

Communiqué from Hizb ut-Tahrir to Colonel Gaddafi

The following is an extracted translation of the meaning of a Communiqué from Hizb ut-Tahrir presented to Colonel Gaddafi in 1978 after a meeting that took place between him and a delegation from Hizb ut-Tahrir lasting 4 hours. The meeting and communiqué decisively address the falsehood of Gaddafi's rejection of the Sunnah. It is important to note, after the distribution of the communiqué, Gaddafi ordered his henchmen to publicly hang the members and shabab of Hizb ut-Tahrir in their university campuses. This day is recognised as a dark day by all Muslims who witnessed and heard of the brutality of the tyrant Gaddafi.

Furthermore it is important to stress, the public execution of these brave brothers was for the defence of the sunnah as a divine source of shari'ah. Today the tyrant rulers try to reduce sunnah to a few acts of morality by spreading books and publications that eliminate the power and strength of the prophetic sunnah. May Allah (swt) allow us to defend the sunnah and this deen with the same courage as these shuhadah.

Khilfah.com team.

Following a meeting that took place between him and a delegation from Hizb ut-Tahrir lasting 4 hours.

7 Shawwal 1398 AH
9 September 1978

Bismillah ir-Rahman ir-Raheem

Colonel Gaddafi,

As-salaamu 'alaykum wa rahmatullahi wa barakaatuh.

Hizb ut-Tahrir is a political party whose ideology is Islam. It works to resume the Islamic way of life, and works to carry the Islamic Da'wah by Jihad, through the establishment of the Islamic state. It adopts political work as its method. Since accounting the rulers is one of the political actions *Hizb ut-Tahrir* undertakes, we intended to issue a leaflet refuting the address you gave last July in the Maulai Muhammad Jaami' masjid in Tripoli, on the occasion of completing the 100th recitation of the Qur'an. On that occasion you announced that the *Abadeeth* mentioned by the tongue of the Messenger are of doubtful authenticity, and that this is because they were compiled two hundred years after the death of the Messenger (saw). You also mentioned that disputes broke out amongst the Muslims at that time, and during that period an endless number of false and fabricated *Abadeeth* emerged, and were ascribed to the Messenger (saw). You said that the extent to which this occurred was best illustrated by the fact that every group, from the Muslim political groups who were engaged in fighting, tried to use the *Abadeeth* as evidence, to show that from an Islamic point of view their position was the correct one. Hence, we find sixty types of conflicting and contradictory *Abadeeth*. You gave an example of a conflicting *Hadith* regarding 'Ali b. Abi Talib, who has been promised *Jannah*, even though he is included in the meaning of the following *hadith*; **“When two Muslims clash with their swords then the killer and the killed both go to the Fire.”** There is a contradiction here. Ali raised his sword in the face of a Muslim; so how can one *hadith*

say he will go to Jannah, while according to another *hadith* he will go to the Fire? You gave another example of a contradiction by quoting a hadith about 'Aisha that says; **“Aisha is deficient in mind and Deen”**, while another *hadith* says; **“Take half your Deen from the mouth of 'Aisha.”** This is a clear contradiction. From this you have concluded that it is not allowed to take *Abadeeth*, because according to your contention, you cannot be sure whether they are authentic or fabricated *Abadeeth*. Therefore, you have declared that the *Sunnah* cannot be taken, and also that it is not permitted to take it, because the Muslims are in disagreement over it. Therefore, you concluded that we must confine ourselves to the Qur'an, because that is what the Muslims agree upon.

We reiterate; the *Hizb's* intention was to issue a leaflet. This action is in accordance with the obligation of accounting the rulers, as it exposes the error and danger of your view and its contradiction with Islam; it is supported by clear detailed evidences. The call for the rejection of the *Abadeeth* is not espoused by anyone other than the enemies of Islam; those who endeavour to put doubt in Islam, and try to denounce and defame it, in order to destroy and finish it. However, the *Hizb* preferred to delay the publication of a leaflet and decided to contact you directly and verify what has been attributed to you. It also intended to discuss this matter with you, on the basis that this meeting and discussion is a political work undertaken by the *Hizb*.

The accounting that Islam obliges is not built on a *Fiqhi* discussion or an intellectual discussion that deals with one of the foundations of Islam. Rather, it is a political action. The discussion is not merely to discuss, clarify and disapprove; rather it is for implementation. It is one part of looking after the affairs, which the *Hizb* undertakes in any Muslim country. Libya is a Muslim country belongs to all Muslims and is not solely for the people of Libya; just as Makkah, Madinah, Cairo, Amman, Al-Quds, Baghdad, Ash-Sham, and other Muslim countries belong to all Muslims and not solely to its inhabitants. Thus, we have come to Libya based on this view, that it is our country, because it is an Islamic land and we are Muslims who carry Islam.

Our coming here is also based on our view the issue of the Muslims. The true reality of our view is that the real issue of the Muslims is the issue of Islam. It is the vital issue of the Muslims, which is a life and death issue. Hence, the issue of Islam is the fundamental issue of the Muslims. There are many problems such as; the re-unification of the Islamic lands into one entity; the removal of the impostor entities that exist in the Islamic world—which the *kaafir* western states have established as the guardians of western interests, and the problem of Palestine and its resolution through the destruction of Israel. All these problems are peripheral to the original issue and fundamental problem, which is the issue of Islam and its return to life. This is because Islam will not return to life except by establishing the *Khilafah* and by appointing a *Khaleefah*, to whom the *Ummah* will give the *Bay'ah* (pledge) to hear and obey, in accordance with the *Kitab* (book) of Allah and the *Sunnah* of His Messenger (saw).

The establishment of the *Khilafah* together with the application of the rules of Islam means that all the feeble entities in the Islamic world will be destroyed and become part of the *Khilafah* state. This is because Islam prohibits Muslims from being more than one entity, just as they are forbidden from having more than one ruler. Thus, the noble Messenger (saw) said; **“If the *Bay'ah* is given to two *kbulafa'aa* then kill the latter of them.”** He (saw) also said; **“The one who comes to you while your affairs are united under one man and wishes to break your unity strike his head off with the sword whoever he is.”**

This is what drove Ali b. Abi Talib to fight Mu'awiyah and the people of Ash-Sham. This is because they did not do what the rest of the people had done, i.e. they worked to break up the unity of the Islamic State.

