

A Critical Study of Takfeer and its Trends within the Framework of Islamic Teachings

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ABSTRACT

Based on differences in religious interpretations of different texts, incidents, and events communities life together despite having various groups and divisions. One such difference results into 'ex-communication' which is called Takfeer (تكفير) in Islamic terminology, in which one Muslim sect labels the other Muslim group as non-believer. Takfeer (تكفير) is the sensitive matter which has serious effects on both the accuser as well as the accused. Today, many Muslims are accused as non-believers/disbelievers by fellow Muslims without investigating the matter. In this article the Islamic concept of Takfeer (تكفير) will be defined along with its categories. Additionally, the conditions of takfeer (تكفير) will be explored and their effects on accuser as well as the accused will be discussed in detail. Finally, the key issues of the concept of takfeer (تكفير) will be aided according to the Qur'an, Sunnah, and scholars' opinions to address the complexities of this grave matter.

Keywords: Concept of Takfeer, Excommunication, Disbeliever, Rulings, Conditions of takfeer, Necessitation of judgement

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1. Introduction

Takfeer (تكفير) is the word of Arabic language that is extracted from the word *kufr* (كفر). The meanings of *kufr* (كفر) includes disbelief, godlessness and infidelity, and *kufr* is the opposite of faith (ايمان) means hiding or covering so *kāfir* (كافر) means the one who refuses the favour of Allāh (عزوجل).¹ for example the farmer who hides seeds in the soil to vegetate is called *kāfir* (كافر). This meaning of *kāfir* is used once in the Holy Qur'an

كَمَثَلِ غَيْثٍ أَعْجَبَ الْكُفَّارَ نَبَاتُهُ ثُمَّ يَهِيجُ فَتَرَهُ مُضْفَرًا...²

“...the likeness of vegetation after rain, whereof the growth is pleasing to the husbandman...³

This verse discusses that the rain that grow the plants is pleasing to the one who covers the seeds in the soil (cultivator), therefore, the word used for cultivator in the verse is said to be a *kāfir* (كافر), as he has veiled the favour of Allāh (عزوجل). Al Azhari said:

‘The favors of Allāh (عزوجل) include His signs of *tawhīd* (توحيد), which the *kāfir* (كافر) has veiled, and the signs that enable the person to realize that the Creator is One and has no partner. And likewise, he sent the messengers having miraculous signs, revealed books as a favor from Him. ‘Though whoever is not generous to the favor, and deny it, then he became a *kāfir* (كافر) in the favor of Allāh (عزوجل), means that he showed unbelief and has covered and veiled the favor of Allāh (عزوجل) from himself.’⁴

So, technically *takfeer* (تكفير) means declaring the religious belief of the person as false and impure and denouncing the Muslim as *kāfir* (كافر) or disbeliever.⁵ It is a practice which is used to deprive the Islamic status of the Muslim. According to Toshihiko Izutsu:

1 Jamal al-Dīn Muhammad ibn Muqarram. *Lisān al-‘Arab*. Edited 15. Beirut, Lebanon: Dār al-Sādir, 1367 AH (1948 CE).

2 *Al-Qur’ān*: Surah Al-Hadid 57:20.

3 Pickthall, Muhammad Marmaduke. *The Meaning of the Glorious Qur’ān*. Hyderabad-Deccan: Government Central Press, 1938

4 Muqarram, Muhammad ibn. *Lisān al-‘Arab*. 3899.

5 Bako, Abu Bakar, and Zayyanu Musa Dogondaji. “Effects of Takfir on the Religious Life of the Muslim Society in Hausa Land.” *South Asian Research Journal of Humanities and Social Sciences* 1, no. 2 (2019): 141.

‘Takfeer (تكفير) is declaring or condemning the Muslim member of the community as the disbeliever. The person is condemned as disbeliever due to person’s false and impure belief’.¹

2. Classification of *Kufr* (كفر)

Based on the above information it is necessary to understand the different types of *kufr*(كفر) or disbelieve which could be divided into two:

- Lesser *kufr* (*Kufr al Asghar* كفر الاصغر)
- Greater *kufr* (*Kufr al Akbar* كفر الاكبر)

kufr al Asghar (كفر الاصغر) is also known as the *kufr* (كفر) of deeds (عمل) or *Aqedah* (عقيدة).

The disobedience in deeds results to declare it as the act of *kufr* (كفر) through which person will not directly declare as disbeliever although his act will be considered as the act of disbelieve and the Muslim who is committing major sins will be regarded a Muslim having weak faith.

The *kufr* (كفر) of belief is called *kufr al-Akbar* (كفر الاكبر) or greater *kufr*. It is to reject intentionally the necessitation of Islam. According to the jurists the acts of belief are the acts of obedience to Allāh (عزوجل) including prayer, fasting, zakat etc. and disobedience to them will be *kufr* (كفر) which takes a Muslim out of Islam. The rulings of apostasy and disbelieve are applied on matters of greater *kufr*.²

3. Categories of *Takfeer* (تكفير)

According to Muslim scholars *Takfeer* (تكفير) is categorised into two different types:

- General *takfeer* (*Takfeer e Mutlaq* تكفير مطلق)
- Specific *takfeer* (*Takfeer e Mwayyin* تكفير معين)

1 Izutsu, Toshihiko. “The Concept of Belief in Islamic Theology: A Semantic Analysis of Iman and Isla.” Malaysia: Islamic Book Trust Malaysia, 2006.

