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## **Dogmatic Basis of Jihad And Martyrdom**

*by Wm Gawthrop*

This paper examines the dogmatic basis of jihad and martyrdom attacks within the context of Sunni Islam and is confined to an examination of the core sources of Islamic ideology (The Quran and the Hadith) and the principal doctrinal texts of the Sunni Islamic legal schools which interpret the Quran and Hadith. These constitute the doctrinal basis for jihad and martyrdom operations. No attempt has been made to address doctrinal interpretations at the regional (operational level) and local (tactical level) level that further fuel jihad.

### ***Paper Conclusion***

The dogmatic basis for jihad and martyrdom attacks (Sunni Tradition) are the core values and themes in Islam's doctrinal texts: The Quran and the Hadiths.

### ***Background***

Jihad, and martyrdom attacks, (mistakenly characterized as "suicide bombings") have doctrinal threads that trace back from the crime scene to core Islamic texts. Those threads are not fully, nor widely, understood or accepted from a law enforcement, intelligence, or political perspective.

Islam is predicated on the spoken word of Mohammad (The Quran) and his personal example (The Sunna).<sup>i</sup> The tenants derived from Mohammad's pronouncements and example are subjected to interpretation by religious and legal authorities and application by the people.<sup>ii,iii</sup> Matters of ideological interpretation and patterns of succession after the death of Mohammad gave rise to the schism between Sunni and Shia Islam and their attending Juristic Schools. Sunni Islam is divided into the Hanafi, Hanbali, Maliki and Shafii schools.<sup>iv,v,vi</sup> Each of these schools' interpretations of the basic sources of law (Mohammad's words and example) are then subjected to commentary by succeeding generations of scholars. .

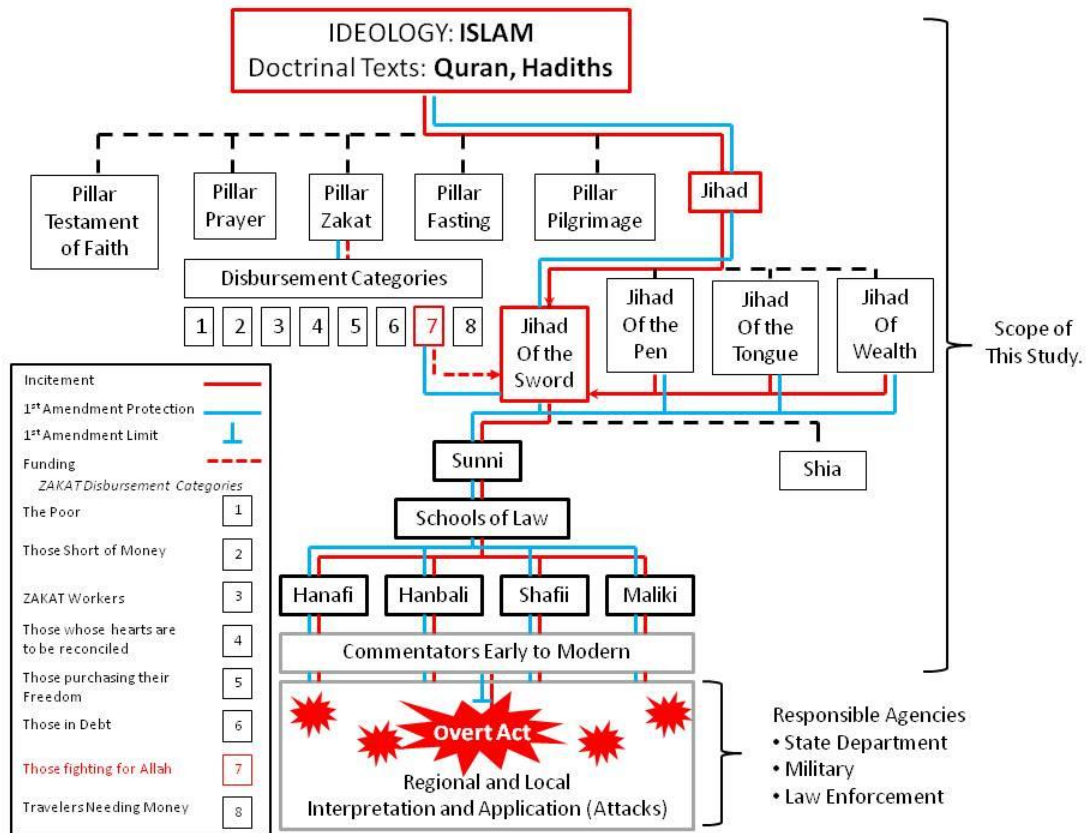


Fig. 1 Dogmatic Basis for Martyrdom Operations

### *The Dogmatic Basis for Jihad*

*Sources of Dogma.* Dogma is a system of doctrines proclaimed true by a religious sect; a principal, belief, or statement of idea or opinion.<sup>vii</sup> The two sources of Islamic dogma are the Quran and the Hadiths and together they give rise to the Pillars of Faith, a world view and two doctrines to achieve that world view: Jihad and Martyrdom.

The Quran: The primary ideological text in Islam is the Quran which was verbally articulated by Mohammad. The major goals of the Quran are to teach about the attributes of the Islamic Deity; show the Creation, the path and the way of Life that is pleasing to that Deity; create the complete and balanced Islamic Individual; bring about an Islamic society; and guide Muslims in the ongoing struggle against the enemies of Islam.<sup>viii</sup> According to Islamic dogma, the true Quran can exist only in the original Arabic. Translations of the Quran may exist but do not have the dogmatic authority of the Arabic original.<sup>ix</sup> The English translations vary in quality with some translations deliberately demilitarized.<sup>x,xi</sup> The Quran used for this study is the 9 volume set prepared by Dr. Muhammad Muhsin Khan and Dr. Muhammad Taqi-ud-Din Al-Hilali, *Interpretation of the Meanings of the Noble Quran in the English Language*, published by Dar-us-Salam Publications, Riyadh-Saudi Arabia: (1994), which is noted for its accuracy in comparison to other translations.<sup>xii</sup> Regardless of their accuracy, it should be understood that translations of the Quran are not the actual Quran.<sup>xiii</sup>

The Hadiths: The Arabic word Hadith “means a tale, speech, chat, conversation or communication.”<sup>xiv</sup> The hadiths are a collection of stories or traditions which are accounts of what Mohammad said or did; or of his tacit approval of something said or done in his presence.<sup>xv</sup> It is the principal source for explaining and understanding the teachings of Mohammad and it is the second most important source of Islamic Law.<sup>xvi,xvii</sup> The hadiths provide the context for Quranic verses and are intended as exemplary standards for Muslims to follow.<sup>xviii</sup> The hadiths are subject to categorical ratings: *As-Sahih* (Authentic Hadith); *Al-Hasan*, (Good Hadith) and *Ad-Daif*, (Weak Hadith).<sup>xix,xx,xxi</sup> The hadiths cited in this study are of the *as-Sahih* (Authentic Hadith) category.<sup>xxii,xxiii</sup>

The Pillars of Faith: The Pillars of Faith, derived from the utterances of Mohammad as a religious and cultural leader, are the Testament of Faith, Prayer, Zakat (Charitable Alms Giving), Fasting, and Pilgrimage. With the exception of Zakat, the Pillars of Faith are outside the scope of this study and will not be further discussed.

Zakat: A Pillar of Faith and a warfare funding mechanism.<sup>xxiv</sup> Zakat is one of the five Pillars of Islam<sup>xxv,xxvi</sup> and in addition to being a form of charitable alms giving, it is also a warfare funding mechanism. “The meaning of Zakat is ‘to increase and to become pure’. Because the payment of zakat leads to an increase in wealth and is considered a reason for its cleansing, this obligation has been named *Zakat* by the *Sharia* (Islamic Law). Zakat was declared an obligation in the year 2 AH (624 C.E.), prior to the proclamation of the ruling concerning fasting.”<sup>xxvii</sup> The authority and basis for zakat is found in the Quran, Surat 9 At-Taubah, 60.

