

**THE DECISIVE REFUTATION OF THE ALLEGATIONS MADE AGAINST THE BOOK:
RULING BY MAN MADE LAW**

-----*The following below is a reply to a brother that has spoken against the work, Ruling by Man-Made Law by Imaam Abu Hamza al-Masri. The statements of the brother have been left in place in their original font, while the answers provided to the doubts given have been written in a larger font. When the text of the brother needs to be explained, a double line will appear, followed by the statement of the author of the work, Ruling By Man-Made Law. The hope and desire is that, insha`allah, this short response shows that through careful study and methodical approach, your enemies evidence can actually become your evidence.*

Refutation of Abu Hamza al Misri's book (part one) - By Yusuf Adam

One of our brothers posted a section from a book by Abu Hamza al Misri (may Allah guide him) and asked ".. I am curious to know the Salafee response Insha`Allah." To obtain the 'Salafee response' one needs to ask a Scholar upon the way of the Salaf us Saalih (ra), so we advise our brother to contact the Scholars if he able.

I have read the section that was posted and even with my very limited knowledge on the topic I have found many errors and misleading statements in it which contradict and oppose the Minhaaj (methodology) of the Salaf us Saalih (ra) so until a brother can present this book to a Scholar upon the way of the Salaf us Saalih (ra) to obtain the Salafee response, I thought I would mention some of the errors and misleading statements that I have noticed bi'ithnillah. I shall be breaking down Abu Hamza's claims one by one Insha`Allah and Allah (swt)'s aid is sought.

In the section of the book that was posted Abu Hamza makes the claim...

"So when Ibn `Abbaas said to the people of his time, 'it is not the kufr that you are thinking of,' that statement could not be used in another time, unless the same conditions and similarities took place and were preserved."

In this statement Abu Hamza 'claims' that this athar (statement) of the Tarjumaan al Qur'aan (the explainer of the Qur'aan) was a "specific" statement to a "specific" people in a "specific" circumstance and cannot be used at any other time unless the "same" circumstances exist, this 'claim', as we shall Insha`Allah see, is falsehood (baatil) and to be rejected.

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Firstly, we should know that Abu Hamza correctly states that the "...you ..." in the athar (statement) of Ibn Abbaas (ra) "... it is not the kufr that you are thinking of..." was a group of Khawaarij. However, there are many other athaar in which Ibn Abbaas (ra) mentions and explains exactly the type of kufr in al Maa'idah Ayaat 44 wherein Allah (swt) says in translation, "Whoever does not judge by what Allah has revealed then they are the disbelievers (al-kaafiroon)." which we shall look at in a moment Insha'Allah.

There was no such claim in the treatise written stating that the statement, ' a kufr of a lesser kufr,' cannot be used at another time unless the same circumstances exist. The position that was given was the following,

"Ibn `Abbas, in his time, was talking about an incident that was not repeated, but done only once. Yet in our case, we are talking about someone's insistence on judging by other than Allah's Shari`a, making laws to protect the one replacing the Shari`a, and laws to punish those attempting to correct the evil rulers." p. 34

Another extract from the book also reads,

"In conclusion, the words of Ibn `Abbas can not be used for the tyrants who replace the Shari`a. For them, the verse of the sword should be used..." p. 20.

It is indeed very sad that in the very first introductory paragraphs of what is supposed to be a refutation of the small book that we wrote, the Muslim brother is already misquoting it with a level of understanding and knowledge that even he admits in the beginning is 'very limited.' And may Allah increase the brother in knowledge and forgive him his mistakes.

Secondly, the A'immah (leading Imaams) of al-Islam have agreed (al-Ijmaa) that the Tafseer(explanation of the Qur'aan) of Abdullah Ibn Abbaas(ra) is one of the best, if not THE best Tafseer of ALL of the Companions of the Prophet(saw) due to the numerous textual evidences from the Messenger (saw) and the Khulifaa' ir Raashideen (Abu Bakr, Umar, Uthmaan and Ali)may Allah be pleased with them all.

Thirdly, if one wants to know what a Scholar (i.e. Ibn Abbaas) meant by his words, the BEST people to refer to would be that Scholars students who sat with him, studied with him for many years and

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recorded his statements. So if we want to know what Abdullah Ibn Abbaas (ra) "intended" in his statements we do not go to somebody in Fins bury Park who has never even met Ibn Abbaas(ra), rather we go to the well known and the foremost erudite and trustworthy students of Abdullah Ibn Abbaas(ra) for example, Sheikh ul Islaam ibn Taymiyyah(rh) said in his book "Muqadimah fee Usool at Tafseer:

"As for Tafseer, THE MOST KNOWLEDGABLE in this field are the Makkans. For they are the students of Ibn Abbaas (ra) like Mujaahid, 'Ataa ibn Rabaah, Ikramah (the freed slave of Ibn Abbaas), Tawoos, Abul-Sha'tha, Sa'eed ibn Jubayr and others."

Allahu Akbar!! Sheikh ul Islaam (rh) says, as the rest of the A'immah have said, that the most Knowledgeable in the field of Tafseer are the students of Abdullah Ibn Abbaas(ra) (and please note it these students that I shall be quoting from later..!).

Fourthly, if we read the books of the classical Scholars like Imaam Ahmad Ibn Hanbal (rh), Sheikh ul Islaam Ibn Taymiyyah (rh), Ibnu Qayyim il Jawziyyah (rh), Imaam Ibn Abil Izz Al Hanafee (rh) and others (all of whom I will be quoting Insha'Allah) we find that they two were aware of this athar of Ibn Abbaas(ra) and yet their conclusions do not match Abu Hamza's..? All of the Scholars I have mentioned oppose Abu Hamza's "fikr" (thought) on this athar..?

