings of Allaah be upon him) and we swore allegiance to him on his hand. Allegiance was such that we would act with obedience, in times of hardship, in times of happiness, in times of ease and difficulty, we would not dispute with rulers. Except that you see a clear disbelief in him, in which there is evidence from Allah. ³⁵

Sahih Bukhari's commentator, Hafiz Ibn Hajar, says:

أَيُّ نَصٍّ آيَةٍ أَوْ خَبَرٍ صَحِيحٍ لَا يَحْتَمِلُ التَّأْوِيلَ وَمُقْتَضَاهُ أَنَّهُ لَا يَجُوزُ الْخُرُوجُ عَلَيْهِمْ مَا دَامَ فِعْلُهُمْ يَحْتَمِلُ التَّأْوِيلَ.

It is meant by the Qur'anic Nas (textual evidence) or the authentic hadith (narration) which is unlikely to be interpreted. The implication is that it is not permissible for them to revolt as long as their actions are likely to be interpreted. ³⁶

Shaykh al-Islam Ibn Taymiyyah says:

Ali described the Kharijites as believers, saying that they were neither infidels nor hypocrites. As some people like Abu Ishaq Isfraini and his followers say, "We will only imply Takfeer on those who imply Takfeer on us." So this is wrong principle, takfir is not their right but it is the right of Allah. Nor it is permissible for man to lie to anyone who lies on him nor should he carry out any harm to anyone's family who has done evil to his family. Even, if a man compels him to do deeds of the people of Lot, it is not permissible for him to push him to do the same and if a man murders someone by taking a drop of alcohol or have a sodomy with him. Hence, it is not permissible to kill him like that. Thus, it is haraam because of the

*right of Allah Almighty. If Christians attack the dignity our Holy Prophet (SAW), we do not have to abuse Jesus.*³⁷

Allama Ibn al-Qayyim says:

الكفر حق الله ثم رسوله بالنص يثبت لا بقول فلان

*It is the right of Allah and His Messenger to impose the fatwa of disbelief on someone. This will be established by the arguments of the Qur'an and Sunnah, not by anyone's opinion.*³⁸

Allama Zarqani writes

Takfir is not permissible, unless you see a clear disbelief, that is, an exceptionally distinct disbelief.³⁹

Allama Qastalani says :

With the “Fatha” of “Bohaa”, “Wahoo” and “Haa” means, evidently obvious (Proof from Allah). The correct information of the Qur'an or Hadith which does not set a limit for explanation. Kharooj is not permissible against any Imam (Head of state) as long as his action has any chance of clarification and clearing up of the matter.⁴⁰

The famous Arab scholar and jurist, Shaykh Muhammad ibn Saleh al-Uthaymeen, says:

إلا أن تروا كفراً بواحاً عندكم فيه من الله برهان؛ ثلاثة شروط، إذا رأينا هذا وتمت الشروط الثلاثة فحينئذ ننازع الأمر أهله، ونحاول إزالتهم عن ولاية الأمر، لكن بشروط: الأول: أن تروا، فلا بد من علم، أما مجرد الظن، فلا يجوز الخروج على الأئمة. الثاني: أن نعلم كفراً لا فسقاً. الفسوق، مهما فسق ولاية الأمور لا يجوز الخروج عليهم؛ لو شربوا الخمر، لو زنوا، لو ظلموا الناس، لا يجوز الخروج عليهم، لكن إذا رأينا كفراً صريحاً يكون بواحاً. الثالث: الكفر البواح؛ وهذا معناه الكفر الصريح، البواح الشيء البين الظاهر، فأما ما يحتمل التأويل فلا يجوز الخروج عليهم، يعني لو قدرنا أنهم فعلوا شيئاً نرى أنه كفر، لكن فيه احتمال أنه ليس بكفر، فإنه لا يجوز أن ننازعهم أو نخرج عليهم، ونولهم ما تولوا.

When you see the evident disbelief and you have the evidence from Allah. When these three conditions are met then we will challenge rulers about the authority and try to remove them from the leadership. Those three conditions are: The first condition is that "you see" it requires definite knowledge, it is not permissible to go against leaders just because of skepticism. The second condition is that we (firmly) have knowledge of that this is disbelief and not disobedience (Fisq). It is not permissible to go against any corrupt ruler even if he drinks, commits adultery or oppresses people, uprising will take place only when we see flawless disbelief. The third condition, it must be "Kufr Buah", i.e outright Kufr. "Boah" means

something that is very clear (There is no room for elucidation left at all). Khrooj (uprising) is not permissible if there is any possibility of interpretation, means, if we assume that they have done something which we consider to be disbelief, if there is any possibility of not having disbelieving decree, in that case, we will not dispute with them, nor will we rebel against them and leave them as they are on their state. ⁴¹