2 Bako, Abu Bakar, and Zayyanu Musa Dogondaji. “Effects of Takfir on the Religious Life of the Muslim Society in Hausa Land.” *South Asian Research Journal of Humanities and Social Sciences* 1, no. 2 (2019): 142.

3.1. General *Takfeer* (Charge of Disbelieve Based on General Rulings)

When a certain verse or set of verses of the Qur'an state an action to be disbelieve and it is said that whoever utter certain words and practiced certain acts prohibited by Qur'an and Sunnah, will levels the charge of disbelieve after applying the rules of *Takfeer e Mutlaq* (تكفيرمطلق).¹ An example would be to associate partners with Allāh (عزوجل) make the person disbeliever, to refuse the finality of the Prophet Muhammad (صلى الله عليه وآله وسلم) and other pillars of Islam than that person will be declare disbeliever² so, it will be said that whoever associate partners with Allāh (عزوجل) and refuse finality of Prophet Muhammad (صلى الله عليه وآله وسلم) will become disbeliever and will not remain under the folds of Islam. These phenomena are called *takfeer e Mutlaq* (تكفيرمطلق). Another example would be the verse in the Quran in which Allāh (عزوجل) has said,

تَبَّتْ يَدَا أَبِي لَهَبٍ وَتَبَّ³

“The power of Abu Lahab will perish, and he will perish.”⁴

It is clear from the verse that Allāh (عزوجل) has labelled Abu Lahab, (who is one of the uncles of the Prophet (صلى الله عليه وآله وسلم) without doubt to be a disbeliever due to his hate towards Islam. If someone came and said that Abu Lahab is not a disbeliever but a Muslim, then the charge of disbelieve can be levelled against him. However, the conditions and rules surrounding *takfeer* (تكفير) should be investigate before making ruling on the individual. It may be that he is a new convert to Islam and he do not have this information or he may be insane or something else of this nature. But the *takfeer*

1 Abu Abdullah Tamim, “Maqalat e Takfeer,” 70

2 Shaikh Abdul-Azeez bin Abdillah Ar-Raajihee, “Explanation of The Nullifiers of Islam Imam and Muhammad bin ‘Abdul-Wahab,” trans. Abu Maryam Ismael Alarcon (USA: Al Ibaanah Book publishing, 2003), 12

3 Al Qurān: Surah Lahab: 111:01

4 Pickthall: Glorious Qurān: 696

(تكفير) will be practiced if the person is not being excused from the rules of *takfeer* and it cannot be denied by anyone. In another verse it is said,

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ¹

“Whoso judge not by that which Allāh hath revealed: such are disbelievers.”²

This verse could be taken for the example of *takfeer e Mutlaq* (تكفير مطلق) and can be said, that ‘today whoever is not judging according to what Allāh (عزوجل) sent down is a disbeliever’ as in verse it is commanded by Allah that whoever will judge outside what Allah has revealed than he will be among disbeliever. This type of *takfeer* (تكفير) have some rules and regulations so that people could differ it, and it is with the fact that there are different grades of *kufr* (كفر) depending upon the situation. One grade of *kufr* (كفر) is that the one who does not judge by what Allāh (عزوجل) revealed has not become a disbeliever, instead done a major sin, or he would be declare disbeliever metaphorically in which he will remain under the folds of Islam or in other situations he may declare as actual disbeliever and will not remain under folds of Islam, it is all depends on the condition of individual and judgement will me made accordingly.

Imam Ibn e Taymiyyah said:

“It is not compulsory to judge *takfeer e Mutlaq* (تكفير مطلق) against specific individual without being investigation as both categories of *takfeer* (تكفير) differ with each other and may the specific individual could be ignorant and not known about it or he may have made an interpretation which results incorrect or he may utter those words without intending them.”

Therefore, it is necessary to investigate the situation and specify whether according to situation they would be actual disbeliever or that certain act would be declare as the

1 Al Qurān: Surah Al Maida: 5:44

2 Pickthall: Glorious Qurān: 127

act of disbelieve. There is no disagreement among Muslim scholars on *takfeer e Mutlaq* and it can be done by learned scholars.¹

3.2. **Specific *Takfeer* (Charge of Disbelieve where the Individual is Actually Named)**

The manifestation of this charge of disbelieve is when an individual person is named with the label of disbelieve. However, before labeling the charge of disbelieve *ijtihād* must be exercised. When *ijtihād* being made and resulted that major *kufr* (كفر) is involved than the person will be liable for *takfeer e Mwayyin* (تكفير معين). For example, when it is the situation that specific person made fun of the verses of the Qur'an being Muslim and knowing its sacredness and *ijtihād* resulted that disrespecting or mocking the verses of Qur'an will made the person disbeliever when he is intentionally doing so, then that person will be declared disbeliever according to the rules of *takfeer e Mwayyin* (تكفير معين). The main element of the specific *takfeer* is *ijtihād* therefore the scholars have difference of opinion on applying its certain rulings. May be one scholar pardon the certain individual after investigating his situation and conditions due to his lack of information while other may not pardon and act on it.² It is narrated by Hazrat 'Abdullah (رضى الله تعالى عنه) that the Prophet (صلى الله عليه وآله وسلم) said,