The establishment of the Khilafah means solving the problem of Palestine via the destruction of Israel. This is because the Islamic state is established on the basis of the Islamic '*Aqeedah* and it applies Islam. Its primary task after the implementation of Islam is Jihad. ...

It is because of our view—that the issue of Islam is the fundamental issue of the Muslims—and from this perspective, that we felt it necessary to approach you and hold this meeting with you. This is because your rejection of the *Sunnah* and your declaration that you do not observe it has the propensity to affect the basis of the Muslims. This is because the prophetic *Sunnah* is one of the foundations of Islam. Just as the Qur'an is a foundation, so too is the *Sunnah*. Therefore, this issue is a fundamental in our view and the view of the Muslims. It isn't a trivial issue that does not befit a political party working to establish the Khilafah and take the reigns of power from America and Russia, in order to become the number one state in the world as it was in the past. It is such a significant issue that we felt it necessary to send a delegation to discuss this issue.

Hizb ut-tahrir sent a delegation to meet you in accordance with a previous agreement with your embassy. The meeting took place between the delegation of the *Hizb* and yourself in Tripoli, on the night of 27th of the blessed month of Ramadhan on the blessed *Laylatul Qadr* (Night of Power). Although the meeting was protracted, going on for 4 hours continuously, the *Hizb* has decided to send you this written communiqué that deals with the matter in detail with clear and cogent evidences, whilst also refuting some of the points that came up during the discussion. We shall begin with the subject of *Sunnah* and clarify the following matters.

Firstly: Definition of *Sunnah*

Sunnah in the Arabic language is used to mean path or way. He (swt) said;

"Many similar ways (sunanun) were faced by nations (believers and disbelievers) that have passed away before you, so travel through the earth..." [TMQ Aali-Imraan: 137]

This linguistically refers to paths (sunanun).

The poet Khalid al-Huzli said;

"Do not regret a path (*Sunnah*) you have taken. The first one to accept a path (*Sunnah*) is the one who takes it."

As for the definition of *Sunnah* in the *Sharee'ah*, it came with two meanings;

Sunnah refers to the opposite of *Fard*; in this sense it means the *Naafilah* (optional good action) transmitted from the Prophet (saw) such as the *Nawaafil* in the *Salah*.

Sunnah is also the opposite of *Kitab* (the *Qur'an al-Kareem*). In this sense it means that which has been attributed to the Prophet (saw) by way of saying, action or consent. This

is the meaning that is intended in this subject. In this sense, it is a foundation and evidence just as the Qur'an is a foundation and evidence.

Second: The Legitimacy of *Sunnah*

There are numerous evidences that place the acceptance of the *Sunnah* as a foundation and source on par with the acceptance.

He (swt) said;

“Nor does he speak of (his own) desire. It is only an Inspiration that is inspired.” [TMQ An-Najm: 3-4]

This means that what the Messenger (saw) utters in conveyance (of the message) is not from his whims and desires; rather it is divine revelation and nothing else. This is because the presence of the word of exception ‘illa’ (*istithnaa*) after the word ‘in’ has the meaning of restriction. In other words, what he utters is restricted to divine revelation from Allah and not from his whims and desires.

(where is the Arabic?)

He (swt) said; *“Say (O Muhammad); I warn you only by the divine revelation.”* [TMQ Al-Anbiyaa’: 45]

Thus, the Messenger (saw) is a warner and giver of glad tidings of everything he has brought. The ayah has restricted what he warns with to the divine revelation; and he does not warn with anything else, i.e. he does not warn with anything from himself.

He (swt) said; *“It is inspired to me, that I am only a plain warner.”* [TMQ Saad: 70]

This means that Allah (swt) revealed to him that he is a warner and he clarifies what has been revealed. His clarification of what has been revealed in the Qur'an is via his sayings and actions alone, i.e. the *Sunnah*.

He (swt) said; *“I only follow that which is revealed to me.”* [TMQ Al-Ahqaaf: 9]

This means that he did not undertake an action or follow a particular way in guiding the people to the truth unless Allah revealed it to him. These *Ayaat* are *Qat’i* (definite) in *thuboot* (authenticity) and in *dalaalah* (meaning) in clarifying and restricting what the Messenger (saw) brought to the people, what he warned them with, and what he called the people to, and what he uttered whilst conveying the Message. All of these things came from Allah’s divine revelation, and this is not open to any other meaning or interpretation.

Therefore, these *Ayaat* indicate that whatever the Messenger (saw) brought by way of speech, actions and consent (the *Sunnah*) is divine revelation from Allah like the Qur'an.

It is well known that the Messenger (saw) was asked about many issues and he used to refrain from answering, whilst he waited for divine revelation. When the divine revelation came down he conveyed what had been revealed.

As for the *Sbar'ee* evidence that indicates the obligation of following the *Sunnah*, i.e. what has been ascribed to the Messenger (saw) in terms of speech, actions and consent, this has been mentioned in The Noble Qur'an clearly and explicitly in a definite manner which is not open to any other interpretation or explanation.

He (swt) said; *“And whatever the Messenger (Muhammad) gives you, take it, and whatsoever he forbids you, abstain (from it).”* [TMQ Al-Hashr: 7]

Since the word ‘maa’ (whatever) mentioned in the ayah is a general expression, it means it is obligatory to follow everything the Messenger (saw) has brought; that is the Qur'an and the *Sunnah*. It is also an obligation to desist from anything the Messenger (saw) has forbidden, whether the prohibition was mentioned in The Noble Qur'an or the *Sunnah*.

He (swt) said; *“He who obeys the Messenger (Muhammad), has indeed obeyed Allah.”* [TMQ An-Nisaa: 80]

This ayah makes obedience to the Messenger (saw) and Allah (swt) equal. Obedience to Allah is classified as Fard (obligatory) and so is obedience to the Messenger (saw). It is not possible to obey the Messenger (saw) unless one follows everything he brought and unless one follows everything that has been reported from him (saw) in terms of sayings, actions and consent.

He (swt) said; *“And let those who oppose the Messenger's (Muhammad's) commandment beware lest some fitnah (disbelief, trials, afflictions, earthquakes, killing, overpowered by a tyrant, etc.) befall them or a painful torment be inflicted on them.”* [An-Nur: 63]

This ayah warns those who disobey the command of the Messenger (saw), i.e. what he (saw) has brought, otherwise they will be afflicted by the *fitnah*, meaning the test or a severe punishment. This is explicit in forbidding disobedience to the Messenger (saw), and warning those who go against his command that they will be punished, tested and afflicted.

