EEMAAN AND KUFR SERIES VOL.10

Shaykh 'AbdusSalaam bin 'Abdullaah as-Sulaymaan (hafidhahullaah)

ON THE RULING OF MAKING TAKFEER OF THE KHAWAARIJ AND FIGHTING AGAINST THEM¹

WITH A LOOK AT THE ISSUE OF NEO-CON PROMOTION OF TAKFEER OF BIN LAADIN AS A SIGN OF "LIBERAL MODERATION AND TOLERANCE" (!?)

There is difference of opinion over making *takfeer* on the *khawaarij*, what is well-known is that there are two statements from the *'Ulama* on this. Imaam an-Nawawee *(rahimahullaah)* stated:

Qadi 'Iyyaad said: al-Maarwazee stated: the 'Ulama have differed over making takfeer of the khawaarij and said: the issue has almost become the most problematic from all issues.²

Shaykh ul-Islaam Ibn Taymiyyah (rahimahullaah) said:

The Ummah is agreed on censuring the Khawaarij and that they have misguidance, they (the Ummah) only dispute regarding making takfeer of the Khawaarij and fall into two well-known views within the madhdhab of Maalik, Ahmad and also ash-Shaafi'ee. For this reason there are two aspects within the madhdhab of Ahmad and others:

First: there are rebellious transgressors

Second: they are kuffaar apostates who are allowed to be executed along with any prisoners from them who are caught and the followers of their main leader.

¹ From 'AbdulSalaam bin 'Abdullaah as-Sulaymaan, Shaykh al-Mufti 'Abdul'Azeez bin 'Abdullaah bin Muhammad Aali Shaykh and Shaykh al-'Aalim ar-Rabbaani Saalih bin Fawzaan al-Fawzaan (intros.), Silat ul-Ghuloo fi't-Takfeer bi'l-Ijraam [The Link Between Extremism in Takfeer and Crime], (n.p., 1426 AH/2005 CE, 1st Edn.), pp.3331-355

² Sharh Muslim li'n-Nawawee (Beirut: Daar Ihyaa Turaath al-'Arabi, 1392 AH, 1st Edn.), vol.7, p.160

Whoever among them is able and repents otherwise they are to be executed, like the apostate.¹

THE RULING ON TAKFEER OF THEM

Al-Hasan bin Muhammad bin 'Ali² took this opinion along with a narration from ash-Shaafi'ee,³ a narration from Imaam Maalik,⁴ a group of Ahl ul-Hadeeth⁵ and al-Qurtubee.⁶ Those who hold this opinion use the following as a proof:

Firstly: the use the ahaadeeth about them (Khawaarij), such as the hadeeth from Suwayd bin Ghaflah that Ali (radi Allaahu 'anhu) said: "A people will emerge at the end of time who will be young in age and foolish minded and will have the speech of the best of creation. Eemaan will not reach beyond their throats and they will pass through the deen just like an arrow passes through its target, wherever you find them kill them because in killing them is a reward on the Day of Judgement." And in another narration: "I would have killed them just as how Aad were killed." And in another narration: "I would kill them just as how Thamood were killed."

They also use the *hadeeth* of Dhu'l-Khuwaysarah wherein the Prophet (sallallaahu 'alayhi wassallam) said: "This one and his companions recite the Qur'aan yet it does not reach beyond their throats, and they will pass through it just like an arrow passes through its target."

They also use as a proof the saying of the Prophet (sallallaahu 'alayhi wassallam) regarding the Khawaarij: "They are the worst of creation..."

⁵ Al-Mughnee, vol.12, p.239

¹ Al-Fataawaa (Riyadh: Mataabi' Riyadh, 1382 AH, 1st Edn.), vol.28, p.518

²Al-Ibaanah as-Sughraa (), p.15

³Rawdat ut-Taalibeen, vol.10, p.52

⁴ Ash-Shifaa', vol.2, p.1057

⁶ Fath ul-Baaree, vol.12, p.300

⁷Reported by Bukhaaree (Beirut: Daar Ihyaa Turaath al-'Arabi, n.d.), hadeeth no.3344; Muslim, hadeeth nos. 1064, 143; Sunan Aboo Daawood, Muhammad Muhiyddeen 'AbdulHameed (ed.) (Daar Ihyaa as-Sunnah an-Nabawiyyah, n.d.), hadeeth no. 4764; an-Nasaa'ee (Mu'asasat ir-Risaalah, 2001 CE/1422 AH), Hasan 'AbdulMun'im Shilbee (ed.)vol.5, p.87, hadeeth no.2577, vol.7, p.4112 – from the hadeeth of Aboo Sa'eed al-Khudree (radi Allaahu 'anhu).

⁸ Reported by Bukhaaree, *hadeeth* no.4351; Muslim, *hadeeth* nos. 1064, 144; – from the *hadeeth* of Aboo Sa'eed al-Khudree (*radi Allaahu* '*anhu*).

⁹ Muslim reported this *hadeeth* with this wording, *hadeeth* no.1063 from the hadeeth of Jaabir bin 'Abdullaah and it is in Musnad Ahmad, vol.13, p.112, *hadeeth* no.14804.

¹⁰ Reported by Ahmad, vol.17, p.62, *hadeeth* no.11018; Muslim, *hadeeth* nos.1065 and 149; an-Nasaa'ee in *al-Kubraa*, vol.7, p.470, *hadeeth* no.8505; Ibn Hibbaan, vol.15, p.138, *hadeeth* no.6740 – from the *hadeeth* of Aboo Sa'eed al-Khudree (*radi Allaahu 'anhu*).