سَيَابُ الْمُسْلِمِ فُسُوقٌ، وَقِتَالُهُ كُفْرٌ.³

"Abusing Muslim is Fusuq (an evil doing) and killing him is Kufr (disbelief)".⁴

In this Hadīth the act of killing is declared as disbelief, although in *Sharī'ah* there is specific punishment for this crime and that person is called as murderer (قاتل) not disbeliever so it means that the word *kufr* (كفر) used in this Hadīth is metaphorically

1 Abu Umair Salfi, "Masla Takfeer fitnah Takfeer," trans. Dr Abdullah Al Salfi, 5

2 Toshihiko, "The Concept of Belief in Islamic Theology, 16

3 Muḥammad ibn Ismā'īl al-Bukhārī, *Sahih Al Bukhari*, book 2, Hadith 48, (Dar ul Hdharat Publishers and Distributors, 1436), 19

4Dr Muhammad Muhsin Khan, Translation of the Meanings of Sahih Al Bukhari, Volume 1, Book 2, Hadith 48, (Darussalam Publishers, Saudi Arabia, 1997), 80

applied and it does not mean that he does not remain Muslim. Another Hadīth reported by Hazrat Buraidah (رضى الله تعالى عنه) Prophet (صلى الله عليه وآله وسلم) said:

"That which differentiates us from the disbelievers and hypocrites is our performance of Salat. He who abandons it, becomes a disbeliever."¹

In above mentioned Hadīth, the person who abandons prayer, did disbelief and become disbeliever although according to *Sharī'ah* (شرعيه) and Sunni school of thought it is among minor *kufir* (كفر) therefore that person will not declare actual disbeliever as disbelieve resulted on the basis of major *kufir* so in this case it will be said that his act is like the act of disbeliever as prayer differentiate believer and disbeliever.² As said by Imam ibn Taymiyyah

'*Takfeer* (تكفير) has conditions and impediments, its conditions cannot be applied, for every individual. And when we say general *takfeer* (تكفير مطلق), it does not mean we call every individual a disbeliever, unless its conditions are there but the impediments are not there'.³

It is narrated by Hazrat Anas bin Malik (رضى الله تعالى عنه):

"Prophet (صلى الله عليه وآله وسلم) cursed ten people involved in wine: The one who presses it, the one who has it pressed, its drinker, its carrier, and the one it is carried to, its server, its seller, the consumption of its price, the one who purchases it and the one it was purchased for."⁴

This Hadīth collectively talks about the prohibition for those who involved in any act of wine therefore it can be an example of general *takfeer* in which an individual is not

1 Imām Hāfīz Abu 'Eisā Mohammad Ibn 'Eisā At-Tirmidhi, Jami at-Tirmidhi, Trans. Abu Khalīl, Volume 5, The Chapter on Faith, Hadith 2621, (Maktaba Dar-us-Salam, 2007), 30

2 Ahmad Fareed, "On the Issue of Takfeer" Caution against holding a Muslim to be a disbeliever due to his sins and ignorance from the book "Al-'Udhr bil-Jahl," trans. Abu Muntasir ibn Mohar 'Alī, (Landon, Jamiat Ihya Minhaj Al-Sunnah, 1997), 37

3 Umair Salfi, "Masla Takfeer fitnah Takfeer," trans. Dr Abdullah Al Salfi, 23

4 Mohammad ibn Eisa, Jami` at-Tirmidhi, Volume 3, The Chapters on Business, Hadith 1295, 97

cursed whether talk collectively. While in another Hadith by Hazrat Umar ibn al-Khattab (رضى الله تعالى عنه) reported:

أَنَّ رَجُلًا، عَلَى عَهْدِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ اسْمُهُ عَبْدَ اللَّهِ، وَكَانَ يُلَقَّبُ جِمَارًا، وَكَانَ يُضْحِكُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَكَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَدْ جَلَدَهُ فِي الشَّرَابِ، فَأَتَى بِهِ يَوْمًا فَأَمَرَ بِهِ فَجَلِدَ، فَقَالَ رَجُلٌ مِنَ الْقَوْمِ لِلَّهِمَّ الْعَنَّهُ مَا أَكْثَرَ مَا يُؤْتَى بِهِ. فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " لَا تَلْعَنُوهُ، فَوَاللَّهِ مَا عَلِمْتُ أَنَّهُ يُجِبُ اللَّهُ وَرَسُولُهُ "

