



Nine Rules Concerning Kufr and Takfir

Compiled by SP Editorial.

All praise is due to Allaah and prayers and peace be upon Allaah's Messenger, to proceed:

1. The Origin, Basis with People Who Manifest Islaam is Affirmation of Islaam for Them

The basic principle with anyone who outwardly manifests Islaam, is that he is treated as a Muslim. Since whoever's Islaam is affirmed with yaqeen, it is not rejected with mere doubts. Shaikh ul-Islaam Ibn Taimiyyah said, "Whoever's Islaam was affirmed with certainty, then it cannot be removed from him with doubt. Rather, his Islaam will never cease until after the proof has been established against him and any doubt [concerning his case] has been removed" (Majmoo al-Fataawaaa 12/467). And this opposes what some of the Ignoramuses from the likes of Jamaa'at ut-Takfeer and many of those affected by their ideology are upon today, and who say "I do not know whether so and so is actually a Muslim", or "I can't affirm or deny Islaam for him" and what is similar to this. And they mean here not an original kaafir, but a person whose ascription to Islaam is openly known and who outwardly manifests it and proclaims it. And at the same time they are not able to prove with certainty that this person has brought something which cannot be anything but major kufr, and that all the conditions for takfir have been met and all the barriers removed, and the proof established upon him. Thus upon mere doubts, they do not affirm or deny a person's Islaam. And this is misguidance, and is the innovation of the people of "tawaqquf" from amongst the Takfeeris and those affected by their thought – those who withhold and do not confirm Islaam for those who actually proclaim it and manifest it.

2. Kufr Occurs with Belief, Speech, Action and Doubt

Kufr occurs by way of i'tiqaad (the hearts speech and action), qawl (the speech of the tongue) and fi'l (the actions of the limbs) and shakk (doubt). Shaikh 'Abdur-Rahman bin Nasir as-Sa'dee said, "Chapter: The Ruling upon the Apostate. "The apostate, murtad, is the one who exits from Islaam and enters into disbelief on account of an action, statement, a belief (i'tiqad) or doubt

(shakk).” Manhaj us-Saalikeen (p.112). This has been called al-kufr al-akbar (the major disbelief) and by some scholars as al-kufr al-i’tiqaadee (the kufr of belief).

Ibn al-Qayyim said, “And likewise, the branches of kufr (amongst them are) those which are statements and those which are actions. And just like a person can fall into disbelief (that expels from the religion) by wilfully saying a word constituting disbelief, and which is a branch of disbelief, then likewise, he can fall into disbelief (that expels from the religion) by doing an act of kufr, from amongst its branches that are actions, such as prostrating to an idol, belittling the mus-haf. So this is a principle”. (AsSalaat pp.53-54)

Shaikh Ibn Uthaimen said, “And whoever Allaah and His Messenger declares to be a disbeliever, then he is a disbeliever, regardless of whether that is by way of an action (he committed), or a belief (that he held) or a statement that he uttered. And whoever Allaah and His Messenger have not declared to be a disbeliever, and he ascribes himself to Islaam, then he is a believer and it is not lawful for us to declare him a disbeliever.” (Cassette: Questions and Answers from Qatar, 30th April, 2000)

3. The Major Kufr That Expels From the Religion

There are those matters that are the kufr that expel from the religion. These are affairs are independent kufr, i.e. kufr on their own. These include affairs like prostrating to an idol, kicking the qu’ran, mocking Allaah, or the Messenger or the deen, or juhood (rejection, in part or whole), istihlaal (declaring something unlawful to be lawful), istikbaar (arrogance), believing that from the creation are those who know the unseen, takdheeb (rejection, disbelief, in part or whole), nifaaq (hypocrisy of belief), kurh (hatred of the religion), practising magic, sacrificing to other than Allaah, or not believing in the Jinn or the Angels and so on. These are just by way of example. These are affairs that cannot be anything but major kufr. These affairs are kufr on their own, and do not require istihlaal (declaring them to be lawful) for them to be considered to be kufr that expels from the religion.

Shaykh Salih al-Fawzaan said, “And kufr occurs by takhdheeb (rejection of the heart)... and kufr also occurs by the speech with the tongue... and it occurs by mocking Allaah, His Messenger and His Book... and it occurs by istikbaar (arrogance) and imtinaa’ (refraining, holding back) from obedience to Allaah, as Allaah the Most High said about Iblees, “He refused (to prostrate), and became arrogant and became from the Disbelievers” (al-Baqarah 2:34), and it occurs by turning away from the deen of Allaah, not learning it and nor acting upon it... and it occurs by action, such as sacrificing to other than Allaah, or

prostrating to an idol, or working magic and learning it and teaching it...” (from ad-Da’wah no. 1648, 8th Rabee ul-Awwal 1419H).