60. *As-Sadaqat* (here it means *Zakat*) are only for the Fuqara (poor), and *Al-Masakin* (the poor) and those employed to collect (the funds); and to attract the hearts of those who have been inclined (towards Islam); and to free the captives; and for those in debt; and in (the Deity)’s Cause (i.e. for Mujahidin-those fighting in a holy battle), and for the wayfarer (traveler who is cut off from everything); a duty imposed by (the Deity). And (the Deity) is All Knower, All Wise.<sup>xxviii</sup>

“Zakat is rather a social welfare institution supervised by the state and an organized tax administered by a specific governmental body.”<sup>xxix</sup> Zakat is both a divine duty and a source of revenue and has its own fiscal mechanism.<sup>xxx</sup> As such, zakat is “a legal obligation and a particular kind of charity” that is a “pure right of God.”<sup>xxxi, xxxii</sup> Contributions are obligatory with punishments awaiting in the physical world and the hereafter for evasion.<sup>xxxiii</sup>

Collection of Zakat: Zakat is payable by all Muslims who are sane, reached the age of puberty and have “zakatable” property. It is not required of non Muslims.<sup>xxxiv</sup> The tax is levied annually on two kinds of wealth: manifest (crops, cattle, property) and hidden (gold, silver, merchandise)<sup>xxxv</sup> annually and rates varying from 2 ½ percent to 10 percent depending on wealth, local conditions and interpretations of applicable law.<sup>xxxvi</sup>

Disbursement of Zakat: Disbursement of zakat may be made by the Imam appointing the zakat collector, the zakat collector himself,<sup>xxxvii</sup> or directly by those from whom the zakat would be normally collected.<sup>xxxviii</sup> Zakat should be distributed in the locality from which the revenue was collected. Excess funds may be transferred to another location only if all the eight categories have been adequately resourced.<sup>xxxix,xl</sup> It is recommended that zakat distribution, and possible attending accounting of the distribution, be concealed.<sup>xli</sup>

Categories of Disbursement: There are eight obligatory categories of disbursement for Zakat: the poor; those short of money; zakat workers; those whose hearts are to be reconciled; those purchasing their freedom; those in debt, travelers needing money, and those fighting for Allah.<sup>xlii,xliii</sup>

- Those Fighting for Allah: Zakat is obligated to pay those participating in Islamic military operations if their salary has not been provided for by other means. Fighters (irregulars, volunteers, etc)<sup>xliv</sup> may be paid with zakat funds to purchase weapons, vehicles, clothing, pay expenses and the expenses associated with travel from their home to the fighting and their return home.<sup>xlv,xlvi,xlvii</sup> Additionally, zakat may be used to defray some expenses of the fighter's family during this period.<sup>xlviii,xlix</sup>

The Major Islamic Schools of Law and Zakat. While zakat is rooted in the two primary sources of Islamic Law, the Quran and the hadith, the topic is subject to interpretation. Within the Sunni tradition, the four major schools are Hanafi, Hanbali, Maliki and Shafii.<sup>l,li,lii</sup> Each legal tradition has variant interpretations with regard to the basic provisions on zakat and the holdings of the four Sunni schools of law demonstrates that expenditure of zakat on warfighting is not only permissible, but obligatory.

- Hanafi perspective: Fighters who do not have sufficient funds for mounts (vehicles) and expenses may be eligible for zakat if the financial shortage adversely affects their ability to fight. Additionally, *sadaqa*<sup>liii,liv</sup> may be paid to fighters even if they are able to earn and income “since working would deter them from fighting.”<sup>lv</sup>
- Hanbali perspective: Zakat can be expended on two kinds of people: those who need zakat and those who are needed by the Muslims, such as fighters, people whose hearts are to be reconciled, and people in debt as a result of their efforts in mediating between disputing groups.<sup>lvi</sup> Zakat may be used to pay volunteer fighters (who receive no regular salary) and border guards and purchase of equipment.
- Maliki perspective: Food, arms, and equipment may be paid by *sadaqa* and this includes supporting operations against those invading Muslim lands.<sup>lvii</sup> “Zakat can be given to fighters and border guards and to buy war equipment, such as weapons and horses. Fighters may take zakat even if they are rich, since they are given it because they are fighting for the sake of (the Deity) and not because of poverty. Spies can also be given zakat, even if they are unbelievers.”<sup>lviii</sup>
- Shafi'i perspective: Because there are eight obligatory categories of disbursement for zakat, the Shafi'i s hold that one eighth of the total proceeds of zakat can go to the fighter.<sup>lix</sup> Zakat may be paid to fighters who do not receive pay from the government because their sacrifice is greater “than salaried soldiers and deserve to be given what helps them undertake this duty, even if they are rich.”<sup>lx</sup> Nonfighters may be paid with zakat funds if they defend or guard the fighters or “prevent unbelievers from attacking them.”<sup>lxi</sup> “Fighters can be given their expenses and clothing for the period from the time they leave to fight until the time they come back, even if they stay at border points for a long period. ... A fighter may also be given money to buy a horse, weapons, and other tools of war (and) what he buys becomes his permanently.”<sup>lxii</sup>

*World View:* The Islamic world view divides the world into the House of War and the House of Islam (dar al-harb and dar al-Islam) and a state of war, not peace, perpetually exists between Islam and unbelievers<sup>lxiii, lxiv, lxv, lxvi, lxvii, lxviii, lxix, lxx, lxxi, lxxii, lxxiii, lxxiv, lxxv</sup>. The purpose of waging war is “one of two things: it is either for (the non Muslims) conversion to Islam or the payment of the *jizya*.<sup>lxxvi, lxxvii, lxxviii, lxxix, lxxx, lxxxi</sup> and jihad becomes the tool for advancing the ideology toward its defined goals.<sup>lxxxii</sup>

## ***Jihad***

Jihad defined: Jihad is “(a)n effort or a striving.’ A religious war with those who are unbelievers in the mission of Muhammad. It is an incumbent religious duty, established in the Qur’an and in the Traditions as a divine institution, and enjoined specially for the purpose of advancing Islam and of repelling evil from Muslims.”<sup>lxxxiii</sup> Also, “*Jihad* means to war against non-Muslims and is etymologically derived from the word *mujahada*, signifying warfare to establish the religion.”<sup>lxxxiv</sup>

Jihad’s perpetual character. “The duty of the jihad exists as long as the universal domination of Islam has not been attained.”<sup>lxxxv, lxxxvi, lxxxvii, lxxxviii, lxxxix</sup>

Types of Jihad: Different interpretations of Islam offer variants of jihad tending to agree on Jihad of the Tongue, Jihad of the Pen, Jihad of Wealth, and Jihad of the Sword. Jihad of the Tongue allows one to expend one’s efforts verbally supporting the ideology. Jihad of the Pen allows one to expend one’s self by writing about the ideology. Jihad of Wealth allows one to expend one’s self by funding activities in support of the ideology. Jihad of the Sword is the physical aspect of ideological activity and may be thought of in terms of combat, combat support and combat service support; one who shoots the arrow; one who delivers the arrow, and one who makes the arrow.