Insha'allah, this will be dealt with in a few paragraphs down under the section on ruling and legislation.

Fifthly, it is indeed very strange indeed that Abu Hamza claims to be discussing the subject of the type "kufir" in this ayah and yet he does NOT bring the other self explanatory statements of Abdullah ibn Abbaas(ra) and his students..???

Most assuredly, there is another quote from Ibn Abbas (RAA) on this issue that was quoted in the work. Please read the following extract,

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*It is narrated from Hasan ibn Abi ar-Rabi`a al-Jurjaani saying, "We heard it from `Abdur-Razzaaq from Mu`ammar from Ibn Tawus from his father who said, 'Ibn `Abbas was asked regarding the statement of Allah, **Whoever does not rule by what Allah has sent down, then they are Kafirun.** He (Ibn `Abbas) said, '**It is enough kufr.**'"* p. 15

It should also be noted that the Arabic phrase, 'Kafaa bihi Kufr,' can also be translated as, 'His kufr is sufficient.' Without doubt, other statements from Ibn `Abbas (RAA) were given in the work, but the one seeking refutation of the book must not have seen the full book or read through thoroughly, for such quotes have been included in the research. It should be remembered as one of the rules of debate or any type of refutation that the one seeking to debate or refute should be thoroughly familiar with the subject matter, for if they are not, what can be said except,

"But they have no knowledge therein," Surat un-Najm, ayah 28.

These statements from the Word of Allah should serve as a reminder and a warning against speaking in matters without sufficient knowledge of the whole situation. And we ask Allah for guidance.

Whilst it is not befitting for unqualified people to make judgments upon other Muslims, it is worth bearing in mind that one of the characteristics of ahli'l bida'ah wal ahwaa' (people of innovation and desires) and those that are effected by them is that they will quote only from the Qur'aan and Sunnah and the Aqwaal(words) of the A'immah of the Salaf(ra) that which suits their twisted purposes and that which goes against their desires, they either feign ignorance of it or they hide it from the people or they start to author books when in reality they do not have enough knowledge to do so and Allah (swt)'s refuge it sought.

So let us fill the gaps that Abu Hamza has left vacant and relate the authentic Athaar of Abdullah Ibn Abbaas(ra) and his companions so that we can see if Abu Hamza's "claim", that Abdullah Ibn Abbaas(ra)'s statement mentioning "minor" kufr was "specific" only to the Khawaarij, is actually valid or not.

Accusing anyone of deviancy requires specific evidence as well as principles of ijtihaad (independent juridical reasoning) to be able to come to a ruling about a specific person. For one to take a specific person and label them a deviant or any other title without the

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Words of Allah, His Messenger or the fatwa of the trustworthy `ulama, then this is like killing the believer.

حدثنا محمد بن بشار حدثنا عثمان بن عمر حدثنا علي بن المبارك عن يحيى بن أبي كثير عن أبي قلابة أن ثابت بن الضحاك وكان من أصحاب الشجرة حدثه أن رسول الله صلى الله عليه وسلم قال ثم من حلف على الإسلام فهو كما قال وليس على بن آدم نذر فيما لا يملك ومن قتل نفسه بشيء في الدنيا عذب به يوم القيامة ومن لعن مؤمنا فهو كقتله ومن قذف مؤمنا بكفر فهو كقتله

It is narrated by Dahhaak that the Messenger of Allah (SAW) said,

‘Whoever curses a believer, it is as if he killed him and whoever throws the charge of kufr at a believer, it is as if he killed him.’¹

5753 حدثنا إسماعيل قال حدثني مالك عن عبد الله بن دينار عن عبد الله بن عمر رضي الله عنهما أن رسول الله صلى الله عليه وسلم قال ثم أيما رجل قال لأخيه يا كافر فقد باء بها أحدهما
5754 حدثنا موسى بن إسماعيل حدثنا وهيب حدثنا أيوب عن أبي قلابة عن ثابت بن الضحاك عن النبي صلى الله عليه وسلم قال ثم من حلف الإسلام كاذبا فهو كما قال ومن قتل نفسه بشيء عذب به في نار جهنم ولعن المؤمن كقتله ومن رمى مؤمنا بكفر فهو كقتله

اليبهيقي و أحمد والبخاري والطبراني الكبير ومجمع الزوائد ومسند أبي عوانة

It is narrated by `Abdullah Ibn `Umar that the Prophet (SAW) said, ***‘Whenever a man says to his brother, O kaafir, then one of them as one (a kaafir).’***

Dahhaak has also narrated that the Prophet (SAW) said, ***‘Cursing a believer is like killing him. And whoever threw the charge of kufr as a believer, it is as if he killed him.’²***

Indeed, our prayer and sincere request should be that Allah (SWT) preserve our tongue from such evil and file accusations. Indeed, all success and help lies only with Allah.

Abdur Razaq as Sanaanee (rh) narrates that: "Ibn Abbaas was asked about His (swt) saying "And whoever does not judge...". He said "It is a trait of kufr in him.(hiya bihi kufrun)". This athar is SAHEEH.

¹ Collected by Imaam alBukhaari رحمه الله and classified as sahih.

² Both ahaadith are collected by the Imaams Ahmad, alBazzaar, at-Tabaraani, alBaihaqi and mentioned in the Majma' uz-Zawaa'id and Musnad Abu `Awaanah رحمه الله.

