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THE CORRELATION BETWEEN NAZI IDEOLOGY
AND RADICAL ISLAMIC THEOLOGY IN
JURISPRUDENTIAL THOUGHT

JOHNNY M. SAKR*

ABSTRACT:

The Nuremberg Trials were a sequence of trials during 1945 – 1949.¹ In the course of these trials, 24 key Nazi leaders were charged with crimes against humanity. In defence, the Nazi leaders argued that they had simply followed orders of a superior and made decisions in accordance with the framework of their own legal system;² this defence is labelled the ‘superior orders defence’.³ This defence was denied.⁴ Interestingly, as an illustration of radical

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³ Gary D. Solis, The Law of Armed Conflict: International Humanitarian Law in War (Cambridge University Press, 2016) 388. See also; Geert-Jan G. J. Knoops, Defenses in
Islam, the Islamic State of Iraq and Syria (ISIS) demonstrate this radical ideology. A study between these two ideologies brings to light many similarities in their philosophical worldview. This could be identified as the ‘Triad of Similarity’. The Triad consists of the following categories: the Superior, the Exemplar and the Source (SES). To the Nazis, the Superior and Exemplar was Adolf Hitler whilst the Source for which their philosophical perspective was derived was from the works of Friedrich Nietzsche. However, it has been said that the Nazis had misinterpreted Nietzsche’s philosophy and claimed that he was an anti-Semite, thereby justifying and building upon this philosophical foundation to further their agenda. This falsification made Nietzsche’s philosophy attractive to the fascist ideology. In comparison, the


6 Weaver Santaniello, Nietzsche, God, and the Jews: His Critique of Judeo-Christianity in Relation to the Nazi Myth (SUNY Press, 2012) 149. See also; David Wootton, Modern Political Thought: Readings from Machiavelli to Nietzsche (Hackett Publishing, 1996) 895; David Roberts,
Superior for radical Islam is Allah, the Exemplar is Mouhammad and the Source of their philosophical (and theological) perspective is from the Quran, Hadiths (a collection of traditions containing sayings of the Prophet Muhammad) and tafsirs (Quranic commentary). This paper endeavours to identify the similarities between the philosophical ideologies between the Nazis and radical Islam and to identify the sources used to derive these principles. As a disclaimer, this paper does not imply nor assert that the actions of the Nazis and radical Islamic militants are justified. Nor does it assert or imply that the use of their sources was appropriately used without misrepresentation. Rather, this paper looks to give a descriptive account of the sources. Whether these sources are authentic, misused or reliable is not the topic of discussion. Rather, this paper seeks to inform the audience of the sources to which their ideologies derive to gain a deeper understanding for their justification.

I INTRODUCTION

Islam, once again, is under scrutiny concerning its self-proclaimed title, ‘the religion of peace’. This due diligence has been fuelled by the recent suicide bombing that was carried out at the Manchester Arena in Manchester, England by Salman Ramadan Abedi, a 22-year-old British Muslim. This attack followed a concert by American singer Ariana Grande.
on the 22 May 2017. Subsequently, days following this horrific attack, another terrorist attack took place on London Bridge on the 3rd June 2017 by three Muslim men. Two who have been identified as Rachid Redouane and Khuram Shazad Butt. One witness reported that the attackers shouted "This is for Allah" and stabbed customers with knives.


10 Steve Almasy and Natalie Gallon, 'Police: Reports Of 'Multiple' Casualties In 2 Terror Incidents In London', *CBS Philadelphia* (online), 4 June 2017 <http://philadelphia.cbslocal.com/2017/06/03/london-bridge/>. See also; Leon Watson et al., 'London Bridge Attack Latest: Terrorists Named As Police Say They Were Not Under Surveillance As They Posed "Low Risk"', *The Telegraph* (online), 4 June 2017 <http://www.telegraph.co.uk/news/2017/06/05/london-bridge-attack-latest-gunshots-heard-police-launch-fresh/> and Robert Mendick, 'London Attacks: Six People Killed; Three Terror Suspects Shot Dead By Police', *The Guardian* (online), 3 June 2017 <https://www.theguardian.com/uk-
With the rise of secularism and philosophical relativism as the inherit ideology, relative morality is under examination. Characteristically speaking, when discussion surrounding relativistic morality is under way; to exemplify the absurdity of this ideology, the Nazi Regime is at the forefront of discussion.

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13 Sources that use the Nazi Regime as an example of the dysfunctional coherence of relativism is as follows:

Whilst reflecting upon the correlation between the Nazi fascist ideology and relativism, one cannot help but ascertain its association between the corresponding ideology of radical Islamic theology and jurisprudential thought. This is not to say the philosophy behind radical Islam was influenced by fascist ideology but rather, its corresponding similarity is worth investigation.

In this article, I will endeavour to demonstrate the corresponding similarities between the Nazi fascist ideology and radical Islamic theology and jurisprudential thought. This could be identified as the ‘Triad of Similarity’. The Triad consists of the following categories: the Superior, the Exemplar and the Source (SES).

To the Nazis, the Superior and Exemplar was Adolf Hitler whilst the Source for which their philosophical perspective was derived was from the works of Friedrich Nietzsche. However, it has been said that the Naziss had misinterpreted Nietzsche’s philosophy and claimed that he was an anti-Semite, thereby justifying and building upon this philosophical foundation to further their agenda. This falsification made Nietzsche’s philosophy attractive to the fascist ideology.¹⁴

In comparison, the Superior for radical Islam is Allah, the Exemplar is

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Mouhammad and the Source of their philosophical (and theological) perspective is from the Quran, Hadiths (a collection of traditions containing sayings of the prophet Muhammad) and Tafsirs (Quranic commentary).

II THE NAZIS

A The Nazi Regime

During the Nuremberg Trials (1945 – 1949), 24 key Nazi leaders were charged with crimes against humanity. The effectiveness of the Nazis’ defence team in arguing against these charges was rather appealing. John Warwick Montgomery, Professor of Law, states that the most telling defence offered by the Nazis was the argument that they had simply followed orders of a superior and made decisions in accordance with the framework of their legal system. The former defence is regarded as the


‘superior orders defence’.\textsuperscript{18}

This defence was subsequently denied.\textsuperscript{19} Mark J. Osiel states, “The superior order defence remains very much alive wherever the criminality of the defendant’s conduct cannot convincingly be categorised as immediately obvious”.\textsuperscript{20} Even after the Nuremberg tribunal, Hilaire McCoubrey declares that, the ‘superior orders will still operate as a defense if the subordinate had no good reason for thinking that the order concerned was unlawful’.\textsuperscript{21}

The truth of McCoubrey’s proposition is exemplified by the justification


\textsuperscript{21} Hilaire McCoubrey, \textit{International Humanitarian Law: The Regulation of Armed Conflicts} (Darmouth, 1990) 221.
provided by those who adhere to radical Islamic theology as will be demonstrated in this article.

B Superior and Exemplar

One of the superiors that ordered the Nazi soldiers to perform these war crimes was Adolf Hitler (1889 – 1945), 22 German politician and leader [Führer] of the Nazi Party, an authoritative figure. 23 Hitler was admired by the Nazi’s 24 and was viewed as a role model 25 during the Nazi Regime from 1933 – 1945. 26 Hitler had committed extreme atrocities, one of which was his decree for the exterminations of Jews. 27


23 Mary Beth Norton, Jane Kamensky and Carol Sheriff, A People and a Nation (Cengage Learning, 2014) vol 2 660. See also; David Nicholls, Adolf Hitler: Biographical Companion (ABC-CLIO, 2000) 93. See also; Martin Collier and Philip Pedley, Germany 1919-45 (Heinemann, 2000) 64; Martin Blinkhorn, Fascists & Conservatives Europe (Routeledge, 2012) 71; Michael Lee Lanning, Battle 100: The Stories Behind History’s Most Influential Battles (Sourcebooks Inc., 2005) 76 and Helen Tierney, Women's Studies Encyclopedia (Greenwood Publishing Group, 1999) vol 2 979.

24 Linda Zagzebski, Exemplarist Moral Theory (Oxford University Press, 2017) 47. See also; Christian B. Miller, R. Michael Furr and Angela Knobel, Character: New Directions from Philosophy, Psychology, and Theology (Oxford University Press, 2015) 262;


When questioned by interrogators if orders for the extermination of Jews were delegated in writing by Heinrich Himmler,\textsuperscript{28} Adolf Eichmann (1906 - 1962),\textsuperscript{29} SS-\textit{Obersturmbannführer} (lieutenant colonel),\textsuperscript{30} testified that in the summer of 1941, Reinhard Tristan Eugen Heydrich (1904 – 1942),\textsuperscript{31} SS-\textit{Obergruppenführer und General der Polizei} (Senior Group Leader and Chief of Police)\textsuperscript{32} had told him that Hitler, ‘ordered the physical


extermination of Jews’.\textsuperscript{33}

\textbf{C SOURCE}

It is important to note that the positivistic traditions of the German legal profession were not the only facilitators for the denial of ethics and metaphysics in the application of law.\textsuperscript{34} In brief, Germany had adopted, to a degree, a legal positivist approach\textsuperscript{35} whereby ‘law is based exclusively on the will of the State’.\textsuperscript{36}

Despite the positivistic traditions that influenced the Nazi Regime, one of the major sources of influence upon the ideology of the Nazi society was Friedrich Nietzsche’s (1844 – 1900)\textsuperscript{37} philosophy.\textsuperscript{38}

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\textsuperscript{34} Kenny Yang, ‘The Rise of Legal Positivism in Germany’ (2012) 3 \textit{The Western Australian Jurist} 250.


\textsuperscript{38} Kimberly Ann Blessing and Paul J. Tudico, \textit{Movies and the Meaning of Life:}
The debate regarding Nietzsche's influence on Nazi ideology has been firmly established that he was neither an anti-Semite, a rabid nationalist, nor a believer in racial purity. Nevertheless, Nietzsche's genealogy of moral assigns to Christianity and Judaism the less than flattering label of "slave" morality and holds them responsible for Western cultural weakness.

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Nietzsche rejected sympathy for the weak in favour of a willingness to trample on them.\textsuperscript{43} Unsurprisingly, some of his ideas were congenial to the Nazis who admired a highly selected and distorted version of his work.\textsuperscript{44}

The Nazis misinterpreted Nietzsche’s philosophy and claimed that he was an anti-Semite, thereby justifying and building upon this philosophical foundation to further their agenda. This falsification made Nietzsche’s philosophy attractive to the fascist ideology.\textsuperscript{45}


To this detriment, the Nazis interpreted Nietzsche’s work to suggest that he was in favour of Eugenics and breeding a master race.\(^{46}\) This ideology was one of the concepts that justified the slaughter and extermination of the Jewish race along with mentally and physically handicapped personnel.\(^{47}\) This event was the catalyst for the catastrophic result of the murder of an estimated 6 million Jews.\(^{48}\)

The one idea that the Nazis had rightly incorporated was Nietzsche’s old fashioned ideology of women, ‘man shall be trained for war and woman for the procreation of the warrior, all else is folly’.\(^{49}\) This perspective indeed


unified with the Nazi world-view at least in terms of the social role of women, ‘stupidity in the kitchen; woman as cook; the terrible thoughtlessness with which the feeding of the family and the master of the house is managed!’

Nietzsche’s work, *Will to Power* was grafted into the Nazi philosophy to justify their territorial quests and their ‘will for power’ to take control over neighbouring countries. The phrase ‘the will to power’ was adapted metaphorically for the Nazi ambition to expand territorially, also known as *Lebensraum*.

