

Shaykh, Dr 'Abdul'Azeez bin Rayyis ar-Rayyis  
Shaykh Mashhūr Hasan Āl Salmān  
Shaykh Faisal al-Jāsim, Shaykh, Dr Fahad al-Fuhayd  
Shaykh 'Ali bin Hasan al-Halabī al-Atharī  
Shaykh, Dr 'Āadil as-Subay'ī  
Shaykh 'AbdulMalik ar-Ramadānī al-Jazā'irī  
and Shaykh, Dr Khālid al-'Anbarī  
(hafidhahumullāh)

8 Salafī Scholars  
Speak on  
**Dr Yasir  
Qadhi's  
Theory**

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ON DR YASIR QADHI'S VOID THEORY THAT THE **MODERN SALAFI SCHOLARS**  
**"DISTORTED"** IBN TAYMIYYAH'S VIEW ON 'RULING BY OTHER THAN WHAT  
ALLĀH HAS REVEALED' AND **INVENTED** ISTIHLĀL WHENCE IBN TAYMIYYAH  
DID NOT **MENTION** IT

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**ON DR YASIR QADHI'S VOID THEORY THAT THE  
MODERN SALAFI SCHOLARS DISTORTED  
IBN TAYMIYYAH'S VIEW ON 'RULING BY OTHER  
THAN WHAT ALLĀH HAS REVEALED' AND  
INVENTED ISTIHLĀL WHENCE IBN TAYMIYYAH  
DID NOT MENTION IT<sup>1</sup>**

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**“...IF THIS MAN [YASIR QADHI] IS ACTUALLY ATTEMPTING TO CUT  
THE CONNECTION TO THE SCHOLARS AND IS DISREGARDING  
REFERRING BACK TO THEM, ALONG WITH ALSO TRYING TO INSTILL  
THE VIEW OF HĀKIMIYYAH IN THE WAY OF THE PEOPLE OF  
INNOVATION AS MENTIONED PRIOR, THEN BEWARE OF THIS MAN  
AND BE CAUTIOUS ABOUT TAKING KNOWLEDGE FROM HIM”**

**“AS FOR WHAT THIS DR [I.E. DR YASIR QADHI] HAS CLAIMED, MAY  
ALLĀH GUIDE HIM, THAT THE 'ULAMA, AL-ALBĀNĪ AND BIN BĀZ,  
MISUNDERSTOOD THE WORDS OF SHAYKH UL-ISLĀM IBN  
TAYMIYYAH, RATHER IT IS HE WHO HAS MISUNDERSTOOD THE  
WORDS OF SHAYKH UL-ISLĀM IBN TAYMIYYAH”**

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<sup>1</sup>Translator's note [*'AbdulHaq ibn Kofi ibn Kwesi al-Ashanti*]: questions posed to the Shaykhs between the 25 Jumāda al-Awwal – 5 Jumāda al-Ākhar 1435 AH/26 March – 5 April 2014 CE. Audios to be made available very soon insha'Allāh.

**“...THERE IS NO DOUBT THAT THIS IS A CLEAR ERROR, SO EITHER HE [YASIR QADHI] IS NOT FAMILIAR WITH THE TEXTS OF IBN TAYMIYYAH, OR HE DID NOT ASSESS HIS WORDS ADEQUATELY OR HE DOES NOT UNDERSTAND”**

**“IT IS APPARENT THAT HE IS IGNORANT OF THE STATEMENTS OF THE SCHOLARS OR HE DOES NOT UNDERSTAND THE WORDS OF IBN TAYMIYYAH...”**

**“[HE] DOES NOT UNDERSTAND KNOWLEDGE AND IS IGNORANT, OR HE COULD HAVE SOME KNOWLEDGE YET HE IS HASTY AND DOES NOT TAKE OUT THE NECESSARY TIME TO CONDUCT RESEARCH IN A PROPER WAY...”**

**“WHAT HE SAYS ABOUT IBN TAYMIYYAH IS INCORRECT. TAKFEER OF THE ONE WHO MAKES ISTIHLĀL OF RULING BY OTHER THAN WHAT ALLĀH HAS REVEALED IS SOMETHING WHICH IS AGREED UPON AND IS MENTIONED IN THE BOOKS OF CREED”**

**“THIS INDIVIDUAL IS MISKEEN, AS EVEN THE SENIOR SCHOLARS THEMSELVES SAY THAT WE NEED EACH OTHER SO HOW CAN A STUDENT OF KNOWLEDGE SEEK TO DISREGARD THE 'ULAMA? THIS IS A GRAVE CALAMITY AKHEE. THIS IS PROOF THAT HE HAS PROBLEMS WITH THE 'ULAMA”**

**“...TODAY THE WORLD IS ONE VILLAGE AND WHATEVER OCCURS IN AMERICA OR EUROPE REACHES US ON THE SPOT! VIA THE INTERNET, SOCIAL MEDIA OR THE NEWS WE KNOW OF ALL THAT OCCURS OVER THERE JUST AS YOU KNOW OF ALL WHAT OCCURS OVER HERE. THESE WORDS ARE INAPPROPRIATE TO TURN TO ESPECIALLY WHEN THE WHOLE WORLD HAS BECOME LIKE A SMALL VILLAGE.”**