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Imaam Ibn Jareer at Tabari (rh) narrates that Ibn Abbaas (ra) said concerning the ayah "And whoever does not judge...". He said, "It is a trait of kufr in him. And it is NOT kufr in Allah, His Angels, His Books and His Messengers". This athar is SAHEEH.

Al Haafidh ibn Nasr al Marwazee (rh) narrates that Tawoos (rh) said "I said to Ibn Abbaas (ra) "the one who does not judge but what Allah has revealed, is he a kaafir?" He said "It is a trait of kufr in him, and it is NOT like the one who disbelieves in Allah and the Last Day etc." This athar is HASAN.

Imaam Al Haakim (rh) narrates that Abdullah Ibn Abbaas (ra) said "It is NOT the kufr that they(the Khawaarij) tend towards, it is the kufr that does NOT expel a person from the religion. "And whoever does not judge by what Allah has revealed, they are the disbelievers", it is kufr less than major kufr." This athar is SAHEEH (as was stated by Imaam ath Thahabee and others).

Imaam at Tabari (rh) narrates that Ataa ibn Abi Rabaah(rh) said "kufran doona kufr, fisqun doona fisq, thulmun doona thulm." This athar is SAHEEH.

Imaam at Tabari (rh) also narrates that Tawoos(rh) said "It is NOT the kufr that ejects one from the religion." This athar is SAHEEH.

Imaam at Tabari (rh) narrates that 'Ataa(rh) said about the ayaat in Al Imraan:41-47

"Kufran doona Kufr (minor kufr), Fisqan doona Fisq (minor Fisq, Thulmun doona thulm (minor Thulm)" This athar is SAHEEH.

Imaam at Tabari (rh) also relates in his Tafseer that the Eminent and Erudite Imaam of the Taabi'een Laahiq ibn Humaid al Basri (rh) commonly known as Abu Majliz was confronted by a group of the Ibaadiyyah (an offshoot of the Khawaarij) and they said to him "Do you see the saying of Allah 'whoever does not rule by what Allah has revealed, they are the disbelievers', is this the truth..?" He (rh) replied "Yes.". They then said " ' And whoever does not judge by what Allah has revealed, they are the Thaalimoon', is this the truth.?" He (rh) said "Yes.". They then said " 'And whoever does not judge by what Allah has revealed, they are the Faasiqoon', is this the truth..?". He (rh) said "Yes.". So they said to him, "Oh Abu Majliz do these rulers judge by what Allah has revealed?". He (rh) replied " This is the religion that they hold to and that they call to, so if they leave anything from it, they know that they have fallen into sin.". So they

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then said "By Allah, you are (only) afraid (of them) and scared.". He (rh) replied "You are more deserving of this (description) than me! As I have not seen this (the sins of the rulers), but you have and yet you do not forbid them from it. But these Ayaat (Al Maa'idah 41-50) were revealed with regards to the Jews and Christians and the people of Shirk." This athar is SAHEEH.

There are many similar statements from the other students of Ibn Abbaas(ra) but we will suffice with the above.

THE DIFFERENCE BETWEEN THE REASONS FOR REVELATION AND THE JUDGEMENT OF AN AYAH

While there is no disagreement with any of the evidence that the brother presented above, there is a contradiction and problem with what he is intending to use this evidence for in the context of our topic which Ruling By Man Made Law attempts to shed light on, mainly the making of legislating of laws against the Shari`a. Of the quotes given above, although acceptable, their context is not fit for the subject, as these are issues of rulers who are judging by the Shari`a and ruling by it and not passing any legislation. The astrayness of judging by other than what Allah sent down in one matter or some matters is of course different than making laws and making other laws to protect those legislated in addition to forming executive power to keep such laws in place.

But before we approach this topic, we would perhaps first like to deal with a problem. It has been taught by the Salafi movement for some time that the ayaat of Surat ul-Maa'idah, those being 44, 45 and 47 respectively are all in reference to Jews, Christians and other kuffaar. While this on the outward seems correct and harmless, when one understands what is meant, the danger becomes clear.

The method used by our Muslim brother above is to put forward the belief and principle that the ayaat were revealed about the kuffaar and only applicable to the kuffar. This belief is incorrect and insha'allah, we will try to provide examples for the reader to follow.

As is known when someone reads the tafsir of Surat ul-Maa'idah under the address of these ayaat, they will usually find that these ayaat are speaking about the people of the Book. In fact, even a cursory glance through the ayaat themselves would be sufficient for the reader to conclude this position. But these ayaat were revealed with regard to a specific chain of events. This is called the REASON FOR REVELATION, meaning the reason why Allah revealed the particular ayah. At times, these reasons for revelation can be an action that someone did, a question asked or a thought that someone had or a statement that the Messenger of Allah (SAW) made. A good example would be the following.

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When some of the Bedouins came to the Messenger in the beginning of his prophetic call, they asked him to describe Allah and to tell of His Lineage or pedigree as everyone can be described and has a pedigree. It was at that point that Allah sent down the verses,

“Say, He Allah is One. Allah is Eternal. He doesn’t beget nor was He begotten. And there is none comparable to Him,” Surat ul-Ikhlaas, ayaat 1-4.

With that said, the reason for the revelation of the ayah was due to this question. However, its hukm (judgement) is applicable to all. Therefore, it would not be correct or sound for a Muslim to come some 1400 years later and proclaim that this surah is not applicable to him due to the fact that it was revealed based upon some other incident. Such a claim would need a ‘nass,’ which means, ‘a clear and decisive textual evidence that could only be interpreted one way.’ Without a nass, we would not be allowed to hold such a position as the text stays established in the general unless specific and clear texts are brought.