Übermensch was a concept coined by Nietzsche, a term used to identify

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a goal.\textsuperscript{53} It is what man should strive to become. Nietzsche argued that, ‘man is a rope stretched between animal and the Superman’.\textsuperscript{54} \textit{Übermenschen}, translated Superman, is debated as to its precise meaning\textsuperscript{55} nonetheless; the Nazis had misinterpreted this concept.\textsuperscript{56} The concept was utilised to suit their philosophy of ‘Aryan-supremacy’. The Nazi’s idolised the \textit{Übermenschen} for being racially pure and racially superior to all other


\textsuperscript{55} Gareth Southwell states that the \textit{Übermensch} will go ‘beyond good and evil’ and establish a new set of values and a new philosophy. See; Gareth Southwell, \textit{A Beginner’s Guide to Nietzsche’s Beyond Good and Evil} (Wiley-Blackwell, 2009). Alain de Botton believes that the \textit{Übermensch} is more of an artistic uprising in man. De Botton says that the Übermenschen are rare people who have lived a life of fulfilment by surpassing themselves with art, literature or music. He refers to people of society who are rich and influential, individuals of high-class German society. De Botton puts forward whom Nietzsche might have considered Übermenschen or Supermen. Montaigne, Goethe, Abbé Galiani and Henri Beyle, four individuals Nietzsche admired would have been men that surpassed themselves with art, literature and music. See; Alain De Botton, \textit{The Consolations of Philosophy} (Penguin Books, 2001) 210.

races and ethnics.\textsuperscript{57}

On the opposing view; non-\textit{Übermenschen}'s such as the Jews, were called \textit{Untermenschen}\textsuperscript{58} which means under-human or subhuman.\textsuperscript{59} The Nazis had twisted Nietzsche’s ideology of the \textit{Übermenschen} into a race of superiority which lead to the slavery, slaughter and abuse\textsuperscript{60} of those to whom were considered \textit{Untermenschen}.\textsuperscript{61}

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\textsuperscript{61} Junius P. Rodriguez, \textit{Slavery in the Modern World: A History of Political, Social, and Economic Oppression} (ABC-CLIO, 2011) vol 2 469. See also; Peter P. Hinks and John R.
Nietzsche’s philosophy partially formed the foundation of the Nazis agenda to eradicate the Jews, conquer land and fulfil the objective to form the Aryan supremacy. However, it is important to understand that the Nazis believed this perspective was objectively right – this was their subjective view.

1 The Justification Behind the Nazi Regime: The Superior Orders Defence

In order to justify the actions taken by the Nazi combatants, the Nazi legal counsel appealed to the superior orders defence. Two arguments were provided. Firstly, the Nazi soldiers acted in accord the philosophy undermining their legal system and secondly, they followed the imperatives given by their superiors. Therefore, the Nazi soldiers could not rightly be condemned because they deviated from the alien value system of their conquerors.62

The ratio decideni in the Nuremberg Trials could be interpreted as ‘what is utterly immoral cannot be law’63 or as expressed in Latin, lex iniusta non est lex.64 The Court rejected the idea that the moral standing of law is

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purely based upon the subjective perspective of the State.  Rather, the Court favoured utilising natural law as the objective standard to determine the moral legitimacy of law and the actions of the accused. In so doing, the Nazi atrocities reduced the appeal of positivist law. Kurt Von Schuschnigg states, ‘If the positivists are right, then man has no rights and the States have no rights; there is no freedom and no basic equality of men and nations’.

Dr. Otto Stahmer, the defense attorney for Hermann Goering, articulated the Nazi defence on July 4, 1946 at the Nuremberg Trials in Nuremberg, Germany:


67 Peter Papadatos, The Eichmann Trial (Frederick A. Praeger,1964) 2.


69 Antonio Cassese, The Oxford Companion to International Criminal Justice (Oxford
What is the standard by which to decide about justice and injustice in a legal sense? In so far as such standards exist by International Law, valid up to now, further statements are not required. That a special court for the trial was created by the Charter of this Tribunal I also do not object to. I must, however, vigorously protest against its use, in so far as it is meant to create a new material law by threatening punishment for crimes which, at the time of their perpetration, at least as far as individuals are concerned, did not carry any punishment.... Can one expect that hereafter punishment will be recognized as just, if the culprit was never aware of it, because at the time he was not threatened with such punishment, and he believed to be able to derive the authorisation for his way of acting solely from the political aims pursued?...Because internationally recognized standards outside the positive International Law by which the legitimacy of States and of their aims could have been judged did not exist, any more than did an international community as such. Slogans about the legitimacy of one’s own and of the illegitimacy of foreign aspirations served only the formation of political fronts just as the efforts to brand political adversaries as disturbers of the peace. In any case they did, indeed, not create law.\textsuperscript{70}

In his final argument, Dr. Stahmer further asserted that Germany was operating under a dictator.\textsuperscript{71} The Tribunal held that the Nazis were not innocent because, even though Hitler made use of them, they knew what they were doing. The fact that they were assigned to their tasks by a dictator did not absolve them from responsibility for their acts.\textsuperscript{72}

\textsuperscript{70} Guénaël Mettraux, \textit{Perspectives on the Nuremberg Trial} (Oxford University Press, 2008)
A similar statement was made in the opening remarks by Robert Jackson, U.S. Supreme Court justice and U.S. Chief of Counsel, ‘the Charter of this tribunal evidences a faith that the law is not only to govern the conduct of little men, but that even rulers are, as Lord Chief Justice Coke [said] to King James, “under God and the law”’.  

To paraphrase, Robert Jackson queried, ‘But is there not a law above our laws?’ “A law above the law” transcends culture and applies to all states.  

In conclusion, the Nazis used the superior orders defence in order to justify their actions. Hitler, being the Nazis’ superior, commanded the extermination of Jews along with many other atrocities. Consequently, the Nazis followed suit. Coupled with the adoption of a disfigured view of Nietzsche’s Philosophy grounded upon a legal positivistic framework, this combination was the catalyst for one of the world’s most historic atrocities.  

The following section will assess the philosophical underpinnings of radical Islam. This section will outline the Superior, the Exemplar and the Sources from which radical Muslims derive their theological and philosophical ideologies. This section will also outline how such sources are used in order to justify their attacks by providing sources that were used

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73 James Ryan and Leonard Schlup, Historical Dictionary of the 1940s (Routledge, 2015) 511.


within extremist materials as well as other pieces of information that could be used to justify that radical Islam is ‘Islam’ as per their view. This article does not assert that radical Islam is, nor is not, a representative of Orthodox Islam.

III RADICAL ISLAM

A Superior: Islam and Radical Islam

According to Islamic theology, Allah is the Supreme Being. In Islam, Allah is given 99 names such as; “The All-Compassionate”, “The Source of Peace” and “The Sustainer”. Islamic theology, whether nominal or radical, demands that Muslims follow the imperatives given by Allah and Muhammad. This is why many Muslims claim that an act is done “in the


name of Allah”.\textsuperscript{79} The Quran presents multiple verses that present this theme.\textsuperscript{80} It is Muhammad in particular who is to be followed, for the Quran declares:

\textbf{Surah 4:80}

\textit{He who obeys the Messenger has obeyed Allah; but those who turn away - We have not sent you over them as a guardian.}\textsuperscript{81}

The Quran also proclaims:

\textbf{Surah 64:12.}

\textit{And obey Allah and obey the Messenger; but if you turn away - then upon Our Messenger is only [the duty of] clear notification.}\textsuperscript{82}

Therefore, the commands given by Allah, as revealed within the Quran\textsuperscript{83}

\textit{Thought} (Cambridge University Press, 1999) 76.
\textsuperscript{81} Surah 4:80.  
\textsuperscript{82} Surah 64:12.  
\textsuperscript{83} This is commanded in Surah 9:6.  
Fateh Ullah Khan, \textit{God Created the Universe with the Purpose to Serve Humankind}:
and the commands and lifestyle of Muhammad, as revealed in the Quran and Hadiths;\textsuperscript{84} ought to be followed by all Muslims.

\section*{B Exemplar: Mouhamad}

According to Islam, Mouhammad is the last prophet,\textsuperscript{85} who died in the year 632AD.\textsuperscript{86} Surah 33:4 states:\textsuperscript{87}

Muhammad is not the father of [any] one of your men, but [he is] the Messenger

\begin{quote}


\textsuperscript{87} All quotes from the Quran will be from the Saheeh International translation.
of Allah and last of the prophets. And ever is Allah, of all things, Knowing.\textsuperscript{88} 

In expounding Surah 33:4, a commentary (\textit{tafsir}) attributed to Muhammad’s first cousin and renowned Muslim scholar, ‘Abdullah Ibn Abbas\textsuperscript{89} (ca. 619 - 687 AD)\textsuperscript{90} articulates:

(Muhammad is not the father of any man among you) i.e. Zayd, (but he is the messenger of Allah) but Muhammad is the Messenger of Allah (and the Seal of the Prophets) with him Allah has sealed the advent of prophets, such that there is no prophet after him; (and Allah is Aware of all things) of your words and works.\textsuperscript{91}

The Hadiths record that Muhammad claimed to be the last Prophet:

Narrated Abu Huraira:

The Prophet said, "The Israelis used to be ruled and guided by prophets: Whenever a prophet died, another would take over his place. There will be no prophet after me, but there will be Caliphs who will increase in number." The

\textsuperscript{88} Surah 33 Ayah 40.


\textsuperscript{91} Ibn ‘Abbâs, Tanwîr al-Miqbâs min Tafsîr Ibn ‘Abbâs (20th March 2017) Al-Tafsir \texttt{http://altafsir.com/Tafsir.asp?tMadhNo=0&tTafsirNo=73&tSoraNo=33&tAyahNo=40&tDisplay=yes&UserProfile=0}. 
people asked, "O Allah's Apostle! What do you order us (to do)?" He said, "Obey the one who will be given the pledge of allegiance first. Fulfil their (i.e. the Caliphs) rights, for Allah will ask them about (any shortcoming) in ruling those Allah has put under their guardianship."  


Muhammad was said to be sent to guide humanity the right way as outlined in Surah 7:157:

Those who follow the Messenger, the unlettered prophet, whom they find written in what they have of the Torah and the Gospel, who enjoins upon them what is right and forbids them what is wrong and makes lawful for them the good things and prohibits for them the evil and relieves them of their burden and the shackles which were upon them. So they who have believed in him, honored him, supported him and followed the light which was sent down with him - it is those who will be the successful.

Islam teaches that Muhammad is the best example of proper ethical and moral behaviour for mankind. This is illustrated in Surah 33:21:

92 Sahih al-Bukhari, Volume 4, Book 56, Number 661. See also; Sahih al-Bukhari, Volume 4, Book 56, Number 732.


94 Susanne Olsson and Carool Kersten, Alternative Islamic Discourses and Religious
There has certainly been for you in the Messenger of Allah an excellent pattern for anyone whose hope is in Allah and the Last Day and [who] remembers Allah often.

Islamic theology teaches that one must follow the Sunnah (or Sunna). The Sunnah refers to the actions, sayings, and approvals of Muhammad. This is also known as the Hadiths. Therefore, Muslims are informed to follow the conduct of Muhammad as revealed in the Quran and the Hadiths.

With this in mind, one must wonder whether those who support radical Islamic philosophy believe that they are following the conduct of Muhammad and commands given in the Quran. If such conduct, as demonstrated by the likes of ISIS, can be found in either the Quran or

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Hadiths; those who perform such atrocities are merely replicating the actions of their Prophet, Muhammad. In the following section, this article will reveal the conduct of Muhammad as revealed in the Quran and Hadiths. These are sources that extremists have, or may have, utilised to justify their conduct and beliefs. This article does not argue whether these Hadiths are unanimously agreed to be ‘authentic’ or the Quranic exegesis performed by extremists is correct. The point of this article is to identify the sources that a radical Muslim could use, or have used; to justify their beliefs.

C SOURCES

1 The Quran

According to Islam, the Quran is the Word of Allah.\(^\text{97}\) The Quran was sent down to confirm what was sent before i.e the Torah and the Gospel. As per Surah 3:3:

\[
\text{He has sent down upon you, [O Muhammad], the Book in truth, confirming what was before it. And He revealed the Torah and the Gospel.}
\]

Surah 10:37:

\[
\text{And it was not [possible] for this Qur’an to be produced by other than Allah , but}
\]

[it is] a confirmation of what was before it and a detailed explanation of the [former] Scripture, about which there is no doubt, from the Lord of the worlds.

The Quran was sent down for guidance, Surah 31:2 - 3:

These are verses of the wise Book [The Quran], as guidance and mercy for the doers of good.

The “doers of good” is defined in Surah 2:2 – 3:

2 This is the Book about which there is no doubt, a guidance for those conscious of Allah 3 Who believe in the unseen, establish prayer, and spend out of what We have provided for them.

