

# **A Treatise on the Ruling Regarding the Abandoner of Prayer**

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Written by His Eminence Shaykh

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May Allah forgive him, his parents, and all Muslims.

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In the Name of Allah, the Most Compassionate, the Most Merciful

All praise is due to Allah; we praise Him, seek His help and forgiveness, and repent to Him. We seek refuge with Allah from the evil of our selves and from our bad deeds. Whoever Allah guides, none can lead astray, and whoever He leads astray, none can guide. I bear witness that there is no deity worthy of worship except Allah, alone, with no partner, and I bear witness that Muhammad is His servant and Messenger. May Allah's peace and blessings be upon him, his family, his Companions, and all those who follow them rightly till the Day of Judgment.

Many Muslims today neglect prayer and take it lightly, so much so that some of them have even abandoned it completely.

Since this is a serious and major issue with which people have been afflicted in the present time, and about which past and contemporary scholars have differed, I would like to write a short treatise on it.

The treatise is in two chapters:

Chapter One: The Ruling on the Abandoner of Prayer.

Chapter Two: The Consequences entailed by Apostasy as a result of Abandoning Prayer or Otherwise.

We ask Allah Almighty to guide us to correctness therein.

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## Chapter One: The Ruling on the Abandoner of Prayer

This is one of the major issues of Islamic knowledge. Scholars, past and present, have differed about it. Imām Ahmad ibn Hanbal said: The abandoner of prayer is a disbeliever to an extent that takes him out of the fold of Islam, and he is to be killed unless he repents and prays.

Abu Hanīfah, Mālik, and Al-Shāfi'i said: He is a defiant sinner, not a disbeliever.

Then, they differed, with Mālik and Al-Shāfi'i maintaining that he should be killed as a legal punishment and Abu Hanīfah saying that he should be given discretionary punishment, not killed.

Since this issue is a subject of dispute, it should be referred to the Book of Allah and the Sunnah of His Prophet (may Allah's peace and blessings be upon him).

Allah Almighty says: {And in anything over which you disagree - its ruling is to be referred to Allah. Say: "That is Allah, my Lord; upon Him I have relied, and to Him I turn back."} [Al-Shūra: 10]

He also says: {And if you disagree over something, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is the best [way] and best in result.} [Al-Nisā': 59]

The opinion of a scholar is not a proof against another different opinion, for each believes that he is right. The opinion of none of them is more worthy of acceptance than the others.

Hence, we should refer in this regard to a judge between them, namely the Book of Allah, The Exalted, and the Sunnah of His Messenger (may Allah's peace and blessings be upon him).

As we do so, we will find that the Qur'an and Sunnah both indicate that the abandoner of prayer commits major disbelief that takes him out of the fold of Islam.

First: Evidence from the Qur'an:

Allah Almighty says: {But if they repent, establish prayer, and give Zakah, then they are your brothers in religion} [Al-Tawbah: 11]

He also says: {But there came after them successors who neglected prayer and pursued desires; so they are going to meet evil. Except those who repent, believe, and do righteousness; for those will enter Paradise and will not be wronged at all.} [Maryam: 59-60]

The proof in the second verse [Maryam: 60] is that Allah Almighty says with regard to those who neglect prayer and pursue desires: {except those who repent and believe...} This indicates that when they neglect prayer and pursue desires, they are non-believers.

The proof in the former verse [Al-Tawbah: 11] is that Allah Almighty puts three conditions for establishing brotherhood between Muslims and polytheists:

- \* That they repent from polytheism.
- \* That they establish prayer.
- \* That they pay Zakah.

So if they repent from polytheism yet do not establish prayer or pay Zakah, they are not our brothers. And if they establish prayer yet do not pay Zakah, they are not our brothers.

Brotherhood in religion is not canceled except by what takes a person completely out of the fold of religion; it is not canceled by defiant sinning (Fusūq) or by minor disbelief.

Consider the verse that says about killing: {But whoever overlooks from his brother anything, then there should be a suitable follow-up and payment to him in a good way.} [Al-Baqarah: 178] So, Allah Almighty regards the intentional killer as a brother to the killed person, even though intentional killing is one of the most serious major sins; Allah Almighty says: {But whoever kills a believer intentionally - his recompense will be Hell, wherein he will abide forever, and Allah will be angry with him and curse him and prepare for him a great punishment.} [Al-Nisā': 93] Also consider the verse about two believing groups that engage in fighting: {And if two factions among the believers should fight, then make settlement between them} [Al-Hujurat: 9] The next verse says: {The believers are but brothers, so make settlement between your brothers} [Al-Hujurat: 10] Allah Almighty confirms brotherhood among the party making settlement and the two warring groups, even though fighting a believer is an act of disbelief. Ibn Mas'ūd (may Allah be pleased with him) reported that the Prophet (may Allah's peace and blessings be upon him) said: "Cursing a Muslim is defiant disobedience, and fighting him is disbelief." [Al-Bukhāri and others] However, it is a level of disbelief that does not take the Muslim out of the fold of Islam, because, if it did, then brotherhood in faith would not remain intact along with it. The noble verse indicates that brotherhood in faith remains intact despite fighting.

