

# [Who are ‘Ahl al-Hal wal-’Aqd’, what is the ruling on openly denouncing and criticizing them, and does Dr. Al-Bukhari fall under those whose statements may be accepted or rejected?]

In the name of Allah, and peace and blessings be upon the Messenger of Allah. To proceed:



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## Who are the Ahl al-Hal wal-’Aqd?

The term “Ahl al-Hal wal-’Aqd” does not appear in the Qur’an or the Sunnah. Rather, it was introduced by scholars of political jurisprudence (Siyasah Shar’iyyah).

They intended it to refer to scholars, leaders, senior state officials, and those in authority. It is said that the first to use this term was Abu al-Hasan al-Ash’ari – as some have mentioned – while others say it was Imam Ahmad ibn Hanbal. Today, it is found in most books on political jurisprudence, and it is linked to other terms that share the same meaning, such as: “Ahl al-Shawkah” (people of power and influence), “Ahl al-Ra’y wal-Tadbeer” (people of opinion and management), “Ulu al-Amr” (those in authority), and “Ahl al-Shura” (people of consultation). As for its technical definition, it is as follows:

**Sheikh Muqbil al-Wadi’ee** (may Allah have mercy on him) said: “[...] What is meant by Ahl al-Hal wal-’Aqd is that they are from among the scholars and the righteous officials. This is what our Lord said: {**And when there comes to them a matter concerning [public] security or fear, they spread it. But if they had referred it to the**

[أليس فيكم رجلٌ رشيدٌ؟] السُّودَانُ الشَّقِيقُ يَنْزِفُ دَمًا مِنْذُ أَمَدٍ، عَلَى حِينِ غَفْلَةٍ إِعْلَامِيَّةٍ مَقْصُودَةٍ مُدَبَّرَةٍ، فَاللَّهُمَّ الظَّفَ بِأَخَوْتِنَا فِي بِلَادِ السُّودَانِ، اللَّهُمَّ اِرْحَمِهِمْ مِنْ ضَعْفٍ، وَأَمْنِهِمْ مِنْ خَوْفٍ، وَأَشْبِعِهِمْ مِنْ جَوْعٍ، اللَّهُمَّ كُفِّ عَنْهُمْ شَرَّ الْأَشْرَارِ وَكَيْدِ الْفُجَّارِ. ثُمَّ إِلَى أَهْلِ الْعِلْمِ بِالشَّرْعِ وَالْحَلِّ وَالْعَقْدِ وَالْحِكْمَةِ فِي بِلَادِ السُّودَانِ، أَلَيْسَ فِيكُمْ وَمِنْكُمْ مَنْ يَسْعَى - وَيُكَيِّزُ - لِلَّهِ وَفِي اللَّهِ فِي حَقِّ دِمَاءِ هَذِهِ الْأُمَّةِ الْمَكْلُومَةِ الْمَفْجُوعَةِ؟ إِنَّ دِمَ الْمُسْلِمِ الْمَوْجِدِ أَوْ الْمُسْلِمَةِ الْمَوْجِدَةِ أَعْلَى وَأَعَزُّ مِنْ كُنُوزِ الْأَرْضِ كُلِّهَا؛ فَاجْمَعُوا أَمْرَكُمْ وَانْبِذُوا كُلَّ دَاعِيَةٍ فِتْنَةٍ، يَتَأَجَّرُ وَيَتَأَكَّلُ بِالْدَّمِ السُّودَانِيِّ. اللَّهُمَّ أَلْهِمَّهُمُ الرَّشْدَ، وَادْفَعْ عَنَّا وَعَنْهُمْ وَعَنْ بِلَادِ الْمُسْلِمِينَ الْفِتْنَ مَا ظَهَرَ مِنْهَا وَمَا بَطَنَ، اللَّهُمَّ آمِينَ

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**Messenger and to those in authority among them, then those who derive conclusions from it would have known it.}** (Qur'an 4:83)" (Tuhfat al-Mujeeb 'ala As'ilat al-Hadir wal-Ghareeb, p. 322)

Sheikh Muqbil defined Ahl al-Hal wal-'Aqd as the scholars and officials – those in authority – based on the verse: **“and to those in authority among them.”** Those in authority are the scholars, rulers, decision-makers, specialists, and people of power. These are Ahl al-Hal wal-'Aqd.

