

المجتهد المخطئ في التوحيد كافر

The mistaken *mujtahid* in  
Tawhīd is *kāfir*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of Allāh the Most Merciful the Most Beneficent

We live in a time where knowledge has decreased, the ignorance has increased and the opinions has become many. As a result of this the people seek refuge with a scholar or *shaykh* who will inform them of what is allowed and what is not, when it comes to issues that has become doubtful to them. These scholars are listened to, respected for their knowledge and inevitably the heart develops an attachment and love to the person for his knowledge and status in religion. Allāh – the Exalted – allowed for the Muslims to love and respect their scholars, and He – the Exalted – even instructed us to return to the scholars in issues which we do not know about, when He said:

﴿ فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ ﴾

**“So ask the people of remembrance if you do not know.”** (An-Nahl 16:43)

But beware! This does not under any circumstances mean, that the obedience towards and believing in the words and opinions of these scholars is complete and includes all *masāil* (issues) in the religion. Rather, that which is known from *fitrah*, and that which all of the creation points out and proves of the Tawhīd of Allāh and His Power and superior divine Knowledge, then these are issues which are not open for neither *ijtihād*<sup>1</sup> nor *taqlīd*<sup>2</sup>.

So today there are opinions who say:

- Voting is allowed due to the *maslahah* (benefit) of choosing the lesser evil.
- It is allowed to ask for *shafā'ah* (intercession on the Day of Judgment) from a person who is expected to become *shahīd* or from the Prophet (*sallAllāhu alayhi wa sallam*).
- *Tahākum ilā at-tāghūt* (seeking judgment in disputes with the *tāghūt*) is allowed in *darūrah* (necessity).

And the list continues.

What is similar for all of these *masāil* is, that they are from the *masāil* of Tawhīd and *shirk*, while Allāh has created His creation upon the knowledge about the correctness and

<sup>1</sup> To exhort and strive to seek and find the truth in a given issue of the religion

<sup>2</sup> To follow the opinion of a scholar without knowing what he has based his opinion upon.

beauty of Tawhīd along with the knowledge about the invalidity and obscureness of *shirk*. Allāh – the Exalted – said:

﴿ فَأَقِمَّ وَجْهَكَ لِلدِّينِ حَنِيفًا فِطْرَةَ اللَّهِ الَّتِي فَطَرَ النَّاسَ عَلَيْهَا لَا تَبْدِيلَ لِخَلْقِ اللَّهِ ذَلِكَ الدِّينُ الْقَيِّمُ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ ﴾

**“So direct your face toward the religion, *hanīfan* (worshipping none but Allāh). (This is the *fitrah* of Allāh upon which He has created all people. No change should there be in the creation of Allāh. That is the correct religion, but most of the people do not know.”**  
(Ar-Rūm 30:30)

Due to this, no-one is allowed to make an *ijtihād* in which they allow *shirk* or subtracts anything from being included in the *fitrah* that Allāh has created His slaves upon. Likewise no-one is allowed to blind-follow anyone in issues in Tawhīd because Allāh has created him upon the knowledge regarding it and its correctness, which is sufficient for him.

Furthermore, the evidences for Tawhīd is forever present for the slave and available for him to ponder upon at any time and any place. So when he is allowed to be ignorant in issues that he is not able to know about except through a text from Qurān and *Sunnah*, then he is not allowed to be ignorant regarding the Tawhīd of his Creator and His Power and Knowledge.

Muhammad ibn Jarīr At-Tabarī – *rahimahullāh ta’ālā* – said:

كل محسوس أدركته حاسة خلق في الدنيا فدليل لكل مستدل على وحدانية الله عز وجل وأسمائه وصفاته وعدله، وكل دال على ذلك فهو في الدلالة عليه متفق غير مفترق، ومؤتلف غير مختلف. وإن من قبلي وقيل كل قائل بالاجتهاد في الحكم على الأصول: أنه ليست الأصول كلها متفقة في الدلالة على كل فرع. وذلك أن الحجة قد ثبتت على أن واطناً لو وطئ نهاراً في شهر رمضان امرأته في حال يلزمه فيها فرض الكف عن ذلك، أن عليه كفارةً بحكم رسول الله ﷺ وذلك حكم من الله تعالى ذكره على لسان نبيه ﷺ فيمن وطئ امرأته في حال حرام عليه وطؤها، وقد يلزمه في حال أخرى يحرم عليه فيها وطؤها، فلا يلزمه ذلك الحكم بل يلزمه غيره؛ وذلك لو وطئها معتكفاً، أو حائضاً: أو مطلقةً تطليقةً واحدة قبل الرجعة، وفي أحوال سواها نظائر لها. فقد اختلفت أحكام الفرج الموطوء في الأحوال المنهي فيها الواطئ عن وطئه مع اتفاق أحواله كلها في أنه منهي في جميعها عن وطئه.