Imam an-Nawawee said: Within these ahaadeeth is evidence to whoever makes takfeer of the Khawaarij. Al-Haafidh said:

With this, al-Qadi Aboo Bakr bin al-'Arabee expressed in Sharh at-Tirmidhee that:

It is correct that they are kuffaar based on the saying of the Prophet (sallallaahu 'alayhi wassallam): "They pass through Islaam" and the Prophet's saying: "I would kill them just as how Aad were killed" and in another wording: "Thamood." Both of these were destroyed due to their kufr. The Prophet (sallallaahu 'alayhi wassallam) also said "They are the worst of creation" and this is not used to describe anyone except kuffaar. The Prophet (sallallaahu 'alayhi wassallam) also said: "They are the most hated creation with Allaah." So they ruled with kufr and eternity in the hellfire of all those who oppose their belief, while they were the most deserving of it all.³

Secondly: They use as a proof what was reported by Aboo Salamah and 'Ataa bin Yasaar that they went to Aboo Sa'eed al-Khudree and asked him about the Harooriyyah and said: "Did the Prophet (sallallaahu 'alayhi wassallam) say anything about them?" Aboo Sa'eed said: "I do not know what Al-Harooriyyah is, but I heard the Prophet saying, "There will appear in this nation..." - he did not say: "From this nation" - "...a group of people (apparently righteous) that you will consider your prayers as deficient compared to their prayers. They will recite the Qur'aan but it will not reach beyond their throats and will pass through the deen as an arrow darts through its target. The archer will look at his arrow and its Nasl at its Risaf and its Fuqa to see whether it is blood-stained or not (i.e. they will have not even a trace of Islaam in them)."

Al-Haafidh Ibn Hajar said regarding "There will appear in this nation..." - he did not say: "From this nation":

This indicates the *fiqh* of the Sahaabah and their...of words and it also indicates from Aboo Sa'eed *takfeer* of the Khawaarij and that they are not from this Ummah.⁴

Thirdly: the 'Ulama make takfeer of them:

Those who make takfeer of them are as-Subkee, al-Haafidh said:

² Reported by Muslim, *hadeeth* no.1066 and 157; Ibn Hibbaan, vol.15, pp.387-99, *hadeeth* no.6939 – from the *hadeeth* of 'Ubaydullaah bin Abee Raafi' (*radi Allaahu 'anhu*).

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¹ Sharh Muslim, vol.7, p.160

³ Reported by Ahmad, vol.17, p.393, hadeeth no.11291; al-Bukhaaree, hadeeth 6931; Muslim, hadeeth nos. 1064 and 147; Ibn Maajah, hadeeth no.169 – from the hadeeth of Aboo Sa'eed al-Khudree (radi Allaahu 'anhu).

⁴ Al-Fath, vol.12, p.289

From those later Imaams who incline to this view (of making takfeer of the khawaarij) are Shaykh Taqiyuddeen as-Subkee who mentioned this in his Fataawaa. He based his argument of the kufr of the khawaarij and the extremist Rawaafid on the fact that they make takfeer of the Companions. This is due to their denial (takdheeb) of the Prophet's testimony that the Companions are in Paradise. As-Subkee stated in his Fataawaa: this is a correct proof (of the kufr of the Khawaarij and Rawaafid). This is also what al-Qurtubee said in al-Mufhim, al-Qurtubee stated:

The view that takfeer is to be made of the Khawaarij is manifest in the hadeeth, based on the view of making takfeer of them is that they are to be fought against, executed and their wealth is to be taken, this is a view of a group of scholars from Ahl ul-Hadeeth. There is also a view which does not make takfeer of them and that rather they are to be treated as rebels if they break off and cause war.

This indicates that the ruling on them is not fixed even if one holds that it is better to withhold from making *takfeer* of them based on the saying: the issue of *takfeer* is dangerous. Those who also view that *takfeer* is to be made of them are al-Hasan bin Muhammad bin 'Ali, also there are narrations from Imaams Shaafi'ee and Maalik and a view from a group of Ahl ul-Hadeeth.¹

2. TAKFEER IS NOT TO BE MADE OF THEM:

Those who held this view in some narrations from them were: Imaams Ahmad,² Maalik,³ a saying from Imaam Shaafi'ee,⁴ Nawawee⁵ and the later scholars from the Hanaabilah. Also most of the *fuqahaa* and many of the Ahl ul-Hadeeth.⁶ They use as evidence for their view:

Firstly: they say the *Shaahadah* and entered into Islaam and this prevents making *takfeer* of them as it would include them with those who do not believe in this. Making *tasfeeq* of them was only due to the fact that they make *takfeer* of the Muslims and make the blood

Translator's Note: From the contemporary scholars who hold the view that it is more appropriate to make *takfeer* of the Khawaarij is Al-'Allaamah Saalih al-Fawzaan *(hafidhahullaah)*. Refer to the audio no. 21 from the list of audios here: http://www.fatwa1.com/anti-erhab/Irhabion/Irhabion.html

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¹ See al-Ibaanah as-Sughraa, p.152; ash-Shifaa, vol.2, p.1057; al-Mughnee, vol.12, p.239

² Al-Khallaal, as-Sunnah, p.113

³ Ash-Shifaa, vol.2, p.1057

⁴ Al-Umm, vol.4, p.3229

⁵ Sharh Muslim, vol.2, p.50

⁶ Al-Mugnee, vol.12, p.239

and wealth of the Muslims permissible. This is the view of most of the Ahl ul-Usool from Ahl us-Sunnah. Al-Haafidh Ibn Hajar stated:

Most of the Ahl ul-Usool from Ahl us-Sunnah viewed that the Khawaarij are fussaaq and they are ruled has having Islaam due to their pronouncing of the Two Statements and practice of the pillars of Islaam. Rather tasfeeq is made of them due to their making takfeer of the Muslims and utilising a corrupt interpretation which leads them to make permissible the blood and wealth of those who oppose them and brand them with kufr and shirk.¹

Secondly: the *khawaarij* do not clearly say *kufr* even if they say things which lead to *kufr* due to their false interpretations. However, the ruling of *kufr* has to have principles and exhaust the preventative factors. Even though the *khawaarij* intended to follow the Qur'aan and Sunnah they erred in their interpretations. For this reason, when 'Abdullaah ibn 'Abbaas debated them many of them recanted and they rest rebelled. Shaykh ul-Islaam Ibn Taymiyyah stated:

The Khawaarij opposed the Sunnah which the Qur'aan instructs to follow, they also made takfeer of the believers who the Qur'aan instructs to be loyal to, this is how Sa'd bin Abi Waqqaas interpreted this verse,

"And He misleads not except the defiantly disobedient, who break the covenant of Allāh after contracting it and sever that which Allāh has ordered to be joined and cause corruption on earth."

