



# A Clarification of The Issue of Taqneen

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Trans. and Notes by Spubs.Com

All praise is due to Allaah, and prayers and peace upon the Messenger of Allaah. To proceed:

The disputation concerning the two issues of Taqneen (devising rules) and Tabdeel (altering, replacing) has increased, such that these two matters, in the view of many people, are from those matters that do not contain any difference, and that whoever falls into "taqneen" or "tabdeel" leaves Islaam!

And indeed, many of them actually equate between "taqneen" and "tabdeel"!

To such an extent that the affair has been reached with some of them that they reject "taqneen" outright, or some of them have come to think that the word "taqneen" is equivalent to kufr, absolutely. And this is extreme ignorance that has affected many of students and some beginners and even some of the students of knowledge. And indeed this particular thought itself is very dangerous and a great crime, and it could even lead the one who holds it to disbelief and apostasy, since there are some types of "taqneen" that are permissible by indication of the Book, the Sunnah and Ijmaa' of the Ummah.

So I desired to make this affair clear in this article, and to explain the various types of "taqneen" and the rulings upon them. And I ask Allaah for success, guidance and direction.

## **The Issue of Taqneen**

The definition of "al-qaanoon"

Al-Jawharee (rahimahullaah) said, "And al-qawaaneen are principles, foundations (al-usool), and singular is "qaanoon" and it is not Arabic (in origin)". (Mukhtaar as-Sihaah p.231, Lisaan ul-Arab 13/350)

Al-Fayrozaabaadi said, "And al-qaanoon is the standard (i.e. scale of measure) for every thing, and its plural is qawaaneen". (Al-Qaamoos al-Muheet p.1582).

And the explainer of (al-Qaamoos al-Muheet of al-Fayrozaabaadi) said, "It has been said that it is Roman (in origin), and it is has also been said that it is Persian".

Ibn Mandhoor said, “And the “qaanoon” of everything is its way (tareeq), its scale of measure... and I see that it is an imported word”. (Lisaan ul-Arab 13/349).

Hence, taqneen is way and scale of measure for every thing.

And taqneen in and of itself is not disbelief, rather this goes back to (1) the actual matter that is being layed down (muqannan) and also (2) the intent and goal of the one laying this matter down (muqannin).

Rather it has three situations:

### **[Taqneen for Matters of Organisation, Administration]**

**The first:** The one who lays down organised rules for the worldly affairs that pertain to living and which do not contradict the legislation and which have not been textually stated by the legislation. So there is not harm in these affairs.

And sometimes these affairs can actually be ways and means to desired Sharee'ah objectives and goals. Such as laying down and organised body of rules (andhimah) for traffic, and also for studying in universities and also for writing in dicussion forums on the Internet and what is similar to all of this of all those organised sets of guidelines that do not contain what contradicts the legislation.

So this type of taqneen is permitted and there is no harm in it to begin with.

And this is also what is called “al-Masaalih al-Mursalah” (affairs of public interest), and what is correct after verification is that it is one of its types. And I do not know of any difference between the scholars concerning the permissibility of this.<sup>1</sup>

### **[Taqneen with Respect to Matters that are Unlawful]**

**The second:** Laying down rules, guidelines for a matter that is prohibited in the legislation. This is unlawful. Such as zinaa (fornication, adultery) and drinking alcohol (or intoxicants).

So when a person has a place in which intoxicants are bought, while he believes that it is unlawful, yet he organises his work concerning these intoxicant and sets up rules (qawaaneen) for manufacturing, distilling, canning, and labelling and selling, then such a one is a disobedient sinner and is not a disbeliever, if nothing arises from him which indicates istihlaal (his having declared it to be lawful).

Likewise, laying down rules for usury (interest), and setting up guidelines, principles for it, and this is also disobedience and sin, and is not disbelief.

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<sup>1</sup> Also included within this would be the rules and guidelines in affairs such as the terminology of hadeeth or the science of hadeeth in general, or the setting up and running of Islamic Universities that teach correct, authentic Islaam, upon the way of the Salaf and other such affairs. And also as will appear in the words of Imaam ash-Shanqeetee later, the setting up of prisons, or keeping registers or accounts of the residents, or soldiers and the likes.