Rule 9: Takfeer (disbelief) is not judged on disbelieving action (Takfeer Action) :

There are different branches of disbelief like faith (Iman). As well-founded agreeable consensus by Ahlus Sunnah, there is increase and decrease in faith based on human actions. Equally, there are also several degrees of disbelief in individuals' conducts. Not every disbelief is anticipated as an act that takes the Muslim out of Islam. As Islamic scholars have segregated Kufar into two prominent classifications, Kufar Amali (Disbelieving in action/practice) Kufar Ataqaadi (disbelieving in belief/ faith). In addition, scholars of Ahl us Sunnah have also used the term of "Kufar Duna Kufar" (disbelieving without disbelieve) in the Islamic literature where, the word Kufar is literally exercised on many grieving transgressions without intending of removing individual out of the bond of Islam.

In verses 44, 45 and 47 of Surah Al-Maidah, non-implementation of Allah's commands is called disbelief, transgression and oppression. Similarly, the Holy Prophet (SAW) described the disobedience of the husband by the women in the words of Yakfarun al-Ashir.⁴²

That is why Imam Bukhari has proved "Kufr duna Kufar" "disbelief without disbelief" from the hadith mentioned in the Book of Faith.

Shaykh al-Islam Ibn Taymiyyah writes about "Kuafr Duna Kufar". Undeniably, sometimes there are people who have one of the branches of faith and one of the branches of disbelief or hypocrisy and they are called Muslim. As Imam Ahmad mentioned "Nass" (unblemished verification) and from time to time, he is a Muslim and there is a small disbelief in him from the disbelief that completely excludes him from Islam. As Abdullah ibn Abbas and other Companions stated about the existing of "Kufar Duna Kufar" this is the view of the common Salaf Salihin. To the same degree, Ibn Abbas and his companions said this command of Allah

(وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ بِمُ الْكَافِرُونَ) (المائدة: ٤٤)⁴³

This is a disbelief that does not exclude the people from Islam and Kufar Dona Kufar, Fusaq Dona Fusaq, Zulm Dona Zulm. ⁴⁴

Therefore, not every disbelief is excluded from the realm of Islam, nor can the perpetrator of every disbelief be called a disbeliever. Even in a Muslim and a Momin, an act of disbelief can be found. This act will be called disbelief, but this person cannot be labelled as a disbeliever. For that reason, there is consensus by scholars of pious predecessors of Islam, not every disbelieving action excludes the individual Muslim out of realm of Islam, nor can the perpetrator of every single disbelief be called a disbeliever. Additionally, there is a possibility that even in a believer, an act of disbelief can be found. In such case, believing person is not at all outlawed by consensus of Ahl us Sunnah, to be called a disbeliever instead his action will be entitled as disbelieving action.

Rule 10: Collective decision

In the contemporary time, due to the common takfir of various Muslim groups, importance of mutual collective decision in takfir has rationally become further vital regulation and condition. In addition it is also evident from sharia sources and traditions of pious predecessors that crucial matters must be resolved by mutual consultation of state authoritative bodies. In other case, if joint consultative and official legislative delegate would not orchestrate a collective decision of the society. It may lead to very grievous outcomes where ignorant and pseudointellectual might create life-threatening unrest and chaos in the society by passing Takfeer verdicts on common public, state officials and Islamic scholars. In result, every other self-styled person straightforwardly get the open chance to remove any monotheist from the realm of Islam, eventually leading to instability and mass number of capital punishment of general people.

Imam Ibn 'Abd al-Barr said:

It is known from the adequate evidences and consensus amongst Muslims on an individual to be a Muslim, later he commits a sin, or he commends such an interpretation, which causes difference of opinion among Muslims as to whether he should be called a Muslim or a kaafir. So after consensus on being a Muslim, this differentiation has no usefulness because in order to depart of one consensus, another consensus is needed, or a proven Sunnah is obligatory, which cannot be challenged. The Imams of Ahl as-Sunnah wa'l-Jama'ah, Ahl al-Fiqh wa al-Athar has approved that no major sin can exclude anyone from the jurisdiction of Islam, The heretics have opposed this consensus. It is evident from the argument that no one can be judged of disbelief unless the Ahl as-Sunnah agree on it, or a flawless line

of reasoning is established on the basis of which he can be declared as a disbeliever.⁴⁵

Imam Baqalani says:

*No one will be called a disbeliever on the basis of opinion, irrespective, if Muslims have consensus to call him a kaafir, judgment has been established and Takfir has been implied.*⁴⁶

Inferring Takfeer on an individual is an exclusively state legitimate jurisdictional subject. The only way coming out of this Fitna (societal chaos) of Takfeer is to empower and authorize Islamic scholars recommended by state authoritative bodies. So that they can scrutinize independently and rigorously, beliefs of the suspected individual or group. It is because, not only Islamic scholars, judicial bodies but the involvement of government representatives is must in this delicate matter. So that, judgment related with Takfir must take place under the patronage of the state in order to keep away from any possible reaction from the alleged person or group.

