



## On the Fard (Obligation) of Khilafah

### Introduction: The Fard of the Khilafah is Established Upon the Divine Evidences

Upon the liberation of Kabul, discussion has begun regarding the need for Khilafah (Caliphate) in the region as the next step to unify the existing states as a single state. It is indeed a critical discussion in the Deen of Islam and is in fact an obligation, whose neglect is a sin.

The respected Maulana Mohammad Ali Jauhar, who was one of the leading figures of the Indian Subcontinent's historical Tehreek e Khilafat (Khilafah Movement,) once wrote in regards to the collapse of the Ottoman Caliphate: "...the temporal losses of Turkey which we were advised by Europe to "cut," touched a peculiar chord in our sub-consciousness, the Chord of Religion; for the Ruler of Turkey was the Khalifah or Successor of the Prophet and Emir-ul-Momineen or Chief of the Faithful and the Khilafah was as essentially our religious concern as the Qur'an or the Sunnah of the Prophet."

It must be made abundantly clear that the Khilafah is not a matter external to our Deen. As the Maulana rightly states, it is a matter that garners as much religious concern as any other obligations mandated in the Noble Qur'an and the Blessed Sunnah themselves. This is because it is a Fard to rule by all that Allah (swt) has revealed, enjoined upon us by our Lord (swt). So without the Khilafah's establishment, the Deen cannot be fully implemented.

This was understood by the Great Companions (ra) of the Prophet (saw) who rushed to contract a Khaleefah for the believers upon the passing of the Messenger of Allah (saw) and the centrality of Khilafah was understood by those of knowledge and authority for the following 1300 years.

However, when the Allied Powers and their agents successfully abolished the Ottoman Caliphate in 1924, in collaboration with traitors from amongst the Arabs and Turks, they launched a strategy to secularize the Muslim World and have the Ummah forget about their obligation to establish the Khilafah.

Yet, today there are those who say that the Khilafah is not a Fard. Rather, they erroneously say that the matter of the Khilafah is subject to discretion and the Ummah can choose whether or not to establish it. Those who say such things do so due to a lack of understanding or knowledge of the evidences (Daleel) for the Fard of the Khilafah. Therefore, to settle this matter, and to decisively establish that the Khilafah is indeed a Fard, the divine evidences must be reviewed, namely those from the Noble Qur'an, the Blessed Sunnah, and the Unanimous Consensus of the Companions (ra) (ijma as-Sahaba).

### Of the Evidences from the Noble Book of Allah (swt)

In Surah al-Mai'dah, verse 44, Allah (swt) declares, ﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ﴾ **And whosoever does not judge by all that Allah has revealed, such are the disbelievers.** Ibn Kathir commented regarding this ayah in his Tafseer: وقال علي بن أبي طلحة عن ابن عباس قوله: ﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ﴾ قال: من جحد ما أنزل الله فقد كفر. Ali bin Abi Talhah also stated that Ibn 'Abbas

(ra) commented on Allah's statement, ﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ﴾ **“And whosoever does not judge by what Allah has revealed, such are the disbelievers.”** Whoever rejects what Allah (swt) has revealed, will have committed Kufr, and whoever affirms what Allah (swt) has revealed, but did not rule by it, is a zalim (unjust) and a fasiq (rebellious) and a sinner. So narrated ibn Jarir.”

The assumption that the Deen is limited to only certain spheres of life is false. The Deen does not start and end at the doorsteps of the prayer hall but rather encompasses all matters, both private and public. It is the complete and perfect guidance for all of life's affairs. Thus, Allah (swt) not only enjoined upon us the performance of ibadah (ritualistic worship), but also established for us the muamalaat (transactions), the waging of jihad and the hudud and more. For these we have evidences. For the punishment of the one who steals in society, in Surah al-Maidah, verse 38, Allah (swt) says: ﴿وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءً بِمَا كَسَبَا نَكَالًا مِّنَ اللَّهِ وَاللَّهُ عَزِيزٌ﴾ **“As for the male and female thieves, cut off their hands for what they have done – a deterrent from Allah. And Allah is Almighty, All-Wise.”** For the prohibition of usury (riba) in all societal transactions, the evidence is verse 275 of Surah al-Baqarah: ﴿وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا﴾ **“...Allah has permitted trade and has forbidden interest...”** And there are many commandments that Allah (swt) has revealed for us to implement in society. The one who disobeys these commandments is the one who has violated their obligation towards their Lord and that is Kufr.

Again Allah (swt) in Surah al-Ma'idah, verse 48 commands the believers to sort their affairs in accordance to the revelation: ﴿فَاحْكُم بَيْنَهُم بِمَا أَنزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ عَمَّا جَاءَكَ﴾ **“So judge between them by what Allah has revealed, and do not follow their desires over the truth that has come to you.”** [Surah Al-Ma'idah, verse 48] “...their desires” is the desires of the disbelievers. They rule not by Islam and so to accept their laws over the laws of Allah (swt) is to commit a grave sin.