And the rules (qawaaneen) for usury used to be well known during the time of the Prophet (sallallaahu alaihi wasallam), and up until this day of ours, and in the present times, the organisation of these rules has been revived in a manner which is not different from how they were essentially during the time of the Prophet (sallallaahu alaihi wasallam) and the previous generations.

So it is known that the usurer (one who deals with interest) guards and preserves his wealth, or he will set up someone to guard it for him, and it also known that every usurer saves, guards his wealth and he has records and books by which he records his unlawful wealth.

Similarly the thieves, there are rules (qawaa'id), organisation (nadhama), laws (qawaaneen) with respect to how to steal. Indeed, one of them has even authored a book called "The Strategies of a Thief" and in which he teaches them how to steal!!

So the likes of this taqneen (devising rules, laws for a matter that is unlawful in the Sharee'ah) is forbidden and it is open sin and disobedience (fisq, fujoor) and it is not kufr which expels from the religion, unless the intent of the one who lays down these rules is istihlaal (declaring them to be lawful), in this case it would expel from the religion, due to istihlaal itself.

And the Prophet (sallallaahu alaihi wasallam) did not declare the scribe (who writes down the usurious transaction) and nor the two witnesses, alongside the fact that they are both part of the qaanoon which has required them as part of this usurious transaction.

And this is also the saying of the Sahaabah and the Taabi'een and the Salaf of the Ummah, as they did not declare the one who deals in interest, or drinks intoxicants or manufactures or sells them, to be disbelievers, alongside their deserving the curse (upon them) for their organised manner of committing their crime.<sup>2</sup>

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<sup>2</sup> Imaam Ibn Baaz was also asked, "What is the ruling upon [judging] by secular law [al-qawanin al-wad'iyyah]? And is it permissible to enact them? And does a ruler become a disbeliever by instituting these laws [sannihi lihadhihil-qawanin]?"

Shaikh Bin Baz's answer: "When these laws are in agreement with the Shar'iah then there is no harm in that, such as when he institutes laws regarding the paths [of travel] and streets and other things which benefit the people and in which there is no opposition to the Shari'ah, - and [when] these things assist in the smooth running of the affairs, then there is no harm in them. As for those laws which oppose the Shari'ah then no [it is not permissible]. When he institutes these laws, the meaning of this is that there would be no hadd punishment for the fornicator and nor any punishment for the thief or the one who takes intoxicants. This is falsehood, and these laws are falsehood. When the one in charge declares them to be permissible (istahallahaa), then he has disbelieved, when he states (qaala) that they are lawful (halaal), and there is no harm in them, this is what becomes kufr (disbelief). Whoever declares to be lawful (istahalla) what Allaah has made unlawful has disbelieved". (Muraaji'at Fi Fiqh ul-Waqi' as-Siyasi wal-Fikri (12) by 'Abdullaah ar-Rifa'ee)

And whoever claims that usury was never arranged and organised with laws, rules, and similarly intoxicants, then he is the most ignorant of people with respect to (the issue of) taqneen and also with respect to the situation of the people, both past and present.<sup>3</sup>

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<sup>3</sup> And this is the case of the Khawaarij of the Era, who make takfir based upon the organised way in which these sins are performed in the various Muslim lands, and then they express amazement at being labelled “Khawaarij of the Era”. And what takes place in most of the Muslim lands and what exists in these lands of laws, guidelines that govern the occurrence of sin, such as taking usury (riba) or indulging in fornication, or consumption of intoxicants – then all of it is sin and disobedience and is not major kufr, unlike what the Khawaarij claim. And if it was the case that a person turned his own residence into a bank, or a brothel, or a pub and then employed people, and then laid down rules and guidelines (qawaaneen) as to how he will operate his bank, or his brothel or his pub, and also devise terms of service and contract agreements with his customers – then all of that is sin and disobedience and is not major kufr, since he does not become a disbeliever, except by istihlaal (declaring these sins to be lawful).