**Sheikh Al-Fawzan** (may Allah preserve him) said in his commentary on the verse **{And when there comes to them a matter concerning [public] security or fear...}**: “What is intended by this blessed verse is that events that concern the nation and the community should not be entered into by just anyone; rather, they should be referred to those in authority – the scholars and the relevant rulers – who resolve problems. Public matters should not be handled by individuals; they should be referred to those in authority and the scholars.” (On YouTube, titled: “What is meant by the noble verse: {And when there comes to them...}”)

**Imam Al-Nawawi** (may Allah have mercy on him) said: “Imamate (leadership) is established by pledge of allegiance (bay'ah), and the correct view is that the bay'ah of Ahl al-Hal wal-'Aqd – the scholars, leaders, and prominent people whose assembly is feasible – is required.” (Minhaj al-Talibin, p. 292)

**Al-Baghawi** (may Allah have mercy on him) said: “The correct view is that it is a condition to have the bay'ah of Ahl al-Hal wal-'Aqd – the scholars and leaders, people of justice, not the wicked – from nearby regions. Then, when the news reaches distant regions, they must comply and obey.” (Al-Tahdhib fi Fiqh al-Shafi'i, 7/273)

**Sheikh Al-Albani** (may Allah have mercy on him) said: “And consult them in the matter... they are those known among Muslim jurists as Ahl al-Hal wal-'Aqd – meaning the people of knowledge, the specialists...” (Silsilat al-Huda wal-Nur, no. 344)

**Sheikh Al-Uthaymin** (may Allah have mercy on him) said: “If the Ahl al-Hal wal-’Aqd from among the nobles, notables, rulers, and scholars pledge allegiance to him, the bay’ah is complete.” (Sharh Sahih al-Bukhari, tape 3)

There is no doubt that the righteousness of the ruler and the ruled is tied to consulting Ahl al-Hal wal-’Aqd, the people of consultation and expertise – scholars, leaders, prominent figures, and dignitaries.

**Ibn Khwayz Mandad al-Maliki al-Iraqi** (may Allah have mercy on him) said: “It is obligatory for the rulers to consult the scholars regarding what they do not know and what is unclear to them from religious matters; to consult the army leaders regarding warfare; to consult the prominent people regarding public interests; and to consult the scribes, ministers, and governors regarding the interests and development of the country.” (Mentioned by Al-Qurtubi in his Tafsir, Surah Al-Imran, verse 159)

Thus, it is established from the statements of the scholars of the Ummah that the term “Ahl al-Hal wal-’Aqd” includes scholars, rulers, specialists, notables, and those who make decisive decisions in the state. These are the people in authority (Ulu al-Amr), who are certainly not excluded from the term Ahl al-Hal wal-’Aqd.

**What is the ruling on openly denouncing and criticizing Ahl al-Hal wal-’Aqd – those in authority?**

Narrated by Abu Wa’il: “It was said to Usamah bin Zayd: ‘Why don’t you go to ‘Uthman and speak to him?’ He said: ‘Do you think that I do not speak to him except that I make you hear? Indeed, I speak to him privately, without opening a door that I would not be the first to open.’” (Narrated by Al-Bukhari and Muslim)

**Imam Al-Nawawi** (may Allah have mercy on him) said: “His saying: ‘I would open a door that I would not like to be the first to open’ – meaning openly denouncing the rulers in public gatherings, as was done by the killers of ‘Uthman (may Allah be pleased with him).” (Sharh Muslim, 18/160)

**Al-Hafiz Ibn Hajar** (may Allah have mercy on him) said: “Al-Muhallab said: They wanted Usamah to speak to ‘Uthman... So Usamah said: ‘I have spoken to him privately, without opening a door’ – i.e., a door of open denunciation of the leaders publicly, fearing disunity.” (Fath al-Bari, 13/51)

Narrated by Shurayh bin ‘Ubayd al-Hadrami: “‘Iyad bin Ghanm flogged someone in Dar’a when it was conquered, and Hisham bin Hakim spoke harshly to him until ‘Iyad became angry. Then, after several nights, Hisham bin Hakim came to him and apologized. Then Hisham said to ‘Iyad: ‘Did you not hear the Prophet (peace be upon him) say: “Verily, among those most severely punished are those who inflict the most severe punishment on people in this world”? ‘Iyad bin Ghanm said: ‘O Hisham, we have heard what you have heard and seen what you have seen. Did you not hear the Messenger of Allah (peace be upon him) say: “*Whoever wants to advise a ruler about a matter should not do so openly. Rather, let him take him by the hand and seclude himself with him. If he accepts it, then that is good; otherwise, he has fulfilled his duty*”?’ And you, O Hisham, are bold when you dare to confront Allah’s ruler. Why do you not fear that the ruler might kill you, and you become a slain one at the hands of Allah’s ruler, the Blessed and Exalted?”’ (Authenticated by Al-Hakim and Al-Albani; narrated by Ahmad and Ibn Abi ‘Asim in Kitab al-Sunnah)

