

## **The Fardiyyah (obligation) of working for Khilafah**

### The Revival of an Obligation

The obligation we are about to discuss is something the Muslims took for granted, for well over a thousand years, much like the obligation of Salah (prayer) and fasting today which, al-hamdu lillah, are not open to discussion and debate. However the Prophet (Sallallahu Alaihi Wasallam) did warn us there would come a time when the Deen will become strange and unrecognizable to the people and those carrying its Call will be seen as strange due to the Message that they carry.

He (Sallallahu Alaihi Wasallam) said:

"Islam began strange and it shall return strange. So glad tidings to the Strangers." [Reported by Muslim]

This hadith holds a meaning that is especially reflective of our times, for in the last hundred years this noble Ummah has witnessed the destruction of her State and with that, due to the colonization of her lands by the colonialists, the crushing tidal wave of the western culture. The western culture completely engulfed her to the point of suffocation. It turned black into white and white into black. Never did the Ummah encounter such cultural strangulation, which left her bewildered and confused about the most basic and rudimentary tenets of her Deen. To cause maximum damage the colonialists chose their targets carefully when they unleashed their degenerate culture upon us: they attacked the notion of one Ummah by disseminating the idea of nationalism and nationhood. The Sharee'ah was depicted as barbaric, harking back to a medieval age but not suited to an age of reason and modernity. Whilst the ruling system of Islam, the Islamic Khilafah, was nothing short of despotism justified under the name of religion.

So what impact did this western polemic have upon the sons of this Ummah? First of all the effect was mostly noticeable amongst the scholars, authors and men of letters. Some answered back but with an apologetic tone – so the Khilafah was deemed to be a democratic system all along– whilst a handful who had succumbed to the western culture even denied it as having any Sharee'ah legitimacy, such as the likes of 'Ali Abd ar-Raaziq who, which will come as no surprise, was influenced by none other than the Kaafir orientalist Sir Thomas Arnold! For example in his book: 'al-Islam wa Usul al-Hukm' after attempting to prove that there is no daleel (evidence) for Khilafah in the Ayah:m"O you who believe! Obey Allah and obey the Messenger and those in authority from amongst you" [4:59] he says on page 11: 'If you want to find out more on this discussion then please refer to the book 'The Caliphate' by the scholar Sir Thomas Arnold. The explanation in chapter two and three of that book is excellent and convincing' This book, quite opportunely it seems, was published a year after the Khilafah was destroyed in 1925. In it he went to great pains to argue that the above and other such hadith and ayat which command the obedience to a Khaleefah do not establish the obligation to appoint a Khaleefah because they apply only when an imam exists and if he does not exist then there is no obligation to appoint one. To prove this he adduced the following breathtaking argument: 'Are we not ordered by the Sharee'ah to be generous to beggars, respect the poor and treat them well and show kindness to them? So can anyone who has any intelligence say that this means the Sharee'ah has obliged us to bring about paupers and orphans?' [al-Islam wa Usul al-Hukm' pp.125-126, in edition published by al-Mu`assasa al-'Arabiyyah lid dirasaat wan nashr.]

In time a sense of apathy towards the issue of Khilafah reigned over the Ummah and in cases even embarrassment. Many saw the Khilafah as a relic of the past and which should remain in the past or simply impossible to implement in this day and age; hence there was no alternative but to make recourse to secularism. This was a time of great turmoil and change for the Ummah. This is the time when we witnessed the hadith of the Messenger (Sallallahu Alaihi Wasallam) unfolding before our eyes when he (Sallallahu Alaihi Wasallam) said:

"Verily, the knots of Islam will be undone one by one. Whenever one knot is lost then the people grabbed onto the one which came after it. The first of these knots will be the Ruling and the last will be the Salah." [Reported by At-Tabaraani]

And in another version:

"Verily, the knots of Islam will be undone and there shall be misguided rulers." [Authenticated by al-Hakim in his Mustadrak]

After losing the Khilafah, like people clutching at whatever they can on a sinking ship, the Ummah grabbed onto whatever remained of the Deen as poignantly depicted in the hadith above. However, the good is, and always will be, in this Ummah and it was not long before she started embarking on the path of awakening due to the work of the sincere Da'wah carriers. One by one she began to reclaim the knots she had lost and now she is poised to reclaim that final knot; the knot of Ruling by Islam.

