

The Scholars' Statements on the Obligation of the Khilafah

(Translated)

On the twenty-seventh of the month of Rajab for the year 1342 AH, corresponding to the third of March 1924, the greatest catastrophe in the history of Muslims took place; it is the disaster of the destruction of the Ottoman Khilafah by the plots of the Kaffir West headed by Britain with the help of agents, headed by Mustafa Kamal. The great crime took place; the Khilafah was abolished and the Ummah was divided into states in which governments repudiated Islam. Since that date, the stage of loss, dispersion and humiliation has begun. The Islamic Ummah did not know a stage of humiliation as it is today, and did not know a state of weakness as it suffers today.

In order to explain the obligation and importance of the Khilafah, I would like to mention here a collection of the sayings of the scholars, for people to reflect on, so that Allah (swt) may open through them what is closed in the hearts and illuminate what is dark in the minds:

- Al-Jarjani says: **"The appointment of an imam fulfills the interest of the Muslims, and it is the most and the greatest purpose of the Deen".**

- Ibn Taymiyyah says in the book *As-Siyasah Ash-Shar'iyah*, and *Majmou' Al-Fataawa*: "It is necessary to know that the ruling of the of people **is of the greatest duties of the Deen, rather the Deen cannot be established without it.** The interests of the sons of Adam cannot be fulfilled except by meeting for each other's needs; they need a leader when they meet, and the Prophet (saw) said:

«إذا خرج ثلاثة في سفر فليؤمروا أحدهم»

"If three are out in a journey, they must appoint one of them as a leader."

Narrated by Abu Dawood from the Hadith of Abu Sa'eed and Abu Hurayrah. It was narrated by Imam Ahmad in Al-Musnad from 'Abd-Allaah ibn' Umar that the Prophet (saw) said:

«لا يحل لثلاثة يكونون بفلاة من الأرض إلا أمروا عليهم أحدهم»

"It is not permissible for any three in an area of land (to be without a leader), so they must appoint one of them as a leader."

The Prophet (saw) obliged the appointment of a leader in the small temporary meeting during the travel, and this is a reminder to all other types of meetings. Allah (swt) obliged the enjoining of good and the forbidding of evil, and this is accomplished only by power and leadership. In addition, the other obligations of the Deen (such as jihad, justice, hajj, juma's, feasts, helping the oppressed, and the execution of prescribed penalties) cannot be accomplished without power and leadership. Thus, it is narrated:

"إن السلطان ظل الله في الأرض"

"The leader (Sultan) is Allah's shade on Earth"

And:

"ستون سنة من إمام جائر أصلح من ليلة واحدة بلا سلطان"

"Sixty years of an unjust imam is better than one night without a leader."

Experience shows this, and this is why the previous Muslims (Salaf), like Al-Fudhail Bin Ayyadh and Ahmad Bin Hanbal and others used to say this: "If we are granted a supplication, we would make it for the Sultan (leader)" End of quote.

- Ibn Taymiyah (may Allah have mercy on him) said in *Majmou' Al-Fataawa* (28/p64): "This is why the Prophet (saw) ordered his Ummah to appoint rulers over them, and they in

turn must return the trusts to the people and if they ruled among the people, they should judge justly, and he ordered his Ummah to obey Allah by obeying the rulers. In Sunan Abu Daoud - on the authority of Abu Sa'eed that the Messenger of Allah (saw) said:

«إذا خرج ثلاثة في سفر فليؤمروا أحدهم»

“If three are out in a journey, they must appoint one of them as a leader.”

And in his Sunnah also from Abu Hurayrah a similar narration, and in Musnad Imam Ahmad and Abdullah bin Omar that the Prophet (saw) said:

«لا يحل لثلاثة يكونون بفلاة من الأرض إلا أمروا أحدهم»

“It is not permissible for any three in an area of land (to be without a leader), so they must appoint one of them as a leader”

The Prophet (saw) obliged the appointment of a leader in the small temporary meeting during the travel and this is a reminder of the obligation in bigger matters. Therefore, taking the post of ruling as a worship that draws one close to Allah (swt) and carrying out the duty in the best manner are ones of the best deeds. Imam Ahmad narrated in his Musnad from the Prophet (saw) that he said:

«إنَّ أحبَّ الخلق إلى الله إمام عادل وأبغض الخلق إلى الله إمام جائر»

“The most loved of creation to Allah is a just ruler (imam) and the most hated of creation to Allah is an unjust ruler (Imam).”

