

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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LL.B., Grad. Dip. Legal Practice and LL.M., Adjunct Lecturer in Law, The University of Notre Dame Australia (Sydney).

1 Wolfgang Merkel and Sonja Grimm, *War and Democratization: Legality, Legitimacy and Effectiveness* (Routledge, 2013) 122. See also; Hasia Dinerm, *We Remember with Reverence and Love: American Jews and the Myth of Silence After the Holocaust, 1945-1962* (NYU Press, 2009) 232; J. Martin Rochester, *Between Peril and Promise: The Politics of International Law* (CQ Press, 2011) 115 and Michael Robert Marrus, *The End of the Holocaust* (Walter de Gruyter, 1989) 583.

2 Nicholas Doman, 'The Nuremberg Trials Revisited' (1961) 47 *American Bar Association Journal* 263; John Kekes, *The Roots of Evil* (Cornell University Press, 2014) 91; Lawrence Raful, Herbert R. Reginbogin, and Christoph Safferling, *The Nuremberg Trials: International Criminal Law Since 1945: 60th Anniversary International Conference* (Walter de Gruyter, 2006) 33; John Rodden, *Walls That Remain: Eastern and Western Germans Since Reunification* (Routledge, 2016) 196; Guénaél Mettraux, *Perspectives on the Nuremberg Trial* (Oxford University Press, 2008) 527 and Hiromi Sato, *The Execution of Illegal Orders and International Criminal Responsibility* (Springer Science & Business Media, 2011) 149.

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)*⁵ 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.⁶ In comparison, the

Contemporary International Criminal Law (BRILL, 2008) 32; M. Cherif Bassiouni, *Crimes Against Humanity in International Criminal Law* (Martinus Nijhoff Publishers, 1999) 469; Norbert Ehrenfreund, *The Nuremberg Legacy: How the Nazi War Crimes Trials Changed the Course of History* (Palgrave Macmillan, 2007) 50; Richard Falk, 'Telford Taylor and the Legacy of Nuremberg' (1999) 37(3) *Columbian Journal of Transnational Law* 693 and Hugo Adam Bedau, *Making Mortal Choices: Three Exercises in Moral Casuistry* (Oxford University Press, 1997) 108.

4 Guénaél Mettraux, *Perspectives on the Nuremberg Trial* (Oxford University Press, 2008) 527. See also; Guenter Lewy, Prior Orders, 'Nuclear Warfare and the Dictates of Conscience: The Dilemma of Military Obedience in the Atomic Age' (1961) 55(1) *American Political Science Review* 6; Richard A. Falk, *The Vietnam War and International Law: The Widening Context* (Princeton University Press, 2015) vol 3 201; Albert Lulushi, *Donovan's Devils: OSS Commandos Behind Enemy Lines: Europe, World War II* (Skyhorse Publishing, Inc., 2016) 3; John C. Watkins and John Paul Weber, *War Crimes and War Crime Trials: From Leipzig to the ICC and Beyond: Cases, Materials and Comments* (Carolina Academic Press, 2006) 108 and Great Britain Parliament House of Lords, *The Parliamentary Debates (Hansard): Official Report* (H.M. Stationery Office, 1949) 28.

5 Jacqueline S. Ismael, Tareq Y. Ismael and Glenn Perry, *Government and Politics of the Contemporary Middle East: Continuity and Change* (Routledge, 2015) 591. See also; Annyssa Bellal, *The War Report: Armed Conflict in 2014* (Oxford University Press, 2016) 269; Joseph J. Hobbs, *Fundamentals of World Regional Geography* (Cengage Learning, 2016) 245 and Beth Bailey and Richard H. Immerman, *Understanding the U.S. Wars in Iraq and Afghanistan* (New York University Press, 2015) 15.

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’.⁷ 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

The Totalitarian Experiment in Twentieth Century Europe: Understanding the Poverty of Politics (Routledge, 2006) 150; Robert C. Holub, *Nietzsche's Jewish Problem: Between Anti-Semitism and Anti-Judaism* (Princeton University Press, 2015) 17 and Donald D. Wall, *Nazi Germany and World War II* (West Publishing Company, 1997) 6.

⁷ Maulana Muhammad Ali, *The Religion of Islam* (Ahmadiyya Anjuman Ishaat Islam Lahore USA, 2011) 1. See also; Bassam Tibi, *The Challenge of Fundamentalism: Political Islam and the New World Disorder* (University of California Press, 2002) 54; Ralph H. Salmi, Cesar Adib Majul and George Kilpatrick Tanham, *Islam and Conflict Resolution: Theories and Practices* (University Press of America, 1998) 22 and Jeff Morton, *Two Messiahs: The Jesus of Christianity and the Jesus of Islam* (InterVarsity Press, 2011) 3.

on the 22 May 2017.⁸ 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.⁹ One witness reported that the attackers shouted "This is for Allah" and stabbed customers with knives.¹⁰

8 Anne Summers, 'Manchester Bombing Was A Hate Crime Against Women and Girls', *The Sydney Morning Herald* (online), 26 May 2017 <<http://www.smh.com.au/comment/manchester-bombing-was-a-hate-crime-against-women-and-girls-20170525-gwdjxb.html>>. See also; Georgina Mitchell and Megan Levy, 'Live: 22 Killed, Including Children, in Manchester Arena Explosion After Concert', *The Sydney Morning Herald* (online), 24 May 2017 <<http://www.smh.com.au/world/fatalities-in-manchester-arena-explosion-after-ariana-grande-concert-20170522-gwatx7.html>> and Martin Evans et al., 'Everything We Know About Manchester Suicide Bomber Salman Abedi', *The Telegraph* (online), 26 May 2017 <<http://www.telegraph.co.uk/news/2017/05/26/everything-know-manchester-suicide-bomber-salman-abedi/>>.

9 Lee Hsien Loong, 'London Attacks: President Tony Tan, PM Lee Send Condolences to Queen Elizabeth, PM Theresa May', *The Straits Times* (online), 5 June 2017 <<http://www.straitstimes.com/singapore/london-attacks-president-tony-tan-pm-lee-send-condolences-to-queen-elizabeth-pm-theresa>>. See also; Steve Johnson, 'Police Scotland: No Specific Information That Scotland Is At Risk Of Attack', *ITV* (online), 4 June 2017 <<http://www.itv.com/news/border/update/2017-06-04/police-scotland-no-specific-information-that-scotland-is-at-risk-of-attack/>> ; News Desk, 'British Police Reveal Two of London Bridge Terrorist Attack Perpetrators', *Intelligencer Post* (online), 5 June 2017 <<http://www.intelligencerpost.com/british-police-reveal-two-london-bridge-terrorist-attack-perpetrators/>> and Angela Dewan, Ben Westcott and Holly Yan, 'London Bridge Attack: 2 of 3 Killers Identified', *CNN* (online) 5 June 2017 <<http://edition.cnn.com/2017/06/05/europe/london-terror-attack-raids/index.html>>.

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 secularism¹¹ and philosophical relativism as the inherit ideology,¹² 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.¹³

news/live/2017/jun/03/london-bridge-closed-after-serious-police-incident-live>.

11 Gannon Murphy, *American Theological Inquiry: A Biannual Journal of Theology, Culture, and History* (Wipf and Stock Publishers, 2014) vol 7(2) 50. See also; Dave MacQuarrie, *Acedia: The Darkness Within* (AuthorHouse, 2012) 174; Ann E. Towns, *Women and States: Norms and Hierarchies in International Society* (Cambridge University Press, 2010) 55; Jan van Lin, *Shaking the Fundamentals: Religious Plurality and Ecumenical Movement* (Rodopi, 2002) 86 and David H. Kamens, *Beyond the Nation-state: The Reconstruction of Nationhood and Citizenship* (Emerald Group Publishing, 2012) 241.

12 Mark P. Cosgrove, *Foundations of Christian Thought: Faith, Learning, and the Christian Worldview* (Kregel Academic, 2006) 82. See also; Donald G. Bloesch, *The Christian Witness in a Secular Age: An Evaluation of Nine Contemporary Theologians* (Wipf and Stock Publishers, 2002) 24; Émile Durkheim and W. S. F. Pickering, *Durkheim: Essays on Morals and Education* (Taylor & Francis, 2006) vol 1 116; Dom Alcuin Reid, *Sacred Liturgy: The Source and Summit of the Life and Mission of the Church* (Ignatius Press, 2014) 380; Dick Houtman, Stef Aupers and Willem de Koster, *Paradoxes of Individualization: Social Control and Social Conflict in Contemporary Modernity* (Ashgate Publishing Ltd., 2011) 144 and Ambrose Ih-Ren Mong, *Dialogue Derailed: Joseph Ratzinger's War against Pluralist Theology* (Wipf and Stock Publishers, 2014) 146.

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

Claudia Koonz, *The Nazi Conscience* (Harvard University Press, 2003) 7. See also; Wolfgang Bialas and Lothar Fritze, *Nazi Ideology and Ethics* (Cambridge Scholars Publishing, 2014) 368; Peter J. Haas, *Morality After Auschwitz: The Radical Challenge of the Nazi Ethic* (Wipf & Stock, 2014); J. P. Moreland, *Scaling the Secular City: A Defense of Christianity* (Baker Academic, 1987); Philip J. Kain, *Hegel and the Other: A Study of the Phenomenology of Spirit* (SUNY Press, 2005) 236; David K. Clark and Robert V. Rakestraw, *Readings in Christian Ethics: Theory and Method* (Baker Academic, 1994) 26 and John Warwick Montgomery, *The Law Above the Law* (Bethany House, 1976).

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 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.¹⁴

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

14 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, *The Totalitarian Experiment in Twentieth Century Europe: Understanding the Poverty of Great Politics* (Routledge, 2006) 150; Robert C. Holub, *Nietzsche's Jewish Problem: Between Anti-Semitism and Anti-Judaism* (Princeton University Press, 2015) 17 and Donald D. Wall, *Nazi Germany and World War II* (West Publishing Company, 1997) 6.

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.¹⁵ The effectiveness of the Nazis' defence team in arguing against these charges was rather appealing.. John Warwick Montgomery, Professor of Law,¹⁶ 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.¹⁷ The former defence is regarded as the

15 Ellis Washington, *The Progressive Revolution: Liberal Fascism through the Ages Vol. I: 2007-08 Writings* (University Press of America, 2007) 218. See also; Roza Pati, *Due Process and International Terrorism: An International Legal Analysis* (BRILL, 2009) 129; Stephanie Wolfe, *The Politics of Reparations and Apologies* (Springer Science & Business Media, 2031) 130; Frederick Betz, *Societal Dynamics: Understanding Social Knowledge and Wisdom* (Springer Science & Business Media, 2011) 97 and Paul R. Bartrop and Steven Leonard Jacobs, *Modern Genocide: The Definitive Resource and Document Collection* (ABC-CLIO, 2014) 1222.

16 Dallas R. Burdette, *Old Texts Through New Eyes* (Xulon Press, 2009) 94. See also; Dallas Willard, *A Place for Truth: Leading Thinkers Explore Life's Hardest Questions* (InterVarsity Press, 2010) 321.

17 Nicholas Doman, 'The Nuremberg Trials Revisited' (1961) 47 *American Bar Association Journal* 263; John Kekes, *The Roots of Evil* (Cornell University Press, 2014) 91; Lawrence Raful, Herbert R. Reginbogin, and Christoph Safferling, *The Nuremberg Trials: International Criminal Law Since 1945: 60th Anniversary International Conference* (Walter de Gruyter, 2006) 33; John Rodden, *Walls That Remain: Eastern and Western Germans Since Reunification* (Routledge, 2016) 196; Guénaél Mettraux, *Perspectives on the Nuremberg Trial*

‘superior orders defence’.¹⁸

This defence was subsequently denied.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”.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’.²¹

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

(Oxford University Press, 2008) 527 and Hiromi Sato, *The Execution of Illegal Orders and International Criminal Responsibility* (Springer Science & Business Media, 2011) 149.

18 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 Contemporary International Criminal Law* (BRILL, 2008) 32; M. Cherif Bassiouni, *Crimes Against Humanity in International Criminal Law* (Martinus Nijhoff Publishers, 1999) 469; Norbert Ehrenfreund, *The Nuremberg Legacy: How the Nazi War Crimes Trials Changed the Course of History* (Palgrave Macmillan, 2007) 50; Richard Falk, 'Telford Taylor and the Legacy of Nuremberg' (1999) 37(3) *Columbian Journal of Transnational Law* 693 and Hugo Adam Bedau, *Making Mortal Choices: Three Exercises in Moral Casuistry* (Oxford University Press, 1997) 108.

19 Guénaél Mettraux, *Perspectives on the Nuremberg Trial* (Oxford University Press, 2008) 527. See also; Guenter Lewy, Prior Orders, ‘Nuclear Warfare and the Dictates of Conscience: The Dilemma of Military Obedience in the Atomic Age’ (1961) 55(1) *American Political Science Review* 6; Richard A. Falk, *The Vietnam War and International Law: The Widening Context* (Princeton University Press, 2015) vol 3 201; Albert Lulushi, *Donovan's Devils: OSS Commandos Behind Enemy Lines: Europe, World War II* (Skyhorse Publishing, Inc., 2016) 3; John C. Watkins and John Paul Weber, *War Crimes and War Crime Trials: From Leipzig to the ICC and Beyond: Cases, Materials and Comments* (Carolina Academic Press, 2006) 108 and Great Britain Parliament House of Lords, *The Parliamentary Debates (Hansard): Official Report* (H.M. Stationery Office, 1949) 28.

20 Mark J. Osiel, *Obeying Orders* (Transaction Publishers, 1998) 97. See also; Gregory S Gordon, 'Hong Kong's War Crimes Trials: Review Essay' (2014) 15(2) *Melbourne Journal of International Law* 15..

21 Hilaire McCoubrey, *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's²⁴ and was viewed as a role model²⁵ 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

22 Avner Falk, *Anti-Semitism: A History and Psychoanalysis of Contemporary Hatred: A History and Psychoanalysis of Contemporary Hatred* (ABC-CLIO, 2008) 81. See also; Michael Eckert, *Arnold Sommerfeld: Science, Life and Turbulent Times 1868-1951* (Springer Science & Business Media, 2013) 347 and Susan Ratcliffe, *Oxford Dictionary of Quotations by Subject* (OUP Oxford, 2010) 90.

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* (Routledge, 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;

25 Ian Aitken, *Encyclopaedia of the Documentary Film* (Routledge, 2013) 568. See also; Detlef Mühlberger, *Hitler's Voice: Organisation & Development of the Nazi Party* (Peter Lang, 2004) 29; Charles Hamilton, *The Hitler Diaries: Fakes that Fooled the World* (University Press of Kentucky, 2015) and Curt Butz, *The World I Dream of* (John Hunt Publishing, 2010) 168.