Now we come to the issue of Surat ul-Maa’idah that our dear brother is quoting. With all of the evidences given above, one may think that they ayah could not be applied to Muslims who would perpetrate the same act as the Jews and Christians, but is this correct? Is it sound to believe this way? The best way would be to quote some other authorities regarding the JUDGEMENT OF THE AYAH and not the reason of revelation.

Imaam Sufyaan ath-Thawri (RH) has said about ayaat 44, 45 and 47 of Surat ul-Maa’idah, respectively, *“The first one is for this nation, the second one is for the Jews and the third one is for the Christians.”* Tafsir Sufyaan ath-Thawri, Akhbaar ul-Qadaa, beginning at p. 40.

Imaam Ahmad al-Qurtubi (RH) has said, *“Ibn Mas`ud and al-Hasan also said, ‘It is general in all who do not judge by what Allah sent down, be they Muslims, Jews or the other kuffar.’ ”* V. 5, p. 190 Jaami`u Li Ahkaam ilQur’an.

However,

Some of the benefits of the above narrations;

1. We can clearly see that whenever Abdullah Ibn Abbaas(ra) when asked by his noble companions(and NONE of his companions were Khawaarij..!!) about the kufr in these ayaat, that he gave them exactly the same answer that he gave the Khawaarij when they asked him, so HOW can his answer to the Khawaarij be a "specific" answer to a "specific" situation when this is the SAME answer he gave to all his students.??

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2. And as we shall see Insha'Allah, when we look at the statements of the classical scholars, that this is the same answer that they gave to their students and wrote in their books so how can it be "specific" to a "specific" group..??
3. Not only do we have the clear self explanatory statements of Abdullah Ibn Abbaas(ra) that it is MINOR kufr** but we also have the clear statements of his students and companions showing EXACTLY what Ibn Abbaas(ra) meant by his statements "hiya bihi kufr" (a trait of kufr in him).
4. ** (UNLESS a person rejects (jaahidan bihi) the Hukm of Allah in his aqeedah whilst having certain knowledge that what he is rejecting is the Hukm from Allah, or he declares it permissible or that he has a choice to rule by other than the Shari'ah etc, then it becomes MAJOR kufr..!)
5. That judging by other than what Allah has revealed in a major sin in EVERY circumstance BUT as can be seen by the narrations, it is ONLY the Khawaarij who performed Takfeer (a pronouncement of MAJOR kufr) upon the rulers who fall into it and the Sahaabah (ra) and the Taabi'een (rh) did NOT make Takfeer of the rulers on account of the presence of major sins such as judging by other than what Allah has revealed.

Now, Insha'Allah, we will go to the statements of the Classical Scholars to see how they understood this athar of Abdullah Ibn Abbaas(ra) "kufrun doona kufr".

Now, Insha'Allah, we will go to the statements of the Classical Scholars to see how they understood this athar of Abdullah Ibn Abbaas(ra) "kufrun doona kufr".

Remember, Abu Hamza claims:

"So when Ibn `Abbaas said to the people of his time, 'it is not the kufr that you are thinking of,' that statement could not be used in another time, unless the same conditions and similarities took place and were preserved."

Firstly, this is part of a longer athar in which Abdullah Ibn Abbaas (ra) said " It is NOT the kufr that they (the Khawaarij) tend towards, it is the kufr that does NOT expel a person from the religion. "And whoever does not judge by what Allah has revealed,

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they are the disbelievers", it is kufr less than major kufr (kufrun doona kufr)."

This athar is SAHEEH (as was stated by Imaam ath Thahabee and others)

So how did the most Eminent Scholars after the time of the Taabi'een understand this "kufrun doona kufr" mentioned in this athar..? Did they make it "specific" to the Khawaarij only as Abu Hamza claims..?

Sheikh ul Islaam Ibn Taymiyyah (rh) said regarding the statement of Abdullah Ibn Abbaas (ra) "kufrun doona kufr";

"..so when there is the saying of the Salaf that a man can have both faith and hypocrisy in him, then similarly is their saying that he can have both faith and kufr in him but NOT the kufr that expels a person from the religion, as was said by Abdullah Ibn Abbaas (ra) and his companions with regards to His (swt)'s saying "And whoever does not judge...". They said "a kufr which does NOT expel a person from the religion and Imaam Ahmad (rh) and the other Imaams of the Sunnah followed them in this." Majmoo' il Fataawah (7/312)

For example, the Imaam of Ahlis Sunnati Wal Jamaa'ah, Imaam Ahmad Ibn Hanbal (rh) was asked about the "kufr" in the ayah "And whoever does not judge..." and he replied "a kufr which does NOT eject one from the religion" Majmoo' il Fataawah Ibn Taymiyyah (7/254)

Ibn Attiyah(rh) said " And a mighty and large group from the people of knowledge have said that this verse applies to everyone who does not rule by what Allah(swt) has revealed but for the rulers of the Ummah it is the Kufr of Disobedience which does NOT expel them from Imaan" Al Muharrar al Wajeez (4/456)

Imaam Ibn ul Qayyim(rh) explained:

" And this is the understanding of Ibn Abbaas (ra) and the majority of the Companions (ra) regarding the saying of Allah (swt)"And whoever does not judge...", Ibn Abbaas(ra) said "It is not the kufr that takes a person outside of the religion. Rather when he does that it is a trait of kufr in him (i.e. minor kufr) and he is not like the

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one who disbelieves in Allah(swt) and the Last Day (i.e. major kufr)." Madaarij as Saalikeen (1/336)