*“Everything which is sensed by the senses of the creation in the dunyā is an evidence, for every gatherer (of evidence), for the Oneness of Allāh – the Mighty and Majestic – and His Names, His Attributes and His Justice, and everything that proves these things are in agreement and not*

differing in its indication, consistent and not various. And verily from my saying and the saying of everyone who speaks about *ijtihād* in the judgement regarding the *usūl* is: That not all *usūl* are in agreement regarding the way of proving every far' (branch). And an example of this is, that the *hujjah* has verily been established for the fact that if a man has intercourse with his wife during the day in *Ramadān*, in a situation where he is obliged not to do this, then an expiation is to be performed by him due to the judgment of the Messenger of Allāh (*sallAllāhu alayhi wa sallam*). And that is a judgment from Allāh – the Exalted – on the tongue of His Prophet (*sallAllāhu alayhi wa sallam*) regarding the one who has intercourse with his wife in a state where it is forbidden for him to have intercourse with her<sup>3</sup>. But in another situation where it also is forbidden for him to have intercourse with her, then this judgement is not obliged upon him rather another (judgement) is obliged upon him. That could be if he has intercourse with her while he is performing *i'tikāf*<sup>4</sup>, she is menstruating or he has divorced her with the first divorce before taking her back. And there are other situations besides these which are equal to them. So the judgements of the private part of the one whom intercourse have been performed with (i.e. the woman) differs according to the situations where the one who has intercourse (i.e. the man) is forbidden from doing so, while there is agreement among all the situations that he is forbidden in all of them from having intercourse.

وليس كذلك الأدلة على وحدانية الله ﷻ وأسمائه وصفاته وعدله، بل هي كلها مؤتلفة غير مختلفة، ليس منها شيء إلا وهو في ذلك دال على مثل الذي دلت عليه الأشياء كلها. ألا ترى أن السماء ليست بأبين في الدلالة من الأرض، ولا الأرض من الجبال، ولا الجبال من البهائم، ولا شيء من المحسوسات وإن كبر وعظم بأدل على ذلك من شيء فيها وإن صغر ولطف، فلذلك افترق القول في حكم الخطأ في التوحيد، وحكم الخطأ في شرائع الدين وفرائضه. ولولا قصدنا في كتابنا هذا الاختصار والإيجاز فيما قصدنا البيان عنه لاستقصينا القول في ذلك، وأطنبنا في الدلالة على صحة ما قلنا فيه وفيما بينا من ذلك مكتفى لمن وفق لفهمه.

<sup>3</sup> This is proven by the *hadīth* narrated by Abū Hurairah – radiAllāhu 'anhu – where he said: “While we were sitting with the Prophet a man came and said: ‘O Messenger of Allāh! I have been ruined.’ The Messenger of Allāh asked: ‘What is the matter with you?’ He replied: ‘I had sexual intercourse with my wife while I was fasting.’ The Messenger of Allāh asked: ‘Can you afford to manumit a slave?’ He replied in the negative. The Messenger of Allāh asked: ‘Can you fast for two successive months?’ He replied in the negative. The Prophet asked him: ‘Can you afford to feed sixty poor persons?’ He replied in the negative. The Prophet kept silent and while we were in that state, a big basket full of dates was brought to the Prophet. He asked: ‘Where is the questioner?’ He replied: ‘I (am here).’ The Prophet said (to him): ‘Take this (basket of dates) and give it in charity.’ The man said: ‘Should I give it to a person poorer than I? By Allāh; there is no family between it’s (i.e. *Madīnah*’s) two mountains who are poorer than I.’ The Prophet smiled till his pre-molar teeth became visible and then said: ‘Feed your family with it.’” (*Sahīh Al-Bukhārī* and *Sahīh Muslim*)

<sup>4</sup> This is that he is performing *i'tikāf* while not fasting. If he is fasting then the judgment is that of the one who has intercourse during the day of *Ramadān*. But if he has intercourse with her during the night in *Ramadān* while he is performing *i'tikāf*, then the *i'tikāf* decides the judgement, or if he has intercourse with her during voluntary fasting while he is performing *i'tikāf*. So the judgment changes according to the situation while the deed remains the same in all situations.