26 S.L. Fisher, *The Minor Parties of the Federal Republic of Germany: Toward a*

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

Comparative Theory of Minor Parties (Springer Science & Business Media, 2012) 40. See also; also; Sarah Ferber, *Bioethics in Historical Perspective* (Palgrave Macmillan, 2013) 49 and Peter Staudenmaier, *Between Occultism and Nazism: Anthroposophy and the Politics of Race in the Fascist Era* (BRILL, 2014) 101.

27 Sarah Ann Gordon, *Hitler, Germans, and the Jewish Question* (Princeton University Press, 1984)

138. See also; Donald M. McKale, *Nazis After Hitler: How Perpetrators of the Holocaust Cheated Justice and Truth* (Rowman & Littlefield, 2012) 281; Donald E. Schmidt, *The Folly of War: American Foreign Policy, 1898-2005* (Algora Publishing, 2005) 200 and Louis P. Pojman and Peter Tramel, *Moral Philosophy: A Reader* (Hackett Publishing, 2009) 55.

28 (1900 - 1945) Reichsführer of the Schutzstaffel (Protection Squadron; SS). See; Terence O'Reilly, *Hitler's Irishmen* (Mercier Press Ltd, 2008) 18. See also; John Michael Steiner, *Power Politics and Social Change in National Socialist Germany: A Process of Escalation Into Mass Destruction* (Walter de Gruyter, 1976) 53.

29 Alexander Mikaberidze, *Atrocities, Massacres, and War Crimes: An Encyclopedia* (ABC-CLIO, 2013) 159. See also; Cyprian Blamires and Sara E. Karesh and Mitchell M. Hurvitz, *Encyclopaedia of Judaism* (Infobase Publishing, 2005) 130 and David S. Kidder and Noah D. Oppenheim, *The Intellectual Devotional Biographies: Revive Your Mind, Complete Your Education, and Acquaint Yourself with the World's Greatest Personalities* (Rodale, 2010) 331.

30 Gerald Fleming, *Hitler and the Final Solution* (University of California Press, 1987) 160. See also; Robert Charles Reimer and Carol J. Reimer, *Historical Dictionary of Holocaust Cinema* (Scarecrow Press, 2012) 59 and Daniel H. Magilow and Lisa Silverman, *Holocaust Representations in History: An Introduction* (Bloomsbury Publishing, 2015) 60.

31 Klaus Hentschel, *Physics and National Socialism: An Anthology of Primary Sources* (Springer Science & Business Media, 2011) 175. See also; Roderick Stackelberg, *The Routledge Companion to Nazi Germany* (Routledge, 2007) 208.

32 Abraham J. Edelheit and Hershel Edelheit, *History of the Holocaust: A Handbook and Dictionary* (Westview Press, 1994) 440. See also; Gerhard Köpernik, *Faschisten im KZ: Rumäniens Eiserne Garde und das Dritte Reich* (Frank & Timme GmbH, 2014) 254 and Hanno Ballhausen,

extermination of Jews'.³³

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.³⁴ In brief, Germany had adopted, to a degree, a legal positivist approach³⁵ whereby 'law is based exclusively on the will of the State'.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)³⁷ philosophy.³⁸

Chronik des Zweiten Weltkriegs (Wissenmedia Verlag, 2004) 526.

33 (unpublished transcripts of tape 5, 31 May 1960, 169; Israel National Archives; photocopy in author's possession). Cf. Jochen V. Lang, *Eichmann Interrogated* (New York, 1983) 5. Frank McDonough, *The Holocaust* (Palgrave Macmillan, 2008) 54. See also; Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (Penguin Publishing, 1994) 83; Gerald Fleming, *Hitler and the Final Solution* (University of California Press, 1987) 67 and George Pattison, *Kierkegaard and the Quest for Unambiguous Life: Between Romanticism and Modernism: Selected Essays* (OUP Oxford, 2013) 228.

34 Kenny Yang, 'The Rise of Legal Positivism in Germany'(2012) 3 *The Western Australian Jurist* 250.

35 Geoffrey Sawer, *Studies in the Sociology of Law* (Australian National University, 1961) 227.

36 Kurt Von Schuschnigg, *International Law: An Introduction to the Law of Peace* (The Bruce Publishing Co., 1959) 28.

37 Jürgen Georg Backhaus and Wolfgang Drechsler, *Friedrich Nietzsche (1844-1900): Economy and Society* (Springer Science & Business Media, 2006) 87. See also; Hyam Maccoby, *Antisemitism and Modernity: Innovation and Continuity* (Routledge, 2006) 73, David LaRocca, *Estimating Emerson: An Anthology of Criticism from Carlyle to Cavell* (A&C Black, 2013) 273 and Matthew Calarco and Peter Atterton, *The Continental Ethics Reader* (Psychology Press, 2003) 64.

38 Kimberly Ann Blessing and Paul J. Tudico, *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,³⁹ a rabid nationalist,⁴⁰ nor a believer in racial purity.⁴¹ 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.⁴²

Philosophers Take on Hollywood (Open Court Publishing, 2005) 173. See also; Geoffrey Cocks, *The Cocks, The State of Health: Illness in Nazi Germany* (Oxford University Press, 2012) 70; Solomon Lipp, *Three Chilean Thinkers* (Wilfrid Laurier University Press, 1975) 131; Crane Brinton, *Nietzsche* (Harper Torchbooks, 1965) 206; Richard Shorten, *Modernism and Totalitarianism: Rethinking the Intellectual Sources of Nazism and Stalinism, 1945 to the Present* (Springer, 2012) 244 and Daniel W. Conway, *Nietzsche and the Political* (Psychology Press, 1997) 120.

39 Giles Fraser, *Redeeming Nietzsche: On the Piety of Unbelief* (Routledge, 2013) 133. See also; Jacob Golomb, *Nietzsche and Jewish Culture* (Routledge, 2002) 39; Jennifer Ratner-Rosenhagen, *American Nietzsche: A History of an Icon and His Ideas* (University of Chicago Press, 2011) 230; Walter Arnold Kaufmann, *Nietzsche, Philosopher, Psychologist, Antichrist* (Princeton University Press, 1974) 298 and Tina Chanter and Pleshette DeArmitt, *Sarah Kofman's Corpus* (SUNY Press, 2008) 79.

40 Randall Halle, *Queer Social Philosophy: Critical Readings from Kant to Adorno* (University of Illinois Press, 2010) 200. See also; Joanne Faulkner, *Dead Letters to Nietzsche, or the Necromantic Art of Reading Philosophy* (Ohio University Press, 2010) 61; Gareth Southwell, *A Beginner's Guide to Nietzsche's Beyond Good and Evil* (John Wiley & Sons, 2009) 170 and Warren J. Samuels, Jeff E. Biddle and Ross B. Emmett, *A Research Annual* (Emerald Group Publishing, 2008) 128.

41 Dirk R. Johnson, *Nietzsche's Anti-Darwinism* (Cambridge University Press, 2010) 118. See also; James I. Porter, *Nietzsche and the Philology of the Future* (Stanford University Press, 2000) 282; Douglas Burnham, *Reading Nietzsche: An Analysis of 'Beyond Good and Evil'* (Routledge, 2014) 49; Martine Prange, *Nietzsche, Wagner, Europe* (Walter de Gruyter, 2013) 196; Ben Macintyre, *Forgotten Fatherland: The Search for Elisabeth Nietzsche* (A&C Black, 2013) 30 and Jacqueline Scott and A. Todd Franklin, *Critical Affinities: Nietzsche and African American Thought* (SUNY Press, 2012) 159.

42 Nietzsche, *Anti-Christ* 56. See also; Jacob Golomb, *Nietzsche and Jewish Culture* (Routledge, 2002) 94; Ken Gemes and John Richardson, *The Oxford Handbook of Nietzsche* (OUP Oxford, 2013) 345; Dean Moyer, *The Routledge Companion to Nineteenth Century Philosophy* (Routledge, 2010) 390; Simon May, *Nietzsche's On the Genealogy of Morality: A Critical Guide*

Nietzsche rejected sympathy for the weak in favour of a willingness to trample on them.⁴³ Unsurprisingly, some of his ideas were congenial to the Nazis who admired a highly selected and distorted version of his work.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.⁴⁵

(Cambridge University Press, 2011) 139; Brian Britt and Alexandra Cuffel, *Religion, Gender, Culture in the Pre-Modern World* (Springer, 2007) 31; Christa Davis Acampora, *Nietzsche's On the Genealogy of Morals: Critical Essays* (Rowman & Littlefield, 2006) 283 and Steven E. Aschheim, *The Nietzsche Legacy in Germany, 1890-1990* (University of California Press, 1992) 100.

⁴³ Henry Louis Mencken, , *The Philosophy of Friedrich Nietzsche* (See Sharp Press, 2003) 80. See also; Christine Swanton, *The Virtue Ethics of Hume and Nietzsche* (John Wiley & Sons, 2015) 85 and Jonathon Glover, *Humanity: A Moral History of the Twentieth Century* (Yale University Press, 1999) 11.

⁴⁴ Weaver Santaniello, *Nietzsche, God, and the Jews: His Critique of Judeo-Christianity in Relation to the Nazi Myth* (SUNY Press, 2012) 43. See also; Dan Stone, *Breeding Superman: Nietzsche, Race and Eugenics in Edwardian and Interwar Britain* (Liverpool University Press, 2002) 25; Daniel Chapelle, *Nietzsche and Psychoanalysis* (SUNY Press, 1993) 12; Steven E. Aschheim, *The Nietzsche Legacy in Germany: 1890 - 1990* (University of California Press, 1994) 315 and Graham Parkes, *Nietzsche and Asian Thought* (University of Chicago Press, 1996) 20.

⁴⁵ 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, *The Totalitarian Experiment in Twentieth Century Europe: Understanding the Poverty of Great Politics* (Routledge, 2006) 150; Robert C. Holub, *Nietzsche's Jewish Problem: Between Anti-Semitism and Anti-Judaism* (Princeton University Press, 2015) 17 and Donald D. Wall, *Nazi Germany and World War II* (West Publishing Company, 1997) 6.

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

46 Hyam Maccoby, *Antisemitism and Modernity: Innovation and Continuity* (Routledge, 2006) 76. See also; Marvin Perry et al., *Western Civilization: Ideas, Politics, and Society: From 1600* (Cengage Learning, 2012) vol 2 671; Mark Bevir, *Encyclopyedia of Political Theory: A - E* (SAGE, 2010) vol 1 975; Harry Davis, *The Palace of Crystal: A World Without War* (Arena books, 2007) 29 and Jonathan Rose, *The Holocaust and the Book: Destruction and Preservation* (University of Massachusetts Press, 2008) 241.

47 Philip Herbst, *Talking Terrorism: A Dictionary of the Loaded Language of Political Violence* (Greenwood Publishing Group, 2003) 16. See also; Jack Fischel, *The Holocaust* (Greenwood Publishing Group, 1998) xxxv; Michael Brenner, *A Short History of the Jews* (Princeton University Press, 2010) 338; Peter McFarre and Fadrique Iglesias, *The Devil's Agent: Life, Times and Crimes of Nazi Klaus Barbie* (Xlibris Corporation, 2013) 548; Mordecai Schreiber, *Explaining the Holocaust: How and Why It Happened* (Wipf and Stock Publishers, 2015) 49 and MCarol Mason, *Killing for Life: The Apocalyptic Narrative of Pro-life Politics* (Cornell University Press, 2002) 38.

48 Richard Bulliet, Pamela Crossley and Daniel Headrick, *The Earth and Its Peoples: A Global History* (Cengage Learning, 2010) vol 2 816. See also; Joseph W. Bendersky, *A Concise History of Nazi Germany* (Rowman & Littlefield, 2007) 202; Doris L. Bergen, *War and Genocide: A Concise History of the Holocaust* (Rowman & Littlefield Publishers, 2009) vii and Corona Brezina and Rose McCarthy, *Dictatorship: A Primary Source Analysis* (The Rosen Publishing Group, 2005) 27.

49 Nietzsche, *Zarathustra's Prologue* I 18. See also; William L. Shirer and Ron Rosenbaum, *The Rise and Fall of the Third Reich: A History of Nazi Germany* (Simon and Schuster, 2011) 100; David Ross, *The Flesh of Being: On Nietzsche's Thus Spoke Zarathustra* (Cambridge Scholars Publishing, 2008) 87; William Crookes and George Shadbolt, *The British Journal of Photography*

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!’⁵⁰

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.⁵¹ The phrase ‘the will to power’ was adapted metaphorically for the Nazi ambition to expand territorially, also known as *Lebensraum*.⁵²

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

(Henry Greenwood & Company Limited, 1980) vol 127 528 and Katrin Froese, *Nietzsche, Heidegger, and Daoist Thought: Crossing Paths In-Between* (SUNY Press, 2012) 205.

50 Friedrich Nietzsche, *Beyond Good and Evil* 234. See also; Susan G. Bell and Karen M. Offen, *Women, the Family, and Freedom: 1880-1950* (Stanford University Press, 1983) 48; Shannon Sullivan, *Living Across and Through Skins: Transactional Bodies, Pragmatism, and Feminism* (Indiana University Press, 2001) 120 and Jacob Golomb, Weaver Santaniello and Ronald L. Lehrer, *Nietzsche and Depth Psychology* (SUNY Press, 1999) 80.

51 Robert C. Solomon, *From Rationalism to Existentialism: The Existentialists and Their Nineteenth-century Backgrounds* (Rowman & Littlefield, 2001) 125. See also; Ian Marsh, *Theory and Practice in Sociology* (Routledge, 2014) 165; John Marmysz, *The Path of Philosophy: Truth, Wonder, and Distress* (Cengage Learning, 2011) 294 and Leonardo Avritzer, *Democracy and the Public Space in Latin America* (Princeton University Press, 2009) 19.

52 Stephen Houlgate, *Hegel, Nietzsche and the Criticism of Metaphysics* (Cambridge University Press, 2004) 4. See also; Jorg Brechtefeld, *Mitteleuropa and German Politics: 1848 to the Present* (Springer, 1996) 34; Linda L. Williams, *Nietzsche’s Mirror: The World as Will to Power* (Rowman & Littlefield Publishers, 2002) 1; George Lachmann Mosse, *Nazi Culture: Intellectual, Cultural and Social Life in the Third Reich* (University of Wisconsin Press, 2003) xxvii and Stan Laurysens, *The Man Who Invented The Third Reich* (The History Press, 2011) 128.

a goal.⁵³ It is what man should strive to become. Nietzsche argued that, ‘man is a rope stretched between animal and the Superman’.⁵⁴ *Übermenschen*, translated Superman, is debated as to its precise meaning⁵⁵ nonetheless; the Nazis had misinterpreted this concept.⁵⁶ The concept was utilised to suit their philosophy of ‘Aryan-supremacy’. The Nazi’s idolised the *Übermenschen* for being racially pure and racially superior to all other

53 Kathleen Marie Higgins, *Nietzsche's Zarathustra* (Lexington Books, 2010) 53. See also; Ofelia Schutte, *Beyond Nihilism: Nietzsche Without Masks* (University of Chicago Press, 1986) 121; Linda L. Williams, *Nietzsche's Mirror: The World as Will to Power* (Rowman & Littlefield Publishers, 2002) 111 and Michael Grantham, *The Transhuman Antihero: Paradoxical Protagonists of Speculative Fiction from Mary Shelley to Richard Morgan* (McFarland, 2015) 172.

