

The Khārijites' Misunderstanding and Misapplication of the Verses Pertaining to Judging with Allāh's Law

The central, unifying, core ideological concept that brings together all the Khārijites without exception including the leaders and ideologues of al-Qaeda and ISIS is that of **taḥkīm** and **ḥākimiyyah**. It is a mistake to think that only the one who expels Muslims from Islām on account of major sins (takfīr bil-kabā'ir) is a Khārijite, since not all Khārijite sects made takfīr on account of major sin as is documented in the works of heresiography.¹

We present here a series of statements from scholarly authorities on their misunderstanding and misapplication of the verses pertaining to judging by what Allāh revealed, as this is the central core of their religion.

Imām al-Ājurrī (360H) said: “From the ambiguous passages followed by the Ḥarūrītes [Khārijites] is the saying of Allāh (عَزَّوَجَلَّ): “**Whoever does not judge by what Allāh has revealed, such are the disbelievers.**” (5:44) and they read alongside this verse: “**Those who disbelieve equate others with their Lord.**” (6:1). So when they see the ruler judge with other than the truth, they say: ‘He has disbelieved. And whoever disbelieves has equated others with his Lord and has thus committed shirk (associationism). Thus, those rulers are mushriks.’ As a result, they revolt and do what you have seen, because they misinterpret this verse.”²

Abū Bakr al-Jaṣṣāṣ (370H) said: “The Khawarij have interpreted these verses to justify the takfīr of the one who does not rule by what Allāh has revealed without wilful rejection (juḥūd).”³

¹ For this reason, we see the Khārijites like Usāmah bin Lādin, Ayman al-Zawāhirī, Abū Muḥammad al-Maqdisī, the various Takfīrī-Jihādi factions and ISIS – all of them trying to absolve themselves from the religion of the Khārijites by remonstrating that they do not expel the drinker, fornicator, gambler and thief from Islām on account of his sins and that therefore, they are not Khārijites.

² Al-Sharīah, p. 37.

³ Aḥkām al-Qur’ān (4/94).

Ibn ‘Abd al-Barr (463H) said: “A group from Ahl al-Bida‘ from the Khārijites and Mu‘tazilah deviated in this topic and sought argument through these narrations and their likes to make takfīr of the sinners. And they sought argument from the Book of Allāh through verses which are not taken apparently, such as His saying, the Exalted, ‘**And whoever does not judge by what Allāh has revealed, they are the disbelievers.**’ (5:44).”⁴

Abū al-Muzaffar al-Sam‘ānī (489H) said: “Know that the Khārijites seek evidence with this verse and say: ‘Whoever does not judged by what Allāh has revealed is a disbeliever’ and Ahl al-Sunnah say: ‘He does not disbelieve by abandoning judgement’. The verse has two interpretations: The meaning of the first is the one who does not judge by what Allāh has revealed out of rejection and denial, they are the disbelievers. And the meaning of the second is the one who does not judge by all of what Allāh has revealed, they are the disbelievers. And the disbeliever is the one besides the Muslim, the one who abandons judging by all of what Allāh has revealed⁵.”⁶

Imām al-Qurṭubī (671H) said: “All of these verses were revealed regarding the disbelievers as is established in Sāḥīḥ Muslim from the ḥadīth of al-Barā’ which has preceded. And the majority are upon this. As for the Muslim, he does not disbelieve if he commits a major sin. It is said that there is concealment [of words in the verse], meaning, ‘The one who does not judge by what Allāh has revealed, *rejecting the Qur’ān, rejecting the saying of the Messenger* (عَلَيْهِ السَّلَامُ وَالسَّلَام) is a disbeliever.’ This was said by Ibn ‘Abbās and Mujāhid. Hence, the verse is general upon this sense. Ibn Mas‘ūd and al-Ḥasan said: ‘They are general for everyone who did not judge by what Allāh revealed amongst the Muslims, Jews and disbelievers.’ Meaning the one who believes in that, declaring it lawful [for him to do that]. But as for the one who did that whilst believing he is committing the unlawful, he is from the sinful Muslims, his affair is with Allāh the Exalted, if He wills He will punish

⁴ al-Tamhīd (17/16).

⁵ In other words those who are not Muslim to begin with and do not judge by anything of what Allāh revealed such as the foundations of faith, the pillars, the various rulings and injunctions and so on.

⁶ Tafsīr al-Qur’ān (2/42).

him and if He wills He will forgive him. And Ibn ‘Abbās said in a narration: ‘And the one who does not judge by what Allāh has revealed has committed an act which resembles the acts of the disbelievers.’ And it is also said: The one who does not judge by all of what Allāh has revealed is a disbeliever, but as for the one who judged with Tawhīd, but did not judge by some of the rulings (sharā’i), then he does not enter this verse.’... And Ṭāwus said: ‘It is not the disbelief that expels from the religion, it is the lesser disbelief.’ And this differs, if he judged with what he brought himself (of legislation) with the [belief] that it is actually from Allāh, this is alteration (tabdīl) of it which necessitates disbelief. And if he judged with it out of following desire and disobedience, it is a sin. Forgiveness will reach him upon the principle of Ahl al-Sunnah regarding forgiveness for the sinners.”⁷