He (swt) said; *“It is not fitting for a believer, man or woman, when Allah and His Messenger have decreed a matter that they should have any option in their decision.”* [TMQ Al-Ahzaab: 36]

This means it is not right or acceptable that a believer, male or female, should follow other than what Allah and the Messenger have commanded. The judgment of Allah is according to that which He revealed in the Qur'an, and the judgment of the Messenger (saw) is according to that which came in the Qur'an and that which has been reported from him (saw), in terms of speech, actions and consent, i.e. his *Sunnah*.

He (swt) said; *“But no, by your Lord, they can have no (true) faith, until they make you (Muhammad) judge in all disputes between them, and they find in themselves no resistance against your decisions, and they accept (them) with full submission.”* [TMQ An-Nisaa: 65]

Allah (swt) makes an oath, that they would not be considered true believers unless they make the Messenger (saw) the judge in all their disputes. They also would not be considered true believers unless they accept the *Hukm* (verdict) of the Messenger (saw) without feeling unease in their hearts regarding his *Hukm*; and unless they openly and secretly submit to his *Hukm*. This is a clear negation of the true *Imaan* of the one who does not accept to refer to the *Sunnah* of the Messenger. It is also a negation of the (true)

Imaan of the one who does not completely accept every single *Hukm* that comes from the Prophet (saw). In other words, to be a true believer one must adhere to what comes from the Messenger (saw) and completely submit to it without any doubt or unease.

He (swt) said; “*Obey Allah and obey the Messenger (Mubammad).*” [TMQ An-Nisaa: 59]

This is an explicit order to obey the Messenger (saw) regarding his every saying and action.

He (swt) said; “*Say (Mubammad to mankind); If you (really) love Allah then follow me, Allah will love you.*” [TMQ Aali-‘Imraan: 31]

The noble ayah has linked the love of Allah with following the Messenger (saw) in everything he has brought, whether it is a saying or an action, i.e. following his *Sunnah* and adopting it.

All these noble *Ayaat* are explicit and clear in obliging the Muslims to follow the Messenger (saw) in everything he brings, and in realising that the obedience to the Messenger (saw) is obedience to Allah. Since obedience to Allah is obligatory then obedience to the Messenger (saw) is also obligatory. This is based on understanding that obedience to the Messenger (saw) is part of obedience to Allah (swt), and disobedience to the Messenger (saw) is part of disobedience to Allah.

Thus, all the above *Ayaat* establish that the *Sunnah* of the Messenger (saw) is divine revelation from Allah (swt), and it is obligatory to follow it just like the Qur’an.

The *Sunnah* practically clarifies, explains and elucidates that which is contained within the Qur’an; it is also a source for legislating new rules. As for the evidence that the *Sunnah* clarifies, explains and elucidates, He (swt) said; “*And We have also sent down unto you (Mubammad) the Reminder and the Advice (the Qur’an), that you may explain clearly to men what is sent down to them.*” [TMQ An-Nahl: 44]

As for the evidence that it is a source for new laws it is the saying of Allah (swt); “*(And) if you differ in anything amongst yourselves, refer it to Allah and His Messenger.*” [TMQ An-Nisaa: 59]

Referring to Allah means referring to The Noble Qur’an. As for referring to the Messenger (saw); during his lifetime this happened by referring to him, and after his death it means referring to what was reported from him in terms of his sayings and actions, i.e. referring to his *Sunnah*. The word ‘*tanaazau*’ (dispute) mentioned in the ayah is a *mutlaq* (absolute) word, whether it occurs in understanding the Qur’an, extracting *Abkaam* or in solving disputes. Referring to the *Sunnah* includes the absolute meaning of *Sunnah*, whether it is a saying or an action, and whether it is an explanation, a clarification or a new legislation.

Therefore, the *Sunnah* of the Messenger (saw), whether by saying or action is the same as the Qur’an in terms of the obligation to believe in it and take it as Shar’ee evidence. The obligation of adhering to the *Kitab* and *Sunnah* is emphasised in an authentic *hadith* He (saw) said; “**I have left amongst you the book of Allah and my *Sunnah* which if you hold onto them you will never go astray.**”

Therefore, it is obligatory to take the Qur'an and *Sunnah* together, and it is not allowed for a Muslim to restrict himself to the Qur'an and leave the *Sunnah*. It is also not allowed to say, we will compare the *Sunnah* with the Qur'an, so whatever agrees with the Qur'an we will take it, and whatever does not agree with the Qur'an we will not take it or act upon it. Nor it is allowed to say we take the Qur'an because there is no disagreement over it amongst the Muslims, while we leave the *Sunnah* because there is no agreement over it amongst the Muslims. This is not allowed because it is an abandonment of the *Sunnah* and abandonment of what Allah (swt) has obliged us to take. The Messenger (saw) has warned us regarding this in an explicit *hadith*; it is as though he (saw) pre-empted the existence of the view that you, Colonel Ghaddafi espouse, and what has been advocated previously by the enemies of Islam who are plotting against it and working to destroy it. It has been reported from the Messenger (saw) that he said; **“A man from among you is about to recline on his bed and say regarding a *Hadith* from me; ‘Between us and you is the *Kitab* of Allah; what we found as *Halaal* we will allow and what we found *Haraam* we will forbid. Nay, what the Messenger of Allah has forbidden is like what Allah has forbidden.”** It has also been reported that he (saw) said; **“One of you will be about to say; this is the book of Allah, what is *Halaal* in it we will allow and what is *Haraam* in it we will forbid, Indeed, the one to whom my speech has reached, if he belied it then he has belied Allah, His Messenger and the one who reported it.”**

Thirdly: The *Hukm* of the one who rejects the legitimacy of *Sunnah* and refuses to take it

All the *Ayaat* cited above establish and confirm the *Sunnah*, i.e. that all the sayings and actions of the Messenger (saw) are divine revelation from Allah. They confirm and establish the obligation of taking the *Sunnah* of the Messenger (saw), whether they are his (saw) statements or deeds, and the obligation of adhering to them in all affairs of life. All these *Ayaat* are definite in meaning and authenticity.