54 Friedrich Nietzsche, *Thus Spoke Zarathustra* s 4. See also; Peter France, *The Oxford Guide to Literature in English Translation* (Oxford University Press, 2000) 327; Ellis Sandoz, *The Politics of Truth and Other Untimely Essays: The Crisis of Civic Consciousness* (University of Missouri Press, 1999) 133; V. Vycinas, *Our Cultural Agony* (Springer Science & Business Media, 2012) 22 and Julian Young, *Friedrich Nietzsche: A Philosophical Biography* (Cambridge University Press, 2010) 368.

55 Gareth Southwell states that the *Übermensch* will go ‘beyond good and evil’ and establish a new set of values and a new philosophy. See; Gareth Southwell, *A Beginner's Guide to Nietzsche's Beyond Good and Evil* (Wiley-Blackwell, 2009). Alain de Botton believes that the *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, *The Consolations of Philosophy* (Penguin Books, 2001) 210.

56 Elza Adamowicz and Simona Storchi, *Back to the Futurists: The Avant-garde and its Legacy* (Oxford University Press, 2015) 28. See also; Richard T. G. Walsh, *Thomas Teo and Angelina Baydala* (Cambridge University Press, 2014) 196; Alan F. Meades, *Understanding Counterplay in Video Games* (Routledge, 2015) 35; Friedrich Nietzsche, Maudemarie Clark and Alan J. Swensen, *On the Genealogy of Morality* (Hackett Publishing, 1998) xi and Donald Lazere, *American Media and Mass Culture: Left Perspectives* (University of California Press, 1987) 125.

racess and ethnics.⁵⁷

On the opposing view; non-*Übermenschen*'s such as the Jews, were called *Untermenschen*⁵⁸ which means under-human or subhuman.⁵⁹ The Nazis had twisted Nietzsche's ideology of the *Übermenschen* into a race of superiority which lead to the slavery, slaughter and abuse⁶⁰ of those to whom were considered *Untermenschen*.⁶¹

57 Matthew Feldman, Marius Turda and Tudor Georgescu, *Clerical Fascism in Interwar Europe* (Routledge, 2013) 181. See also; Gregory J. Howard and Graeme R. Newman, *Varieties of Comparative Criminology* (BRILL, 2001) 45; Joseph Pearce, *Race with the Devil: My Journey from Racial Hatred to Rational Love* (Saint Benedict Press, 2013) 126; Jacob Golomb, *Nietzsche and Zion* (Cornell University Press, 2004) 200; Gordon Graham, *Eight Theories of Ethics* (Psychology Press, 2004) 29 and Edmund Jan Osmańczyk and Anthony Mango, *Encyclopedia of the United Nations and International Agreements: T to Z* (Taylor & Francis, 2003) 2567.

58 Philip Sauvain, *Key Themes of the Twentieth Century* (Nelson Thornes, 1996) 84. See also; Alan E. Steinweis and Daniel E. Rogers, *The Impact of Nazism: New Perspectives on the Third Reich and Its Legacy* (University of Nebraska Press, 2003) 83; Michael Mann, *The Sources of Social Power: Global Empires and Revolution, 1890–1945* (Cambridge University Press, 2012) vol 3 448 and Sander L. Gilman and Karen Remmler, *Reemerging Jewish Culture in Germany: Life and Literature Since 1989* (NYU Press, 1994) 176.

59 Wolfgang Sofsky, *The Order of Terror: The Concentration Camp* (Princeton University Press, 2013) 119. See also; Avner Falk, *Franks and Saracens: Reality and Fantasy in the Crusades* (Karnac Books, 2010) 5; Michael Robertson and Garry Walter, *Ethics and Mental Health: The Patient, Profession and Community* (CRC Press, 2013) xix and Michael Shahan, *A Report from the Front Lines: Conversations on Public Theology: A Festschrift in Honor of Robert Benne* (Wm. B. Eerdmans Publishing, 2008) 43.

60 Samuel Totten and Stephen Feinberg, *Teaching and Studying the Holocaust* (IAP, 2009) 35. See also; Michael Kort, *The Soviet Colossus: History and Aftermath* (M.E. Sharpe, 1996) 257; C. Crane, *Divided Lives: The Untold Stories of Jewish-Christian Women in Nazi Germany* (Springer, 2000) 124 and Hannelore Brenner, *The Girls of Room 28: Friendship, Hope, and Survival in Theresienstadt* (Knopf Doubleday Publishing Group, 2009) 18.

61 Junius P. Rodriguez, *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 decidendi* 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

McKivigan, *Encyclopaedia of Antislavery and Abolition* (Greenwood Publishing Group, 2007) vol 2 2007) vol 2 568; William Pick, *The Slave Has Overcome* (William Pick, 2007) 264; Alexander Mikaberidze, *Atrocities, Massacres, and War Crimes: An Encyclopaedia* (ABC-CLIO, 2013) 43 and Tadeusz Szocik, *Persecuted by M15 Security Service* (Lulu.com, 2011) vol 1 241.

62 John Warwick Montgomery, *The Law Above the Law* (Bethany Lutheran Fellowship, 1975) 24.

63 Hart, 'Positivism and the Separation of Law and Morals' (1958) 71 *Harvard Law Review* 593.

64 Colin Harte, *Changing Unjust Laws Justly: Pro-life Solidarity with "the Last and Least"* (CUA Press, 2005) 99.

purely based upon the subjective perspective of the State.⁶⁵ Rather, the Court favoured utilising natural law as the objective standard to determine the moral legitimacy of law and the actions of the accused.⁶⁶ In so doing, the Nazi atrocities reduced the appeal of positivist law.⁶⁷ 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'.⁶⁸

Dr. Otto Stahmer, the defense attorney for Hermann Goering,⁶⁹ articulated the Nazi defence on July 4, 1946 at the Nuremberg Trials in Nuremberg, Germany:

65 Richard A. Posner, *The Problems of Jurisprudence* (Harvard University Press, 1993) 229. See also; Donald P. Kommers and Russell A. Miller, *The Constitutional Jurisprudence of the Federal Republic of Germany* (Duke University Press, 3rd ed., 2012) 58; Joseph I. Omoregbe, *Philosophy of Law: An Introduction to Philosophical Jurisprudence* (Joja Educational Research and Publishers, 1994) 147 and Russell A. Miller and Rebecca M. Bratspies, *Progress in International Law* (BRILL, 2008) 621 - 622.

66 Devin O. Pendas, *The Frankfurt Auschwitz Trial, 1963-1965: Genocide, History, and the Limits of the Law* (Cambridge University Press, 2010) 220. See also; Howard P. Kainz, *Natural Law: An Introduction and Re-examination* (Open Court Publishing, 2004) xiii; Illtud Evans, *Light on the Natural Law* (Helicon, 1965) 17; April Carter, *Direct Action and Liberal Democracy* (Routledge, 2013) vol 6 97; William Sweet, *Philosophical Theory and the Universal Declaration of Human Rights* (University of Ottawa Press, 2003) 20; Gabriel Moran, *Both Sides: The Story of Revelation* (Paulist Press, 2002) 145; Ellen Frankel Paul, Fred D. Miller Jr. and Jeffrey Paul, *Natural Law and Modern Moral Philosophy: Social Philosophy and Policy* (Cambridge University Press, 2001) vol 1 i and Roger D. Citron, 'The Nuremberg Trials and American Jurisprudence: The Decline of Legal Realism and the Revival of Natural Law' in Lawrence Raful, *The Nuremberg Trials: International Criminal Law Since 1945* (Walter de Gruyter, 2006) 139.

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

68 Kurt Von Schuschnigg, *International Law: An Introduction to the Law of Peace* (The Bruce Publishing Co., 1959) 38.

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.⁷⁰

In his final argument, Dr. Stahmer further asserted that Germany was operating under a dictator.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.⁷²

University Press, 2009) 698.

70 The Trial of German Major War Criminals (1946b), 187th Day: Thursday, 4th July, 1946, (Vol. 18, 106 – 107, Part 7 of 8), (London: His Majesty's Stationery Office), <http://www.nizkor.org/hweb/imt/tgmwc/tgmwc-18/tgmwc-18-171-07.shtml>.

71 The Trial of German Major War Criminals (1946b), 187th Day: Thursday, 4th July, 1946, (Vol. 18, 111, Part 7 of 8), (London: His Majesty's Stationery Office), <http://www.nizkor.org/hweb/imt/tgmwc/tgmwc-18/tgmwc-18-171-07.shtml>.

72 Guénaél Mettraux, *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”’.⁷³

To paraphrase, Robert Jackson queried, ‘But is there not a law above our laws?’⁷⁴ “A law above the law” transcends culture and applies to all states.⁷⁵

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.

⁷⁴ Craig Boyd, ‘Participation Metaphysics, The Imago Dei, and the Natural Law in Aquinas’ Ethics (2007) 88 (2015) *New Blackfriars* 282.

⁷⁵ James Moreland, *The God Question: An Invitation to a Life of Meaning* (Harvest House Publishers, 2009) 85.

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.⁷⁶ In Islam, Allah is given 99 names such as; “The All-Compassionate”, “The Source of Peace” and “The Sustainer”.⁷⁷ Islamic theology, whether nominal or radical, demands that Muslims follow the imperatives given by Allah and Muhammad.⁷⁸ This is why many Muslims claim that an act is done “in the

76 Hazrat Mirza Ghulam Ahmad, *Commentary on the Holy Quran: Surah Fatiha* (Islam International, 2004) 58. See also; Elijah Muhammad, *Theology of Time - Abridged Indexed by Subject: God-Science of the Time* (Elijah Muhammad Books, 2006) 134; Maulana Abdul Haq Vidyarthi, Allah, *The Unique Name of God* (Ahmadiyya Anjuman Lahor Publications, 1999) 2; M. R. Bawa Muhaiyaddeen, *The Resonance of Allah: Resplendent Explanations Arising from the Nūr; Allāh's Wisdom of Grace* (The Fellowship Press, 2001) 556 and Shamim Akhter, *Faith & Philosophy of Islam* (Gyan Publishing House, 2009) 55.

77 Brahma Singh Brahma, *Hazrat Mian Mir and the Sufi Tradition* (Publication Bureau, Punjabi University, 1994) 44. See also; Jocelyne Cesari, *Encyclopaedia of Islam in the United States* (Greenwood Press, 2007) 54; M. R. Bawa Muhaiyaddeen, *Gems of Wisdom Series: Beyond Mind and Desire* (Fellowship Press, 1993) 19 and Gbola Aderibigbe and Deji Ayeboyin, *Religion, Medicine and Healing* (The Association, 1995) 87.

78 Kamaruzzaman Bustamam-Ahmad, *From Islamic Revivalism to Islamic Radicalism in Southeast Asia: A Study of Jamā'ah Tablīgh in Malaysia and Indonesia* (Cambridge Scholars Publishing, 2015) 143. See also; Don Swenson, *Society, Spirituality, and the Sacred: A Social Scientific Introduction* (University of Toronto Press, 2009) 73; Dennis C. Mueller, *Reason, Religion, and Democracy* (Cambridge University Press, 2009) 119; Juan Eduardo Campo, *Encyclopedia of Islam* (Infobase Publishing, 2009) 73 and Daniel W. Brown, *Rethinking Tradition in Modern Islamic*

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

Surah 4:80

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

The Quran also proclaims:

Surah 64:12.

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

Therefore, the commands given by Allah, as revealed within the Quran⁸³

Thought (Cambridge University Press, 1999) 76.

79 Saif Ataya, *Islam: Peace & Terrorism, Brief History, Principles and Beliefs* (Lulu Publishing, 2015) 124. See also; Dennis J. Dunn, *A History of Orthodox, Islamic, and Western Christian Political Values* (Springer, 2016) 189; Sebastian Gorka, *Defeating Jihad: The Winnable War* (Regnery Publishing, 2016) 110; Anat Berko, *The Smarter Bomb: Women and Children as Suicide Bombers* (Rowman & Littlefield, 2016) 184; Remy Low, 'Making up the Ummah: The Rhetoric of ISIS as Pulic Pedagogy' (2016) 38(4) *Review of Education, Pedagogy, and Cultural Studies* 305 and A.B Al-Baghdadi, *A Message to the Mujahidin and the Muslim Ummah from Amirul-Mu'minin Abu Bakr al-Husayni al-Qurashi al-Baghdadi* (1 January 2014) Al-Hayat Media

<https://ia902501.us.archive.org/2/items/hym3_22aw/english.pdf>.

80 Surah 3:31 - 32, 3:132, 4:13, 4:59, 4:64, 4:69, 4:80, 5:92, 8:1, 8:20, 8:46, 9:71, 24:52, 24:54, 24:56, 33:21, 33:33, 33:71, 47:33, 48:17 and 59:7.

81 Surah 4:80.

82 Surah 64:12.

83 This is commanded in Surah 9:6.

Fateh Ullah Khan, *God Created the Universe with the Purpose to Serve Humankind:*

and the commands and lifestyle of Muhammad, as revealed in the Quran and Hadiths;⁸⁴ ought to be followed by *all* Muslims.

B Exemplar: Mouhamad

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

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

God Created Humankind to Worship Him and Appointed Him as Viceroy in Earth to See how He Behaves (Fateh Ullah Khan Gandapur, 2009) 60. See also; Wael B. Hallaq, *The Origins and Evolution of Islamic Law* (Cambridge University Press, 2005) 21; Maḥmūd ibn Aḥmad ibn Ṣāliḥ Dawsarī, *The Magnificence of the Qur'an* (Darussalam, 2006) 302; Maheebūba Desāī, *Islam and Non-violence* (Gyan Publishing House, 2009) 31; Sultan Ahmad, *Islam in Perspective* (AuthorHouse, 2011) 203 and Abū al-Faḍl 'Izzatī and A. Ezzati, *The Spread of Islam: The Contributing Factors* (ICAS Press, 2002) 345.

84 Chanfi Ahmed, *West African 'ulamā' and Salafism in Mecca and Medina* (BRILL, 2015) 60 - 61. See also; Greg Fealy, *Voices of Islam in Southeast Asia: A Contemporary Sourcebook* (Institute of Southeast Asian Studies, 2006) 189; M. B. Hooker, *Indonesian Syariah: Defining a National School of Islamic Law* (Institute of Southeast Asian Studies, 2008) 247; Arshad Khan, *Islam, Muslims, and America: Understanding the Basis of Their Conflict* (Algora Publishing, 2003) 188 and Helen McCue and Abdullah Saeed, *Family Law and Australian Muslim Women* (Melbourne University Publishing, 2013) 11.