**“IT IS AS IF THIS DR [YASIR QADHI] IS STILL LIVING IN THE MIDDLE AGES!”**

**“AS FOR HIS ACCUSATION AGAINST OUR MASHAYIKH, ALBĀNĪ, BIN BĀZ AND OTHERS, THEN THIS IS OUT OF HIS IGNORANCE AND IS A SIGN OF HIS DOWNFALL, ALLĀH KNOWS BEST. AS FOR WHAT HE SAYS ABOUT NOT REFERRING BACK TO THE SCHOLARS, THEN HE WANTS TO AVERT PEOPLE AWAY FROM THE 'ULAMA AND TO REFER BACK TO HIMSELF AND HIS LIKES. WE ASK ALLĀH TO GUIDE HIM...”**

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*Bismillah*

Question to the Shaykhs:

“There is an academic in America, Dr Yasir Qadhi, he is American and of Pakistani origin. He is currently a professor in one of the American universities after obtaining his doctorate and he is also a graduate of the Islamic University of Madeenah. He completed his Masters also from the Islamic University of Madeenah, the topic of his MA thesis being ‘The Influence of Jahm bin Safwān on the Muslim Ummah’.

However, in 2009 he delivered a lecture at the University of Edinburgh, Scotland in the UK on the topic of ‘The Reception of Ibn Taymiyya’s Fatwa on “Ruling by Other than God’s Law” Amongst Modern Salafi Scholars’. Within his lecture he claimed, without any solid evidence, that the modern Salafi scholars, such as Imām

al-Albānī, Imām Bin Bāz and Imām 'Uthaymeen, “disorted”<sup>2</sup> the view of Shaykh ul-Islām Ibn Taymiyyah in the issue of ruling by other than what Allāh has revealed and did not understand the issue as Ibn Taymiyyah did, and that they added the condition of 'Istihlāl' whence Ibn Taymiyyah did not mention it at all within his rulings and writings.

We attempted to notify this professor about his view as we had significant observations on it however he did not respond to our correspondence. Thus, what is the correct view in the issue? Did the modern Salafi scholars 'invent', add and make the condition of Istihlāl whence it was neither mentioned nor emphasised by Shaykh ul-Islām Ibn Taymiyyah? BārakAllāhu feekum! He also regularly argues that the Muslims who live in Western countries have no need to return to scholars outside of the lands for issues which affect them in those countries.”

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Answer from Shaykh, Dr 'Abdul'Azeez bin Rayyis ar-Rayyis (of the Salafi Shaykhs of Riyadh, Saudi Arabia):<sup>3</sup>

My brother 'AbdulHaq, more than one of the Imāms of Ahl us-Sunnah have mentioned a consensus regarding the kufr of a leader who rules by other than what Allāh has revealed who rules based on a belief of kufr such as Istihlāl, Ibā', Istikbār, I'rād and the likes. Shaykh Bin Bāz (*rahimabullāh*) mentioned that this is the view of Ahl us-Sunnah in his fatāwā and that this is the view of Shaykh Muhammad bin Ibrāheem and that he concurred with the rest of the scholars of Ahl us-Sunnah.

As for the view of Ibn Taymiyyah in the issue then it is more famous than it having to be mentioned, for it is clear that he did not make takfeer based on the mere ruling [by other than what Allāh has revealed] and he mentioned Istihlāl and the likes. I transmitted some of the statements of Shaykh ul-Islām Ibn Taymiyyah in my book *Tabdeed Khawāshif il-'Aneed bi-t-Takfeer id-Damlat it-Tamheed*, my book which has an introduction to it by our Shaykh, al-'Allāmah Sālih al-Fawzān and the book is available for download on our website [www.islamancient.com](http://www.islamancient.com) and the book itself is a refutation of Abū Muhammad al-Maqdisī.

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<sup>2</sup> The word which Qadhi actually uses is “disorientated”!?

<sup>3</sup> Dated: 25 Jumāda al-Awwal 1435 AH/Wednesday 26 March 2014 CE.

I also discussed the issue in my book *al-Burbān al-Muneer fī Dahd ish-Shubuhāt Ahl it-Takfeer wa't-Tajfeer* [The Clear Proofs for Refuting the Doubts of the People of Takfeer of Bombing].<sup>4</sup> **What Ibn Taymiyyah says on the matter is clearer that the sun at midday, and no one can deny this except for a man who is ignorant and does not know the reality of the statements of the people of knowledge, or he is from Ahl ul-Bida' such as the Surūriyyeen and their likes.** What is present from the statements of those scholars is very apparent to the extent that due to its intense lucidity there is no need for any further research into the matter. I gave a lecture about a year ago entitled *Naqd Usūl il-'Qā'idah* [A Critique of the Foundational Principles of the al-Qaeda Terrorist Group] within which I mentioned many of the doubts of those people and refuted them, and whoever wishes to return back to them can do so.