That said, it becomes clear that abandonment of prayer is disbelief that takes one out of the fold of Islam, for if it were mere defiant disobedience or minor disbelief, then brotherhood in faith would not be removed by it, just as it is not removed by fighting and killing a believer.

Someone may say: Do you regard the abandoner of Zakah as a disbeliever, as indicated by the verse in Surat Al-Tawbah?

In reply, we say: Some scholars regard the abandoner of Zakah as a disbeliever. This opinion is stated in one of two reports from Imām Ahmad (may Allah have mercy upon him).

The more correct opinion we deem is that he is not a disbeliever, yet he should be subject to a great punishment, mentioned in the Qur'an and Sunnah. An example is the Hadīth reported by Abu Hurayrah (may Allah be pleased with him) in which the Prophet (may Allah's peace and blessings be upon him) mentioned the punishment of a person who withholds Zakah. In the end of the Hadīth, he said: "Then, he would be shown his path, either to Paradise or Hellfire." Muslim narrated this Hadīth in full in the chapter titled: "the Sin of the Withholder of Zakah", and it indicates that he is not regarded as disbeliever; otherwise, he would not have a path to Paradise.

The literal meaning of this Hadīth takes precedence over the meaning indicated by the verse in Sūrat Al-Tawbah, because a spoken statement takes precedence over an understanding derived from a text, which is a well-known rule in Usūl Fiqh (Fundamentals of Islamic Jurisprudence).

Second: Evidence from the Sunnah:

1. The Prophet (may Allah's peace and blessings be upon him) said: "Between a man and polytheism and disbelief lies abandonment of prayer." [Narrated by Muslim; Book of Faith; as reported by Jābir ibn 'Abdullāh (may Allah be pleased with him) from the Prophet (may Allah's peace and blessings be upon him)].

2. Buraydah ibn al-Husayb (may Allah be pleased with him) reported that he heard the Prophet (may Allah's peace and blessings be upon him) say: "The covenant between us and them is prayer; so, whoever abandons it has committed disbelief." [Ahmad, Al-Tirmidhi, Al-Nasā'i, and Ibn Mājah]

Disbelief in this Hadīth refers to major disbelief that takes a person out of Islam, for the Prophet (may Allah's peace and blessings be upon him) made prayer a distinction between believers and disbelievers. It goes without saying that affiliation to disbelief is different from affiliation to Islam; so, whoever does not adhere to this covenant is a disbeliever.

3. Umm Salamah (may Allah be pleased with her) reported that the Prophet (may Allah's peace and blessings be upon him) said: "There will be rulers from whom you will see both good and bad deeds. One who recognizes [that their deeds are bad] is absolved from blame. One who disapproves [of their bad deeds] is safe. But one who approves [of their bad deeds] and imitates them [is doomed]." People asked: "Shouldn't we fight them?" He replied: "No, as long as they offer the prayer." [Muslim]

4. Muslim also narrated on the authority of 'Awf ibn Mālik (may Allah be pleased with him) that the Prophet (may Allah's peace and blessings be upon him) said: "The best of your rulers are those whom you love and who love you, and who invoke Allah's blessings upon you and you invoke His blessings upon them. And the worst of your rulers are those whom you hate and who hate you, and you invoke the curse of Allah on them and they invoke the curse of Allah on you." It was asked: "Shouldn't we oppose them with the sword?" He said: "No, as long as they establish prayer among you." These two Hadīths indicate that it is permissible to oppose the rulers and fight them with the sword if they do not establish prayer, and it is not permissible to do so unless they engage in explicit disbelief established as such by a divine proof. 'Ubādah ibn al-Sāmit (may Allah be pleased with him) reported: "The Prophet (may Allah's peace and blessings be upon him) called us and we gave him the pledge of allegiance, and among the conditions on which he took the pledge from us was that we should listen and obey in times of our enthusiasm and reluctance, in hardship and in ease, to endure being discriminated against, and not to dispute over rulership with those in power. He said: 'except if you see evident disbelief about which you have a proof from Allah.'"