And this is the shubhah which has actually caused the contemporary ignoramuses of the aqeedah of Ahl us-Sunnah to wallow in the madhhab of the Khawaarij, in that they see the organised and devised occurrence of sin, which is guided by certain rules that have been laid down, to be indicative of istihlaal conclusively, and built upon this they make takfir of whole nation states, governments and even the common folk who indulge in these sins. Then they express amazement at being called “Khawaarij of the Era”! And those who fell into this shubhah were the followers of the doctrines of Sayyid Qutb, and they continue to this day, affecting the ignoramuses, who appear, here and there, announcing the takfir of rulers, governments and nation states, and even the common folk in some instances, merely because of their indulging in contracts which contain ribaa (usury), or due to their setting up banks which deal in interest and so on. And this is the clearest of evidences that they are upon the madhhab, the aqeedah of the Khawaarij, as they make takfir based upon major sins, built upon their fancy, that laying down rules and guidelines for the facilitation of an affair that is major sin, is actually kufr.

As has been stated by an ignoramus amongst the Qutubiyah, “...interest has been legislated (tashree’) and implemented and is protected by all the constitutions; and sin, alcohol, fornication, music...is all permitted (i.e. made halal) by the constitutions and protected and spread to misguide the people from the true path of tawheed.”

Shaikh Salih al-Fawzan was asked (in relation to a statement of one of the heads of Qutubiyah, Salman al-Awdah, in which he makes takfir of those openly promote their sin), “Is the one who beautifies evil and lewd acts (faahishah) to the people to be declared a disbeliever? He replied, “Only those who call to kufr, disbelief, are to be declared disbelievers. As for when they call people to sins that do not reach the level of kufr, or shirk, then they are not to be declared disbelievers, however they are sinful on account of this. He (sallallahu alaihi wasallam) said, “Whoever called to guidance will have the reward of all of those who followed him without there being any decrease in the reward of those who followed him. And whoever calls to misguidance will carry the sin of all those who followed him in that, without there being any decrease in the sin of those who followed him.” [Muslim (2674), Abu Dawud (4609)] - (Ajwibah al-Mufeedah)

And the likes of this ignoramus are many and widespread, may Allaah restrain their evil, and their protect the Ummah from their deviation in aqeedah, their aqeedah of the Khawaarij, for they but make takfir by way of sin, and there is no difference between them, and the very first Khawaarij, as Shaykh Ibn Uthaymeen said, “those who make takfir, they are the Inheritors of the Khawaarij” (refer to GRV070021). So the likes of these Khawaarij, go to and fro, making takfir, in the gatherings, in the forums, around the Internet, and then they express amazement and bewilderment at being labelled “Khawaarij”!! Indeed, dire is the affair of the Innovators.

And of the greatest of their follies, and indications of the ignorance, and lack of understanding of the deen and the aqeedah, and their following of whimsical sentiments, is their slogan, that “there are usurious banks only footsteps away from the Haram in Makkah” and built upon this, they rouse

and instigate the ignorant rabble and portray in their minds that this is synonymous with kufr! And this is the way of the Innovators, followers of desires, rather than adhering to outlining the knowledge based issues, and the correct understandings, they resort to rousing the sentiments of the ignorant rabble, and creating commotion, and wasting the sound Islamic aqeedah, which if they were to adhere to, would make them abandon the false Qutubi, Haraki manhaj that they have been poisoned with – which can only be sustained upon ignorance, and sentiment, away from proper and sound knowledge based stances.

The presence of usurious banks, or brothels, or places where alcohol is consumed, sold, manufactured etc., even if it be in proximity to the Haram in Makkah or elsewhere, does not entail kufr, except when these unlawful matters are declared lawful.

Refer to the famous cassette called “an-Naseehah Ilaa Safar al-Hawali” (Advice to Safar al-Hawali), in which the noble Shaykh Muhammad Amaan al-Jaamee scolds and rebukes al-Hawali for his sentimental ramblings, saying to him, “What is all this tumult about the Salafi aqidah? You preach the Salafi aqidah theoretically, and then you call to the aqeedah of the Khawaarij, practically?!”, and the Shaykh also openly challenged al-Hawali on two occasions to a debate in Jeddah, to discuss some of his sentimental, baseless ramblings, and on both occasions al-Hawali fled on his heels, and on one occasion claiming that what was written at the end of his book “Wa’d Kissinger” (The Promise of Kissinger) was fabricated upon him (i.e. that he himself did not write it). For more details listen to the cassette. (Tasjeelaat Ibn Rajab, Madinah al-Munawwarah).