*But the evidences for the Oneness of Allāh – the Mighty and Majestic – His Names, His Attributes and His Justice are not like that. Rather they are all consistent and do not differ. There is nothing from it, except that it proves the exact same as all of it proves. Do you not see that the heaven is not a more clear evidence than the earth, nor is the earth (more clear evidence) than the mountains, nor the mountains than the animals? And there is nothing among the things that are sensed that are more conclusive than something else, even if it is big and mighty or small and gentle. Due to this the opinion regarding the judgment of the mistake in Tawhīd and the judgment of the mistake in the laws of the religion and its obligations, are not the same.”*

(At-Tabsīr fī Ma’ālim Ad-Dīn)

So it is upon us to take heed. Allāh – the exalted – has not made all *masāil* equal in the religion. There are issues in which the slave may be ignorant and ask a scholar or a *shaykh* to inform him about that, which he is ignorant about, and after the *hujjah* has been established upon him in that issue, the knowledge and obligation of it is binding upon him. If he then chooses to reject the verses from the Qurān or the *sahīh ahādīth* from the *Sunnah*, then he leaves Islām and becomes a *kāfir*. Then there are *masāil* that has no room for ignorance nor *ijtihād*. So the ignorant one about them is *kāfir*, and the one who makes *ijtihād* in them and makes a mistake is also a *kāfir*, no matter who he is and what status he holds.

Among these *masāil* is Tawhīd. And due to this, then whoever makes a mistake in Tawhīd – from the biggest of scholars to the most ordinary of men – then he is *kāfir billāh* and not a Muslim.

Ibn Al-Qayyim said:

والإسلام هو توحيد الله وعبادته وحده لا شريك له، والإيمان بالله وبرسوله واتباعه فيما جاء به، فما لم يأت العبد بهذا فليس بمسلم وإن لم يكن كافراً معانداً فهو كافر جاهل. فغاية هذه الطبقة أنهم كفار جهال غير معاندين، وعدم عنادهم لا يخرجهم عن كونهم كفاراً فإن الكافر من جحد توحيد الله وكذب رسوله إما عناداً وإما جهلاً وتقليداً لأهل العناد. فهذا وإن كان غايته أنه غير معاند فهو متبع لأهل العناد، وقد أخبر الله في القرآن في غير موضع بعذاب المقلدين لأسلافهم من الكفار، وأن الأتباع مع متبوعيهم وأنهم يتحاجون في النار وأن الأتباع يقولون:

*”And Islam is the Tawhid of Allāh and worshipping Him alone Who has no partner. And the belief in Allāh and His Messenger in what he has come with. So as long as the slave does not come with (i.e. fulfill) this, then he is not a Muslim. And if he is not a stubborn *kāfir* then he is an ignorant *kāfir*. So the point of this category is that they are ignorant *kuffār* who are not stubborn, and their*

lack of stubbornness does not exclude them from being *kuffār*. Because verily the *kāfir* is the one who rejects the Tawhid of Allāh and denies His Messenger, either out of stubbornness or out of ignorance and blind-following of the people of stubbornness. And even if the point is that he is not stubborn then he is following the people of stubbornness, while Allāh verily has informed in the Qurān in many places about the punishment of those who blind-follow their predecessors, and that the followers are with those whom they followed and that they will argue in the fire. And the followers will say:

﴿رَبَّنَا هَؤُلَاءِ أَضَلُّونَا فَأَتِهِمْ عَذَابًا ضِعْفًا مِّنَ النَّارِ قَالَ لِكُلِّ ضِعْفٍ وَلَكِنَّ لَا تَعْلَمُونَ﴾

**“Our Lord! These misled us, so give them a double punishment of the Fire. He will say: ‘For each one there is double (punishment), but you know not.’” (Al-A'rāf 7:38)**

وقال تعالى:

And The Exalted said:

