



Fard Kifayah: The Principle of Communal Responsibility in Islam

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Introduction

In a world where the dominant culture is becoming increasingly individualistic and social isolation is on the rise, there is a need to revisit the factors necessary for Muslim communities to prosper. Muslim communities have obligations to not only perform acts of worship like establishing congregational prayers and funeral services, but also to provide a wide range of other essential social and financial services. As a community, we have a responsibility to look after the physical, mental, and spiritual well-being of one another. The Messenger of Allah ﷺ said, “The relationship of the believer with another believer is like (the bricks of) a building: each strengthens the other,” and he ﷺ illustrated this by interlacing the fingers of both his hands.¹ The dereliction of some collective responsibilities or the failure to prioritize duties appropriately can significantly jeopardize the future well-being of the community.

This article highlights the role of the community in establishing and maintaining Islamic objectives and rulings through the concept of ‘communal obligation’ (*fard kifāyah*), particularly in the context of Muslim minorities living in a non-Muslim society. There is a paucity of Western academic literature that comprehensively treats the topic of *fard kifāyah* and its theological and legal frameworks.² The term is only mentioned in relation to other substantive law topics, but does not have its own entry in most popular English encyclopedias on Islam.³ This article introduces *fard kifāyah* theory for the reader and showcases the vital role of the community in establishing Islamic principles. **Part I** introduces the definition of *fard kifāyah* in legal theory (*uṣūl al-fiqh*) and some of its applications in Islamic law (*fiqh*), and lays out its theological frame of priorities. **Part II** examines the scope of the term ‘community’ in relation to our current conception of the term in the West and

¹ *Ṣaḥīḥ al-Bukhārī*, bk. 8, hadith 128.

² Adnan Ahmad Zulfīqar, “Collective Duties (Fard Kifayah) in Islamic Law: The Moral Community, State Authority, and Ethical Speculation in the Premodern Period” (PhD diss., University of Pennsylvania, 2018), 20–21.

³ *Oxford Encyclopedia of the Islamic World* contains a very brief entry for the term. See A. Kevin Reinhart, “Fard al-Kifāyah,” *Oxford Encyclopedia of the Islamic World*, ed. John L. Esposito (Oxford: Oxford University Press, 2009).

provides insights on how to embark on traditional communal obligations relevant to our community today.

I. Defining a communal obligation

The concept of religious obligation (*wājib*) in Islamic law is multifaceted. First, independent of the identity of the person fulfilling the obligation and the time it is being fulfilled, obligations are categorized as: (1) a single specified act (*mu'ayyan*) such as the five daily prayers; or (2) a choice within a set of obligatory options (*mukhayyar*) such as choosing one of the three ways to atone for breaking an oath.⁴ With respect to the time of performance, some obligations are time-limited (*mu'aqqat*). These are further divided into (*muwassa'*), when the time allocated is extended beyond what is needed for the performance such as prayers' time-windows, and (*muḍayyaq*), when the time is only equal to the time needed for the performance such as the time of fasting. With respect to the person fulfilling the obligation, *wājib* is categorized into individual obligation (*fard 'ayn*) and communal obligation (*fard kifāyah*).⁵ It is essential to note that *fard* and *wājib* are used here synonymously, following the majority opinion of legal theorists.⁶ It is not within the scope of this paper to examine the implications of the nuanced distinctions between *fard* and *wājib*; rather, the focus will be on the definition of *fard kifāyah*, some traditional examples of it, and relevant applications of it to current community work and services.

⁴ The expiation for breaking one's oath is mentioned in the Qur'an 5:89.

⁵ *Wājib* can be further categorized from other perspectives, such as being strictly or relatively measured in the case of some financial obligations.

⁶ The Ḥanafī school of law differentiates between *fard* and *wājib*, as the first is based on a textual definitive evidence while the latter is based on implicit orders, making it speculative (*ẓannī*).

Categorizations of *Wājib*

Irrespective of time or identity of performer	<ul style="list-style-type: none"> • Specified act (<i>mu'ayyan</i>) • A choice within a set of obligatory options (<i>mukhayyar</i>)
Time of performance	<ul style="list-style-type: none"> • Time limited • Time extended beyond what is needed for the performance
Identity of performer	<ul style="list-style-type: none"> • Personal obligation (<i>fard 'ayn</i>) • Communal obligation (<i>fard kifāyah</i>)

Jurists have cited multiple proofs for the religious mandate of *fard kifāyah*. These proofs include the following Qur'anic verses which reference the distribution of essential responsibilities among community members as well as the social obligation of enjoining good and forbidding evil:

And it is not for the believers to go forth [to battle] all at once. For there should separate from every division of them a group [remaining] to obtain understanding in the religion and warn their people when they return to them that they might be cautious.⁷

And let there be from you a nation inviting to [all that is] good, enjoining what is right and forbidding what is wrong, and those will be successful.⁸

The second verse provides a holistic frame for the Islamic communal responsibility that encompasses many instances of *fard kifāyah*. The expression “from you” can be understood as addressing either a part of, or the whole of, the Muslim community, indicating an overlap between personal and communal responsibilities. Other hadiths and rational arguments are also referenced by jurists to establish the legal base for *fard kifāyah* and what constitutes communal responsibilities.

