

Whether Tabdīr is from the Matters of Ijtihād and How to Behave When the Scholars Differ Regarding It

Shaykh ‘Ubayd al-Jābirī was asked: “This question is regarding the same subject and the questioner has split it into two parts: a) Can people take any of two sayings when the scholars differ regarding the tabdīr of an individual without one person rebuking the other (for his view)? b) Is tabdīr from the affairs which are subject to ijtihād in which no one is to be rebuked?”

The Shaykh answered: “We shall summarise it with one answer (to both parts), so we say: Tabdīr (declaring someone an innovator), tafsīq (declaring someone a sinner) or takfīr (declaring someone a disbeliever) are not from the perspective of [mere] opinion and suspicion, rather they are [in fact] the judgements of Allāh. Hence, the scholars look at the opposition (mukhālafah) and the opposer (mukhālif).

For judging the opposition to be sin, innovation or disbelief, they [the scholars] look to the evidences of the Sharī‘ah and then pass judgement upon this opposition with what the legislation of Allāh (سُبْحَانَهُ وَتَعَالَى) has judged it with – from the Book of Allāh and the Sunnah of Muḥammad (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ). So by way of example: Fornication, stealing, false accusations (of immorality), drinking intoxicants, all of these are deeds rendering a person a sinner, so long as a person does not knowingly, deliberately and wilfully declare them lawful and so on to the rest of the conditions. Rejecting the obligations such as prayer, zakāh, fasting in Ramaḍān and Ḥajj is disbelief, rejecting them is disbelief when it occurs from a person knowingly and

deliberately, rejecting them is disbelief. And celebrating the Mawlid or ʿĀshūrā or the new hijrī year, and likewise Ashʿarism and Muʿtazilism, these are innovations. So this is one matter.

The second matter: Built upon this, Ahl al-Sunnah say that the one who rejects the obligations is a disbeliever, the one who drinks intoxicants is a sinner, the fornicator is a sinner. This is a judgement in a general sense. Thereafter, what about specifying and restricting [the judgement to individuals]? There are two conditions for this: The first is the that legislation indicating [that the judgement upon this matter is sin, innovation or disbelief]. The second is applying that description to a specific individual, to so and so, or to any two Bakrs or Zayds and so on. We judge him to be an innovator, disbeliever or sinner, it is necessary that we apply the description upon this individual, but how is this description applied to him?

Applying this description to him is done when the conditions come together and preventative barriers are removed. The scholar, muḥaqqiq (investigative researcher and verifier), absolute mujtahid - and he is one of the three Shaykhs of Islām in our era in my view, I say this in defiance of what others [may think] – has [a work entitled], ‘al-Qawāʿid al-Muthlā’, Shaykh Muḥammad bin Ṣāliḥ bin ʿUthaymīn (رحمته الله), he has treated this matter elaborately and fulfilled it with thorough and sufficient evidences, so whoever wills can refer to it.

One affair remains: Consideration is given to the evidence. We do not impose upon anyone, just as those before us did not impose upon anyone with a personal imposition. That which imposes [and makes binding] is the evidence. Whoever disparaged and established the clear evidence for his disparagement, it is obligatory

to accept it and the one who opposes him if he was from the people of knowledge and excellence he is excused in that he does not know and the principle is, 'The one who knows is a proof over the one who does not know'."

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Translated by Abū 'Iyāḍ Amjad Rafiq @abuiyaadsp

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