Therefore, rejecting the legitimacy of the *Sunnah* of the Messenger (saw), his actions and sayings, and considering them as an invalid source for *Abkaam* whilst accepting the Qur'an alone is deemed an open disbelief (*kufr suraah*).

Restricting oneself to taking the Qur'an and refusing to take what has been mentioned in the noble *Sunnah* is also an open *kufr* (*kufr suraah*). It is the view of those who have left the fold of Islam and the view of the enemies of Islam who have worked and are still working to destroy Islam and remove it from existence.

This is because it is considered a rejection of the *Ayaat* that are definite in meaning and authenticity that prove the *Sunnah* of the Messenger. They prove that whether it is his (saw) sayings or actions his *Sunnah* is divine revelation from Allah, and they establish the obligation of following the *Sunnah* of the Messenger (saw) is just like the obligation of following the Qur'an. Holding this view is undoubtedly belief in a part of The Book and rejection of a part. Allah (swt) says; *“Then do you believe in a part of the Scripture and reject the rest? Then what is the recompense of those who do so among you, except disgrace in the life of this world, and on the Day of Resurrection they shall be consigned to the most grievous torment.”* [TMQ Al-Baqarah: 85]

Fourthly: The position of the *Sunnah* with regards to the Qur'an

The relation of the *Sunnah* to the Qur'an is that it explains it. It elaborates the ambivalent text (*Mujmal*), specifies the generality of it (*'Umoom*), restricts its absolute text (*Mutlaq*), adds a branch to an origin, or brings legislation that the Qur'an has not stated. This is manifested as follows.

a) Elaboration of the ambivalent text of the Qur'an

The ambivalent text (*Mujmal*) denotes a word or text whose meaning (*Dalaalah*) is unclear, i.e. its intended meaning is ambivalent. For example, the obligation of *Salah*, *Zakaah* and *Hajj* has been mentioned in the Qur'an in an ambivalent (*Mujmal*) form, as the manner of performing the *Salah* and the *Hajj* is absent. Also absent is an elaboration on what things *Zakaah* is obliged upon and how much the obligatory *Zakaah* is. Thus, the *Sunnah* has clarified how *Salah* is to be performed; the number of *rak'aat*, its timings etc. The *Sunnah* has also clarified the rites of *Hajj*; it has also clarified the things on which *Zakaah* is obligatory and the *nisaab* (minimum amount) at which its payment becomes obligatory. It has been reported that the Messenger (saw) did not impose the *Sadaqah* (*Zakaah*) except in six things; wheat, barley, dates, raisins, maize, camels, cows, sheep, gold and silver. Jihad has also been mentioned in the Qur'an in an ambivalent manner (*Mujmal*). Then the *Sunnah* clarified how it should be executed. It clarified what comes before, after and whatever is related to it, in terms of relations (with other states).

b) Specifying the general text (*'Aamm*) of the Qur'an

The general text (*'Aamm*) is the expression that includes everything to which it is applicable, such as 'Muslim', 'your children', and 'men'. The Qur'an contains such general texts; and the *Sunnah* specified these general texts. For example; "*Allah commands you as regards your children's (inheritance); to the male, a portion equal to that of two females.*" [TMQ An-Nisaa: 11] This ayah is general in letting sons inherit from fathers i.e. allowing every son inherit from his father. So the *Sunnah* specified this general text and excluded the Prophets from this rule. The Messenger of Allah (saw) said; **"We, the Prophets, do not leave in inheritance, what we leave is *Sadaqah*."** Therefore, children of the Prophet do not inherit from him. The *Sunnah* has specified the inheriting person as other than those who murder their inheritors (fathers). The Messenger (saw) said; **"The murderer does not inherit."** Thus, the Messenger (saw) prevented the son who killed his father from inheriting from him.

The Qur'an mentioned the following; "*The woman and the man guilty of illegal sexual intercourse, flog each of them with a hundred stripes.*" [TMQ An-Nur: 2] This is general and inclusive of anyone who commits *Zina*, whether married or not. Then the *Sunnah* came and specified this rule to the unmarried people, and obliged that the married people (who commit *Zina*) be stoned. **"Maa'iz committed Zina so he was stoned."**

In the Qur'an, the following was mentioned; "*Then kill the *Mushrikân* [Polytheists].*" [TMQ At-Tawbah: 5] This is a general text regarding every *Mushrik*, whether from the people of the book or from the *Mushrik* Arabs or others. Then the *Sunnah* came and specified this by the saying of the Messenger (saw) regarding the *Majoos* of *Hajar*; **"Treat them like the people of the book, but don't eat their slaughtered meat and do not marry their women."**

c) Restricting the absolute text (*Mutlaq*) of the *Kitab*

The *Mutlaq* is the term that is unlimited in its application. The word '*Raqabah*' (meaning 'slave', but literally denoting 'neck') applies to all slaves whether they are believers or *kuffar*, and the word '*Dinaar*' applies to the Iraqi, Libyan or Kuwaiti one.

In the Qur'an we find *Ayaat* that are *Mutlaq* and the *Sunnah* came and restricted these with a specific restriction. For example, He (swt) said; "*Cut off (from the wrist joint) the (right) hand of the thief, male or female.*" [TMQ Al-Maa'idah: 38] This is *Mutlaq* in regards to all types of theft. Then the *Sunnah* came and restricted the quantity at which something is considered a theft to be a quarter of a gold *Dinaar* and more. He (saw) said; **"Cutting is (obliged) in a quarter of a Dinaar or more."** Also it restricted the cutting of the hand from the wrist and not from any other place.

d) Adding a peripheral rule mentioned in the *Sunnah* with an original rule present in the Qur'an

In the Qur'an, the prohibition of marrying two sisters at the same time is mentioned. He (swt) said; "*And two sisters in wedlock at the same time, except for what has already passed.*" [TMQ An-Nisaa: 23] However, the Qur'an did not mention the prohibition of marrying a woman and her paternal or maternal aunt at the same time, or marrying at the same time the daughter of her brother or her sister. So the *Sunnah* came and clarified this. He (saw) said; **"A woman and her paternal or maternal aunt cannot be married at the same time; nor can a woman and her brother's or sister's daughter be married at the same time. If you did this, then you have cut the links of your womb."** So he added all of this to the original rule of not allowing the marriage of two sisters to the same man at the same time. The Qur'an also mentions the prohibition of marrying mothers and sisters through suckling (*Radaa'ah*). He (swt) said; "*Your foster mother who gave you suck, and your foster milk suckling sisters.*" [TMQ An-Nisaa: 23] So the *Sunnah* has come and added this to the original rule and the rest of the relatives through suckling which are forbidden to marry due to lineage, such as the paternal and maternal aunt, daughter of the brother, daughter of the sister etc. He (saw) said; **"Suckling makes women unlawful (for marriage) the same as birth makes (them) unlawful."**

e) The *Sunnah* has also added new legislation that finds no origin in the Qur'an

This is like the public amenities, oil and mines for gold, iron, silver, copper etc. Similar to that are the rivers, seas, green pastures and forests, as part of the public property. He (saw) said; **"The people are partners in three: water, green pastures and fire."** He (saw) said; **"Mina is the camping place for he who reached (there) first"**, and he (saw) returned the land that had been given out to Abyad b. Hammal after he learnt that it contained minerals of unknown quantity.