They (the Khawaarij) began to follow the unspecific from the Qur'aan and thus they interpreted the Qur'aan incorrectly without knowledge of the correct meanings from those who are well versed in knowledge; without following the Sunnah and without referring to the Jama'ah of the Muslims who understand the Qur'aan.²

Thirdly: They practice of the pillars of Islaam and maintaining them and the lack of negligence in this regard. The khawaarij are people of obedience and worship and they

¹ Al-Fath, vol.12, p.314

² Al-Fataawaa, vol.13, p.210

held very firmly onto matters of the *deen* and applying the regulations. Ibn 'Abbaas described them saying: "I went to a people who I had never seen with such striving (in worship), their hands were like camels and their faces were marked with traces of prostration."

Fourthly: There is consensus among the Muslim scholars that the khawaarij are a sect from the Muslim sects and no one has expelled them from this general ascription. Al-Haafidh Ibn Hajar stated:

Al-Khattaabee said:

The 'Ulama have reached consensus that the khawaarij, with all their misguidance, are a sect from the different Muslim sects and thus it is permissible to marry them and eat the meat they slaughter. Takfeer is not to be made of them as long as they adhere to the foundation of Islaam.¹

Ibn Battaal said:

Most of the 'Ulama hold that the khawaarij are not outside of the fold of the Muslims due to the Prophet's (sallallaahu 'alayhi wassallam) saying: "and its Fuqa² to see whether" as this is from doubt and if there is doubt in that then their expulsion from Islaam has not occurred. This is because whoever's Islaam is affirmed with certainty is not expelled from Islaam except with certainty.³

Imaam an-Nawawee said:

The correct madhdhab to choose is that of the majority and of the Muhaqqiqeen which says: the khawaarij are not to be made takfeer of just like the rest of Ahl ul-Bida.⁴

Imaam ash-Shaatibee stated:

The Ummah have differed over the takfeer of those people of greater innovation, yet what appears to be stronger based upon inspection and taking the narrations into account, is that takfeer is not to be made of them. The proof for this is the practice of the Salaf us-Saalih in dealing with them...⁵

Ibn Qudaamah stated:

The khawaarij are those who make takfeer due to sins, they made takfeer of 'Uthmaan, 'Ali, Talhah, az-Zubayr and many of the Sahaabah. They made their blood and wealth permissible except for those who rebelled along with them. The most apparent statement of the fuqahaa from our companions (i.e. madhdhab) is that they are rebels and this is

¹ Al-Fath, vol.12, p.300

² The *fuqa* is the top part of an arrow the word can be masculine *(fooq)* or feminine and can have a *haa* on the end, see *Fath ul-Baaree*, *hadeeth* no.6931

³ Al-Fath, vol.12, pp.300-01

⁴ Sharh Muslim li'n-Nawawee, vol.2, p.50

⁵ Al-'Ttisaam, vol.2, p.185

their ruling. This is the view of Aboo Haneefah, ash-Shaafi'ee, most of the fuqahaa and many of the Ahl ul-Hadeeth.¹

The view which avoids making *takfeer* of the *khawaarij* is the view of Shaykh ul-Islaam Ibn Taymiyyah, he said:

What proves that the Sahaabah did not make takfeer of the khawaarij is that the Sahaabah used to pray behind them and 'Abdullaah ibn 'Umar (radi Allaahu 'anhu) and other Sahaabah used to pray behind Najdah al-Harooree. The Sahaabah also used to talk to them and address them as a Muslim would to another Muslim, just as 'Abdullaah ibn 'Abbaas answered Najdah al-Harooree when he asked some questions to him over an issue, the hadeeth is in Bukhaaree. Just as Naafi' bin al-Azraq answered the well-known issue wherein Naafi' discussed with him over some aspects of the Qur'aan just as how Muslims would. The biography of the Muslims has demonstrated this and has not shown that the Muslims considered them to be apostates like those who as-Siddeeq fought against. This is with the command of the Messenger of Allaah (sallallaahu 'alayhi wassallam) within the authentic ahaadeeth that they should be fought against and what has been relayed in them being the worst of those executed under the heavens, while the best of those murdered is the one who was murdered by them, as mentioned in the hadeeth on the authority of Aboo Umaamah and verified by at-Tirmidhee and others. This means: there are the worst to the Muslims than others and that there is no one worse against the Muslims, neither the yahood nor the nasaara. They strove hard in killing every Muslim who did not agree with them, making their blood and wealth permissible and killing their children, making takfeer of them. They held firm to this as a deen due to their sheer and utter ignorance and misguided innovation. Yet with this, the Sahaabah, may Allaah be pleased with them, and those who succeeded them in goodness, did not make takfeer of them or consider them as being apostates. They did not transgress against them in speech or action but rather feared Allaah in regards to them and traversed a just way with them.²

Shaykh ul-Islaam Ibn Taymiyyah (rahimahullaah) made clear that the Sahaabah, even though they fought the khawaarij based on the instruction of the Prophet (sallallaahu 'alayhi wassallam) to prevent their evil from the Muslims, did not make takfeer of them. Rather, 'Ali bin Abee Taalib held their wealth and honour to be sanctified and did not treat them as the Sahaabah treated the other apostates such as Musaylimah and his likes.

¹ Al-Mughnee, vol.8, p.106

² Minhaaj us-Sunnah, Muhammad Rashaad Saalim (ed.), (Riyadh: Imam Muhammad bin Saud Islamic University, 1406 AH, 1st Edn.), vol.5, p.247

No one objected to 'Ali doing this as it was known to be the agreement of the Sahaabah that the khawaarij were not apostates from the deen.¹

When they rebelled against 'Ali in Haroora and rebelled against obedience to the Jama'ah, Ali bin Abee Taalib (radi Allaahu 'anhu) said to them "Our rights upon you are that we neither prevent you from our masaajid nor take you right of the fay'." Shaykh ul-Islaam Ibn Taymiyyah made clear that 'Ali ibn Abee Taalib (radi Allaahu 'anhu) did not make takfeer of the khawaarij and mentioned from Taariq bin Shihaab that he said: "I was with 'Ali when the call to fight the people of Nahrawaan was given. It was said: Are they Mushrikeen? 'Ali said: They have fled from Shirk. Then it was said: So are they Munaafiqoon? Ali responded: They Munaafiqoon do not remember Allaah except for a little bit. So then it was asked: So what are they then? 'Ali answered they are a people who have rebelled against us so we are fighting them."