Thus is the need for the Khilafah, for it is the state that will ensure the implementation of the laws of Allah (swt), unify the Muslims under one Khaleefah and therefore fulfill our obligation towards our Lord. Such a state would be led by an appointed ruler to whom we have been commanded to obey. This is evidenced from Surah An-Nisa, verse 59: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنكُمْ فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ﴾ **“O you who believe, obey Allah and obey the Messenger and those in authority among you. Then, if you dispute over something, revert it back to Allah and the Messenger, if you believe in Allah and the Last Day...”**

It is only by the appointment of a ruler that disputes can be settled and the affairs of the state can be managed. Imam Mawardi wrote al-Ahkam as-Sultaniyyah (Rulings of Governance): الإمامة موضوعة لخلافة النبوة في حراسة الدين وسياسة الدنيا، وعقدتها لمن يقوم بها في الأمة: **“the Imamah (leadership) is the subject of Succession (Khilafah) of the Prophethood, in the guardianship of the Deen and politics of the Dunya. Its contracting upon the one who can perform it in the Ummah is an obligation by Ijmaa'a (Consensus).”**

It is the responsibility of the 'Ulema to hold the rulers to ruling by all that Allah (swt) has revealed, referring all disputes to the Book of Allah (swt) and the Sunnah of the Messenger (saw). As Imam Ghazali explained in his book, Ihyaa' Uloom ud Deen (Revival of the Knowledge of Deen) that **فساد الرعايا بفساد الملوك، وفساد الملوك بفساد العلماء، وفساد**

العلماء باستيلاء حب المال والجاه، ومن استولى عليه حب الدنيا، لم يقدر على الحسبة على الأراذل، فكيف على الملوك The corruption of the citizens is through the corruption of rulers; the corruption of rulers is through the corruption of 'Ulema; and the corruption of the 'Ulema is through taking possession of the love of money and prestige. And whoever is overwhelmed by the love of the world is not able to account the lowly, so what of the rulers and the chiefs?" Imam Ghazali stated, فهذه كانت سيرة العلماء وعادتهم في الأمر بالمعروف والنهي عن المنكر، وقلة مبالاتهم بسطوة السلاطين؛ لكونهم اتكلوا على فضل الله تعالى أن يحرسهم، ورضوا بحكم الله تعالى أن يرزقهم الشهادة، فلما أخلصوا لله النية؛ أثر كلامهم في القلوب القاسية فلينها وأزال قساوتها the biography of the 'Ulema and their tradition of enjoining good and forbidding evil, and their indifference to the power of the rulers; because they relied on the grace of Allah (swt) to guard them, and were content with the order of Allah (swt) to grant them martyrdom. Their words affected hard hearts, so He (swt) softened them and removed their hardness."

### **Of the Evidences from the Blessed Sunnah of the Messenger of Allah (saw)**

Every state needs a ruler and the ruler of the Khilafah is the Khalifah. This is the title that the Prophet (saw) chose for those who would succeed him in leadership, though the Khalifahs can also be known by other titles such as Imam or Sultan or Amir. It will be this leader, this Imam, this Khalifah who will ensure the proper implementation of the Deen. In numerous Ahadeeth, the Prophet (saw) spoke of the Caliphs who would lead the believers after him. From amongst them, the Messenger of Allah (saw) said, «كَانَتْ بَنُو إِسْرَائِيلَ تَسُوسُهُمُ الْأَنْبِيَاءُ كُلَّمَا هَلَكَ نَبِيٌّ خَلَفَهُ نَبِيٌّ وَإِنَّهُ لَا نَبِيَّ بَعْدِي وَسَتَكُونُ خُلَفَاءُ فَتَكْثُرُ. قَالُوا فَمَا تَأْمُرُنَا قَالَ فُوا بَبَيْعَةِ الْأَوَّلِ فَالْأَوَّلِ وَأَعْطَوْهُمْ حَقَّهُمْ فَإِنَّ اللَّهَ سَأَلَهُمْ عَمَّا اسْتَرْعَاهُمْ» **The Israelis used to be ruled and guided by prophets: Whenever a prophet died, another would take over his place. There will be no prophet after me, but there will be Caliphs who will increase in number.** The people asked, "O Allah's Messenger (saw)! What do you order us (to do)?" He said, "Obey the one who will be given the pledge of allegiance first. Fulfill their (i.e. the Caliphs) rights, for Allah will ask them about (any shortcoming) in ruling those Allah has put under their guardianship." [Muslim].