85 S. Athar Husain, *Prophet Muhammad and His Mission* (Asia Publishing House, 1967) vi. See also; Muhammad Sharif Chaudhry, *Prophet Muhammad: As Described in the Holy Scriptures* (S.N. Foundation, 2007) 61; Naeem Ahmad, *Philosophy in Pakistan* (CRVP, 1998) 89 and Shaykh Nazim Adil Al-Haqqani, *Liberating the Soul: A Guide for Spiritual Growth* (Islamic Supreme Council of America, 2005) vol 3 26.

86 Francis E. Peters, *Muhammad and the Origins of Islam* (SUNY Press, 1994) 257. See also; Charles L. Geddes, *Books in English on Islām, Muhammad and the Qur'ān: A Selected and Annotated Bibliography* (American Institute of Islamic Studies, 1976) 45; Serena Parekh, *Hannah Arendt and the Challenge of Modernity: A Phenomenology of Human Rights* (Routledge, 2008) 202 and Ingvild Flakerud, *Visualizing Belief and Piety in Iranian Shiism* (A&C Black, 2010) 273.

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.⁸⁸

In expounding Surah 33:4, a commentary (*tafsir*) attributed to Muhammad's first cousin and renowned Muslim scholar, 'Abdullah Ibn Abbas⁸⁹ (ca. 619 - 687 AD)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.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

⁸⁸ Surah 33 Ayah 40.

⁸⁹ Shujiang Li and Karl W. Luckert, *Mythology and Folklore of the Hui, A Muslim Chinese People* (SUNY Press, 1994) 89. See also; Imam Warith-Deen Umar, *Judaology: A Study of the Science of Judaism: The Most Misunderstood Religion in the World* (Xlibris Corporation, 2009) xxiii; Abdulkader S. Thomas, *Interest in Islamic Economics: Understanding Riba* (Psychology Press, 2006) 29 and Ismā'īl ibn 'Umar Ibn Kathīr, *Tafsir Ibn Kathir* (Shaykj Safiur-Rahman Al-Mubarakpuri trans., Darussalam, 2003) vol 1 30.

⁹⁰ Ibrāhīm 'Abd Allāh Marzūqī, *Human Rights in Islamic Law* (University of Michigan, 1st ed., 2000) 23. See also; Oliver Leaman, *The Qur'an: An Encyclopaedia* (Routledge, 2006) 323; Ludwig W. Adamec, *Historical Dictionary of Islam* (Scarecrow Press, 2009) 134 and Dale Hoiberg and Indu Ramchandani, *Students' Britannica India: A to C: Abd Allah ibn al-Abbas to Cypress* (Encyclopaedia Britannica (India), 2000) 1.

⁹¹ Ibn 'Abbās, Tanwīr al-Miqbās min Tafsīr Ibn 'Abbās (20th March 2017) Al-Tafsir <http://altafsir.com/Tafasir.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."⁹²

Throughout the Qur'an, Muhammad is referred to as "Messenger", "Messenger of God" and "Prophet". Some of such verses are Surah 2:101, 2:143, 2:151, 3:32, 3:81, 3:144, 3:164, 4:79-80, 5:15, 5:41, 7:157, 8:01, 9:3, 33:40, 48:29, and 66:09.

Muhammad was said to be sent to guide humanity the right way⁹³ 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.⁹⁴ 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.

⁹³ Oliver Leaman, *Controversies in Contemporary Islam* (Routledge, 2013) 8. See also; Fethullah Gülen, *The Messenger of God Muhammad: An Analysis of the Prophet's Life* (Tughra Books, 2000) 251; Hamid Dabashi, *Authority in Islam* (Transaction Publishers, 1989) 44; Djaka Soetapa, *'Ummah: Komunitas Religius, Sosial Dan Politik Dalam Al Qur'an: Dalam Konteks Masyarakat Indonesia* (Kerjasama antara Duta Wacana University Press dan Mitra Gama Widya, 1991) 151 and Dr. S.M. Mohiuddin Habibi and Syed Ahsan Habibi, *Prophet Muhammad (Peace Be Upon Him) in the Bible* (Expertini Limited, 2016) 501.

⁹⁴ Susanne Olsson and Carool Kersten, *Alternative Islamic Discourses and Religions*

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).⁹⁵ The Sunnah refers to the actions, sayings, and approvals of Muhammad.⁹⁶ 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

Authority (Routledge, 2016) 112. See also; Fethullah Gülen, *The Messenger of God Analysis of the Prophet's Life* (Tughra Books, 2000) 195; Afzal-ur-Rahman, *Muhammad: Encyclopaedia of Seerah* (Seerah Foundation, 1992) vol 8 345; Shabbir Akhtar, *Islam as Political Religion: The Future of an Imperial Faith* (Routledge, 2010) 204 and Nuraan Davids and Yusef Waghid, *Ethical Dimensions of Muslim Education* (Springer, 2016) 7.

95 Yusuf Al-Qaradawi, *Approaching the Sunnah: Comprehension & Controversy* (International Institute of Islamic Thought, 2007) xviii. See also; Talib Jaleel, *Notes On Entering Deen Completely* (EDC Foundation, 2015) 861; Muhammad Saed Abdul-Rahman, *Islam: Questions and Answers - Basis for Jurisprudence and Islamic Rulings* (MSA Publication Limited, 2003) 112; Ahmad ibn 'Abd al-Halīm Ibn Taymīyah et al., *Kitab Al-Iman: Book of Faith* (The Other Press, 1999) 54 and Shaykh Adil Al-Haqqani et al., *Liberating the Soul: A Guide for Spiritual Growth* (ISCA, 2002) vol 1 181.

96 'Alī Nāṣirī, *An Introduction to Hadith: History and Sources* (MIU Press, 2013) 11. See also; Hisham M. Ramadan, *Understanding Islamic Law: From Classical to Contemporary* (Rowman Altamira, 2006) 12; Dilip Mutum, *Mohammad Mohsin Butt and Mamunur Rashid, Advances in Islamic Finance, Marketing, and Management: An Asian Perspective* (Emerald Group Publishing, 2016) 160; Joel Diederik Beversluis, *Sourcebook of the World's Religions: An Interfaith Guide to Religion and Spirituality* (New World Library, 2000) 66 and Andrea C. Paterson, *Three Monotheistic Faiths - Judaism, Christianity, Islam: An Analysis and Brief History* (AuthorHouse, 2009) 126.

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.⁹⁷ The Quran was sent down to confirm what was sent before i.e the Torah and the Gospel. As per Surah 3:3:

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:

And it was not [possible] for this Qur'an to be produced by other than Allah , but

97 Malek Bennabi, *The Quranic Phenomenon* (International Islamic Federation of Student Organizations, 1946) 13. See also; Hisham M. Ramadan, *Understanding Islamic Law: From Classical to Contemporary* (Rowman Altamira, 2006) 150; Abū al-Faḥr 'Izzatī and A. Ezzati, *The Spread of Islam: The Contributing Factors* (ICAS Press, 2002) 345; Aaron W. Hughes, *Muslim Identities: An Introduction to Islam* (Columbia University Press, 2013) 74; Muhyiddin Ibn 'Arabi, *Contemplation of the Holy Mysteries and the Rising of the Divine Lights* (Anqa Publishing, 2008) 16 and Rein Fernhout, *Canonical Texts. Bearers of Absolute Authority. Bible, Koran, Veda, Tipitaka: A Phenomenological Study* (Rodopi, 1994) 296.

[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*, *Da'īf* and *Mawḍū'ī*.⁹⁹

Ṣaḥīḥ (translated 'authentic') is information that has been narrated by a *ma'sum*, an individual who has sound character and memory; and has been transmitted through an unbroken chain from these individuals.¹⁰⁰

98 Coeli Fitzpatrick and Adam Hani Walker, *Muhammad in History, Thought, and Culture: An Encyclopaedia of the Prophet of God* (ABC-CLIO, 2014) 274. See also; Gunnar Norlén, *Islam and Its World* (Research Institute of Makumira University College, 2001) 136; Stanford Research Institute and American University Foreign Area Studies, *Area Handbook for the Peripheral States of the Arabian Peninsula* (U.S. Government Printing Office, 1971) 13; A.E.J. Morris, *History of Urban Form Before the Industrial Revolution* (Routledge, 2013) 374 and Arthur Goldschmidt, *A Concise History of the Middle East* (Westview Press, 1979) 97.

99 Mazhar U. Kazi, Mazharul Haq Qazi and Anis Ahmad, *Hadith and Sunnah* (Dawah Academy, 1999) iv. See also; Grolier Incorporated, *The Encyclopaedia Americana* (Grolier, 1992) vol 15 496; Hamid R. Kusha, *The Sacred Law of Islam: A Case Study of Women's Treatment in the Islamic Republic of Iran's Criminal Justice System* (Ashgate, 2002) 104 - 105 and M. Ayo Ajomo, *Fundamentals of Nigerian Law* (Nigerian Institute of Advanced Legal Studies, 1989) 177.

100 Alī Nāṣirī, *An Introduction to Hadith: History and Sources* (MIU Press, 2013) 31. See also; James Wynbrandt, *A Brief History of Saudi Arabia* (Infobase Publishing, 2014) 42; S. G. A. Onibere and M. P. Adogbo, *Selected Themes in the Study of Religions in Nigeria* (African Books

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*.¹⁰¹

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".¹⁰²

Mawḍū (translated ‘theme’) is information that has been fabricated.¹⁰³

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

Collective, 2010) 93; Muḥammad Ibn-Ismāʿīl al- Buḥārī and Muḥammad Muḥsin Ḥān, *The Translation of the Meanings of Ṣaḥīḥ Al-Bukhārī : Arabic - English. 9. Ahādith 6861 to 7563* (Darussalam, 1997) 408 and Muslim ibn al-Ḥajjāj al-Qushayrī and Abdul Hameed Siddiqui, *Ṣaḥīḥ Muslim* (Kitab Bhavan, 1994) vol 1 v.

101 Mahmūd Tahhān, *Taysīr Mustalīh al-Hadīth* (Islamic Publishing House, n.d.) 45. See also; Muhammad Tahir-ul-Qadri, *The Ghadir Declaration* (Minhaj-ul-Quran Publications, 2002) 81; Al-ʿAsqalānī and Aḥmad ibn ʿAlī, *al-Nukat Ala Kitāb Ibn al-Salah* (Maktabah al-Furqan, 6th ed., nd.d) 91 - 92; Hamid R. Kusha, *The Sacred Law of Islam: A Case Study of Women's Treatment in the Islamic Republic of Iran's Criminal Justice System* (Ashgate, 2002) 105 and Ibn Warraq, *The Quest for the Historical Muhammad* (Prometheus Books, 2000) 529.

102 Al-ʿAsqalānī and Aḥmad ibn ʿAlī, *al-Nukat Ala Kitāb Ibn al-Salah* (Maktabah al-Furqan, 6th ed., nd.d) 108. See also; Mahmūd Tahhān, *Taysīr Mustalīh al-Hadīth* (Islamic Publishing House, n.d.) 62.

103 Talib Jaleel, *Notes On Entering Deen Completely* (EDC Foundation, 2015) 382. See also; Mohammad Omar Farooq, *Toward Our Reformation: From Legalism to Value-Oriented Islamic Law and Jurisprudence* (International Institute of Islamic Thought, 2011) 29; Hisham M. Ramadan, *Understanding Islamic Law: From Classical to Contemporary* (Rowman Altamira, 2006) 150 and Aḥmad ibn Shuʿayb Nasāʾī, *Sunan Nasāʾī: ch. 1-532, Adādhith 1-878* (Kazi, 1994) 87.

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.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*.¹⁰⁵

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

104 Cenap Çakmak, *Islam: A Worldwide Encyclopaedia* (ABC-CLIO, 2017) vol 4 485. See also; Erwin Fahlbusch and Geoffrey William Bromiley, *The Encyclopaedia of Christianity* (Wm. B. Eerdmans Publishing, 2008) vol 5 231; Adel Safty, *Value Leadership and Capacity Building* (Universal-Publishers, 2004) 155; Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought, 2008) 86 and Dana Zartner, *Courts, Codes, and Custom: Legal Tradition and State Policy Toward International Human Rights and Environmental Law* (Oxford University Press, 2014) 132.

105 Philip K. Hitti, *Descriptive Catalogue of the Garrett Collection* (Princeton University Press, 2015) 427. See also; Alpha Mahmoud Bah, *Scientific Research and Scholarly Writing in Islam: An Academic and Religious Guide for Researchers and Writers* (iUniverse, 2001) 227; Abdool Kader Hoosen, *Imam Tirmidhi's Contribution Towards Hadith* (A.K. Hoosen, 1990) 19; Johan Meuleman, *Islam in the Era of Globalization: Muslim Attitudes Towards Modernity and Identity* (Routledge, 2005) 282; I. M. N. Al-Jubouri, *Islamic Thought: From Mohammed to September 11, 2001* (Xlibris Corporation, 2011) 240; David Patterson, *Anti-Semitism and its Metaphysical Origins* (Cambridge University Press, 2015) 83; David Patterson, *A Genealogy of Evil: Anti-Semitism from Nazism to Islamic Jihad* (Cambridge University Press, 2010) 50; Sayyid Abul A'la Mawdudi, *First Principles of Islamic Economics* (Kube Publishing Ltd, 2013) 282 and Ram Swarup, *Understanding the Hadith: The Sacred Traditions of Islam* (Prometheus Books, 2002) 6.

106 Harold G. Koenig and Saad Al Shohaib, *Health and Well-Being in Islamic Societies: Background, Research, and Applications* (Springer, 2014) 31. See also; Daniel Akbari Paul Tetreault, *Honor Killing* (Author House, 2014) 16; Jonathan E. Brockopp, *The Cambridge Companion to Muhammad* (Cambridge University Press, 2010) 92; Florin Curta and Andrew Holt, *Great Events in Religion: An Encyclopaedia of Pivotal Events in Religious History* [3 volumes] (ABC-CLIO, 2016)

Diagram 1.0

Sunni Hadith Collection	Shia Hadith Collection
Sahih Bukhari	Kitab al-Kafi
Sahih Muslim	Man la yahduruhu al-Faqih
Sunan al-Sughra	Tahdhib al-Ahkam
Sunan Abu Dawud	Al-Istibsar
Sunan al-Tirmidhi	
Sunan Ibn Majah	

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.).¹⁰⁷

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

421 and D. A. Carson, *The Enduring Authority of the Christian Scriptures* (Wm. B. Eerdmans Publishing, 2016) 1077.