﴿وَإِذْ يَتَحَاجُّونَ فِي النَّارِ فَيَقُولُ الضُّعَفَاءُ لِلَّذِينَ اسْتَكْبَرُوا إِنَّا كُنَّا لَكُمْ تَبَعًا فَهَلْ أَنْتُمْ مُغْنُونَ عَنَّا نَصِيبًا مِّنَ النَّارِ (47) قَالَ الَّذِينَ اسْتَكْبَرُوا إِنَّا كُلٌّ فِيهَا إِنَّ اللَّهَ قَدْ حَكَمَ بَيْنَ الْعِبَادِ﴾

**“And, when they will dispute in the Fire, the weak will say to those who were arrogant; ‘Verily! We followed you, can you then take from us some portion of the Fire?’ Those who were arrogant will say: ‘We are all (together) in this (fire)! Verily Allāh has judged between the slaves!’” (Ghāfir 40:48)**

وقال تعالى:

And The Exalted said:

﴿وَلَوْ تَرَىٰ إِذِ الظَّالِمُونَ مَوْقُوفُونَ عِندَ رَبِّهِمْ يَرْجِعُ بَعْضُهُمْ إِلَىٰ بَعْضٍ الْقَوْلَ يَقُولُ الَّذِينَ اسْتُضْعِفُوا لِلَّذِينَ اسْتَكْبَرُوا لَوْلَا أَنْتُمْ لَكُنَّا مُؤْمِنِينَ (31) قَالَ الَّذِينَ اسْتَكْبَرُوا لِلَّذِينَ اسْتُضْعِفُوا أَنَحْنُ صَدَدْنَاكُمْ عَنِ الْهُدَىٰ بَعْدَ إِذْ جَاءَكُمْ بَلْ كُنْتُمْ مُجْرِمِينَ (32) وَقَالَ الَّذِينَ اسْتُضْعِفُوا لِلَّذِينَ اسْتَكْبَرُوا بَلْ مَكْرُ اللَّيْلِ وَالنَّهَارِ إِذْ تَأْمُرُونَنَا أَنْ نَكْفُرَ بِاللَّهِ وَنَجْعَلَ لَهُ أَندَادًا﴾

**“And if you could see when the *dhālimūn* (polytheists and wrong-doers, etc.) will be made to stand before their Lord, how they will cast the (blaming) word one to another! Those**

who were deemed weak will say to those who were arrogant: ‘Had it not been for you, we should certainly have been believers.’ Those who were arrogant will say to those who were deemed weak: ‘Did we keep you back from guidance after it had come to you? Nay, but you were *mujrimūn* (polytheists, sinners, criminals, disobedient to Allāh, etc.).’ Those who were deemed weak will say to those who were arrogant: ‘Nay, but it was your plotting by night and day, when you ordered us to disbelieve in Allāh and set up rivals to Him.’” (Saba' 34:31-33)

فهذا إخبار من الله وتحذير بأن المتبوعين والتابعين اشتروا في العذاب ولم يغن عنهم تقليدهم شيئاً. وأصرح من هذا قوله تعالى:

*So this is an information from Allāh and a warning, that those who were followed and the followers both take share in the punishment, and (the fact) that they were blind-following did not help them at all. And clearer than this is His – the Exalted – Words:*

﴿إِذْ تَبَرَّأَ الَّذِينَ اتَّبَعُوا مِنَ الَّذِينَ اتَّبَعُوا وَرَأَوْا الْعَذَابَ وَتَقَطَّعَتْ بِهِمُ الْأَسْبَابُ (166) وَقَالَ الَّذِينَ اتَّبَعُوا لَوْ أَنَّا كُنَّا نَدْرِكُهُمْ لَسَخَّطْنَا لَهُمْ أَمْوَالَنَا وَل أَنَّا لَنَأْتِيهِمْ بِالسِّلَاحِ وَالْحَمِيقِ كَمَا تَبَرَّأُوا مِنَّا﴾

“When those who were followed, declare themselves free from those who followed (them), and they see the torment, then all their relations will be cut off from them. And those who followed will say: ‘If only we had one more chance to return (to the worldly life), we would declare ourselves as free from them as they have declared themselves as free from us.’” (Al-Baqarah 2:166-167)

وصح عن النبي ﷺ أنه قال: "من دعا إلى ضلالة كان عليه من الإثم مثل أوزار من اتبعه، لا ينقص من أوزارهم شيئاً"

*And in a saḥīḥ narration from the Prophet (sallAllāhu alayhi wa sallam) that he said: "Whoever invites to a misguidance, then the sin equal to the burden of those who follow him are upon him, and this do not decrease their (i.e. the followers) sin at all."*

وهذا يدل على أن كفر من اتبعهم إنما هو بمجرد اتباعهم وتقليدهم.