**As for [his argument about not referring to scholars outside of the West] then this is something which is common to hear from the likes of the Muslim Brotherhood, the Surūrīs and other partisan groups they attempt to disconnect Ahl us-Sunnah from the scholars of Ahl us-Sunnah who are based in the land of tawheed Saudi Arabia, such as al-'Allāmah Sālih al-Fawzān and others based on the argument that each land has its own scholars.**

It is known that scholars of Islām if they speak about a matter do not speak except after understanding the matter, and this is all the more the case in these times wherein the world has become a village as is said, this is the custom of the scholars and the ruling on a matter is a branch of comprehending it. Yet you see those partisans contradict themselves as an issue does not occur in the east or the west which harms their group except that they rush to speak about it! To the extent that they disregard the scholars of those lands and stand in solidarity with their group, they do not say at these instances “the people of the land know better about their situation”!

What happened with Muhammad Morsi in Egypt is a case in point, when the partisan political groups in the east and west, and in the whole world, stood alongside him and the partisans of Egypt and they did not say “the people of the land know better about them”!?

Thus, this is a well-known method which they use in order to cut off Ahl us-Sunnah from the scholars of Ahl us-Sunnah. Indeed, they even formed the Union of Muslim Scholars which was another of their means in order to unify the partisans with the

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<sup>4</sup> Translated Ebook of this available for download from [www.SalafiManhaj.com](http://www.SalafiManhaj.com)

Rāfidah, 'Ibādiyyah and others and to remove Ahl us-Sunnah from the scholars of the Sunnah. **As a result, beware of those who traverse the method of such partisan people, if this man is actually attempting to cut the connection to the scholars and is disregarding referring back to them, along with also trying to instill the view of Hākimiyyah in the way of the people of innovation as mentioned prior, then beware of this man and be cautious about taking knowledge from him until his condition is known.**

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**Answer from the Muhaddith and Usūlī, Shaykh Mashhūr Hasan Āl Salmān (hafidhahullāh, Student of Imām al-Albānī, Jordan):<sup>5</sup>**

In the Name of Allāh, and may prayers and blessings be upon the Messenger of Allāh. First of all, bārakAllāhu feek, you should know that the words of the scholars do not carry legislative authority and are in need of proofs and are not proofs in and of themselves. Shaykh ul-Islām Ibn Taymiyyah with all his truthfulness and knowledge, it is not possible for his *taqrīrāt* [views] to cover all times and places, especially that which he did not comprehend or witness. Furthermore, Shaykh ul-Islām Ibn Taymiyyah excuses on account of ignorance, excuses on account of the absence of Istihlāl and the proofs for this are replete within his books, and I do not think that the lecturer who has been indicated here denies that Shaykh ul-Islām says the kufr which expels from the religion by speech and action is that which opposes īmān in all aspects, and this was detailed and explained, in a manner which requires no further elaboration, in his book *al-Īmān*.

There are many actions of kufr about which Shaykh ul-Islām rules to be kufr however he does not judge the one who has committed those actions to be a disbeliever – except if he makes Istihlāl of it. These words from Shaykh ul-Islām are widespread throughout his books, and this is based on his *taqyīd* [restriction] that the statement or action which expels from that religion is that which opposes īmān in all aspects. If a judge judges according to other than what Allāh has revealed, or a ruler rules based on his desire then Ibn Taymiyyah does not make takfeer on such unless they make Istihlāl

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<sup>5</sup> Dated: 30 Jumāda al-Awwal 1435 AH/Monday 31 March 2014 CE.

of it. I think that these introductory principles are agreed upon between us and him [i.e. Ibn Taymiyyah].

What remains now though is the type of rule which exists today in the Muslim countries, is such rule that which renders the one who rules by it to be a disbeliever or not? Initially we have to make *istishāb* [the presumption of the continuity of the present condition as similar to the former condition] of the principles: **Ibn Taymiyyah did not experience what we did however shortly after his time the rule of politics as opposed to the Sharee'ah emerged and the 'Ulama deemed it as being erroneous and Imām al-Bulqīnī has a fatwa prohibiting rule by politics however he did not make takfeer of the one who committed it.** Al-Bulqīnī met many of the senior students of Shaykh ul-Islām such as Ibn Katheer and others. Shaykh ul-Islām did not make takfeer of the rulers of his time.

**As for what was mentioned that Shaykh ul-Islām Ibn Taymiyyah did not view as what is seen today – then this is correct, there is some accuracy in this, however to say that Ibn Taymiyyah did not make takfeer on account of Istihlāl is bātil and we judge according to the Usūl of Shaykh ul-Islām and not his fatāwā.** The Usūl of Shaykh ul-Islām taken from his texts is what we use a judging criteria in this matter, so after we inspect his Usūl which is based on the texts after which it is not to be said that we have changed, distorted or substituted, there is difference however between a fatwa and the verification of a fatwa. This is the detailed answer about that view.