Imām al-Qurṭubī (671H) also said: “His statement, the Exalted, ‘**And whoever does not judge by what Allāh has revealed, they are the disbelievers.**’ (5:44), its apparent import is used as proof by those who make takfīr on account of sins. They are the Khārijites and there is no proof for them in it.”⁸

Abū Ḥayyān al-Andalusī (745H) said: “The Khārijites argued by way of this verse that everyone who disobeyed Allāh the Exalted is a disbeliever and they said it is a textual [ruling] that everyone who judges by other than what Allāh revealed is a disbeliever.”⁹

Ibn Taymiyyah (728H) said: “This verse (4:65) is amongst [the verses] used as proof by the Khārijites to make takfīr of the rulers who do not judge by what Allāh has revealed. Then they claim that this belief of theirs is the [actual] judgement of Allāh.”¹⁰

The basis of the clarification found in the quotes above lies in the reports that have come from Ibn ‘Abbās (رضي الله عنه) in this regard and from which the tafṣīl (detail) of Ahl al-Sunnah is derived. The modern-day Khārijites have

⁷ al-Jāmi‘ Li Aḥkām al-Qur’ān. 1427H. (7/497-499).

⁸ Al-Mufhim (5/117).

⁹ Tafsīr al-Baḥr al-Muḥīṭ (3/493).

¹⁰ Minhāj al-Sunnah (5/131).

expended great efforts in trying to undermine these reports whilst feigning ignorance of the fact that the same is related from the likes of Ṭāwūs, ‘Aṭā’, Abū Miljiz and others from the tābi‘īn, students of the Companions. Further, the entirety of Ahl al-Sunnah have taken these reports with acceptance, including Imām Aḥmad, Ibn Taymiyyah, Ibn al-Qayyim, Ibn ‘Abd al-Wahhāb and the Salafī scholars of today and on the basis of these reports they speak with tafṣīl (detailed elaboration on this topic) which invalidates the unrestricted, unqualified takfīr of the Khārijites.¹¹

Shaykh Rabī bin Hādī said regarding those who claim the verse is unrestricted and absolute and who undermine the explanation of the expert scholar of the Qur’ān, Ibn ‘Abbās:

“There is no doubt that this is the way of the Khārijites. The one who opposes the imāms of tafṣīr, at the head of them Ibn ‘Abbās and opposes the leading imāms of ḥadīth and Sunnah, the imāms of creed and the Salafī methodology in the likes of these dangerous rulings and these mighty foundations, there is no doubt that he has chosen a way other than the way of Ahl al-Sunnah wal-Jamā‘ah and a methodology other than the methodology of Ahl al-Sunnah wal-Jamā‘ah and other than the methodology of those deeply-rooted in knowledge. It is upon them to repent to Allāh the Exalted, for Ibn ‘Abbās is the explainer of the Qur’ān and the sage of this ummah. The senior-most Companions submitted to his leadership, loftiness and understanding of the religion of Allāh (ﷺ). The Messenger of Allāh (ﷺ) supplicated for him (رضي الله عنه) that he be granted understanding of the religion. The leading and considered imāms of Islām proceeded upon his methodology. However, the Khārijites opposed the explanation of this and other verses. This is not strange from the people of innovation, that they

¹¹ The scholars of Ahl al-Sunnah have detailed elaboration on this issue and outline the various forms and manifestations such as istiḥlāl and ibāḥah (declaring lawful, permissible), juḥūd (denial after knowledge), takdhīb (rejection), tafḍīl (considering other than it superior), musāwāt (considering other than it equal), tabdīl (altering), istibdāl (replacing), taqnīn (instituting), tashrī‘ ‘āmm (general legislation) and each of these are spoken of separately with their own details and rulings. As for the Khārijites they speak in these affairs upon ignorance, exaggeration and distortion.

should oppose the Companions, rather that they should oppose the Book and the Sunnah. Yes, I shall mention that the Messenger of Allāh (صلى الله عليه وسلم) described the Khārijites that they are ‘young of age, foolish-minded’. Those who give these explanation now, they are foolish-minded, young of age. And the Messenger (عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ) says, ‘The destruction of my nation lies in the deficient in intellect, the foolish-minded.’¹² So now, they say, ‘the youth of the revival (shabāb al-ṣaḥwah)’, they have caused the ummah to perish both in terms of religion and the world... I see that this ḥadīth relates to the other ḥadīth that describes the Khārijites in that they are ‘young of age, foolish-minded’ ... their intellects are feeble and from their feebleness in intellect is that they do not give any care for the explanation of the Companions, nor for the understanding of the Companions or of the scholars of the ummah or the imāms of Ahl al-Sunnah... they have gone in the direction of those Khārijites described by the Messenger of Allāh (صلى الله عليه وسلم) that they are young of age, foolish-minded. They say that the word ‘ghuwaylim’ and ‘ghulaym’ is applied to the one deficient in intellect and religion and these ones, these are their clear traits.’¹³

Abu ‘Iyaad Amjad Rafiq ♦ kharijites.com ♦ @abuiyaadsp
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¹² Related by al-Bukhārī (no. 3611) and Muslim (no. 1066).

¹³ Sharḥ Uṣūl al-Sunnah (pp. 109-110).