*And this proves that the kufr of those who followed them merely is in following them and blind-following them."*

(Tariq Al-Hijratayn)

These evidences and what they prove are clear and sufficient for the honest person who seeks the truth. And based upon this it is not allowed to blind-follow anyone in the issue of Tawhīd, nor to follow a scholar in that which contradicts the Tawhid of Allāh, and this

will not suffice as an excuse for falling into *kufr* and *shirk*. The slave is not allowed to be ignorant in these issues since it is an individual obligation upon each and every slave of Allāh to have knowledge about His Lord and His Tawhīd, due to this being established in his *fitrah* and the existence of evidences that points this out.

Muhammad ibn Jarīr At-Tabarī – *rahimahullāh ta’ālā* – said:

فأما الذي لا يجوز الجهل به من دين الله لمن كان في قلبه من أهل التكليف لوجود الأدلة متفقة في الدلالة عليه غير مختلفة، ظاهرة للحس غير خفية، فتوحيد الله تعالى ذكره، والعلم بأسمائه وصفاته وعدله، وذلك أن كل من بلغ حد التكليف من أهل الصحة والسلامة، فلن يعدم دليلاً دالاً وبرهاناً واضحاً يدل على وحدانية ربه جل ثناؤه، ويوضح له حقيقة صحة ذلك؛ ولذلك لم يعذر الله جل ذكره أحداً كان بالصفة التي وصفت بالجهل وبأسمائه، وألحقه إن مات على الجهل به بمنزل أهل العناد فيه تعالى ذكره، والخلاف عليه بعد العلم به، وبروبيته في أحكام الدنيا، وعذاب الآخرة فقال – جل ثناؤه –:

“Regarding that which it is not allowed to have ignorance in from the religion of Allāh – for the one who in his heart is from the people of *taḳlīf* (i.e. legally responsible people) – due to the existence of consistent evidences that proves it who are not differing, (and due to) it being clear for the senses and not hidden, then (this is) the Tawhīd of Allāh and the knowledge of His Names, Attributes and Justice. This is for everyone who has reached the limit for being legally responsible among the people of *sihḥah* and *salāmāh*<sup>5</sup>. There will never lack any proving evidence, nor a clear proof that proves the Oneness of his Lord – exalted is His praise – and which will clarify the reality of the correctness of it. And due to this Allāh – uplifted is His mention – did not excuse anyone – who is described with the description that I made (of *taḳlīf*) – in ignorance, nor in His Names. And He joined him (i.e. the ignorant) – if he died upon the ignorance regarding Him – with the people who are stubborn towards Him – uplifted is His mention – and those who opposed Him after the knowledge regarding Him and His Rubūbiyyah, both in the judgment of the *dunyā* and the punishment in the *ākhirah*. So He – exalted is His praise – said:

﴿ قُلْ هَلْ نُنَبِّئُكُمْ بِالْأَخْسَرِينَ أَعْمَالًا (103) الَّذِينَ ضَلَّ سَعِيَّهُمْ فِي الْحَيَاةِ الدُّنْيَا وَهُمْ يَحْسَبُونَ أَنَّهُمْ

يُحْسِنُونَ صُنْعًا (104) أُولَئِكَ الَّذِينَ كَفَرُوا بِآيَاتِ رَبِّهِمْ وَلِقَائِهِ فَحَبِطَتْ أَعْمَالُهُمْ فَلَا نُقِيمُ لَهُمْ يَوْمَ الْقِيَامَةِ وَزْنًا



<sup>5</sup> These are the two thing upon which *taḳlīf* (legal responsibility) are built. *Siḥḥah* (good health) of the mind is a condition for *taḳlīf*, and due to this the crazy person is excused and so is the demented. And *salāmāh* (soundness) from defect body parts such as being deaf and having no knowledge with it.