Imaam al-Albani was asked concerning the book, “Dhahiratul-Irjaa fil-Fikr al-Islami” of Safar al-Hawali, and in this book takfir is performed on account of certain sins! He replied: “I gave my viewpoint on a matter about thirty or so years ago when I used to be in the [Islamic] University (of Madinah) and I was asked in a gathering about my opinion on Jamaa’at ut-Tabligh. So I said on that day, ‘They are the Sufis of this era’. And now it has occurred to me that I should say about this Jamaa’ah who have emerged in the present times and who have opposed the Salaf, I say here, in accordance with the statement of al-Hafidh adh-Dhahabi: **They have opposed the Salaf in much of the issues of manhaj, and it is befitting that I label them the Khawarij of the era.** And this resembles their emergence at the current time – in which we read their statements – because they, in reality, **their words take the direction and objective of that of the Khawarij in performing takfir of the one who commits major sins...**” (The Cassette: The Surooriyyah are the Khawarij of the Era, end of the first side). Dated 17th Dhul-Hijjah 1417H.

And amongst the statements that have given nightmares to the Qutubiyyah, Khaarijiyyah Asriyyah, their aiders, defenders, loyalists, supporters, the statement which they have sought to hide and reject, is the saying of Shaykh Ibn Jibreel, (who they themselves rely upon, due to some erroneous ijtihaads the Shaykh has made in certain affairs, such as his position on Qutb and Banna). So the Shaykh made the following statement (and which refuted their unrestricted takfir of the rulers):

Shaykh Ibn Jibreel said, “It is known that al-kufr al-bawah (manifest, clear kufr) is an open, outward matter, such as when he abolishes the teachings of Islaam, or we see him for example, destroying mosques, or he fights the people of the mosques (i.e. those who frequent them), or he abolishes the [Sharee’ah] law courts, or he abolishes the religious lessons, for example, or we see him burning the copies of the Qur’aan, or that he orders for them to be burnt, and he promotes, assists the books of misguidance, the books of the Christians, and whatever resembles them, and he spreads them and makes reading them to be binding, or we see him erecting those things that are worshipped besides Allaah, such as idols and the likes. This is considered manifest, clear kufr.

As for the [types of] matters in which ijtihaad can enter into, then we alluded to one of these types last night. **And this is what the majority of the rulers (wullaat) are upon, from that which is called “judgement by the secular laws” (hukman bil-qawaaneen), such as these laws, overwhelmingly, the affair pertaining to them is that they consider benefit (maslahah) in them, but they did not abolish the Sharee’ah with a complete abolition,** such that they do not judge with anything from it at all. Since Allaah said, **“And whoever does not judge by what Allaah has revealed they are the disbelievers”** (al-Maa’idah 5:44), so the likes of these, when they have this angle of approach, then we do not speak of their kufr, **but we consider them to be in error, in this ijtihaad which involves changing something from the legislation, even if it was by the path of ijtihaad. So for example, their**

### [Taqneen with Respect to Matters That are Kufr]

**The third:** Laying down rules, guidelines for an affair of disbelief, that is disbelief that expels from the religion and which does not require istihlaal fundamentally (in order for it to be disbelief). And examples include laying down rules, guidelines for making tawaaf around the graves, or the Shirk of seeking aid (istighaathah, from other than Allaah), or for maintaining the general affairs of these manifestations of Shirk. Also rules, guidelines for prostrating to other than Allaah, or disrespecting the mus.haf (qur'aan) or manifesting religious symbols (i.e. of other than Islaam), and also for killing the people of Tawheed on account of their Tawheed (i.e. killing them for their Tawheed).<sup>4</sup>