When Ibn Muljam killed 'Ali bin Abee Taalib, he was not considered to be an apostate to be executed and Ali forbade that he be killed in this way. Ali (radi Allaahu 'anhu) said: "Do not kill the man, if I survive and am injured then qisaas and if I die then execute him." Shaykh ul-Islaam Ibn Taymiyyah (rahimahullah) stated:

The statement of 'Ali in regards to the khawaarij indicates that they are not kuffaar who have disbelieved in the basis of Islaam like apostates, this is well documented with the Imaams, such as Ahmad and others.4

3. WITHHOLDING FROM MAKING TAKFEER OF THEM

Imaam Ahmad mostly used to withhold from making takfeer of them, al-Khallaal reported in as-Sunnah, with his isnad, saying:

Yoosuf bin Moosaa informed us that Aboo 'Abdullaah said to him: do you make takfeer of the khawaarij? He (Yoosuf) said: Maariqah (passers through). He said to him: Are they kuffaar? He (Yoosuf) said: they pass through (yamriqoon) the deen.5

Al-Khallaal also reported with an isnad saying:

Muhammad bin Abee Haaroon informed us that Ishaaq narrated to them that Aboo 'Abdullaah asked about the Harooriyyah and the Maariqah (the Khawaarij who broke

³ Ibid., vol.5, p.245

¹ Ibid., vol.5, p.241

² Ibid.

⁴ Al-Fataawaa, vol.28, p.518

⁵ As-Sunnah, p.145

away) if they are kuffaar are not? Ishaaq said: relieve me from this and just say what is mentioned in the hadeeth.¹

Shaykh ul-Islaam Ibn Taymiyyah said:

As for the Qadariyyah who affirm knowledge, Rawaafid who are not extremists, Jahmiyyah and Khawaarij, then two narrations have been reported from Imaam Ahmad. Yet his main view is to withhold from making takfeer of the Qadariyyah who affirm knowledge and of the khawaarij, even though he said "I do not know a people more evil than them khawaarij."

Also from those who withheld from making *takfeer* of them is Abu'l-Ma'aalee 'AbdulMaalik bin Yoosuf, Imaam ul-Haramayn, Qadi 'Iyyaad said:

Abu'l-Ma'aalee also held this opinion (of withholding) from making takfeer of them, may Allaah have mercy on them. Within his answers to Abu'l-Muhammad 'AbdulHaq who asked him about and then excused himself from answering it as erring within the matter is difficult. This is because entering a person into the religion and expelling a Muslim from it is serious in the deen.³

Al-Baaqilaanee also withheld in the matter, as did al-Ghazzaalee, al-Haafidh said in *al-Fath*, transmitting from al-Qadi 'Iyyaad:

Al-Qadi Aboo Bakr al-Baaqilaanee withheld before him and said: the people did not explicitly say kufr, rather they made statements which lead to kufr.

Al-Ghazzaalee said in the book at-Tafarrug Bayna'l-Eemaan wa'z-Zandagah:

What has to be guarded against is being mistaken in takfeer and the paths that led to it because it involves making permissible the blood and wealth of those who pray towards to Qiblah and expressly say "La ilaha il Allaah, Muhammad ir-Rasoolullaah". Being mistaken in leaving a thousand disbelievers in life is lesser than the mistake of shedding Muslim blood.⁴

4. EACH SECT OF THE KHAWAARIJ HAS A RULING WHICH IT DESERVES

Dr Ghaalib 'Awaajee in his book *al-Khawaarij Taareekhum wa Aaraa'ahum al-'I'tiqaadiyyah wa Mawqif al-Islaam minhaa* [The Khawaarij: Their History, Views and Beliefs, and Islam's Position on them], states what he holds to be the correct opinion that:

The reality is that making absolute takfeer on the Khawaarij is excessive, the ruling which puts them on the same level as other Muslim sects is negligent.

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¹ Ibid., p.146

² Al-Fataawaa, vol.12, p.486

³ Ash-Shafaa, vol.2, p.1058

⁴ Al-Fath, vol.12, p.314

Then he said:

What is apparent to me is that the ruling upon all of the Khawaarij cannot be generalised, rather it is to be said that each sect of the khawaarij has a ruling which it deserves based on its proximity or distance from the deen. It also has to be based on what is apparent from their beliefs and views but as for one general ruling be it of praise or censure is not a detailed ruling on them.

THE MOST CORRECT OPINION

The second view: which is what the *Sahaabah* held, that being not making *takfeer* of them, the *Sahaabah* know the most about the intents of the Prophet (*sallallaahu 'alayhi wassallam*), this is also the view upon which there is consensus among the people of knowledge including Shaykh ul-Islaam Ibn Taymiyyah (*rahimahullaah*), due to the strong and convincing evidences which they have mentioned. Shaykh ul-Islaam Ibn Taymiyyah stated:

The Khawaarij who broke away are those who the Prophet (sallallaahu 'alayhi wassallam) ordered 'Ali bin Abee Taalib, one of the rightly guided Khulafaa' to fight against. The Imaams of the deen from the Sahaabah, the Taabi'een and those after them agreed on fighting them. 'Ali bin Abee Taalib, Sa'd ibn Abee Waqqaas and other Sahaabah did not make takfeer of them and considered them to be Muslims but should be fought. 'Ali did not fight them until the khawaarij shed sanctified blood and usurped Muslim wealth, so 'Ali fought against them in order to prevent their oppression and transgression not on the basis that they were kuffaar. For this reason, 'Ali did not take their honours or take their wealth as booty.¹

Then he said (rahimahullaah):