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**Answer from Shaykh Faisal Jāsim (hafidhahullāh, of Kuwait and author of Tajreed ut-Tawheed, al-Ashā'irah fi Mizān Ahl is-Sunnah, and the book Usūl Shaykh Bin Bāz fi Radd 'ala'l-Mukhālif commended by al-'Allāmah Sālih al-Fawzān):<sup>6</sup>**

**This differentiation is void generally and specifically! This condition of Istihlāl was mentioned by Ibn Taymiyyah and was actually mentioned before Ibn Taymiyyah. Many Imāms mentioned Istihlāl, and even in Minhāj us-Sunnah Ibn Taymiyyah mentioned Istihlāl.** Ibn Taymiyyah mentions the Bedouin Arabs who rule by their tribal codes which they inherited from their ancestors and Ibn Taymiyyah

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<sup>6</sup> Dated 27 Jumāda al-Awwal 1435 AH/Friday 28<sup>th</sup> March 2014 CE.



mentions that they have “made *istihlāl* of other than what Allāh has revealed and such as disbelievers, otherwise they are ignoramuses”. This is what Ibn Taymiyyah documents.<sup>7</sup>

Ahl us-Sunnah are agreed on this, that if a person rules by other than what Allāh has revealed out of *Istihlāl* [he is a disbeliever] and there is no difference on this. Many scholars mentioned *Istihlāl* and this is something which is agreed upon among Ahl us-Sunnah wa'l-Jama'ah. There is agreement that if a ruler rules by other than what Allāh has revealed out of *Istihlāl* then there is no difference about the ruling on such a person,

<sup>7</sup> Translator's Note [ʿAbdulHaq al-Ashanti]:

Shaykh ul-Islām Ibn Taymiyyah (*rahimahullāh*) stated in *Minhāj us-Sunnah*, vol.5, p.130:

"ولا ريب أن من لم يعتقد وجوب الحكم بما أنزل الله على رسوله فهو كافر، فمن استحل أن يحكم بين الناس بما رآه هو عدلاً من غير اتباع لما أنزل الله فهو كافر، فإنه ما من أمة إلا وهي تأمر بالحكم بالعدل، وقد يكون العدل في دينها ما رآه أكابرهم، بل كثير من المنتسبين إلى الإسلام يحكمون بعاداتهم التي لم ينزلها الله . سبحانه وتعالى . كسوالف البادية، وكأمر المطاعين فيهم، ويرون أن هذا هو الذي ينبغي الحكم به دون الكتاب والسنة!... [وكثير من الناس أسلموا، ولكن مع هذا لا يحكمون إلا بالعادات الجارية لهم التي يأمر بها المطاعون، فهؤلاء إذا عرفوا أنه لا يجوز الحكم إلا بما أنزل الله فلم يلتزموا ذلك بل استحلوا أن يحكموا بخلاف ما أنزل الله فهم كفار وإلا كانوا جهالاً كمن تقدم أمرهم"اهـ.

There is no doubt that the one whose does not believe in the obligation of ruling by what Allāh has revealed to His Messenger is a disbeliever. Whoever makes it lawful to rule the people by what he thinks is justice and not following what Allāh has revealed is a disbeliever. There is no nation except that it orders ruling with justice and sometimes justice, as perceived by its senior leaders, can exist in its religion. Many of those who ascribe themselves to Islām judge by their customs that Allāh has not revealed.

This is like the traditional customs of the Bedouins and the chiefs were obeyed in this regard and they used to consider that it was desirable to rule by such customs without referring to the Book and the Sunnah, this is *kufr*. As many people became Muslim but they did not rule except by their traditional customs which were passed down to them and which were ordered by those leaders who they obeyed. So if they know that it is not allowed to rule except by what Allāh has revealed and did not adhere to that but in fact declared it to be lawful for themselves to rule in opposition to what Allāh has revealed, then they are disbelievers. And if not (i.e. did not declare it lawful) then they are merely ignorant people as has been mentioned prior about them.

and the scholars also mention about the one who makes Istihlāl generally of the prohibitions. This issue was consecutively followed up by Shaykh Muhammad ibn 'AbdulWahhāb, Shaykh 'AbdulLateef in a separate treatise and a group of the people of knowledge and no one denies this. The issue wherein there is difference is the manifestation of Taqneen, as for ruling by other than what Allāh has revealed as only being kufr based on Istihlāl then this is documented textually by Ibn Taymiyyah.

**It is apparent that he is ignorant of the statements of the scholars or he does not understand the words of Ibn Taymiyyah.** The texts of the scholars from the people of knowledge are manifest, clear and apparent and in the tafseer of at-Tabarī and others the aspects of Juhūd, Radd and Istihlāl are mentioned. As for Istihlāl then it is the most apparent of these things and as a result some of them do not mention it due to its apparentness and fame. **As for what he mentioned that Ibn Taymiyyah did not mention it then there is no doubt that this is a clear error, so either he is not familiar with the texts of Ibn Taymiyyah, or he did not assess his words adequately or he does not understand. It is apparent that he merely transmitted this assertion from others.**

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**Answer from Shaykh, Dr Fahad al-Fuhayd (hafidhahullāh, of the Main Students of Imām al-'Uthaymeen; Professor, Usūluddeen Department, Imām Muhammad bin Saud Islamic University, Riyadh, KSA):<sup>8</sup>**

These words are incorrect and there are details required in this issue, ruling by other than what Allāh has revealed is not merely just one issue which allows for just one ruling on the matter, the 'Ulama provide details in regard to the matter. This issue was mentioned by Shaykh ul-Islām Ibn Taymiyyah and also by the explainer of *al-'Aqeedah at-Tabawiyyah*, Ibn Abi'l-'Izz al-Hanafī. **It was also mentioned by those of the past such as Ibn 'Abbās and 'Abār, and most of the commentators of the Qur'ān who rely on the Athar such as Ibn Jareer at-Tabarī, al-Baghawī and their likes transmit the tafseer of Ibn 'Abbās that it [ruling by other than what Allāh has revealed] is kufr less than kufr.** In any case, there is lengthy detail in the issue and it is not as how this professor has mentioned.