Today, by Allah's Grace and Mercy, the notion of Khilafah is not strange to the Ummah, except to those of course who have been inebriated by the western culture. However, it is important to go beyond the recognition of this obligation and to familiarize ourselves with its detailed evidences. Like all other obligations it should be anchored deep within the hearts and minds of the Ummah such that it can never be expunged from her memory again.

The Hadith of our Times

The evidences for Khilafah are many. But the evidence I wish to discuss perfectly describes our reality today: which is that we live at a time when no Khaleefah exists. And that evidence is the hadith reported by Imam Muslim on the authority of Nafi' that the Messenger (Sallallahu Alaihi Wasallam) said:

"The one who removes his hand from obedience he will meet Allah without a proof for himself and Whosoever dies without a bay'ah on his neck dies the death of Jahiliyyah."

This hadith provides the Hukm Shar'i for a situation when Muslims die without the presence of a Khaleefah to rule over them. Perhaps, this is what explains the Fuqahaa's (jurists) relative silence over this hadith while the numerous other evidences which establish the obligation of Khilafah have received greater attention and scrutiny. In short, they could not imagine a situation when a Muslim would die without the presence of a Khaleefah; that was simply unthinkable! Hence the discussion tended to centre on the obligation of appointing a Khaleefah after the death of the previous Khaleefah. Or that it is obligatory to obey the existing Khaleefah and so having a Khaleefah must be obligatory.

However, one thing is for sure; the unthinkable has happened and the Khilafah has been destroyed and Muslims are dying while they have no Khaleefah over them. So what better evidence to start off with than the hadith which directly addresses our reality?

The Process of Extraction

What is the Manaah (reality) of the text?

The hadith is describing not one but two types of people since it came in two parts as indicated by the waw al-isti'naaf or ibtidaa` (in English the word 'and' is used) (ie the disjunctive syntax where the waw begins a new sentence). In the first part it says 'The one who removes his hand from obedience he will meet Allah without a proof for himself' This is when the Khaleefah exists and someone withholds his obedience to the Khaleefah. As for the second part it is not describing the same person since the waw al- isti'naaf indicates it is beginning a new sentence to make a different point. This time he (Sallallahu Alaihi Wasallam) says: And (waw al- isti'naaf) the one who dies without a bay'ah on his neck he dies the death of jahiliyyah' This is further confirmed by the

fact that he repeats the personal pronoun 'man' (the one who or whosoever). This also indicates the hadith discusses two types of people in two different situations.

To appreciate this point better let us look at another hadith where exactly the same thing happens:

He (Sallallahu Alaihi Wasallam) said: man maata fee sabeelillah fahuwa shaheed wa man maata bit-taa'oon fahuwa shaheed [sahih Muslim]

"The one who dies in the Path of Allah he is shaeed and (waw al- isti`naaf) the one who dies in a plague he is a shaeed"

The death here occurs in two states separated by the waw al- isti`naaf. So the first death is in the Path of Allah whilst the second death occurs in a plague. It would be absurd if someone claimed here that the hadith is talking about the same situation.

Thus the hadith in question is talking about two different situations. The first situation as we said is when someone withholds his obedience to the existing Khaleefah. But what about the second part? The second part begins by saying: 'the one who dies without a bay'ah on his neck..' The waw al-Haal (waw of condition) in wa laysa fi 'unuqihi bay'ah clarifies the state in which the person dies, and in this case it is when he dies 'without a bay'ah on his neck'.

So what is that state when someone does without a bay'ah on his neck. It can't mean giving the bay'ah because the hadith did not say 'wa lam yu'til bay'ah' (and he did not give the bay'ah) let alone the fact that giving the bay'ah (pledge) is a kifayah duty (sufficiency) and not an individual obligation in the first place as indicated by the Ijma' as-sahabah (consensus of the Sahabah).