Not all Jihad is Equal: Doctrinal texts and commentary on the texts hold that there are different levels of jihad with greater merit and reward for those who actively engage in combat (those who shoot the arrow) as opposed to those who provide combat support (those who deliver the arrow to the shooter) and combat service support (those who make the arrow). The evidence for this is Mohammad’s saying: “He who provides the equipment for a soldier in jihad has himself performed jihad” as well as “Those of the believers who are unhurt but sit behind are not equal to those who fight in (the Deity)’s path with their property and their lives. (The Deity) has preferred those who fight with their property and lives a whole degree above those who sit behind. And to each, (the Deity) has promised a great reward.’ Quran 4 (An-Nisa):95”<sup>xc, xci</sup>

Scriptural Basis for Jihad: The Quran contains divergent and contradictory texts on the duty of jihad but “these differences correspond to the stages of the development of Muhammad’s thought and to the modifications of policy resulting from particular circumstances.” The four successive stages of Muhammad’s doctrinal development were (first) to initially pardon non-believers for their offenses against the new faith and their followers and invite others to Islam by peaceful persuasion; (second) permit fighting to defend against aggression; (third) permit the initiation of attacks but not within the four sacred months, and (fourth), permit the initiation of attack “absolutely at all times and in all places.” The doctrine holds that the later texts abrogate the earlier contradictory texts to such a degree that only those of the last category remain valid; and, accordingly, the rule on the subject may be formulated in these absolute terms: “the fight (*djihad*) is obligatory even when they (the unbelievers) have not themselves started it.”<sup>xcii</sup>

*The Major Sunni Schools of Islamic Law.* The major Sunni schools of law (Madh'hab) are the Hanafi, Hanbali, Maliki and Shafii.<sup>xciii,xciv,xcv,xcvi</sup> Each of these schools have core doctrinal texts that discuss jihad.

U) Hanafi Views on Jihad: The founder of the Hanafi School was Nu'man ibn Thabit better known as Imam abu Hanafi (703-767 C.E.).<sup>xcvii</sup> The principal doctrinal text of the Hanafi school is *The Islamic Law of Nations: Shaybani's Siyar*, written by Muhammad ibn al Hasan al-Shaybani.<sup>xcviii</sup> Hanafi directly taught Shaybani, and after Hanafi's death, Shaybani studied under Abu Yusuf, another student of Hanafi. The *Siyar* is based on Abu Yusuf's direct questions to Hanafi and Hanafi's responses in the form of legal opinions.<sup>xcix</sup> Hanafi holds the following views:

- In the absence of an Imam (leader) having the wherewithal, it is lawful for a group of Muslims desiring to attack the territory of war to help each other financially and with manpower.<sup>c</sup>
- It is not suicide for a warrior who sustains an injury to further aggravate the injury to the point of causing his own death if he can kill his adversary.<sup>ci</sup>

Hanbali Views on Jihad: The founder of the Hanbali School was Ahmad ibn Hanbal ash-Shaybani (778-855 C.E.). His principal work is the *al-Musnad*, a collection of 30,000 hadiths.<sup>cii,ciii</sup> The founder of the Wahhabi movement studied under Hanbali scholars and when Abdul-Aziz ibn Saud established the Saudi dynasty, he made the Wahhabi movement and the Hanbali School the basis for the Saudi legal system.<sup>civ</sup> The Chief Justice of Saudi Arabia, Abdulla bib Muhammad bin Humaid, following in the Hanbali legal tradition, issued *The Call to Jihad* which now appears as Appendix III in three mainstream, widely available, but low profiled, doctrinal publications issued by Saudi monitored Dar-us Salam Publishers: the nine volume set *Sahih Al Bukhari*; and nine volume set and the one volume summary of *The Interpretation of the Meaning of the Noble Quran in the English Language* which identifies and draws upon the following Suras: 2 (Al-Baqarah):190, 2 (Al-Baqarah):216, 3 (Al-Imran):140, 3 (Al-Imran):141, 3 (Al-Imran):142, 3 (Al-Imran):169-172, 4 (An-Nisa):74, 4 (An-Nisa):104, 9:29; 9:38-39, 9:41, 9:111, 9:112, 22:39, 22:40, 33:23.<sup>cv,cvi,cvii</sup>

Maliki Views on Jihad: The founder of the Maliki school was Malik ibn Anas ibn Amir (717-801 C.E.) and his principal work is the *al Muwatta* (The Beaten Path),<sup>cviii,cix</sup> a compilation of hadiths from Mohammad. Another principal doctrinal text of the Maliki school is the *Bidayat al-Mujtahid wa Nihayat al-Muqtasid (The Distinguished Jurist's Primer)* written by Abu al-Walid Muhammad ibn Ahmad ibn Rushd (d.520/1126), a scholar of Islamic Law, for the purpose of "imparting the skills that make a student of law a competent jurist (*mujtahid*), someone who can independently derive the law from its sources."<sup>cx</sup> Their holdings are as follows:

- Al Muwatta: Those who participate in jihad receive a reward of Paradise or booty on the authority of Book 21 (Stimulation of Desire for Jihad), Number 21.1.2.<sup>cxii</sup>
- Al Muwatta: Those who participate in jihad are among the best of people, on authority of Book 21 (Stimulation of Desire for Jihad), Number 21.1.4.<sup>cxiii</sup>

- Al Muwatta: Make your raids in the name of (the Deity), on authority of Book 21(Stimulation of Desire for Jihad), Number 21.3.11<sup>cxiii</sup>
- Al Muwatta: A fighter who kills an opponent is entitled to the opponent's property, on authority of Book 21(Stimulation of Desire for Jihad), Number 21.10.18.<sup>cxiv</sup>
- Al Muwatta: (The Deity) pardons the faults of those killed in jihad, on authority of Book 21(Stimulation of Desire for Jihad), Number 21.14.31.<sup>cxv</sup>
- The Distinguished Jurists Primer: Jihad is a collective and not a universal obligation, on the authority of Sura 2 (Al-Baqarah):216.<sup>cxvi</sup>
- The Distinguished Jurists Primer: Jihad "is obligatory on men, who are free, have attained puberty, who find the means (at their disposal) for going to war, are of sound health, and are neither ill nor suffer from a chronic disease", on the authority of Sura 48-17 and Sura 9:9.<sup>cxvii</sup>
- The Distinguished Jurists Primer: The people to be fought are all of the polytheists,<sup>cxviii</sup> on the authority of Sura 8:39.<sup>cxix</sup>
- The Distinguished Jurists Primer: The "harm allowed to be inflicted upon the enemy can be to property, life or personal liberty, that is enslavement and ownership, on the authority of ibn Rushd, author.<sup>cxx</sup>
- The Distinguished Jurists Primer: "The Muslim jurists agreed that the purpose of fighting the People of the Book, excluding the (Qurayshite) People of the Book and the Christian Arabs, is one of two things: it is either for their conversion to Islam or the payment of the *jizya*", on the authority of Sura 9:29.<sup>cxxi</sup>

Shafii Views on Jihad: The founder of the Shafii school was Muhammad ibn Idris ash-Shafii (769-820 C.E.). His principal work is the *al-Risala*<sup>cxxii</sup>. Another doctrinal text of the Shafii school is the *Umdat al-salik (Reliance of the Traveller)*,<sup>cxxiii</sup> written by Ahmad ibn Maqib al Misri (d.769/1368) and together they maintain the following views on jihad.