And Imaam Ibn ul Qayyim(rh) further explained:

"And it is correct that judging by other than what Allah(swt) has revealed, can be both types of kufr, the minor and the major. So if a ruler believes it to be obligatory to rule by what Allah(swt) has revealed in this instance and turned away from it out of disobedience, whilst acknowledging that he is deserving of punishment then this is minor kufr(kufr ul Asghar). If he believes that it is not obligatory and(or) that he has a choice in the matter along with his firm belief that it is the Judgment of Allah(swt), then this is the Major Kufr(kufr ul Akbar), and if he was ignorant in the matter or made an error then he is one who errs (mukhtee') and his ruling is as the same for those who err." Madaarij as Saaliken (1/337)

And Imaam Ibn ul Jawzee(rh) explained:

" And the decisive speech in this regard, is that whoever does not judge by what Allah(swt) has revealed, whilst rejecting it (jaahidan bihi) and he knows that it is what Allah(swt) has revealed- as the Jews did- then he is a Disbeliever(with Major kufr). And whoever does not rule by what Allah(swt) has revealed WITHOUT rejecting it, then he is a Dhaalim, Faasiq." Zaad al Maysir (2/366)

Imaam Muhammad ibn Ibraheem(rh) said:

"The actualization of the meaning of "Muhammed is the Messenger of Allah(swt)" is judging to his Shari'ah and confining oneself to that- and rejecting whatever is in opposition to that from amongst the qawaaneen(man-made laws) and all those things for which Allah(swt) has not revealed any authority. And the one who rules by them(i.e. man-made laws) or refers to them for judgment whilst believing in the correctness of that or the permissibility of that, then he is a KAAFIR with the kufr which ejects a person from the religion. AND IF HE DOES THAT WITHOUT BELIEF (I'tiqaad) IN THEIR CORRECTNESS AND (without believing in the)PERMISSIBILITY TO JUDGE BY THEM, THEN HE IS A KAAFIR WITH THE KUFR OF ACTIONS, WHICH DOES NOT EJECT A PERSON FROM THE RELIGION." Majmoo' il Fataawah ibn Ibraheem(1/80)

Some of the benefits of the above quotations:

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We can clearly see that when discussing the athar "kufran doona kufr" NONE of the Classical Scholars every made the Takhsees (to make specific) that Abu Hamza claims..!!

Further more we can see that the Scholars of the past and present are united in their understanding of the athar "kufran doona kufr" being a "general" statement and NOT a "specific" statement to a "specific" group at a "specific" time as Abu Hamza claims.

Also we see the Scholars of the Salaf in agreement that "ruling/judging" by OTHER than what Allah(swt) has revealed is the "minor" kufr which does NOT expel a person from Islam unless they reject(jahood) the Hukm of Allah(swt) or the make their man-made Hukm Halaal(mustahillu) or say that one has a choice in the matter etc.

Once again, the evidences of the brother that have been quoted from the `ulama are indeed correct and perfectly sound, however, they are not relevant to the context of the work that was written, entitled, Ruling by Man-Made Law. This is due to the fact that the book was not written to argue the issue of whether or not if someone leaving the judgement of Allah in one matter or some matters was a kaafir or not, but rather the book was written to discuss the issue of whether or not LEGISLATING MAN-MADE LAWS or MAKING LAWS was kufr or not. In the introduction to the work, the purpose for the book being written is quite clear,

“The main reason for writing this is that nowadays the word of Ibn `Abbas is being used by evil and ignorant people to DISMANTLE the Shari`a, and to help to REPLACE it with man-made laws.

“Meanwhile, those who are objecting about this evil are being called Khawaarij and disobedient to the rulers.”

Therefore, the book that our dear brother is trying to refute was actually written about the issue of LEGISLATING laws, not ruling in one or some matters by other than what Allah sent down. It would then be fair to say that all of the brothers evidence that he quoted is not really his evidence in favour of his position but evidence against him in favour of our position, for none of those evidences touch upon the issue of LEGISLATING AND/OR MAKING LAWS.

The quotes above have been quite clear about denouncing those who judge by other than what Allah sent down and the fact that if it is down once or twice, it could be minor kufr and not major. However, such a difference does not exist for making or legislating laws and forcing others to submit to them. We would therefore like to give some examples of

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the `ulama that have ruled that legislating or making laws is kufr. We hope that Allah gives success to those who are seeking and researching this knowledge.

Imaam Abu Ja`far at-Tabari [310 AH/922 AD (RH)], gives the raw verdict on legislating laws,

“...They are those who do not judge by what Allah sent down in His Book, but they REPLACE, CHANGE and DEFORM His Judgement. They hide the truth, which He sent in His Book.

“Allah mentions that do those who mushrikun (pagans) and associators with Allah have partners in their shirk (association) and their being astray, innovating for them a religion that Allah did not make permissible for them to innovate. ” Jaami` ul-Bayaan, V. 11, p. 141.

Imaam Ibn Kathir (RH) has said,

“And as for the royal policies, which the Tartars were ruled by, they were taken from their king, Genghis Khan, who laid down for them al-Yaasiq, which is a book made up of laws which he took from different shari`as. It is from Judaism, Christianity, the Islamic religion and others. Also it contains many laws which he took from his sheer thinking and desire. Thus, it became within his sons a followed law to which they have been giving precedence over ruling by the Book of Allah and the Sunna of His Messenger. Whoever does this is a kaafir that must be fought until he returns to the rule of Allah and His Messenger.” Tafsir Ibn Kathir, V. 2, p. 63-67.