4. Actions Labelled as Kufr But Do Not Expel From the Religion

Amongst the actions are those which have been labelled as kufr but are not from the kufr that expels from the religion, such as reviling the geneology, wailing over the dead, fighting a Muslim, entering a woman through her anus, ruling by other than what Allaah has revealed and similar affairs. These affairs are not independent kufr. This has been called al-kufr al-asghar (the minor disbelief) or al-kufr al’amali (the disbelief of action [that does not expel from the religion]). And thus, no one exits from the religion by way of this, unless he brings something additional to this indicating that he has declared it lawful, or he has rejected it (made juhood of it) and what is similar to this that would necessitate major kufr.

Al-Qaasimee says in his Tafseer: “When there occurs in a hadeeth: ‘He who does so and so has committed Shirk or Kufr’ - then what is not meant, is the Kufr which takes a person out of the Deen, nor the Greater Shirk which takes a person outside Islaam and causes the rulings of apostasy to apply - and we seek Allaah - the Most High’s - refuge. And al-Bukhaaree said: ‘Chapter: Kufr towards the spouse, and Kufr less than Kufr.’” (Mahaasinut-Ta.weel 5/1307).

Ibn al-Qayyim (rahimahullaah) aid: “...And this distinction (tafseel) is the saying of the Sahaabah who were the most knowledgeable of the Ummah about Allaah’s Book and about Islaam and Kufr and their essentials - and these matters are not to be taken except from them. Whereas the later people did not understand the meaning of this and so split into two groups: A group who expel people from the Deen due to commission of major sins and judge them to be eternally in the Hellfire, and a group who declare them to be Believers having complete and perfect Eemaan. So one has gone to one extreme and the other to the other extreme. And Allaah guided Ahlus-Sunnah to the correct saying and the middle way - which is amongst all its sayings just as Islaam is amongst all the religions. So what we have here is Kufr less than Kufr, and Nifaaq less than Nifaaq, and Shirk less than Shirk, and Fusooq less than Fusooq, and Dhulm less than Dhulm.” (Kitaabus-Salaah, p.26)

5. Differentiating Between Indicating Something to be Kufr and Between Declaring a Person to be Kaafir

Shaikh Ibn Ibraaheem said, “...So we know from this that takfeer cannot be performed upon anyone except after the proof has been established against

him...Then there are two other matters: The first, the ruling about this particular thing that it constitutes disbelief. The second, the ruling upon the individual himself, this is something else, and then the takfeer of a whole group, such as the Jahmiyyah, this is (yet) another thing.” ‘Fataawaa’ (12/190-191)

There is a difference between making takfir upon the act (known as takfir bil-wasf, or takfir bin-naw) and making takfir of a person (takfir bil-ayn). So an example of the first is when it is said, “whoever kicks the Quran has disbelieved” or “whoever mocks Allaah has disbelieved”. This is a general statement by which it is being explained or indicated that the act is mukaffir (i.e. expels from the religion). And the example of the second is when we say “so and so (i.e. a specific named person) is a kaafir, because he did such and such”. In short, we make a difference between declaring the act to be kufr, and passing a judgement upon the one who falls into it of being a kaafir. It does not follow that just because someone has fallen into kufr that he is judged a kaafir. Rather, when someone falls into that which is kufr, then the Sharee’ah guidelines to takfir are adhered to, which are explained below.

6. Adhering to the Sharee’ah Guidelines in Arriving at Takfir of a Person

Shaikh Ibn Uthaymeen said, “So the judgement of takfir of a specific individual requires two matters: a) Establishing that this characteristic that he brought is what necessitates kufr (i.e. the kufr that expels from the religion). b) Applying the conditions of takfir to him...” (Al-Qawl ul-Mufeed Alaa Kitaab it-Tawheed p. 2/271).

And Shaykh Ibn Uthaymeen was also asked, “The conditions for the judgement of takfir of a Muslim? And the judgement upon the one who did any action that is mukaffir (i.e. expels from the religion) but only in jest (not seriously)?” The Shaykh replied by saying, “For the judgement of the takfir of a Muslim, there are two conditions: The first, that the evidence that this matter is something that expels from the religion is established. The second, the application of the ruling upon the one who does that, in that he has knowledge of it and that he intends it (aaliman bidhaalik qaasidan lahu).” Majmoo al-Fataawaa, 2/125-126

When a person brings that which is major disbelief (which is either those things that are independent kufr, i.e. what is major kufr, or when he makes istihlaal of what is minor kufr or any sin that is less than major kufr, or he makes juhood of it and what is similar to this, then the conditions for his takfir

must be present and any barriers must be removed. On the one hand we have the conditions, which are a) ilm, knowledge and b) qasd, intent or ikhtiyaar, wilful choice. And opposing this, are the barriers to takfir, which are a) jahl, ignorance that opposes knowledge b) ikraah, compulsion that opposes wilful choice, or intent c) ta'weel, which is a faulty interpretation, again which opposes wilful choice and deliberate intent d) shubhah, which is a misconception, or doubt that one is under, e) dhuhood, unmindfulness, that is when one is not aware of what one is doing. So these are barriers, which prevent the conditions from being fulfilled.

