

Series of Questions Addressed to the Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page (Fiqhi)

Answer to Question:

Fardh and Wajib

To: Abdullah Abu Mufeed

(Translated)

Question:

Assalamu Alaikum wa Rahmatullahi wa Barakatuh,

According to the *System of Islam*, the definition of fardh (compulsory) is that the performer is praised and the one who abstains from it is condemned, whereas the definition of fard in *The Islamic Personality*, Volume 3, states that the person who neglects to perform the fardh deserves to be punished but there is no mention of the praising. So, what is the adopted definition?

May Allah bless you.

Answer:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

There is no difference between what is mentioned in the *System of Islam* and what is mentioned in *The Islamic Personality* except in terms of the context of the research. What came in the *System* book is closer to the general definition, without limiting it to the connotation (Qareenah) of fardh in the request to act, or the request to abstain. This is clear in the *System of Islam*: "... Thus, with the fard/wajib, the performer is praised and the one who abstains from it is condemned. The person who neglects to perform the fard deserves to be punished. The person who performs the haram is condemned and the one who abstains from it is praised. The person who performs the haram deserves to be punished." Thus, it mentioned the general definition "condemnation and praise" and at the same time it mentioned the connotation (Qareenah) of decisiveness (jazm) for the fardh: "*The person who neglects to perform the fard deserves to be punished*". And he did not mention praising the person who performs the action because praising the doer does not necessarily mean that the action is fardh but it may be a mandoob (recommended) action; rather, the punishment for abstaining (from the action) is what denotes the decisiveness (jazm) and it must be. Thus, when he mentioned the connotation (Qareenah) of decisiveness (jazm) for the haram, it said: "*The person who performs the haram deserves to be punished*."

As for the definition in *The Islamic Personality* Volume 3, it is a research in Usul that focuses on the connotation (Qareenah) of decisiveness (jazm) rather than on the general definition, thus he said: "*With the wajib, the one who unquestionably*

deliberately abstains from it he is legally condemned. The meaning of legally condemned is that it came in the Book of Allah, the Sunnah of the Messenger or the Ijma' al-Sahabah that if a person leaves it he will be deficient and blameworthy. People's condemnation for leaving the act is not considered, rather what counts is the legal (shar'a) condemnation ... And if the address of the legislator is related with a decisive request to abstain from an action, it is a prohibition (haram) and it is synonymous with al-mahdhur. The one who performs haram is legally condemned".

So, here he focused on the connotation (Qareenah) that indicates decisiveness (jazm); thus, he mentioned condemnation and did not focus on the praise. This is because condemning a person of doing something indicates that this act is haram. Thus, condemnation (dham) denotes decisiveness (jazm), and condemning leaving an act indicates that this act is fard (compulsory), and as you see he did not mention praise because praise here does not denote decisiveness since it is not only the performer of the fard is praised, but also the performer of the mandoob is praised.

In conclusion, what came in the *System of Islam* is more comprehensive and general where it states: "... Thus, with the fard/wajib, the performer is praised and the one who abstains from it is condemned. The person who neglects to perform the fard deserves to be punished. The person who performs the haram is condemned and the one who abstains from it is praised. The person who performs the haram deserves to be punished." And what came in *The Islamic Personality* Volume 3 focuses on the connotation (Qareenah) of decisiveness (jazm), where he said: "With the wajib, the one who unquestionably deliberately abstains from it he is legally condemned. The meaning of legally condemned is that it is detailed in the Book of Allah, the Sunnah of the Messenger or the Ijma' al-Sahabah that if a person leaves it he will be deficient and blameworthy. People's condemnation for leaving the act is not considered; rather, what counts is the legal (shar'a) condemnation ... And if the address of the legislator is related with a decisive request to abstain from an action, it is a prohibition (haram) and it is synonymous with al-mahdhur. The one who performs haram is legally condemned".

I hope this is adequate...

Your brother,
Ata Bin Khalil Abu Al-Rashtah
27th Dhu al-Qi'dah 1439 AH
09/08/2018 CE

The link to the answer from the Ameer's Facebook page:

<https://web.facebook.com/AmeerhtAtabinKhalil/photos/a.122855544578192.1073741828.122848424578904/887753478088391/?type=3&theater>

The link to the answer from the Ameer's Google Plus page:

<https://plus.google.com/u/0/b/100431756357007517653/100431756357007517653/posts/LqgjaTif9KD>