If a Muslim made a false interpretation in regards to fighting and takfeer then he is not made takfeer of just as what 'Umar bin al-Khattaab said in regards to Haatib bin Abee Bal'tah: "O Messenger of Allaah, let me strike the neck of (i.e. execute) this Munaafiq!" The Prophet (sallallaahu 'alayhi wassallam) said: "He fought at Badr, and what do you know, Allaah might have looked at them (warriors of Badr) and said (to them), "Do what you like, for I have forgiven you." This is in the Two Saheehs and so is the hadeeth of Ifk: that Usayd bin al-Khudayr said to Sa'd bin 'Ubaadah: "You are a Munaafiq arguing about

¹ Al-Fataawaa, vol.3, p.282

² Reported by Ahmad in his *Musnad*, vol.2, pp.37-8, *hadeeth* no.600; Bukhaaree, *hadeeth* no.3007; Muslim, *hadeeth* no.2494; Aboo Daawood, *hadeeth* no.2650; at-Tirmidhee, *hadeeth* no.3305; an-Nasaa'ee in *al-Kubraa*, vol.10, p.296, *hadeeth* no.11021; Ibn Hibbaan, vol.14, p.424, *hadeeth* no.6499 – from the *hadeeth* of 'Ali bin Abee Taalib (*radi Allaahu 'anhu*).

Munaafiqeen"¹, and the two parties argued and the Prophet (sallallaahu 'alayhi wassallam) rectified the situation. They were people who had fought at Badr and among them were the one who would say to another: "You are a Munaafiq" and the Prophet (sallallaahu 'alayhi wassallam) did not make takfeer any of them, rather he testified that all of them will be in Paradise.

Likewise, it is verified in the Two Saheehs from Usaamah bin Zayd that he killed a man after he had said: la ilaha il Allaah and the Prophet (sallallaahu 'alayhi wassallam) was annoyed at this when he was told about it. He (sallallaahu 'alayhi wassallam) said; "O Usaamah did you kill him after he said la ilaha il Allaah?" And repeated this until Usaamah said: "I wished that I did not embrace Islaam except for on that day." Yet with this it was not obligated for him to pay any blood money or expiation because he made an incorrect interpretation and thought that it was permissible to kill the one who said the Shaahadah due to him saying it out of fear.

What Shaykh ul-Islaam Ibn Taymiyyah (rahimahullaah) has mentioned is a clear indication for the accuracy of this view and Allaah knows best.

THE RULING ON FIGHTING AGAINST THE KHAWAARIJ

It is verified in the Two Saheehs, and within other sources, from the Prophet (sallallaahu 'alayhi wassallam) that he obligated fighting against the khawaarij. Of these ahaadeeth is the one relayed by 'Ali bin Abee Taalib (radi Allaahu 'anhu) who said: I heard the Messenger of Allaah (sallallaahu 'alayhi wassallam) say: "A people will emerge at the end of time who will be young in age and foolish minded and will have the speech of the best of creation. Eemaan will not reach beyond their throats and they will pass through the deen just like an arrow passes through its target, wherever you find them kill them because in killing them is a reward on the Day of Judgement."

The Prophet (sallallaahu 'alayhi wassallam) said about Dhu'l-Khuwaysarah at-Tameemee: There will arise a people from the progeny of this man, who will recite the Qur'aan, but it will not go beyond their throats; they kill the people of Islaam and leave the people of idol-worship. They will pass through the deen just like an arrow passes through its target, if I were to come across I would have killed them just as how Aad were killed."

¹ Reported by al-Bukhaaree, *hadeeth* nos.2661,4141; Muslim, *hadeeth* nos. 2770, 56 – from the *hadeeth* of 'Aa'ishah (*radi Allaahu 'anhaa*).

² Reported by Ahmad in his *Musnad*, vol.36, pp.73-4, *hadeeth* no.21745; Bukhaaree, *hadeeth* no.4269; Muslim, *hadeeth* nos. 96 and 159; Ibn Hibbaan, vol.11, p.56, hadeeth no.4751 – from the *hadeeth* of Usaamah bin Zayd (*radi Allaahu 'anhu*).

And in another narration: "I would have killed them just as how Thamood were killed." Imaam an-Nawawee (rahimahullaah) said in regards to the saying of the Prophet (sallallaahu 'alayhi wassallam): "If I were to come across them I would have killed them...within their killing is a reward...":

This is explicitly clear in regards to the obligation of fighting against the rebellious khawaarij and this is the ijmaa' of the Muslims.¹

These *ahaadeeth* are clear in fighting against the *khawarij*, Shaykh ul-Islaam Ibn Taymiyyah (*rahimahullaah*) stated:

The khawaarij who broke away are those who the Prophet (sallallaahu 'alayhi wassallam) ordered 'Ali bin Abee Taalib, one of the rightly guided Khulafaa' to fight against. The Imaams of the deen from the Sahaabah, the Taabi'een and those after them agreed on fighting them.²

He also said:

Those who the leader of believers and those with him fought against and who the Salaf and Imaams agreed on fighting against, did not dispute on fighting against them as they disputed over the fighting on the Day of the Camel and on Siffeen. During times of fitna the Sahaabah were in three groups: those who fought with 'Ali (radi Allaahu 'anhu); those who were those who he was fighting against and those who sat out of the fighting and did not fight with either of the two camps. As for the khawaarij then none of the Sahaabah were among them and none of the Sahaabah forbade fighting against them.³

Shaykh ul-Islaam Ibn Taymiyyah (rahimahullah) also said:

The Sahaabah and 'Ulama have agreed on fighting against them (khawaarij) because they rebel against all of the Muslims including those who agree with them in their madhdhab. They start war against Muslims by fighting them and their evil is not averted except by fighting against them as their evil is worse than that of the highway robbers. As the highway robbers only want money and if they are given money they do not fight, so they just dishonour some people. As for those khawaarij, then they fight people who are upon the deen so that the people leave what is affirmed in the Book, Sunnah and the ijmaa' of the Sahaabah and agree with what they (khawaarij) have innovated via their false interpretations and corrupted understanding of the Qur'aan. So with this, 'Ali (radi Allaahu 'anhu)