What explains the meaning of bay'ah on the neck is the fact that the contractual bay'ah does not require every single person to physically give it, rather it is enough for the Ahlul Halli wal 'Aqd (those who represent the Muslims) to give the bay'ah on behalf of the people. This means that a person living even outside the Islamic authority has a bay'ah on his neck if a Khaleefah has been contracted to his post by the representatives of the Muslims. In fact this was the basic format in which all the Khulafaa' ar-Rashidoon were appointed. None of them were appointed by a bay'ah which was given by the whole of the population of the Islamic state, rather it was always the representatives of the Muslims who appointed them. For example when 'Umar b. al-Khattab was elected as Khaleefah by the ahlul halli wal a'qd in Madinah the people of ash-Sham and Egypt did not have to give the bay'ah because the bay'ah was on their neck by virtue of the fact that the contractual bay'ah had taken place through their representatives the ahlul halli wal aqd. Those who died in ash-Sham and Egypt during the Khilafah of 'Umar b. al-Khattab did not die the death of jahiliyyah because they had the bay'ah on their necks even though they did not come to Madinah and physically give the bay'ah themselves. This is the difference between giving the bay'ah and having the bay'ah on one's neck. If however the representatives of the Muslims in Madinah after 'Umar's death did not appoint a Khaleefah then the Muslims of ash-Sham and Egypt would not have the bay'ah on their necks because the contractual bay'ah had not taken place i.e. a Khaleefah had not been appointed.

Thus, the hadith is very accurate in its description; it is not talking about giving bay'ah to a Khaleefah but rather having a: 'Bay'ah on the neck for a Khaleefah' which describes a situation when someone dies without the presence of a Khaleefah. Hence it is wrong to argue that one cannot use this hadith to prove the obligation of Khilafah by claiming that it is talking about situation when the Khaleefah exists. Such an assertion is not established by the internal indications of the text which show that the Haal (condition) described is the death which occurs when a Khaleefah is not present.

As for Ali Abd ar-Raaziq's argument that Sharee'ah has obliged us to look after beggars and orphans so does that mean if they don't exist we have to bring them about to fulfill this command

or the argument that we are obliged to obey parents so does that mean we are obliged to bring them back if they die?! Such arguments to say the least are highly fatuous and cannot be considered as scholarly opinions for they disregard the fact that the ahkaam (rules) come with their asbaab (causes). The sabab (cause) of obedience to parents is their existence and hence upon their death the sabab (cause) ceases which means the hukm of obedience also ceases. Also the same applies to beggars and orphans in respect to the ahkaams (rules) which came pertaining to them. **But this is different when it comes to appointing a Khaleefah because the sabab (cause) of the presence of a Khaleefah is the presence of the Jama'ah i.e. Ummah or community which has to look after its affairs by Islam.** So if the community exists then Khaleefah must exist to look after their affairs.

The Prophet (Sallallahu Alaihi Wasallam) said in a hadith that has been narrated by Imam Ahmed in his Musnad;

"It is not allowed for three people to be in a fulaatin (journey) without appointing one of them as an Ameer."

This hadith makes it clear that whenever a collection of Muslims exist i.e. jamaa'ah it is prohibited for them to exist except with an ameer i.e. therefore it is an obligation to appoint an Ameer WHEN there is any jama'ah i.e. the existence of jama'ah is the sabab (cause) of the obligation of appointing a Khaleefah.

In fact the term jama'ah in the Islamic text means State, authority, and Khaleefah. Let us look at the following hadith: Ibn 'Abbas narrated that Messenger (Sallallahu Alaihi Wasallam) said:

"The one who sees in his Ameer something which displeases him, let remain patient, for he who separates himself from the community (Jama'ah) by even so much as a hand span and dies (in this state), he will die the death of Jahiliyyah," (reported by Bukhari and Muslim.)

Here disobedience and rebellion against the Khaleefah is synonymous with separation from the Jama'ah. This is because it is obligatory on the Jama'ah to look after their affairs by Islam. Having a Khaleefah present means this duty is being fulfilled. But if he is disobeyed this means the obligation of looking after their affairs by Islam is being neglected since he is the one who undertakes this task. So the Jama'ah has to obey a Khaleefah so that their affairs can be looked after. The reason why a Khaleefah needs to exist is because the affairs cannot be looked after except by him. Thus, the sabab (cause) of the presence of a Khaleefah is the presence of Jamaa'ah which is obliged to look after its affairs by Islam. Hence, when the Messenger of Allah (Sallallahu Alaihi Wasallam) orders us to obey the Khaleefah this means by Ishaarah (alluded meaning) it is obligatory to appoint a Khaleefah for how can the Fard (obligation) of ruling by Islam be accomplished if he did not exist. So it is wrong to say a Khaleefah does not exist so we are not sinful for not appointing and obeying the Khaleefah. This is because the sabab (cause) is not his existence, rather the sabab (cause) of his presence is the presence of a Jamaa'ah which is obliged to look after its affairs by Islam.