⁷ Qur'an 9:122.

⁸ Qur'an 3:104.

Among the several definitions of communal obligations coined by Muslim legal scholars, Imam Tāj al-Dīn al-Subkī described it as:

An important essential of existence, whether religious or worldly in nature, which the Lawgiver demanded to be fulfilled without prescribing the identity of its performer, but by prescribing it as an obligation, since the action necessarily requires an actor.⁹

The word “important” (*muhiḥim*) in *fard kifāyah* definitions is posited to imply the human motivation behind the prescribed acts and signify the paramount need for all of them.¹⁰ Prior to Imam al-Subkī, Imam Ibn Daqīq al-‘Id identified a maxim that characterizes *fard kifāyah* as an act that has the purpose of “attaining a benefit or preventing a harm, without being directed to specific individuals or meant to test them.”¹¹

Fard kifāyah fosters a sense of shared responsibility among community members, irrespective of the performer’s identity, to bring about religious and worldly public interests. As is widely known by Muslims, shared responsibility means that if the obligation is fulfilled—by whatever number of moral agents (*mukallaḥīn*) it takes—all community members are free of the religious responsibility of that obligation. If no one fulfills the obligations, then all members of the particular community will be held accountable.¹²

Given the broad spectrum of *fard kifāyah* applications, some scholars categorized them based on their benefits or the recurrence of contexts requiring them. Al-Ghazālī, for instance, adopted a tripartite taxonomy, classifying *fard kifāyah* based on the benefits being purely religious, worldly, or both.¹³ On the other hand, al-Qarāfī, al-Subkī, and al-Zarkashī,¹⁴ adopted a distinction between: (1) what must be provided only once (e.g., rescuing a drowning person), and (2) what must be provided whenever needed (e.g., offering funeral and Islamic educational services).

⁹ Tāj al-Dīn al-Subkī, *al-Ashāb wa-al-naḥā’ir* (Beirut: Dār al-Kutub al-‘Ilmiyah, 1991), 2:89.

¹⁰ Ḥasan al-‘Atṭār, *Hāshiyah ‘alā jam‘ al-jawāmi‘* (Cairo: Dār al-Baṣā’ir, 2009), 1:236.

¹¹ Ibn Daqīq al-‘Id, *Sharḥ al-ilmām bi-aḥādīth al-aḥkām* (Damascus: Dār al-Nawādir, 2009), 2:45–46.

¹² Muḥammad ibn Idrīs al-Shāfi‘ī, *al-Risālah* (Cairo: Muṣṭafā al-Ḥalabī, 1940), 364–69.

¹³ Abū Ḥāmid Al-Ghazālī, *al-Wasīṭ fi al-madḥhab* (Cairo: Dār al-Salām, 1997), 7:6–7.

¹⁴ Al-Subkī, *al-Ashāb wa-al-naḥā’ir*, 90; Shihāb al-Dīn al-Qarāfī, *Anwār al-burūq fi anwā’ al-furūq* (Cairo: Dār al-Salām, 2001), 1:234.

¹⁵ Notably, between these two sets of services, one can notice the difference in discharging the communal responsibility as an occasional ritual or service versus an ongoing shared interest. These taxonomies can help measure each *fard kifāyah*'s degree of importance relative to another. Indisputably, the communal obligation of responding to a Muslim's greeting is unlike that owed to sustain lives or promote survival.

The discussion of needs and importance is relevant to expanding or narrowing the breadth of *fard kifāyah*. As an example of expanding *fard kifāyah*, it could be argued that it is now a communal responsibility for Muslims to, medically or otherwise, combat the pandemic that is harming people across the globe and threatening one of the primary objectives of Islamic law: preserving human lives. As an example of potentially narrowing *fard kifāyah*, it could be argued that the virtual nature of community currently being experienced (due to most interactions with others being on-line during the pandemic) might change the parameters of accountability in terms of providing *fard kifāyah* services to the 'community.' Each of these examples also exemplifies the opposite. If *fard kifāyah* is narrowed for local communities, it is simultaneously expanded for distant communities. The circumstantial definition of a community depending on the sharing of resources is illustrated in reference to the discussion of efficient application of *fard kifāyah*.

Some scholars broadly conceptualized the scope of communal responsibility to include both obligatory acts (*fard kifāyah*) as well as recommended acts (*sunnah kifāyah*). For example, Imam al-Qarāfī discussed the applicability of communal responsibility to *sunan* in his marvelous work *al-Furūq*.¹⁶ Shāfi'ī scholars provided the examples of invoking Allah's mercy on the one who sneezes, saying "In the name of Allah" (*bi-ism Allāh*) prior to eating as a group, and offering *udhiyah/qurbāni* on behalf of a household.¹⁷

¹⁵ Al-Subkī, *al-Ashbāh wa-al-naẓā'ir*, 90.