Accordingly, their abandonment of prayer, which the Prophet (may Allah's peace and blessings be upon him) regarded as a condition for opposing and fighting them, is evident disbelief for which we have a proof from Allah Almighty.

It is not mentioned in the Qur'an or Sunnah that the abandoner of prayer is a believer or not a disbeliever. The only things reported in this regard are texts about the virtue of Tawhīd (monotheism) and the testimony that there is no deity worthy of worship but Allah and that Muhammad is His Messenger, and the reward for that. These texts are either restricted within the text itself by restrictions that make abandoning prayer quite unlikely, or they are about certain circumstances that serve as an excuse for a person not to pray. Or these texts are general and included under the proofs that the abandoner of prayer is a disbeliever. This is because the proofs that the abandoner of prayer is a disbeliever are specific, and what is specific takes precedence over what is general.

Someone may say: Should we not take the texts indicating that the abandoner of prayer is a disbeliever to refer to a person who abandons it out of denial of its obligation?

In reply, we say: This is not permissible, for it involves two wrong actions:

First: Canceling the description that the Legislator made the ruling contingent upon.

The Legislator made the ruling of disbelief contingent upon abandonment of prayer, not denial of its obligation; and He made brotherhood in religion a consequence of the establishment of prayer, not acknowledgment of its obligation. Allah Almighty does not say: If they repent and acknowledge the obligation of prayer. Also, the Prophet (may Allah's peace and blessings be upon him) did not say: Between a man and polytheism and disbelief lies the denial of the obligation of prayer, or that the covenant between us and them is the acknowledgment of the obligation of prayer, and whoever

denies its obligation has committed disbelief. If this were the intent of Allah Almighty and His Messenger, then diversion from it would contradict the clarification that the Noble Qur'an provides, as Allah Almighty says: {And We have sent down to you the Book as clarification for all things} [Al-Nahl: 89] He also says, addressing His Prophet: {And We revealed to you the message that you may make clear to the people what was sent down to them} [Al-Nahl: 44]

Second: Adopting a description which the Legislator did not make a reason for the ruling:

Denial of the obligation of the five prayers makes a person a disbeliever unless he is ignorant about this. This applies whether he offers prayer or abandons it.

If a person performs the five prayers, along with all their requirements, pillars, and obligatory and recommended elements, yet he denies the obligation of the prayer without an excuse, he is a disbeliever even though he does not abandon prayer.

This makes it clear that it is incorrect to say that the relevant texts refer to those who abandon prayer out of denial of its obligation, and that the truth is that the abandoner of prayer is a disbeliever to the extent that takes him out of the fold of Islam. This is explicitly mentioned in the following Hadīth narrated by Ibn Abi Hātim in his Sunan and reported by 'Ubādah ibn al-Sāmit (may Allah be pleased with him): The Prophet (may Allah's peace and blessings be upon him) instructed us: "Do not associate any partner with Allah, and do not abandon prayer intentionally, for whoever abandons prayer intentionally has gone out of the religion."

Moreover, if we say that these texts refer to abandoning prayer due to denial of the obligation to offer them, it would be meaningless to single out prayer, for such a ruling would generally apply to Zakah, fasting, and Hajj; whoever abandons any of them out of denial of its obligation becomes a disbeliever, unless he is excused by ignorance.

Judging the abandoner of prayer to be a disbeliever is entailed by rational proof just as it is entailed by auditory and textual proof.

How can a person possess faith while he abandons prayer, which is the mainstay of religion? Islam encourages its followers to perform it so much that every sane believer would be keen to offer it, and it warns against abandoning it so much that every sane believer would beware of doing so. Since this is the case, a person who abandons prayer cannot still be a believer. Someone may say: The disbelief attributed to the abandoner of prayer may refer to ingratitude and denial of the favors of Allah, not disbelief in Allah, or it may refer to minor disbelief, not the major one. An example is the Prophet's statement: "Two things in people are tantamount to disbelief: slandering someone's lineage and wailing over the dead." And his statement: "Cursing a Muslim is defiant sin, and fighting him is disbelief."

In reply, we say: This possibility and theorizing about it is incorrect, for the following reasons:

First: The Prophet (may Allah's peace and blessings be upon him) made prayer a distinguishing barrier between belief and disbelief and between believers and disbelievers. When there is a barrier between two things, this means that they are different and do not overlap.

Second: Prayer is one of the pillars of Islam. So, describing the one who abandons prayer as a disbeliever, necessarily means that this is the disbelief that brings one out of Islam, for he has destroyed a pillar of Islam. This is different from labeling someone as a disbeliever over committing one of the acts of disbelief.