Exemplar of collective Takfir

Ruling (Fatwa) on Mirza Qadiani:

When Mirza Ghulam Ahmad Qadiani started to articulate and propagate his misleading interpretations of Sharia. Scholars of that time sensed this heretical rising (Fitna) in the society as his views were clearly leading to infidelity and betrayal to fundamentals of Islamic believes. Amongst scholars, Mian Nazir Hussain Mohaddess Dehlavi was the first Islamic intellectual who issued the fatwa of disbelief on Mirza Ghulam Ahmad Qadiani. Muhammad Hussain Batalvi took the sign on fatwa from scholars of different schools of thought. Thus Mirza Qadiani was unanimously declared a kafir by Islamic scholars.

Ghulam Ahmad Qadiani himself wrote:

Nazir Hussain Dehlavi laid the foundation of Takfir. Muhammad Hussain Batalvi, similar to infidels of Makkah, undertook this service and scripted fatwa of disbelief from all popular personalities and common persons.⁴⁷

Additionally, he also wrote :

Principally, The founder of Ruling (Istifta) 'Batalvi Sahib and first from infidels is Mian Nazir Hussain Dehlavi and others are following him.⁴⁸

Takfir of Qadianis

After Pakistan came into being in 1947, during the government of Zulfiqar Ali Bhutto, all schools of thought raised the issue of Qadiani Takfir in the

house of parliament. Qadianis also got an open opportunity to clarify and present their perspective regarding their statement of belief. In the same way, scholars of all schools of thought also provided evidence for their disbelief to the respective members of the parliament. After hearing all parliament proceedings, the government decided to declare that Qadiani cult is indeed unquestionably infidels. It was on the record promulgated by the legislative body that this particular faction is prohibited to be called themselves as Muslims, neither their places of worship can be known as Masjid. Besides, it was also recorded in the state constitution by the leadership and all rightful parameters were officially necessitated on Qadians. In fact, this was collective parliamentary judgment and exclusively authorized by the state, raised effectually by all Muslim scholars of that time. In this manner, societal consensus (Ijmah) came into being amongst all Muslims upon infidelity of Qadianis. Even though Qadianis offer their daily prayers facing the Qiblah, while, they have repudiated the indispensable principle of Islam in the finality of prophet hood.

The Prophet (peace and blessings of Allaah be upon him) said:

لا تقوم الساعة حتى يخرج ثلاثون دجالون، كلهم يزعم أنه رسول الله-

Resurrection will not take place until thirty antichrists are born.

Each of them will think that he is the Messenger of Allah." ⁴⁹

Qur'anic commentator Hafiz Salahuddin writes about the Qadianis These people are unanimously excluded from the realm of Islam, since they are a insertion of colonialism and colonial powers and their agents are still behind them, Therefore, they not only do not recognize themselves as Mirzais or Qadianis in front of infidels and the Muslim Ummah. On the contrary, especially in Western countries and Europe, they make people be certain of that they are genuine Muslims. ⁵⁰

Pervez's disbelief (Kufr) :

Similar to Mirza Ghulam Ahmad Qadiani, whole ummah have consensus on the disbelief (Kufr) of Ghulam Ahmad Pervez. In view of Ghulam Ahmad Pervez's disbelieving opinions, numerous scholars from various parts of the world have unanimously issued fatwa that Ghulam Ahmed Pervaiz is judged as a disbeliever (kafir) because of his disbelieving ideas. Furthermore, this fatwa covers 256 pages and has been published in the form of a book called "Fitna Ankar Hadith" by Madrasa Arabiya Islamia

New Town, Karachi. The beginning of this book includes two editorial works of Maulana Muhammad Manzoor Nomani and Muhammad Abdul Rashid Nomani, which clarifies facts and details behind this fatwa. In the first thirty pages of this book, the enquirer's query has been published in which Pervez's infidelity and polytheistic beliefs (such as misconception of Allah and the Prophet, invention of the center of the nation, denial of hadith, atheistic interpretation of the pillars of Islam, predestination and the hereafter and denial of angels, etc.). After citing and quoting mentioning from Pervez's own books and writings, religious ruling was demanded from notable scholars:

“It is requested to be asked from respected scholars, please explain in the light of sharia what is the ruling on the founder of this sect and his disciples? Are these people Muslims? Is it permissible to have Islamic relations with them, such as matrimonial affairs, burying them in a Muslim cemetery, offering funeral prayers for them, it is it permissible to eat, slaughtered by them? Can they inherit a Muslim?

