

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Series of Questions Addressed to Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,  
Ameer of Hizb ut Tahrir through his Facebook Page "Fiqh"

### Answer to Question

## **Working to Establish the Khilafah is a Collective Obligation (Fard Kifayah) Until it is Established**

### **Whoever Does Not Work for it is Sinful Until it is Established**

To: Abu Ammar Ahmad and Abu Al-Haytham Ashqirat  
(Translated)

#### **Question: By Abu Ammar Ahmad**

Jazak Allah Khair Sheikh. I have a question:

You said that carrying the call to establish the Khilafah (Caliphate) is a collective obligation (Fard Kifayah). Does this mean that there is no sin on the one who does not carry the call, given that there are Dawah carriers present?

#### **Question: By Abu al-Haytham Ashqirat**

Assalam Alaikum Wa Rahmatullah Wa Barakatuh

When an emirate is established, as demanded by some Islamic groups, will it remove the collective obligation (Fard Al-Kifayah) from the Ummah and from some of the groups that are working to establish it to resume the Islamic way of life in this case, or does it not remove it unless the Khilafah state is established first?

Please inform us, jazak Allah Khair,  
Abu Haitham Ashqirat

#### **Answer:**

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh, and Jazakum Allah khair.

Both of your questions are on the same topic, and here is your answer:

Carrying the call is a collective obligation (Fard Kifayah), and the meaning of this obligation is that it remains obligatory upon every capable person until it is established. If it is established, the obligation falls. But if it is not established, then it is obligatory upon every capable person. Thus, the work to establish the Khilafah (Caliphate) is a collective obligation until it is established, so whoever does not work for it until it is established is sinful.

1- It is stated in the 'Islamic Personality' Volume Three:

(As for the obligation (Fard) in terms of its implementation, it is divided into two parts: an individual obligation (Fard 'Ayn) and collective obligation (Fard kifayah), and there is no difference between them in the obligation, because the obligation is the same in both of them, and each of them demand the action decisively. The difference between them is that the individual obligation is obliged from each individual, and the collective obligation is obliged from all Muslims, and if the collective obligation is achieved by performing the action, then the obligation has been founded, whether each one of them performs it or some of them perform it. If the collective obligation is not achieved by its establishment, it remains an obligation upon every individual until it is established)

2- The Book 'Islamic Thought' states: [THE DUTY OF SUFFICIENCY IS A DUTY UPON EVERY MUSLIM:

[Al-Fard (duty) is the speech of the Legislator related to the decisive request of performing an action. This is like His (swt) saying: ﴿وَأَقِيمُوا الصَّلَاةَ﴾ **"Establish the Prayer"** [TMQ Al-Baqarah:43] ﴿انْفِرُوا خِفَافًا وَثِقَالًا وَجَاهِدُوا بِأَمْوَالِكُمْ وَأَنْفُسِكُمْ فِي سَبِيلِ اللَّهِ﴾ **"Go forth, light and heavy, and strive in the way of Allah"** [TMQ At-Taubah: 41] It is also like his (saw) saying: ﴿إِنَّمَا جُعِلَ الْإِمَامُ لِيُؤْتَمَّ﴾ **"The imam was made so that he is followed"** and ﴿وَمَنْ مَاتَ وَلَيْسَ فِي عُنُقِهِ بَيْعَةٌ مَاتَ مِيتَةً جَاهِلِيَّةً﴾ **"Whoever dies without having a pledge (bai'ah) on his neck, he dies the death of Jahiliyyah."**

All of these texts are speech of the Legislator related to decisive request of (performing) an action. What makes the request decisive is the connotation (qareenah) that came connected with the request, thus making it decisive, so it must be performed. The duty would not be abolished in any way unless the obliged action has been performed. The one who neglects the duty deserves punishment for such negligence, and he continues to be sinful until he performed it. There is no difference (in this regard) between the personal duty (fard 'ayn) and collective duty (fard ul-kifayah). All of these are duties upon all the Muslims. The saying of Allah (swt): ﴿وَأَقِيمُوا الصَّلَاةَ﴾ “**And establish the prayer**” is a personal duty. His (swt) saying: ﴿انْفِرُوا خِفَافًا وَثِقَالًا وَجَاهِدُوا﴾ “**Go forth, light and heavy, and strive**” is a collective duty. Similarly, the saying of Rasool ul-Allah (saw): «إِنَّمَا جُعِلَ الْإِمَامُ لِيُؤْتَمَّ بِهِ» “**The imam is made so that he is followed**”, is a personal duty. While his (saw) saying, «وَمَنْ مَاتَ وَلَيْسَ فِي عُنُقِهِ بَيْعَةٌ...» “**Whoever dies without having a pledge on his neck...**” is the Legislator’s speech pertaining to the decisive request of (performing) an action. The trial to differentiate between the personal duty and the collective duty in regards of their obligation is sin in the view of Allah (swt), obstructing from the way of Allah (swt) and deception for the sake of neglecting the performance of the duties of Allah (swt). In regards to abolishing the duty from the one who is obliged of it, there is also no difference between the personal duty and the collective duty. The duty is not abolished until the action requested by the Legislator has been performed whether it was requested to be performed by every Muslim, such as the obligatory prayers, or it was requested to be performed by all the Muslims, such as the pledge (bai’yah) of the Khaleefah. Each one of them would not be abolished until the action is performed i.e., until the prayer is performed, and the Khaleefah is established and the bai’yah is taken to him. Thus, the collective duty is not abolished from any one of the Muslims if some of them work to perform it, until it is performed. So, every Muslim (who do not work to perform this duty) will remain sinful as long as the carrying the action (to perform the duty) has not been completed.

Therefore, it is wrong to say that the collective duty is that which if some (of the Muslims) undertook it, it would be abolished from the rest (Muslims). Rather, a collective duty is that which if some (of the Muslims) completed it, it would be abolished from the remaining (Muslims). Its abolishment then would be real, for the requested action has been executed and completed, so there is no scope for it to remain. This is the collective duty. It is the same like the personal duty. Thereupon, establishing the Islamic State is a duty upon all Muslims i.e., upon every one of the Muslims. This duty would not be abolished from any one of the Muslims until the Islamic State exists. If some (of the Muslims) carry out the actions that establish the Islamic State, then the duty will not be abolished from any Muslims as long as the Islamic State was not established. The duty remains upon every Muslim, and the sin remains upon every Muslim until the Islamic State is established. This is the case of every collective duty; thus, it remains a duty upon every Muslim, and it is not abolished until the requested action has been completed.]

3- It was stated in the Answer to a Question on 28/5/2009:

(... b- And as for the work to resume the Islamic way life, it is an obligation upon the sufficiency (collective obligation, Fard Kifayah), and because it was not achieved, it became required of everyone, so they are all sinful until it is fulfilled, except for the one who works to achieve it)

I hope the answer is clear and Allah knows best, He is Most Wise.

**Your Brother,**

**Ata Bin Khalil Abu Al-Rashtah**

11 Rajab Al-Khair 1443 AH

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**The link to the answer from the Ameer’s Facebook page:**

<https://www.facebook.com/HT.AtaabuAlrashtah/posts/492243842462990>