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<sup>8</sup> Dated: 27 Jumāda al-Awwal 1435 AH/Friday 28 March 2014 CE.

**What he says about Ibn Taymiyyah is incorrect. Takfeer of the one who makes Istihlāl of ruling by other than what Allāh has revealed is something which is agreed upon and is mentioned in the books of creed.** However, the one who rules by other than what Allāh has revealed without Istihlāl this is the one about whom the 'Ulama have discussed and yes, there are some contemporary scholars who say that if the rule is general for all areas of life then even without Istihlāl from such a ruler being apparent and regardless of this matter, we judge this to be kufr [which expels from the religion], there are some who say this. If you want more details on this refer back to the book *at-Tambeed Sharh Kitāb it-Tambeed* by the Minister of Islamic Affairs, Shaykh Sālih Āli Shaykh.

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**Answer from the Muhaddith, Shaykh 'Ali bin Hasan al-Halabī al-Atharī, (hafidhahullāh, Student of Imām al-Albānī, Jordan):**

He is well-known [Yāsir Qādhi]. We ask: did the scholars make Istihlāl a condition based on their opposition to understanding the text, or did they make it a condition based on their religiosity towards the text and their understanding of the words of Shaykh ul-Islām Ibn Taymiyyah? If we were to place the understanding of Ibn Taymiyyah's words according to the likes of this doctor and twenty like him on a pan of the scales, and the words of the Shaykh al-Albānī, Shaykh 'Uthaymeen and Shaykh Bin Bāz and their understanding on the other scale – whose words are we going to accept in our religion? And which is safer for our souls and purer for our hearts and minds? The issue is clear I do not know how the people can understand something without insight. **Ibn Taymiyyah documents that ruling by other than what Allāh has revealed is major kufr which indicates that it can only be major with either Istihlāl, or Takhdheeb, or Juhood, or Inkār, or Istihzā' or the likes.**

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**Answer from Shaykh, Dr 'Adīl as-Subay'ī (hafidhahullāh, Professor in the Prophetic Sunnah Department, Imām Muhammad bin Saud Islamic University, Riyadh, KSA;**

Student of the Muhaddith of Madeenah 'AbdulMuhsin al-'Abbād al-Badr and Author of Doctoral Thesis on the Takhreej of the Ahādeeth in Majmū' al-Fatāwā of Shaykh ul-Islām Ibn Taymiyyah):<sup>9</sup>

First of all, it has to be acknowledged that it is not known from the Salaf that they made takfeer of specific ruler based on ruling by other than what Allāh has revealed. What has been relayed is from Ibn Kātheer and what he mentioned in his tafseer about Genghis Khan and the Yāsiq law codes by which he used to rule. **As for Shaykh ul-Islām Ibn Taymiyyah and the people of knowledge generally, then they have detailed words about all acts of disobedience which the children of Ādam commit. These acts of disobedience and sin which are committed if they are committed based on one making Istihlāl of them then he is rendered a disbeliever, as for committing them while knowing that he is mistaken then he is not a disbeliever.**

The words of Ibn Taymiyyah are clear in this issue and he explains this in detail like for instance when he takes about the Bedouins who refer legislation to the Sulūm [tribal codes and customs] and that if they make Istihlāl of that then they are disbelievers otherwise then they are sinful. The words in his fatāwā are clear in that he makes a condition that the one who rules by other than what Allāh has revealed will be rendered a disbeliever if he makes Istihlāl of it.<sup>10</sup> The text is

<sup>9</sup> Dated 30 Jumāda al-Awwal 1435 AH/Monday 31 March 2014 CE.

<sup>10</sup> Translator's Note [ʿAbdulHaq al-Ashanti]:

Shaykh ul-Islām Ibn Taymiyyah (*rahimahullāh*) stated in *Minhāj us-Sunnah*, vol.5, p.130:

"ولا ريب أن من لم يعتقد وجوب الحكم بما أنزل الله على رسوله فهو كافر، فمن استحل أن يحكم بين الناس بما رآه هو عدلاً من غير اتباع لما أنزل الله فهو كافر، فإنه ما من أمة إلا وهي تأمر بالحكم بالعدل، وقد يكون العدل في دينها ما رآه أكابرهم، بل كثير من المنتسبين إلى الإسلام يحكمون بعاداتهم التي لم ينزلها الله . سبحانه وتعالى . كسوالف البادية، وكأمر المطاعين فيهم، ويرون أن هذا هو الذي ينبغي الحكم به دون الكتاب والسنة!... [وكثير من الناس أسلموا، ولكن مع هذا لا يحكمون إلا بالعادات الجارية لهم التي يأمر بها المطاعون، فهؤلاء إذا عرفوا أنه لا يجوز الحكم إلا بما أنزل الله فلم يلتزموا ذلك بل استحلوا أن يحكموا بخلاف ما أنزل الله فهم كفار وإلا كانوا جهالاً كمن تقدم أمرهم"اهـ.