- Abu Bakr (ra) said in his sermon when the Messenger of Allah (saw) died, and he was appointed as the successor (Khalifah) after him (saw): “Muhammad is dead, and **this Deen must have people to implement it.**”

- Ad-Darami said in his Sunan: “Yazid Bin Harun told us, Baqiyah told us, Safwan ibn Rustum told us from 'Abd Ar-Rahman Bin Maisara, on the authority of Tamim Ad-Dari who said: ‘People were building high building during the time of Omar (ra), Omar said’: ‘O Arab people, don’t build such high buildings. **There is no Islam except with jama’ah, and no jama’ah except with imarah (leadership)**, and no imarah except with ta’ah (obedience). If people appoint a leader who has Fiqh (knowledge), then there will be life for him and them, but if they appoint a leader without Fiqh, it will be theirs and his destruction.” Narrated by Ibn Abd Al Bir Al Qurtubi in ***Jami’ Bayan Al ‘Ilm Wa Fadhluh.***

- Sheikh At-Taher Ibn Ashour said in his book ***Usul An-Nitham Al-Ijtima’i Fil Islam***: “The establishment of a public and a private government for Muslims **is one of the origins of Islamic legislation**. This has been proven by numerous evidences from the Book and the Sunnah **that reached the level of Tawatur Ma’nawi** which made the Sahaba after the Prophet’s death to rush, meet and consult to appoint a successor to the Prophet (saw) in looking after the affairs of the Muslim Ummah. Both the Muhajiroon and the Ansar agreed on the Day of Saqeefah to appoint Abu Bakr As-Siddiq (ra) a successor (Khaleefah) of the Prophet (saw) to the Muslims. **Muslims did not differ after that in the obligation of establishing a Khaleefah** except the odd insignificant some of the Khawarij and Mu’tazila who violated the agreement, so they were not given attention. **And due to the status of the Khilafah in the foundations (Usul) of Shariyah, the scholars linked it to the foundations (Usul) of the Deen and its issues.** One of its sections was on the Imamate (Imamah). The Imam of the Two Holy Mosques [Abu Al-Ma’ali Al-Juwaini] said in ***Al-Irshad***: “Discussion on the imamate is not from the foundation of belief; but it is more dangerous to commit a mistake in it than being ignorant of one of the foundations of the Deen” End quote from Ibn Ashour. The meaning of the words of Al-Juwaini is that if Imamia (advocates of Imamah) classify the Imamah as a foundation of belief, then it is incorrect, but to make a mistake in it is as great as the danger in making a mistake in the fundamentals of Deen because of its importance.

- Al-Haythami says in ***As-Saw’iq Al-Muhtariqa***: “I also know that **the Companions, may Allah be pleased with them, unanimously agreed** that appointing an Imam after the

end of the time of Prophethood is a duty but **they made it the most important of obligations**; they were occupied with it instead of with burying the Prophet (saw)”

- Abu Bakr Al-Ansari said in ***Ghayat Al Wusul Fi Sharh Lub Al Usul***: “People must appoint an Imam who serves their interests, like guarding the borders, preparing the armies and defeating the enemy and spies. This is because of the consensus of the Companions after the death of the Prophet (saw) to appoint an Imam; they even made it the most important obligation and gave it priority over the burial of the Prophet (saw), and people in every era adopted this.”

- Muhammad Bin Ahmad Bin Muhammad Bin Hashim, Al Mahaly Al Masri Ash-Shafi'i Jalal al-Din the Muffassir, Faqih, Mutakalim and Usul and Scholar of Grammar said in his book ***Sharh Al-Mahali Ala Jamm' Aj-Jawami'***: “The people must appoint an Imam who serves their interests like guarding the borders, preparing the armies and defeating the enemy and spies, because of the consensus of the Companions after the death of the Prophet (saw) to appoint an Imam, they even **made it the most important obligation**, and gave it priority over the burial of the Prophet (saw), and people in every era followed it.

- In the book ***Ghayat Al Bayan Sharh Zubd Bin Raslan*** by the Faqih Ash-Shafi'i Shams Ad-Din Muhammad Bin Ahmad Ar-Ramli Al-Ansari, a scholar of the ninth century AH known as little Shafi'i he states that: “People must appoint an Imam who serves their interests, such as implementing their penal rules, guarding their borders, preparing armies, taking their charity if they give it, defeating the enemy and spies and high way robbers, solving conflicts, and dividing spoils and others. This is an obligation because of the consensus of the Companions after the death of the Prophet (saw) to appoint an Imam; they even made it the most important obligation, and gave it priority over the burial of the Prophet (saw), and people in every era adopted this.”