Another example is the prohibition of customs. He (saw) said; **"He who imposes *Maks* (custom duty) would not enter paradise."**

Also included in this is the confiscation of land from the one who neglects it for three consecutive years due to the saying of the Messenger (saw); **"Anyone who fences a land (*Mubtajir*) has no right to it after three years."**

Fifthly: Citing *Sunnah* as a proof

It is valid to use the authentic *Sunnah* as proof for '*Aqaa'id* (belief) and *Shar'ee* rules (*Abkaam*). The difference between belief and *Abkaam* is that belief demands *Imaan* and *Abkaam* demand work and application. Since the '*Aqeedah is the decisive belief that agrees with reality based on evidence*' then its evidence must lead to decisive belief (*tasdeeq jaa'zim*). This will not be possible unless the *daleel* (evidence) itself is decisive, so as to be an evidence for certainty. This is because the speculative evidence (*daleel zanni*) cannot establish decisiveness and hence cannot be a *daleel* for the '*Aqeedah*.

Therefore, the extraction of evidence for the '*Aqeedah* from the *Sunnah* must be via the *qat'i* (definite) *Abadeeth*, which are the *Mutawatir Abadeeth* narrated by a *daabit* (retentive) group of *tabi'ee tabi'een* from a *daabit* group of *tabe'een* from a *daabit* group of Sahabah from the Prophet (saw), such that each group constitutes a sufficient number of people that precludes the possibility of their agreement on a lie.

As for the *Shar'ee* rules, it is allowed to extract them, from both definite (*qat'i*) and speculative (*zanni*) evidences i.e. by *Mutawaatir* and *Abaad Abadeeth*. Despite the fact that the *Abaad Abadeeth*, convey least amount of doubt, they are not definite. It is allowed to use them as evidence for all *Shar'ee* rules in *Tbadaat* (worship), *Mu'amalaat* (transactions), *Uqubaat* (penal codes). This is because it has been proven that one can use them as proof due to the *Ijmaa'* (consensus) of the *Sahabah* and The Noble Qur'an.

He (swt) said; "*And get two witnesses out of your own men.*" [TMQ Al-Baqarah: 282]

And He (swt) said; "*And take for witness two just persons from among you (Muslims).*" [TMQ At-Talaq: 2]

And He (swt) said; "*Take the evidence of four witnesses from amongst you against the.*" [TMQ An-Nisaa:15]

These *Ayaat* have established that the *Nisaab* of testimony is two or four men (depending upon the subject matter for testimony). Testimony (*Shabaadab*) is considered as transmission (*naql*). Two or four witnesses do not indicate decisiveness; rather they indicate *Zann* (uncertainty). This is because they are not a large enough group from which the possibility of an agreement on a lie can be precluded, though their testimony indicates least amount of doubt. The *Sharee'ah* has accepted this; and therefore the *Abaad* reports that convey least amount of doubt are accepted in analogy with the acceptance of two or four witnesses. This is because the truth is assumed over the lie as long as the transmitter of the *Hadith* is just (*adl*), trustworthy (*thiqah*) and retentive (*daabit*) and he has met the one he is narrating from. Thus, the lie is precluded and the truthfulness is made weightier.

It has also been established, by definite evidence, that the Messenger (saw) sent messengers to kings to invite them to Islam; and to each king he sent one messenger. If it were not allowed to execute the conveyance of the *Da'wah* by a single person, then the Messenger (saw) would not have accepted to send a single messenger to convey the *Da'wah*. So this is explicit evidence from the actions of the Messenger (saw) that the single report is a proof in conveyance. The Messenger (saw) used also to send a single person to convey the *Abkaam*. We can see this when the *Qiblah* changed from Bayt ul-Maqdis to the *Ka'bah*. So he sent a single person to convey this *hukm*. Those who heard this message changed their direction of the *Salah* from Bayt ul-Maqdis to the *Ka'bah* whilst engaged in performing their *Salah*, which they didn't break. That is why their *masjid*

is called *Masjid ul-Qiblatayn* (The Mosque of the two prayer directions). Similarly, when alcohol was forbidden, he (saw) sent one person to inform the Muslims of its prohibition and ordered them to pour out what they had remaining, hence the *Sahabah* broke their wine jugs.

These and other such examples of the actions of the Messenger (saw) are a proof that obliges one to act upon the *Khabar Ahaad* (solitary narrations) in the matters of *Shar'ee* rules.

Sixth: The issue of the compilation of the *Sunnah*

The noble Sahabah, were in a position of being constantly around the Messenger (saw), hearing his sayings, witnessing his actions and registering his consent about their actions. When they had difficulty in understanding an ayah or if they differed over its *Tafseer* (explanation) or in understanding a *Hukm*, they referred to the *Abadeeth* to clarify the matter. Initially the Muslims relied upon memory and their retentive abilities. However, when Islam spread and the cities were distant and the *Sahabah* were scattered throughout the regions and many had died, a need was felt to compile the *Hadith*.

The compilation of the *Abadeeth* began at the time of the *Sahabah*. It has been narrated that Abu Hurayrah said; "From the companions of the Prophet (saw), no one narrated more *Abadeeth* than me except Abd Allah b. Umar. He used to write them down, but I did not." However, those *Sahabah* who wrote down the *Abadeeth* were a few in number. The *Sahabah* used to place a lot of attention on the knowledge of *Abadeeth*. They did not take a *Hadith* except after they proved that it had come from the Messenger (saw); and in this regard they used to be very careful.