¹ Sharh Muslim li'n-Nawawee, vol.7, pp.169-70

² Al-Fataawaa, vol.3, p.282

³ Ibid., vol.28, pp.512-13

made clear that the khawaarij are believers and are neither kuffaar nor munaafiqeen.¹

Shaykh ul-Islaam Ibn Taymiyyah (rahimahullah) made clear that even though the Sahaabah fought against the khawaarij based on the command of the Prophet (sallallaahu 'alayhi wassallam) in order to prevent their evil from the Muslims, they did not make takfeer of them, rather 'Ali bin Abee Taalib regarded their wealth and honours as being sanctified and he did not traverse the way in which the Sahaabah dealt with the Murtaddeen (apostates), such as Musaylimah an his likes. No one objected to 'Ali doing this as it was known to be the agreement of the Sahaabah that the khawaarij were not apostates from the deen.²

Al-Qadi said:

The 'Ulama have concurred that the khawaarij and their likes from the people of innovation and transgression, that when they rebelled against the Imaam and opposed the view of the Jama'ah and broke away – it is obligatory to fight against them after warning them and making excuses for them. Allaah says,

"...then fight against the one that oppresses until it returns to the ordinance of Allāh."

{al-Hujuraat (49): 9}

However, their prisoners are not to be killed and their wealth is not permissible. As for those of them who do not rebel against obedience (to the leader) and raise up war (against the leader) then they are not to be fought against rather they are to be admonished, likewise those who retract from their innovation and baatil all are not made takfeer of. If their innovation was of those who necessitate takfeer of them then the regulations for the Murtaddeen are applied to them. As for the rebels who do not make takfeer they inherit and can be inherited from. At the time of fighting their blood is permissible...and according to us and the majority (of scholars) it is not permissible to benefit from their riding beats and weapons at the time of war but Aboo Haneefah allowed this and Allaah knows best.³

Shaykh ul-Islaam Ibn Taymiyyah (rahimahullaah) said:

101d., voi.5, p.241

¹ Minhaaj us-Sunnah, vol.5, pp.243-44

² Ibid., vol.5, p.241

³ Sharh Muslim li'n-Nawawee, vol.7, p.170

The Ummah is agreed on censuring the Khawaarij and that they have misguidance, they (the Ummah) only dispute regarding making takfeer of the Khawaarij and fall into two well-known views within the madhdhab of Maalik, Ahmad and also ash-Shaafi'ee. For this reason there are two aspects within the madhdhab of Ahmad and others:

First: there are rebellious transgressors

Second: there are kuffaar apostates who are allowed to be executed along with any prisoners from them who are caught and the followers of their main leader. Whoever among them is able and repents otherwise they are to be executed, like the apostate.¹

Al-Qurtubee said in al-Mufhim:

The view of making takfeer of the khawaarij as a group who are to be fought against, executed and their wealth taken is a view of a group of Ahl ul-Hadeeth in regards to taking their wealth. As for the view then it avoids making takfeer of the khawaarij and treats them in the way the people of transgression are treated who have broke off from obedience and began warfare.²

Some of the people of knowledge use relayed ahaadeeth as evidence for the permissibility of executing the khawaarij from the outset even if they do not begin war, this is if they manifest their innovation. They likewise use this as evidence for the permissibility of killing those from them who can be killed.

Shaykh ul-Islaam Ibn Taymiyyah (rahimahullaah) stated:

As for killing the one who can be from the khawaarij, such as the Harooriyyah, Rawaafid and the likes then there are two views on this from the fuqahaa, which are the two views narrated from Imaam Ahmad. It is correct that it is permissible to kill them (during warfare against them).³

Ibn Qudaamah (rahimahullaah) said:

What is correct, inshaa'Allaah, is that it is permissible to execute the khawaarij and dispose of their wounded. This is based on the order of the Prophet (sallallaahu 'alayhi wassallam) and the promise of a reward for whoever kills them.⁴

¹ Al-Fataawaa, vol.28, p.518

² See al-Ibaanah as-Sughraa, p.152 and ash-Shafaa, vol.2, p.1057

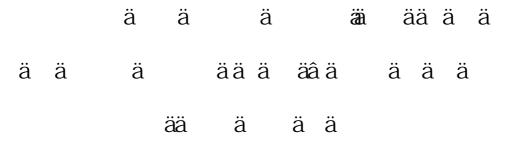
 $^{^3}$ Al-Fataawaa, vol.28, p.499

⁴ Al-Mughni, vol.8, p.107

THE PEOPLE OF KNOWLEDGE HAVE DISTINGUISHED BETWEEN FIGHTING AGAINST THE KHAWAARIJ AND FIGHTING AGAINST THE PEOPLE OF TRANSGRESSION

Shaykh ul-Islaam Ibn Taymiyyah (rahimahullaah) said:

Fighting against the khawaarij is verified as being something which is commanded and exhorted to. So how can one equalise between what is praised as being something better to abandon and what it praised as doing?! So how can one equalise between fighting the Sahaabah who fought against each other at Jamal and Siffeen and between fighting Dhu'l-Khuwaysarah at-Tameemee and his likes from the khawaarij who passed through the deen and the transgressing Harooriyyah? What they said was a type of saying associated with the people of ignorance and clear oppression and the one who has this view becomes like the Rawaafid and Mu'tazilah who make takfeer and tafseeq of those who fought against each other at Jamal and Siffeen as was said by the Khawaarij. The Prophet (sallallaahu 'alayhi wassallam) instructed to fight against the khawaarij before they fight. As for the people of transgression and oppression then Allaah said about them,



"And if two factions among the believers should fight, then make settlement between the two. But if one of them oppresses the other, then fight against the one that oppresses until it returns to the ordinance of Allāh. And if it returns, then make settlement between them in justice and act justly. Indeed, Allāh loves those who act justly."

