

Series of Questions Addressed to Scholar Sheikh Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page (Fiqhi)

Answer to Question:

Gaps in Conduct do not Divest a Muslim from his Islamic Aqeedah

To: Abdul Jaleel Zain
(Translated)

Question:

Assalamu Alaikum wa Rahmatullahi wa Barakatuh

May Allah bless you our honorable Sheikh, and grant you victory and reward you with good.

Our honorable Sheikh,

It came in the book, *The Islamic Personality, Volume I* that there are actions that contradict the Aqeedah that Muslims do, but they do not divest them from the Aqeedah, and it was clarified that the Muslim may inadvertently fail to associate his concepts with his Aqeedah (creed) or he may be ignorant of the contradiction between such concepts and his Aqeedah or his Islamic Shakhshiyya (personality) or Shaytān (Satan) may influence his heart and thus cause him to distance himself from this Aqeedah in one of his acts...

So how can he remain a Muslim when he does an action contrary to the Islamic Aqeedah?

If a Muslim makes Takfeer (considers him a Kafir) of his Muslim brother, wouldn't that then make the description befallen one of them, and his enunciation here is Kufr?

I know that actions include words or actions. If a Muslim prostrates to an idol, he is in this case a Kafir, I ask you to clarify the actions that contradict the Aqeedah but the Muslim remains a Muslim despite of committing them?

Does this include ruling by other than what Allah has revealed, and by the disbelieving secularism, and others?

Jazak Allah Khair.

Answer:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

Firstly, your question is on what came under the subject of "Gaps in Conducts" in the book of *The Islamic Personality, Volume I*, and the expressions contained there such as the saying: "**Many Muslims perform actions in discord with their Islamic Aqeedah (creed)...**" and the saying: "... A person may inadvertently fail to associate his concepts with his Aqeedah (creed) or he may be ignorant of the contradiction between such concepts and his Aqeedah (creed) or his Islamic Shakhshiyya (personality) or Shaytan (Satan) may influence his heart **and thus cause him to distance himself from this Aqeedah (creed) in one of his acts, so he might act in a manner that is incompatible with his 'Aqeedah (creed).'**", and similar expressions, what is meant by these phrases aforementioned **is not what you stated in your question of committing acts that divest its doer from the Islamic Aqeedah, but what is meant is committing prohibited acts and disobediences that contradicts what the Aqeedah obligates of adherence to the Ahkam Shariah and not violating them.** And the interpretation of this came in more than one place in the above-mentioned subject. For example, it was stated that:

• "The truth is that any gap in the conduct of a Muslim does not divest him from his Islamic shakhshiyya (personality). This is because he may inadvertently fail to associate his concepts with his Aqeedah (creed) or he may be ignorant of the contradiction between such concepts and his Aqeedah (creed) or his Islamic Shakhshiyya (personality) or Shaytan (Satan) may influence his heart **and thus cause him to distance himself from this Aqeedah (creed) in one of his acts, so he might act in a manner that is incompatible with his Aqeedah (creed) or that contradicts the attributes of a Muslim adherent to his Deen (way of life) or go against the commands of Allah (swt) and His prohibitions.** He may do all or some of this whilst still embracing the Aqeedah

(creed) and considers (or adopts) it as the basis for his thought and tendencies. **Thus, it is incorrect in such cases to say that the person has left Islam or that he has become a non-Islamic Shakhsiyya (personality). As long as he embraces the Islamic Aqeedah (creed) he remains a Muslim even if he is disobedient in an act amongst the acts.**"

• "It should not be surprising then that **a Muslim commits an act of disobedience violating the commands and prohibitions of Allah (swt) in one of his acts.** He may see the reality as being unsuitable for associating (in that instance) his behaviour with the Aqeedah (creed) or he may imagine that it was in his interest to do what he did and then feel remorse and comprehend the flaw of what he did and return to Allah (swt). **Such a violation of Allah's commands and prohibitions does not indicate absence of his Aqeedah (creed) but it does indicate absence of his commitment to the Aqeedah (creed) in this specific act.** Thus, a disobedient person [Aasi] or a transgressor [Fasiq] is not considered as an apostate, rather he is a disobedient Muslim only in the act in which he was disobedient, and he is punished for this act only. **He remains a Muslim as long as he embraces the Islamic Aqeedah (creed).**" End of explanation from *The Islamic Personality, Volume I.*