After the murder of 'Uthman and the emergence of political factions, *Abadeeth* were concocted to support the claims of each faction due to their inability to find (genuine) *Abadeeth* from the Messenger (saw). After the *fitnah* (civil war) had abated the Muslims embarked upon checking the *Abadeeth* to separate the authentic (*Sahih*) from the spurious and fabricated (*Maw'du*). They spent a lot of effort in investigating this by studying the narrators and their lives—to the extent that there is no other science like the science of *Abadeeth* in its degree of study, research and investigation—until they had sifted the *Abadeeth* and distinguished the authentic ones from the false ones. They began to study the status of the narrators one after another until the turn of the century, in the time of 'Umar b. 'Abd al-Azeez who ordered that the *Hadith* be written down. The first one to write down the *Hadith* upon the order of 'Umar b. 'Abd al-Azeez was Muhammad b. Muslim az-Zuhri. Then the writing of *Abadeeth* began to spread. Some of those who compiled the *Abadeeth* are the following: 'Ibn Jurayj in Makkah, Malik in Madinah, Hammad in Basrah, ath-Thawri in Kufa, al-Awza'i in Ash-Shaam, until the advent of Imam Bukhari. He was distinguished in the science of *Abadeeth* and wrote his renowned book, Saheeh al-Bukhari, in which he quoted the *Abadeeth* that he perceived to be authentic. He was followed in his way by Muslim b. al-Hajjaj who was his student. He wrote his famous book, Saheeh Muslim.

Seventh: Apparent Conflict between the *Abadeeth*

This matter has been resolved by the 'Ulama of the Muslims. This is because if a conflict occurs between the *qat'i* (definite) and *zanni* (speculative), then the *Qat'i* is taken and the *zanni* is discarded. An example of this is what has been narrated from Fatimah b. Qays

that she said; **“My husband divorced me three times at the time of the Messenger of Allah (saw). I went to the Prophet (saw) but he did not assign to me a lodging (*sukna*) and nor maintenance (*nafaqah*).”** This *Hadith* is rejected because it contradicts the Qur'an. He (swt) said; *“Lodge them (the divorced women) where you dwell, according to your means.”* [TMQ At-Talaq: 6]

So this *Hadith* is rejected because it contradicts the *qat'i* meaning of the Qur'an. When a conflict occurs between the *'Aamm* (general) and the *Khaas* (specific), between the *Mujmal* (ambivalent) and the *Mubayyan* (elaborated) and between the *Mutlaq* (unrestricted) and the *Muqayyad* (restricted), then the *'Aamm* is elaborated by the *Khaas*, the *Mujmal* by the *Mubayyan* and the *Mutlaq* by the *Muqayyad*, and thus both evidences are used. If both evidences are not of these types and they are in conflict, then we should determine which one came first chronologically; thus the latter would abrogate the former.

Let us turn, Colonel, to the two examples you cited, to clarify the mistaken view and show how there is no contradiction between these *Abadeeth*, because it is possible to reconcile them. So the *Hadith*; **“When two Muslims clash with their swords, then the killer and the killed both go to the Fire.”** This *Hadith* is *Sabeeh*, but the wording ‘two Muslims’, ‘killer’ and ‘killed’ are general terms; there are *Ayaat* and *Abadeeth* that specify them. Thus, Allah (swt) said; *“If two parties among the believers fall into a fight, make peace between them. But if one of them transgresses beyond bounds against the other, then fight (all) against the one that transgresses until they comply with the command of Allah.”* Here Allah (swt) ordered the fighting of the rebellious group, despite the fact that they are from the believers as stated in the ayah. He (swt) ordered the believers to fight them until they return to the order of Allah. Here two Muslims meet with their swords by an order from Allah. So this ayah specifies the word ‘killer’ and ‘killed’ mentioned in the *Hadith* (i.e. the ayah excludes these fighting believers from the above mentioned *Hadith*). It was also narrated in the *Hadith* from the Messenger (saw), he said; **“The one who is killed for his blood he is a *Shabeed*, and the one who is killed for his property he is a *Shabeed* and whoever is killed for his honour he is a *Shabeed*.”** This *Hadith* also specifies the *Hadith* under discussion. This is the case when a Muslim fights a Muslim in defence of his life, property and honour, so he will not be in the Fire, whether he was a killer or the one killed.

The Messenger (Saw) also said; **“Whosoever comes to you while your affairs are united under one man, wishing to divide your unity, then strike his neck with the sword (kill him), whoever he is.”** He (saw) also said; **“When the *Bay'ah* is given to two *khulafaa'* kill the latter of them.”** Both of these *Abadeeth* specify the *Hadith* regarding the meeting of two Muslims with their swords. The Muslim who fights the rebels against the state will not enter the Fire, whether he was the killer or killed. Therefore, this *Hadith* does not apply to Ali b. Abi Taalib, so Ali will be one of those promised Jannah. Thus, there is no contradiction. As for the *Hadith* of 'Aisha and what you said with your own words that; *“Aisha is deficient in mind and Deen.”* This is not a *Hadith*. As for the *Hadith*; **“Take half your Deen from the mouth of 'Aisha”**, this also, with such a wording, is not a *Hadith*. What has been reported is; **“Take half your Deen from this Humayraa.”** So taking half the *Deen* does not contradict with women being deficient in mind and *Deen*. This is because deficiency in the *Deen* refers to the fact that she does not pray or fast during her period of menstruation and childbirth (post natal bleeding) as the Messenger (saw) has informed us. As for the deficiency in the mind, it is from the angle that Allah (swt) has made the testimony of a woman half the testimony of

a man. However, this does not prevent a woman from being a scholar; therefore, there is no contradiction.