The Quran was sent down to bring Truth and to benefit the souls to whom who will follow it, Surah 39:11:

Indeed, We sent down to you the Book for the people in truth. So whoever is guided - it is for [the benefit of] his soul; and whoever goes astray only goes astray to its detriment. And you are not a manager over them.

And Surah 13:1:

Alif, Lam, Meem, Ra. These are the verses of the Book; and what has been revealed to you from your Lord is the truth, but most of the people do not believe.

The Quran was sent down for truth and ought to be follows as per Surah 39:41:

Indeed, We sent down to you the Book for the people in truth. So whoever is guided - it is for [the benefit of] his soul; and whoever goes astray only goes
astray to its detriment. And you are not a manager over them.

The Quran self-promotes that it is clear (Arabic: *mubinun*) as per Surah 5:15:

> O People of the Scripture, there has come to you Our Messenger making clear to you much of what you used to conceal of the Scripture and overlooking much. There has come to you from Allah a light and a clear [*mubinun*] Book.

### 2 The Hadiths

The Hadiths are narratives, accounts and biographies of Mouhamad’s life.\(^{98}\) Hadiths are categorised based upon reliability. In order of reliability, the categorisation of Hadiths is as follows; *Ṣaḥīḥ, Ḥasan, Daʿīf* and *Mawdū*.\(^{99}\)

*Ṣaḥīḥ* (translated ‘authentic’) is information that has been narrated by a *maʿṣum*, an individual who has sound character and memory; and has been transmitted through an unbroken chain from these individuals.\(^{100}\)

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Hasan (translated ‘good’) is information that has been transmitted through an unbroken chain of narrators all of whom are of sound character, except for one. This hadith is one which excels the da’if but nevertheless does not reach the standard of a Ṣaḥīḥ.  

Da’if (translated ‘weak’) is information that is classified as weak as "either due to discontinuity in the chain of narrators or due to some criticism of a narrator".

Mawdū (translated ‘theme’) is information that has been fabricated.

In order to present the most historically accurate accounts of Muhammad and Islamic history, this article will only look into the Hadiths that are part
of the *Sahih* collection. It is important to note that not all of the information contained within the *Sahih*’s categorised Hadiths is unanimously considered to be authentic. Particularly disagreement is amongst the Shia and Sunni Islamic sects.\textsuperscript{104}

The Sunni Hadith collection consists of *Sahih Bukhari, Sahih Muslim, Sunan al-Sughra* [Sunan An-Nasa’i or Al-Mujtaba], *Sunan Abu Dawud*, *Sunan al-Tirmidhi* and *Sunan Ibn Majah*.\textsuperscript{105}

The Shia Hadith collection consists of *Kitab al-Kafi, Man la yahduruhu al-Faqih, Tahdhib al-Ahkam* and *Al-Istibsar*.\textsuperscript{106}


Despite the debate regarding the authenticity of these hadiths, it commonly accepted that the two most authentic hadiths are *Sahih Al-Bukhari* and *Sahih Muslim* (202 or 206-261 A.H./817 or 821-875 A.D.).

As mentioned earlier, Muslims are commanded to follow the conduct of Muhammad as outlined in the Hadiths and as taught in the Quran. It is also important to note that this article will also quote from the earliest biographies of Muhammad in order broaden the sources that help illustrate the conduct and life of Muhammad. The following section will outline Muhammad’s conduct as presented in the Hadiths in order to provide an

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understanding as to why those who hold to a radical view of Islam claim that they are mimicking the actions of their Prophet.

3 Tafsir

The term tafsir literally means interpretation.\textsuperscript{108} This term is usually used by scholars as synonymously or interchangeably to denote Qur'anic interpretation or exegesis.\textsuperscript{109} A tafsir is used to grasp the understanding of a particular verse of the Quran.\textsuperscript{110}

A Muslim, whether they are radicalised or modernised; will utilise a tafsir(s) in order to obtain an understanding of the Quran in its totality. The question arises as to whether there are tafsirs written by notable Muslim scholars that are used by extremists in order to justify their understanding of Islam.


### 4 Biographies of Muhammad

The earliest biography written about Muhammad, *Sirat Rasul Allah*, was written in the 8th Century by a man named Ibn Ishaq (ca. 704-768).  


However, the book itself has actually been lost. Ibn Ishaq taught a man named al-Bakkai, who made his own edition of Ibn Ishaq’s book, and al-Bakkai taught man named Ibn Hisham, who edited al-Bakkai’s edition, and it is this edition that we have today. Why did these men each make their own editions? Ibn Hisham tells us in his introductory remarks:

Things which it is disgraceful to discuss, matters which would distress certain people, and such reports as al-Bakkai told me he could not accept as trustworthy—all these things I have omitted.

In other words, the earliest biography of Muhammad’s life was reputed to contain fabrications, disgraceful material and distressing facts. What we

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121 We can be sure the disgraceful material and distressing facts are related to Muhammad,
have today has been filtered many times, both for fabrications and for difficult truths.\(^\text{122}\)

Another one of the earliest biographies of Muhammad was written by Ibn Sa'd\(^\text{123}\) (ca. 784 – 845 AD).\(^\text{124}\)

Thus far, this article has listed some of sources utilised in Islamic theology. By identifying the sources that are fundamental to understanding Islamic theology and theology, we are able to identify Muhammad’s teachings in order to understand how a radical Muslim extremist justifies their position.

5 The Conduct of Muhammad

Radical Islam: Replicating the Conduct of Their Prophet

(a) Muhammad and Ka‘b bin al-Ashraf

The story of Muhammad and Ka‘b bin al-Ashraf was used in a Radical Islamic source to promote terrorism or in other words, offensive *jihad*. This

since Ibn Hisham had already discussed excising material that was not related to Muhammad in his list of omissions.


source was written by Abu Muhammad Al-Maqdis titled, *Millat Ibrahim*.\(^{125}\)

In order to understand the historical context of this event, we look to *Sahih Al-Bukhari* which describes the events that occurred between Muhammad and Ka`b bin al-Ashraf.

*Sahih Al-Bukhari* Volume 5, Book 5, Number 369 notes:

Allah's Apostle said, "Who is willing to kill Ka'b bin Al-Ashraf [hereon ‘Ka'b’] who has hurt Allah and His Apostle?" Thereupon Muhammad bin Maslama [hereon ‘Maslama’] got up saying, "O Allah's Apostle! Would you like that I kill him?" The Prophet said, "Yes," Muhammad bin Maslama said, "Then allow me to say a (false) thing (i.e. to deceive Kab)". The Prophet said, "You may say it." …

The above quote from Al-Bukhari is only a fragment of the entire account, for the purposes of space and time; a summary of this passage is as follows.

Maslama went to Ka`b and claimed he needed money in order to pay taxes to Muhammad. Ka`b would provide the financial support to Maslama upon the condition that a mortgage of some kind was provided. After negotiation, it was agreed that Maslama and his companions would mortgage ‘their arms’. Following negotiations, Maslama and his companions promised to return to Ka`b. After their return, Maslama and his companions killed Ka`b and then reported his death to Muhammad.

In order to obtain a greater understanding of this event, we read in one of the earliest biographies of Muhammad written by Ibn Sa'd, that Maslama and his companions had cut off the head of Ka`b’s and had given his head to Muhammad all the while Muhammad had praised Allah for Ka`b being

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There are two themes that can be taken from this event. Firstly, Muhammad allowed Maslama to lie in order to bring through to succession the murder of Ka’b and secondly, Muhammad sought help from a third party in order to slay someone who had offended him rather than performing the deed himself.

In *Al-Bukhari*, it was noted that Muhammad declared that Ka’b had ‘hurt Allah and His Apostle’. Unfortunately, *Al-Bukhari* does not specify the events that led up to this assertion. Nonetheless, the earliest biography of Muhammad written by Ibn Ishaq provides the context on how Ka’b “hurt Allah and His Apostle” as argued by Muhammad.

According to Ibn Ishaq, Ka’b had gone to Mecca after the battle of Badr (624 CE) and inveighed against Muhammad. Due to the grief of witnessing the catastrophic effects performed by the Muslim’s onslaught of his fellow companions at the Battle of Badr; Ka’b wrote upsetting poems regarding the victims of Quraysh. Ka’b had also written insulting poems

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about Muslim women.\textsuperscript{129}

This portrayal of events is also presented in \emph{Sahih Muslim}.\textsuperscript{130} It could be understood that Muhammad did not appreciate Ka‘b for inveighing him and writing poems against Muslim women thus, asserting that such acts


\textsuperscript{130} \emph{Sahih Muslim} vol. 3, no. 4436.

It has been narrated on the authority of Jabir that the Messenger of Allah (Peace be upon him) said: Who will kill Ka‘b b. Ashraf? He has maligned Allah, the Exalted, and His Messenger. Muhammad b. Maslama said: Messenger of Allah, do you wish that I should kill him? He said: Yes. He said: Permit me to talk (to him in the way I deem fit). He said: Talk (as you like). So, Muhammad b. Maslama came to Ka‘b and talked to him, referred to the old friendship between them and said: This man (i.e. the Holy Prophet) has made up his mind to collect charity (from us) and this has put us to a great hardship. When he heard this, Ka‘b said: By God, you will be put to more trouble by him. Muhammad b. Maslama said: No doubt, now we have become his followers and we do not like to forsake him until we see what turn his affairs will take. I want that you should give me a loan. He said: What will you mortgage? He said: What do you want? He said: Pledge me your women. He said: You are the most handsome of the Arabs; should we pledge our women to you? He said: Pledge me your children. He said: The son of one of us may abuse us saying that he was pledged for two wasqs of dates, but we can pledge you (cur) weapons. He said: All right. Then Muhammad b. Maslama promised that he would come to him with Harith, Abu ‘Abs b. Jabr and Abbad b. Bishr. So they came and called upon him at night. He came down to them. Sufyan says that all the narrators except ‘Amr have stated that his wife said: I hear a voice which sounds like the voice of murder. He said: It is only Muhammad b. Maslama and his foster-brother, Abu Na‘ila. When a gentleman is called at night even it to be pierced with a spear, he should respond to the call. Muhammad said to his companions: As he comes down, I will extend my hands towards his head and when I hold him fast, you should do your job. So when he came down and he was holding his cloak under his arm, they said to him: We sense from you a very fine smell. He said: Yes, I have with me a mistress who is the most scented of the women of Arabia. He said: Allow me to smell (the scent on your head). He said: Yes, you may smell. So he caught it and smelt. Then he said: Allow me to do so (once again). He then held his head fast and said to his companions: Do your job. And they killed him.
constitute “hurt[ing] Allah and His Apostle”. According to Muhammad, those who inveigh against him and write poems against Muslim women deserve to be put to death by any means necessary.

Muhammad also ordered the onslaught of other individuals for a similar reason. Namely, writing poetry against him. This article will provide four examples.

Firstly, Asma’ bint Marwan was killed for opposing Muhammad with poetry and for provoking others to attack him.  
Secondly, Abu' Afak was killed for opposing Muhammad through poetry.  
Thirdly, Al Nadr Ibn Al-Harith was killed for mocking and harassing Muhammad and for writing poems and stories criticising him and fourthly, Uqba Bin Abu Muayt was killed because he had thrown dead animal entrails on Muhammad and Muayt had wrapped his garment around Muhammad's neck whilst Muhammad was praying.


134 Muhammad Husayn Haykal and Isma'il R. Al-Faruqi, The Life of Muhammad (North American Trust Publications, 1976) vol 2 223. See also; Sunan Abu Dawud No. 2680
The theme, it seems, is that one should not to make fun of the Prophet Muhammad as the consequences of such actions is death as orchestrated by Muhammad himself. With this in mind, one cannot help identify the corresponding similarity of the actions of Muhammad and his companions with the Charlie Hebdo shooting.\textsuperscript{135} The Charlie Hebdo shooting involved the death of 12 people who were killed in a terrorist attack that occurred in Paris on the 7\textsuperscript{th} January 2015.\textsuperscript{136}

Brothers, Said and Cherif Kouachi, sought revenge upon the headquarters of the French magazine, \textit{Charlie Hebdo}, for lampooning the Islamic faith by publishing satirical cartoons of the Prophet Muhammad.\textsuperscript{137}


During this ordeal, a witness heard the gunmen shout, “we have avenged the Prophet Muhammad; we have killed Charlie Hebdo. You can tell the media its al-Qaeda in Yemen”.