• **It is clear from this explanation that what is meant is that committing prohibited acts and violations of the Shariah does not divest the Muslim from his Islamic Aqeedah, such as if he drinks alcohol, steals or looks at a Haraam Awrah or so ... These acts of disobedience will make him a disobedient person [Aasi] or a transgressor [Fasiq] but not a Kafir as long as he believes in the Islamic Aqeedah.**

Secondly: Whereas, committing acts such as prostrating before idols or performing the prayers of Jews or Christians, this is not merely a violation of the Aqeedah and distancing from it, but it is divesting from the Islamic Aqeedah and the whole of Islam. Whoever does such acts apostates from his Deen ... We have already detailed this in the Answer to Question on Facebook dated 30/4/2017 about avoiding Kufr (disbelief) and dying on Islam. <https://web.facebook.com/AmeerhtAtabinKhalil/posts/622272917969783:0>

Thirdly: As for ruling by other than what Allah has revealed, there is an elaboration on this which we have already explained in more than one answer. In summary, ruling by Kufr laws is an act amongst the acts. If this act reflects the belief of its doer, such that it indicates that he does not believe in Islam and rules by Kufr based on his belief that the provisions of Islam are not valid, the one who commits this act is a Kafir. However, the one who rules by Kufr but recognizes that Islam is correct and that we should rule by it, in this case the one who does this act is a wrongdoer (Dhalim) and a transgressor (Fasiq) but not a disbeliever (Kafir) ... This was indicated in three verses of Surat Al-Ma'ida on ruling by other than what Allah has revealed, where one of the verses describes the one who governs by other than what Allah has revealed as a Kafir, the second describes him as a Fasiq, and the third describes him as Dhalim ... Allah (swt) says: ﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ﴾ **"And whoever does not judge by what Allah has revealed - then it is those who are the disbelievers"**. [Al-Ma'ida: 44] ﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ﴾ **"And whoever does not judge by what Allah has revealed - then it is those who are the wrongdoers"** [Al-Ma'ida: 45] ﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْفَاسِقُونَ﴾ **"And whoever does not judge by what Allah has revealed - then it is those are the rebelliously disobedient."** [Al-Ma'ida:47].

Knowing the reality of the ruler who rules by other than what Allah has revealed is necessary for the soundness of judging him.

It is important to draw attention to the fact that it is not acceptable to have leniency in uttering Takfeer of people. Whoever is born of Muslim parents is a Muslim. And to be judged as a Kafir, there must be a definitive evidence of his disbelief. Even if 90% of the evidence indicates his Kufr and 10% indicates his Islam, he is not judged as a Kafir (disbeliever). Rather, his actions are pursued and is judged for those acts that are contrary to Shari'ah as a Fasiq (transgressor), Aasi (disobedient) or Dhalim (oppressor), but he is not judged with disbelief (Kufr) as long as the definitive evidence of his disbelief does not exist. The issue of Takfeer causes the loss of life, and the application of the provisions of apostasy, and may result in tragedies and crimes if the disbelief is not verified by holding proof of a decisive evidence ...

This is an important issue, and is indicated by the legitimate evidences, including:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا ضَرَبْتُمْ فِي سَبِيلِ اللَّهِ فَتَبَيَّنُوا وَلَا تَقُولُوا لِمَنْ أَلْقَى إِلَيْكُمُ السَّلَامَ لَسْتَ مُؤْمِنًا تَبْتَغُونَ عَرَضَ الْحَيَاةِ الدُّنْيَا فَعِنْدَ اللَّهِ مَغَانِمٌ كَثِيرَةٌ كَذَلِكَ كُنْتُمْ مِنْ قَبْلُ فَمَنْ اللَّهُ عَلَيْكُمْ فَتَبَيَّنُوا إِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا﴾

“O you who have believed, when you go forth [to fight] in the cause of Allah, investigate; and do not say to one who gives you [a greeting of] peace "You are not a believer," aspiring for the goods of worldly life; for with Allah are many acquisitions. You [yourselves] were like that before; then Allah conferred His favor upon you, so investigate. Indeed Allah is ever, with what you do, Acquainted.” [An-Nisa:94].