There is no doubt that the one whose does not believe in the obligation of ruling by what Allāh has revealed to His Messenger is a disbeliever. Whoever makes it lawful to rule the people by what he thinks is justice and not following what Allāh has revealed is a disbeliever. There is no nation except that it orders ruling with justice and sometimes

there, and I can send it to you which can be read to him.<sup>11</sup> The Bedouin Arabs had their tribal codes called Suloom, similar to the man-made laws which are present today in the Muslim countries.

Thus, this man who is speaking does not understand knowledge and is ignorant, or he could have some knowledge yet he is hasty and does not take out the necessary time to conduct research in a proper way. Ibn Taymiyyah has clear words on this. **As for his accusation against our Mashayikh, Albānī, Bin Bāz and others, then this is out of his ignorance and is a sign of his downfall, Allāh knows best.**

**As for what he says about not referring back to the scholars, then he wants to avert people away from the 'Ulama and to refer back to himself and his likes. We ask Allāh to guide him, we advise him, and perhaps Allāh will guide him.**

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**Answer from Shaykh 'AbdulMalik ar-Ramadānī al-Jazā'irī (hafidhahullāh, of the Salafi Shaykhs of Algeria; Student of the Muhaddith of Madeenah, al-'Allāmah 'AbdulMuhsin al-'Abbād al-Badr and author of the critically acclaimed Madārik un-Nadhr fi's-Siyāsah):<sup>12</sup>**

Istihlāl is present my brother in the words of Ibn Taymiyyah and it has not been invented by the three Imāms [al-Albānī, Bin Bāz and 'Uthaymeen]. It is found in *Majmū' al-Fatāwā* particularly wherein Ibn Taymiyyah discusses jihād and the verses of Sūrat ut-Tawbah. **Herein Ibn Taymiyyah mentions the words of the 'Ulama and the detailed words**

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justice, as perceived by its senior leaders, can exist in its religion. Many of those who ascribe themselves to Islām judge by their customs that Allāh has not revealed. This is like the traditional customs of the Bedouins and the chiefs were obeyed in this regard and they used to consider that it was desirable to rule by such customs without referring to the Book and the Sunnah, this is kufr. As many people became Muslim but they did not rule except by their traditional customs which were passed down to them and which were ordered by those leaders who they obeyed. So if they know that it is not allowed to rule except by what Allāh has revealed and did not adhere to that but in fact declared it to be lawful for themselves to rule in opposition to what Allāh has revealed, then they are disbelievers. And if not (i.e. did not declare it lawful) then they are merely ignorant people as has been mentioned prior about them.

<sup>11</sup> **Translator's note ['AbdulHaq]:** indeed, this is what we tried to do! Yet no answer or response from Dr Yasir Qadhi whatsoever to our correspondence! Allāhu Musta'an.

<sup>12</sup> Dated 30 Jumāda al-Awwal 1435 AH/Monday 31 March 2014 CE.

of the scholars regarding Istihlāl, it is not something which has been merely invented by the three Imāms [al-Albānī, Bin Bāz and 'Uthaymeen]. Istihlāl is well-known and this is mentioned also by al-Qurtubī in his tafseer, also by Abū Bakr ibn al-'Arabī in his tafseer *Ahkām ul-Qur'ān* and many other Imāms. I have some research which I conducted on the topic which will soon be published and you will see that the statements from the people of knowledge on the issue are plentiful.

As for what he says about not referring back to the scholars outside of the country then this is exactly what was stated by 'Alī belHadj in Algeria. Whenever they find that the 'Ulama oppose them they then seek to disregard them. **This individual is miskeen, as even the senior scholars themselves say that we need each other so how can a student of knowledge seek to disregard the 'Ulama? This is a grave calamity akhee. This is proof that he has problems with the 'Ulama.**

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Answer from Shaykh, Dr Khālid al-'Anbarī (hafidhahullāh, of the Salafi Shaykhs of Egypt, author of the critically acclaimed book commended by Imām al-Albānī, *Hukm bi Ghayri Ma Anzala Allāh*<sup>13</sup>):<sup>14</sup>

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<sup>13</sup> **Translator's note ('AbdulHaq al-Ashanti):** Scanned copies of Imām al-Albānī's introduction to Shaykh Khālid's book are on pages 5-6 of the fifth edition of *al-Hukm bi Ghayri Mā Anzala Allāh: Wa Usūl ut-Takfeer fī Dau' il-Kitāb wa's-Sunnah wa Aqwāli Salaf il-Ummah* [Ruling By Other Than What Allāh Has Revealed: Principles of Takfeer in Light of the Book, Sunnah and Statements of the Salaf of the Ummah] (Shāriqah, UAE: Maktabah as-Sahābah, 1425 AH/2004 CE).