The rationale behind the Charlie Hebdo shooting presents the identical principle underlying the imperatives given by Muhammad. Namely, those who mock the Prophet shall be slain. Muhammad ordered people to be slain for writing satirical content about him. Likewise, two brothers sought revenge for drawing satirical content about Muhammad. In one instance, Muhammad gave the command to slaughter those who wrote satirical content against him. The Charlie Hebdo shooting was rationalised upon the same basis. The two brothers, Said and Cherif Kouachi, seemed to replicate the submissiveness to Muhammad’s command; to kill those who hurt Allah and His apostle, as did Muhammad’s followers.

At the time of Muhammad’s takeover of Mecca (629 AD), the Prophet ordered the execution of two singing girls belonging to Abd Allah b. Khatal


who ridiculed him in their songs, as well as of a female *mawla*\(^{140}\) of the Banû Abd al-Muttalib who seems to have been guilty of a similar transgression.\(^{141}\) *Sunan Abu Dawud* demonstrates this event:

> Narrated Sa'id ibn Yarbu' al-Makhzumi:

> The Prophet said: on the day of the conquest of Mecca: There are four persons whom I shall not give protection in the sacred and non-sacred territory. He then named them. There were two singing girls of al-Maquis; one of them was killed and the other escaped and embraced Islam. Abu Dawud said: I could not understand its chain of narrators from Ibn al-'Ala' as I liked.\(^{142}\)

According to the primary sources, Muhammad commanded that these individuals be slain for mocking him. If this event is true, then when radical Muslims slaughter individuals in defence of mocking their Prophet; they are merely replicating the commands ordained by Muhammad himself.

Evidently, Muhammad’s stance towards those who mocked him was quite hostile and in many cases, ordered them to be killed. Another perspective to understand is Muhammad’s treatment of apostates. Once we recognise Muhammad’s treatment of apostates, it will allow us to determine whether


\(^{142}\) *Sunan Abu Dawud* Book 14, Hadith 2678.
those who adhere to radical Islam act in a manner that Muhammad did or whether they are conducting themselves as Muhammad commanded. This view will be assessed in the next section.

(b) Muhammad’s Treatment of Apostates

There is much debate surrounding the topic of the Qurans stance on the punishment for apostasy. Some believe that the Quran does not affirm the killing of apostates, whilst others disagree; citing Surah 4:89 for justification. Regardless of the position, it is clear that Muhammad, from the sources of the Hadiths, expressed affirmation of the death penalty for those who leave Islam. This is seen in Sahih Al-Bukhari Vol. 9, Book 83, Hadith 17:

Allah’s Messenger said, “The blood of a Muslim .... cannot be shed except in three cases: .... the one who reverts from Islam (apostate) and leaves the Muslims”.


145 They wish you would disbelieve as they disbelieved so you would be alike. So do not take from among them allies until they emigrate for the cause of Allah . But if they turn away, then seize them and kill them wherever you find them and take not from among them any ally or helper.
And *Sahih Al-Bukhari* Vol. 9, Book 84, Hadith 57

I would have killed them according to the statement of Allah's Messenger: “Whoever changed his Islamic religion, then kill him”.


The following Sahih Hadiths also present this principle; *Sahih Muslim*, \(^{146}\) *Sunan an-Nasa’i*, \(^{147}\) *Sunan Ibn Majah* \(^{148}\) and *Sunan Abu Dawud*. \(^{149}\)

The act of killing apostates is viewed to be a radical view of Islam rather than a ‘moderate’ view. The radical Islamic group *Hizb ut-Tahrir* was, according to former Australian Prime Minister Tony Abbot, "actively, publicly calling on death to apostates - in other words, people who leave Islam should be killed". \(^{150}\) However, it was well known, according to radical Islamic theologian Muhammad 'Abd al-Salam Farag, that apostates must suffer the punishment of death according to Islamic law. \(^{151}\)

\(^{146}\) *Sahih Muslim* Book 001, Number 0029; Book 016, Number 4152; Book 016, Number 4154 and Book 20 Number 4490.

\(^{147}\) *Sunan an-Nasa’i* Vol. 5, Book 37, Hadith 4064, 4066 - 67, 4070.


\(^{149}\) *Sunan Abu Dawud* Book 38 Hadith 4341 and Book 39 Hadith 4487.


to Muslim jurists, apostates may be killed unless they repent.\textsuperscript{152} There is also a consensus by all four schools of Sunni Islamic jurisprudence (i.e., Maliki, Hanbali, Hanafi, and Shafii), as well as classical Shiite jurists, that apostates from Islam must be put to death.

The following section will demonstrate Muhammad’s view of \textit{Jihad} and how extremists use primary Islamic sources to justify performing offensive \textit{jihad}.

(c) Muhammad’s View of Jihad

(i) \textit{What is Jihad?}

Unfortunately, those unfamiliar with the doctrine of Jihad, believe that the term ‘\textit{jihad}’ only refers to offensive fighting in the name of Allah. Thus, \textit{jihad} is synergistic with terrorism. However, this is incorrect. Jihad literally means, to ‘strive’, ‘struggle’ and even, to fight; in certain contexts.\textsuperscript{153}

\begin{footnotesize}

There are two types of jihad; inner jihad and external jihad.\textsuperscript{154}

\textit{(a) Inner Jihad}

Inner jihad reflects the struggle of the self with evil; the struggle to control the body’s members.\textsuperscript{155}

The inner is the jihad of the soul, the passion, the nature, and Satan. It involves repentance from rebelliousness and errors, being steadfast about it, and abandoning the forbidden passions…. The inner jihad is more difficult than the outer jihad because it involves cutting the forbidden customs of the soul, and exiling them, so as to have as one’s example the Divine commands and to cease from what it forbids.\textsuperscript{156}

\textit{(b) External Jihad}


\textsuperscript{156} Abd al-Qadir al-Jilani, \textit{Al-Fath Al-Rabbani Wa-l-fayd Al-Rahmani} (Cairo, 1988) 83. See also; David Cook, \textit{Understanding Jihad} (Univ of California Press, 2015) 45.
External *jihad* involves physical struggle which is often associated with fighting and killing.\(^{157}\)

The outer is the jihad of the infidels who resist Him and His Messenger [Muhammad] and to be pitiless with their swords, their spears, and their arrows—killing and being killed....Whoever takes God’s command as his example with regard to the two types of jihad will gain a reward in this world and the next. Bodily wounds on the martyr are just like someone cutting their hand—there is no real pain in it—and death with regard to the soul of a *mujahid* [is one who struggles for the sake of Allah and Islam]\(^{158}\) who repents from his sins is like a thirsty man drinking cold water.\(^{159}\)

However, there are two sub-forms of jihad, *Jihād Al-Talab* (offensive *jihad*), seeking an enemy and battling in their state\(^{160}\) and *Jihad Al-Dafa’a*
(defensive jihad), fighting in self-defence.\footnote{161}

The modern Muslim would confer that \textit{Jihad Al-Dafā’a} is permissible however; \textit{Jihād Al-Talab} is not.\footnote{162} Evidently, those who adhere to the radical ideology of Islam disagree and look to the three sources for justification.

\textit{(ii) Which Jihad is Best?}

As mentioned above, there are two different types of Jihad, \textit{Jihād Al-Talab} and \textit{Jihad Al-Dafā’a}. With that in mind, the question was posed to Muhammad which form of Jihad is best. \textit{Sunan Ibn Majah} provides us with Muhammad’s answer:

\begin{quote}
It was narrated that Amr bin Abasah said:
\end{quote}

\begin{footnotes}

\end{footnotes}
[Question]: “I came to the Prophet and said: ‘O Messenger of Allah, which Jihad is best?’

[Mouhammad]: He said: ‘(That of a man) whose blood is shed and his horse is wounded.’” 163

So, the best form of Jihad, since there are multiple forms; is the one where “blood is shed and his horse is wounded” as per Muhammad’s stated in the Hadith.

The next question is to ask why, according to Mouhammad, should fight in Jihad? What is the goal?

Muhammad tells us in Sahih Al Bukhari Volume 4, Book 52, Number 65:

A man came to the Prophet and asked, "A man fights for war booty; another fights for fame and a third fights for showing off; which of them fights in Allah's Cause?" The Prophet said, "He who fights that Allah's Word (i.e. Islam) should be superior, fights in Allah's Cause."

This theme is also reflected in Sahih Al Bukhari Volume 4, Book 52, Number 48. 164

163 Sunan Ibn Majah 2794
164 Narrated Abu Huraira:

The Prophet said, "Whoever believes in Allah and His Apostle, offer prayer perfectly and fasts the month of Ramadan, will rightfully be granted Paradise by Allah, no matter whether he fights in Allah's Cause or remains in the land where he is born." The people said, "O Allah's Apostle! Shall we acquaint the people with the is good news?" He said, "Paradise has one-hundred grades which Allah has reserved for the Mujahidin who fight in His Cause, and the distance between each of two grades is like the distance between the Heaven and the Earth. So, when you ask Allah (for something), ask for Al-firdaus which is the best and highest part of Paradise." (i.e. The sub-narrator added, "I think the Prophet also said, 'Above it
According to the Hadiths, the best type of *jihad* is the one that involves bloodshed whilst fighting for the superiority of Islam; this is condoned as fighting in Allah’s cause. The recompenses for fighting in Allah’s cause are paradise,\(^{165}\) rewards,\(^{166}\) war booty\(^{167}\) and the sins of the *jihadi* will be blotted out.\(^{168}\) Though this may seem salient to some, it is recorded in numerous Hadiths that Muhammad commanded his followers to fight until they, the unbelievers; recite the *shahada*,\(^{169}\) establish prayer and pay *zakat*.\(^{170}\) It is upon this condition that they, the ‘former’ unbeliever; will be

(i.e. Al-Firdaus) is the Throne of Beneficent (i.e. Allah), and from it originate the rivers of Paradise.”

\(^{165}\) *Sahih Muslim* 19:4314. See also; Surah 9:19-20.

\(^{166}\) *Sahih al-Bukhari* 4:52:44, 63. See also; *Sahih Muslim* 20:4639; Surah 22:58; Surah 4:95 and Surah 4:100.

\(^{167}\) *Sahih al-Bukhari* 4:52:46. See also; *Sahih al-Bukhari* 4:52:65.

\(^{168}\) *Sahih Muslim* 20:4646. See also; Surah 3:157-158.


\(^{170}\) *Zakat* is a form of alms-giving treated in Islam as a religious obligation or tax.


Some classical jurists have held the view that any Muslim who consciously refuses to pay *zakat* is an apostate, since the failure to believe that it is a religious duty (*fard*) is a form of unbelief
protected.