107 Abdul Basit, *The Global Muslim Community at a Crossroads: Understanding Religious Beliefs, Practices, and Infighting to End the Conflict* (ABC-CLIO, 2012) 29. See also; James Wynbrandt, *A Brief History of Saudi Arabia* (Infobase Publishing, 2014) 42; Sheikh Ramzy, *The Complete Guide to Islamic Prayer* (Author House, 2012) 336; Yushau Sodiq, *An Insider's Guide to Islam* (Trafford Publishing, 2010) 177; Abdullah Saeed, *The Qur'an: An Introduction* (Routledge, 2008) 54; Gerhard Böwering, Patricia Crone and Mahan Mirza, *The Princeton Encyclopaedia of Islamic Political Thought* (Princeton University Press, 2013) 211; Mir Zohair Husain, *Global Studies: Islam and the Muslim World* (McGraw-Hill, 2006) 15; Ian Richard Netton, *Al-Farabi and His School* (Routledge, 2005) 31; Ignai Goldziher, *Muslim Studies* (Transaction Publishers, 1971) vol 1 xiii and Muslim ibn al-Ḥajjāj al-Qushayrī and Aftab Shahryar, *Sahih Muslim Abridged* (Islamic Book Service, 2004) 414.

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.¹⁰⁸ This term is usually used by scholars as synonymously or interchangeably to denote Qur'anic interpretation or exegesis.¹⁰⁹ A *tafsir* is used to grasp the understanding of a particular verse of the Quran.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 the whether there are *tafsirs* written by notable Muslim scholars that are used by extremists in order to justify their understanding of Islam.

108 John Richard Bowen, *Muslims Through Discourse: Religion and Ritual in Gayo Society* (Princeton University Press, 1993) 66. See also; Fethi Benslama, *Psychoanalysis and the Challenge of Islam* (University of Minnesota Press, 2009) 24; Camilla Adang, *Muslim Writers on Judaism and the Hebrew Bible: From Ibn Rabban to Ibn Hazm* (BRILL, 1996) 11 and Thameem Ushama, *Methodologies of the Qu'ranic Exegesis* (A.S. Noordeen, 1995) 5.

109 Ali Suleiman Ali, *A Brief Introduction to Qur'anic Exegesis* (International Institute of Islamic Thought, 2017) 2. See also; Abdullah Saeed, *Approaches to the Qur'an in Contemporary Indonesia* (OUP, 2005) 67; ElSayed Amin, *Reclaiming Jihad: A Qur'anic Critique of Terrorism* (Kube Publishing Ltd, 2015) 170; Abdelkader Cheref, *Gender and Identity in North Africa: Postcolonialism and Feminism in Maghrebi Women's Literature* (I.B.Tauris, 2010) 197 and Alamin M. Mazrui, *Cultural Politics of Translation: East Africa in a Global Context* (Routledge, 2016) 36.

110 Noritah Omar, Washima Che Dan and Jason Sanjeev Ganesan, *Critical Perspectives on Literature and Culture in the New World Order* (Cambridge Scholars Publishing, 2012) 95. See also; Jenny Berglund, *Teaching Islam* (Waxmann Verlag, 2010) 66; Ahmad Von Denffer, *Ulum al Qur'an: An Introduction to the Sciences of the Qur'an* (Kube Publishing Ltd, 2015) 95; Badmas 'Lanre Yusuf, *Sayyid Quṭb: A Study of His Tafsīr* (The Other Press, 2009) 42 and Robert Spencer, *Onward Muslim Soldiers: How Jihad Still Threatens America and the West* (Regnery Publishing, 2013) 155.

Primarily, this article will quote from the *tafsir* of Ibn Kathir, 14th Century historian and Islamic scholar.¹¹¹ Ibn Kathir was used to support offensive *jihad* in the following extremist publications. *39 Ways to Serve and Participate in Jihād* written by Muhammad bin Ahmad as-Salim,¹¹² *In Pursuit of Allah's Pleasure* written by Dr. Naajeh Ibrahim, Sheikh 'Aasim 'Abdul Maajid and Sheikh 'Esaam-ud-Deen Darbaalah,¹¹³ *Millat Ibrahim* by Abu Muhammad Al-Maqdis,¹¹⁴ *The Ruling on Jihad and It's Divisions* by Sheikh Yusuf al-Uyaari¹¹⁵ and *Fundamental Concepts Regarding Al-Jihad* written by Abdul-Quadir Ibn Abdul.¹¹⁶

4 Biographies of Muhammad

The earliest biography written about Muhammad, *Sirat Rasul Allah*, was written in the 8th Century¹¹⁷ by a man named Ibn Ishaq (ca. 704-768).¹¹⁸

111 Ahmad Ghabin, *Hisba, Arts and Craft in Islam* (Otto Harrassowitz Verlag, 2009)
109. See also; Vardit Rispler-Chaim, *Disability in Islamic Law* (Springer Science & Business Media, 2006) 136; Abdelfattah Kilito, *Auteur Et Ses Doubles* (Syracuse University Press, 2001) 89; J. Halverson, S. Corman and H. L. Goodall, *Master Narratives of Islamist Extremism* (Springer, 2011) 4 and Jonathan Riley-Smith, *The Oxford Illustrated History of the Crusades* (Oxford University Press, 2001) 217.

112 Muhammad bin Ahmad as-Salim, *39 Ways to Serve and Participate in Jihād* (At-Tibyān Publications, 2011).

113 Dr. Naajeh Ibrahim, Sheikh 'Aasim 'Abdul Maajid and Sheikh 'Esaam-ud-Deen Darbaalah, *In Pursuit of Allah's Pleasure* (A. Ibrahim and Al-Arabi Ben Razzaq trans.)

114 Abu Muhammad Al-Maqdis, *Millat Ibrahim* (At-Tibyan Publications, 2nd ed.)

115 Aheikh Yusuf al-Uyaari, *The Ruling on Jihad and It's Divisions* (Abu Osama trans., Bismillah ar-Rahman ar-Raheem) <www.islambase.tk>.

116 Abdul-Quadir Ibn Abdul, *Fundamental Concepts Regarding Al-Jihad* (At-Tibyan Publications, 2004).

117 Randall L. Pouwels, *The African and Middle Eastern World: 600-1500* (Oxford University Press, 2005) 27. See also; Richard Maxwell Eaton, *The Rise of Islam and the*

However, the book itself has actually been lost.¹¹⁹ 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.¹²⁰

In other words, the earliest biography of Muhammad's life was reputed to contain fabrications, disgraceful material and distressing facts.¹²¹ What we

Bengal Frontier: 1204-1760 (University of California Press, 1996) 286; William E. Phipps, *Muhammad and Jesus: A Comparison of the Prophets and Their Teachings* (Bloomsbury Publishing, 2016) 13; Ira M. Lapidus, *A History of Islamic Societies* (Cambridge University Press, 2014) 3 and Julie Scott Meisami and Paul Starkey, *Encyclopaedia of Arabic Literature* (Taylor & Francis, 1998) vol 1 51.

118 Lenn E. Goodman, *Islamic Humanism* (Oxford University Press, 2003) 167. See also; Erich Kolig, *Conservative Islam: A Cultural Anthropology* (Rowman & Littlefield, 2012) 15 and Diane Morgan, *Essential Islam: A Comprehensive Guide to Belief and Practice* (ABC-CLIO, 2010) 100

119 Allen Kent, Harold Lancour and Jay E. Daily, *Encyclopaedia of Library and Information Science* (CRC Press, 1975) vol 13 104. See also; Solomon A. Nigosian, *Islam: Its History, Teaching, and Practices* (Indiana University Press, 2004) 6; Irving M. Zeitlin, *The Historical Muhammad* (Polity, 2007) 2; Bernard Lewis, *Islam and the West* (Oxford University Press, 1994) 93 and Cenap Çakmak, *Islam: A Worldwide Encyclopaedia [4 Volume]* (ABC-CLIO, 2017) 647.

120 Found in Ibn Hisham's notes. Ibn Ishaq, *The Life of Muhammad: A Translation of Ibn Ishaq's Sirat Rasul Allah* (Alfred Guillaume trans, Oxford University Press, 2002) 691. See also; Muḥammad Ibn Ishāq and Gordon Darnell Newby, *The Making of the Last Prophet: A Reconstruction of the Earliest Biography of Muhammad* (University of South Carolina Press, 1989) 9; James E. Lindsay, *Ibn 'Asākir and Early Islamic History* (Darwin Press, 2001) 50; Ibn Warraq, *The Quest for the Historical Muhammad* (Prometheus Books, 2000) 453 and Ibn al-Rawandi, *Islamic Mysticism: A Secular Perspective* (Prometheus Books, 2000) 45.

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.¹²²

Another one of the earliest biographies of Muhammad was written by Ibn Sa'd¹²³ (ca. 784 – 845 AD).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.

122 Nabeel Qureshi, *No God But One: Allah or Jesus? A Former Muslim Investigates the Evidence for Islam and Christianity [Kindle Edition]* (Zondervan, 2016) 3666 - 3667.

123 Norman Calder, Jawid Mojaddedi and Andrew Rippin, *Classical Islam: A Sourcebook of Religious Literature* (Routledge, 2004) 30. See also; Margaretta Jolly, *Encyclopaedia of Life Writing: Autobiographical and Biographical Forms* (Routledge, 2013) 48; F. E. Peters, *Jesus and Muhammad: Parallel Tracks, Parallel Lives* (Oxford University Press, 2010) 32 and Sarah Bowen Savant, *The New Muslims of Post-Conquest Iran: Tradition, Memory and Conversion* (Cambridge University Press, 2013) 90.

124 Eerik Dickinson, *The Development of Early Sunnite Ḥadīth Criticism: The Taqdima of Ibn Abī Ḥātim Al- Rāzī (240/854-327/938)* (BRILL, 2001) 101. See also; Walter Werkmeister, *Quellenuntersuchungen zum Kitāb al- 'Iqd al-farīd des Andalusiers Ibn 'Abdrabbih (246/860-328/940)* (K. Schwarz, 1983) 107; John R. Hinnells, *Who's Who of World Religions* (Springer, 1991) 172 and Josef W. Meri, *Medieval Islamic Civilization: An Encyclopaedia* (Routledge, 2005) 366.

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

¹²⁵ Abu Muhammad Al-Maqdis, *Millat Ibrahim* (Unknown Publication, 2nd Ed., No Specified Date) 77 – 78.

slain.¹²⁶

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)¹²⁷ and inveighed against Muhammad.¹²⁸ 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

126 Ibn Sa'd and Moinul Haq, *Kitab al-Tabaqat al-Kabir* (Pakistan Historical Society, 1967) vol 2 37.

127 James E. Lindsay, *Daily Life in the Medieval Islamic World* (Greenwood Publishing Group, 2005) 60. See also; *Muhammad Husayn Haykal, The Life of Muhammad* (The Other Press, 1994) 260; Richard A. Gabriel, *Muhammad: Islam's First Great General* (University of Oklahoma Press, 2014) xxiii; J. Halverson and S. Corman, H. L. Goodall, *Master Narratives of Islamist Extremism* (Springer, 2011) 49 and Mike Kuhn, *Fresh Vision for the Muslim World* (InterVarsity Press, 2009) 204.

128 Muhammad Siddique Qureshi, *Foreign Policy of Hadrat Muhammad* (Kitab Bhavan, 1991) 256. See also; Alfred Guillaume, *Sīrat Rasūl Allāh* (Oxford University Press, 1955) 365.

about Muslim women.¹²⁹

This portrayal of events is also presented in *Sahih Muslim*.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

129 Ibn Ishaq, *The Life of Muhammad* (A. Guillaume trans, Oxford UP, 2004) 548 – 583]. See also; Tabari, *The History of al-Tabari*, Vol. VII, trans. W. Montgomery Watt (SUNYP, 1987) 94-98 / 1368-73; Sahaja Carimokam, *Muhammad and the People of the Book* (Xlibris Corporation, 2010) 306; Antonie Wessels, *A Modern Arabic Biography of Muḥammad: A Critical Study of Muḥammad Ḥusayn Haykal's Ḥayāt Muḥammad* (Brill Archive, 1972) 183 and Gary Paul Nabhan, *Cumin, Camels, and Caravans: A Spice Odyssey* (University of California Press, 2014) 120.

130 *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.¹³¹ Secondly, Abu' Afak was killed for opposing Muhammad through poetry.¹³² Thirdly, Al Nadr Ibn Al-Harith was killed for mocking and harassing Muhammad and for writing poems and stories criticising him¹³³ 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

131 William Muir, *The Life of Mahomet* (Smith, Elder and Co., 1861) 130. See also; Ibn Ishaq, *The Life of Muhammad: A Translation of Ibn Ishaq's Sirat Rasul Allah* (Alfred Guillaume trans, Oxford University Press, 2002) 675 - 676 and Ibn Sa'd, *Kitab Al-Tabaqat Al-Kabir* (Pakistan Historical Society, 1967) vol 2 35.

132 Yvonne Yazbeck Haddad and Ellison Bnaks Findly, *Women, Religion and Social Change* (SUNY Press, 1985) 24. See also William Muir, *The Life of Mahomet* (Smith, Elder and Co., 1861) 133; De Mahdi Rizqullah Ahmad, *Darussalam: A Biography of the Prophet of Islam* (Vol 1 & 2) 433; Ibn Ishaq, *The Life of Muhammad: A Translation of Ibn Ishaq's Sirat Rasul Allah* (Alfred Guillaume trans, Oxford University Press, 2002) 675 and Ibn Sa'd, *Kitab Al-Tabaqat Al-Kabir* (Pakistan Historical Society, 1967) vol 2 31.

133 Muhammad Husayn Haykal and Isma'il R. Al-Faruqi, *The Life of Muhammad* (North American Trust Publications, 1976) vol 2 223. See also; Ibn Ishaq, *The Life of Muhammad: A Translation of Ibn Ishaq's Sirat Rasul Allah* (Alfred Guillaume trans, Oxford University Press, 2002) 136l 236; 262 and 458.

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.¹³⁵ The Charlie Hebdo shooting involved the death of 12 people who were killed in a terrorist attack that occurred in Paris on the 7th January 2015.¹³⁶

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

(with commentary from Awnil Mabud 3/12); Sahih Al-Bukhari 1:9:499, vol 4 2934; *Sahih Muslim* 3:442, 4424 and Ibn Ishaq, *The Life of Muhammad: A Translation of Ibn Ishaq's Sirat Rasul Allah* (Alfred Guillaume trans, Oxford University Press, 2002) 458.

135 Gian Paolo Cimellaro, *Urban Resilience for Emergency Response and Recovery: Fundamental Concepts and Applications* (Springer, 2016) 12. See also; Šarūnas Paunksnis, *Dislocating Globality: Deterritorialization, Difference and Resistance* (BRILL, 2015) 37 and Elizaveta Gaufman, *Security Threats and Public Perception: Digital Russia and the Ukraine Crisis* (Springer, 2016) 194.