Eighth: The importance of *Sunnah*

One understands from what has been mentioned previously that the sayings and actions of the Messenger (saw) are one of the foundations of Islam. It is a *Shar'ee daleel*, from which the beliefs and *Abkaam* are taken just as they are taken from the Qur'an. The *Sunnah* also clarifies, elucidates, interprets and explains the Qur'an. This is by clarifying its *Mujmal* (ambivalent) text, specifying the general (*'Aamm*), restricting the absolute (*Mutlaq*) text and adding the peripheral rules to the original rules mentioned in the Qur'an. It also brings new legislation that does not have an origin in the Qur'an. One has to depend on the *Sunnah* to understand the Qur'an and understand the beliefs and *Shar'ee* rules whether they are from the *Tbdaat* (worships), individual behaviour such as morals (*Akhlaaq*), punishments (*Uqubaat*) or transactions (*Mu'amalaat*). From the Prophetic *Sunnah* we have understood the reality of the ruling system in Islam. We have also understood that the ruling system is the system of the Khilafah and that the *Khaleefah* is appointed via the *Bay'ah*. From the *Sunnah* we have also understood the structure of the ruling system, just as we have understood from the *Sunnah* that the relationship of the Islamic state with other states is conducted on the basis of Jihad. We know how this relationship will be in time of war and peace and what kind of dealings we will have with other states. What are the agreements, treaties, and truces that are allowed to be held and those that are forbidden. We also know when the emergency treaties are allowed and when they are forbidden. From the *Sunnah* we have understood how the Khaleefah will implement the system of Islam on the citizens, whether Muslims, *Zimmis*, or those with whom we have a treaty (*Mu'ahideen*). From the Prophetic *Sunnah* we have understood the reality of the economic system in Islam, ownership and its three types, private property, public property, and state property; and we have understood the state's wealth sources or revenues and expenditure, and also that its currency must be gold or silver, together with the manner of its exchange. From this also we have learnt that the economic problem is the satisfaction of basic needs in terms of food, clothing and shelter; and that the state is required to provide these basic needs in case the individual is unable to do so himself or the one on whom the *nafaqah* (financial maintenance) is an obligation is unable to provide it. From the *Sunnah* we have understood as well the details of the social system, which is the relationship between men and women. From the *Sunnah* we have learnt the education policy. In short, all the *Abkaam* that treat all the problems of life from all angles, the way we have adopted them is through the *Sunnah*, i.e. the sayings, actions and consent of the Messenger (saw). From this one can understand the level of the importance of the *Sunnah* and the value of the obligation of adhering to it in its capacity as a part of the foundation of Islam, just like the Qur'an. It is also understood that it is not allowed to abandon it, whatever the situation; one must give attention to it exactly as one gives attention to the Qur'an.

As for what you said in the discussion Colonel, that you wish to abandon the *Sunnah* and confine yourself to the Qur'an, because you fear that the Qur'an will be lost, fabricated or changed, as happened with the other (revealed) Books. We say to you the following. Firstly, Allah (swt) has promised that He will protect The Noble Qur'an until the end of time when He (swt) said;

"Verily We, It is We, Who have sent down the Dhikr (i.e. the Qur'an) and surely, We will guard it (from corruptio)." [TMQ Al-Hijr: 9]

Had Allah (swt) not promised to protect the Qur'an, then it would not have remained as it is to this day, after all the forces of *kufr* and *shirk* have come together to destroy Islam and the Muslims. What has kept the Qur'an safe from change and fabrication is nothing but the definite promise of Allah (swt) that He will protect it. Secondly we also say to you that abandoning the *Sunnah* does not lead to protection of the Qur'an; it will rather lead to the loss of Qur'an and the loss of Islam. This is because abandoning the *Sunnah* is a rejection of the definite *Ayaat* mentioned in the Qur'an, which have ordered that we take the Prophetic *Sunnah*, whether these are its sayings or actions.

Ninth: The Consequences of abandoning the *Sunnah*

The extent of the danger that confining oneself to the Qur'an and abandoning the *Sunnah* can lead to has become very clear from what has been mentioned above. This is because it implies that there is doubt in the noble *Sahabab* from whom we have taken our *Deen*. Doubt in them will ultimately lead to doubt in everything they have transmitted to us from the Messenger (saw); it will not only lead to doubt in the *Sunnah*, but also doubt in The Noble Qur'an. This is because they are the ones who transmitted the Qur'an to us; therefore, it will lead to doubt in the whole of Islam. Doubt in Islam will definitely lead to its abandonment and destruction. At best, the abandoning the *Sunnah* will lead to abandoning most of the rules of Islam. This is because most of the rules of Islam are taken from the *Sunnah*, since the *Sunnah* clarifies, elucidates and interprets the Qur'an and adds detailed explanation to its original rules. It also brings new *Abkaam* that do not have an origin in the Qur'an. This means leaving Islam and abandoning it. From this one realises the extent of the danger of the call to abandon the *Sunnah* and to confine oneself to the Qur'an, and exposes the truth of this call as explicit *kufr*. Such a call does not come from anyone except those who are outside the fold of Islam, and from the enemies of Islam, who are working to destroy it using various means.

From this we realise the evil and danger of the enemies of Islam from the *kaafir* states who have resorted to plotting against Islam using various means throughout the ages. We can also understand what Britain and the western states had undertaken prior to World War I, where they created doubt and used agents disguised as Muslims as a tool to destroy Islam. This is what they did with Mustafah Kamal Atatürk whom you, O Colonel, quoted regarding his stance towards the Muslim scholars. Britain groomed him knowing fully well that he was from the Jews of Dunma in Salonika. They are a group of Jews who pretended to have embraced Islam towards the latter period of the Uthmani state in order to work to destroy the Khilafah. This is exactly what happened. Bringing him to power was the price the English preferred to pay; in return they secured the destruction of the Khilafah state and the abolition of the rules of Islam in Turkey. In its place they enacted western systems and rules, and replaced the Arabic letters with the Latin alphabet to distance the Turks from any linkage to the vitality of the Arabic language and their connection to their brothers the Arabs. Therefore, it is very clear that the western states are the most evil enemies of Islam. They are the ones who are drawing up roles for those agents they are grooming from the sons of the Muslims in order to use them as tools to attack Islam. Today, after the Muslims have begun to be conscious of Islam after they withdrew their trust in all the ideas presented to them by the *Kaafir* West, concepts such as nationalism, patriotism, capitalism, socialism and communism. They have lost all confidence in political parties and blocks presented to them whether Ba'athist, Arab nationalist, Communist, socialist or Nasserite. As a result of this feeling the people have for Islam, the western states began to use different styles to give vent to this emotion fearing that this might lead to the return of the Khilafah and

the return of Islam to life's reality. This is because when the Khilafah comes back to existence and Islam comes back to the reality of life, this will pose a danger to the thoughts, interests and even existence of The West. They remember how the Muslims embedded firmly the banner of *Laa ilaaha illallaah, Muhammadur rasoolullaah* in al-Andalus for 800 years and in eastern Europe for about 400 years. They also realise that the return of the Khilafah and the return of Islam to life's affairs will be followed up by the Khilafah state's work to seize the initiative from America, Russia and the western states. Thus the Khilafah will return as the number one state in the world as was the case in the past, ever since it defeated the Roman and Persian states until the end of the 18th century and the beginning of the 19th century CE, except for short periods during the Tatar attack and The Crusades.