The same Imaam goes on in another place,

“Thus whoever left from the Wise Shari`a sent upon Muhammad bin `Abdullah, the Seal of the Prophets and makes judgements to other than it from the abrogated Shari`as has become a kaafir. So how is it for the one who makes judgement to al-Yaasiq and makes it superior over it (the Islamic Shari`a)? Whoever did that, then he has already become a kaafir by consensus of the Muslims.” Al-Bidaaya wan-Nihaaya, V. 13, p. 119.

Due to the fact of the Imaam quoting an ijmaa` about ruling and legislating laws, there is no need to continue on, but for the blessing and clarity of doing so, we will include a few other quotes.

Imaam Abu Hayyaan al-Andalusi [754 AH/1353 AD (RH)] comments about the ayah,

‘Whoever does not judge by what Allah sent down, then they are kaafirun,’ Surat ul-Maa`idah, ayah 44,

“The meaning is manifest and general and it is universal for this Ummah and for the others that came before them.” Al-Bahr ul-Muhit, V. 3, p. 492.

Imaam Badr ud-Din al-`Aini [855 AH/1451 AD (RH)] has mentioned,

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“Whoever changed the Shari`a of the Prophets and made his own shari`a, his Shari`a is baatil (false). It is haraam to follow these people,

‘Or do they have partners for them legislating a religion that Allah did not give permission for at all? Had it not been for the word of decision and decree, the matter between them would have been judged. And truly for the oppressors is a tortuous punishment,’ Surat ush-Shuraa, ayah 21.

“Due to this, the Jews and Christians became kuffar. They hold tight to their changed Shari`a and Allah made it obligatory on humanity to follow the Shari`a of Muhammad (SAW).” Umdat ul-Qaari, V. 24, p. 81.

Al-`Allamah Muhammad Ibn `Abdul Wahhaab [1206 AH/1792 AD (RH)] proclaims,

“This is the establishment of the general rule that the order and way of legislation is from Allah and not other than Him.” Tarikh Najd ibn Ghannaam, p. 547.

He says further,

“It is forbidden from the creation to associate in the hukm (legislation/judgement) of Allah.” at-Tarikh Najd ibn Ghannaam, p. 554.

Imaam Muhammad al-Amin ash-Shanqiti [1393 AH/1973 AD (RH)] has said about legislating laws and making them,

“By these clear texts which we mentioned before, it reveals with clarity that those who follow the accursed man-made law which the Shaitan legislated on the tongues of his allies and supporters in contradiction to what Allah legislated on the tongues of His Messengers, that there is no doubt in their kufr and shirk except the one whom Allah has robbed of clear sight and blinded Him to His Revelation like them (those who rule by man-made laws).” Adwaa’ ul-Bayaan, V. 4, pgs. 90-92.

Due to the fact that some in our ‘modern’ era might try to say that the Shaikh here means the minor shirk, we will quote him on the same subject with much more clarity,

*“To commit shirk in worship is the same as committing shirk in hukm (legislation/judgement). There is no difference between the two in ANY MANNER. There is NO difference between the two in ANY SENSE, between he who follows a system and regime other than the system of Allah, or a Tashrii` (LEGISLATION) other than the LEGISLATION of Allah. And he who worships an idol, or prostrates to a false god, there is no difference between the two! They are ONE and THE SAME, **BOTH ARE MUSHRIKS** (idol worshippers) **ASSOCIATING PARTNERS WITH ALLAH.**”* Adwaa’ ul-Bayaan, V. 7, p. 162.

Shaikh Ahmad Shaakir [1377 AH/1958 AD (RH)] speaks forcefully,

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“For those that legislate, they are those that make the laws and believe that they are right and believe what they are doing is right. Those who are LEGISLATING, they are KUFFAR, even if they pray and/or fast.” as-Samaa` wat-Taa`ah, pgs. 16-19.

And as far the position of Shaikh Muhammad ibn Ibrahim Aala Shaikh (RH), again this is not evidence for the brother, but evidence for us. For when anyone reads the position of the Shaikh quoted by the brother, the Imaam Muhammad Ibn Ibrahim (RH) is speaking of not JUDGING by what Allah sent down in ONE or SOME matters. But when someone makes/legislates laws, this is a wholly different matter. We will first quote the statement of the Shaikh about minor kufr in JUDGEMENT that the brother gave previously:

*“The actualisation of the meaning of ‘Muhammad is the Messenger of Allah (SWT),’ is judging to his Shari`a and confining oneself to that- and rejecting whatever is in opposition to that from amongst the qawaanin (man-made laws) and all those things for which Allah (SWT) has not revealed any authority. And the one who **rules** by them (i.e. man-made laws) or **refers to them for judgment** whilst believing in the correctness of that or the permissibility of that, then he is a KAAFIR with the kufr which ejects a person from the religion.*

“AND IF HE DOES THAT WITHOUT BELIEF IN THEIR CORRECTNESS AND (without believing in the) PERMISSIBILITY TO JUDGE BY THEM, THEN HE IS A KAAFIR WITH THE KUFR OF ACTIONS, WHICH DOES NOT EJECT A PERSON FROM THE RELIGION.” Majmu`a Fataawa Shaikh Muhammad ibn Ibrahim, V. 1, p. 80.

There is yet another statement from Imaam Muhammad ibn Ibrahim (RH) about judging by other than Allah in ONE or SOME matters,

“As far as the statement, a kufr or a lesser degree, then it is when the judge makes judgement to other than Allah with firm conviction that it is disobedience. He believes that the judgement of Allah is the truth, but he left from it in one matter or more.” V. 21, p. 580.