¹⁶ Al-Qarāfī, *al-Furūq*, 1:234.

¹⁷ Jalāl al-Dīn al-Suyūṭī, *al-Ashbāh wa-al-naẓā'ir*, 7th ed. (Cairo: Dār al-Salām, 2018), 728–29.

Examples of communal obligations

Instances of *fard kifāyah* can be found scattered across various legal topics within *fiqh* books or listed in treatises on legal maxims (*qawā'id al-fiqhīyah*), such as al-Suyūṭī's lengthy compilation in *al-Ashbāh wa-al-Nazā'ir*.¹⁸ Below, I will thematically list examples of *fard kifāyah*, drawing from resources for different *madhabs*, based on the general objectives they aim to achieve.

Ritualistic acts include: funeral services (washing, shrouding, praying, and burial), facilitating congregational prayers (i.e., the five daily prayers, Friday prayer, Ramadan night prayer, eclipse prayers) in each locality,¹⁹ establishing the call to prayer in a locality,²⁰ learning the measurement of the direction of *qiblah*, and organizing Hajj annually. Building mosques, as needed, and maintaining them (the Qur'anic concept of *imārat al-masjid*)²¹ are *fard kifāyah*. Imam al-Bayḍāwī gave examples of building mosques, furnishing them, maintaining the establishment of worship in them, and protecting them from what they are not meant for.²² He added that this responsibility is best fulfilled by the most knowledgeable practitioners of the religion.²³

Social Services and Welfare include: fostering orphans and foundlings, clothing the naked and feeding the hungry, relieving the distressed and miserable, providing skills required for basic necessities (such as business, farming, construction, weaving, etc), performing and facilitating marriage, basic medical services and medications, nursing (taking care of the sick, including visiting them)²⁴ and childcare. Supporting the oppressed, uplifting the wrong that befalls them, and maintaining social security are *fard kifāyah*. In commenting on al-Bukhārī's title "Helping the Oppressed," Imam Ibn Hajar says, "It is a universal *fard kifāyah* that

¹⁸ Al-Suyūṭī, 718–24.

¹⁹ Providing congregational prayers is essential to communal religious integrity. Living as minorities during the pandemic highlighted the difficulties of handling the closure of public prayers, where Islamic institutions took different approaches to accommodate the situation.

²⁰ This *fard kifāyah* is obligatory upon men.

²¹ Qur'an 9:18.

²² Al-Bayḍāwī, *Anwār al-tanzīl wa-asrār al-ta'wīl* (Beirut: Dār Iḥyā' al-Turāth al-'Arabī, 2003), 3:75.

²³ Al-Bayḍāwī, 3:75.

²⁴ Nursing, like taking care of the sick, is initially the responsibility of the patient's close relatives, close friends, neighbors, and then the rest of the community. Some Ḥanbalī scholars considered visiting the sick a *fard kifāyah*.

includes all the oppressed and all those helping them, on the basis that *fard kifāyah* addresses everyone (i.e., *mukallaḥīn*).²⁵

Enjoining Good and Forbidding Evil: a vital role of the community that is centered in the Islamic tradition across its disciplines.²⁶ While theology views it as a people's duty to establish Allah's commands in society, spirituality treats it as a collective effort to maintain introspection, transparency, and accountability. In *fiqh*, 'enjoining good and forbidding evil' is not characterized as a granted authority, but rather, a ritualistic imperative.²⁷ It includes not only speaking against 'evil,' but also extends to preventing others from doing it and demanding them to do what is good. The obligation broadly transcends personal or social biases, as affirmed by the Qur'anic verse, "O you who believe! Stand firmly for justice, as witnesses to God, even if against yourselves, or your parents, or your relatives."²⁸ This crucial role is reflected in al-Juwaynī's description of Islam "from beginning to end" to be about "enjoining what is good and forbidding what is evil."²⁹

Education and *Da'wah* involves: acquiring knowledge of various disciplines to preserve religious knowledge, learning early Arabic poetry to preserve the language and properly understand the Qur'an and Sunnah,³⁰ memorizing Qur'an (including learning advanced *tajwīd*³¹ and the variant readings, *qirā'āt*)³² and Hadith,³³ learning principles of legal theory and applying legal reasoning to new precedents, teaching and mentoring students of knowledge,³⁴ facilitating credential education for graduating *muftīs* and *qāḍīs* (the two most important legal positions),

²⁵ Ibn Ḥajar al-ʿAsqalānī, *Fath al-Bārī fī sharḥ Ṣaḥīḥ al-Bukhārī* (Damascus: al-Risālah al-ʿAlamīyah, 1884), 8:12.