We can see the same point much more clearly in another narration by Ibn 'Abbas which uses the word Sultan instead of Jamaa'ah:

"If anybody sees in his Ameer something which displeases him, he should remain patient, for he who separates himself from the authority (Sultan) by even so much as a hand span and dies thereupon, he would die the death of the days of ignorance," [Reported by Muslim]

Here we can see that separation from Jamaa'ah and authority (sultan) are used synonymously. Authority (sultan) means the body which looks after the affairs. Jamaa'ah refers to the community whose affairs are looked after by the Khaleefah. The key thing in both is the obligation of looking after of the affairs which occasions the presence of a Khaleefah.

Also it is reported that 'Umar b. al-Khattab said:

"There is no Islam without Jamaa'ah and there is not Jamaa'ah without Imaarah (leadership). And there is no Imaarah (leadership) without obedience." (Reported by ad-Darimi in his Sunan)

That is there is no looking after of the affairs of the Jamaa'ah or authority (sultan) without an ameer (Imaarah) and naturally there can be no Ameer when there is no obedience to him. So the Jamaa'ah in order to exist ie for its affairs to be looked after must appoint an Ameer. And consequently obedience to this Ameer is obligatory because the obligation of looking after the affairs is not possible without an Ameer. Thus, when the Prophet (Sallallahu Alaihi Wasallam) ordered us to give allegiance (bay'ah) or obey the Khaleefah it has a greater meaning than when he orders us to feed the poor or look after our parents. We feed the poor because they are poor and we obey parents because they are parents. Thus when they cease to exist the hukm ceases. But our obedience to the Khaleefah is because he looks after the affairs of the Jamaa'ah which itself is an obligation. Thus when the Khaleefah dies the obligation of obedience to him does not cease because the sabab (cause) of the obedience still exists which is the looking after of the affairs. Hence, so as long as the cause of appointing a Khaleefah exists which is the presence of a Jamaa'ah whose affairs have to be looked after by Islam then the obligation of appointing him and obeying him remains even if he did not exist. This is the reason why the order to obey the Khaleefah by Ishaarah (alluded meaning) means the order to appoint him.

Let us consider the following ayah:

"O you who believe! Obey Allah and obey the Messenger and those in authority from amongst you" [4:59]

Here we are obliged to obey those in authority because they are the ones who look after the affairs. So obedience is due as long the ruler looks after the affairs by Islam. Since looking after affairs by Islam is Fard then the obedience to them indicates by Ihsraah that they need to exist. In another hadith this point is made even more clearer:

"Even if a slave was appointed over you who leads you with the Book of Allah then hear and obey." [reported by Muslim]

Here to emphasis the obedience to the one who looks after the affairs we are commanded in the style of mubaalagha (exaggeration) to obey even if the ameer is a slave. I.e. obedience is due because he looks after the affairs which is an obligation. Hence the order to obey indicates by ishaarat an-nass (alluded meaning from the text) the obligation of his presence.

Otherwise we are saying the hukm does not have be fulfilled because something necessary for its fulfillment does not exist even the though the sabab (cause) of the hukm still exists! For example if we apply this type of erroneous thinking on other ahkams look what happens: Jihad for instance is an obligation whose sabab (cause) is the presence of Kuffar under the authority of Kufr. So if Kuffar exist under dar al-kufr then Jihad exists. However to fulfill the Jihad one requires an Ameer by Iqtidaa (required meaning). Without an Ameer jihad cannot be undertaken and hence appointment of an Ameer becomes obligatory in order to fulfill Jihad because that which is necessary to fulfill a wajib is itself a waajib. So by Iqtidaa the presence of an Ameer becomes waajib. But if we follow the silly logic mentioned above the conclusion would be Jihad is not Fard because an Ameer does not exist! Such a conclusion is completely wrong because the sabab (cause) which caused the obligation of Jihad to exist is not the presence of an Ameer but the presence of Kuffar in Dar al-kufr. So as long as kuffar exist the Fard of jihad exists regardless of an Ameer's presence. Rather what we take from the existence of the Fard is that a Ameer needs to be appointed in order to fulfill the obligation.

Finally, the use of the expression 'man maata' deserves a further comment. The reference to the point of death indicates that the hukm (rule) must exist throughout his life. There cannot be a

point in his life when he is in a state without a bay'ah on his neck i.e. without the presence of a Khaleefah. So **the hukm is continuous unlike the ahkam of obeying parents where the hukm ends upon their death or the hukm of giving to the poor which ends when poverty ceases.** But the obligation of having a Khaleefah over you never ceases because text says 'the one who dies' indicating the continuity of the hukm throughout the life of a person for he is not allowed to die in situation where the Khaleefah is not present.