“In the time of the Prophet (صلى الله عليه وآله وسلم) there was a man named Abdullah he would make the Prophet laugh. The Prophet lashed him for drinking wine, and one day the man was brought again and the Prophet ((صلى الله عليه وآله وسلم)) ordered him to be lashed. Another man among the people said, “O Allāh (عزوجل), curse him! How many times has he been brought?” The Prophet (صلى الله عليه وآله وسلم) said, “Do not curse him. By Allāh (عزوجل), I know that he loves Allāh (عزوجل) and his messenger.”¹

Prophet (صلى الله عليه وآله وسلم) himself cursed the wine drinkers as mentioned in above Hadith but here in the matter of individual, Prophet (صلى الله عليه وآله وسلم) stop the person who was cursing the wine drinker so it means to curse collectively is another thing and to curse specific person is totally different therefore same rulings will be applied in the matter of *takfeer* (تكفير) in which on the bases of certain crime where general *takfeer* being made it is not compulsory to label every individual with the charge of disbelieve on the bases of general *takfeer* and investigation is necessary in it.²

4. Requirements to Pass Judgement of Disbelief

Takfeer e Muslim (تكفيرمسلم) is the sensitive subject which results to refute the person’s Islam that is why for passing the judgement of disbelief there are some necessities for the accuser which should be met. These are:

1. Adult
2. Sane
- Trustworthy
4. Expert in Subject of Takfir
5. Strong understandings of Religion
6. Sense of honour for Religion

1 Muhsin Khan, Translation of Sahih Bukhari, volume 8, The Book of Al Hudud, Hadith no 6780, 406

2 Ubaid ur Rehman, Usool e Takfeer, (Mardan), 166

4.1. Requirements to Pass Judgement of Disbelief

Takfeer e Muslim (تكفيرمسلم) is the sensitive subject which results to refute the person's Islam that is why for passing the judgement of disbelief there are some necessitations for the accuser which should be met.

These are:

- The judgement of *takfeer* should be made by the person who is Muslim, adult and sane. No any insane can pass judgement of *takfeer* nor the judgement of immature person will consider right.
- Only the trustworthy person is liable to make *takfeer*. The one who is liar or not truthful, could not make *takfeer* of Muslim.¹
- The one who is not proficient in this subject and did not understand its general rulings and principles could not talk on this subject
- One could not make judgment of this subject if he does not have sense of honor for Islam as it could result corrupt ideologies in the religion through which truth will be mistaken for falsehood and whatever is not part of religion will enter into it just for the sake of falsehood.

It is unlawful for the person to speak on this matter if he does not have religious knowledge, strong understanding and intelligence as no one should be declared disbeliever until he is declaring disbeliever by Qur'an and Sunnah due to committing any nullifiers of Islam. If he charged *takfeer* without having rightful claim than he commits a lie against Allāh (عزوجل) which is among the enormous crimes.² As Allāh (عزوجل) said in the Qur'an:

وَمَنْ أَظْلَمُ مِمَّنْ آفْتَرَىٰ عَلَىٰ اللَّهِ كَذِبًا³

"Who do greater wrong than he who invent a lie against Allāh (عزوجل)..."⁴

1 Rahman, "Usool e Takfeer", 168

2 Saleh bin Fawzan bin Abdillāh al Fawzan and Abu Suleiman Muhammad Abdul-Azim Ibn Baker, Declaring a Muslim to be an Apostate, (Maktabat ul Irshad Publications, 2012), 6

3 Al Qurān: Surah Al Annam: 6:21

4 Pickthall, Glorious Qurān, 143

In another verse of Quran *Allāh* (عزوجل) said,

قُلْ إِنَّمَا حَرَّمَ رَبِّيَ الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَّنَ وَالْإِثْمَ وَاللَّيْعُنَ بِغَيْرِ الْحَقِّ وَأَنْ تُشْرِكُوا بِاللَّهِ مَا لَمْ يُنَزِّلْ بِهِ سُلْطَانًا وَأَنْ تَقُولُوا عَلَى اللَّهِ مَا لَا تَعْلَمُونَ¹

"Say: My Lord forbidden only indecencies, such of them as are apparent and such as are within, and sin and wrongful oppression, and that ye associate with Allāh (عزوجل) that for which no warrant hath been revealed, and that ye tell concerning Allāh (عزوجل) that which ye know not."²

In another verse *Allāh* (عزوجل) said

وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ إِنَّ السَّمْعَ وَالْبَصَرَ وَالْفُؤَادَ كُلُّ أُولَئِكَ كَانَ عَنْهُ مَسْئُودًا³

" (O man), follow not that whereof thou hast no knowledge. Lo! the hearing and the sight and the heart - of each of these it will be asked."⁴

So, it is proved from the verses of the Qur'an that the statements passed without knowledge specially regarding religion are false statements and is a lie against Allāh (عزوجل) that is among dangerous crimes. Therefore, it is obligatory to learn the things which entail disbelief and beneficial knowledge about the subject and should not talk ignorantly. No judgement of apostasy or disbelieve could be passed until it is evident from Qur'an, Sunnah and consensus of Muslim scholars.