²⁶ See Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge: Cambridge University Press, 2000).

²⁷ For a full discussion about the concept of enjoining good and forbidding evil, see Abū Ḥāmid Al-Ghazālī, *Iḥyā' ʿUlūm al-Dīn* (Jeddah: Dār al-Minhāj, 2011), 4:535–663.

²⁸ Qur'an 4:135.

²⁹ ʿAbd al-Malik al-Juwaynī, *al-Ghiyāthī*, ed. ʿAbd al-Azīm al-Dīb (Jeddah: Dar al-Minhaj, 2011), 365.

³⁰ Muḥammad Amīn ibn ʿUmar Ibn ʿĀbidīn, *Radd al-muḥtār ʿalā al-durr al-mukhtār sharḥ Tanwīr al-Abṣār* (Beirut: Dār al-Kutub al-ʿIlmiyah, 2011), 1:136.

³¹ *Tajwīd* of *Surah al-Fātiha*, to the acceptable level of articulation of Qur'anic words, is *fard ʿayn*.

³² Al-Suyūṭī mentioned in *al-Hāwī* that reading the Qur'an in its different *qirā'āt* is a matter of consensus (*ijmaʿ*). Al-Suyūṭī, *al-Hāwī lil-fatāwā* (Beirut: Dār al-Kutub al-ʿIlmiyah, 2000), 2:103.

³³ Al-Suyūṭī cited a scholarly discussion on memorizing Qur'an and Hadith, to a disputable extent, to be a communal obligation.

³⁴ Al-Nawawī, *al-Tibyan fī ādāb ḥamalāt al-Qurʾān*, 4th ed. (Beirut: Dār Ibn Ḥazm, 1996).

³⁵ publishing relevant religious scholarship,³⁶ developing rational discourses to dismantle misconceptions and doubts of religion.³⁷ Mathematics and politics (i.e., *siyāsah* in its general sense of maintaining human worldly welfare and happiness in the next world) are also *farḍ kifāyah*. Some scholars, such as al-Shahrastānī, included *ijtihād* as a communal obligation since it is necessary to ensure a sufficient number of *mujtahids* are available in each era.³⁸ Interestingly, Imam al-Bājī extended this argument to the availability of spiritual saints in each locality, thereby including self-discipline (*jihād al-naḥs*) until reaching a high state of righteousness, as a communal obligation.³⁹ This, however, does not negate the fact that self-discipline and striving against spiritual diseases are personal obligations on every single Muslim.⁴⁰ Spirituality has a critical impact on the effective functionality of *farḍ kifāyah*. Notably, Imam al-Māwardī mentioned that although impious (*fāsiq*) individuals are addressed by *farḍ kifāyah* of seeking knowledge, their contributions would not, however, waive the communal responsibility since their *fatwas* are to be rejected.⁴¹ The reason these individuals were initially included in the obligation is the fact that they are always obligated to quit their sins and rectify their spiritual status.⁴²

Spreading and teaching sacred knowledge are also *farḍ kifāyah* triggered by the Qur’anic prohibition of concealing knowledge.⁴³ Hence, scholars regulated providing *iftā’* (access to scholarly verdicts) for each locality.⁴⁴ The Prophet’s ﷺ command “Convey from me even a verse [of the Qur’an]”⁴⁵ denotes a collective duty of inviting people, Muslims and non-Muslims, to Allah. Therefore, all means

³⁵ Although both address legal issues, a *mufti* issues a nonbinding juristic opinion (*fatwā*), while a judge issues an enforceable judgement (*ḥukm*).

³⁶ Al-Zarkashī, *al-Manthūr fī al-qawā’id*, 1st ed. (Beirut: Dār al-Kutub al-‘Ilmiyyah, 2000), 2:164.

³⁷ Al-Khaṭīb al-Shirbīnī, *Mughnī al-muḥtāj ilā ma’rifat ma’ānī al-fāz al-minhāj*, 1st ed. (Beirut: Dār al-Ma’rifah, 1997), 4:277.

³⁸ Muḥammad ‘Abd al-Karīm al-Shahrastānī, *al-Millat wa-al-nihāl* (Cairo: Mu’assasat al-Ḥalabī, 1968), 2:10.

³⁹ Al-Suyūṭī, *al-Ashbāh wa-al-naẓā’ir*, 724–25.

⁴⁰ Al-Suyūṭī, 724–25.

⁴¹ Abu al-Ḥasan al-Māwardī, *al-Ḥawā’ al-kabīr* (Beirut: Dar al-Kutub al-Ilmiyyah 1994), 14:150–51.

⁴² Al-Māwardī, 14:150–51.

⁴³ This references verse 2:159.

⁴⁴ Al-Suyūṭī mentioned that, in some situations, one *mufti* is not enough for one locality. This provides ample opportunity for reflection in our time given the state of our imams and Islamic institutions, in terms of educational eligibility and institutional credibility.