I note the phrase ‘former unbeliever’ because one is only spared from being slain if they become Muslim. According to Islamic theology, you revert back to Islam once you recite the *shahada* in sincere belief. This declaration should be witnessed by two reliable Muslim witnesses. If the witnesses are male, only two are required. However, if only one male witness is available, then two female witnesses’ are needed. That is, either the witnesses present consist of two males or one male and two females; (kufr), and should be killed. See Abdullahi Ahmed An-Na’im Na, *Islam and the Secular State: Negotiating the Future of Shari’a* (Harvard University Press, 2010) 58–63; Mustafa Koylu, *Islam and its Quest for Peace: Jihad, Justice and Education* (Council for Research in Values & Philosophy, 2003) 88–89 and Nicolas Prodromou Aghnides, *Mohammedan Theories of Finance* (Columbia University Press, 1916) 205.


for the testimony of a women is half that of a man in Islam (Cf. Surah 2:282\textsuperscript{174}).\textsuperscript{175} This is because of, according to Sahih Al-Bukhari; “the deficiency of a woman’s mind”.\textsuperscript{176}

Sahih Muslim 1:33 provides Muhammad’s command to fight the unbelievers, to slay them and only desist if they recite the shahada, pay the zakat and establish prayer:

\begin{quote}
O you who have believed, when you contract a debt for a specified term, write it down. And let a scribe write [it] between you in justice. Let no scribe refuse to write as Allah has taught him. So let him write and let the one who has the obligation dictate. And let him fear Allah, his Lord, and not leave anything out of it. But if the one who has the obligation is of limited understanding or weak or unable to dictate himself, then let his guardian dictate in justice. And bring to witness two witnesses from among your men. And if there are not two men [available], then a man and two women from those whom you accept as witnesses - so that if one of the women errs, then the other can remind her. And let not the witnesses refuse when they are called upon. And do not be [too] weary to write it, whether it is small or large, for its [specified] term. That is more just in the sight of Allah and stronger as evidence and more likely to prevent doubt between you, except when it is an immediate transaction which you conduct among yourselves. For [then] there is no blame upon you if you do not write it. And take witnesses when you conclude a contract. Let no scribe be harmed or any witness. For if you do so, indeed, it is [grave] disobedience in you. And fear Allah . And Allah teaches you. And Allah is Knowing of all things.
\end{quote}

\textsuperscript{174} O you who have believed, when you contract a debt for a specified term, write it down. And let a scribe write [it] between you in justice. Let no scribe refuse to write as Allah has taught him. So let him write and let the one who has the obligation dictate. And let him fear Allah, his Lord, and not leave anything out of it. But if the one who has the obligation is of limited understanding or weak or unable to dictate himself, then let his guardian dictate in justice. And bring to witness two witnesses from among your men. And if there are not two men [available], then a man and two women from those whom you accept as witnesses - so that if one of the women errs, then the other can remind her. And let not the witnesses refuse when they are called upon. And do not be [too] weary to write it, whether it is small or large, for its [specified] term. That is more just in the sight of Allah and stronger as evidence and more likely to prevent doubt between you, except when it is an immediate transaction which you conduct among yourselves. For [then] there is no blame upon you if you do not write it. And take witnesses when you conclude a contract. Let no scribe be harmed or any witness. For if you do so, indeed, it is [grave] disobedience in you. And fear Allah . And Allah teaches you. And Allah is Knowing of all things.


\textsuperscript{176} Sahih Bukhari Volume 3, Book 48, Number 826. See also; Volume 1, Book 6, Number 301 and 2:24:541.
… The Messenger of Allah said: I have been commanded to fight against people till they testify that there is none worthy of worship (in truth) but Allah, that Muhammad is the messenger of Allah, and they establish prayer, and pay Zakat and if they do it, their blood and property are guaranteed protection on my behalf except when justified by law, and their affairs rest with Allah.

This event is also recorded in *Sahih Al-Bukhari* Volume 1, Book 8, Number 387:

Allah's Apostle said, "I have been ordered to fight the people till they say: 'None has the right to be worshipped but Allah.' And if they say so, pray like our prayers, face our Qibla and slaughter as we slaughter, then their blood and property will be sacred to us and we will not interfere with them except legally and their reckoning will be with Allah." Narrated Maimun ibn Siyah that he asked Anas bin Malik, "O Abu Hamza! What makes the life and property of a person sacred?" He replied, "Whoever says, 'None has the right to be worshipped but Allah', faces our Qibla during the prayers, prays like us and eats our slaughtered animal, then he is a Muslim, and has got the same rights and obligations as other Muslims have."

Other Hadiths that further signify these principles are as follows; *Sahih Muslim*,177 *Sunan Abu Dawood*,178 *Sunan Ibn Majah*,179 *al-Nasaa'I*,180 *Sahih Al Bukhari*181 and *At-Tirmidhi*.182

177 Vol. 1 Book 1 Hadith 29 – 32; Vol. 6, Book 31, Hadith 5917; Book 19, Hadith 429; Book 31, Hadith 5917 and Book 31, Hadith 5918.
181 Volume 2, Book 23, Number 483; Volume 9, Book 84, Number 59; Volume 9, Book 92, Number 388; Volume 1, Book 2, Number 24; Volume 4, Book 52, Number 196 and
Not only do the Hadiths express this contention that offensive jihad consists of slaughtering unbelievers until they recite the shahada, pay zakat and perform prayer; but Islamic scholars also agree.

The Moslems are agreed that the aim of warfare against the People of the Book, with the exception of those belonging to the Quraysh-tribe and Arab Christians, is twofold: either conversion to Islam, or payment of poll-tax (djizyah).183

Muhammad Sa‘id Ramadan Al-Buti (1929 – 2013),184 a contemporary Al-Azhar University Islamic scholar,185 wrote that Surah 9:5186 speaks about offensive jihad and that Islamic law demands offensive jihad to exalt the word of Allah, the construction of an Islamic Society and the establishment of God's kingdom on earth.187 Surah 9 will be expounded upon later on in

Volume 1, Book 8, Number 387.

186 And when the sacred months have passed, then kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they should repent, establish prayer, and give zakah, let them [go] on their way. Indeed, Allah is Forgiving and Merciful.
this article.

An extremist source written by Abdul-Quadir Ibn Abdul titled, *Fundamental Concepts Regarding Al-Jihad* provides verses from the Quran to justify offensive *jihad*.\(^{188}\) His justification is as follows. In this world, there are two parties; believers and disbelievers. Abdul refers to Surah 27:45\(^{189}\) to prove this point. Citing Surah 22:19,\(^{190}\) Abdul dictates that believers and disbelievers fight over their Lord. Abdul then utilises Surah 4:101\(^{191}\) to claim that disbelievers are open enemies therefore, Allah could punish them (the disbelievers) however; Allah allows the Muslims to fight the disbelievers to test His Muslim followers. Abdul cites Surah 47:4\(^{192}\) and 47:31\(^{193}\) in order to justify his position of offensive *jihad*.

Abdul-Quadir Ibn Abdul continues in his work and claims that there are


\(^{189}\) And We had certainly sent to Thamud their brother Salih, [saying], "Worship Allah," and at once they were two parties conflicting.

\(^{190}\) These are two adversaries who have disputed over their Lord. But those who disbelieved will have cut out for them garments of fire. Poured upon their heads will be scalding water

\(^{191}\) And when you travel throughout the land, there is no blame upon you for shortening the prayer, [especially] if you fear that those who disbelieve may disrupt [or attack] you. Indeed, the disbelievers are ever to you a clear enemy.

\(^{192}\) So when you meet those who disbelieve [in battle], strike [their] necks until, when you have inflicted slaughter upon them, then secure their bonds, and either [confer] favor afterwards or ransom [them] until the war lays down its burdens. That [is the command]. And if Allah had willed, He could have taken vengeance upon them [Himself], but [He ordered armed struggle] to test some of you by means of others. And those who are killed in the cause of Allah - never will He waste their deeds.

\(^{193}\) And We will surely test you until We make evident those who strive among you [for the cause of Allah ] and the patient, and We will test your affairs.
four stages of *jihad*.\(^{194}\)

Stage one consists of an invitation to Islam. The purposes this invitation is to separate the believers from the disbelievers (Cf. Surah 3:30).\(^{195}\) Abdul quotes *Sahih Muslim* 1:0028; “… and Muhammad is a divider between people”.\(^{196}\)

Stage two involved the renunciation from the disbelievers, whether they are alive or dead. If the disbeliever is alive, the Muslim is to show them hate and hostility, unless they believe there is no God but Allah as per Surah 60:4.\(^{197}\) However, if the disbelievers are dead, the Muslim is commanded to abide by the command given in Surah 9:113.\(^{198}\) It is forbidden to ask for Allah’s forgiveness for a non-believer, alive or dead.

Stage three involves withdrawing from the disbelievers and their land and


\(^{195}\) The Day every soul will find what it has done of good present [before it] and what it has done of evil, it will wish that between itself and that [evil] was a great distance. And Allah warns you of Himself, and Allah is Kind to [His] servants.”

\(^{196}\) This theme is also evident in *Sahih al-Bukhari* Vol. 9:92:385 and *Jami’ at-Tirmidhi* 41:2860 {at-Tirmidhi’s report was verified to be authentic by al-Albani (Silsalat al-Hadith as-Sahiha no. 3595)}.

\(^{197}\) There has already been for you an excellent pattern in Abraham and those with him, when they said to their people, "Indeed, we are disassociated from you and from whatever you worship other than Allah . We have denied you, and there has appeared between us and you animosity and hatred forever until you believe in Allah alone" except for the saying of Abraham to his father, "I will surely ask forgiveness for you, but I have not [power to do] for you anything against Allah . Our Lord, upon You we have relied, and to You we have returned, and to You is the destination.

\(^{198}\) It is not for the Prophet and those who have believed to ask forgiveness for the polytheists, even if they were relatives, after it has become clear to them that they are companions of Hellfire.
to then emigrate as Muslims. This is commanded in Surah 18:16\textsuperscript{199} and Surah 19:48.\textsuperscript{200}

The final stage consists of committing *jihad* in the path of Allah. Abdul cites Surah 9:5\textsuperscript{201} and Sahih Muslim 1:29 – 30, 32 – 33 to justify killing those who refuse to accept Islam. Further, Abdul cites Surah 9:123\textsuperscript{202} in which this verse commands Muslims to fight disbelievers who are close to them. Abdul then uses Ibn Kathir’s *tafsir* on Surah 9:123 to justify slaughtering disbelievers in offensive Jihad.\textsuperscript{203}

The Order for Jihad against the Disbelievers, the Closest, then the Farthest Areas

Allah commands the believers to fight the disbelievers, the closest in area to the Islamic state, then the farthest. This is why the Messenger of Allah started fighting the idolators in the Arabian Peninsula. When he finished with them and Allah gave him control over Makkah, Al-Madinah, At-Ta’if, Yemen, Yamamah, Hajr, Khaybar, Hadramawt and other Arab provinces, and the various Arab tribes entered Islam in large crowds, he then started fighting the People of the Scriptures …\textsuperscript{204}

\begin{flushleft}
199 [The youths said to one another], "And when you have withdrawn from them and that which they worship other than Allah, retreat to the cave. Your Lord will spread out for you of His mercy and will prepare for you from your affair facility."

200 And I will leave you and those you invoke other than Allah and will invoke my Lord. I expect that I will not be in invocation to my Lord unhappy."

201 And when the sacred months have passed, then kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they should repent, establish prayer, and give zakah, let them [go] on their way. Indeed, Allah is Forgiving and Merciful.

202 O you who have believed, fight those adjacent to you of the disbelievers and let them find in you harshness. And know that Allah is with the righteous.


204 Ibn Kathir, The Order for Jihad against the Disbelievers, the Closest, then the
The above quote is not the totality of Ibn Kathir’s commentary on this verse. The link to view his entire commentary is referenced below.

The document, *The Ruling on Jihad and its Divisions* written by Sheikh Yusuf al-Uyaari also promotes offensive jihad and justifies it by citing *Sahih Al-Bulkari* Volume 1, Book 2, Number 24,\(^{205}\) *Sahih Muslim* Book 19, Hadith 4294 amongst other *tafsir* sources.\(^{206}\)

Shaykh Abu Mas'ud Al-Awlaki wrote an article in Al-Qaeda’s Magazine, *Inspire Magazine* titled, ‘Why Did I Choose Al Qaeda?’.\(^{207}\) In this article, Al-Awlaki cites from Sheikh An-Nadhāry’s book, *The Word of Tawheed* to promulgate that Muslims are commanded to perform offensive *jihad*. Sheikh An-Nadhāry specifies conditions that should be fulfilled by Muslims. One condition involves protecting one's blood in *dunyā* (the life of this world). That is, a Muslim is commanded to slay the unbelievers unless the unbelievers meet one of the conditions. Al-Awlaki declares that in order for the victim’s life to be spared they must verbally pronounce and


\(^{205}\) Narrated by Ibn 'Umar: Allah's Apostle said: "I have been ordered (by Allah) to fight against the people until they testify that none has the right to be worshipped but Allah and that Muhammad is Allah's Apostle, and offer the prayers perfectly and give the obligatory charity, so if they perform a that, then they save their lives an property from me except for Islamic laws and then their reckoning (accounts) will be done by Allah."


acknowledge the shahada. To justify this practise, Al-Awlaki quotes from Sunan Ibn Majah; one of the sources mentioned above.\textsuperscript{208} Al-Awlaki writes:

Conditions for protecting one's blood in dunya:

There are only two conditions:

1) The verbal pronouncement and acknowledgment of "lā ilāha illallāh, Muhammadur rasūlillāh" (There is none that has the right to be worshiped except Allāh and Muhammad is His Messenger.) Those who are unable to speak are exceptional in this condition. [Quoting from Sunan Ibn Majah Vol. 1, Book 1, Hadith 71 – 72] It was reported by Abūhurairah - radhiallāhu 'anh, that the Messenger of Allāh صلى الله عليه وسلم said: "I have been commanded to fight the people until they say "lā ilāha illallāh". Whoever says "lā ilāha illallāh" his wealth and his life are protected from me except for a right that is due, and his reckoning will be with Allāh."