Third: There are other texts indicating that the abandoner of prayer is a disbeliever to the extent of going out of the fold of religion. So, disbelief should be interpreted as indicated by those texts for the sake of agreement and consistency between all relevant texts.

Fourth: Disbelief can be expressed in different ways.

Regarding abandoning the prayer, he said: "Between a man and polytheism and disbelief." In the original Arabic text, he used the definite article 'al' (the) before the word 'disbelief', which means that he intends the essence of disbelief, unlike when the word is used without the definite article or in the

verb form, which would indicate that a certain act falls under disbelief, but it is not absolute disbelief that takes one out of Islam.

In his book "Iqtidā' al-Sirāt al-Mustaqīm", Shaykh al-Islam Ibn Taymiyyah commented on the Prophet's statement: "Two things in people are tantamount to disbelief...",

saying: "This means: These are two traits that exist in people. The two traits themselves are disbelief, for they are acts of disbelief, and people commit them. However, not everyone who has a part of disbelief becomes an absolute disbeliever, unless the essence of disbelief exists in him.

Similarly, not everyone who has a part of belief becomes a believer, unless the essence and reality of belief exist in him. And there is a difference between disbelief preceded with (the definite article) 'the' and the same word without this article in terms of establishing (a ruling)." [End of quote] So, since it is now clear that a person who abandons prayer without excuse is an outright disbeliever and outside the fold of Islam, as entailed by the foregoing proofs, then the opinion held by Imām Ahmad ibn Hanbal is the correct one; and this is also one of two views held by Al-Shāfi'i, as mentioned by Ibn Kathīr in his commentary on the verse that reads: {But there came after them successors who neglected prayer and pursued desires; so they are going to meet evil.} [Mariyam: 59]

Ibn al-Qayyim mentioned in the "Book of Prayer" that this is one of two opinions in the Shāfi'i school of Fiqh, and that Al-Tahāwi reported it from Al-Shāfi'i himself.

Moreover, the majority of the Companions held this view. It is even reported by more than one person that they unanimously agreed over it.

'Abdullāh ibn Shaqīq (may Allah be pleased with him) reported: "The Prophet's Companions would not regard the abandonment of any act as disbelief except for prayer." [Al-Tirmidhi and Al-Hākim]

The renowned scholar Is-hāq ibn Rahwayh said: "The Prophet (may Allah's peace and blessings be upon him) is authentically reported to have said that the abandoner of prayer is a disbeliever, and that has been the view held by the scholars from the Prophet's time till now: A person who intentionally abandons prayer without an excuse till its due time expires is a disbeliever."

Ibn Hazm mentioned that this view was held by 'Umar, 'Abdur-Rahmān ibn 'Awf, Mu'ādh ibn Jabal, Abu Hurayrah, and other Companions. He said: We do not know of any Companion who disagreed with them. Al-Mundhiri quoted this from him in the book "Al-Targhīb wa al-Tarhīb", and he added the following Companions: 'Abdullāh ibn Mas'ūd, 'Abdullāh ibn 'Abbās, Jābir ibn 'Abdullāh, and Abu al-Dardā' (may Allah be pleased with them). He said: And Ahmad ibn Hanbal, Is-hāq ibn Rahwayh, 'Abdullāh ibn al-Mubārak, Al-Nakha'i, Al-Hakam ibn 'Utaybah, Ayyūb al-Sakhtiyāni, Abu Dāwūd al-Tayālisi, Abu Bakr ibn Abi Shaybah, Zuhayr ibn Harb, and others.

Someone may say: What is the response to the proofs cited by those who hold that the abandoner of prayer is not a disbeliever?

We say in reply: These proofs do not say that the abandoner of prayer is not regarded as a disbeliever, or that he is a believer, or that he will not enter Hellfire, or that he will enter Paradise, or the like of that.

If we study them, we will see that they are limited to five categories, all of which do not contradict the proofs cited by those who say that he is a disbeliever.

First Category: Inexplicit weak Hadīths. Those who cited them tried to derive support therefrom, in vain.

Second Category: Texts that offer no proof on this issue to begin with.

An example is using as proof the verse that says: {Indeed, Allah does not forgive associating others with Him, but He forgives what is less than that for whom He wills.} [Al-Nisā': 48] His words "what is less than that" refer to less serious sins, not all other sins. That is why if a person denies the words of Allah Almighty and His Messenger, he is a disbeliever, and his disbelief is unforgivable, though his sin is not polytheism. If we assumed that "what is less than that" refers to all other sins, this would be classified as a generalization that is specified by texts proving disbelief by acts other than

polytheism; and disbelief that brings one out of religion is an unforgivable sin, even if it is not polytheism.