⁴⁵ *Ṣaḥīḥ al-Bukhārī*, bk. 60, hadith 128.

of facilitating *da'wah*, be it through individuals or platforms, relevant multimedia aids, materials and publications, or translation of the meanings of Qur'an and Sunnah, shall take the same ruling of *fard kifāyah*.⁴⁶

Acquiring knowledge and education, in this context, is not only limited to sacred knowledge. All sciences and disciplines necessary for providing all of the aforementioned services or fulfilling the core Islamic objectives (*maqāṣid*)⁴⁷ of preserving religion, life, intellect, progeny, and wealth, are obligatory upon Muslims to study and implement as *fard kifāyah*. The discussion of education and the taxonomy of sciences from the perspectives of the different Defining Legal Rulings (*Hukm Taklīfī*) applicable to them are extensively discussed in al-Ghazālī's profound work *Iḥyā' 'Ulūm al-Dīn*⁴⁸ as well as many other books that are dedicated to educational curricula and pedagogy.

Civic duties include: certain types of physical jihad⁴⁹ (even the preparation of army and equipment, and protecting borders), freeing captives, establishing and enhancing proper Islamic polity, appointing qualified judges when no functioning judicial system is established, fulfilling testimonial duties in court, and assisting the judiciary in restoring people's rights, and assuming (presidential or judicial) office. Imam Al-Juwaynī ranked “the establishment of judgeship among Muslims, redress for the oppressed from the oppressors, and the ending of a conflict between litigants” to be among the most important communal obligations.⁵⁰

Muslim communities living under the governance of a non-Muslim legal system are guided by Islam's framework of communal responsibility. Specifically, in the

⁴⁶ Muḥammad Abū Zahrah, *Zahrat al-tafāsīr* (Cairo: Dār al-Fikr al-‘Arabī, 2016), 2463.

⁴⁷ Muslim legal theorists extrapolated these five basic values, which any rule of law has to be in accordance with, provided that it does not violate or contradict an existing definitive rule (i.e., derived from the Qur'an or the Sunnah). The objectives function in the framework of bringing good and preventing harms. See Ibrahim al-Laqqānī, *‘Umdat al-murīd sharḥ Jawharat al-Tawḥīd*, 1st ed. (Amman: Dār al-Nūr al-Mubīn, 2016), 4:2002.

⁴⁸ Al-Ghazālī, *Iḥyā'*, 4:62–109.

⁴⁹ The topic of jihad is commonly misunderstood and is further elucidated in the following articles: Surkheel Sharif, “Is Islam a Conquest Ideology? On Jihad, War, and Peace,” *Yaqeen*, April 16, 2018, <https://yaqeeninstitute.org/surkheel-sharif/is-islam-a-conquest-ideology-on-jihad-war-peace>; Justin Parrott, “Jihad in Islam: Just-War Theory in the Quran and Sunnah,” *Yaqeen*, May 15, 2020, <https://yaqeeninstitute.org/justin-parrott/jihad-in-islam-just-war-theory-in-the-quran-and-sunnah>.

⁵⁰ ‘Abd al-Malik al-Juwaynī, *Nihāyat al-maṭlab fī dirāyat al-madḥḥab*, ed. ‘Abd al-Azīm al-Dīb (Beirut: Dār al-Minhāj, 2007), 18:458.

absence of appointment processes for *Shar‘i* judges, Islamic law sets clear expectations for community leaders⁵¹ to appoint the most qualified judges available. This law of exception discourse was extended over time to involve the expansion of non-Muslim authorities over Muslim lands and the later diasporic Muslim population. The role of *fard kifāyah* was fundamental in governing and regulating issues resulting from the lack of Islamic authority over private law matters.

For example, in the 15th century, al-Kamāl Ibn al-Humām stated that Muslim communities residing in Cordoba, Valencia, and some parts of Ethiopia, where non-Muslim authorities had taken over, should appoint a ruler and a judge to the best of their capabilities.⁵² Communally-appointed judges were also mentioned in the 16th century by al-Wansharīsī in his 12-volume book, which cites numerous Mālkī jurists’ opinions regarding how the community can independently function as a minority in the absence of Muslim judicial authorities.⁵³ An early explicit mention of minority Muslims was made by the late 19th-century Ibn ‘Ābidīn: “in lands of non-Muslim authorities, it is permissible for Muslims to establish congregational prayers and Eids... and appointment of a judge will be legitimate by the Muslim communal approval.”⁵⁴ He also added that Muslims should request the facilitation of this from the authorities of these lands.