{Hujuraat (49): 9}

He did not command to fight against those who began oppression because the in-fighting was not ordered in any case, however if they do fight each other then both sides have to seek rectification. Then if one of the two groups transgress it is fought against, for this reason some of the *fuqahaa* said: the rebels are not to be fought against until they fight, while as for the Khawaarij then the Prophet (sallallaahu 'alayhi wassallam) said about them:

wherever you find them kill them because in killing them is a reward on the Day of Judgement." And he said: "If I were to come across them then I would kill them just as how Aad were killed."

Regarding the distinction between fighting against the Khawaarij and fighting during times of *fitnah* then Shaykh ul-Islaam Ibn Taymiyyah mentioned several distinctions:¹

- 1. The Sahaabah differed over fighting during times of *fitnah*, but they were all agreed on fighting against the Khawaarij. Shaykh ul-Islaam Ibn Taymiyyah said: The Companions of the Prophet (sallallaahu 'alayhi wassallam) fought against them along with the leader of the believers, 'Ali bin Abee Taalib and they did not differ over fighting against the Khawaarij as they differed over fighting during the periods of fitnah, Jamal and Siffeen, wherein they fell into three groups: those who fought with one side; those who fought with the other side and those who withheld from fighting altogether and sat out. The texts affirmed the accuracy of this (latter) condition.²
- 2. 'Ali (radi Allaahu 'anhu) regretted and grieved for participating in fighting during the Battle of Jamal and Siffeen, as for fighting against the Khawaarij then he manifested his pleasure and joy about fighting against them. Shaykh ul-Islaam Ibn Taymiyyah said: The text and ijmaa' make a distinction between the two, for 'Ali fought against the Khawaarij based on the text of the Messenger of Allaah (sallallaahu 'alayhi wassallam) and he was joyous over this and none of the Sahaabah disputed over this. As for fighting on the day of Siffeen then it is apparent that he detested this and regretted participating in it.³
- 3. The Prophet (sallallaahu 'alayhi wassallam) instructed to fight against the Khawaarij as opposed to fighting during times of fitnah, for the Prophet (sallallaahu 'alayhi wassallam) instructed to keep away from this and praised the one who did not get involved.

Shaykh ul-Islaam Ibn Taymiyyah said:

It is found in the Saheeh from Aboo Sa'eed al-Khudree that the Prophet (sallallaahu 'alayhi wassallam) said: "A group would break away (from the Ummah) when there would be dissension among the Muslims. Out of the two groups, those closer to the truth will execute them."

Within this hadeeth it is affirmed that 'Ali and his companions were the much closer to the truth than Mu'awiyah and his companions and that the group which broke away do not

¹ 'AbdulMajeed al-Mash'abee, *Manhaj Ibn Taymiyyah fee Mas'alati Takfeer*, pp.316-18

² Al-Fataawaa, vol.3, p.349

³ Ibid., vol.28, p.516

⁴ Reported by Ahmad in his *Musnad*, vol.17, p.375, *hadeeth* no.11275; Muslim, *hadeeth* nos. 1065 and 159; Aboo Daawood, *hadeeth* no.4667; an-Nasaa'ee in *al-Kubraa*, vol.7, p.453, *hadeeth* no.8457 – from Aboo Sa'eed al-Khudree (*radi Allaahu 'anhu*).

have the same ruling as the two groups who were fighting each other. For the Prophet (sallallaahu 'alayhi wassallam) instructed to fight against that groups which broke away while he (sallallaahu 'alayhi wassallam) did not instruct to fight against any of the two groups who were fighting each other. Rather it is affirmed from him in the Saheeh from the hadeeth of Aboo Bakrah that he (sallallaahu 'alayhi wassallam) said to al-Hasan: "This son of mine is a chief and Allaah may make peace between two powerful groups of Muslims through him."

He (sallalaahu 'alayhi wassallam) praised al-Hasan due to Allaah making him one who will make peace between two groups of Muslims when he avoided fighting. Al-Hasan chose the more correct position and preserved sanctified blood and stayed out of the matter. So if fighting was something commanded to do then al-Hasan would not have been praised for avoiding what Allaah had ordered to abandon and doing what Allaah had forbidden.²

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¹ Reported by Ahmad in his *Musnad*, vol.34, pp.33-4, *hadeeth* no.20392; al-Bukhaaree, *hadeeth* nos. 2704, 3629, 3746, 7109; Aboo Daawood, *hadeeth* no.4662; at-Tirmidhee, 3773; an-Nasaa'ee in *al-Mujtabaa*, vol.3, p.107, *hadeeth* no.1409 and in *al-Kubraa*, vol.2, p.281, *hadeeth* no. 1730, vol.7, p.317, *hadeeth* no.8110, vol.9, p.104, *hadeeth* no.10010; Ibn Hibbaan, vol.10, p.418, *hadeeth* no.6964 – from the *hadeeth* of Aboo Bakrah (*radi Allaahu 'anhu*).

² Al-Fataawaa, vol.28, p.513

MAKING TAKFEER OF BIN LAADIN: A SIGN OF "LIBERAL MODERATION AND TOLERANCE"?1

The deviation of Usaamah Bin Laadin has been totally refuted, condemned and warned against by the *Salafi* scholars.² They have warned against him vocally but they have not gone to the extreme of making *takfeer* of him as this is something which Bin Laadin actually utilizes himself to justify some of his excessive views! Therefore, making rash *takfeer* is one of the hallmarks of extremism and deviation, hence we find it promoted and supported from one angle by the *RAND Corporation* researchers when it suits them, as can be found in Angel Rabasa, Cheryl Bernard, Lowell H. Schwartz and Peter Sickle, *Building Moderate Muslim Networks* (Santa Monica, CA: RAND Corporation, 2007).

They thus used ignorant rhetoric by Muslims against terrorism, which was not based on any established Islamic principles or evidence. So for example in London after the 7/7 bombings it was common to view ignorant Muslims on TV saying things like "those suicide bombers are not Muslim" (!?) and this is nothing but ignorance and extremism!