Therefore, this is something important to understand. Notice that the Imaam has only mentioned judgement and what is associated with that. But what about someone who is not judging by other than what Allah sent down, but they are actually MAKING LAWS OR LEGISLATING LAWS?!

Imaam Muhammad Ibn Ibrahim (RH) says in another place:

“As far as whoever MADE LAWS in succession and makes others SUBMIT to it, then it is kufr, even if they said, ‘We have sinned and the judgement of the Revealed Law is more just.’ This is still KUFIR that REMOVES from the religion.” V. 21, p. 580

The reader should also know that Imaam Muhammad ibn Ibrahim (RH)’s ruling of major kufr is also upon the one who judges by other than what Allah sent down ALL OF THE TIME and not just sometimes. This has been pointed out by the Noble Imaam in his ground-breaking work, Tahkim al-Qawaanin (Judgement by Man-Made Laws) when in

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listing the six points of major kufr in judging by other than one Allah (SWT) sent down proclaims,

*The sixth is what many of the leaders of the elders from the villages, Bedouins and **others** judge by from the stories of their fathers and grandfathers. And their customs are what they have named their sulum which they inherited that from them (their elders). They judge by it and they resort to judgement to it **when the people dispute amongst themselves, remaining on the judgements/legislation of Jaahiliyyah**, in avoidance and revulsion of the judgement of Allah and His Messenger, there is no power or might except in Allah.³*

The reader should notice that the wording of the Imaam is showing that they have revulsion towards the Shari`a and that they resort to judgement to it when the people dispute amongst themselves. This is showing that it is being done all of the time and not sometimes, for someone will not always and continually refer to something in judgement unless they have taken it to be the rule in every matter for that situation.

To further show the ignorance (feigned or otherwise) of Abu Hamza let us look at his supporting evidences (shawwaahid) for his claim that the athar "kufran doona kufr" is a specific athar to a "specific" group" at a "specific" time".

Abu Hamza says in the same book:

"We are very surprised that those calling themselves salafis who use the word 'kufr doona kufr' from Ibn `Abbaas and they don't use the other saying condemning ruling by other than what Allah sent down. In addition to what Ibn `Abbaas has said in this regard, Ibn Mas`ud was asked regarding this same issue. When he was asked by some people, "What is reshwa (a bribe)?" He replied, "It is suht (ill-gotten wealth)." They then said, "No, we mean in judgment and ruling." He said, "This is the very kufr."

(end quote)

Allahu Masta'aan!!!

Firstly, I must point out that Abu Hamza has not translated the words of Abdullah Ibn Mas'ood(ra) correctly.

³ There are so many other quotes that we could give, but for the sake of brevity, we will stop at this point. Those who would like a more exhaustive treatment of these matters may refer to the work, '*Allah's Governance on Earth*,' which deals with these matters in fairly lengthy detail.

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In transliteration of the actual Arabic Abdullah ibn Mas'ood(ra) said is:

"Dhaalik al kufr"

Meaning in English , "It is the disbelief", not the , "VERY", kufr as Abu Hamza claims.

For example in Arabic "a house" is called "bayt" but "the house" is called "al bayt", when we translate "al bayt" we would not say "the VERY house", so why all the exaggeration..???

The answer is simple, in his ignorance, Abu Hamza thinks that when Abdullah ibn Mas'ood(ra) said "Dhaalik al kufr" , that Ibn Mas'ood(ra) was referring to "major" kufr and not "minor" kufr.

Again, the writer in the above has misunderstood a text from one of the scholars. He has actually read the word 'Dhaalika' in Arabic to be 'Dhaaka'. This is actually wrong, for indeed, the text of what Sayyiduna `Abdullah ibn Mas`ud said is not 'Dhaalika', rather it is 'dhaaka', which are two different words. We will look at how they differ.

Dhaalika is the third person masculine singular of the word that means 'that' in English. Its' female equivalent is 'tilka'.

Dhaaka is the third person masculine singer of the word dhaa, dhu or dhi, which in Arabic can mean, 'possessor,' for example, Dhul Jalaali wal-Ikraam (the Possessor of Majesty and Honour) one of the names of Allah. Another example of Dhu, dhaa or dhi in Arabic would be Dhun-Nun (the possessor the fish), which is a title used to refer to the Prophet Yunus (AS). Dhaaka is another form of this prefix that changes in Arabic depending on gender and case of what it is referring to in the language. 'Taaka' is the female form of the word dhaaka, but in most instances, this word can mean 'possessor,' or 'this one, this is' and so on.

Therefore, if one should want to be technical, we should then read the statement of Sayyiduna Ibn Mas`ud (RAA) perhaps not as, 'this is the very kufr,' and more stringently as, 'THIS ONE IS THE KUFR,' or 'THIS IS THE KUFR.'

In fact many people, out of a lack of knowledge of the basics of Islam, think that when the definite article "al" is used with the word "kufr", that this must indicate "major" kufr instead of "minor" kufr. This is possibly due to them mis-understanding a statement of Shaykh ul

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Islam(rh) in Iqtidaa' is Siraat il Mustaqeem on page 69.

This saying of these people (i.e. NOT Shaykh ul Islam) is, of course, completely false and contradicts the "'Ijmaa'"(unanimous agreement) of the Scholars of the Salaf(ra).

For example:

In his Saheeh, Imaam al Bukhaari(rh) made an entire chapter called "Kufran doona kufr, fisqun doona fisq, thulmun doona thulm."(as has been mentioned by Shaykh ul Islaam(rh) when he discusses the athar of Ibn Abbaas).