136 Jarmila Mildorf and Bronwen Thomas, *Dialogue across Media* (John Benjamins Publishing Company, 2011) 141. See also; Alessandro Zagato, *The Event of Charlie Hebdo: Imaginaries of Freedom and Control* (Berghahn Books, 2015) 57; Ursula Smartt, *Media & Entertainment Law* (Routledge, 2017) 58 - 59 and Steve Pickering, *Understanding Geography and War: Misperceptions, Foundations, and Prospects* (Springer, 2016) 87 - 88.

137 Nataša Bakić-Mirić and Davronzhon Erkinovich Gaipov, *Going Forward: Recent Developments in Higher Education* (Cambridge Scholars Publishing, 2016) 150. See also; Mark Connelly, *The Sundance Reader* (Cengage Learning, 2014) 452; Marijke Meijer Drees and Sonja de Leeuw, *The Power of Satire* (John Benjamins Publishing Company, 2015) 62; Mike Hardy, Fiyaz Mughal and Sarah Markiewicz, *Muslim Identity in a Turbulent Age: Islamic Extremism and Western Islamophobia* (Jessica Kingsley Publishers, 2017) 198 and Katherine Smits, *Applying Political Theory: Issues and Debates* (Palgrave Macmillan, 2016) 150.

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”.¹³⁸

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),¹³⁹ the Prophet ordered the execution of two singing girls belonging to Abd Allah b. Khatal

138 Edward Mickolus, *Terrorism, 2013–2015: A Worldwide Chronology* (McFarland, 2016) 308. See also; Patrick Duggan and Lisa Peschel, *Performing (for) Survival: Theatre, Crisis, Extremity* (Springer, 2016) 244; Brigitte L Nacos, *Terrorism and Counterterrorism* (Routledge, 2016) 109; John William Tate, *Liberty, Toleration and Equality: John Locke, Jonas Proast and the Letters Concerning Toleration* (Routledge, 2016)xiii; Eliot Dickinson, *Globalization and Migration: A World in Motion* (Rowman & Littlefield, 2016) 2 and Sathianathan Clarke, *Competing Fundamentalisms: Violent Extremism in Christianity, Islam, and Hinduism* (Westminster John Knox Press, 2017) 82.

139 Helaine Selin, *Encyclopaedia of the History of Science, Technology, and Medicine in Non-Western Cultures* (Springer Science & Business Media, 1997) 172. See also; Sayed Khatab, *The Power of Sovereignty: The Political and Ideological Philosophy of Sayyid Qutb* (Routledge, 2006) 129; Andrew Petersen, *Dictionary of Islamic Architecture* (Routledge, 2002) 142; Niaz A Shah, *Islamic Law and the Law of Armed Conflict: The Conflict in Pakistan* (Taylor & Francis, 2011) 40 and Robert P. Barnidge Jr., *The Liberal Way of War: Legal Perspectives* (Routledge, 2016) 217.

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

Narrated Sa'id ibn Yarnbu' 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-Maqis; 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

140 Guardian, trustee, helper. See A.J. Wensinck, *Encyclopaedia of Islam* (Brill, 2nd ed., 1927) vol 6 874.

141 Ibn Taymiyya and Muhammad Muhyi al-Din Abd al-Hamid (ed.), *al-Sarim al-Maslul 'ala shatim al-rasul* (Maktabat al-Taj, 1960) 404. See also; Ibn Ishaq, *The Life of Muhammad: A Translation of Ibn Ishaq's Sirat Rasul Allah* (Alfred Guillaume trans, Oxford University Press, 2002) 550; Ibn Sa'd, *Kitab al-Tabaqat al-Kabir* (Pakistan Historical Society, 1967) vol 2 174; Rizwi Faizer (ed.), *The Life of Muhammad: Al-Waqidi's Kitab al-Maghazi* (Routledge, 2013) 406; Maulana Wahid Khan, *Muhammad: A Prophet for All Humanity* (Goodword, 2002) 327 - 333; Saifur Rahman Al Mubarakpuri, *The Sealed Nectar* (Darussalam Publications, 2005) 254 and Hussain Haykal, *The Life of Mohammed* (Islamic Book Trust, 1994) 440.

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,¹⁴³ whilst others disagree;¹⁴⁴ citing Surah 4:89¹⁴⁵ 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".

143 Mustansir Mir, *The Dictionary of Quranic Terms and Concepts* (Garland Publishing Inc., 1987) 16. See also; Roy Jackson, *What is Islamic Philosophy?* (Routledge, 2014) 98; Maulana Muhammad Ali and Dr Zahid Aziz, *A Handbook of Islam: An Abridged Edition of 'The Religion of Islam'* (Ahmadiyya Anjuman Lahore Publications, 2015) 334; Jeroen Temperman, *State-Religion Relationships and Human Rights Law: Towards a Right to Religiously Neutral Governance* (BRILL, 2010) 184 and Hisham M. Ramadan, *Understanding Islamic Law: From Classical to Contemporary* (Rowman Altamira, 2006) 178.

144 Abul Ala Mawdudi, *The Punishment of the Apostate According to Islamic Law* (The Voice of the Martyrs, 1994). See also; Ayatollah Imam Khomeini, *Tahrir al-Wassilah* (CreateSpace Independent Publishing Platform, 2014) vol 2 196; Rebecca Joyce Frey, *Fundamentalism* (Infobase Publishing, 2010) 217 - 218 and Maulana Mufti Muhammad Shafi, *Maariful Qur'an* (Idaratul Maarif, 2007) vol 1 536.

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".

Other references that present this theme in *Sahih Al-Bukhari* are as follows
9:84:58; 4:55:656; 4:52:260; 5:59:632; 9:84:58; 9:89:271; 9:83:17; 9:83:37
and 9:84:64.

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 According

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.

148 *Sunan Ibn Majah* Vol. 3 Book 20, Hadith 2632; 3:20:2533; 3:20:2534 and 3:20:2535.

149 *Sunan Abu Dawud* Book 38 Hadith 4341 and Book 39 Hadith 4487.

150 Hannah Moore, 'Hate Preaching Centres Must Be Closed Down': Tony Abbott Demands Three-Step Action Plan To Tackle Rising Islamic Threat In Australia', *Dailymail* (online), 6 June 2017 <<http://www.dailymail.co.uk/news/article-4575440/Tony-Abbott-demands-action-tackle-Islamic-threat.html>>.

151 Jacqueline G. Brinton, *Preaching Islamic Renewal: Religious Authority and Media in Contemporary Egypt* (University of California Press, 2015) 118.

to Muslim jurists, apostates may be killed unless they repent.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 *Jihad* and how extremists use primary Islamic sources to justify performing offensive *jihad*.

(c) Muhammad's View of Jihad

(i) *What is Jihad?*

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

152 Of course, many contemporary Muslims have opposed the execution of the apostate, and pointed out that the tradition is based on insufficient evidence. Majid Khadduri, *Islamic Conception of Justice* (John Hopkins University Press, 1984) 238; Mohamed El Awa, *Punishment in Islamic Law* (American Trust Publications, 1993) 49 -56, 61 - 62; Mahmud Shaltut, *Al-Islam: Aqid'a wa Sharicah* (Dar al0Shuruq, 17th ed., 1991) 280 - 281; Khaled Abou El Fadl, *Rebellion and Violence in Islamic Law* (Cambridge University Press, 2006) 32; S. Sardar Ali (ed.) et al., *Islam and International Law: Engaging Self-Centrism from a Plurality of Perspectives* (Martinus Nijhoff Publishers, 2013) 90; Jonathan E. Brockopp, *Islamic Ethics of Life: Abortion, War, and Euthanasia* (University of South Carolina Press, 2003) 109; James Turner Johnson and John Kelsay, *Cross, Crescent, and Sword: The Justification and Limitation of War in Western and Islamic Tradition* (Greenwood Press, 1990) 162 and Thomas Scheffler, *Religion Between Violence and Reconciliation* (Ergon-Verlag, 2002) 103.

153 John L. Esposito, *The Oxford Dictionary of Islam* (Oxford University Press, 2004) 159 - 160. See also; Ira G. Zepp, *A Muslim Primer: Beginner's Guide to Islam* (University of

There are two types of *jihad*; inner *jihad* and external *jihad*.¹⁵⁴

(a) Inner Jihad

Inner *jihad* reflects the struggle of the self with evil; the struggle to control the body's members.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.¹⁵⁶

(b) External Jihad

Arkansas Press, 2000) vol 1 95 and Natana DeLong-Bas, *Jihad: Oxford Bibliographies Online Online Research Guide* (Oxford University Press, 2010) 3.

154 Abd al-Qadir al-Jilani, *Al-Fath Al-Rabbani Wa-l-fayd Al-Rahmani* (Cairo, 1988) 83. See also; David Cook, *Understanding Jihad* (Univ of California Press, 2015) 45; Jyoti Bhusan Das Gupta, *Science, Technology, Imperialism, and War* (Pearson Education India, 2007) 597; Anthony Parel and Ronald C. Keith, *Comparative Political Philosophy: Studies Under the Upas Tree* (Lexington Books, 2003) xx and Onder Bakircioglu, *Islam and Warfare: Context and Compatibility with International Law* (Routledge, 2014) 70.

155 Farahat AlKindy, *The Comprehensive Guide For Da'wah In Mosques (Masjids)* (Farahat Mohammed Nassor Al-Kindy, 2005) 19. See also; Ron Geaves, *Islam Today: An Introduction* (A&C Black, 2010) 108; K. Robinson, *Asian and Pacific Cosmopolitans: Self and Subject in Motion* (Springer, 2007) 150; Sayyid Haydar Amuli and Ḥaydar ibn 'Alī Āmulī, *Inner Secrets of the Path* (Element Books in association with Zahra Publications, 1989) 290 and David Cook, *Understanding Jihad* (Univ of California Press, 2015) 45.

156 Abd al-Qadir al-Jilani, *Al-Fath Al-Rabbani Wa-l-fayd Al-Rahmani* (Cairo, 1988) 83. See also; David Cook, *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 state¹⁶⁰ and *Jihad Al-Dafa'a*

157 Frances L. Flannery, *Understanding Apocalyptic Terrorism: Countering the Radical Mindset* (Routledge, 2015) 85. See also; Michael Bonner, *Jihad in Islamic History: Doctrines and Practice* (Princeton University Press, 2008) 22; Brian P. Bennett, *Understanding, Assessing, and Responding to Terrorism: Protecting Critical Infrastructure and Personnel* (John Wiley & Sons, 2007) 23; Richard Schechner, *Performance Studies: An Introduction* (Routledge, 2012) 270 and Muhammad-Basheer .A. Ismail, *Islamic Law and Transnational Diplomatic Law: A Quest for Complementarity in Divergent Legal Theories* (Springer, 2016) 145.

158 A.H. Qasmi, *Islamic Government* (Gyan Publishing House, 2008) 31. See also; John Ralph Willis, *In the Path of Allah: 'Umar, An Essay Into the Nature of Charisma in Islam* (Routledge, 2013) 230 and Alastair Finlan, *The Test of Terrorism: Responding to Political Violence in the Twenty-First Century* (Routledge, 2016) 64.

159 Abd al-Qadir al-Jilani, *Al-Fath Al-Rabbani Wa-l-fayd Al-Rahmani* (Cairo, 1988) 83. See also; David Cook, *Understanding Jihad* (Univ of California Press, 2015) 45.

160 Radical Islamic Source: Sheikh Dr. Abdul-Qādir Ibn 'Abdul-'Azīz, *Fundamental Concepts Regarding Al Jihad*, Muslimcreed.com, JW, 20 September 2005. See also; Line Khatib, *Islamic Revivalism in Syria: The Rise and Fall of Ba'thist Secularism* (Routledge, 2012) 152; Sayed Khatib, *Understanding Islamic Fundamentalism: The Theological and Ideological Basis of Al-Qa'ida's Political Tactics* (Oxford University Press, 2011) 151; Joseph Morrison Skell, *Political Islam from Muhammad to Ahmadinejad: Defenders, Detractors, and*

(defensive jihad), fighting in self-defence.¹⁶¹

The modern Muslim would confer that *Jihad Al-Dafa'a* is permissible however; *Jihād Al-Talab* is not.¹⁶² Evidently, those who adhere to the radical ideology of Islam disagree and look to the three sources for justification.

(ii) Which Jihad is Best?

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

It was narrated that Amr bin Abasah said:

Definitions: Defenders, Detractors, and Definitions (ABC-CLIO, 2009) 116 and A. Ahmad, *Islam, Islam, Modernity, Violence, and Everyday Life* (Springer, 2009) 135.

161 Mehdi Faridzadeh, *Philosophies of Peace and Just War in Greek Philosophy and Religions of Abraham: Judaism, Christianity and Islam* (Alhoda UK, 2004) 95. See also; Keith B. Payne, *Understanding Deterrence* (Routledge, 2014) 53; Michael Cromartie, *Religion, Culture, and International Conflict: A Conversation* (Rowman & Littlefield, 2005) 121; Line Khatib, *Islamic Revivalism in Syria: The Rise and Fall of Ba'thist Secularism* (Routledge, 2012) 152 and Muhammad Qasim Zaman, *Modern Islamic Thought in a Radical Age: Religious Authority and Internal Criticism* (Cambridge University Press, 2012) 262.

162 Line Khatib, *Islamic Revivalism in Syria: The Rise and Fall of Ba'thist Secularism* (Routledge, 2012) 152. See also; Vesselin Popovski, Gregory M. Reichberg and Nicholas Turner, *World Religions and Norms of War* (United Nations University Press, 2009) 265; Aref M. Al-Khattar, *Religion and Terrorism: An Interfaith Perspective* (Greenwood Publishing Group, 2003) 64; Justin Jones, *Shi'a Islam in Colonial India: Religion, Community and Sectarianism* (Cambridge University Press, 2011) 169 and Chiragh Ali, *A Critical Exposition of the Popular 'Jihad': Show That All The Wars of Muhammad Were Defensive and That Aggressive War Is Not Allowed in the Koran* (Calcutta, 1885).

[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 booty¹⁶⁷ 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.

169 The *shahada* is an Islamic creed declaring belief in the oneness of God (tawhid) and the acceptance of Muhammad as God's prophet. See Dan Scott, *Faith to Faith* (arvest House Publishers, 2008) 116. See also; Ludwig W. Adamec, *Historical Dictionary of Islam* (Scarecrow Press, 2009) 94; Daria Mitchell, *Daring to Embrace the Other: Franciscans and Muslims in Dialogue* (Franciscan Institute Publications, 2008) 52; Simon Cottey, *The Apostates: When Muslims Leave Islam* (Oxford University Press, 2015) 225 and Vincent J. Cornell, *Voices of Islam: Voices of Tradition* (Greenwood Publishing Group, 2007) 217.

170 *Zakat* is a form of alms-giving treated in Islam as a religious obligation or tax.