5. Effects of Takfeer on the Life of the Accused

When the *takfeer* is claimed and person is judged as disbeliever according to Shari'ah rulings, he did not remain the Muslim member of community and expel from the religion of Islam. It will bring following effects on the life of the accused:

1 Al Qurān: Surah Al Araf: 7:33

2 Pickthall, Glorious Qurān, 170

3 Al Qurān: Surah Al Isra: 17:36

4 Pickthall, Glorious Qurān, 316

5.1 Withdrawal of all Religious Rights and Privileges

The crucial difference among the Islamic and non-Islamic society is that the later based on the worldly ties of colour, race, language and country while the former is based on religious bond of Islam as in Islam Muslims are declared brothers to each other. In non-Islamic societies the differences of belief do not affect the bonds that are based on race, colour, language and country however, in Islam unity of belief is the core factor which unite people of different races, colour, language and country. Islam has given some religious rights and privileges to every Muslim and it is the duty of every Muslim to safeguard it and expected to be respected by each other being member of the Muslim community. Once a Muslim is judged as apostate or disbeliever in the society than he will depart from all the religious rights and privileges which he was enjoying previously as the Muslim member of community.¹

5.2 Prohibition of Eating Slaughtered Animals by his/her Hands

According to Islamic law eating animals by non-believers is prohibited for Muslims so, this is the manifest effect of *Takfeer* that when a Muslim will term as disbeliever than the animal slaughtered by that person will also be prohibited as he does not remain under the folds of Islam and declared as *kāfir* (كافر).²

5.3 Marriage will Nullified

The *Takfeer* on the person will brings that his wife will separate herself from him and his marriage will be considered nullified when his wife is Muslim.

5.4 No Inheritance Right

The one to whom *takfeer* being charged will not have inheritance right not be inherited from Muslim relatives nor even he will get a money or property written in will for him by any Muslim member of community.

5.5 Death and Burial Rights will not Perform by Muslims

It is among the right of Muslim that when he died, he be washed properly before burial

1 Bako and Dogondaji, Effects of *Takfir* on the Religious Life ,144

2 Bako, Effects of *Takfir*, 144

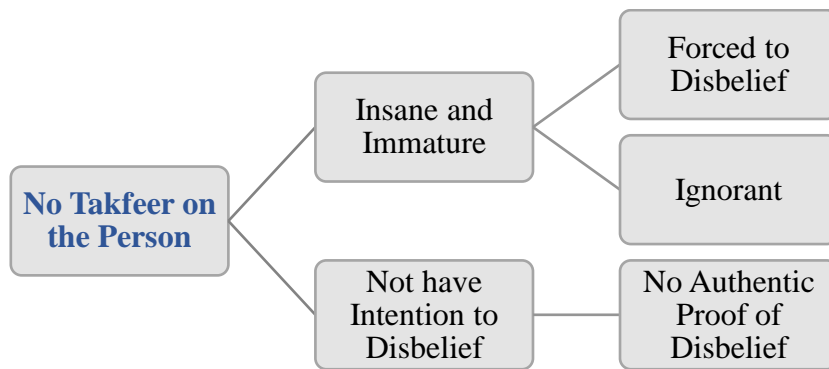
and funeral prayer said on him but for the Muslim who declared disbeliever, these rights will automatically remove from him and his body is not washed by Muslims neither funeral prayer said on him nor he will bury in Muslim cemetery as in Islamic law disbeliever is not allowed to be buried in Muslim cemetery. ¹

5.6 Asking Forgiveness of Allāh (عزوجل) for him is not Allowed

After death of Muslim, sincere supplication and asking forgiveness of Allāh (عزوجل) for him is among the rights of deceased,² but for the unbelievers it is forbidden, so for the one who is declared as non-believer it will be prohibited to ask forgiveness of Allāh (عزوجل) when he died as *kāfir*. ³

6. Conditions of Claiming Takfeer

There are certain conditions which exempt the Muslim from being labelled as disbeliever and these conditions are among the general criteria which should be observed before claiming *takfeer* on an individual Muslim and these are also called as impediments to making *takfeer*.



6.1. No Takfeer on Insane or Immature

The person for whom the decision of disbelief is going to be made must be mature and sane and at the time of uttering the words of disbelief or doing action of disbelief

1 Saleh and Abdul-Azim, declaring a Muslim to be an apostate, 8

2 Abū Dā’ūd Sulaymān ibn al-Ash’ath ibn Ishāq al-Azdī al-Sijistānī, Sunan Abi Dawud, Trans. Nasiruddin al-Khattab, Volume 3, The Book of Funerals, Hadith 3199, (Darussalam, 2008), 606

3 Saleh and Abdul-Azim, Declaring a Muslim to be an Apostate, 8

he must be mature and sane therefore, the one who is insane and not mature or he was drunk at the time of doing act of disbelief or uttering words of disbelief than the charge of disbelief will not be made on him.¹

6.2. Not Compelled to Disbelieve

He must possess freewill and the act of disbelief or words of disbelief must not be made by him under compulsion and if said in compulsion than he will be forgiven as said by Allāh (عزوجل) in the Holy Qur'an:

مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ وَلَكِنْ مَنْ شَرَحَ بِالْكُفْرِ صَدْرًا فَعَلَيْهِمْ غَضَبٌ مِنَ اللَّهِ وَلَهُمْ عَذَابٌ عَظِيمٌ²

“Whoso disbelieve in Allāh (عزوجل) after his belief - save him who is forced thereto and whose heart is still content with the Faith - but whoso find ease in disbelief: On them is wrath from Allāh (عزوجل). Theirs will be an awful doom.”³ So according to the verse if someone commit certain act of disbelief under compulsion than he will not be punished therefore it is clear that his takfeer will not be made.⁴

6.3. Must have Intention of Disbelief

Furthermore, the act or expression of disbelief must be made intentionally and if it is done unintentionally than no *takfeer* will be made as said in the Holy Qur'an.⁵ So it means that heart embraces disbelief with peace and satisfaction. So, the appearance of disbelief will not prove that person become *kāfir* until the heart of the person is not embracing *kufir* on belief just like the person do not become Muslim until he did not choose Islam as his religion. Likewise, Muslim will not become disbeliever unless he intended to do so as mentioned in Hadīth,

إِنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ،

1 Craig Anthony Green, The Khawarij and the Creed of Takfeer: declaring a Muslim to be an apostate and its effects upon modern day Islamic movements, (University of South Africa,2019), 66

2 Al Qurān: Surah Al Nahl, 16:106

3 Pickthall: Glorious Qurān, 309

4 Anthony Green, The Khawarij and the creed of takfeer, 66

5 Al Qurān: Surah Al Nahl, 16:106

Actions are through intentions...¹

According to At- Tahawi

‘we did not declare the faith of Muslim as disbelief unless he disavows what brought him into it’.²

So when there is intention of disbelief and man himself said that he intentionally did act of disbelief then person will be claimed with *takfeer* otherwise without intention no *takfeer* will be made. The scholar of Shāfi‘ī school of thought, Ibn Hajar Al-Haythami said:

‘It is clearly said by our scholars that no judgement of disbelief should be made on a person who uttered the words that could constitute disbelieve until he questioned about his intention. If that person said that his intention was such and such and that is clearly among the acts of disbelief, then the judgement of disbelieve could be made on him but if his intention was not of disbelief then no takfeer will be made on that person.’³

6.4. Should not be Ignorant

He must not be ignorant and the rulings for his action or words of disbelief must be discussed and explained to him so that he could clarify if he misinterprets the text or if he did so ignorantly. The one who is new converted to Islam and did not learn about the rulings of Islam than nullifiers of Islam should be explained to him and no *takfeer* will be made on him even if it is major *kufur* until he clarified. However, if he does not leave that act of disbelieve after clarifications than he should be declare disbeliever according to the principles of *takfeer*. For example, the Muslim who lives outside the Muslim community and is a new convert to Islam and did not know that alcohol is prohibited in Islam and consider it lawful and did not understand the complexities of

1 Muhammad Muhsin, Translation of Sahih al-Bukhari, Volume 1, The Book of Revelation, Hadith 1, 45

2 Abu Jaffar al Waraq al Tahawi, Al Aqidah At- Tahawiyah, trans. Muhammad Hanif Abdul Majeed, (Karachi: Dar ul Huda), 31

3 Taqiuddin Ibn Taymiyyah, Al Fatawa al-Kubra, (Beirut, Lebanon: Dar al Kutub al-Ilmiyah), c.f Anthony Green, The Khawarij and the creed of takfeer, 67

general rulings on certain matter than this is excusable and he will be declare ignorant and knowledge will be provided to him.¹ It is also verified from Hadīth that ignorance is excusable as narrated by Hazrat Abdullah bin Abu Awfa (رضى الله تعالى عنه) that,

“When Muadh bin Jabal came from Sham, he prostrated to the Prophet who said: 'What is this, O Muadh?' He said: 'I went to Sham and saw them prostrating to their bishops and patricians and I wanted to do that for you.' The messenger of Allāh (صلى الله عليه وآله وسلم) said: 'Do not do that. If I were to command anyone to prostrate to anyone other than Allāh (عزوجل), I would have commanded women to prostrate to their husbands. By the One in Whose Hand is the soul of Muhammad! No woman can fulfil her duty towards Allāh (عزوجل) until she fulfils her duty towards her husband. If he asks her (for intimacy) even if she is on her camel saddle, she should not refuse.’²

The Prophet (صلى الله عليه وآله وسلم) commanded him to not do so as it is prohibited in Islam to prostrate anyone instead Allāh (عزوجل) however, did not declare him disbeliever due to his ignorance on this matter because he thought that it is type of greeting therefore, Prophet (صلى الله عليه وآله وسلم) guided him about its prohibition and did not make *takfeer* of him.