Third Category: a text with a general indication that is specified by Hadīths that prove the disbelief of the abandoner of prayer.

An example is the Prophet's statement to Mu'ādh ibn Jabal: "There is no one who bears witness that there is no god worthy of worship but Allah and that Muhammad is His slave and Messenger except that Allah will forbid him to Hellfire." This is one of its wordings. A similar version was reported by Abu Hurayrah, 'Ubādah ibn al-Sāmit, and 'Utbān ibn Mālik (may Allah be pleased with them).

Fourth Category: a text with a general indication that is conditional upon something with which prayer cannot be abandoned.

An example is the Prophet's statement in a Hadīth reported by 'Utbān ibn Mālik: "Allah has made forbidden to Hellfire anyone who says 'there is no god worthy of worship but Allah' seeking thereby Allah's pleasure." [Al-Bukhārī]

Another example is his statement in the Hadīth reported by Mu'ādh: "There is no one who bears witness that there is no god worthy of worship but Allah and that Muhammad is His slave and Messenger, sincerely from his heart, except that Allah will forbid him to Hellfire."

Restricting this reward to someone who says the testimony of faith with sincerity of intention and heart negates abandonment of prayer. Any person who is sincere and truthful in his testimony of faith would certainly be driven by his sincerity and truthfulness to perform prayer. Indeed, prayer is the mainstay of Islam and the bond between the slave and his Lord. If he is sincere in pursuing the pleasure of Allah Almighty, then he will necessarily do what leads him to it and avoid what stands between him and attaining it. Likewise, a person who bears witness that "there is no god worthy of worship but Allah; and that Muhammad is the Messenger of Allah", sincerely from his heart, will necessarily be prompted by his sincerity to perform the prayer sincerely for the sake of Allah Almighty and following the Prophet's example in this - as required by this sincere testimony of faith.

Fifth Category: What is restricted to a certain condition under which one is excused not to perform the prayer.

An example is the Hadīth narrated by Ibn Mājah, in which Hudhayfah ibn al-Yamān reported that the Prophet (may Allah's peace and blessings be upon him) said: "Islam will wear out as embroidery on a garment wears out..." In the Hadīth: "and there will be some people left, old men and old women, who will say: 'We heard our fathers saying these words, 'there is no god but Allah', so we say them too.'" Silah said to him: "What good will 'there is no god but Allah' do them, when they do not know what fasting, prayer, rites, and charity are?" Hudhayfah turned away from him. Silah repeated his question three times, and Hudhayfah turned away from him each time. Then, Hudhayfah turned to him on the third time and said three times: "O Silah, it will save them from Hellfire." Those who will be saved from Hellfire by these words will be excused for abandoning the teachings of Islam because they did not know about them. So, what they did (merely repeating these words) was the most they could do. They are similar to those who had died before the Islamic teachings were prescribed or before they could adhere to them. An example is a person who dies shortly after proclaiming the testimony of faith, before he can observe the teachings of Islam, or embraces Islam in non-Muslim land and dies before he can learn Islamic rulings.

In brief, the proofs cited by those who hold that the abandoner of prayer is not a disbeliever do not stand against the proofs cited by those who hold that such a person is a disbeliever.

This is because their proofs are either weak and inexplicit, provide no indication to start with, are restricted by a certain description with which abandoning prayer is not possible, or restricted by a certain situation in which abandoning prayer is excused, or they are general and specified by the proofs of his disbelief.

So, if the disbelief of such a person becomes clear with valid and unopposed evidence, the rulings of disbelief and apostasy should apply to him as a result, for rulings apply when the reasons for them exist, and vice versa.

## Chapter Two: Consequences entailed by Apostasy as a Result of Abandoning Prayer or something else.

Apostasy entails a set of worldly and otherworldly rulings:

First: From the worldly rulings:

1. Cessation of his guardianship: It is not permissible to give him authority over something for which being Muslim is a precondition. Accordingly, he may not be guardian over his minor children or other children, or give any of his daughters or other girls in marriage.

In both their long and abridged books, our scholars (may Allah have mercy upon them) stated that it is a precondition for a guardian to give a Muslim female in marriage that he be Muslim himself. They said: There is no guardianship for a disbeliever over a female Muslim.

Ibn ‘Abbās (may Allah be pleased with him) said: “Marriage is not valid without a rational guardian.”