Shaykh 'Isām Mūsā Hādī stated in his book *Muhaddith ul-'Asr: al-Imām Muhammad Nāsiruddeen al-Albānī, Kamā 'Araftuhu* [The Muhaddith of the Era: Imām Muhammad Nāsiruddeen al-Albānī As I Knew Him] (Dār us-Siddeeq), p.75:

**The last that al-Albānī wrote on the issue of takfeer:**

**I came across, in my possession, the commendation of our Shaykh (Imām al-Albānī) to the book by the brother Khālid al-'Anbarī, but he did not complete it all due to our Shaykh's illness and hospitalisation. It was the last that our Shaykh (rahimahullāh) authored on the issue of takfeer, his commendation was after the publication of the two books of 'Ali al-Halabī: at-Tahdheer and Sayhat un-Nadheer [The Cry of the Warner].**

Imām al-Albānī stated in his introduction to the book *Hukm bi Ghayri Ma Anzala Allāh* by Shaykh, Dr Khālid al-'Anbarī:

All praise is due to Allāh, the Lord of the Worlds, Who said in His Noble Book

**"...and do not be from the Mushrikeen, from those who divided their religion and became sects each party rejoicing in what they have."**

{*ar-Rūm* (30): 31-32}

And may peace and blessings be upon Muhammad who made the sign of the Firqat un-Nājiyah as being holding firm to what he and his companions were upon and made it a Jama'ah, instructed to be from it and warned from opposing them, for he said (*sallallāhu 'alayhi wassallam*): "Stick to the Jama'ah as the wolf eats up the lone sheep."

And may peace and blessings be upon his family and his companions who were guided about whom the Lord of the Worlds warned from opposing their way, for He said in His Noble Book:

**"And whoever opposes the Messenger after guidance has become clear to him and follows other than the way of the believers – We will give him what he has taken and drive him into Hell, and evil it is as a destination."**

{*an-Nisā'* (4): 115}

And upon whoever follows and implements their way up until the Last Day, to proceed:

All praise is due to Allāh and may peace and blessings be upon Allāh's Messenger (*sallallahu 'alayhi wassallam*). This issue does not have within it that which is a preferred opinion [Rājih] and that which is unacceptable [Marjūh]. There is only one view in the issue and there are no other views in regards to it, **for the Salaf are all agreed on it which is the detailed explanation as mentioned by Ibn 'Abbās (*radi Allāhu 'anhu*)**. The Imāms of the Salaf and Ahl us-Sunnah from Ibn 'Abbās to the present time hold that there is to be detailed explanation in this important issue.

As for what this Dr has claimed, may Allāh guide him, that the 'Ulama, al-Albānī and Bin Bāz, misunderstood the words of Shaykh ul-Islām Ibn Taymiyyah, rather it is he [i.e. Dr Yasir Qadhi] who has misunderstood the words of Shaykh ul-Islām Ibn Taymiyyah. In all of Ibn Taymiyyah's statements

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**The noble brother Khālīd bin 'Alī al-'Anbarī gave me his book *al-Hukm bi Ghayr Mā Anzala Allāh wa Usūl ut-Takfeer fī Dau' il-Kitāb wa's-Sunnah wa Aqwāl Salaf ul-Ummah* – and I found that he has given the topic its right and has expended in it that in which there is no room for addition in the topic, in terms of clarity and elucidation. Within the book he has explained, may Allāh reward him with goodness, with a comprehensive explanation, that the kufr which expels one from the religion is Kufr al-Qalbī. And that this can sometimes manifest via statements, and this is well-known from all types of kufr, and at other times it can manifest via actions such as Istikbār (arrogance) towards submitting to the Shar' [Divine Legislation] and objecting to it like what occurred with the accursed Iblees when he was arrogant to submit to the Lord of the Worlds command and withheld from making sajdah to Adam and said:**

**“Will I prostrate to what You have created from mud?”**

{*al-Isrā'* (17): 61}

So there is no difference between statement and action which spring from kufr firmly held within the heart.<sup>13</sup> Some extremists who write about the takfeer of those who do not rule by what Allāh has revealed are heedless and make takfeer merely on account of the action without restricting that action with kufr of the heart or not; and they thus base on this the lengthy claim of making takfeer merely on account of the action. As a result, they fall into the obstacle of khurooj whether they perceive it or not. What is also strange is that the one who makes this claim also relies upon the example of the kufr of Iblees, Fir'awn and their likes who have statements and actions which indicate Kufr ul-'Inād and Istikbār, and they thus include in this those who are not like that.

<sup>14</sup> Dated 5 Jumāda al-Ākhar 1435 AH/Saturday 5 April 2014 CE.



he does not mention it except with tafseer however there are some words from him which the opposers understand to be Ibn Taymiyyah applying the issue without any detail, and I say that this is due to their misunderstanding. If we refer back to the words of Ibn Taymiyyah in his books, we would find that he says as the Salaf did along with detailed explanation.