It should be noted that these circumstantial rulings do not aim to replace the existing legal system nor to create a parallel one. However, it informs the Muslim community on how to develop quasi-judicial avenues to adjudicate, or arbitrate, their personal matters without conflicting with the law of the land in which they are citizens. These legal trends concede the significant doctrinal and practical role of the community in Islamic law. On a doctrinal level, the community informs the development of legal theories of custom (*‘urf*) and public interest (*maṣlahah*). On

⁵¹ In Islamic political theory, they are called “*ahl al-hall wa-al-‘aqd*”: the people with discretionary political and social power to enact or dissolve a pact. See Ibn al-Naqīb al-Maṣrī, *The Reliance of the Traveler*, trans. Nuh Keller (Maryland: Amana Publications, 2008), 629–30.

⁵² Al-Kamāl ibn al-Humām, *Sharḥ Faṭḥ al-Qadīr* (Beirut: Dār al-Kutub al-‘Ilmīyah, 2003), 7:246.

⁵³ The full title is *al-Mi‘yār al-mu‘rib wa-al-jamī‘ al-mughrib ‘an fatāwā ‘ulamā’ Ifrīqiyyah wa-al-Andalus wa-al-Maghrib* (The clear standard and the encyclopedic collection of the legal opinions of the scholars of Tunisia, al-Andalus, and Morocco).

⁵⁴ Ibn ‘Ābidīn, *Radd al-muḥtār*, 8:43.

the ground, the community ensures the sound application of the law and can even substitute official authorities if they are absent or malfunctioning.

Who are the intended addressees of the communal obligation?

According to Sunni schools of thought, there is no difference between individual and communal obligations in terms of their requirement to be fulfilled.⁵⁵ However, the difference is in terms of the number of *mukallaḥīn* addressed by the obligation.⁵⁶ Legal theorists hold two different views on identifying the addressees of communal obligations. The majority state that all *mukallaḥīn* are initially addressed, since they are all held accountable if the obligation is not fulfilled. Some state that only some *mukallaḥīn* are addressed, since the performance of only some of them waives the obligation for all. The implication of the different views lies in how the divine accountability will be determined when the obligation is not fulfilled.⁵⁷

In an intriguing query on this point, Imam al-Shīrāzī discussed whether angels or jinn establishing the communal obligation would waive the responsibility of humans.⁵⁸ The hypothesis is valuable since Muslims' belief in the unseen broadens their perception of 'community' to include other creatures. Such a scenario is not physically impossible, given the authentic story of Ḥanzalah, the Prophet's companion, who was washed after his martyrdom by the angels. Finally, Imam Ibn al-Ḥāj notes that when one establishes a *farḍ kifāyah*, they should include in their intention that they are performing it for themselves as well as on behalf of the rest of their fellow Muslims, by virtue of the hadith, "Allah is helping as long as the (His) slave is helping his brother."⁵⁹

⁵⁵ Abū al-Ḥasan al-Āmidī, *al-Iḥkām fī uṣūl al-aḥkām*, 2nd ed. (Beirut: al-Maktab al-Islāmī, 1981), 1:100.

⁵⁶ Al-Zarkashī, *al-Baḥr al-muḥīṭ*, 2nd ed. (Kuwait: Ministry of Endowments and Islamic Affairs, 1992), 1:242–45.

⁵⁷ Al-Zarkashī, 1:242–45.

⁵⁸ Al-Zarkashī, 249–50.

⁵⁹ *Ṣaḥīḥ Muslim*, bk. 48, hadith 48; Ibn al-Ḥāj, *al-Madkhal* (Beirut: Dār al-Kutub al-ʿIlmiyah, 1995), 4:233.

Prioritizing individual and communal obligations

A few legal theorists (*uṣūlīs*), including al-Juwaynī, his father, and Abū Ishāq al-Isfarāyīnī, are commonly cited as holding the opinion that a communal obligation has a higher religious rank than an individual obligation. In his *al-Ghiyāthī*, al-Juwaynī argues that fulfilling or neglecting an individual obligation benefits or harms only the responsible person, while the consequences of a communal obligation affect all Muslims.⁶⁰ On the other hand, the majority of *uṣūlīs* ranked individual obligations higher than communal ones. Some scholars attempted to reconcile the two views by limiting the cases of competing obligations to the scenario wherein the communal obligation is also individual:⁶¹ if an individual obligation, that was initially communal, conflicts with an obligation that was always individual, which takes precedence over the other?

While most *uṣūlīs* did not adopt the opinion that a communal obligation is preferable to an individual one, the disagreement is often mischaracterized or inaccurately framed. The disagreement is not over ranking the Divine essence of all obligations, but rather, over the weight of establishing a communal cause compared to testing an individual with an obligation.⁶² This discussion alludes to connotations of priorities of private and public interests rather than preferring one ritual over the other.

Although *wājib* has been categorized into individual obligation and communal obligation, it is possible for a communal obligation to transform into an individual obligation. Scholars agree that this happens if there is only one person available to perform a communal obligation. North American communities can readily relate to this. For example, if only a few Muslims live in a remote small community, they need to fulfill a variety of communal obligations such as establishing congregational prayer (possibly including training imams and *khaṭībs*), sighting the moon for related acts of worship, providing guidance on *zakah*, wills, estate planning, and medical or end-of-life decisions. Scholars also discussed whether a

⁶⁰ Al-Juwaynī, *al-Ghiyāthī*, 137–38.