Comprehensive respond to this question and Fatwa on the Kufr of Pervez and this fatwa is endorsed by scholars of all schools of thought across Pakistan in the next 220 pages. Its description is somewhat like that first of , Wali Hassan Tonki (Mufti and Madrasa of Madrasa Arabiya Islamia Karachi), Muhammad Yusuf Banuri (Shaykh-ul-Hadeeth Madrasa Arabiya Karachi) and Muhammad Abdul Rashid Nomani (Fellow of the Department of Authorship, Madrasa Arabiya Karachi) have collective thorough response of 100 pages. Above mentioned, three scholars in the light of strong and convincing reasons after thoroughly reviewing his views established Pervez's forty major and minor religious ideologies as blatant disbelieve. For instance, scholars commented on Pervez's view that Prophet does not have the right at all that he must be obeyed by others.

“To say such statement is unquestionably a disbelief, as complete compliance to the Prophet is one of the tenets of the Islam. Likewise, have faith in in the Prophet means submission to him and entire Ummah has overall consensus in obeying to the Prophet as a fundamental duty of every Muslim. Obedience to the Holy Prophet (SAW) is not only limited for this ummah to be more precise, it was a primary principle for every previous ummah to comply with their messangers.

As Holy Quran describes that

وَمَا أَرْسَلْنَا مِنْ رَّسُولٍ إِلَّا لِيُطَاعَ بِإِذْنِ اللَّهِ⁵¹

In result, as a matter of fact, rebutting the obedience of the Prophet is in reality refuting and aversion of the Prophet, which is utter disbelief.⁵²

After this, from pages 136 to 139 in this book, detailed response is presented by Darul Uloom, Deoband on regarding the question asked and ruling is passed on the disbelief of Pervez.

Its initial text as follows:

*“The views and beliefs of Ghulam Ahmad Pervez are mentioned in the question, almost all of them encompass atheism, heresy and infidelity also, undeniably, their beliefs are outside the jurisdiction of Islam”*⁵³

Later, on this book from pages 140 to 200, there are affirmative signatures of famous and well-known scholars of all schools of jurisprudence across Pakistan. Ruling of disbelief is rightly grounded on truthfulness on the Pervez and his philosophy, approved by Madarsa Arabiya Islamia New Town, Karachi and Darul Uloom Deoband. In addition, number of these scholars go beyond one thousand. It includes well-known scholars of each city, heads of all religious schools and several religious factions, and eminent personalities of all schools of thought. Here are the names of some well-known scholars: Maulana Muhammad Daud Ghaznavi, Hafiz Abdullah Muhaddith Rupari, Abdul Ghaffar Salafi, Abdul Khaliq Rahmani, Hafiz Abdul Qadir Rupari, Hafiz Muhammad Ismail Zabih, Maulana Mufti Mahmood, Mufti Muhammad Shafi, Maulana Ahmad Ali Lahore, Maulana Ehtesham-ul-Haq Thanawi, Maulana Zafar Ahmad Usmani, Muhammad Idrees Kandhalvi Maulana Ghulam Ghous Hazarawi, Mohammad Abdul Hamid Qadri, Mohammad Abdul Salam Qadri, Mohammad Abdul Haleem Chishti, Mohammad Saleemuddin Chishti, Abdul Karim Qasmi, Mohammad Baha'u'llah Qasmi, etc.

Finally, on pages 221 to 228 of the book, late Maulana Muhammad Yusuf Banuri also wrote the above-mentioned beliefs of Pervez in Arabic and sought fatwa from Islamic scholars from the Arab world. Thus, from pages 229 to 255 till the last of book cover Arabic texts of various fatwas received from Arab scholars in which Pervez and his followers are unanimously declared as infidels. These fatwas have been issued by prominent scholars of Makkah, Madinah, Syria and Egypt, and other dignitaries in government positions.⁵⁴

So indeed, we strongly suggest similar to prior examples, all grand scholars must have to come to a judgment on the matter of takfir by collective

consultation and ijtihad. So that all features of concern under discussion turn into enormously well-defined and closer to accurate decisions can be made according to its characteristics. This is the right and appropriate principle of takfir by all scholars of Islam. As Islamic scholars have consent that Takfir of an individual cannot implied by mere opinion or by a person without having specialized knowledge on this issue. It is the major responsibility of contemporary scholars to cautiously scrutinize all views of an alleged person. In actual fact, if there is a disparity of judgment amongst scholars, then one's takfir cannot be declared to be a final verdict. In the same way, if scholars reach a decision of individual's or group's disbelief, will be taken into account as a disbeliever by Muslim society. This is the only way that can prevent the increasing fitnah of takfir.



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