So the one who is trusted with the affairs of the Muslims must be given the pledge of allegiance (the bay'ah) and must be obeyed. It does not mean that every individual must give bay'ah (the pledge of allegiance) to the Caliph but, rather, it is the Obligation of Sufficiency (Fard Kifayah) of the believers to ensure that the contract of bay'ah is established. Whilst obedience to the Khaleefah is obliged upon every Muslims, the contracting of the Khaleefah is by a group from amongst them, as a Fard Kafiyyah (Obligation of Sufficiency). Imam An-Nawwawi stated in his Sharh of Sahih Muslim that, وَأَجْمَعُوا عَلَى انْتِقَادِ الْخِلَافَةِ بِالِاسْتِخْلَافِ وَعَلَى انْتِقَادِهَا بِعَقْدِ أَهْلِ الْحَلِّ وَالْعَقْدِ لِلْإِنْسَانِ إِذَا لَمْ يَسْتَخْلَفِ الْخَلِيفَةُ وَأَجْمَعُوا عَلَى جَوَازِ جَعْلِ الْخَلِيفَةِ الْأَمْرَ شُورَى بَيْنَ جَمَاعَةٍ كَمَا فَعَلَ عُمَرُ بِالسُّنَّةِ وَأَجْمَعُوا عَلَى أَنَّهُ يَجِبُ عَلَى الْمُسْلِمِينَ أَنْ يَتَّبِعُوا خَلِيفَةَ وَجُوبَهُ بِالشَّرْعِ لَا بِالْعَقْلِ "They (Ulema') are agreed upon the contracting of the Khilafah by succession and upon the contracting by Ahl ul Hal wa Aqd upon the man if a Khaleefah has not been appointed in succession. And they agreed upon the precept of the making of the Khaleefah as the matter of Shura (Consultation) between the community, as 'Umar appointed the six (for consultation) and they are agreed that it is obliged upon the Muslims to appoint a Khaleefah and the obligation is by Shariah and not by human reasoning." So it was seen in the past that the contract of Bay'ah was established by the people of influence, Ahl al-Hall wal-Aqd (the people of wisdom and influence).

## The Consensus of the Companions (Ijma as-Sahaba)

The Companions of the Prophet (saw) understood the fard of contracting a ruler to lead the Ummah and implement the Deen, so much so that they delayed the burial of the Messenger (saw). As we know, the burial of the deceased is a Fard and so for some of the Companions (ra) to delay the burial of the Messenger (saw), through prioritizing the appointment of a ruler means that they understood it to be a greater obligation from the Messenger of Allah (saw).

Ibn Khaldun said in Al-Muqaddimah (The Introduction), إن نصب الإمام واجب قد عرف وجوبه في الشرع بإجماع الصحابة والتابعين؛ لأن أصحاب رسول الله ﷺ عند وفاته بادروا إلى بيعة أبي بكر رضي الله عنه وتسليم النظر إليه في أمورهم، وكذا في كل عصر من بعد ذلك ولم يترك الناس فوضى في عصر من الأعصار، "The appointment of an Imam is Wajib and its obligation is known by the Unanimous Consensus of the Companions (ra) and the Tabi'een. The Companions of the Prophet (saw) at his death rushed to give the Bay'ah to Abu Bakr (ra) and handed over the responsibility of Khilafah to him to take care of their affairs. The case was the same in the issue of Khilafah in the centuries to come, as the people (Muslims) did not neglect the matter, thus avoiding chaos of the later ages. So, it indicates a clear and binding Consensus on the obligation to appoint the Khaleefah."

### Conclusion: Let us Work with Hizb ut Tahrir for the Establishment of the Khilafah

And thus, it is confirmed for us that the appointment of a Khalifah and the establishment of the Khilafah are Fard. The command to rule by the revelation and to appoint a Khalifah is enjoined upon all Muslims. Therefore, it is a collective duty (fard kifayah). Until and unless this duty is fulfilled, it is obligatory upon all the Muslims to work towards its fulfillment.

As for the manner of the working, it is through the establishment of a group, from within the Ummah that enjoins the good and forbids the evil, to ensure the establishment of the Islamic ruling. Allah (swt) said in the Noble Quran in Surah al-Imran, verse 104: ﴿وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَئِكَ هُمُ الْمُفْلِحُونَ﴾ "Let there arise out of you a group of people inviting to all that is good (Islam), enjoining Al-Ma'ruf (all that Islam orders) and forbidding Al-Munkar (all that Islam has forbidden). And it is they who are the successful." From the Tafseer of Ibn Kathir: "The purposed meaning of this Ayah is that there should be a group (Firqah) of this Ummah fulfilling this task, even though it is also an obligation on every member of this Ummah, each according to his ability." So let us exert ourselves in the way of Allah (swt) by working with Hizb ut Tahrir for the establishment of the Khilafah and the complete implementation of our Deen.

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