⁶¹ Al-Zarkashī, *al-Baḥr al-muḥīṭ*, 252.

⁶² Al-‘Aṭṭār, *Ḥāshiyat ‘alā jam‘ al-jawāmi‘*, 236–38.

person who starts performing a communal obligation becomes individually obligated to complete it.⁶³ For example if a Muslim student starts pursuing certain education which is needed for their community, does the communal obligation they are fulfilling become an individual one such that they are not allowed to withdraw from this career path? If so, this may trigger another communal responsibility to facilitate that individual's completion of education. Scholars avoided responding with a universal theory and left it open to a case-by-case examination by measuring the need and assessing the practicality of fulfilling that need.

With that, should we not proactively fulfill our community's needs through *fard kifayah* before they evolve into *fard 'ayn*? Counter-intuitively, Imam Ibn Hajar al-Haytamī stated that performing a *fard kifayah* is better than performing its transformed *fard 'ayn*.⁶⁴ This informs our ongoing discussions on prioritizing our religious obligations.

II. North American Muslim community and embarking on *fard kifayah* guidelines

To bring the discussion closer to our reality, our vast literature informs us about the boundaries of a 'community' and the sharing of responsibilities among neighboring cities or suburbs. In both legal theory and applications, the definition of a local community is not universally identified, but instead, left to be circumstantially defined. However, jurists seem to frequently consider demographic municipalities and underserved rural communities, and to apply Islamic law's measurement of distances (i.e., *masāfat al-qasr* and *masāfat al-'adwā*) to the dissemination of *fard kifayah*'s responsibilities.⁶⁵ This distribution of obligations is not intended to distinctly divide communities, or to administratively monitor localities. Rather, it is intended to realistically consider individual and collective capabilities and to strengthen the social dynamics of a

⁶³ Al-Suyūṭī, *al-Ashbāh wa-al-naẓā'ir*, 374–75.

⁶⁴ Ibn Hajar al-Haytamī, *al-Fath al-mubīn fī sharḥ al-Arba'īn* (Jeddah: Dār al-Minhāj, 2008), 545.

⁶⁵ *Masāfat al-qasr* is the distance at which one is allowed to shorten a four-unit (*rak'ah*) prayer to two. *Masāfat al-'adwā* is an estimated distance beyond those where one can expect a response upon a cry of help. Scholars applied both distances in multiple legal rulings. In *fard kifayah* applications, Shāfi'ī scholars discussed the need for a muftī within *masāfat al-qasr* range and a judge (*qadī*) within *masāfat al-'adwā*.

group of people sharing the resources of one place and striving to apply their faith objectives within its boundaries. This is evident in the opinion of some legal theorists that if the communal obligation is not established, the responsibility falls, not only on the rest of the community, but on everyone, irrespective of their geographical distance, who knows of the need and did not fulfill it while having the ability to do so. Even if an individual is not informed of the need, they can be held responsible if they were able to inquire about it. The extension of the circle of obligation may expand from a neighborhood, to a city, to a county, to a region, to a state, to a country, etc. However, determining whether the communal obligation was fulfilled or not is to be confirmed by high probability (*dhan*), and not certainty (*yaqīn*).⁶⁶ This consideration of reasonable expectations means that to be waived of the responsibility, an individual needs not be certain that the obligation was performed, but must have a preponderant belief or strong supposition that it was.

The communal obligation can extend to individuals as far as ‘all lands.’⁶⁷ The definition of community can also transcend geographic boundaries as most recently illustrated by the virtual reality necessitated by the global pandemic. For example, what may have been previously a communal obligation resting on the shoulders of an individual in a location where there are no resources for Muslims may be shifted to the larger Muslim community if they are able to assist despite the geographic distance.

While a majority of legal systems rely on law enforcement authorities to preserve societal stability and enhance public good, Islamic law tends to entrust Muslim society with a wide array of duties which, alternatively, provide public essential services, such as education, healthcare, childcare, religious services, and dispute-resolution mechanisms. In addition to the numerous examples mentioned previously, the examples of endowment institutions and quasi-governmental bodies functioning independently from executive or judicial interventions illustrate how

⁶⁶ Jamāl al-Dīn al-Isnawī, *Nihāyat al-sūl Sharḥ Minhāj al-Wuṣūl ilā ‘Ilm al-Uṣūl*, 1st ed. (Beirut: Dār Ibn Ḥazm, 1999), 99.

⁶⁷ Abū al-Qāsim al-Rāfi‘ī, *Fath al-‘aziz sharḥ al-Wajīz*, 1st ed. (Beirut: Dār al-Kutub al-‘Ilmīyah, 1997), 11:253.

Islamic tradition views a ‘community’ in contrast to the modern nation-state paradigm.