See Mehdi Salehi, 'A Study on the Influences of Islamic Values on Iranian Accounting Practice and Development' (2014) 10 (2) *Journal of Islamic Economics, Banking and Finance* 154–182; Zulkipli Lessy, 'Zakat Management in Indonesia: Whose Job Should It Be?' (2009) 3(1) *La Riba Journal Ekonomi Islam* 106 - 119; Vincent J. Cornell, *Voices of Islam* (Greenwood Publishing Group, 2006) 201; Robert W. McGee, *The Philosophy of Taxation and Public Finance* (Springer Science & Business Media, 2003) 67 and Delmus Puneri Salim, *The Transnational and the Local in the Politics of Islam: The Case of West Sumatra, Indonesia* (Springer, 2015) 82.

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 Islam¹⁷¹ once you recite the *shahada* in sincere belief.¹⁷² 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;¹⁷³

(*kufir*), 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.

171 Islamic theology teaches that everyone is born a Muslim. Lewis R. Rambo and Charles E. Farhadian, *The Oxford Handbook of Religious Conversion* (Oxford University Press, 2014) 669. See also; Jan N. Bremmer et al., *Cultures of Conversions* (Peeters Publishers, 2006) 161; J.D. Woodberry, 'Conversion in Islam' in H. Newton Malony and S. Southard (ed.) *Handbook of Religious Conversion* (Alabama, 1992) 23, 25; Clinton Bennett, *The Bloomsbury Companion to Islamic Studies* (Bloomsbury Publishing, 2014) 336; Ousseina D. Alidou, *Muslim Women in Postcolonial Kenya: Leadership, Representation, and Social Change* (University of Wisconsin Press, 2013) 13 and M. Diouf and M. Leichtman, *New Perspectives on Islam in Senegal: Conversion, Migration, Wealth, Power, and Femininity* (Springer, 2009) 147.

172 Kambiz Ghanea Bassiri, *Competing Visions of Islam in the United States: A Study of Los Angeles* (Greenwood Publishing Group, 1997) 3. See also; Esra Özyürek, *Being German, Becoming Muslim: Race, Religion, and Conversion in the New Europe* (Princeton University Press, 2014) 112; John Azumah and Lamin Sanneh, *The African Christian and Islam* (Langham Monographs, 2013) 229; Scott Flower, *Islam and Cultural Change in Papua New Guinea* (Taylor & Francis, 2016) 133 and Nasser Abufarha, *The Making of a Human Bomb: An Ethnography of Palestinian Resistance* (Duke University Press, 2009) 150.

173 John Azumah and Lamin Sanneh, *The African Christian and Islam* (Langham Monographs, 2013) 229. See also; Lewis R. Rambo and Charles E. Farhadian, *The Oxford Handbook of Religious Conversion* (Oxford University Press, 2014) 669; Vincent J. Cornell,

for the testimony of a women is half that of a man in Islam (Cf. Surah 2:282¹⁷⁴).¹⁷⁵ This is because of, according to *Sahih Al-Bukhari*; “the deficiency of a woman’s mind”.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:

Voices of Islam (Greenwood Publishing Group, 2006) 9; Rudolph Peters, *Crime and Punishment in Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-First Century* (Cambridge University Press, 2005) 12; Jakob Skovgaard-Petersen, *Defining Islam for the Egyptian State: Muftis and Fatwas of the Dār Al-Iftā* (BRILL, 1997) 87 and Adamu Abubakar, *Islamic Law Practice and Procedure in Nigerian Courts* (Malthouse Press, 2017) 92.

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.

175 Carolyn Fluehr-Lobban, *Islamic Law and Society in the Sudan* (Routledge, 2013) 56. See also; Peri Bearman et al., *The Ashgate Research Companion to Islamic Law* (Routledge, 2016) 144; Theodore M Ludwig, *Sacred Paths of the West* (Routledge, 2015) 242; E. Ann Black, Hossein Esmaeili and Nadirsyah Hosen, *Modern Perspectives on Islamic Law* (Edward Elgar Publishing, 2013) 119; Rôn Šaham, *Law, Custom, and Statute in the Muslim World: Studies in Honor of Aharon Layish* (BRILL, 2007) 49; Rubya Mehdi, *The Islamization of the Law in Pakistan* (Routledge, 2013) 217 and Aftab Hussain, *Status of Women in Islam* (Law Publishing Company, 1987) 280.

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.

178 Book 21 Hadith 3188 and Vol. 3, Book 15, Hadith 2634 – 2636.

179 Vol. 1, Book 1, Hadith 71 – 72 and Vol. 5, Book 36, Hadith 3927 – 3928.

180 Vol. 3, Book 23, Hadith 2445; Vol. 4, Book 25, Hadith 3092 – 3096; Vol. 5, Book 37, Hadith 3971 – 3792; Vol. 5, Book 37 Hadith 3794 – 3982; Vol. 5, Book 37 Hadith 3984 and Vol. 5, Book 37 Hadith 3987 – 3988.

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.

182 Vol. 5, Book 38, Hadith 2606 – 2608.

183 *Bidayat al-Mudjtahid*, *Jihad in Medieval and Modern Islam: The Chapters on Jihad from Averroes' Legal Handbook "Bidayat al-mudjtahid"* (Rudolph Peters trans., Brill, 1977) 9-25.

184 Joas Wagemakers, *Salafism in Jordan: Political Islam in a Quietist Community* (Cambridge University Press, 2016) 65. See also; Sadek Hamid, Sufis, *Salafis and Islamists: The Contested Ground of British Islamic Activism* (I.B.Tauris, 2016) 76.

185 Joel Richardson, *Antichrist: Islam's Awaited Messiah* (Pleasant Word, 2006) 161. See also; Richard Gauvain, *Salafi Ritual Purity: In the Presence of God* (Routledge, 2013) 3; Randall Price, *Fast Facts on the Middle East Conflict* (Harvest House Publishers, 2003) 156 and Stanley D. Brunn, *The Changing World Religion Map: Sacred Places, Identities, Practices and Politics* (Springer, 2015) 3506.

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.*

187 Majid Khadduri, *Islamic Jurisprudence: Shafi'i Risala* (Baltimore, 1961) 333-52, notes: 33-9.

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 27:45¹⁸⁹ to prove this point. Citing Surah 22:19;¹⁹⁰ Abdul dictates that believers and disbelievers fight over their Lord. Abdul then utilises Surah 4:101¹⁹¹ 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 47:4¹⁹² and 47:31¹⁹³ in order to justify his position of offensive *jihad*.

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

188 Abdul-Quadir Ibn Abdul, *Fundamental Concepts Regarding Al-Jihad* (At-Tibyan Publications, 2004) 21 – 22.

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

194 Abdul-Quadir Ibn Abdul, *Fundamental Concepts Regarding Al-Jihad* (At-Tibyan Publications, 2004) 36 – 46.

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-Sahihah 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 18:16¹⁹⁹ and Surah 19:48.²⁰⁰

The final stage consists of committing *jihad* in the path of Allah. Abdul cites Surah 9:5²⁰¹ and Sahih Muslim 1:29 – 30, 32 – 33 to justify killing those who refuse to accept Islam. Further, Abdul cites Surah 9:123²⁰² 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: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

...²⁰⁴

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.

203 Ibn Qudamah al-Maqdisi, *Mughni': Sharh al-Kabir* vol 10 372 – 373 is also referenced.

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

Farthest Areas (No Date) *Alim* <<http://www.alim.org/library/quran/AlQuran-tafsir/TIK/9/123>>. See *tafsir/TIK/9/123*>. See also; Muhammad Saed Abdul-Rahman, *The Meaning and Explanation of the Glorious Qur'an* (MSA Publication Limited, 2009) vol 4 196 and Shaykh Safiur-Rahman Al-Mubarakpuri, *Tafsir Ibn Kathir (Abridged)* (Dar-us-Salam Publications, 1st ed., 2000) vol 4 546.

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 and property from me except for Islamic laws and then their reckoning (accounts) will be done by Allah."

206 *Sharh Fath ul-Qadeer* Vol. 5/437. See also; *Tafsir al-Jasaas* Vol. 3/116; *Tafsir Ibn Atiya* Vol. 2/43; *Tafsir Ibn Kathir* Vol. 4/97; *Al-Isabah* Vol. 1/567; *Fath al-Bari* Vol. 6/28; *Zaad al-Ma'ad* Vol. 3/72 and *Tafsir Qurtubi* Vol. 8/293 – Commenting on Surah 9:122.

207 Shaykh Abu Mas'ud Al-Awlaki, 'Why Did I Choose Al Qaeda?' in *Inspire Magazine* (2014) 1435(12) 32 - 35.

acknowledge the *shahada*. To justify this practise, Al-Awlaki quotes from *Sunan Ibn Majah*; one of the sources mentioned above.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 rasūlullāh*" (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 ﷺ 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."²⁰⁹

Al-Awlaki also cites from the work of Sheikh Ahmad Ibn Taymiyyah (1263 - 1328 AD),²¹⁰ medieval Muslim theologian²¹¹ titled, *Majmoo'al-Fatawa of*

208 Shaykh Abu Mas'ud Al-Awlaki, 'Why Did I Choose Al Qaeda?' in *Inspire Magazine* (2014) 1435(12) 34.

209 *Sunan Ibn Majah* Vol. 1, Book 1, Hadith 71 – 72

210 Sheikh Ahmad, *In Their Own Words: Voices of Jihad- Compilation and Commentary* (Rand Corporation, 2008) 45. See also; Abdul Hakim I Al-Matroudi, *The Hanbali School of Law and Ibn Taymiyyah: Conflict Or Conciliation* (Routledge, 2006) 1; Muhammad Mojlum Khan, *The Muslim 100: The Lives, Thoughts and Achievements of the Most Influential Muslims in History* (Kube Publishing Ltd, 2009) 103 and M. Perry and Howard E. Negrin, *The Theory and Practice of Islamic Terrorism: An Anthology* (Springer, 2008) 21.

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.

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

212 Shaykh Abu Mas'ud Al-Awlaki, 'Why Did I Choose Al Qaeda?' in *Inspire Magazine* (2014) 1435(12) 33.

213 Shaykh Ibn Baz, *Majmoo'al-Fatawa of late Scholar Ibn. Bazz* (www.alifta.net, 2nd ed., 2001) vol 10 83.

214 Shaykh Ibn Baz, *Majmoo'al-Fatawa of late Scholar Ibn. Bazz* (www.alifta.net, 2nd ed., 2001) vol 10 60. See also; Shaykh Abu Mas'ud Al-Awlaki, 'Why Did I Choose Al Qaeda?' in *Inspire Magazine* (2014) 1435(12) 33.

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 Auliya (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 *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-Qa'eda's magazine,²¹⁶ reflects upon a conversation he had with Al-Qa'eda in the Arabian Peninsula's military commander, Sheikh Qasim al-Raymi,²¹⁷ on the ongoing conflict between the *Mujahideen* and America. *Muhannad* comments that he had asked Sheikh Qasim al-Raymi, "Why do you think the Americans fear *Jihād* and *Mujahideen* that much?"²¹⁸

Sheikh Ar-Reimy responded by declaring that those who fight in *jihad*

215 Shaykh Ibn Baz, *Majmoo'al-Fatawa of late Scholar Ibn. Bazz* (www.alifta.net, 2nd ed., 2001) vol 7 645.

216 Muhannad J. S, '24/7 Terrorism' in *Inspire Magazine* (2014) 1435(12) 34 - 35.

217 Hussein Solomon, *Islamic State and the Coming Global Confrontation* (Springer, 2016) 48. See also; James DeShaw Rae, *Analyzing the Drone Debates: Targeted Killings, Remote Warfare, and Military Technology* (Springer, 2014) 34 and V. G. Julie Rajan, *Al Qaeda's Global Crisis: The Islamic State, Takfir and the Genocide of Muslims* (Routledge, 2015) 307.

218 Muhannad J. S, '24/7 Terrorism' in *Inspire Magazine* (2014) 1435(12) 35.

(*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."²¹⁹ Therefore, any Muslim following the way of the Prophet ... will be feared by the enemies of Islam. [Emphasis Mine]

*Sahih Al-Bukhari*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*.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;²²² 8:59-60;²²³ 33:26²²⁴ and

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...

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

221 *Sahih Muslim* Book 004, Number 1062, 1063, 1066, 1067

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.

223 59 And let not those who disbelieve think they will escape. Indeed, they will not cause

59:2.²²⁵

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.²²⁶

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

failure [to Allah]. 60 And prepare against them whatever you are able of power and of steeds by which you may terrify the enemy of Allah and your enemy and others besides them whom you do not know [but] whom Allah knows. And whatever you spend in the cause of Allah will be fully repaid to you, and you will not be wronged.

224 And He brought down those who supported them among the People of the Scripture from their fortresses and cast terror into their hearts [so that] a party you killed, and you took captive a party.

225 It is He who expelled the ones who disbelieved among the People of the Scripture from their homes at the first gathering. You did not think they would leave, and they thought that their fortresses would protect them from Allah ; but [the decree of] Allah came upon them from where they had not expected, and He cast terror into their hearts [so] they destroyed their houses by their [own] hands and the hands of the believers. So take warning, O people of vision.

226 Imam Surkhasi, *Kitab al-Mabsut* Vol 3/10.

Peninsula':²²⁷

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).²²⁸

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*".²²⁹

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

227 Rüdiger Lohker, *Jihadism: Online Discourses and Representations* (V&R unipress GmbH, 2013) 186.

228 Abu Ahmad Abd Al-Rahman Al-Masri, 'Waqfat ma al-waqdat hawla "ikhraj al-mushrikeen min jazirat al-'arab" (Al-Ansar Mailing List Newsletter, 2009) 3.

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 332²³⁰ 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...²³³

Other Hadiths also express this idea.²³⁴ 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;²³⁵ justified in killing them.

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

(Springer, 2016) Part 1 177.

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.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*.²³⁷

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

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

236 Ramesh Chopra, *Encyclopaedic Dictionary of Religion* (Gyan Publishing House, 2005) vol 1 279. See also; Thomas Irving, Khurshid Ahmad and Muhammad Ahsan, *The Qur'an: Basic Teachings* (Kube Publishing Ltd, 2015) 265.

237 Ramesh Chopra, *Encyclopaedic Dictionary of Religion* (Gyan Publishing House, 2005) vol 1 279. See also; Thomas Irving, Khurshid Ahmad and Muhammad Ahsan, *The Qur'an: Basic Teachings* (Kube Publishing Ltd, 2015) 265.

238 Ibn Kathir, *The Meaning of Mischief*. See also; Muhammad Saed Abdul-Rahman, *Tafsir Ibn Kathir Juz' 1 (Part 1): Al-Fatihah 1 to Al-Baqarah 141* (MSA Publication Limited, 2nd. Ed., 2013) LXXXIV; Muhammad Saed Abdul-Rahman, *The Meaning and Explanation of the Glorious Qur'an* (MSA Publication Limited, 2nd ed., 2009) vol 1 77; Ibn Kathir, *Tafsir Ibn Kathir* (Lulu Press Incorporated, 2016) vol 1 95 and Ibn Kathir, *Tafseer Ibn Kathir* (ULU Press, 2015) 95.