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**permitting of zinaa [i.e. in action, not as a matter of belief], when it is with the consent of both parties, and likes their abandonment, or the abolition of the hudood, the punishment for stealing, or the punishment for false slander, or the punishment for drinking alcohol, or permitting alcohol, and announcing the selling of alcohol, and whatever resembles that. There is no doubt, that this is a great sin, however there could be, for example, excuses for them, those in which they consider themselves to be justified (i.e. excused in that).** So for example, they excuse themselves from this by saying that in their land they have those people who are not Muslim, and that being severe upon them will make them flee. So when they have an angle of approach, then Allaah will reckon them, but, in any case, there is no doubt that if we judged by the Shar', and implemented its teachings, there would be sufficiency in this and much good." Cassette: Sharh Lum'uat il-T'iqaad, No 7, Tasjeelaat at-Taqwaa, Riyaadh.

And this confirms what has been explained above that taqneen in an affair which in itself is haraam (such as ribaa' or alcohol and the likes) is not major kufr, unless a person makes istihlaal, or juhood and the likes.

<sup>4</sup> Also included in this is category is laying down rules, guidelines (qawaaneen) for an affair of disbelief such as for example, the belief and claim that the hudood are barbaric and do not suit the times, or the belief and claim that polygamy is oppression, so laying down qawaaneen for the implementation and expression of this belief and claim enters into this.

Imaam ash-Shanqeete said, "... that those who follow the secular laws which Shaytaan has legislated upon the tongues of his allies, in opposition to what Allaah, the Majestic and Elevated, has legislated upon the tongues of his Messengers (sallallaahu alaihim wa sallam), then no one doubts about their kufr and their shirk, except the one whose vision Allaah has removed, and has blinded him from the light of revelation... **Know that it is obligatory to make a distinction between the code of law (nidhaam ul-wad'iyy) whose implementation (takheem) necessitates kufr in the Creator of the Heavens and the earth and between the code of law which does not necessitate that.** And to make that clear: Law (nidhaam) is of two types: **Idaaree** (organisational, regulatory) and **Shar'iyy** (legislative, pertaining to the Sharee'ah). As for the Idaaree (law) by which perfection and exactness in the affairs is intended, and to regulate and bring together the affairs in a manner that does not oppose the Shar' (Legislation of Allaah), then there is nothing to prevent this, and there is no one who opposed it from amongst the Companions or those from after them. And 'Umar (radiallaahu anhu) acted on some things which were not in the time of the Prophet (sallallahu alaihi wasallam), such as his writing the names of the soldiers in a record (i.e. account book) for the purpose of exactness, so he would know who was missing and who was present. Yet the Prophet (sallallaahu alaihi wasallam) did not do that. And also like his, I mean 'Umar's (radidallaahu anhu), purchasing of the house of Safwaan bin Umayyah and making it into a prison in Makkah al-Mukarramah, while the Prophet (sallallaahu alaihi wasallam) did not set up a prison and nor did Abu Bakr... So there is no harm in this type of law, and it is not outside of the confines of the principles of the Sharee'ah of maintaining the general benefits (in the society)... And as for the legislative code (Nidhaam ush-Shar'iyy) which is in opposition to the legislation of the Creator of the Heavens and Earth, then instituting it (takheemihi) is disbelief in the Creator of the Heavens and the Earth. **Such as the claim that favouring the man over the women in**

Also declaring, in writing, those things that are unlawful to be lawful legislatively (i.e. saying they are lawful according to the Sharee'ah), or making those things that are lawful to be unlawful legislatively (i.e. saying they are unlawful according to the Sharee'ah).<sup>5</sup>

Also from this is laying down rules, guidelines (qawaaneen) for rejection (ta'teel) of Allaah's Names and Attributes, or of his Sharee'ah, and this is what many of the people of Innovation and the partisan fanatics of the madhhabs fall into. Such as the qawaaneen of the Ash'ariyyah, the Mu'tazilah, the Jahmiyyah, the Khawaarij and those like them.

Such as the saying of the author of "al-Jawharah", "And every text that portrays tashbeeh, then interpolate it, or relegate its meaning and repair it with tanzeeh".

So this is a principle (qaa'idah) of kufr.

And also like the saying of ar-Raazee in "Asaas ut-Taqdees", "Taking the apparent meanings of the texts of the Sharee'ah is disbelief".