The highest level of rationality is adherence to Islam, and the worst foolishness is disbelief and apostasy from Islam. Allah Almighty says: {And who would be averse to the religion of Abraham except one who makes a fool of himself.} [Al-Baqarah: 130]2. He may no longer inherit from his relatives: A disbeliever may not inherit from a Muslim, and vice versa. Usāmah ibn Zayd (may Allah be pleased with him) reported: The Prophet (may Allah’s peace and blessings be upon him) said: “A Muslim does not inherit from a disbeliever nor a disbeliever from a Muslim.”3. Prohibition of entering Makkah and its sanctuary: Allah Almighty says: {O you who believe, indeed the idolaters are unclean, so let them not approach the Sacred Mosque after this year} [Al-Tawbah: 28]4. The cattle he slaughters are not lawful: camels, cows, sheep, and any animal that should be slaughtered in order to be lawful. Among the requirements of valid slaughter is that the slaughterer should be a Muslim, Jew, or Christian. Animals slaughtered by apostates, pagans, magi, and the like are not lawful.

4. The cattle he slaughters are not lawful: camels, cows, sheep, and any animal that should be slaughtered in order to be lawful. Among the requirements of valid slaughter is that the slaughterer should be a Muslim, Jew, or Christian.

Animals slaughtered by apostates, pagans, magi, and the like are not lawful.

Al-Khāzin said in his Tafsīr: They unanimously agreed over the unlawfulness of animals slaughtered by magi and all other people of polytheism and idol worshipers, as well as those who have no scripture.

Imām Ahmad said: I do not know anyone who said otherwise, unless he is a religious innovator.

5. Funeral prayer should not be offered for him after he dies, and it is not permissible to supplicate Allah to show him mercy and forgiveness. Allah Almighty says: {And do not pray [the funeral prayer] over any of them who has died - ever - or stand at his grave. Indeed, they disbelieved in Allah and His Messenger and died while they were defiant sinners.} [Al-Tawbah: 84] He also says: {It is not for the Prophet and those who believe to ask forgiveness for the polytheists, even if they were relatives, after it has become clear to them that they are companions of Hellfire. And the request of forgiveness of Abraham for his father was only because of a promise he had made to him. But when it became apparent to Abraham that his father was an enemy to Allah, he disassociated himself from him. Indeed, Abraham was compassionate and forbearing.} [Al-Tawbah: 113-114]

Allah Almighty says: {And do not pray [the funeral prayer] over any of them who has died - ever - or stand at his grave. Indeed, they disbelieved in Allah and His Messenger and died while they were defiant sinners.} [Al-Tawbah: 84]



He also says: {It is not for the Prophet and those who believe to ask forgiveness for the polytheists, even if they were relatives, after it has become clear to them that they are companions of Hellfire. And the request of forgiveness of Abraham for his father was only because of a promise he had made to him. But when it became apparent to Abraham that his father was an enemy to Allah, he disassociated himself from him. Indeed, Abraham was compassionate and forbearing.} [Al-Tawbah: 113-114]

Supplication for forgiveness and mercy for a person who dies as a disbeliever, no matter what the reason for his disbelief, constitutes transgression in supplication, a kind of mockery of Allah Almighty, and a departure from the path of the Prophet and the believers.

How could a person who believes in Allah and the Last Day invoke forgiveness and mercy for a person who dies as a disbeliever and is an enemy of Allah Almighty?!Allah Almighty says: {Whoever is an enemy to Allah, His angels, His messengers, and Gabriel and Michael - then indeed, Allah is an enemy to the disbelievers.} [Al-Baqarah: 98]In this noble verse, Allah Almighty states that He is an enemy to all disbelievers.It is the duty of a believer to disassociate himself from all disbelievers;Allah Almighty says: {And when Abraham said to his father and his people: "Indeed, I am disassociated from that which you worship...} [Al-Zukhruf: 26]He also says: {There has already been for you an excellent example in Abraham and those with him, when they said to their people: "Indeed, we are disassociated from you and from whatever you worship other than Allah. We have denied you, and there has appeared between us and you animosity and hatred forever until you believe in Allah alone."} [Al-Mumtahanah: 4]He would thereby become a follower of the Prophet (may Allah's peace and blessings be upon him); as Allah Almighty says:{And an announcement from Allah and His Messenger to the people on the day of the greater pilgrimage that Allah is disassociated from the disbelievers, and [so is] His Messenger. So if you repent, that is best for you; but if you turn away - then know that you will not escape from Allah. And give those who disbelieve tidings of a painful punishment.} [Al-Tawbah: 3]

Allah Almighty says: {Whoever is an enemy to Allah, His angels, His messengers, and Gabriel and Michael - then indeed, Allah is an enemy to the disbelievers.} [Al-Baqarah: 98]

In this noble verse, Allah Almighty states that He is an enemy to all disbelievers.