**“Say (O Muhammad): ‘Shall We tell you the greatest losers in respect of (their) deeds? Those whose efforts have been wasted in this life while they thought that they were acquiring good by their deeds.’ They are those who commit *kufir* in the *āyāt* (proofs, evidences, verses, lessons, signs, revelations, etc.) of their Lord and the meeting with Him. So their works are in vain, and on the Day of Resurrection, We shall not give them any weight.” (Al-Kahf 18:103-105)**

فسوى —جل ثناؤه— بين هذا العامل في غير ما يرضيه على حسبانه أنه في عمله عاملٌ بما يرضيه في تسميته في الدنيا بأسماء أعدائه المعاندين له، الجاحدين ربوبيته مع علمهم بأنه ربهم، وألحقه بهم في الآخرة في العقاب والعذاب. وذلك لما وصفنا من استواء حال المجتهد المخطئ في وحدانيته وأسمائه وصفاته وعدله، وحال المعاند في ذلك في ظهور الأدلة الدالة المتفقة غير المفتقة لحواسهما، فلما استويا في قطع الله —جل وعز— عذرهما بما أظهر لحواسهما من الأدلة والحجج، وجبت التسوية بينهما في العذاب والعقاب.

*So He ﷻ made the one who acts upon something else than what He is pleased with – while believing that he in his deeds are doing what He is pleased with – equal in his name in the dunyā with the names of His stubborn enemies who rejects His Rubūbiyyah along with their knowledge that He is their Lord. And He joined him with them in the ākhirah in the punishment and torment. This is due to what we have described of the equality between the state of the mujtahid who makes a mistake in His Oneness, His Names, His Attributes and His Justice, and the state of the stubborn one in these issues when the clear consistent evidence who do not differ are present for their senses. So when they are equal in the fact that Allāh – the Mighty and Majestic – removed their excuse due to what is present for their senses of evidences and arguments, then making them equal in the punishment and torment becomes obligatory (as well).”*

(At-Tabsīr fī Ma’ālim Ad-Dīn)

So Allāh in His Book, the Messenger (*sallAllāhu alayhi wa sallam*) in his *Sunnah* and the scholars in their words negated blind-following and following scholars in misguidance as being an acceptable excuse for being upon misguidance. They furthermore unanimously declared *takfīr* upon the one who obeys anyone in misguidance in the Tawhīd of Allāh and informed that the mistaken *mujtahid* in these issues is *kāfir* and that his words may not under any circumstances be followed.

So when they say:

*“Shaykh Al-Fulānī allows voting due to maslahah (benefit) of choosing the lesser evil.”*

Then we say: First of all, it is already established in the *Rubūbiyyah* of Allāh which you claim to believe in, that the right of legislation belongs to Allāh alone without any partners. And the evidences for this are numerous, such as:

﴿إِنَّ الْحُكْمَ إِلَّا لِلَّهِ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ ذَلِكَ الدِّينُ الْقَيِّمُ وَلَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ﴾

**“Verily the legislation is for none but Allāh. He has commanded that you worship none except Him. That is the correct religion, but most of the people do not know.”** (Yūsuf 12:39-40)

Secondly, there does not exist – not in the heavens nor on the earth – any *maslahah* that outweighs the corruption and injustice of associating a partner with Allāh in anything. Allāh – the Exalted – said:

﴿وَالْفِتْنَةُ أَشَدُّ مِنَ الْقَتْلِ﴾

**“And *fitnah* (*shirk*) is worse than killing.”** (Al-Baqarah 2:191)

So whoever makes *ijtihād* by looking into some evidence which he uses for his opinion, and allows that something which is from the specific characteristics of the *Rubūbiyyah* of Allāh is dedicated to a creation – even if he is among the most knowledgeable of scholars – then he is *kāfir*. And whoever follows him in this – whether he knows his way of argumentation or not – he is a *kāfir*, just like him.

And when they say:

“*Shaykh Abū Fulān* does not declare *takfīr* upon the one who asks for *shafā’ah* (intercession on the Day of Judgment) from a person who is expected to become *shahīd* (martyr) or from the Prophet (sallAllāhu alayhi wa sallam), so I do not consider this as *shirk al-akbar*.”

Then we say: Before the opinion of your *shaykh* comes the words of Allāh, who informed that all *shafā’ah* belongs to Him alone, and therefore should be asked from Him alone. Furthermore it is from the clearest of *shirk* to invoke anyone besides Allāh.