- al-Risala: Jihad is a duty involving fighting and killing, on the authority of Sura 9-111.<sup>cxxiv</sup>
- al-Risala: Fight totally knowing that the Deity supports the faithful, on the authority of Sura 9:36.<sup>cxxv</sup>
- al-Risala: Slay your enemy wherever you find them; lie in ambush for them everywhere unless they repent, perform the prayer and pay zakat, on the authority of Sura 9:5.<sup>cxxvi</sup>

- al-Risala: Fight those who do not believe in the Deity or who do not practice “the religion of truth” unless they pay the *jizya* and have been humbled, on the authority of Sura 9:29.<sup>cxxvii</sup>
- al-Risala: “. . . *jihad*, and rising up in arms in particular, is obligatory for all able-bodied [believers], exempting no one . . .”, on the authority of Imam Shafii.<sup>cxxviii</sup>
- al-Risala: The Islamic Deity distinguishes between the one who fights and the one who does not fight; giving precedence to those who fight with their possessions and their selves over those who sit at home . . . and (the Deity) has preferred those who fight over those who sit at home by [granting] them a mighty reward,” on the authority of Sura 9:95.<sup>cxxix</sup>
- al-Risala: “If all men failed to perform the duty so that no able-bodied man went forth to battle, all, I am afraid, would fall into error (although I am certain that this would never happen) in accordance with [The Deity’s] saying ‘If you do not go forth, He will inflict upon you a painful punishment,’” on the authority of Sura 9:39.<sup>cxxx</sup>
- al-Risala: “It is not permissible that all men should fail to ‘go forth’; but that if some go forth, so that a sufficient number fulfills [the collective duty], the others do not fall into error, because the going forth by some would fulfill the [duty of] ‘going forth,’” on the authority of Imam Shafii.<sup>cxxxi</sup>
- Reliance of the Traveller: “‘Jihad’ means to war against non-Muslims and is etymologically derived from the word *mujahada*, signifying warfare to establish religion,” on the authority of ibn Maqib al Misri.<sup>cxxxii</sup>
- Reliance of the Traveller: “The scriptural basis for jihad, prior to scholarly consensus is such Koranic verses as (1) ‘Fighting is prescribed for you (Koran 2 (Al-Baqarah):216); (2) ‘Slay them wherever you find them’ (Koran 4 (An-Nisa):-89); (3) ‘Fight the idolaters utterly’ (Koran 9:36),” on the authority of ibn Maqib al Misri.<sup>cxxxiii</sup>
- Reliance of the Traveller: The basis for jihad cited in the hadith of Bukhari includes: “I have been commanded to fight people until they testify that there is no god but (the Deity) and the Muhammad is the Messenger of (the Deity) and perform the prayer, and pay zakat. If they say it, they have saved their blood and possessions from me, except for the rights of Islam over them. And their final reckoning is with (the Deity)” on the authority of ibn Maqib al Misri.<sup>cxxxiv</sup>
- Reliance of the Traveller: The basis for jihad cited in the hadith of Muslim includes: “To go forth in the morning or evening to fight in the path of (the Deity) is better than the whole world and everything in it,” on the authority of ibn Maqib al Misri.<sup>cxxxv</sup>
- Reliance of the Traveller: “Jihad is a communal obligation. When enough people perform it successfully to accomplish it, it is no longer obligatory upon others,” on the authority of ibn Maqib al Misri.<sup>cxxxvi</sup>



- Reliance of the Traveller: Those who do not actively participate in jihad are not equal to those who do, on the authority of Sura 4 (An-Nisa):95.<sup>cxxxvii</sup>
- Reliance of the Traveller: Jihad is personally obligatory when non-muslims invade or invade near a Muslim country; all those present on the battle lined; when the enemy has surrounded the Muslims.<sup>cxxxviii</sup>
- Reliance of the Traveller: “It is offensive to conduct a military expedition against hostile non-Muslims without the caliph’s permission (A: though if there is no caliph, no permission is required.)”<sup>cxxxix</sup>

*The Obligatory Character of Jihad.* Jihad is obligatory on every able bodied male who has reached puberty and is sane<sup>cxl</sup> with the exception of those in debt, unless his creditor agrees, or someone with one Muslim parent unless that parent gives their permission for their child to participate in jihad.<sup>cxli</sup> Jihad has collective and personal obligations.

- The Collective Obligation: When Muslims are in their own country, or if Muslims are in a non-Muslim country, jihad is a collective obligation if there are a sufficient number of people to conduct operations. In a collective obligation environment, if there is a possibility of performing jihad, and none of the people participate, the omission becomes a sin.<sup>cxlii,cxliii,cxliv,cxlv,cxlvii,cxlviii,cxlix,cl</sup>
- The Personal Obligation: Jihad becomes personally obligatory when non-Muslims invade, or invade near, Muslim Lands.<sup>cli,clii,cliii</sup>

*Females in Jihad.* Females can participate in jihad and have an obligation to fight if the enemy has invaded Muslim lands or if she is uncertain that she will not be subjected to an indecent act if she is captured. In these instances, surrender is not permissible and fighting is obligatory.<sup>cliv</sup>

*Leadership Mandate:* Jihad is regarded as “a collective act of worship, and every group must have a leader. Obedience to the leader is a necessity in jihad, and thus a person must condition himself to invariably obey the leader, as had been reported in the hadiths: ‘You must hear and obey, whether it is easy or difficult for you, in things which are pleasant for you as well as those which are inconvenient and difficult for you’.”<sup>clv</sup> Reinforcing the theme of leadership at the cellular or team level is *Reliance of the Traveller*: “When ever there is a group of three or more Muslims, it is sunna for a leader (amir) to be chosen. It is sunna to obey such a leader, and leaving him or not obeying him contravenes what is recommended but it is not unlawful.”<sup>clvi</sup>

*The Incitement to Make Jihad:* The incitement to make jihad is a significant theme.<sup>clvii</sup> Adherents are incited by citing Quranic Suras and the Hadith, public calls from religious and government leaders, and is a factor in the selection process for martyrdom candidates. Doctrinally cited examples include, but are not limited to, the following:

- Sura 9 (At-Taubah):41 “March forth, whether you are light (being healthy, young and wealthy) or heavy (being ill, old and poor), strive hard with your wealth and your lives in the Cause of (the Deity). This is better for you, if you but knew.”<sup>clviii</sup>

- Sura 9 (At-Taubah):38, “Oh, you who believe! What is the matter with you, that when you are asked to march forth in the Cause of (the Deity) (i.e. jihad) you cling heavily to the earth? Are you pleased with the life of this world rather than the Hereafter? But little is the enjoyment of the life of this world as compared with the Hereafter.”<sup>clix</sup>
- Hadith of Bukhari, No. 2792 “A single endeavor (of fighting) in (the Deity)’s Cause in the forenoon or in the afternoon is better than the world and what ever is in it.”<sup>clx,clxi</sup>
- Malik’s *Al Muwatta* discusses “Stimulation of Desire for Jihad” citing quotes from Mohammad stating that he who “takes the rein of his horse to do jihad in the way of (The Deity)” “has the best degree among people”.<sup>clxii</sup> Also, Mohammad is quoted as: “Had I not been concerned for my community, I would have liked never to stay behind a raiding party going out in the way of (The Deity). However, I do not have the means to carry them to it, nor can they find for themselves anything on which to ride out and it is grievous for them to have to stay behind from me. I would like to fight in the way of (The Deity) and be killed, then brought back to life so I could be killed and then brought to life so I could be killed.”<sup>clxiii</sup> And, “Yahya related to me...that the Messenger of (The Deity) (rhetorical flourish) was stimulating people to do jihad, mentioning the garden. One of the Ansar was eating some dates he had in his hand, and said, ‘Am I so desirous of this world that I should sit until I finish them?’ He threw aside what was in his hand and took his sword and fought until he was slain.”<sup>clxiv</sup>
- *The Call to Jihad*, by Sheikh Abdullah bin Muhammad bin Humaid, Chief Justice of Saudi Arabia, drawing upon the following Suras: 2 (Al-Baqarah):190, 2 (Al-Baqarah):216, 3 (Al-Imran):140, 3 (Al-Imran):141, 3 (Al-Imran):142, 3 (Al-Imran):169-172, 4 (An-Nisa):74, 4 (An-Nisa):104, 9:29; 9:38-39, 9:41, 9:111, 9:112, 22:39, 22:40, 33:23.<sup>clxv,clxvi, clxvii</sup>
- Martyrdom Candidate Selection Criteria: A leader selecting a candidate for martyrdom should choose “from among those eager to die, only the man whose participation would affect the outcome of the battle in one of two ways; either by inciting Muslims to fight in his support, or by demoralizing the idolaters by his boldness against them in defense of [the religion of] God.”<sup>clxviii</sup>