Shaykh ul-Islaam Ibn Taymiyyah said, "And as for this qaanoon which they devised, then a group amongst them have preceded them in this, such as Abu Haamid [al-Ghazaali], and they made it a qaanoon (statute, rule, law) in answering the various issues that were asked about concerning certain texts which became difficult upon the questioner, such as the issues that al-Qaadee Abu Bakr Ibn al-Arabi asked him. And al-Qaadee Abu Bakr opposed him in many of those answers, and he used to say, "Our Shaykh, Abu Haamid, entered into the innermost recesses of philosophy and then tried to leave it but was not able". And he himself narrates from Abu Haamid that he said, "I am scant and with very little to show with respect to hadeeth."

And Abu Bakr Ibn al-Araabee devised this other qaanoon based upon the way of Abu al-Mu'aalee, and those who came before him such as Abu Bakr al-Baaqillaanee.

And the likes of this qaanoon that was devised by them, is like the qaanoon that every group devises for itself with respect to what the Prophets came with from

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**the issue of inheritance is not from justice, or that it is necessary for them to be considered equal in receiving inheritance, or like the claim that polygamy is (a form of) oppression, or that divorce is oppressive for the woman, or [the claim] that stoning (for adultery) and chopping (the hand for theft) are from the strange (backward) actions and that it is not permissible to apply them to a human being, and other such (claims).**". (Adwaa ul-Bayaan 4/90).

<sup>5</sup> Such as claiming that marrying two sisters at the same time is permitted by the Sharee'ah, or claiming that taking more than 4 wives is permitted by the Sharee'ah and other such affairs, which if made as qawaaneen and written down, or expressed, constitutes major kufr.

Allaah. Hence, they make the foundation (asl, point of reference) which they believe, and depend upon to be that which they think their intellects have come to know, and they make what has come from the Prophets to follow on from that. Hence, whatever agrees with their qaanoon, they accept it, and whatever opposes it, they reject it.

And this resembles what the Christians devised of that which they rendered into the belief of their faith, and they rejected the texts of the Tawraat and Injeel. However they depended in this upon what they understood from the texts of the Prophets, or what reached them and they erred in understanding it, or they erred in believing the one who transmitted it to them, just like all of those who err who depend upon transmissions (i.e. reports), for their error is either in the isnaad (chain of narration) or in the text (of the report) itself.

And as for these then they devised their qawaaneen (rules, statutes) based upon what they opined with their intellects, and they erred in both opinion and intellect.

And the Christians are the closest to the veneration of the Prophets and Messengers than these, however those who invented an innovation by way of corrupt understanding of the texts or due to his believing in false reports ascribed to the Messenger, then they resemble the Christians (in this regard), such as the Khawaarij, the Wa'eediyyah, the Murji'ah, the Imaamiyyah and others. As opposed to the innovation of the Jahmiyyah, and the Philosophers, for their innovation is based upon what they themselves affirm, that they are in opposition to what is well known from the speech of the Prophets. Whereas those (i.e. the first group who resemble the Christians) actually think that what they have innovated is what is well known from the speech of the Prophets, and they deem it correct." (Dar ut-Ta'arud al-'Aql wan-Naql 1/5-7).<sup>6</sup>

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<sup>6</sup> And the Innovators are the ones who lay down their own false qawaaneen and by which they make tabdeel of the deen of Allaah. Al-Qurtubi said, "So whoever changed (baddala) (i.e. made tabdeel) or altered (ghayyara) or innovated into the religion of Allaah that with which Allaah is not pleased with and for which He has granted no permission, then he will be amongst those who will be repelled from the Hawd, distanced from it, and whose faces will be blackened. And those who will be repelled and distanced most severely are those who opposed the Jamaa'ah of the Muslims (i.e. those upon the Straight Path), and who separated from their path, such as the Khawaarij in all their varying sects, the Raafidah in the variety of their misguidance and the Mu'tazilah in the varying desires found amongst them. **All of these are Mubaddiloon (Changers, Disfigurers) and Muftadi'oon (Innovators)**. And likewise (those repelled from the Hawd are) the Oppressors, those who indulge excessively in oppression and tyranny and who efface the truth and fight its people, humiliating them..." (Tafseer al-Qurtubi, 4/168).