It is the duty of a believer to disassociate himself from all disbelievers;

Allah Almighty says: {And when Abraham said to his father and his people: "Indeed, I am disassociated from that which you worship...} [Al-Zukhruf: 26]

He also says: {There has already been for you an excellent example in Abraham and those with him, when they said to their people: "Indeed, we are disassociated from you and from whatever you worship other than Allah. We have denied you, and there has appeared between us and you animosity and hatred forever until you believe in Allah alone."} [Al-Mumtahanah: 4]

He would thereby become a follower of the Prophet (may Allah's peace and blessings be upon him); as Allah Almighty says:

{And an announcement from Allah and His Messenger to the people on the day of the greater pilgrimage that Allah is disassociated from the disbelievers, and [so is] His Messenger. So if you repent, that is best for you; but if you turn away - then know that you will not escape from Allah. And give those who disbelieve tidings of a painful punishment.} [Al-Tawbah: 3]

One of the firmest bonds of faith is that you love for the sake of Allah and hate for His sake; show loyalty for His sake or hostility for His sake. Thus, your love, hatred, loyalty, and hostility are all in accordance with Allah's pleasure.

6. He may not marry a Muslim woman, for he is a disbeliever, and Muslim women are not lawful for disbelievers, according to religious texts and scholarly consensus.Allah Almighty says: {O you who believe, when the believing women come to you as emigrants, examine them. Allah is most knowing as to their faith. And if you know them to be believers, then do not return them to the disbelievers; they are not lawful [wives] for them, nor are they lawful [husbands] for them. But give the disbelievers what they have spent. And there is no blame upon you if you marry them when you have given them

their due compensation. And hold not to marriage bonds with disbelieving women, but ask for what you have spent and let them ask for what they have spent. That is the judgment of Allah; He judges between you. And Allah is All-Knowing, Wise.} [Al-Mumtahanah: 10]

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Ibn Qudāmah said in Al-Mughni: “As for all disbelievers other than the people of the book, there is no disagreement among the scholars over the unlawfulness of their women and their slaughtered animals (to Muslims).”

He also said: “It is unlawful to marry a female apostate, no matter what her religion is, for she is not treated like the followers of the religion to which she converted in terms of approving it for her; and there is greater reason to treat her similarly with regard to the lawfulness of marriage.”

He said in the Chapter on the Apostate: “If he marries, his marriage is not valid, for it is not acknowledged and, by extension, is not deemed valid. This is like a disbeliever’s marriage to a Muslim woman.”

You see that he explicitly prohibited marrying an apostate woman and that the marriage to an apostate man is not valid. But what if apostasy occurs after marriage has been contracted?

In Al-Mughni, he said: “If either spouse apostatizes before consummation of marriage, the contract is immediately dissolved, and neither of them will inherit from the other. But if apostasy occurs after marriage has been consummated, there are two opinions. One says they should

be separated quickly, and the other says marriage ends with the elapse of the waiting period.”

It is also stated in Al-Mughni: Dissolution of marriage on account of apostasy before consummation is the view held by most scholars, who cited proofs for it. It also states: Mālik and Abu Hanīfah held that marriage is dissolved immediately if apostasy occurs after consummation, whereas Al-Shāfi’i held that it ends with the elapse of the waiting period. This means that the four Imāms are in agreement that marriage is dissolved by the apostasy of one of either spouse; but if apostasy occurs before consummation, marriage is dissolved immediately; and if it happens after consummation, then Mālik and Abu Hanīfah held that it is dissolved immediately while Al-Shāfi’i held that they should wait till the end of the waiting period. There are two reports from Ahmad in this regard, along the lines of these two scholarly views.

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It is also stated in Al-Mughni that: “If both spouses apostatize, the ruling is the same as when one spouse apostatizes. If apostasy occurs before consummation, they are to be separated right away; and if it happens thereafter, are they to be separated right away or they wait till the end of the waiting period? There are two different views here, and this is the opinion within the Shāfi’i school of Fiqh.

He then quoted from Abu Hanīfah that it is recommended that the marriage is not dissolved, for both spouses have the same religion, just like when both of them convert to Islam. Then, the author of Al-Mughni, refuted the analogy in this respect.