Hazrat Abu Huraira (رضى الله تعالى عنه) reported Allāh (عزوجل)’s Messenger (صلى الله عليه وآله وسلم) as saying that:

"A man used to do sinful deeds, and when death came to him, he said to his sons, 'After my death, burn me and then crush me, and scatter the powder in the air, for by Allāh, if Allāh would get hold of me, He will give me such a punishment as He has never given to anyone else.' When he died, his sons did accordingly. Allāh ordered the earth saying, 'Collect what you hold of his particles.' It did so, and behold! There he was (the man) standing. Allāh asked (him), 'What made you do what you did?' He replied, 'O my Lord! I was

1 Anthony Green, The Khawarij and the creed of takfeer, 68

2 Abū ‘Abd Allāh Muḥammad ibn Yazīd Ibn Mājah al-Rabī al-Qazwīnī, Sunan Ibn Majah, Trans. Nasiruddin al-Khattab, Volume 3, Book 9, The Chapters on Marriage, Hadith 1853, (Darussalam, 2007), 63

afraid of You.' So, Allāh forgave him Another narrator said, "The man said, 'Fear of You, O Lord!'.¹

Ibn al Qayyim comments on this as saying:

‘The person is excused and does not become kāfir when the matters of faith are denied due to ignorance or misinterpretation as mentioned in the narration in which the man said to his family to burn him after his death and disperse his ashes in land and water as he denied the power of Allāh (عزوجل). Despite of the act of disbelief Allāh (عزوجل) forgave him and had mercy on him due to his ignorance in this matter of faith.²

This was clearly the act of disbelief as the man did not have faith on the power of Allāh (عزوجل) to question him even when his body is scattered in land and water but Allāh (عزوجل) forgave him due to his ignorance in this matter and righteous fear of Allāh (عزوجل).

6.5. Must have Authentic Evidence

There must be authentic evidence of disbelief and no *takfeer* will be made on interpretive opinion when it is not according to *Sharī‘ah* rulings. Verifications and investigation are necessary for passing the judgement of *takfeer*. Until the situation is not clear and there is any doubt than no *takfeer* will be made therefore, it is necessary to return to the people of knowledge to discuss the situation of individual on the matter of *takfeer* as in making *takfeer* of individual the judgement will be made on the situation of that certain person.³ A group of companions went to travel and a man passed by them who had sheep along him, he greeted companions and they thought that he was disbeliever therefore, they hastened to kill him and took his sheep. On this incident Allāh (عزوجل) revealed:

1 Muhammad Muhsin, Translation of Sahih Bukhari, Volume 4, The Book of the Stories of Prophet, Hadith 3481, 430

2 Zinaid Abu Naser, Excuse His Kufr and Takfir Explained – ‘Audhr Bi Al-Jahl’– Excuse of Ignorance Rulings & Fiqh, (May, 2016)

3 Green, The Khawarij and the creed of takfeer, 69

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا صَرَيْتُمْ فِي سَبِيلِ اللَّهِ فَتَبَيَّنُوا وَلَا تَقُولُوا لِمَنْ آَلَقَ إِلَيْكُمُ السَّلَامَ لَسْتَ مُؤْمِنًا تَتَّبِعُونَ عَرَضَ الْحَيَاةِ
الدُّنْيَا فَعِنْدَ اللَّهِ مَغَايِمٌ كَثِيرَةٌ كَذَلِكَ كُنْتُمْ مِنْ قَبْلُ فَمَنْ آَلَهُ عَلَيْكُمْ فَتَبَيَّنُوا إِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا¹

“O ye who believe! When ye go forth (to fight) in the way of Allāh (عزوجل), be careful to discriminate, and say not unto one who offer your peace: "Thou art not a believer," seeking the chance profits of this life (so that ye may despoil him). With Allāh are plenteous spoils. Even thus (as he now is) were ye before; but Allāh (عزوجل) hath since then been gracious unto you. Therefore, take care to discriminate. Allāh (عزوجل) is ever Informed of what ye do.”²

The verse promotes tolerance of all believers and suggests that Muslims should not make judgements on their assumptions. This verse contains the message that whenever Muslim meet the strangers and offer them salutation of peace then it should not be assumed that person is just pretended to be believer and wanted to do something else although it should be perceived as sign of friendship. The salutation will still receive as warm welcome even when the stranger is hypocrite and pretend to be believer. Thus, the lesson in this verse is to promote message of Allāh (عزوجل) while remaining calm towards strangers and not be greedy to get worldly benefits as it was the habit of the people before Islamic period. The main emphasis in this verse is to prohibition of killing on the bases of assumptions, so Allāh (عزوجل) condemn them and commanded to investigate before making any judgment on the person therefore it is clear from the verse that verifications are obligatory and one should not be hasty in making judgement of disbelief. Al- Bahnasawi writes

‘no one should be subjected to harm and mischief on the bases of assumptions of disbelief, and blasphemy without any authentic evidences and judgement of competent authorities.’³

It is narrated by Hazrat Usama bin Zaid bin Haritha (رضي الله تعالى عنه) that

1 Al Qurān: Surah Al Nisa, 4:94

2 Pickthall, Glorious Qurān. 103

3 Declan O'Sullivan, Egyptian Cases of Blasphemy and Apostasy against Islam: Takfir al-Muslim, The International Journal of Human Rights,7, no 2, (2018): 122, DOI:[10.1080/13642980308629709](https://doi.org/10.1080/13642980308629709)