**Sheikh Ibn Baz** (may Allah have mercy on him) said: “It is not from the methodology of the Salaf to publicize the faults of the rulers and mention them on the pulpits, because that leads to chaos, lack of listening and obeying in what is good, and leads to delving into matters that cause harm and bring no benefit...” (Sheikh Ibn Baz’s official website)

He also said (may Allah have mercy on him): “Advice should be given in a good manner, through beneficial writing, and beneficial face-to-face discussion. Publicizing people’s faults, or criticizing the state from pulpits and the like, is not part of sincere advice. Rather, sincere advice means striving by all means to remove evil and establish good through wise methods and means pleasing to Allah Almighty.” (Majmu’ Fatawa Sheikh Ibn Baz, 7/306)

**Sheikh Ibn ‘Uthaymin** (may Allah have mercy on him) said: “There must be a gradual introduction – criticizing the leaders, concealing their good qualities – then hearts become filled with rage and hatred, and then affliction occurs.” (From his commentary on Imam Al-Shawkani’s risalah “Raf” al-Asatin fi Hukm al-Ittisal bi al-Salateen,” tape 2, side A)

**Sheikh Rabee’** (may Allah have mercy on him) was asked about rebelling against rulers: does it begin with words or must it be with the sword? He replied: “The beginning of rebellion is with words. Speaking to incite people, stir them up, charge them emotionally, and cast enmity among people – this is a fitnah that may be worse than the sword. The sword only expresses what is in the hearts...” (Fatawa fi al-’Aqidah wal-Manhaj, episode 2)

**Sheikh ‘Abd al-Muhsin al-’Abbad** (may Allah preserve him) said: “Among the rights of Muslim rulers over the subjects is advising them secretly, gently, and kindly, and listening to and obeying them in what is good.” (From his article: “The Rights of Muslim Rulers are Advising Them, Supplicating for Them, and Listening and Obeying in What is Good”)

The great scholar **Nasir al-Sa’di** (may Allah have mercy on him) said: “Part of advising them is to warn them and caution them against that. Whoever sees from them what is not permissible should alert them privately, not publicly, with gentleness and words appropriate to the situation that achieve the goal. This is required for everyone, especially those in authority. Alerting them in this manner contains much good and is a sign of truthfulness and sincerity.” (Al-Riyadh al-Nadira wa al-Hada’iq al-Nayyirah al-Zahirah)

**Does Dr. Al-Bukhari fall under those whose statements may be accepted or rejected?**

Abu Nu’aym (may Allah have mercy on him) said: “Narrated to us Muhammad bin Ahmad bin Musa al-’Adawi... from Mujahid who said: ‘There is no one except that his statement is taken or left, except the Prophet (peace be upon him).’” (Hilyat al-Awliya’, part 3, p. 300)

Al-Bukhari (may Allah have mercy on him) said: "...Ibn 'Abbas and Mujahid said: 'There is no one after the Prophet (peace be upon him) except that his statement is taken or left, except the Prophet (peace be upon him).'" (Al-Qira'ah Khalf al-Imam, p. 213)

Al-Bayhaqi (may Allah have mercy on him) said: "...from Mujahid who said: 'There is no one except that his statement is taken or left, except the Prophet (peace be upon him).'" (Al-Madkhal ila al-Sunan al-Kubra, part 1, p. 107)

That Dr. Abdullah al-Bukhari and other human beings fall under those whose statements may be accepted or rejected is a settled matter for Ahl al-Sunnah wal-Jama'ah. For no human is infallible after the Prophet (peace be upon him). Whoever says otherwise has gone far astray, agrees with the extreme Sufis regarding their shaykhs, and agrees with the Christians and those who venerate figures, as well as other religions and sects that exaggerated in their followings!

Ahl al-Sunnah have condemned the veneration of individuals, blind following, unquestioning imitation, and hateful partisanship. They have fought against all these forms that have veiled many people from the truth, to the point that they no longer accept rebuttals of their shaykhs, and they consider refuting an error as an attack. Thus, they have contradicted the early and later Salaf of the Ummah!