In this chapter Imaam Al Bukhaari(rh) mentioned some of the hadeeth where the Rasool(saw) described something as "kufr" but NOT the kufr which expels a person from Islam (i.e. not major kufr).

For example, The Messenger(saw) said in this chapter that the majority of the people in the Hellfire will be women. When asked the reason why this is, the Rasool(saw) said "yakfurnah" meaning "they commit kufr" the Companions then asked "Ayakfurnah billah?" they asked "Is it the kufr in Allah?"(i.e. Major kufr) and then the Rasool(saw) went on to explain that the "kufr" which the women commit is the "kufr" of denying the favours of their husbands to which the wife of Thaabit ibn Qays(ra) said "Innee akrah ul kufra fee al islaam", meaning "but I hate/abhor THE kufr in Islaam" Here the Sahaabiya(ra) used to definite article "al" and called this denial of the husbands favours to his wife as "al kufr" meaning "THE KUFUR" yet by the UNANIMOUS agreement(al-'Ijmaa') of the Scholars is "minor" kufr NOT "major kufr.

So here we can clearly see that the Sahaabah(ra) understood that some kufr is "major" and some is "minor" otherwise why would they has asked "Ayakfurnah billah?" if kufr was only one thing.?

Also in the authentic Hadeeth Abdullah ibn Abbaas(ra) was asked about the person who enters his wife through her anus and he said, "Haadhaa yas'aloonee anil kufr", meaning "This person is asking me about THE KUFUR(i.e. "al kufr").".

And yet by Al Ijmaa' doing such a disgusting act does not cause apostasy in Islam, it is "minor" kufr not major..!!

Also the Messenger(saw) said in Saheeh hadeeth, "There are three matters which are from the disbelief in Allah (huna min AL KUFUR

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billah), wailing over the dead(excessively), tearing the pocket's of ones garments(in excessive grief) and reviling ones ancestry."

Here the Rasool(saw) called these three "DISBELIEF IN ALLAH"..!!! And yet the Scholars of Islam have Al-Ijmaa' that ALL THREE of these actions are "minor" kufr and not "major" kufr that causes a person to apostate from the religion.

And finally going back to the VERY example given by Abu Hamza in his book:

"We are very surprised that those calling themselves salafis who use the word 'kufr doona kufr' from Ibn `Abbaas w and they don't use the other saying condemning ruling by other than what Allah U sent down. In addition to what Ibn `Abbaas w has said in this regard, Ibn Mas`ud w was asked regarding this same issue. When he was asked by some people, "What is reshwa (a bribe)?" He replied, "It is suht (ill-gotten wealth)." They then said, "No, we mean in judgment and ruling." He said, "This is the very kufr."

(end quote)

If we look at this athar of Abdullah Ibn Mas'ood which he uses:

" Ibn Mas`ud was asked regarding this same issue. When he was asked by some people, "What is reshwa (a bribe)?" He replied, "It is suht (ill-gotten wealth)." They then said, "No, we mean in judgment and ruling." He said, "This is the very kufr."

The actual words of Abdullah Ibn Mas'ood(ra) in transliteration are:

"Dhaalik al kufr" meaning "Is it the kufr".

Once again we find the definite article "al" attached to the word "kufr" and yet there is "al-Ijmaa'" AGREEMENT of all the Scholars of Al Islam that the kufr is the athar is "MINOR" kufr and not "major" kufr", for example:

In Majmoo' il Fataawah, Shaykh ul Islaam mentioned some of the actions which are actions of "minor" kufr. He(rh) said..."bearing false witness/testimony and Taking bribes in judgment/ruling("YARTASHI BI HUKMIHI")." Vol 28/343

The position of "Ahlis Sunnati wal Jamaa'ah" is that this is "minor kufr", whereas as Imaam al Qurtobi(rh) explains in his Tafseer:

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"And the Mathhab of the Khawaarij is that the one who takes bribes in judgment and judges by OTHER than what Allah(swt) has revealed is a KAAFIR (i.e. with "major" kufr". (2/191)

Allahu Akbar..!!

The reality and the "Mathhab" of certain people is becoming clear Insha'Allah.

For want of a better statement, what has been stated above is far from what the work detailing the word of Ibn Abbas (RAA) was attempting to address. Firstly, the basis and judgement that legislating man-made laws is major kufr without any doubt about it. This has nothing to do with the grammar of the ayaat in whether or not there is a definite article or whether or not there is ijmaa` on the definite article. The main point is that there is no shirk of a lesser shirk, lesser kufr or lesser nifaaq in making laws or legislating laws.

The most decisive ayah in this regard is the following,

'Or do they have partners for them legislating a religion that Allah did not give permission for at all? Had it not been for the word of decision and decree, the matter between them would have been judged. And truly for the oppressors is a tortuous punishment,' Surat ush-Shuraa, ayah 21.

Due to the fact that no one has brought any verse, hadith, ijmaa` or tafsir that would limit this ayah, the only possibility is to accept it in its' general form without any doubt. For indeed, the issue of legislation is so great, it warranted that a much larger book than the word of Ibn `Abbas (RAA) had to be done. The eventual large volume of *Allah's Governance on Earth* was put together to be an in-depth and detailed study on this subject alone. Therefore, rather than looking through a more than 60 page pamphlet on this issue, it behooves the brother in question to look through the more than 400 page Allaah's Governance On Earth Book so that all of his doubts can be laid to rest in the main body of the work as well as the question and answer section at the end of the work.

Praise be to Allah and peace and blessings be upon the Messenger Muhammad, His wives, family and companions.

Was-Salaamu Alaikum