239 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.

(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.

240 Muhammad Saed Abdul-Rahman, *Tafsir Ibn Kathir Juz' 1 (Part 1): Al-Fatihah 1 to Al-Baqarah 141* (MSA Publication Limited, 2nd. Ed., 2013) LXXXIV. See also; Muhammad Saed Abdul-Rahman, *The Meaning and Explanation of the Glorious Qur'an* (MSA Publication Limited, 2nd ed., 2009) vol 1 77; Ibn Kathir, *Tafsir Ibn Kathir* (Lulu Press Incorporated, 2016) vol 1 95 and Ibn Kathir, *Tafseer Ibn Kathir* (ULU Press, 2015) 95.

241 Tafsir Ibn Kathir, *Types of Mischief that the Hypocrites Commit*. See also; Muhammad Saed Abdul-Rahman, *The Meaning and Explanation of the Glorious Qur'an* (MSA Publication Limited, 1st ed., 2009) vol 2 78; Muhammad Saed Abdul-Rahman, *Tafsir Ibn Kathir Juz' 1 (Part 1): Al-Fatihah 1 to Al-Baqarah 141* (MSA Publication Limited, 2nd. Ed., 2013) LXXXIV; Ibn Kathir, *Tafseer Ibn Kathir* (ULU Press, 2015) 95 and Ismā'īl ibn 'Umar Ibn Kathīr and Şafī al-Raḥmān Mubārakfūrī, *Tafsir Ibn Kathir* (Darussalam, 2000) 132.

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 8:73,²⁴² 4:144²⁴³ and 4:145²⁴⁴] 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.

245 Tafsir Ibn Kathir, *Types of Mischief that the Hypocrites Commit*. See also; Muhammad Saed Abdul-Rahman, *The Meaning and Explanation of the Glorious Qur'an* (MSA Publication Limited, 1st ed., 2009) vol 2 78; Muhammad Saed Abdul-Rahman, *Tafsir Ibn Kathir Juz' 1 (Part 1): Al-Fatihah 1 to Al-Baqarah 141* (MSA Publication Limited, 2nd. Ed., 2013) LXXXIV; Ibn Kathir, *Tafseer Ibn Kathir* (ULU Press, 2015) 95 and Ismā'īl ibn 'Umar Ibn Kathīr and Ṣafī al-Raḥmān Mubārakfūrī, *Tafsir Ibn Kathir* (Darussalam, 2000) 132.

from inflicting on him the prescribed punishment, which he deserves.²⁴⁶
[Emphasis Mine].

Sahih Bukhari,²⁴⁷ and *Sahih Muslim*,²⁴⁸ also declares that Muslims can perform *fasad*.

*Sunan Abi Dawud*²⁴⁹ and Ibn Kathir's *tafsir*, "The Punishment of Those Who Cause Mischief in the Land" confirms the penalty for *fasad* is execution or crucifixion.²⁵⁰

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.²⁵¹

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

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.

250 Ibn Kathir, *The Punishment of those Who Cause Mischief in the Land*. See also; Muhammad Saed Abdul-Rahman, *The Meaning and Explanation of the Glorious Qur'an* (MSA Publication Limited, 2007) vol 2 411; Ibn Kathir, *Tafsir Ibn Kathir* (Shaykh Safiur-Rahman Al-Mubarakpuri trans, Darussalam, 2003) vol 3 161.

251 Shaykh Safiur-Rahman Al-Mubarakpuri, *Tafsir Ibn Kathir* (Darussalam, 2003) vol 3 161. See also; Muhammad Saed Abdul-Rahman, *The Meaning and Explanation of the Glorious Qur'an* (MSA Publication Limited, 2nd ed., 2009) vol 2 392 and Muhammad Saed Abdul-Rahman, *Tafsir Ibn Kathir Juz' 6 (Part 6): An-Nisaa 148 to Al-Ma'idah 81* (MSA Publication Limited, 2nd ed., 2009) CXLVIII

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 9.²⁵² 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

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 – 619²⁵⁴ 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

253 Hatem Elliesie, *Beiträge Zum Islamischen Recht VII: Islam und Menschenrechte* (Peter Lang, 2010) 546. See also; Onder Bakircioglu, *Islam and Warfare: Context and Compatibility with International Law* (Routledge, 2014) 16; Hisham M. Ramadan, *Understanding Islamic Law: From Classical to Contemporary* (Rowman Altamira, 2006) 168 and Mark Woodward, *Java, Indonesia and Islam* (Springer Science & Business Media, 2010) 199.

254 Ibn Ishaq, *The Life of Muhammad: A Translation of Ishaq's Sirat Rasul Allah* (Alfred Guillaume trans., Oxford University Press, 1955) 617 - 619.

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."

²⁵⁵ Ibn Ishaq, *The Life of Muhammad: A Translation of Ishaq's Sirat Rasul Allah* (Alfred Guillaume trans., Oxford University Press, 1955) 619.

²⁵⁶ Ibn Ishaq, *The Life of Muhammad: A Translation of Ishaq's Sirat Rasul Allah* (Alfred Guillaume trans., Oxford University Press, 1955) 617.

Ibn Sa'd's 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-Madinah... 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).²⁵⁷

Well known Scholar of Islam, Sir William Muir²⁵⁸ based his book titled, *Life of Muhammad* upon the work of Ibn Ishaq, Ibn Sa'd, Wackidi, Tabari, and the collections of Sahih Hadiths. Sir Muir notes, in relation to the context of the peace treaties nullified in Surah 9:

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.²⁵⁹

257 Ibn Sa'd's, *Kitab al-Tabaqat al-Kabir* (S. Moinul Haq trans., Pakistan Historical Society, 1972) vol 2 208 – 209.

258 Clinton Bennett, *Muslims and Modernity: Current Debates* (A&C Black, 2005) 4. See also; Gerhard Böwering, Patricia Crone and Mahan Mirz, *The Princeton Encyclopaedia of Islamic Political Thought* (Princeton University Press, 2013) 212; Feryal Salem, *The Emergence of Early Sufi Piety and Sunnī Scholasticism: 'Abdallāh b. al-Mubārak and the Formation of Sunni Identity in the Second Islamic Century* (BRILL, 2016) 4 and D. Varisco, *Islam Obscured: The Rhetoric of Anthropological Representation* (Springer, 2005) 85.

259 Sir William Muir, *Life of Muhammad* (London, 1861) 210.

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.’²⁶⁰

Ibn Juzayy, another world renowned Islamic scholar²⁶¹ states re-iterated the effects of Surah 9, “abrogating every peace treaty in the Qur’an”.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.

260 Shaykh Safiur-Rahman Al-Mubarakpuri, *Tafsir Ibn Kathir (Abridged) Volume 4* (Dar-us-Salam Publications, 1st ed., 2000) 375, 377.

261 Juan Eduardo Campo, *Encyclopaedia of Islam* (Infobase Publishing, 2009) 330. See also; Yasin Dutton, *The Origins of Islamic Law: The Qur'an, the Muwatta' and Madinan Amal* (Routledge, 2013) 240; L. P. Harvey, *Ibn Battuta* (I. B. Tauris, 2007) 54 and M. Pabst Battin and Margaret Pabst Battin, *The Ethics of Suicide: Historical Sources* (Oxford University Press, 2015) 235.

262 Shaykh Safiur-Rahman Al-Mubarakpuri, *Tafsir Ibn Kathir (Abridged) Volume 4* (Dar-us-Salam Publications, 1st ed., 2000) 376. See also; Robert Spencer, *Onward Muslim Soldiers: How Jihad Still Threatens America and the West* (Regnery Publishing, 2013) 134.

Muhammad instructed his followers 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

²⁶³ Ibn Sa'd's, *Kitab al-Tabaqat al-Kabir* (S. Moinul Haq trans., Pakistan Historical Society, 1972) vol 2 208 – 209.

²⁶⁴ Jane Dammen McAuliffe, *The Cambridge Companion to the Qur'ān* (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-Zamakhshari²⁶⁷ (d. 1143 AD)²⁶⁸ dictates, “To abrogate a verse means that God removes (*azala*) it by putting another in its place”.

There is much disagreement as to the precise nature of abrogation. As

University Press, 2006) 307. See also; M. Darrol Bryant, *Pluralism, Tolerance and Dialogue: Six Six Studies* (University of Waterloo Press, 1989) 7; Hamid Naseem Rafiabadi, *World Religions and Islam: A Critical Study* (Sarup & Sons, 2003) vol 2 266; Mahmoud Ayoub, *Contemporary Approaches to the Qur'an and Sunnah* (International Institute of Islamic Thought, 2014) 4 and Abdullahi Ahmed An-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (Syracuse University Press, 1996) 21.

265 Mahmoud M. Ayoub, *The Quran and Its Interpreters* (State University of New York Press, 1984) 139. See also; At-Tabari, *Tarikh al-Rasul Wa al-Muluk* (Leiden, 1991) vol 2 407, 471 – 472.

266 Sheikh Muhammad Nasib Ar-Rafa'i, *Tafsir Ibn Kathir* (Al-Firdous Ltd, 2nd ed., 1998) 203 – 204.

267 Andrew J. Lane, *A Traditional Mu'tazilite Qur'an Commentary: The Kashshāf of Jār Allāh Al-Zamakhsharī* (BRILL, 2006) 142. See also; Hussein Abdul-Raof, *Schools of Qur'anic Exegesis: Genesis and Development* (Routledge, 2013) 52; Shari Lowin, *Arabic and Hebrew Love Poems in Al-Andalus* (Routledge, 2013) 111 and Ali Suleiman Ali, *Al-Tafsīr bi Al-Ma'thūr* (University of Michigan, 1996) 59.

268 Zeki Majeed Hassan and Barry Heselwood, *Instrumental Studies in Arabic Phonetics* (John Benjamins Publishing, 2011) 4. See also; Yasir Suleiman, *Living Islamic History: Studies in Honour of Professor Carole Hillenbrand: Studies in Honour of Professor Carole Hillenbrand* (Edinburgh University Press, 2010) 196 and Jonathan Owens, *Arabic as a Minority Language* (Walter de Gruyter, 2000) 94.

demonstrated by Muslim scholar Ahmad Von Denffer: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.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 16:101²⁷¹ and Surah 13:39.²⁷²

269 Robert Spencer, *Islam Unveiled: Disturbing Questions about the World's Fastest-Growing Faith* (Encounter Books, 2003) 24. See also; Khalid Mahmood Shaikh, *Islam in Modern Age* (National Book Foundation, 1999) 29 and Laurence Galian, *The Sun at Midnight: The Revealed Mysteries of the Ahlul Bayt Sufis* (Quiddity, 2003) 375.

270 Ahmad Von Denffer, *Ulum al Qur'an: An Introduction to the Sciences of the Qur'an* (Kube Publishing Ltd, 2015) 82.

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.

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" ..."²⁷³

Other *tafsirs* that also agree with Ibn Kathirs rendering of Surah 2:106 are Tafsir Al-Jalalain²⁷⁴ and Tafsir Maariful.²⁷⁵ Helmut Gätje quotes from the *tafsirs* of Zamakhshari and Baidawi.²⁷⁶ Mahmoud M. Ayoub further provides commentaries from other various scholars.²⁷⁷

Surah 9 is central to the topic of the law of abrogation because it was received in 631 AD,²⁷⁸ 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

²⁷³ Muhammad Saed Abdul-Rahman, *The Meaning and Explanation of the Glorious Qur'an* (MSA Publication Limited, 2nd ed., 2009) vol 1 195. See also; Muhammad Saed Abdul-Rahman, *Tafsir Ibn Kathir Juz' 1 (Part 1): Al-Fatihah 1 to Al-Baqarah 141* (MSA Publication Limited, 2nd ed., 2013) cclxi; Ismā'īl ibn 'Umar Ibn Kathīr and Şafī al-Raḥmān Mubārakfūrī, *Tafsir Ibn Kathir* (Darussalam, 2000) 324 and Ibn Kathir, *Tafseer Ibn Kathir* (LULU Press, 20156) 278.

²⁷⁴ Jalal ad-Din al-Maḥalli and Feras Hamza, *Tafsir al-Jalalayn: Al-Baqarah 106* (1 Jan 2016) Altafsir
<<http://altafsir.com/Tafasir.asp?tMadhNo=1&tTafsirNo=74&tSoraNo=2&tAyahNo=106&tDisplay=yes&UserProfile=0&LanguageId=2>>.

²⁷⁵ Maulana Mufti Muhammad Shafi, *Ma'Ariful Qur'an* (Makatba-e-Darul-Uloom Karach, 2nd ed., 2005) vol 1 281 - 284.

²⁷⁶ Helmut Gätje, *The Qur'an and its Exegesis* (Oneworld Publications, 1997) 58.

²⁷⁷ Mahmoud M. Ayoub, *The Quran and Its Interpreters* (State University of New York Press, 1984) 139.

²⁷⁸ Ibn Ishaq, *The Life of Muhammad* (Alfred Guillaume trans., Oxford University Press, 1955) 617- 619; Yusuf Ali, *The Glorious Qur'an* (The Islamic Foundation, 1978) 435; Neal Robinson, *Islam: A Concise Introduction* (Routledge, 2013) 131; Reuven Firestone, *Jihad: The Origin of Holy War in Islam* (Oxford University Press, 1999) 59 and Tabari, *The History of Al-Tabari* (Oxford University Press, 1987) vol. 8 160-87.

Kathir, commentating on Surah 9:5;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".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.²⁸¹

Dr. Muhammad Taqi-ud Din Al-Hilali and Dr. Muhammad Muhsin Khan's, *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.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:

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.*

280 Shaykh Safiur-Rahman Al-Mubarakpuri, *Tafsir Ibn Kathir (Abridged) Volume 4* (Dar-us-Salam Publications, 1st ed., 2000) 375, 377.

281 Ibn Kathir, *Tafsir of Ibn Kathir* (Darussalam, 2000) vol 4 369.

282 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.) 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)"²⁸³

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 *jihad* but only defence *jihad*. Thus, rendering any interpretation of Surah 9 to be evidence of offensive *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 *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.

286 Ibn Hazm, *An-Nasikh wal-Mansukh* (Dar al-Ma'arif, 1966) 19, 27; Muhi al-Din Ibn al-'Arabi, *Tafsir al-Qur'an al-Krim* (Dar al-Andalus, 1978) 69; Burton, *The Encyclopedia of Islam* (Brill, 1960) vol 71010 and Abu al-Kasim Hibat-Allah Ibn Salama, *An-Nasikh wal-Mansukh* (Dar al-Ma'arif, 1966) 130, mentioned only 114.

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 ...²⁸⁷

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

²⁸⁷ Ibn Ishaq, *The Life of Muhammad* (A. Guillaume trans, Oxford UP, 2004) 550.

This article has demonstrated that, in the view of radical Islam;²⁸⁸ 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.