In *Asbab al-Nuzul* (reasons for the revelation) of this verse, several Ahadeeth were mentioned, of them: Ahmad Narrated in his Musnad on the authority of Abu Zubayn, he said: I heard Osama bin Zaid, he said:

«بَعَثَنَا رَسُولُ اللَّهِ ﷺ إِلَى الْحُرَقَةِ مِنْ جُهَيْنَةَ، قَالَ: فَصَبَّحْنَاهُمْ فَقاتَلْنَاهُمْ، فَكَانَ مِنْهُمْ رَجُلٌ إِذَا أَقْبَلَ الْقَوْمَ كَانَ مِنْ أَشَدِّهِمْ عَلَيْنَا، وَإِذَا أَدْبَرُوا كَانَ حَامِيَتَهُمْ، قَالَ: فَغَشِيَتُهُ أَنَا وَرَجُلٌ مِنَ الْأَنْصَارِ، قَالَ: فَلَمَّا غَشِيَانَاهُ، قَالَ: لَا إِلَهَ إِلَّا اللَّهُ، فَكَفَّتْ عَنْهُ الْأَنْصَارِيُّ وَقَتَلْتُهُ، فَبَلَغَ ذَلِكَ النَّبِيَّ ﷺ فَقَالَ: يَا أُسَامَةَ، أَقَتَلْتَهُ بَعْدَمَا قَالَ: لَا إِلَهَ إِلَّا اللَّهُ؟" قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ، إِنَّمَا كَانَ مُتَعَوِّدًا مِنَ الْقَتْلِ. فَكَرَّرَهَا عَلَيَّ حَتَّى تَمَنَيْتُ أَنِّي لَمْ أَكُنْ أَسْلَمْتُ إِلَّا يَوْمَئِذٍ»

“Allah’s Messenger sent us (to fight) against Al-Huraqa (one of the sub-tribes) of Juhaina. We reached those people in the morning and defeated them. A man from the Ansar and I chased one of their men and when we attacked him, he said, “None has the right to be worshipped but Allah.” The Ansari refrained from killing him but I killed him. When this news reached the Prophet (saw) he said to me, “O Usama! You killed him after he had said, ‘None has the right to be worshipped but Allah?’” ‘I said, “O Allah’s Apostle! He said so in order to save himself.” The Prophet said, “You killed him after he had said, ‘None has the right to be worshipped but Allah.’” The Prophet kept on repeating that statement till I wished I had not been a Muslim before that day.”

2 - The Messenger of Allah (saw) said: «لَا أَرَأَى أَقَاتِلُ النَّاسَ حَتَّى يَقُولُوا: لَا إِلَهَ إِلَّا اللَّهُ، فَإِذَا قَالُوا: لَا إِلَهَ إِلَّا اللَّهُ، فَقَدْ «I still fight people until they testify that there is no god but Allah (La ilaha illallah). If they say La ilaha illallah, they have saved their blood and possessions from me, except for its right, and their final reckoning is with Allah.” Narrated by Ahmad in his Musnad.

3 - It was narrated in Saheeh al-Bukhaari from Abdullah ibn Umar (ra) that the Messenger of Allah (saw) said: «أَيُّمَا رَجُلٍ قَالَ لِأَخِيهِ يَا كَافِرُ، فَقَدْ بَاءَ بِهَا أَحَدُهُمَا» “Any man that says to his brother O Kaafir, then that (description) has befallen one of them.”

And Muslim narrated in his Saheeh from Nafi: «إِذَا كَفَّرَ الرَّجُلُ أَخَاهُ فَقَدْ بَاءَ بِهَا أَحَدُهُمَا» “If the man makes Takfeer of his brother then it (the description) has befallen one of the two.”

As such, it is not allowed to rush and to be lenient in judging a Muslim with Kufr, but evidencing and verification are necessary.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

10th Sha’ban 1438 AH

07/05/2017 CE

The link to the answer from the Ameer’s Facebook page:

<https://web.facebook.com/AmeerhtAtabinKhalil/photos/a.122855544578192.1073741828.122848424578904/628080587389016/?type=3>

The link to the answer from the Ameer’s Google Plus page:

<https://plus.google.com/u/0/100431756357007517653/posts/j9V1vRe15sh>

The link to the answer from the Ameer’s Twitter page:

<https://twitter.com/ataabualrashtah/status/863493213159661569>