Ibn Taymiyyah has many texts wherein he clearly mentioned Istihlal and the kufr of the Mustahill [the one who makes it halāl to rule by other than what Allāh has revealed]. Thus, the one who misquotes Ibn Taymiyyah and says that which he does not say, is one who wants tribulation, wants to misguide the Ummah from the right path and instil takfeer, tafjeer etc. He does not want good for the youth of the Ummah, the youth of the Ummah have to know the detailed explanation [in the issue] which was traversed by the Salaf us-Sālih, and that ruling by other than what Allāh has revealed is of the major sins and Ahl us-Sunnah wa'l-Jama'ah have reached consensus that the one who falls into a major sin is not a disbeliever unless he makes it [the sin] permissible [to do]. Also there are tens of 'Ulama, such as Sa'eed ibn Jubayr, al-Jassās, Ibn Taymiyyah, al-Ājurri, Abū 'Umar ibn 'AbdulBarr and others, all of them hold the application of takfeer [in the issue of ruling by other than what Allāh has revealed] to be of the views of the Khawārij. The Khawārij are the ones who hold the application of takfeer [in the issue of ruling by other than what Allāh has revealed], and they do not give a detailed explanation as Ahl us-Sunnah do in the issue. I can use as a supporting testimony to this what Ibn Taymiyyah said in regards to the tafseer of the ayah,

﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِي مَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا

قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا﴾

“But no, by your Lord, they will not [truly] believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission.”

{an-Nisā (4): 65}

Ibn Taymiyyah said: **“This ayah is used by the Khawārij to make takfeer of those in authority who do not rule by what Allāh has revealed.”** What can be understood from this statement from Ibn Taymiyyah is the Khawārij apply the term [of kufr] without providing detailed explanations. Thus, the only and sensible result is that Ahl us-Sunnah provide detailed explanation [in the issue]. If the Khawārij apply [the ruling of takfeer] Ahl us-Sunnah provide detailed explanation. Whoever does not hold this needs to refer back to the books of the Imāms and to revise issues of creed, and all who do not view that there is to be detailed explanation in this issue is not upon guidance in this matter and has to check himself.

There are not two views in this issue, the 'Ulama of the Sunnah and the Salaf have reached consensus on this. If there is a person, or two, of three or four from the 'Ulama of Sunnah of this time who make such absolute applications [of takfeer] then this is an error and this is not to be ascribed to Ahl us-Sunnah, Ahl us-Sunnah provide detailed explanation and they do not make absolute applications as the Khawārij do, and Allāh knows best. May peace and blessings be upon our Prophet Muhammad.

[In regards to what Dr Yasir Qadhi argues about not referring back to scholars outside of the West] then this dr has also missed the mark in this issue. When the people of knowledge, and all praise is due to Allāh, rule on Western issues, or on issues which occur in the West, they know the situation. Those scholars have travelled to Western lands, have seen the conditions of Muslims [there] and know the situation. Thus, when they issue rulings on an issue [which is Western or has developed in the West] they have knowledge fo the situation and apply Allāh's Rule to it. Thus, this [what Yasir Qadhi has stated] is *Ta'annut* [stubbornness] and it is inappropriate to say such things as it severs the Muslims off from their 'Ulama who are present in the Arab lands.

There is no doubt that the Arabs are the core of Islām and those in Europe or America are not sufficed from the knowledge of the Arab Muslims. Americans could be sufficed from technology from the Arabs yet when it comes to Islām then it is connected to the Arabs. The core of Islām is on account of the Arabs and so it is inappropriate to belittle the value of the Arabs and for Muslims to denigrate their connection to the Arabs as they are core of Islām and there is no doubt that the Qur'ān was revealed in their language and the Sunnah has arrived in their language, hence they have more understanding.

We do not say this as we are Arabs but this is the reality and this is testified to by every just person. If there are texts in English literature then there is no doubt that the English [scholars and specialists] would understand these texts more than us as Arabs, no one would argue on this. With the same logic, the texts of the Noble Qur'ān and of the Prophetic Sunnah, which are the revelation, these texts are in a clear Arabic language, and thus the [Ulama from the] Arabs have more understanding of these texts than others. Furthermore, those who belittle their status or say that the Westerners have no need to refer back to the sciences of the Arabs, and no need to have an academic link with them – then such a person does not want good for either Westerners or for the Ummah of Muhammad (*sallallahu 'alayhi wassallam*). Such words should be abandoned, and whoever says the likes should use his intellect and deliberate about what comes out of his head as everyone will be called to account for what he says. Thus, this Dr should be kind to himself and think of the consequences of these words the consequences of which we view to be vile and severe, we ask Allāh to guide him.

[In regards to Dr Yasir Qadhi's view that Muslims in the West need not refer back to Saudis outside of the West for issues which affect Muslim communities in the West, then] **It is also as if this Dr is still living in the Middle Ages! As today the world is one village and whatever occurs in America or Europe reaches us on the spot! Via the internet, social media or the news we know of all that occurs over there just as you know of all what occurs over here. These words are inappropriate to turn to especially when the whole world has become like a small village.** Whatever happens in the west is known about by the people of the east, and all that happens in the east is known about by the people of the west. We trust our scholars, for they do not issue a ruling except when they know the situations and conditions. We trust in the 'Ulama and every Mufti cannot speak unless after knowing the situation and the condition of the one seeking the ruling. If a ruling is taken from scholars from the east then there is no doubt that they know the reality of the situation, the condition and the people in the West, this is of the utmost ease to ascertain.