﴿فَلَا تَدْعُ مَعَ اللَّهِ إِلَهًا آخَرَ فَتَكُونَ مِنَ الْمُعَذَّبِينَ﴾

**“So do not invoke another *ilāh* along with Allāh and (thus) be among those who are punished.”** (Ash-Shu’arā 26:13)

And He said:

﴿قُلْ لِلَّهِ الشَّفَاعَةُ جَمِيعًا﴾

**“Say: To Allāh belongs all intercession.”** (Az-Zumar 39:44)

So whoever makes *ijtihad* by looking into some evidence which he uses for his opinion, and allows that anyone besides Allāh may be invoked or that anyone may be asked for something which only Allāh owns and permits – even if he is among the most eloquent of scholars – then he is *kāfir*. And whoever follows him in this – whether he knows his way of argumentation or not – he is a *kāfir*, just like him.

And when they say:

“*Shaykh Ibn Fulān held the opinion that seeking judgement with the tāghūt is allowed in darūrah (necessity).*”

Then we say: How did the words of a human being – who has not received any protection from Allāh from falling into misguidance – enable you to maneuver your way around the clear verses of Allāh negating *īmān* for anyone who does not refer his disputes back to Allāh and His Messenger?

﴿ فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا ﴾

**“But no, by your Lord, they can have no Faith, until they make you (O Muhammad) judge in all disputes between them, and find in themselves no resistance against your decisions, and accept (them) with full submission.” (An-Nisā 4:65)**

And:

﴿ فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ﴾

**“And if you differ in anything amongst yourselves, then refer it to Allāh and His Messenger, if you (really) believe in Allāh and in the Last Day.” (An-Nisā 4:59)**

And when seeking judgement with Qurān and *Sunnah* is worship, then dedicating it to others than Allāh is *shirk*. And verily did Allāh – the Exalted – say about committing *shirk*:

﴿ إِنَّهُ مَنْ يُشْرِكْ بِاللَّهِ فَقَدْ حَرَّمَ اللَّهُ عَلَيْهِ الْجَنَّةَ وَمَأْوَاهُ النَّارُ وَمَا لِلظَّالِمِينَ مِنْ أَنصَارٍ ﴾

**“Indeed, he who associates others (commits *shirk*) with Allāh then Allāh has forbidden him Paradise, and his abode is the Fire. And there are not for the wrongdoers any helpers.” (Al-Māidah 5:72)**

*Shirk* does not become permissible except when the slave is in a state of *ikrāh* (compulsion), due to the words of Allāh the Exalted:

﴿ مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ وَلَكِنْ مَنْ شَرَحَ بِالْكُفْرِ صَدْرًا فَعَلَيْهِمْ  
عَذَابٌ مِّنَ اللَّهِ وَهُمْ عَذَابٌ عَظِيمٌ ﴾

**“Whoever disbelieved in Allāh after his belief, except him who is forced thereto while his heart is at rest with Faith, but those who open their breasts to disbelief, on them is wrath from Allāh, and theirs will be a great torment.”** (An-Nahl 16:106)

So whoever makes *ijtihād* by looking into some evidence which he uses for his opinion, and allows any act of *shirk* or *kufr* – except when being in the state of *ikrāh* – then he is a dirty *kāfir* with no interest of protecting the Muslims from falling in the worst of sin which costs them eternal hellfire. And whoever follows him in this – whether he knows his way of argumentation or not – he is a *kāfir*, just like him.

Similar words we say to those who follow their scholars and *shuyūkh* when they say that the one who claim to be a Muslim while committing *shirk* in ignorance is excused in his ignorance and is still a Muslim until the *hujjah* has been established upon him.

Woe to you! How did you judge upon the people that the *hujjah* is not established upon them when the words of Allāh and His Messenger are present in front of you?

﴿ وَأَوْحِيَ إِلَيَّ هَذَا الْقُرْآنُ لِأُنذِرْكُمْ بِهِ وَمَنْ بَلَغَ ﴾

**“And this Quran has been revealed to me so I may warn you with it and whoever it reaches.”** (Al-An’ām 6:19)

And in the *sahīh hadīth* from Abu Hurairah that the Prophet (*sallAllāhu alayhi wa sallam*) said:

وَالَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ لَا يَسْمَعُ بِي أَحَدٌ مِنْ هَذِهِ الْأُمَّةِ يَهُودِيٍّ وَلَا نَصْرَانِيٍّ ثُمَّ يَمُوتُ وَمَنْ يُؤْمِنُ بِالَّذِي أُرْسِلْتُ بِهِ إِلَّا  
كَانَ مِنْ أَصْحَابِ النَّارِ .