**Sheikh Muqbil** (may Allah have mercy on him) said: "If so-and-so errs openly, we will refute him openly, despite his opposition! Because the religion is not the property of his father or mother. Religion belongs to Allah. Remaining silent about an open wrongdoer is a betrayal of Allah, His Messenger, and the Muslims. Ahl al-Sunnah are the guardians of the creed. The guardian shouts when he sees danger; he does not whisper softly." (Qam' al-Mu'anid, p. 385)

**Shaykh al-Islam Ibn Taymiyyah** (may Allah have mercy on him) said: "No one has the right to set up for the Ummah a specific person calling to his path, and on that basis show loyalty and enmity, other than the Prophet (peace be upon him). Nor should they set up a particular statement for loyalty and enmity other than the words of Allah and His Messenger and what the Ummah has unanimously

agreed upon. That is the action of the people of innovation who set up a person or a statement to divide the Ummah, showing loyalty on the basis of that statement or that affiliation and showing enmity accordingly.” (Majmu’ al-Fatawa, 20/164)

He also said (may Allah have mercy on him): “No one should let his affection for a person and loyalty to him lead him to support him in falsehood or to neglect Allah’s prescribed limits for his sake.” (Majmu’, 3/272)

He also said (may Allah have mercy on him): “It is not permissible for anyone to make the foundation of religion any person other than the Messenger of Allah (peace be upon him), nor any statement other than the Book of Allah Almighty. Whoever sets up a person – whoever he may be – and shows loyalty and enmity based on agreeing with that person’s words and actions is among those {who have divided their religion and become sects} (Qur’an 6:159). If a person studies jurisprudence and adopts the way of a group of believers, such as following the imams and shaykhs, he should not make his role models and their companions the criterion, showing loyalty to those who agree with them and enmity to those who disagree.” (Majmu’ al-Fatawa, 20/9)

**Ibn al-Qayyim** (may Allah have mercy on him) said: “Partisanship for schools of thought, spiritual paths, and shaykhs; preferring some over others based on desire and fanaticism because one is affiliated with them; calling to that, showing loyalty and enmity based on it, and judging people by it – all of this is part of the call of the pre-Islamic era of ignorance (Jahiliyyah).” (Zad al-Ma’ad, 2/428)

**Sheikh Rabee’** (may Allah have mercy on him) said: “The methodology of the hadith scholars to this day remains firmly on this path. Among them is Imam al-Daraqutni – he takes and gives on the basis of evidence and proof. On this basis, he critiqued al-Bukhari and Muslim (may Allah have mercy on them). And on this basis, those after him critiqued his statements. If his statement is supported by evidence and its side is clearly strong, his statement is accepted; if his argument is weak and another side is stronger with evidence, his statement is rejected. The fact that al-Daraqutni preserved and

mastered the works of the two imams al-Bukhari and Muslim and their knowledge of hadith did not prevent him from critiquing them; nor did al-Daraqutni's preservation and vast knowledge prevent those after him from critiquing him with evidence and proof. This is the way of the believers." (Manhaj Muslim, pp. 92-94)

**Sheikh Rabee'** (may Allah have mercy on him) also said: "We do not say: close your eyes and run after us. Rather, we say: study with understanding, intellect, and awareness, and compare with honesty and sincerity." (Al-Majmu' al-Ra'iq, p. 215)

He also said (may Allah have mercy on him): "The danger and destruction lie in extremism (ghuluw) and elevating people above their proper ranks. That encroaches upon creed and the realm of divinity and prophethood. In that is danger and destruction. 'Only extremism destroyed those before you.'" (Manhaj Muslim, p. 138)

## **Conclusion:**

Dr. Abdullah al-Bukhari is a human being like other humans; he errs and is correct. No one is infallible after the Prophet (peace be upon him). His open denunciation of the authorities in Sudan – by saying **"Is there no wise man among you?"** – contradicts the established positions of the scholars. We, the Salafis, will not approve of his departure from what is correct, no matter what. Those who fanatically support him must examine his statement and compare it to what the scholars have established in this regard. They must break the aura of veneration that has made them oppose people because of him and establish loyalty and disavowal based on his statement, to the point that anyone who criticizes him is considered a "Haddaadi" or deviant. This is indeed the blameworthy partisanship and blind following that scholars, past and present, have fought against. This is precisely the veneration of individuals!

So we ask Allah to grant insight to these people, to guide them and us to the truth concerning matters of disagreement, by His permission. Indeed, my Lord is All-Hearing, Near, and Responsive.

And may Allah send prayers, peace, and blessings upon our Prophet Muhammad, his family, and all his companions.

Written by: Abu Arwa Hamzah bin Abdullah al-Tamari al-Maghribi.  
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