What is the Hukm Shar'i?

The legislative value of the above discussion is that it allows us to extract two hukms: that it is Fard 'ayni (individual obligation) to have a Khaleefah present and also that it is Fard Kifayah (obligation of sufficiency) to appoint a Khaleefah.

As for the first hukm it is deduced from the request (talab) in the hadith that a Muslim should not die without a Khaleefah present. As we said before 'bay'ah on the neck' is not possible to have without the presence of the Khaleefah. So if it is not allowed to die without a bay'ah on the neck, this means it is not allowed to die without the presence of a Khaleefah. This type of indication (dalaalah) in Usul al-Fiqh is known as dalaalat al-Iqtidaa (the required meaning of the text). I.e. this is when the truthfulness or correctness of a statement (sidq al-mutakallim wa sihatul malfooz bihi) cannot be established unless one understands the lafz (expression) in a certain way.

For example:

"And never will Allah grant to the disbelievers a way over the believers." [4:141]

Here the mantooq (pronounced meaning) is Allah will not allow the kaafir to have authority over the believers. However, is this permission in terms of the occurrence of authority or prohibition of authority? It cannot be the fist because we know the kuffar in actuality have authority over the believers in Palestine and Kashmir so the only meaning which will give truthfulness to the statement is prohibition. So we say the mafhoom (implicit meaning) of this ayah through dalalat al-iqtidaa (required meaning) is that Allah prohibits that Kuffar have authority over the believers.

In the same manner the mafhoom (implied meaning) of 'bayah on the neck' is the presence of the Khaleefah by the required meaning (dalalaatul iqtidaa). Thus for the expression 'bayah on the neck' to be truthful we must understand it to mean presence of the Khaleefah.

Thus, the one who dies without the presence of the Khaleefah would be sinful due to the qaraa'in which make the request decisive. For example the preposition 'fee unuqihi' actually means 'ala unuqihi ie obligation to have on one's neck much like when we say in English someone has 'a debt on his neck' i.e. he has a debt he has to pay. We can also see the use of the 'ala in the following hadith of Prophet (Sallallahu Alaihi Wasallam) said:

wa 'alayka bis sam'l wat taa'ah fee 'usrika wa yusrika wa manshitika wa makrahika wa atharatin 'alayk

"It is obligatory for you ('alayka) to hear and obey the ruler in adversity and prosperity, in pleasure and displeasure, and even when another person is given (rather undue) preference over you." [Reported by Muslim in his Sahih/num:1836]

In addition to this is the explicit qareenah (indication) 'dies the death of Jahiliyah'. The attribution of a death occurring in the days of Ignorance establishes beyond any doubt the decisiveness of the request. This means the command is a Fard which if neglected would entail sin and punishment. Also, since the personal pronoun 'man' is general this means it includes every single Muslim i.e. every individual faces death and therefore the indefinite term 'maata' i.e. dies, coupled

with the negation is clear that every single individual is addressed and hence it is a Fard 'ayni (individual obligation) to have a Khaleefah present.

As a further proof of the above understanding let us look at other narrations of the same hadith. It has been narrated on the authority of 'Umar that the Messenger (Sallallahu Alaihi Wasallam) said:

"The One who dies without an Imam he dies the death of Jahiliyyah". [Reported on the authority of 'Umar by at-Tabarani and Abu Nu'aym. The latter declared the hadith as authentic]  
Yet in another hadith narrated on the authority of Ibn 'Umar by al-Hakim in his Mustadrak we have the following version:

"He who abandons the Jamaa'ah by even so much as a hand span is as if he has taken the knot of Islam off his neck, until he returns.' And he (Sallallahu Alaihi Wasallam) said: 'whoever dies while there was no Imaam of a Jamaa'ah ruling over him, his death would be that of the days of Jahiliyyah."

It well known the scholars of hadith permitted the narration of hadith by meaning (riwayah bilma'na). So in the above hadiths the raawi (transmitter) narrated the meaning of the saying of the Prophet (Sallallahu Alaihi Wasallam). So whilst the extraction of the hukm from the man maata hadith in Sahih Muslim is from the implicit meaning (mafhoom), the above two hadiths however are even more explicit as they make the same point in the uttered meaning (manTooq). Incidentally, the hadith in Sahih Muslim and the one above from al-Hakim are both narrated by Ibn 'Umar. The first says 'bay'ah on the neck' while the second says 'while there was no Imaam of a Jamaa'ah ruling over him'. The meaning is same but the difference is that the former is understood from the implicit meaning (mafhoom) while the latter is taken from the uttered or pronounced meaning (mantooq).