Al-Awlaki also cites from the work of Sheikh Ahmad Ibn Taymiyyah (1263 - 1328 AD),\textsuperscript{210} medieval Muslim theologian\textsuperscript{211} titled, Majmoo'al-Fatawa of

\begin{itemize}
\item \textsuperscript{208} Shaykh Abu Mas'ud Al-Awlaki, ‘Why Did I Choose Al Quaeda?’ in Inspire Magazine (2014) 1435(12) 34.
\item \textsuperscript{209} Sunan Ibn Majah Vol. 1, Book 1, Hadith 71 – 72
\item \textsuperscript{211} G. Carbonnier, International Development Policy: Religion and Development (Springer, 2016) 132. See also; Hamid Dabashi, Islamic Liberation Theology: Resisting the Empire (Routledge, 2008) 40 and Muhammad M. Yunis Ali, Medieval Islamic Pragmatics: Sunni Legal Theorists' Models of Textual Communication (Routledge, 2013) 87.
\end{itemize}
late Scholar Ibn. Bazz.

Al-Awlaki argues that the Hadiths and the Quran dictate that Muslims who love Allah are required to be jealous and angry for Allah’s sake. Al-Awlaki declares that although many Muslim forbid offensive jihad in the way of Allah, this is required both in the Quran and the Haddiths:

Many who claim to love Allāh, are far from following Sunnah, enjoining good and forbidding evil and Jihād in the Way of Allāh. They claim that this way is more complete than other ways. They claim that loving Allāh does not require jealousy nor anger for the Sake of Allāh.212 This contradicts the method of the Qurān and Sunnah.213

Al-Awlaki dictates that if a Muslim loves Allah, it is necessary that they hate and show hostility to His enemies:

A heart filled with the Love of Allāh and His Messenger, requires allying with His allies, and showing hostility towards His enemies.214

Al-Awlaki cites from Surah 8:22 and Surah 5:81 to justify the proposition that Muslims should not befriend disbelievers. Thus, justifying his position that the Quran commands Muslims to hate and demonstrate hostility towards the disbelievers.

﴾You (O Muhammad) will not find any people who believe in Allāh and the Last
Day, making friendship with those who oppose Allāh and His Messenger (Muhammad), even though they were their fathers or their sons or their brothers or their kindred) [Surah 8:22]

﴾And had they believe in Allāh, and in the Prophet (Muhammad) and in what has been revealed to him, never would they have taken them (the disbelievers) as Auliyaa (allies)﴾ [Surah 5:81]

Therefore, this correlation is a necessity.\(^{215}\)

The rationale behind quoting radical Muslims is to demonstrate and outline the sources from which they use to justify their views on offensive \textit{jihad}. Just as the Nazis justified their views by appealing to a superior, radical Muslims also use the same justification as prescribed in the Quran and Hadiths.

Muhannad J. S., also writing in Al-Quaeda’s magazine,\(^{216}\) reflects upon a conversation he had with Al-Qaeda in the Arabian Peninsula's military commander, Sheikh Qasim al-Raymi,\(^{217}\) on the ongoing conflict between the \textit{Mujahideen} and America. \textit{Muhannad} comments that he had asked Sheikh Qasim al-Raymi, "Why do you think the Americans fear \textit{Jihād} and \textit{Mujahideen} that much?"\(^{218}\)

Sheikh Ar-Reimy responded by declaring that those who fight in \textit{jihad}


(Mujahideen) are following the way of Muhammad. In justification of his view, Sheikh al-Raymi cites from Sahih Al-Bukhari.

Because the Mujahideen follow the manhaj of the Prophet Muhammad … who said, [Citing from Sahih Al-Bukhari] "Allah made me victorious by terror (by His frightening my enemies) for a distance of one month's journey." Therefore, any Muslim following the way of the Prophet … will be feared by the enemies of Islam. [Emphasis Mine]

Sahih Al-Bukhari\textsuperscript{220} is not the only Hadith that reports Muhammad declaring that “Allah made me victorious by terror”. This assertion is also found in Sahih Muslim.\textsuperscript{221}

The Qur'an also presents the theme of striking terror to the unbelievers, as seen in Surah 3:151:

> We will cast terror into the hearts of those who disbelieve for what they have associated with Allah of which He had not sent down [any] authority. And their refuge will be the Fire, and wretched is the residence of the wrongdoers.

This theme is also depicted in Surah 8:12-13,\textsuperscript{222} 8:59-60,\textsuperscript{223} 33:26\textsuperscript{224} and

\textsuperscript{219} Sahih Al-Bukhari Volume 1, Book 7, Number 331. Sahih Al-Bukhari Volume 1, Book 8, Number 429 also reflects the same principle: Narrated by Jabir bin 'Abdullah

Allah's Apostle said, "I have been given five things which were not given to any amongst the Prophets before me. These are: 1. Allah made me victorious by awe (by His frightening my enemies) for a distance of one month's journey…

\textsuperscript{220} Other citations from this Hadith that present this theme can be found in Sahih Al-Bukhari, Volume 4, Book 52, Number 220.

\textsuperscript{221} Sahih Muslim Book 004, Number 1062, 1063, 1066, 1067

\textsuperscript{222} 12 [Remember] when your Lord inspired to the angels, "I am with you, so strengthen those who have believed. I will cast terror into the hearts of those who disbelieved, so strike [them] upon the necks and strike from them every fingertip." 13 That is because they opposed Allah and His Messenger. And whoever opposes Allah and His Messenger - indeed, Allah is severe in penalty.

\textsuperscript{223} 59 And let not those who disbelieve think they will escape. Indeed, they will not cause
Sheikh Yusuf al-Uyaari agrees with Sheikh al-Raymi that Muslims ought to participate in offensive *jihad*. Sheikh al-Uyaari quotes from Imam Surkhasi’s *tafsir*:

This type of Jihad (that of conquering) is a duty of sufficiency for if a group of people went out and accomplished what they aimed for, the duty is removed from the others. The purpose of Offensive Jihad’s is to break the back of the *Mushrikeen* and give honour to the *Deen* [religion of Islam]. For if it was made an individual obligation at all times and for everyone then it would violate its very subject matter. The rationale of Jihad is to give safety and security for the Muslims such that they may establish their interests both religious and material. If all the people were busied with Jihad then there would be no time for them to establish their material interests.

The prime definition of *Mushrikeen* is as described by the jihadist ideologue, Abu Ahmad Abd Al-Rahman Al-Masri in his discourse, ‘Stance on the Positions regarding Expelling the *Mushrikeen* from the Arab...
Peninsula’.

What is the intention with the mushrikeen? They are not Muslims. That is what the Prophet ... said just as 'Umar ... bequeathed: 'To expel the Jews and Christians from the Arab Peninsula until only Muslims are there! (Sahih Muslim 3313; Sahih Abu Dawud 2635; Sahih Al-Tirmidhi 1532). And likewise what he said in the hadith of 'A'isha ... "Do not permit two religions on the Arab Peninsula" (Ahmed 25148; Al-Tabari fi l-awsat 1116).

As mentioned earlier, Muhammad claimed that greatest form of jihad is when a man's blood is shed and horse is wounded. Muhammad further declared that in order to perform jihad in Allah’s cause, one must fight that Islam is superior namely; one must fight for the spread of Islam. Therefore, according to Muhammad; the greatest form of jihad occurs when one spills blood in order to spread Islam.

*Sahih Al-Bukhari* further proclaims that if a Muslim helps another Muslim perform jihad in the spread of Islam, they too receive the reward equal to that of the ghazi (fighter).

Narrated by Zaid bin Khalid

Allah's Apostle said, " He who prepares a ghazi (fighter) going in Allah's Cause is given a reward equal to that of a ghazi; and he who looks after properly the dependents of a ghazi going in Allah's Cause is (given a reward equal to that of) ghazi".

In fact, Muhammad declared that he would love to fight in Allah’s cause

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229 Sahih Bukhari Volume 4, Book 52, Number 96.
and then get martyred and then resurrected and then get martyred again. This is found in numerous places in *Sahih Al-Bukhari*. For example, *Sahih Al-Bukhari* Vol. 9, Book 90, Hadith 333 states:

Narrated Al-A'raj:

Abu Huraira said, Allah's Messenger (ﷺ) said, "By Him in Whose Hand my life is, I would love to fight in Allah's Cause and then get martyred and then resurrected (come to life) and then get martyred and then resurrected (come to life) and then get martyred, and then resurrected (come to life) and then get martyred and then resurrected (come to life)." Abu Huraira used to repeat those words three times and I testify to it with Allah's Oath.

This principle is also repeated in *Sahih Al-Bukhari* Vol. 9, Book 90, Hadith 332\(^{230}\) and Vol. 4, Book 52, Hadith 54.\(^{231}\)

Whilst one could, for the sake of argument, concede that Muhammad ordered the slaughter of non-Muslims, what about Muslims? It has been recorded that ISIS have also slaughtered Muslims too.\(^{232}\) If they are

\(^{230}\) Narrated Abu Huraira:

I heard Allah's Messenger (ﷺ) saying, "By Him in Whose Hands my life is! Were it not for some men who dislike to be left behind and for whom I do not have means of conveyance, I would not stay away (from any Holy Battle). I would love to be martyred in Allah's Cause and come to life and then get, martyred and then come to life and then get martyred and then get resurrected and then get martyred.

\(^{231}\) Narrated Abu Huraira:

The Prophet (ﷺ) said, "By Him in Whose Hands my life is! Were it not for some men amongst the believers who dislike to be left behind me and whom I cannot provide with means of conveyance, I would certainly never remain behind any Sariya' (army-unit) setting out in Allah's Cause. By Him in Whose Hands my life is! I would love to be martyred in Allah's Cause and then get resurrected and then get martyred, and then get resurrected again and then get martyred and then get resurrected again and then get martyred.

\(^{232}\) Mohammad Fawzi, *Jewish-Christian 2000 Years War Against Jesus Christ* (Xlibris Corporation, 2014) 12. See also; Emma Spiro and Yong-Yeol Ahn, *Social Informatics*
Muslim, why are they killed?

We read in Surah 9:73:

Prophet, fight against the disbelievers and the hypocrites and be harsh upon them. And their refuge is Hell, and wretched is the destination.

In this Surah, there are two different groups that should be fought; the disbelievers and the hypocrites. A disbeliever is self-explanatory however, in order to understand who a hypocrite is, one must turn to the Hadiths and tafsirs for its meaning.

For the purposes of this article, one type of hypocrite will only be assessed and that is, a Muslim who does not express the desire to fight in jihad in the way of Allah. This definition of a hypocrite is expressed in Sahih Muslim 20:4696:

It has been narrated on the authority of Abu Huraira that the Messenger of said:
One who died but did not fight in the way of Allah nor did he express any desire (or determination) for Jihad died the death of a hypocrite…

Other Hadiths also express this idea. Therefore, one reason for extremist who attack innocent Muslims is because they view them as hypocrites and are thus, as ordered by Surah 9:73; justified in killing them.

Those who completely disagree that Islam promotes offensive jihad are swift to quote, in part – Surah 5:32:


233 Sahih Muslim 20:4696.
234 Sunan an-Nasa’i Vol. 1, Book 25, Hadith 3099; Sunan Abu Dawud Book 14, Hadith 2496 and Sahih Muslim Book 12 Hadith 1341.