Dr. Diao Ad-Din Ar-Rayes in his book ***Al-Islam Wal Khilafah*** p. 348: "Consensus as they determined is one of the great origins of the Islamic law, and the strongest consensus or the highest of rank is the consensus of the companions, may Allah be pleased with them, because they are the first row and generation of the Muslims; they accompanied the Prophet and participated with him in his jihad and his work and heard his words; they knew the rules and the essence of Islam and their number was limited and their consensus is known. After the death of the Prophet (saw), they agreed that there must be a successor and met to choose his successor and none of them said that there is no need for Muslims to have an Imam or successor (Khalifah). Thus, they confirmed their consensus on the obligation of the existence of the Khilafah and this is the origin of the consensus on which the Khilafah is based."

Dr. Ar Rayes also said in p.99: "Khilafah is the most important religious position and it is important to all Muslims, and the Islamic law stipulated that the establishment of the Khilafah is a main obligation of the duties of the Deen, but is the greatest obligation because the implementation of all other obligations depends on it." He also said on p 341: The scholars of Islam have unanimously agreed-as mentioned before- that the Khilafah or Imamah is one of the fundamental obligations of the Deen, rather, it is the first or most important obligation because the implementation of other duties and the realization of the general interests of Muslims depend on it. Therefore, they called this position "the great Imamah" contrary to the Imamah of prayer which is called the "Minor Imamah". This is the view of Ahl As-Sunnah Wa Aj-Jamma'a; they are the great majority of Muslims and it is the opinion of the senior Mujtahids; the four Imams and scholars such as Al-Mawardi, Al-Juwayni, Al-Ghazali, Ar-Razi, At-Tiftazani, Ibn Khuldun and others who are the imams who Muslims follow in rules of the Deen, and we have known the evidence and proofs which they used on the obligation of the Khilafah."

- Ash-Shahristani was quoted as saying: "It was not in his heart (i.e., Abu Bakr) nor was it in the heart of anyone that the Earth may be free from an Imam, this indicates that the

companions, the first generation all agreed that there must be an Imam, such consensus is a conclusive evidence of the obligation of the Imamah."

- Sheikh Ali Belhadj said in his **Kurasah**: "The restoration of the Khilafah is of the greatest duties of the Deen": **"Khilafah on the method of Prophethood". How can it not be! It is the greatest duty since the scholars of Islam and its famous people decided that the Khilafah is the basic obligation from the duties of this great Deen, but is "the greatest obligation", upon which the establishment of other duties depend.** Neglecting the establishment of their obligation is one of the "greatest sins", and the loss, confusion, disputes, and the conflicts between Muslims, as individuals, and between the Islamic people, as countries, are only because the Muslims neglected the establishment of this great duty."

- Ibn Khaldun said in **Al-Muqadima**: "The appointment of an Imam is a duty that its obligation is known in Shariah by the consensus of the Sahabah and the followers because the companions of the Messenger of Allah (peace and blessings of Allah be upon him) after his death rushed to give bay'ah to Abu Bakr As-Siddiq (ra) and gave him the responsibility to look after their affairs. This was the case in every era that followed and people were not left in chaos in any era. This consensus was established that it is an obligation to appoint an Imam. That is, the Ummah has transmitted this consensus and has become established in its seniors and classes; the existence is of unanimity is Mutawatir (recurrent)."

- Al-Khateeb Al-Baghdadi (may Allah have mercy on him) said: "All the Muhajiroon and the Ansar agreed on the Khilafah of Abu Bakr; they said to him: 'O Khalifah of the Messenger of Allah', and no one after him was called a Khalifah. It was said that after the death of the Prophet (saw), there were thirty thousand Muslims. They all called Abu Bakr a Khalifah and they, may Allah be pleased with them, accepted him as a leader after the Prophet (saw). I say: the point here is not that every individual gave allegiance to him, but the point is that they consented that the absence of Imam at that era was prohibited, and they consented on the obligation of the Khilafah (succession to the Messenger of Allah (saw); the Prophet (saw) said:

«...ومن مات وليس في عنقه بيعة مات ميتة جاهلية»

"... and one who dies without having sworn allegiance will die the death of one belonging to the Days of Ignorance. ",

it is understood that this requires the existence of a bay'ah on the neck for the Khalifah and not that every Muslim must give the pledge, and therefore if the number of Muslims is billion, it is not required that the billion gives the pledge, but that there must be a Khalifah present who will take the bay'ah by consent from the Ummah or those who represent the Ummah."