Once the conditions have been fulfilled however, the proof has been established (iqaamat ul-hujjah), and the person is asked to repent. If not, then he is an apostate.

7. An Important Note About the Difference Between the Intent (Qasd) for an Act of Disbelief and the Reason, Motive for the Act

There is a difference between the qasd (intent) for committing an action, and between the reason and motive for the action. Not differentiating between these has led some people astray. To give an example. A person is an actor and he is asked to revile the Messenger (sallallaahu alaihi wasallam) as part of a play. If he wilfully performs this act, intending to perform it, then his qasd (intent) for the action is established. From this point onwards, what his reason or motive for the act is irrelevant. Thus, he might have done this to earn some money, or he might have done it for a joke, or he could have done it to please the kuffar, or because he hated the deen. So all of these are different reasons. But these are irrelevant. As long as his qasd, intent for the action was there, then he becomes a disbeliever, after the establishment of the proof.

Shaykh Salih al-Fawzaan said, "And as for kufr, it is refraining from entering into Islaam or exiting from it and choosing a religion other than the religion of Allaah, due to arrogance or wilful opposition (takabbur, inaad), or due to preserving the ways of ones ancestors, or due to seeking some portion of this worldly life, such wealth, honour, or position..." And the Shaykh also said, "...And he can also be a kaafir with the kufr of apostasy when he enters into Islaam and then falls into one of the nullifiers which are from the types of kufr, regardless of whether he did it seriously, or jokingly, or seeking any of the affairs of the world, such as obtaining, wealth, honour, or position..." (from ad-Da'wah no. 1648, 8th Rabee ul-Awwal 1419H).

On the other hand, a person might fall into an act or statement of kufr, out of extreme joy, or intoxication, or unmindfulness, or compulsion (when under

threat of harm etc.). In this situation, the issue of whether he did it as a joke, or for serious, or for the world or whatever, does not even come into play, since his qasd, intent, for the action was not present to begin with. Shaykh Salih al-Fawzaan said, “And it is necessary that every action (of kufr) be accompanied with qasd (intent). Hence, the action of a person who forgets, or is asleep, or who is young, or is possessed, or is compelled, then it is not to be counted due to the absence of qasd (intent). And I advise those that they learn before they speak, because speaking in the likes of these affairs is dangerous, and it requires knowledge.” (Al-Muntaqaa 2/9-10).”

To differentiate between this is important, and unfortunately, some people, failing to understand this, have accused Ahl us-Sunnah with Irjaa' when they specified qasd, intent, for the act or statement as a requirement for takfir, and they unfortunately confused it with the reason, motive for the act, and so they thought that Ahl us-Sunnah say that if a person did it for the world, or for money or as a joke etc. that he does not disbelieve. So in their not understanding this affair, they accused others wrongly or mistakenly, by not differentiating between this and that.

8. On Those Who Make the Judgement of Takfir

The judgment for takfir is only for the scholars, the rulers, the qaadees and their likes, as this is a very dangerous matter. Shaykh Salih al-Fawzaan said, “The judgement of apostasy and expelling someone from the religion is only appropriate for the people of knowledge who are firmly grounded in knowledge, and they are the judges in the various Sharee'ah law courts, and those who are able of giving legal verdicts. And this is just like the other matters, and it is not the right of every person, or from the right of those who are learning, or those who ascribe themselves to knowledge, but who have deficiency in understanding. It is not appropriate for them to make judgements of apostasy (upon others). Since, mischief will arise from this, and sometimes a Muslim might be judged as an apostate but he is not actually so.” (MNJ090004). And Shaykh Abdul-Azeez Aal ash-Shaykh said, “And I love that I advise my brother Muslims and students of knowledge specifically that they are cautious of falling into this matter (i.e. making takfir) since it causes errors, and causes the minds to go astray, and let them entrust the affairs to those who are worthy of them.” (From Majallut-ad-Da'wah, no. 1797, 21st June 2001, p.40)

9. On Those Who Establish the Hadd Punishment

The establishment of the hadd is only for those in authority and not the common folk. Shaykh Salih al-Fawzaan said, “Meting out the punishments is

only appropriate for the leader of the Muslims and it is not for every person to establish the punishment, since confusion, and corruption necessarily follows from this, and also the cutting off of the society, tribulations and provocations occur. Establishing the punishments is appropriate (i.e. befits only) to the Muslim leader. ...So what has been said is that establishing the punishments (i.e. meting them out) is from the rights of the Sultaan, and when the Muslims do not have a Sultaan amongst them, then they should just suffice with commanding the good and forbidding the evil, and calling to Allaah, the Might and Majestic, with wisdom, good admonition and arguing with that which is best. And it is not permissible for individuals (in the society) to establish the hudood, since that, as we have mentioned, will bring about chaos, and also provocations, and tribulations will arise, and this contains greater corruption than it contains rectification..." (MNJ090004)

And may the prayers and peace be upon Allaah's Messenger, his family and companions and whoever follows his guidance.