*Funding of Jihad:* While there may be multiple funding streams for jihad, a systemic funding source for jihad resides within the Pillar of Faith, *Zakat*.<sup>clxix</sup> *Zakat* is obligated to pay those participating in Islamic military operations if their salary has not been provided for by other means. Fighters (irregulars, volunteers, etc) may be paid with zakat funds to purchase weapons, vehicles, clothing, expenses and the expenses associated with travel from their home to the fighting and their return home.<sup>clxx,clxxi,clxxii</sup> Additionally, zakat may be used to defray some expenses of the fighter’s family during the time he is fighting.<sup>clxxiii,clxxiv,clxxv</sup>

*Scriptural Basis for Jihad.* The scriptural basis for jihad is identified in juridical texts *The Distinguished Jurist's Primer*, *Reliance of the Traveller* and *al-Shafii's Risala* and the Chief Justice of Saudi Arabia's *Call to Jihad* as:<sup>elxxvi</sup>

- 2 (Al-Baqarah):190<sup>elxxvii,elxxviii,clxxix,elxxx</sup>,  
 2 (Al-Baqarah):216<sup>clxxxi,clxxxii,clxxxiii,clxxxiv,clxxxv</sup>,  
 3 (Al-Imran):140,<sup>clxxvii,clxxxvii,clxxxviii</sup>  
 3 (Al-Imran):141<sup>clxxxix,exc,excii</sup>,  
 3 (Al-Imran):142<sup>excii,exciii,exciv</sup>,  
 3 (Al-Imran):169-172<sup>excvi,excvi,excvi</sup>,  
 4 (An-Nisa):74<sup>excviii,excix,cc</sup>,  
 4 (An-Nisa):89<sup>cci</sup>,  
 4 (An-Nisa):95<sup>ccii,cciii,cciv</sup>,  
 4 (An-Nisa):104<sup>ccv,ccvi,ccvii</sup>,  
 8 (Al-Anfal):39-42<sup>ccviii</sup>,  
 8(Al-Anfal):61<sup>ccix</sup>,  
 8(Al-Anfal):66<sup>ccx</sup>,  
 8(Al-Anfal):67<sup>ccxi</sup>,  
 9 (At-Taubah):5<sup>ccxii,ccxiii</sup>,  
 9 (At-Taubah):29<sup>ccxiv,ccv,ccvi,ccvii,ccviii</sup>,  
 9 (At-Taubah):36<sup>ccxix,ccxx</sup>,  
 9 (At-Taubah):38-39<sup>ccxxi,ccxxii,ccxxiii,ccxxiv</sup>,  
 9 (At-Taubah):41<sup>ccxxv,ccxxvi,ccxxvii,ccxxviii</sup> ,,  
 9 (At-Taubah):91<sup>ccxxix</sup>,  
 9 (At-Taubah):111<sup>ccxxx,ccxxxi,ccxxxii</sup>,  
 9 (At-Taubah):112<sup>ccxxxiii,ccxxxiv,ccxxxv</sup>,  
 9 (At-Taubah):122<sup>ccxxxvi,ccxxxvii</sup>,  
 22 (Al-Hajj):39<sup>ccxxxviii,ccxxxix,ccxl</sup>, and  
 33 (Al-Ahzab):23.<sup>ccxli,ccxlii,ccxliii</sup>

### ***From Jihad to Martyrdom***

Establishing the Mindset. The Quran and the Hadith propagate two doctrinal themes that motivate responsive individuals to participate in jihad: the perpetual existence of war between the dar al harb and dar al Islam and the obligatory nature of jihad. There are four additional themes that further entice responsive individuals: the concept of martyrdom, the advantages of

becoming a martyr, the positive pleasures of dying in jihad as a martyr, and the minimization of pain associated with martyrdom.

- The Concept of Martyrdom: “The Arabic word for ‘martyr’ in the Quran and in Muslim theology is *shahid* ...the literal meaning of which is ‘present as a witness’. ... (It is also a much more comprehensive term for, according to Muhammadan Law, not only those who die in witness of, or in defense of the faith, are martyrs, but all those who die such deaths as are calculated to excite the compassion and pity of their fellow man. ... A Perfect martyr, or *ash-shahidu ‘l-kamil*, is one who has either been slain in a religious war, or who has been killed unjustly. ... A special blessing is promised to those who those who die in a *jihad*, or religious war, see Quran Sura iii. 163: ‘count not those who are killed in the way of God as dead, but living with the Lord.’ And, according to Muslim law, all persons who have died in defense of the faith, or have been slain unjustly, are entitled to Muslim burial without the usual ablution or any change of clothes, such as are necessary in the case of ordinary persons, the rank of martyrdom being such as to render the corpse legally pure.”<sup>ccxlv</sup>
- Paths to Martyrdom. There are several paths to martyrdom including: to die in a plague<sup>ccxlv,ccxlvii</sup>; die defending your property<sup>ccxlviii</sup>; die of a disease of the belly, drowning, killed by a collapsing building, die in the path of (the Deity)<sup>ccxlviii,ccxlix</sup>; die of pleurisy, in a fire, or a woman who dies in child birth<sup>cc1</sup>; die from a broken neck from a fall from a camel or a horse, the sting of a poisonous creature, or die on one’s bed by any kind of death (the Deity) wishes<sup>cc1i</sup>; to die defending one’s family or bloodline<sup>cc1ii</sup>; and if one asks (the Deity) to be killed and then either dies or is killed.<sup>cc1iii</sup>
- Martyrdom, not “Suicide.” Suicide is prohibited in Islam<sup>cc1iv,cc1v,cc1vi,cc1vii</sup> but deliberately sacrificing one’s self in war is seen as an act of faith.<sup>cc1viii,cc1ix,cc1x</sup> The Hadiths recorded by Abu Dawud, quotes Muhammad as saying, “If anyone sincerely asks (the Deity) for being killed and then dies or is killed there will be a reward of a martyr for him.”<sup>cc1xi,cc1xii</sup>
- Advantages of Becoming a Martyr. There are distinct advantages of becoming a martyr including: forgiveness of all sins, protection from the torment of the grave and marriage to 72 hours;<sup>cc1xiii</sup> guaranteed entry into Paradise<sup>cc1xiv,cc1xv,cc1xvi</sup>; leading a luxurious life in paradise;<sup>cc1xvii</sup> securing the admission of seventy (70) relatives into paradise,<sup>cc1xviii</sup> and gaining financial security for his family.<sup>cc1xix</sup>
- The Positive Pleasures from Dying in Jihad as a Martyr. There are several positive pleasures associated with dying in jihad as a martyr.<sup>cc1xx</sup> They include the superiority of martyrdom so appealing that one would like to come back to life and be killed again;<sup>cc1xxi,cc1xxii,cc1xxiii,cc1xxiv,cc1xxv</sup> an abundance of reward in paradise for the martyr<sup>cc1xxvi</sup> the dignity one receives from his Deity upon martyrdom,<sup>cc1xxvii</sup> and the welcoming of the martyr with the smile of the Deity.<sup>cc1xxviii,cc1xxix,cc1xxx,cc1xxxi</sup>

- The Minimization of Pain Associated with Martyrdom. The doctrinal texts inform the responsive believer that they will experience no agonies of distress at death. One does not feel the pain of “the killing” except that of a pinch. <sup>cclxxxii,cclxxxiii,cclxxxiv</sup>

The Sustained Appeal of Martyrdom: Martyrdom operations are forms of jihad and the logical consequence of doctrinal inertia and incitement. While suicide is a prohibited act in Islam, self sacrifice in the advance or defense of Islam is permitted and encouraged. The actor provides a win-win-win-win scenario for himself, his family, his faith, and his Deity. The martyr secures salvation and the pleasures of paradise; he earns a degree of financial security and a place for his family in Paradise; he defends his faith and takes his place in a long line of martyrs to be memorialized as a valorous fighter, and because of the manner of his death, the martyr is assured that he will find favor with his Deity.