After knowing that an apostate's marriage to a Muslim, male or female, is invalid according to the Qur'an and Sunnah; and after knowing that the abandoner of prayer is a disbeliever according to the Qur'an, Sunnah, and the view held by majority of the Companions, it becomes clear that if a man who does not pray marries a Muslim woman, their marriage is not valid and she does not become lawful for him under this contract. If he repents to Allah Almighty and reverts to Islam, he is required to renew the contract. The same applies if it is the woman who does not pray. This differs from marriage between disbelievers. For example, a disbelieving man marries a disbelieving woman and then she embraces Islam. If her Islam occurs before consummation of marriage, it is dissolved thereby; and if it happens thereafter, marriage is not dissolved right away; rather, if the husband embraces Islam before the end of the waiting period, she is his lawful wife; but if the waiting period elapses without him embracing Islam, he has no right to her, for it has become clear that their marriage was dissolved from the moment she converted to Islam.

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but if the waiting period elapses without him embracing Islam, he has no right to her, for it has become clear that their marriage was dissolved from the moment she converted to Islam.

Disbelievers during the Prophet's lifetime would embrace Islam along with their wives, and the Prophet (may Allah's peace and blessings be upon him) would approve their marriages, unless there was a reason that makes their marriage unlawful. An example is a magian couple who are connected by a blood relationship that makes their marriage unlawful (in Islam); so, when they embrace Islam, they would be separated on account of that blood relationship.

This is different from the case of a Muslim who becomes a disbeliever by abandoning prayer and then marries a Muslim woman. Indeed, a Muslim woman is not lawful for a disbeliever, according to religious texts and scholarly consensus, as mentioned above, whether he is originally a disbeliever or an apostate. Therefore, if a disbeliever marries a Muslim woman, their marriage is invalid and they must be separated; and if he embraces Islam and wishes to return to her, he may only do so with a new contract.

Therefore, if a disbeliever marries a Muslim woman, their marriage is invalid and they must be separated; and if he embraces Islam and wishes to return to her, he may only do so with a new contract.

#### 7. The ruling regarding the children of abandoner of prayer from a Muslim wife:

As for the mother, they are her children in all cases; but as for the husband, according to those who do not hold that the abandoner of prayer is a disbeliever, they are his children and attributed to him in all cases because his marriage is valid. But according to those who hold that the abandoner of prayer is a disbeliever, which is the correct opinion as detailed in Chapter One, then we should consider the following:

But according to those who hold that the abandoner of prayer is a disbeliever, which is the correct opinion as detailed in Chapter One, then we should consider the following:

\* If the husband does not know or does not believe that his marriage is invalid, then they are his children and attributed to him, because he believes that the intercourse he had with their mother was

lawful. This is a case of copulation involving suspicion, and children produced from it are attributed to the biological father.

\* If the husband knows and believes that his marriage is invalid, then his children are not attributed to him, for they were born out of unlawful intercourse.

Second: The otherworldly rulings resulting from apostasy:

1. The angels scold and rebuke the apostates and even beat their faces and backs;Allah Almighty says: {And if you could but see when the angels take the souls of those who disbelieved, striking their faces and their backs, and [saying], "Taste the punishment of the burning fire."} [Al-Anfāl: 50]2. They will be resurrected with the disbelievers and polytheists, for they belong to them.Allah Almighty says: {Gather those who committed wrong, their likes, and what they used to worship} [Al-Sāffāt: 22]In other words, gather those who committed wrong and their likes, the people of disbelief and injustice.3. Remaining in Hellfire for eternity.Allah Almighty says: {Indeed, Allah has cursed the disbelievers and prepared for them a Blaze.} [Al-Ahzāb: 64]

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In other words, gather those who committed wrong and their likes, the people of disbelief and injustice.

3. Remaining in Hellfire for eternity.

Allah Almighty says: {Indeed, Allah has cursed the disbelievers and prepared for them a Blaze.} [Al-Ahzāb: 64]

We conclude here what we wished to say on this grave matter with which many people are afflicted.

The door to repentance is open for whoever wishes to repent, so, dear fellow Muslim, hasten to sincere repentance to Allah Almighty, regret what you have done in the past, and resolve not to return to it, and perform as many good deeds as you can.{Except for those who repent, believe and do righteous deed. For them Allah will replace their evil deeds with good. And Allah is All-Forgiving, Most Merciful.} [Al-Furqān: 70]

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I ask Allah Almighty to guide us all to the straight path, the path of those upon whom Allah bestowed favor from among the prophets, the affirmers of the truth, the martyrs, and the pious; not the path of those with whom Allah is angry nor those who are astray.

Written by

Muhammad ibn Sālih al-'Uthaymīn

on 23/2/1407 A.H.

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