As for the second hukm which is that it is Fard to appoint a Khaleefah, this is deduced from the dalalaatul Ishaarah (the alluded meaning of the text). The ishaarah is a hukm derived from the text which was not intended directly from the speech.

For example when Allah (Subhanahu wa ta'ala) says:

"He were are commanded to ask those who know if we do not know."

This cannot be done without the presence of Mujtahideen and hence the presence of mujtahideen in every age obligation in order to find out the sharee'ah rule on a matter. The ayah did not directly mention the obligation of having mujtahideen but it is understood from the ishaarah when it commanded us to ask those who know if we do not know. In the same manner the 'man maata' hadith establishes the obligation of having a Khaleefah present, this means by ishaarah that it is an obligation to appoint a Khaleefah. Therefore, when the text says it is Fard to have a Khaleefah present it also alludes to the obligation of appointing a Khaleefah such that he is present over us.

Thus, the above hadith clearly establishes the obligation of having a Khaleefah over us and the obligation of working to appoint a Khaleefah.

On whom does the Hukm shar'i apply? Is it an individual (Fard 'ayni) or collective obligation (Fard kifaa`i) and what does that mean for the Muslim ?

The obligation of having a Khaleefah present is an individual duty. This is because the personal pronoun 'man' (which means whoever) is from the general expression (seeghatul 'umoom) and it encompasses all people. Its nature is such that if the Khaleefah is present then he is present for all and if he is absent then he is absent for all thus the obligation covers all people. It is well known in Usul that the general remains general until there is another evidence to specify it. Yes the insane, non-baligh are excluded from this generality but that is not from the mind but there is

a text to say they are not legally responsible (ghayr mukallaf) and hence they cannot be held responsible for duties they did not have capacity for.

He (Sallallahu Alaihi Wasallam) said:

"Three types of people are exempted from accountability, the one who sleeps until he wakes up, a child until he reaches the age of puberty and the insane until he is cured." [Reported by Abu Dawood]

Thus, the general remains in its generality unless another text comes to specify it. And in this case the obligation of having a Khaleefah present is on every legally responsible (mukallaf) Muslim whether man, woman, layman or scholar.

As for the obligation of appointing a Khaleefah this is Fard kifaayah (obligation of sufficiency). However this should not be taken as an excuse for inaction. This is because in terms of obligation (wujoob) and removal of the sin (isqaat) the Fard 'ayn and kifayah are the same. This is because Fard means the Legislator has demanded in a decisive form the performance of an action which if neglected will result in sin. Thus the obligation to fulfill the command is on all. Only if the command has been fulfilled by some then the sin is removed from the rest. This is because the consideration is for the accomplishment of the Fard and not the undertaking of the Fard. Until and unless the Fard is accomplished it continues to be an obligation on all no matter how many people undertook it. That is why the definition of Fard kifayah is: 'What some have accomplished then the rest are absolved from sin' (maa aqaamuhul ba'd saqata 'anil baaqeen) not 'what some have undertaken ...' (maa qaama bihil ba'd). There is a big difference between undertaking an action and accomplishing it. So until the Fard is accomplished the obligation remains on all. That is why if the kifayah obligation neglected everyone is sinful and not just a few people.

For example it is Fard Kifayah for a group to respond when salam is given to them. The obligation remains on all of them until the obligation is fulfilled. If one responds with the salam and the Fard is accomplished then all are saved from sin because the consideration is the accomplishment of the Fard but if no one respond then all are sinful. Thus Fard kifayah and 'ayn are the same in obligation and removal of the sin.

So it is wrong for someone to say appointing a Khaleefah is Fard kifayah so let some people do it and we will be saved. This will not save that person on the Day of judgment because the Fard has not been accomplished and hence the obligation remains on every single neck. The Ummah has only three days and two nights to choose a Khaleefah, if they fail to do this after this time the obligation continues on all and those who undertake the Fard are saved from the sin. But those who neglect will be sinful for not fulfilling their Lord's command and they will have to explain themselves to Him on the Day when His Account (Hisab) is swift.

Kamal Abu Zahrah