### **Summary**

The dogmatic basis for jihad and martyrdom attacks (Sunni Tradition) are the core values and themes in Islam’s doctrinal texts: The Quran and the Hadiths. Islamic dogma gives rise to a world view postulating perpetual, but not necessarily constant, war facilitated by the twin doctrines of jihad and martyrdom. The ultimate goal of Islam is its domination over other ideologies and the means for achieving that goal includes “jihad” at the individual collective and personally obligatory level.

Zakat, as a systemic and dedicated funding mechanism, combine with multiple forms of jihad (Jihad of the Tongue [speech], Jihad of the Pen [writings], Jihad of Wealth [financial support]) to feed and fuel Jihad of the Sword (combat, combat support and combat service support operations).

The themes of jihad and martyrdom, flowing directly from the core doctrinal sources, are amplified rather than moderated by the four schools of Sunni law. Absent a moderating interpretation of the world view, funding practices, and incitement to jihad, these themes will continue to attract new generations of responsive, autonomous, self actualizing believers.

*William Gawthrop received his Masters of Science, Strategic Intelligence, from the National Defense Intelligence College and his Bachelor of Science, Law Enforcement, from Sam Houston State University, Huntsville Texas. He is also a graduate of the US Army Command and General Staff College and the United State Marine Corps Command and Staff College and served in Vietnam (Co H, 75<sup>th</sup> Infantry, First Cavalry Division). He is currently a Supervisory Intelligence Analyst with the United States Government.*

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<sup>i</sup>(Book) Nyazee, Imran Ahsan Khan. *Islamic Jurisprudence*. The Other Press, Selangor, Malaysia: (2003) p. 17. Dr. Nyazee is an Assistant Professor of Sharia and Law, International University, Islamabad, Pakistan. *Islamic Jurisprudence* is his fourth legal text. He previous assignments within the University included Supervisory Faculty for Training and Publications, Sharia Academy, International Islamic University.

<sup>ii</sup> (Book) Hammad, Ahmad Zaki. *Islamic Law: Understanding Juristic Differences*. American Trust Publications, Indianapolis: (1992), p. 10. Dr. Hammad teaches Islamic Civilization and the Primary Disciplines of Quran Commentary, the Prophetic Traditions and the Principles of Islamic Law at Al-Hzhar University. He has served twice as President of the Islamic Society of North America and as a board member of the North American Islamic Trust.

<sup>iii</sup> (Book) Nyazee, *Islamic Jurisprudence*, p. 80-81. "The fact that ultimately Allah alone is the source of all laws indicates to us the fundamental rule or norm of the Islamic Legal system. The other rules of the legal system are all referred to, or checked against, this norm for their validity. The fundamental norm is repeated several times each day by every Muslim. It is contained in the declaration, 'There is no god but Allah, and Muhammad is the Messenger of Allah. As the Muslim is ready to accept the laws of Allah, he will accept only those laws that were revealed through his Messenger. The revelation granted to the Messenger is in the form of the Quran. Once this is accepted, we find that the Quran itself declares the *Sunnah* of the Messenger of Allah to be a source of laws. Some say that the *Sunnah* is itself a form of revelation, that is, revelation in meaning alone as compared to the Quran, which is revelation in both word and meaning. Starting from the other end, the Muslim may say: (1) I am ready to obey such and such law as has been communicated to me by a qualified jurist. (2) I follow the opinion of the jurist as it is in conformity with the sources of Islamic Law. (3) I obey a law based on the sources as they are the sources revealed to Muhammad. I obey Muhammad for he is the Messenger of Allah, and: (4) I believe in Allah. In this was the validity of all laws is traced to Allah. This basic norm or rule does two things. First, it provides a standard or criterion with which we can judge whether or not a law is valid law. Second, it creates for each Muslim an obligation or duty to obey the law. A subject of an Islamic state does not have to look for some external rule of morality or justice for this duty to obey the law."

<sup>iv</sup> (Book) Maghniyyah, Muhammad Jawad. *The Five Schools of Islamic Law*. Ansariyan Publications, Qun, Iran: (1995), p. xii.

<sup>v</sup> (Book) Kamali, Mohammad Hashim. *Sharia Law: An Introduction*. One World Press, Oxford: (2008), p. 68-98. Dr Kamali is a professor of law at the International Islamic University of Malaysia where he has taught Islamic law and jurisprudence since 1985. He served as a UN Constitutional Law expert on the Constitution of Iraq, 2005-2006. He has authored seven texts on Islamic Law and received the Isma'il al-Faruqi Award for Academic Excellence in 1995 and 1997.

<sup>vi</sup> (Book) Bakhtiar, Laleh. *Encyclopedia of Islamic Law: A Compendium of the Major Schools*. ABC International Group, Chicago: (1996), p. xxix. Dr. Bakhtiar has written and translated a combination of 25 books about Islam and she is the President of the Institute of Traditional Psychology and Scholar in Residence at Kazi Publications.

<sup>vii</sup> (Book) *The American Heritage Dictionary of the English Language*. Houghton Mifflin, Dallas: (1979), under "dogma."

<sup>viii</sup> (Book) Zarabozo, Jamall al-Din M. *How to Approach and Understand the Quran*, Al Basheer Company for Publications and Translations, Boulder, CO: (1999), p. 118-146. Former Imam of the Islamic Center of Boulder,

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Colorado, Mr. Zarabozo has a Master's Degree in Economics and is the author of 11 Islamic texts, and translator of five additional texts.

<sup>ix</sup> (Book) Qadhi Abu Ammar Yasir: *An Introduction to the Sciences of the Quran*. Al-Hidaayah Publishing, Birmingham, UK: (1999), p. 351 – 353. Yasir Qadhi holds a Masters Degree from the Islamic University of Madinah and Yale University. He is pursuing his PhD at Yale and is currently the Dean of Academic Affairs, Al Maghrib Institute. He is the author of this text and the co-author of five additional doctrinal texts.

<sup>x</sup> (Book) Robinson, Neal. *Discovering the Quran*. Georgetown University Press, Washington, DC (2003), p. 291. Dr Robinson is a senior lecturer in Islamic Studies at the University of Leeds, United Kingdom.

<sup>xi</sup> (Book) Qadhi *An Introduction to the Sciences of the Quran*, p. 355-373.

<sup>xii</sup> (Book) Qadhi *An Introduction to the Sciences of the Quran*, p. 371. "Both of the translators are from the Islamic University of Madeenah, and perhaps better qualified than all the previous translators mentioned to undertake such a task. The translation relies on classical Islamic *tafseers*, such as Ibn Katheer's, al Qurtubee's and at-Tabaree's works. Therefore, this translation is undoubtedly the finest in terms of being free of inaccurate interpretations. It has copious notes, taken mainly from *Saheeh al Bukhaaree*, and also many interpolated meanings in brackets in the text. It perhaps might have been more prudent to place these phrases as footnotes to avoid confusion between the actual text and explanatory notes. It also has a very useful appendix. The English, however, is not as smooth as other translations. The absence of a translator whose mother tongue is English is noticeable in the translation. Also, the translation leaves many phrases in Arabic, and then gives an explanation of the phrase in English. Although this is occasionally useful, at times it makes for tedious reading."

<sup>xiii</sup> (Book) Qadhi *An Introduction to the Sciences of the Quran*, p. 371. "It is not permissible to believe that the translation is the actual Quran."

<sup>xiv</sup> (Book) Mahmood, Dr Khalid. *A Study of Hadith*. Sheridan Books Skokie, IL: (2001), p. 1. Dr Mahmood is a professor of Islamic Studies at the Islamic University, Islamabad, and head of the Institute of Islamic Studies at the Azad Jammu and Kashmir University at Muzafferabad, Pakistan..

<sup>xv</sup> (Book) Bearman, P.J., Thomas Bianquis, C.E. Bosworth, E. Van Donzel, and W.P. Heinrichs, eds. *The Encyclopaedia of Islam*, Brill, Leiden, 2006, p. 256, under "hadith."