235 O Prophet, fight against the disbelievers and the hypocrites and be harsh upon them. And their refuge is Hell, and wretched is the destination.
… whoever kills a soul unless for a soul or for corruption [done] (Mischief) in the land - it is as if he had slain mankind entirely. And whoever saves one - it is as if he had saved mankind entirely. And our messengers had certainly come to them with clear proofs. Then indeed many of them, [even] after that, throughout the land, were transgressors.

However, many fail to quote the phrase that precedes; “whoever kills a soul unless for a soul” and that is “Because of that, We decreed upon the Children of Israel” thus reading as Because of that, We decreed upon the Children of Israel that whoever kills a soul unless for a soul or for corruption [done] (Mischief) in the land …

Whilst one can make the argument that this verse is only applicable to the ‘Children of Israel’, this article will not provide an exegesis of this verse in order to prove either proposition. Rather, for the sake of argument; let’s assume that Surah 9:32 applies to Muslims. Before looking at this verse further, it is important to also read verse that comes after Surah 5:32. Surah 5:33 states:

33 Indeed, the penalty for those who wage war against Allah and His Messenger and strive upon earth [to cause] corruption (Mischief) is none but that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land. That is for them a disgrace in this world; and for them in the Hereafter is a great punishment

Surah 5:32 – 33 provides a justification for killing another human being. Namely, a person is justified in taking the life of another if the victim appeared to be spreading corruption (mischief) or waging war against Allah.

The punishment for these crimes is illustrated in Surah 5:33 that is, the
offender is either killed, their hands or feet are cut off or they are exiled.

The word ‘corruption’ or ‘mischief’ is the Arabic word fasad. Fasad in Qur’anic terminology, means creating disorder and corruption on earth by following a path other than God's.\textsuperscript{236}

Islam maintains that true peace and happiness emanate only through the observance of God's commands and through making a conscious effort to see that His laws alone are implemented in every sphere of life. Fasad occurs when man violates God's laws and disobeys Him. Fasad may therefore be partial as well as total partial when one disregards God's law in one aspect of life while acknowledging his sovereignty in other spheres. If a society is based on the denial of God, that society is bound to be a corrupt and exploitative society - hence, full of Fasad.\textsuperscript{237}

According to Ibn Kathir, fasad includes a variety of acts that constitute to mischief this includes disbelief and disobedience to Allah.\textsuperscript{238} This is demonstrated in his tafsir on Surah 2:11 – 12:\textsuperscript{239}

In his Tafsir, As-Suddi said that Ibn `Abbas and Ibn Mas`ud commented:

\begin{quote}
11 And when it is said to them, “Do not cause corruption on the earth,” they say, “We are but reformers.” 12 Unquestionably, it is they who are the corrupters, but they perceive [it] not.
\end{quote}
(And when it is said to them: "Do not make mischief on the earth", they say: "We are only peacemakers"). They are the hypocrites. As for, ("Do not make mischief on the earth"), that is disbelief and acts of disobedience. Abu Ja`far said that Ar-Rabi` bin Anas said that Abu Al-`Aliyah said that Allah's statement,

(And when it is said to them: "Do not make mischief on the earth"), means, "Do not commit acts of disobedience on the earth. Their mischief is disobeying Allah, because whoever disobeys Allah on the earth, or commands that Allah be disobeyed, he has committed mischief on the earth.

Peace on both the earth and in the heavens is ensured (and earned) through obedience (to Allah). Ar-Rabi` bin Anas and Qatadah said similarly.240

One can also perform fasad if they support those who deny Allah, His Books and His Messengers.

They give as much aid as they can, against Allah's loyal friends, and support those who deny Allah, His Books and His Messengers. This is how the hypocrites commit mischief on earth, while thinking that they are doing righteous work on earth’.241

_Fasad_ is also performed if a Muslim takes the disbelievers as friends.

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The statement by Ibn Jarir is true, taking the disbelievers as friends is one of the categories of mischief on the earth. Allah said [quoting Surah 8:73, 4:144242 and 4:145243] Since the outward appearance of the hypocrite displays belief, he confuses the true believers. Hence, the deceitful behavior of the hypocrites is an act of mischief, because they deceive the believers by claiming what they do not believe in, and because they give support and loyalty to the disbelievers against the believers.245 [Emphasis mine].

In sum, fasad is performed if one disbelieves in Allah, disobeys Allah, supports those who deny Allah, His books and His Messengers and if a Muslim befriends disbelievers. It is upon these grounds that justify radical Muslims to attack their own kind. In fact, Sunan Abu Dawud declares that punishment for Mischief under Islam applies to Muslim and non-Muslims alike and that Muslims too can perform mischief.

Narrated Abdullah ibn Abbas:

The verse [referring to Surah 5:33] "The punishment of those who wage war against Allah and His Apostle, and strive with might and main for mischief through the land is execution, or crucifixion, or the cutting off of hands and feet from opposite side or exile from the land...most merciful" was revealed about polytheists. If any of them repents before they are arrested, it does not prevent

242 And those who disbelieved are allies of one another. If you do not do so, there will be fitnah on earth and great corruption.

243 O you who have believed, do not take the disbelievers as allies instead of the believers. Do you wish to give Allah against yourselves a clear case?

244 Indeed, the hypocrites will be in the lowest depths of the Fire - and never will you find for them a helper.

from inflicting on him the prescribed punishment, which he deserves. [Emphasis Mine].

Sahih Bukhari, and Sahih Muslim, also declares that Muslims can perform fasad.

Sunan Abi Dawud and Ibn Kathir’s tafsir, “The Punishment of Those Who Cause Mischief in the Land” confirms the penalty for fasad is execution or crucifixion.

As mentioned earlier, not only are individuals justified in taking the life of another if they one whom they slayed caused fasad; but they are also justified if the victim is waging war against Allah. Commenting on Surah 5:32, Ibn Kathir expounds upon what it means to ‘wage war’:

’Wage war' mentioned here means, [to] oppose and contradict, and it includes disbelief, blocking roads and spreading fear in the fairways. Mischief in the land refers to various types of evil.

In conclusion, the Quran allows the killing or execution of individual who

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246 Sunan Abu Dawud Book 38 Number 4359. See also; Book 14 and Number 2509.
247 Volume 4, Book 52, Number 45.
248 Volume 5 Book 20 Numbers 4652 – 4653; Volume 1 Book 1 Numbers 149 and Volume 1 Book 4 Number 890.
249 Sunan Abi Dawud Book 39, Hadith 4357.
either commit mischief (*fasad*) or wage war against Allah. Since Muslims too can be guilty of such crimes, if the radical Muslim believes that the Muslim victim had disobeyed Allah by committing either of those two crimes; they are justified in taking their life.

(iii) *Surah 9: The Verse of the Sword*

Surah 9, the verse of the Sword; is under much contention between radical Muslims and moderate Muslims given the explicit language used. The radical perspective reads this verse within the context of offensive *jihad* whilst the moderate Muslims reads this verse in the contest of defensive *jihad*. This article will present the radical interpretation of this verse and how they justify their hermeneutic.

This article will not posit the entirety of Surah 9. However, I urge the audience to take the time to read the chapter to have a proper understanding of this Surah. This article will focus on the following passages from Surah 9:

(i) *Surah 9:5:*

And when the sacred months have passed, then kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they should repent, establish prayer, and give zakah, let them [go] on their way. Indeed, Allah is Forgiving and Merciful.

(ii) *Surah 9:29 – 30:*

Fight those who do not believe in Allah or in the Last Day and who do not consider unlawful what Allah and His Messenger have made unlawful and who do not adopt the religion of truth from those who were given the Scripture [Jews and

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252 Surah 9 can be read here - https://quran.com/9.
Christians]* - [fight] until they give the jizyah willingly while they are humbled. 30 The Jews say, "Ezra is the son of Allah "; and the Christians say, "The Messiah is the son of Allah ." That is their statement from their mouths; they imitate the saying of those who disbelieved [before them]. May Allah destroy them; how are they deluded? [* Emphasis Mine]

(iii) Surah 9:111. Note: Allah defines ‘believers’ as those who kill and are killed.

Indeed, Allah has purchased from the believers their lives and their properties [in exchange] for that they will have Paradise. They fight in the cause of Allah , so they kill and are killed. [It is] a true promise [binding] upon Him in the Torah and the Gospel and the Qur'an. And who is truer to his covenant than Allah ? So rejoice in your transaction which you have contracted. And it is that which is the great attainment.

To properly interpret a passage of scripture, it is important to understand its historical context.\(^{253}\) In order to do so, this article will assess the earliest biography of Muhammad written by Ibn Ishaq, Sirat Rasul Allah. The context of Surah 9 is detailed in pages 617 – 619\(^{254}\) of Ibn Ishaq’s biography. A summary of the historical context of Surah 9 is as follows.

At the time Surah 9 was written, there was an agreement between Polytheists, the Arab tribes and Muhammad. During the sacred months, there was a truce agreement between the parties. However, after the sacred


months had ended, the truce treaty was revoked. In order to nullify the truce treaty, Allah revealed Surah 9:1 as a discharge.

**Surah 9:1**

[This is a declaration of] disassociation, from Allah and His Messenger, to those with whom you had made a treaty among the polytheists.

After the discharge was revealed, Muhammad gave orders to fight the polytheists who had broken the special agreement as well as those who had a general agreement after the four months which had been given them as a fixed time, save that if any one of them showed hostility he should be killed for it.255 Ibn Ishaq notes:

No unbeliever shall enter Paradise, and no polytheist shall make pilgrimage after this year, and no naked person shall circumambulate the temple. He who has an agreement with the apostle has it for his appointed time (only).256

This narrative is also presented in *Sahih Al Bukhari* Volume 1, Book 8, Number 365:

On the Day of Nahr (10th of Dhul-Hijja, in the year prior to the last Hajj of the Prophet when Abu Bakr was the leader of the pilgrims in that Hajj) Abu Bakr sent me along with other announcers to Mina to make a public announcement: "No pagan is allowed to perform Hajj after this year and no naked person is allowed to perform the Tawaf around the Ka`ba. Then Allah's Apostle sent `All to read out the Surat Bara'a (At-Tauba) to the people; so he made the announcement along with us on the day of Nahr in Mina: "No pagan is allowed to perform Hajj after this year and no naked person is allowed to perform the Tawaf around the Ka`ba."

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Ibn Sa’ds biography of Muhammad, *Kitab al-Tabaqat al-Kabir* only contains a small section related to the event of 9:5:

Then (occurred) the Pilgrimage of Abu Bakr al-Siddiq with the people in Dhu al-Hijjah of the ninth year from the hijrah of the Apostle of Allah.

They (narrators) said: The Apostle of Allah appointed Abu Bakr al-Siddiq to be in charge of the hajj. He set out with three hundred persons from al-Madina.

Thereupon Abu Bakr said to him: Has the Apostle of Allah given you charge of the pilgrimage? He said: No, But he has sent me to read to the people “Freedom from obligation” and the dissolution agreements of all parties. Then Abu Bakr proceeded and performed Hajj with the people. Ali Ibn Abi Talib read to the people: "Freedom from obligations," on the day of sacrifice, near al-Jamrah, and revoked the covenant of every party; and he said: After this year no polytheists will make a pilgrimage nor a naked person will circumambulate (the Ka’bah).  


Whosoever hath a treaty with the Prophet, it shall be respected till its termination. Four months are permitted to every tribe to return to their territories in security. After that the obligation of the Prophet ceaseth.

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Notable Islamic scholar, Ibn Kathir; also proclaimed that all the peace treaties were abrogated by Surah 9.

The verse of the Sword ‘abrogated every agreement of peace between the Prophet and any idolater, every treaty, and every term.\textsuperscript{260}

Ibn Juzayy, another world renowned Islamic scholar\textsuperscript{261} states re-iterated the effects of Surah 9, “abrogating every peace treaty in the Qur’an”.\textsuperscript{262}

In summary, the historical context of Surah 9 demonstrates that Muhammad was the aggressor as per Surah 9:2 – 3; 5:

So travel freely, [O disbelievers], throughout the land [during] four months but know that you cannot cause failure to Allah and that Allah will disgrace the disbelievers. 3 And [it is] an announcement from Allah and His Messenger to the people on the day of the greater pilgrimage that Allah is disassociated from the disbelievers, and [so is] His Messenger. So if you repent, that is best for you; but if you turn away - then know that you will not cause failure to Allah . And give tidings to those who disbelieve of a painful punishment. … 5 And when the sacred months have passed, then kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they should repent, establish prayer, and give zakah, let them [go] on their way. Indeed, Allah is Forgiving and Merciful.