And Ibn al-Qayyim (rahimahullaah) has included the Innovators who make ta'teel of Allaah's Attributes to be worshippers of at-Taaghoot and followers of the Hukm of Jaahiliyyah, and those who claim to believe in what was revealed upon Muhammad but in reality wish to refer Judgement to the Taaghoot (refer to As-Sawaa'iq ul-Mursalah), and the Shaykh, Sulaymaan Aal ash-Shaykh in his book Tayseer al-Azeez al-Hameed, has also explained that the likes of these people are amongst those who take their priests and rabbis as lords besides Allaah (refer to AQD120002).

And included amongst the likes of these are the Ashariyyah, Deobandiyyah, Maatureediyyah, Fanatical Hanafiyyah, the Mu'tazilah, and the people of Hizbiyyah, those who devise manifestos, memberships to parties and societies and other such affairs which oppose the deen, setting up in all



So this is the third situation (of taqneen) and in which a person disbelieves when he knows the judgement of Allaah and His Legislation (in the particular issue) and then he persists and displays stubborn rejection ('inaad). And these are the three situations of "taqneen" alongside an explanation of their rulings.

Shaykh Ahmad Shaakir (rahimahullaah) said, in his statement "as-Sam'u wat-Taa'ah", "You will see part of the qawaaneen (statutes, laws) permitting an unlawful action about whose unlawfulness there is absolutely no doubt, such as zinaa (fornication, adultery), and selling intoxicants and what is similar to that. And the condition for its being permitted (by the qawaaneen) is [based upon] an authorisation that has come from a specific [agency in the body] of the qawaaneen (rules, laws). Hence, this employee who is ordered by way of the qawaaneen to be given an authorisation for this action, when the desired conditions are fulfilled for the one who seeks this authorisation (i.e. permission, licence), then it is not permissible (laa yajooz) for him to obey that which he has been commanded with. And the granting of this authority (i.e. permission, licence) to him is unlawful, absolutely, even if the qaanoon orders him with it, for verily, he has been commanded with disobedience, hence there is no hearing and obeying. As for when he sees that the granting of this licence (i.e. permission, authority) is lawful (halaal) then he has disbelieved and has left Islaam, since he has made lawful what is absolutely unlawful, whose unlawfulness is known by necessity in the religion". (Kalimatu Haqq p.88, under the title of "as-Sam'u wat-Taa'ah").

And I advise returning to the full statement (of Shaykh Ahmad Shaakir) as it is very precious (beneficial).

And the calamity is that Khawaarij of the Era make all three situations into a single one, and this is a great crime and it constitutes ruling by other than what Allaah has revealed<sup>7</sup>.

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of that rules, guidelines, for either their beliefs, or methodologies, or affairs of worship or their mu'aamalah (dealings) – making loyalty and disownment upon that.

And all of this indicates that the callers to Mawdudi and Qutb's "Haakimiyyah" today are themselves those who do not judge by what Allaah has revealed and are those who do not apply the judgements of the Book of Allaah, and whose claim of raising the Haakimiyyah of Allaah is amongst the most false of claims, since they do not apply it equally, justly and fairly to all who deserve it. Rather, they only apply it to around 60 or so individuals who have authority over the Muslim lands, and as for the remaining 1.2 billion Muslims, then no. It is as if the remaining 1.2 billion Muslims and all that they contain of Innovators and Deviants and Parties and Sects are not obliged to judge by what Allaah has revealed in their aqeedah, or their ibaadah, or their mu'aamalah, or their manaahij (methodologies). And in reality these people who make a false display of raising the Haakimiyyah of Qutb and Mawdudi are followers of desires who have a limited understanding of the aqeedah and of the deen and of the Book and the Sunnah, and whose double standards and two faces is amongst the great realities that has become evident in recent times, by the praise of Allaah.

<sup>7</sup> Then the Khawaarij of the Era express amazement and bewilderment when they are labelled, and rightfully so, as the "Khawaarij of the Era" (Imaam al-Albaani) and "the Inheritors of the Khawaarij" (Ibn Uthaymeen)!