- Abu Al-Hasan Al-Ash'ari said: Allah -Azza Wa Jal- praised The Muhajiroon and Al-Ansar and the first Muslims, and the Qur'an mentioned this praise in many places, and praised the people of Bay'at Al-Radwan, Allah (swt) said:

﴿لَقَدْ رَضِيَ اللَّهُ عَنِ الْمُؤْمِنِينَ إِذْ يُبَايِعُونَكَ تَحْتَ الشَّجَرَةِ﴾

"Certainly was Allah pleased with the believers when they pledged allegiance to you, [O Muhammad], under the tree" [Al-Fath: 18]

All those whom Allah has praised consented on the Imamah of Abu Bakr As-Siddiq (ra), called him the successor of the Messenger of Allah, gave him the Bay'ah, obeyed him and agreed that he is the best among them, and he was the best in the group in all the qualities that deserve the Imamah; knowledge, asceticism, the power of opinion and looking after the affairs of the Ummah and other qualities."

- Abd Al-Malik Al-Juwaini said: "The Imamah of Abu Bakr (may Allah be pleased with him) was proven by the consensus of the Sahabah; they rushed to obey him and his ruling. And what was wrongfully mentioned by the Rawafidh about Ali's refusal to give the Bay'ah is

real lies. It is true that Ali (ra) was not at As-Saqeefah and that was because of the sadness that overwhelmed him due the death of the Messenger of Allah (saw). Later, he did as the people did and he pledged allegiance to Abu Bakr in front of the people.”

- Abu Bakr Al-Baqilani said in his reference to the consensus on the Khilafah of As-Siddiq (ra), may Allah be pleased with him, “His obedience was obliged due to the consensus of the Muslims; they must obey him and his Imamah and surrender to him. Even the Commander of the Believers Ali, may Allah grant his face honour, said in response to Abu Bakr’s saying: ‘Remove me for I am not the best among you.’ Ali said: ‘We will not remove you or take your feet away; the Messenger of Allah chose you to lead us in our Deen (when The Messenger chose him to lead in the prayer in his presence and when he lead the people in Haj) so why should we not choose you for our Dunya.’ Ali (ra) was the best of the Ummah and best in Iman and best in understanding and knowledge.”

- Ash-Shahristani said: (describing the situation of the companions near the death of Abu Bakr (ra), and his choice for Omar (ra)) "It was not in his heart (i.e., Abu Bakr) nor was it in the heart of anyone that the Earth may be free from an Imam, this indicates that the companions, the first generation all agreed that there must be an Imam, such consensus is a conclusive evidence of the obligation of the Imamah).

- Al-Eiji said in ***Al-Mawaqif Fi 'Ilm Al-kalam***: “As for its obligation on us, it is for two reasons: First: It is the recurrent consensus of the Muslims in the first generation after the Prophet’s death that it is prohibited not to have an Imam present. Even Abu Bakr (ra) said in his sermon: ‘Indeed Muhammad has died, and this Deen must be run by someone’, so everyone accepted him, and left him the most important task which is the burial of the Messenger of Allah (saw). Moreover, people continued to do this in each era to this time; that is, the establishment of the Imam that is followed in every era. If it is said that the consensus must be documented even if it was for transmission because of the reason that necessitates that, we say: there was no need to transmit it by consensus or such as it cannot be transferred from the evidence of conditions that can only be known through viewing and witnessing by those who were present at the time of the Prophet (saw).

Second: it is to remove a probable harm and that it is a duty by consensus.

Its explanation: We know for sure and is almost a necessity that the intent of the legislator in the course of the transactions contracts jihad and the Hudood (punishments) and annexes and the manifestations of the signs of Shariah in the Eid and Friday prayers are but for the interests of the creation in the life and Hereafter, and that is only by the Imam stipulated by the legislator who is referred to in the affairs; with the differing desires and dissimilar opinions, and the fighting among them, they rarely surrender to each other, leading to conflict and inconsistency, and perhaps leading to their loss.

- Al-Mawardi said in ***Al Ahkam As-Sultaniyyah***: "It is a contract for a person who performs a duty unanimously, even though Al-Asam was the odd one out".

- An-Nawawi said in ***Sharh Sahih Muslim*** p12/205: "They unanimously agreed that Muslims are obliged to appoint a Khalifah".

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