Tenth: Islam and politics

You said, Colonel, in the discussion that the *Deen* is different to politics because politics consists of lies, deception, hypocrisy, trickery, treachery and Machiavellian tactics, as if you want to say; what has Islam to do with political work?

We wish to say to you that politics is looking after the affairs internally by implementing on the citizens the system adopted by the state, and externally in accordance with the Idea embraced by the nation or embraced by the people in power. Lying, deceit and deception is not politics; politics is rather to look after the affairs of the people with the thoughts you carry and the systems that you adopt. Lies, deception, hypocrisy, trickery, treachery and Machiavellian tactics are the work of politicians who adopt the western civilisation or the viewpoint of the socialists, including the communists, as a style to execute their policies, i.e. to look after the affairs according to the viewpoint they have adopted and established over it. What they do is not considered looking after the affairs of people. The western civilisation and socialists, including the communists, have no problem in pursuing such styles because they consider them indispensable for them in looking after the affairs.

Islam, O Colonel, is different to this. It is a comprehensive system for all life's affairs. It is established upon a political '*Aqeedah*, which is an intellectual leadership and an intellectual basis upon which thoughts are built. Systems and *Abkaam*, which are implemented to look after the affairs, emanate from this '*Aqeedah*. Islam obliges that its method (*tareeqah*) be of the same kind as its idea (*fikrah*). So the method of Islam is the *Abkam Sharee'ah* derived from the *Kitab* of Allah and the *Sunnah* of His Messenger (saw). Therefore, politics in Islam, which is the management of the affairs exists by the full implementation of the system of Islam upon all the citizens internally, and carrying Islam externally to the world by way of Jihad. The external relations of the State in Islam are built upon the framework of Jihad and upon what it requires. Therefore, all relations, pacts, cease-fires and treaties are conducted only according to the need of Jihad and in compliance with the *Abkam* of Islam derived from the *Kitab* and *Sunnah*. Thus all the internal and external actions are in accordance with the *Hukm Shar'ee* derived from the *Kitab* and *Sunnah*. Furthermore, Islamic civilization forbids the use of lies, deception, treachery and Machiavellian styles. This is because these styles contradict with Islam. However, this does not prevent the use of shrewdness; so revealing the styles while hiding the aims and objectives is allowed.

It should not occur to someone's mind that it is not possible to implement Islam in the contemporary world, as long as one adheres to the *Abkaam* derived from the *Kitab* and

Sunnah, in every matter of politics—meaning in looking after the affairs, internally and externally—whether big or small. Such talk is nonsense and does not reflect the reality.

Thus, we find ‘Umar b. al-Khattab, who was not a chief of a tribe, a village chief, the ruler of a city, or a monk in a monastery shut off from the world; rather he was the Khaleefah, ruler of the biggest state present in the world after the demolition of the two great powers; The Persians and The Romans. He wrested the initiative from both of them until the Islamic state, in his time, became the number one state in the world. Did he rule this great state without a system or did he rule according to Roman or Persian law? No one claimed this, whether he was an enemy or a friend, *Kaafir* or Muslim. Everyone agreed that the *Ameer al-Mu`mineen* used to rule this vast state—where the only way of travelling its distance was either by foot or on camel—with Islam and Islam only, in its generalities and details, in every matter big or small, to the extent that he felt the weight of responsibility so much that he used to fear Allah *‘Azza wa Jall* constantly until he would say; **“By Allah, if a sheep tripped on the banks of the Euphrates then I fear that Allah (swt) would ask me about it.”** Did ‘Umar use lies, deceit, deception, treachery and Machiavellianism as a means to implement his policy, i.e. to look after the affairs of the people, internally and externally?

Allah forbid! No and a thousand times no! Everyone agrees that ‘Umar, in public and in secret, feared Allah and strictly adhered to His orders and prohibitions. Do you think his attachment to the application of *Abkam* of Islam and his restriction and devotion to them precluded him from running the affairs of ruling, looking after the interests of the people and carrying Islam via Jihad, as a Message to the whole *Dunya*? The fact that he seized the reigns of power from the Persians and the Romans, and he made the Islamic state the number one state in the world is enough to discount this false claim. It is enough to shatter such a theory by the reaction of the messenger of *Kisra*, who was amazed when he came to Madinah and saw ‘Umar sleeping under the shade of a tree without a soldier or a guard, in response to a sight he was unaccustomed to seeing, he proclaimed his famous words; **“You governed and were just, so you felt safe and slept, O ‘Umar.”**

This is the state we want and this is the Khilafah we want to establish. This is the policy we want to follow and these are the systems we want to apply.

Finally, from all of this, O Colonel, you can see that Islam is the primary vital issue of the Muslims. It is a fundamental issue for them. The demolition of these feeble states cannot be achieved without the return of the Khilafah and the return of Islam to life’s reality. ...

Therefore, our work to bring back Islam into the reality of life and to carry it as a message to the world via the establishment of the Khilafah state is fundamental; it is the primary issue of the Muslims.

Before we finish our communiqué, we wish to say to you, O Colonel that, even though your role has been defined and drawn out for you, we know that every human being has the capacity—when his mistake becomes apparent to him and the issue becomes clear before him—to rectify himself. So do not let your false sense of honour overtake you. You should rather restore your sincerity and abandon the role that has been drawn out for you to follow, due to its seriousness and danger. This is because persistence in ruling by what Allah has not revealed is transgression or *kufr*.

Therefore, we call you to discard your call, leave the plan that has been drawn out for you and abandon your ‘green book’. We also call on you to hand over to us the authority so as to declare the establishment of the Khilafah and appoint a Khaleefah to whom we will pledge to hear and obey, on the *Kitab* of Allah and the *Sunnah* of His Messenger (saw).

He (swt) said; “O you who believe! Answer Allâh (by obeying Him) and (His) Messenger when he (saw) calls you to that which will give you life.” [TMQ Al-Anfaal: 14]

Hizb ut-Tahrir

7 Shannaaal 1398 AH

9 September 1978