The problem with the RAND document (by Angel Rabasa, Cheryl Bernard, Lowell H. Schwartz and Peter Sickle) therefore is that in opposing one form of extremism, namely violent extremism, they went to another extreme, that of non-Islamic secular-atheism cum liberalism to try to find a solution. Indeed, the RAND document even supports an obscure "fatwa" from Spain from the obscure *La Comisión Islámica de España (the Islamic Commission of Spain)* dated: 11 March 2005 and signed by the Secretary-General of the organization of the time Mansur Escudero Bedate (as if he is qualified to issue a "fatwa") and found on the 'Web Islam' website. The "fatwa" brands Bin Laadin as being an apostate for committing *istihlaal*! It was thus thoroughly reported in the worldwide press, but it was also a reaction to the Madrid Bombings, indeed they did not issue any such "fatwa" after 9/11. On page 162, the RAND study blindly reproduces the so-called 'fatwa' by unknown individuals which boldly proclaims:

¹ From http://www.salafimanhaj.com/pdf/SalafiManhaj RAND.pdf

² See pp.69-97 here for example: http://www.salafimanhaj.com/pdf/SalafiManhaj_Saudi.pdf

As long as Osama ben Laden and his organization <u>defend the legality of terrorism</u> and try to base it on the Sacred Koran and the Sunna, they are committing the crime of istihlal and they have become ipso facto apostates (kafir murtadd), who should not be considered Muslim nor be treated as such.¹

For more on the principles that Muslim scholars have laid down before *takfeer* can be made see the ebook by Shaykh 'Abdul'Azeez bin Rayyis ar-Rayyis (*hafidhahullaah*), The Clear Proofs for Refuting the Doubts of the People of Takfeer and Bombing, translated here: http://www.salafimanhaj.com/pdf/SalafiManhaj TakfeerAndBombing.pdf

Shaykh 'Abdul'Azeez ar-Rayyis states:

The saying that defending the haraam is kufr needs evidence, not from you but from the classifications of the scholars, so where is the evidence that this is kufr?! Rather, the evidence indicates that falling into the prohibited actions is not kufr except if it was out of one of the types of kufr such as rejection, arrogance, turning away and denial. These Divine Legislated terms have been clarified by the Divine Legislation and the scholars have also elucidated on them and they did not allow any room for the hyped up enthusiasts to enter. The one who makes takfeer due to kufr of arrogance or kufr of turning away is sinful unless he knows of the lexical meanings of these Divine Legislated terms in accordance with the way of the meticulous scholars. If not, such a person who makes takfeer will become a person who merely speaks about Islamic knowledge with ignorance and the one who speaks about Islamic knowledge with ignorance harms only himself. Most of those who become engrossed in these issues do so with ignorance, and an example of this is their playing about with the lexical term 'necessity' as has been mentioned before. If you were to ask one of them about a man who drinks alcohol much and commits illegal illicit sexual intercourse they would safeguard him if men came to him. So is a man like this made takfeer of due to his defence of the haraam? What do they say? Do they not read in the books of 'aqeedah of the Imaams of the Salaf that the people of sunnah do not make takfeer of anyone from the people of the Qiblah on account of sins as long as the person does not make it halaal wherein they refute the Khawaarij and those affected by them? They (those takfeerees) should fear Allaah from their machinations and 'aqeedah and they should know that a mistake which is pardoned is better than a mistake which is punishable.²

The *Islamic Commission of Spain'* continue, which is reproduced on page 163 of the RAND 'study':

¹ Ironically, Bin Laadin here is getting a taste of his medicine of rash *takfeer*!

² See p.54-5 of http://www.salafimanhaj.com/pdf/SalafiManhaj TakfeerAndBombing.pdf

Based on this fatwa, we have requested the national government and Spanish mass media to stop using the words *Islam* or *Islamic* to describe these malefactors, given they are not Muslim nor have any relationship with our Umma or Islamic Community; instead needing to call them Al Qaida terrorists, but without using Islamic as an adjective, since as it has been declared above, they are not legally so.

The very same thing that the RAND researchers accuse people of RAND itself has reproduced the same of, branding a Muslim as an apostate henceforth justifying that he can be executed! RAND actually supported that which they claim to be opposing, extremist "fatwas" branding Muslims as being not even "heretics", "deviants" or "misguided" (which the likes of Bin Laadin and his group clearly are), but as actually being "kuffaar apostates" on account of their sins!? In fact, Angel Rabasa, one of the researchers of this latest RAND report, in a paper entitled *Moderate and Radical Islam* (Santa Monica, C.: RAND Corporation, 2005)¹ states on page 3 that why the 'Islamic Commission of Spain' "fatwa" is useful is because it mentions Bin Laadin and *al-Qa'ida* by name whereas other Muslims in the West did not do that?! For someone who writes about Islaam as if being a specialist it would suffice such a person to actually ask the *Salafis*, who are vocal in their condemnation and naming of well known extremists by their well known names and teachings! Therefore, Rabasa is either unaware of this or being misleading.

On page 151 the RAND researchers quote an article from Abdur-Rahman Wahid a former president of Indonesia and senior advisor to the *Libforall Foundation*. This piece appeared in *The Wall Street Journal* on December 30 2005, Wahid states therein:

An extreme and perverse ideology in the minds of fanatics is what directly threatens us (specifically, Wahhabi/Salafi ideology—a minority fundamentalist religious cult fueled by petrodollars).

In a clear contradiction, the RAND report, before reproducing the full text from Spain which makes *takfeer* of Bin Laadin and accuses him of making *istihlaal*, includes Wahid's piece which we have just quoted above. Wahid further states in the article, on page 153 of the RAND document:

Extremists are quick to drape themselves in the mantle of Islam <u>and declare their</u> opponents <u>kafir</u>, or <u>infidels</u>, <u>and thus smooth the way for slaughtering nonfundamentalist Muslims</u>.

¹ This was a testimony presented before the House Armed Services Committee Defense Review Terrorism and Radical Islam Gap Panel on November 3 2005, see: http://www.rand.org/pubs/testimonies/2005/RAND_CT251.pdf

RAND had the audacity to include this before they went on to quote an obscure "fatwa" which actually makes *takfeer* of Bin Laadin and accuses him of making *istihlaal*! Wahid also makes the foolish error on page 155 of trying to insinuate that all of the Muslims in the world are *Sufis*!