Moreover, deficiencies of political or legal systems are to be compensated by the community which is mandated to facilitate a process of appointments for these authoritative positions. Admittedly, the state system in our history did occasionally infringe on this critical communal role. However, the point of this article is to highlight the wide scope of communal responsibility and its functionality irrespective of any circumstantial conditions, and to transcend the impositions of modernity. Our understanding of this responsibility influences the characterization of Muslims in the ‘West’ and helps better address the two-fold existential problem of living as a religious minority under a secular polity. Examining these outlined theological objectives and legal regulations contextually in our reality as North American Muslims frames the ongoing discussion over religious duties, civic engagement, and community work. It also helps answer some critical *fiqhī* issues regarding the responsibilities of a group of Muslims residing in small towns or rural areas that lack basic religious services.

Scholars maintained *fard kifāyah*’s frame of priorities across the ages. For example, al-Ghazālī denounced jurists’ preoccupation with exhaustive tangential legal details, which is *fard kifāyah*, and their blameworthy passion for debates at the expense of establishing the *fard ‘ayn* of embodying and teaching spiritual obligations.⁶⁸ He attributed this to a misprioritization of obligations giving another example of a community full of jurists, more than what is needed for the fulfillment of *fard kifāyah*, while lacking Muslim physicians who are needed for Islamic legal-medical matters.⁶⁹ In the *da‘wah* realm, Tāj al-Dīn al-Subkī criticized many jurists of his time for their preoccupation with fruitless legal polemics and fanatic sectarianism over giving *da‘wah* to the non-Muslims living among them and caring for the religious education of new Muslims.⁷⁰

⁶⁸ Al-Ghazālī, *Ihya*, 80–82.

⁶⁹ Al-Ghazālī, 80–82.

⁷⁰ Tāj al-Dīn al-Subkī, *Mu‘īd al-ni‘am wa-mubīd al-niqam* (Lebanon: Mu‘assasat al-Kutub al-Thaqāfiyah, 1986), 62–63.

Furthermore, *fard kifāyah* shapes our conception of *da‘wah* to both Muslims and non-Muslims and identifies our goals and methods therein. Prioritizing *da‘wah* to non-Muslims over Muslims, or the other way around, requires wisdom and demands sincere objectives. The story of ‘Abd Allāh ibn Umm Maktūm in Sūrat ‘Abasa [He frowned and turned away] says a lot about this. The discussion also highlights the importance of balancing between imparting knowledge and maintaining personal introspection. Imam Ibn ‘Ajībah said that the communal obligation of spreading knowledge and *da‘wah* should not divert people of knowledge from their connection to *dhikr* or their witnessing of Allah in all of their matters. He cited Allah’s command to Mūsa and Harūn upon proceeding to Pharaoh to invite him to Allah, “and do not slacken in My remembrance,”⁷¹ meaning “do not be heedless of Me when you are guiding My servants.”⁷²

Conclusion

Examining priorities is a critical endeavor that is often a matter of disagreement among community leaders. *Fiqh* is a reflection of our theology that deepens our understanding of the Qur’an, allowing us to organize our competing obligations and guide our sacred missions of worship and cultivating the earth (*‘imarat al-ard*). It is possible, if not common, that individuals’ priorities or personal interests might not correspond with what Islam prioritizes. Moreover, a common issue our community constantly faces is competition between institutions over duties, jurisdictions, and positions. It also adds to the conversation on the comparative advantages and disadvantages of large umbrella organizations versus smaller grassroots initiatives that address community issues often neglected by larger scale movements.

Muslims championing different causes in the community often see themselves in competition with one another, with each group assuming their cause is the most urgent priority for the Muslim *ummah*, or assuming that because they are involved

⁷¹ Qur’an 20:42.

⁷² Ibn ‘Ajībah, *al-Baḥr al-madīd fī tafsīr al-Qur’ān al-Majīd* (al-Hay’ah al-Miṣrīyah al-‘Āmmah lil-Kitāb, 1999), 3:392.

in one cause that they don't have to worry about other causes. If some of us are occupied with fulfilling a *fard kifāyah*, does that relieve us of the responsibilities of others? What should we be doing first? Teaching Islam, giving *da'wah*, combating Islamophobia, resisting dehumanization of Muslims, refuting atheism, fighting racism and discrimination, building mosques and Islamic schools, providing social services, developing alternative dispute resolution mechanisms, supporting the oppressed, furthering international causes relevant to the global *ummah*, founding Islamic financial institutions, saving the environment, engaging in the political, social and legal sciences, fostering abandoned children, caring for neglected youth, supplying halal food, establishing halal loans and financial aid, or engaging in politics to represent Muslims and defend their rights? This article establishes that the concept of *fard kifāyah* is not about competing responsibilities; rather, it encourages cooperation in noble causes to ensure proper utilization of resources and avoid negligence of duties or redundancy of services.