<sup>xvi</sup> (Book) Ali, Sayed Bashir. *Scholars of Hadith*, IQRA International Educational Foundation, Skokie, IL: (2000): p. 4. Mr. Ali has a Masters Degree in Engineering from the University of California, Berkeley, and is the author of two compilations in Urdu: *Salah* and *Islamic Code of Conduct* in addition to *Scholars of Hadith*. His text is incorporated into the *Makers of Islamic Civilization* series, which is designed to be the essential first point of reference for readers interested in the growth and development of Islamic History and culture.

<sup>xvii</sup> (Book) Nyazee, *Islamic Jurisprudence*, p. 81, 152, 155

<sup>xviii</sup> (Book) Abdal-Haqq, Irshad, "Islamic Law: An Overview of Its Origins and Elements," in *Understanding Islamic Law: From Classical to Contemporary*: Hisham M. Ramadan, ed. AltaMira Press, Oxford: (2006), p. 12. Mr Irshad is an attorney and writes extensively on legal issues.

<sup>xix</sup> (Book) Ibn al-Salah-Shahrazuri, *An Introduction to the Sciences of the Hadith*. Garnet Publishing, Reading: (2006): p. 5-81, *passim*. Ibn alSalah (1181-1245) composed this work while serving as the head of the Dar al-Hadith Al-Ashrafiya in Damascus, one of the world's most prestigious institutions for the study of hadiths in the Islamic World.

<sup>xx</sup> (Book) Mahmood. *A Study of Hadith*, p.4-5.

<sup>xxi</sup> (Book) Phillips, Abu Ameenah Bilal. *Usool al-Hadeeth The Methodology of Hadith Evaluation*. International Islamic Publishing House, Riyadh, Saudi Arabia: (2007), p. 54-69. Dr. Phillips earned his Masters in Islamic Theology at the University of Riyadh and Doctorate in Islamic Theology at the University of Wales. He is presently a lecturer of Arabic and Islamic Studies at the American University in Dubai and Ajman University in Ajman, UAE.

<sup>xxii</sup> (Book) Khan, Dr, Muhammad Muhsin. *The Translation of the Meanings of Sahih Al-Bukhari, Vol. 1 – 9*, Dar-us-Salam Publications, Riyadh-Saudi Arabia: (1997) (Hereafter referred to as Bukhari). The hadiths of Bukhari are categorized as *as-Sahih* (Authentic Hadith)

<sup>xxiii</sup> (Book) Ibn al-Salah al-Shahrazuri, *An Introduction to the Sciences of the Hadith*. p. 8-16. Al Salah (AH 577–643/ CE 1181-1245) was an influential commentator of Al-Ghazali's legal works and founded the Madrasa Ashrafiyyain in Damascus. His text has been incorporated into the "Great Books of Islamic Civilization" initiative by the Center for Muslim Contribution to Civilization, under the patronage of H.H. Sheikh Hamad bin Khalifa al-Thani, Amir of Qatar.

- <sup>xxiv</sup> (Periodical) "Zakat: A Warfare Funding Mechanism", *The Vanguard: The Journal of the Military Intelligence Corps Association*, Vol,15, No 2, p.8-10. Much of the material in this section has been reproduced with the permission of the Editor, Vanguard Magazine. The author is a former Counterintelligence Field Activity Program Manager for the DoD portion of the Joint Terrorist Task Force and is a supervisory intelligence analyst for the United States Government
- <sup>xxv</sup> (Book) The Five Pillars are Testimony of Faith (Kalikma); Prayer (Salat); Almsgiving (Zakat); fasting (Sawm) and Pilgrimage (Hajj). Ali, Maulana Muhammad, *The Religion of Islam, A Comprehensive Discussion of the Sources, Principles and Practices of Islam*, Lahor, Pakistan.(1936), *Passim*.
- <sup>xxvi</sup> (Book) al-Misri, Ahmad ibn Zaqib. *Reliance of the Traveller: A Classic Manual of Islamic Sacred Law*, Aman Publications, Beltsville, MD: (1994), p. 808.
- <sup>xxvii</sup> (Book) Al-Asqalani, Al-Hafiz Ibn Hajar *Bulugh Al-Maram: Attainment of the Objective According to Evidence of the Ordinances*. Darussalam, Riyadh, Saudi Arabia: (2002), p. 191. Imam Asqalani (AH 777-853/CE 1375-1449) authored more than 150 books and served as the *Qadi* (Judge) of Egypt between AH 827-852/CE1424 -1449.
- <sup>xxviii</sup> (Book) Khan, Dr Muhammad Muhsin and Dr Muhammad Taqi-ud-Din Al-Hilali, *Interpretation of the Meanings of the Noble Quran in the English Language*, Dar-us-Salam Publications, Riyadh-Saudi Arabia: (1996). Sura 9:60, p. 248. This is a verbatim quote taken from a pre-9-11 Saudi translated English version of the Quran.
- <sup>xxix</sup> (Book) al-Qardawi, Yusuf, *Fiqh az-Zakat: A Comparative Study*, Dar Al-Tawwa, Ltd, London: (1999), p.474. The author is the Dean of the Shari'a College at the University of Qatar, Doha.
- <sup>xxx</sup> (Book) Azmi, Sabahuddin. *Islamic Economics: Public Finance in Early Islamic Thought*, Goodword Books, New Delhi: (2002), p. 69. Dr Azmi is a lecturer in Economics for the College of Islamic Banking, World Al-Lootah University, Dubai, UAE, and the Emirates Institute for Banking and Financial Studies Sharjah.
- <sup>xxxi</sup> (Book) Kamali, Mohammad Hashim, *Principles of Islamic Jurisprudence*, Islamic Texts Society, Cambridge, UK: (2003), p. 222 and 448. "Firstly, acts that exclusively consist of the right of God, such as acts of devotion and worship, include *salah* and *jihad*, which are the pillars of religion and are necessary for the establishment of an Islamic Order. These, which are often referred to as *huquq Allah al-khalisha*, or 'pure Rights of God', occur in eight varieties: (a) rights of God, which consist exclusively of worship, such as professing of faith (*iman*), *salah*, *zakah*, the pilgrimage and *jihad*. ..." Dr. Kamali is a professor of law at the International Islamic University of Malaysia, author of 16 books, in excess of 110 academic articles and received the Isma'il al-Faruqi Award for Academic Excellence in 1995 and 1997.
- <sup>xxxii</sup> Lippman, Matthew, Sean McConville, and Mordechai Yerushalmi, *Islamic Criminal Law and Procedure: An Introduction*. Prager, New York: (1988), p. 97, which identifies zakat as a legally enforceable obligation. Dr. Lippman instructs at the University of Illinois at Chicago on International Criminal Law. Dr. McConville instructs at the School of Law, Queen Mary, University of London. Mr Mordechai served as a graduate assistant.
- <sup>xxxiii</sup> (Book) al-Qardawi, *Fiqh az-Zakat: A Comparative Study*, p. 27-29.
- <sup>xxxiv</sup> (Book) al-Misri, *Reliance of the Traveller: A Classic Manual of Islamic Sacred Law*, p. 246.
- <sup>xxxv</sup> (Book) al-Mawardi, Abu'l Hasan. *Al-Ahkam As-Sultaniyyah: The Laws of Islamic Governance*. Ta-Ha Publishers, London (1966). p. 168. The author's (364-450 AH/974-1058 CE) writings spanned the areas of Quranic interpretation, religion, government public and constitutional law, language and ethics. His text, *Ordinance's of Government*, is a recognized classic in its field.
- <sup>xxxvi</sup> (Book) Ibn Rushd, *The Distinguished Jurist's Primer, Vol 1*. Garnet Publishers, Reading: (2000). p. 282-323.
- <sup>xxxvii</sup> (Book) al-Mawardi, *Al-Ahkam As-Sultaniyyah: The Laws of Islamic Governance*, p. 185.
- <sup>xxxviii</sup> (Book) al-Mawardi, *Al-Ahkam As-Sultaniyyah: The Laws of Islamic Governance*, p. 186.
- <sup>xxxix</sup> (Book) Azmi, *Islamic Economics*, p. 124.
- <sup>xl</sup> (Book) al-Mawardi, *Al-Ahkam As-Sultaniyyah: The Laws of Islamic Governance*, p. 182-183.
- <sup>xli</sup> (Book) Bin Sallam, Abu Obaid Al-Qasim *The Book of Revenue*, Garnet Publishing, Reading, UK: (2003),, p. 522. "(1812) He said Abd al-Rahman related to us from Sufyan from Aby Hashim from Ibrahim and al-Hasan, and both said: 'Distribute it among the prescribed beneficiaries, but keep it concealed.'" Bin Sallam (154-224 AH/774-837 CE) was a noted scholar, jurist, and hadiths master. His text has been incorporated into the "Great Books of Islamic Civilization" initiative by the Center for Muslim Contribution to Civilization, under the patronage of H.H. Sheikh Hamad bin Khalifa al-Thani, Amir of Qatar.
- <sup>xlii</sup> (Book) Bakhtiar, *Encyclopedia of Islamic Law: A Compendium of the Major Schools*, p. 238-241.