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Muhammad instructed his followed to defend themselves if they were attacked but they were also commanded to attack all Pagans once the sacred months were completed. Muhammad was a truce breaker. The Pagans did not break all the truces. Instead, Muhammad claimed that God gave him a ‘revelation’ allowing him to lie and break his word, i.e. the truces as recorded in Surah 9:1. Finally, Muhammad compelled people to convert to Islam as mentioned in Surah 9:5 and as revealed through other notable hadiths previously mentioned in this article. Therefore, even though peace treaties existed between the Muslims, Polytheists and Arab tribes; Muhammad commanded that they be dissolved.263

The law of abrogation is another very important doctrine in order to understand how Surah 9, not only abrogated the peace treaties between Muslims and other parties; but also the abrogation of other peaceful verse of the Quran such as Surah 2:256:

There shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong. So whoever disbelieves in Taghut and believes in Allah has grasped the most trustworthy handhold with no break in it. And Allah is Hearing and Knowing.

However, before we understand how the law of abrogation affects Quranic exegesis and in particular, how the reading contextual reading of Surah 9 is affected; it is crucial to understand what the law of abrogation is in relation to Quranic exegesis.

The term ‘abrogation’ is the Arabic word, *naskh* which means to ‘repeal’.264


264 Jane Dammen McAuliffe, *The Cambridge Companion to the Qur’ân* (Cambridge
Mahmoud M. Ayoub explains how the law of abrogation aids in Quranic exegesis:

What we [that is, God] abrogate regarding the precept of a verse which we change, or for which we substitute another, so that what is lawful may become unlawful and what is unlawful may become lawful; what is permitted may become prohibited and what is prohibited may become permitted.\(^{265}\)

Ibn Kathir explains, “This [abrogation] also involves changing the permissible to prohibited and vice versa”.\(^{266}\) Medieval Islamic scholar, Mahmud Al-Zamakhshari\(^{267}\) (d. 1143 AD)\(^{268}\) dictates, “To abrogate a verse means that God removes \((\text{azala})\) it by putting another in its place”.

There is much disagreement as to the precise nature of abrogation. As
demonstrated by Muslim scholar Ahmad Von Denffer.\textsuperscript{269}

According to some scholars the Qur’an abrogates only the Qur’an. They base their view on Surah 2:106 and 16:101. According to them the Qur’an does not abrogate the Sunna nor does the Sunna abrogate the Qur’an. This is, in particular, the view held by Shafi‘i [one of the four schools of Islamic law in Sunni Islam]. Others are of the opinion that the Qur’an may abrogate the Qur’an as well as the Sunna [Hadiths]. They base their view on Surah 53:3-4. There is also the view that there are four classes of naskh: 1 Qur’an abrogates Qur’an. 2 Qur’an abrogates Sunna. 3 Sunna abrogates Qur’an. 4 Sunna abrogates Sunna.\textsuperscript{270}

The point of this article is not to assess which particular view of abrogation is correct but rather, to demonstrate the existence of abrogation in regards to Quranic exegesis. In other words, a verse that is revealed later in time abrogates any preceding verse that seems to contradict it.

The law of abrogation is also present in the Quran as per Surah 2:106:

> We do not abrogate a verse or cause it to be forgotten except that we bring forth [one] better than it or similar to it. Do you not know that Allah is over all things competent?

This is also evident in Surah 16:101\textsuperscript{271} and Surah 13:39.\textsuperscript{272}


\textsuperscript{270} Ahmad Von Denffer, \textit{Ullum al Qur’an: An Introduction to the Sciences of the Qur’an} (Kube Publishing Ltd, 2015) 82.

\textsuperscript{271} And when We substitute a verse in place of a verse - and Allah is most knowing of what He sends down - they say, "You, [O Muhammad], are but an inventor [of lies]." But most of them do not know.

\textsuperscript{272} Allah eliminates what He wills or confirms, and with Him is the Mother of the Book.
Ibn Kathir, commenting of Surah 2:106; confirms the use of abrogation in Quranic exegesis, “… Ibn Abi Najih said that Mujahid said that: "We keep the words, but change the meaning” …”

Other *tafsirs* that also agree with Ibn Kathirs rendering of Surah 2:106 are Tafsir Al-Jalalain and Tafsir Maariful. Helmut Gätje quotes from the *tafsirs* of Zamakhshari and Baidawi. Mahmoud M. Ayoub further provides commentaries from other various scholars.

Surah 9 is central to the topic of the law of abrogation because it was received in 631 AD, one year before Muhammad’s death. Due to its late revelation, the law of abrogation claims that verses that are revealed latter nullify verses that derived previously.

Regarding how abrogation should be used when interpreting Surah 9, Ibn

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Kathir, commentating on Surah 9:5,\textsuperscript{279} states:

This honorable Ayah (9:5) was called the Ayah of the Sword, about which Ad-Dahhak bin Muzahim said, "It abrogated every agreement of peace between the Prophet and any idolater, every treaty, and every term".\textsuperscript{280}

In Ibn Kathir's commentary of Surah 9:5, he asserts that Abu Bakr used this verse to fight those who refrained from paying the zakat and embraced Islam.\textsuperscript{281}

Dr. Muhammad Taqi-ud Din Al-Hilali and Dr. Muhammad Muhsin Khan’s, \textit{Holy Quran Translation in English} states that Surah 9:29 abrogates Surah 2:109, “(V. 2:109) The provision of this verse has been abrogated by the (V. 9:29)” whilst citing the Tafsir of At-Tabari for their justification.\textsuperscript{282}

Surah 2:109 reads:

Many of the People of the Scripture wish they could turn you back to disbelief after you have believed, out of envy from themselves [even] after the truth has become clear to them. So pardon and overlook until Allah delivers His command. Indeed, Allah is over all things competent.

This command has been abrogated therefore, Muslims must now follow the command of Surah 9:29:

\begin{quote}
\textit{279 And when the sacred months have passed, then kill the polytheists wherever you find them and capture them and besiege them and sit in wait for them at every place of ambush. But if they should repent, establish prayer, and give zakah, let them [go] on their way. Indeed, Allah is Forgiving and Merciful.}
\end{quote}


\textsuperscript{282} Dr. Muhammad Taqi-ud Din Al-Hilali and Dr. Muhammad Muhsin Khan’s, \textit{Holy Quran Translation in English} (King Fahd Complex For the Printing of the Holy Qur’an, Madinah, K.S.A.) 21.
Fight those who do not believe in Allah or in the Last Day and who do not consider unlawful what Allah and His Messenger have made unlawful and who do not adopt the religion of truth from those who were given the Scripture - [fight] until they give the jizyah willingly while they are humbled.

Dr Muhammad Taqi-ud Din Al-Hilali and Dr. Muhammad Muhsin Khan’s further specify that Surah 9:36 abrogates Surah 2:217 and Surah 45:14, “(V. 2:217) The provision of this verse has been abrogated by Surah 9:36. Jihad cf., (V. 2:216)”

Surah 2:217

They ask you about the sacred month - about fighting therein. Say, "Fighting therein is great [sin], but averting [people] from the way of Allah and disbelief in Him and [preventing access to] al-Masjid al-Haram and the expulsion of its people therefrom are greater [evil] in the sight of Allah. And fitnah is greater than killing." And they will continue to fight you until they turn you back from your religion if they are able. And whoever of you reverts from his religion [to disbelief] and dies while he is a disbeliever - for those, their deeds have become worthless in this world and the Hereafter, and those are the companions of the Fire, they will abide therein eternally.

Surah 45:14

Say, [O Muhammad], to those who have believed that they [should] forgive those who expect not the days of Allah so that He may recompense a people for what they used to earn.

With Surah 2:217 and 45:14 abrogated, Surah 9:36 is now commanded to

283 Page 677 declares that Surah 45:14 has been abrogated. Dr. Muhammad Taqi-ud Din Al-Hilali and Dr. Muhammad Muhsin Khan’s, Holy Quran Translation in English (King Fahd Complex For the Printing of the Holy Qur’an, Madinah, K.S.A.) (fn. 2, 46; see also fn. 1, 677).
be followed:

Indeed, the number of months with Allah is twelve [lunar] months in the register of Allah [from] the day He created the heavens and the earth; of these, four are sacred. That is the correct religion, so do not wrong yourselves during them. And fight against the disbelievers collectively as they fight against you collectively. And know that Allah is with the righteous [who fear Him].

Dr Muhammad Muhsin Khan,\(^{284}\) commenting on the impact that abrogation has upon Quranic exegesis of Surah 9; declares:

So, at first aggressive fighting was forbidden; it later became permissible (Surah 2:190)\(^{285}\) and subsequently obligatory (Surah 9:5). “This "verse of the sword" [Surah 9] abrogated, cancelled, and replaced 124 verses that called for tolerance, compassion, and peace. [Emphasis mine]\(^{286}\)

One may argue that Muhammad never performed or ordered the performance of offensive \textit{jihad} but only defence \textit{jihad}. Thus, rendering any interpretation of Surah 9 to be evidence of offensive \textit{jihad}; false. However, as mentioned earlier, Muhammad declared that anyone who leaves Islam should be killed. Ibn Ishaq records Muhammad’s invasion of Mecca declaring that Muhammad ordered his followers to attack those who resisted them. It is not clear what exactly signifies as ‘resisting’ however, due to this terms ambiguity, it would be superfluous to claim that this is proof of defensive \textit{jihad}. To resist could simply mean to refuse to submit

\(^{284}\) translator of the Sahih Al-Bukhari and the Quran into English.

\(^{285}\) Fight in the way of Allah those who fight you but do not transgress. Indeed. Allah does not like transgressors.

ones will to the will of Muhammad’s companions. In fact, a greater case could be made that this was a command for offensive jihad given that one may refuse to convert to the will of the Muslim combatants to convert to Islam thus, consequently suffering the penalty of death. Nonetheless, Muhammad also commanded his followers to kill a certain group of individuals even if they did not demonstrate any resistance. Ibn Ishaq does not specify why these individuals were ordered to be slain, except for one individual; Abdullah Sa'd, for leaving Islam.

The apostle had instructed his commanders when they entered Mecca only to fight those who resisted them, except a small number who were to be killed even if they were found beneath the curtains of the Kaba. Among them was Abdullah Sa'd, brother of the B. Amir Luayy.

The reason he ordered him to be killed was that he had been a Muslim and used to write down revelation; then he apostatized …

This article has provided the sources that justify those who adhere to extremist Islamic ideologies and those who support and promulgated the Nazi movement. The sources utilised by both parties both shared the common theme, they were viewed as authoritative because they were either supported by their superior, or these sources expressed the command of their superior. The following section will demonstrate the corresponding similarities between the philosophy of the Nazi movement and the radical Islamic movement and the common justification for both.

IV THE ‘SUPERIOR ORDERS DEFENCE:
THE COMMON DENOMINATOR

This article has demonstrated that, in the view of radical Islam, Allah and Muhammad command them to act in a specified manner. The imperative given by their superiors justifies their actions. Likewise, the Nazi leaders too argue that the reason they performed the actions they did was simply because they were following the orders of their superior. To the Nazis their superior was Adolf Hitler, to radical Islamic militants, Allah and Muhammad.

Both parties make decisions in accordance with the framework of their own legal system. The Nazi fascist ideology was influenced by the philosophy of legal positivism whilst incorporating a distorted version of Friedrich Nietzsche’s philosophy. Radical Islam on the other hand, derives the source of their ideology from the Quran, Hadiths and tafsirs which are expounded within some of the earliest biographies of Muhammad.

In sum, both the Nazi leaders and radical Islamic combatants utilise the superior orders defence. Though the ‘superior’ to whom they are subject to is distinguishable on a metaphysical level, the ratio nonetheless remains quite similar.

288 Radical Islam and ‘normal’ Islam, however, present Muhammad in a different light.