**“By the One in whose Hand Muhammad’s soul is. No-one from this ummah hears about me – not a Jew nor a Christian – and thereafter dies without believing in what I have been sent with, except that he is from the people of the fire.”**

The one who commits *shirk* is a *mushrik* before and after the *hujjah*.

﴿ وَإِنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّى يَسْمَعَ كَلَامَ اللَّهِ ثُمَّ أَبْلِغْهُ مَأْمَنَهُ ذَلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَعْلَمُونَ ﴾

“And if anyone of the ***mushrikūn*** (polytheists, idolaters, pagans, disbelievers in the Oneness of Allāh) seeks your protection then grant him protection, so that he may hear the Word of Allāh (the Qurān), and then escort him to where he can be secure, that is because **they are men who know not.**” (At-Tawbah 9:6)

﴿ لَمْ يَكُنِ الَّذِينَ كَفَرُوا مِنْ أَهْلِ الْكِتَابِ وَالْمُشْرِكِينَ مُنْفَكِينَ حَتَّى تَأْتِيَهُمُ الْبَيِّنَةُ ﴾

“Those who disbelieve from among the people of the Scripture (Jews and Christians) and among the ***mushrikūn***, were not going to leave (their disbelief) **until the clear evidence comes to them.**” (Al-Bayyinah 98:1)

So when Allāh did not excuse those who came before the sending of Muhammad (*sallAllāhu alayhi wa sallam*) and He named them *mushrikūn* from above the seven heavens, how can someone accept the words of their scholars when they say that the one who has access to the Qurān and the *Sunnah* is excused in ignorance until the *hujjah* is established upon him. This is indeed ignorance and extreme misguidance!

The misguided people of today did not become misguided due to the lack of evidences which teaches them and establishes the truth, rather they are misguided due to heedlessness and indifference towards learning the religion of Allāh. Either by refraining from learning, or by learning through wrong intentions, methods and sources.

Ibn Jarīr At-Tabarī – *rahimahullāh ta’ālā* – said:

إن الذين جهلوا حقيقة ذلك مع مرور الزمان الطويل، لم يجهلوه لعدم الأسباب الممكنة معها الوصول إلى علم ذلك في أقصر المدة وأيسر الكلفة؛ ولكنهم تجاهلوا مع ظهور الأدلة الواضحة، والحجج البالغة لحواسهم؛ فأدخلوا اللبس على أنفسهم، والشبهة على عقولهم، حتى أوجب ذلك لهم الحيرة، وأكسبهم الجهل والملافة. ولو أنهم لزموا محجة الهدى، وأعرضوا عما دعاهم إليه دواعي الهوى لوجدوا للحق سبيلاً نجماً، وطريقاً سهلاً.

“Verily those who are ignorant about the reality of this (i.e. the Tawhīd of Allāh and His Knowledge and Capability) with the passing of a long time, are not ignorant regarding it due to lacking the reasons which make it possible for them to achieve knowledge about it in the shortest time and

*easiest cost. But they were inattentive (or heedless) while the clear evidences and the precise arguments were present to their senses. Then they entered the perplexity upon themselves and the doubts upon their intellects until this made the confusion necessary for them and provided them with ignorance and boredom. If they had stayed firm upon the evidences and the guidance and they turned away from that which the callers towards the desires called them to, then they would have found the truth as a clear way and an easy path."*

(At-Tabsīr fī Ma'ālim Ad-Dīn)

Allāh is the One who guides to the truth and He is the One who leads astray. So we ask Him for a heart which is connected solely to Him, and which only is pleased with what He is pleased with and displeased with what He is displeased with. We furthermore ask Allāh to let us search for the truth and then believe in what we find, instead of believing in what we are told and then searching for evidences to support what we have chosen to believe in before searching. And the blessed ending are for the righteous.

May the peace and abundant blessings be upon our Prophet Muhammad, his family and companions, and whoever follows them in goodness until the Day of Judgement.

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