“Allāh 's Messenger (صلى الله عليه وآله وسلم) 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 Allāh (عزوجل)." The Ansari refrained from killing him but I stabbed him with my spear till I killed him. When we reached (Medina), this news reached the Prophet (صلى الله عليه وآله وسلم). He said to me, "O Usama! You killed him after he had said, 'None has the right to be worshipped but Allāh (عزوجل)?" I said, "O Allāh 's messenger (صلى الله عليه وآله وسلم)! He said so in order to save himself." The Prophet (صلى الله عليه وآله وسلم) said, He said, "Would you not like to have ripped open his chest in order to know what he said it as a protection, would you? "You killed him after he had said, 'None has the right to be worshipped but Allāh (عزوجل)." The Prophet (صلى الله عليه وآله وسلم) kept on repeating that statement till I wished I had not been a Muslim before that day”¹

Hazrat Usama (رضى الله تعالى عنه) killed that person as he thought that his statement was not based on truth and the person said the statement just to save his life and to be protected from sword. The disapproval of the Prophet (صلى الله عليه وآله وسلم) indicate that it is obligatory to verify matters and should not be hasty on making judgement upon people. So, it is necessary that whoever is Muslim or showed himself as Muslim and did some act of disbelief he will not be declare disbeliever until it is not investigated and verified according to his condition. If he commits nullifiers of Islam and perpetrate major *kufr* he will declare disbeliever but if there has not raised anything from him which oppose Islam than judgements should be in his favor even if he commits some oppositions which are among minor *kufr* because disbelieve only declare on major *kufr* or on performing any nullifiers of Islam. ²

7. Principles of *Takfeer*

1 Muhammad Muhsin, Translation of Sahih al-Bukhari, Volume 9, The Book of Blood Money, Hadith 6872,16-17

2 Saleh and Abdul-Azim, Declaring a Muslim to be an Apostate, 15

In the matters of *Takfeer* the legal rulings of apostasy are applied that involves the punishments mentioned in hudood laws, it proposed two ways to authenticate the accusation of disbelief including the confession of crime by the accused himself in front of court or two wise, adult and reliable persons witnesses against him by following the legal course of Islamic law. If the accuser has some doubts regarding the legal status of the words or actions which made him to be declared apostate or disbeliever than his punishment of apostacy will be annulled. Sometimes the accused doubts in reality and sometimes the court assumes the doubts but in both conditions the person is not legally declared as apostate and did not sentence for apostacy. A person cannot be declared apostate and sentence for its punishment on the word or action whose degree being the word or action of disbelief is challenged among the Muslim scholars. However, if the word or action includes more than one interpretation the scholars contend to consider the interpretation, if contains any, that avoids declaring that specific words or actions as disbelief. In the matter of apostacy or disbelief the accused will asked in court to interpret or to define his words or actions instead in the case when the word or act is clear disbelief and if he denies disbelief than his denial will be undertaken and preferred over the statements of the witnesses and denial will be taken as his repentance.¹

So, according to the scholar's opinion if the words of the person apparently seem to be the words of disbelief but also carries the possibility of multiple interpretations than his words will be judge by that interpretation of probability which condemn him from declaring disbeliever unless the accused himself interpret his words. Muslim scholars argue with consensus that the certain word or act will be declare a word or act of disbelief exclusively when Muslim jurists do not feel any hesitancy in declaring it disbelief. and the second principle determined that no person will be declared a disbeliever when he denies the legal claim which contains multiple interpretations by

1 Maulana Muhammad Ammar Khan Nasir, Is Pakistan's Constitution Based on Disbelief? A Critical Review of Ayman Al-Zawahiri's Book Al-Subh wa' Al-Qindil, Critical Ideologies: A Debate on Takfeer & Khurooj, Editor Safdar Sial, (A NARRATIVES PUBLICATION, 2012), 167

ijtihād or inference. It is necessary so as to declare a person with disbelief that he denies the clear and implicit ruling or commandment for which there is no need to rely on the interpretations to resort more understandings of it.¹ These two principles are essentials for claiming *Takfeer* on anyone.

8. Conclusion

Muslim Societies like other religion-oriented societies have also witnessed several problems which lead to the division among the Muslims. These crises occurred due to different problems such as most of Muslims having almost no understanding of Islam, impatience and extremism etc. *Takfeer* is one of the sensitive matters which has the serious effects on the accuser as well as the accused.

Contemporary times in Pakistan *Takfeer* e Muslim is the grave issue and it is the general consensus among the Muslim scholars that the Qur'an, Sunnah and rightly guided caliphs prohibit Muslims from claiming each other with disbelief unless he commits any nullifiers of Islam, using every possible excuse in favour of Muslim especially on the matters of disagreements or difference of opinions and on matters of ijtihād.

The issue of *Takfeer* should be dealt by the authorities not by the individuals ensuring justice, tolerance and through promoting the teachings of Islam on this matter that necessitate to avoid charging *Takfeer* on that Muslim whose statement or act is doubtful and contains only the probability of disbelief or is forced, ignorant and done unintentionally.

¹ Ammar Khan, A Debate on Khurooj, 168

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