- <sup>xliii</sup> (Book) Ibn Sallam, *The Book of Revenue*, p. 525, 526.
- <sup>xliiv</sup> (Book) Azmi, *Islamic Economics*, p. 123.
- <sup>xlv</sup> (Book) al-Mawardi, *The Ordinances of Government*, Garnet Publishing, Reading, UK: (1996), p.137. “The seventh share, going towards the cause of God Almighty, must be paid to Muslim fighters according to what they need in their Holy War. If they are to remain stationed in border towns, they must be paid the cost of the outward journey and as much as possible of their boarding expenses, but those destined to come back upon completion of their mission should receive the cost of the return trip.”
- <sup>xlvi</sup> (Book) Azmi, *Islamic Economics*, p.122-124.
- <sup>xlvii</sup> (Book) al-Mawardi, *Al-Ahkam As-Sultaniyyah: The Laws of Islamic Governance*. p. 182.
- <sup>xlviii</sup> (Book) al-Misri, *Reliance of the Traveller: A Classic Manual of Islamic Sacred Law*, p. 272. See also, Bearman, P.J., Thomas Bianquis, C.E. Bosworth, E. Van Donzel, and W.P. Heinrichs, eds. *The Encyclopaedia of Islam*, Vol XI, Brill, Leiden: (2002), p. 416. There is historical precedence for a further delineation of divisions with his category. “One-fourth ...will go to those soldiers to whom it is regularly assigned. The temporary soldiers and the poor will get another fourth (each). One-fourth of it will go to the war veteran in God’s cause who is faced with dire need.” In certifying *Reliance of the Traveller*, The General Director of Research, Writing and Translation, Fath Allah Ya Sin Jazar, of Al-Azhar University, Cairo, Egypt, states: “(W)e certify that the above mentioned translation (Reliance of the Traveller) corresponds to the Arabic original and conforms to the practice and faith of the orthodox Sunni Community (Ahl al Sunnal wa al-Jama’a).
- <sup>xlix</sup> (Book) Ibn Sallam, *The Book of Revenue*, p. 528.
- <sup>l</sup> (Book) Maghniyyah, *The Five Schools of Islamic Law*, p. xii.
- <sup>li</sup> (Book) Kamali, *Sharia Law: An Introduction*, p. 68-98
- <sup>lii</sup> (Book) Bakhtiar, *Encyclopedia of Islamic Law: A Compendium of the Major Schools*, p. xxix.
- <sup>liii</sup> (Book) al-Mawardi, *The Ordinances of Government*, p. 127. “The two terms *sadaqa* and *zakat* are synonyms for one and the same thing, indicating the only mandatory claim on a Muslim’s property.”
- <sup>liv</sup> (Book) al-Mawardi, *Al-Ahkam As-Sultaniyyah: The Laws of Islamic Governance*. p. 168.
- <sup>lv</sup> (Book) al-Qardawi, *Fiqh az-Zakat: A Comparative Study*, p. 407.
- <sup>lvi</sup> (Book) al-Qardawi, *Fiqh az-Zakat: A Comparative Study*, p. 412.
- <sup>lvii</sup> (Book) al-Qardawi, *Fiqh az-Zakat: A Comparative Study*, p. 408.
- <sup>lviii</sup> (Book) al-Qardawi, *Fiqh az-Zakat: A Comparative Study*, p. 409.
- <sup>lix</sup> (Book) al-Qardawi, *Fiqh az-Zakat: A Comparative Study*, p. 411.
- <sup>lx</sup> (Book) al-Qardawi, *Fiqh az-Zakat: A Comparative Study*, p. 410.
- <sup>lxi</sup> (Book) al-Qardawi, *Fiqh az-Zakat: A Comparative Study*, p. 410.
- <sup>lxii</sup> (Book) al-Qardawi, *Fiqh az-Zakat: A Comparative Study*, p. 410.
- <sup>lxiii</sup> (Book) Pruthi, R.K. *The Encyclopedia of Jihad*, (Vol 1-9), Anmol Publications, PVT, LTD, New Delhi: (2002, (Vol I), p. 3. The editor was awarded a Phd from Kurukshetra University, Harayana, India, and served as the Deputy Director (Research) at Indian Council of Historical Research, New Delhi.
- <sup>lxiv</sup> (Book) Malik, S.K. *The Quranic Concept of War*, Adam Publishers, Delhi: (1992), p. 3 of the un-numbered preface. “Islam views the world as though it were bipolarized in two opposing camps –Darus-Salam facing Darul-Harb – the first one is submissive to the Lord in co-operating with the God’s purpose to establish peace, order and such other pre-conditions of human development, but the second one, on the other hand, is engaged in perpetuating defiance of the same Lord. Such a state of affairs which engages any one in rebellion against God’s will is termed as ‘Fitna’ – which word literally means test or trial. The term ‘Fitna’ refers us to misconduct on the part of a man who establishes his own norms and expects obedience from others thereby usurping God’s authority – who alone is sovereign. In Sura Infa’al Chapter 9, Verse 39, it is said, ‘And fight on until there remains no more tumult or oppression and the remain submissive.’”
- The author served as a Brigadier General Malik in the Pakistani Army. Endorsing the text as “a useful contribution” to the discussion of jihad General M.Zia-Ul-Haq, Chief of Staff of the Army and later President of Pakistan, noted: “This book brings out with simplicity, clarity and precision the Koranic philosophy on the application of military force, within the context of the totality that is jihad.”
- <sup>lxv</sup> (Book) Khadduri, Majid, *War and Peace in the Law of Islam*, Johns Hopkins Press, Baltimore (1955), p. 63-64. “It follows that the existence of a dar al-harb is ultimately outlawed under the Islamic jural order; that the dar al-Islam permanently under jihad obligation until the dar al-harb is reduced to non-existence; and that any community accepting certain disabilities - must submit to Islamic rule and reside in the dar al-Islam or be bound as clients to the

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Muslim community. The universality of Islam, in its all embracing creed, is imposed on the believers as a continuous process of warfare, psychological and political if not strictly military.” Dr. Khadduri founded the Paul H. Nitze School of Advanced International Studies Middle East Studies Program, Johns Hopkins University and authored more than 35 texts on multiple Islamic issues.

<sup>lxvi</sup> (Book) Khadduri, Majid. *The Islamic Law of Nations: al-Shaybani's Siyar*, Johns Hopkins Press, Baltimore: (1966), p.17: “The state of war should, accordingly, come to an end when the dar-al-harb had disappeared. At such a stage the dar al-Islam, as the abode of peace, would reign supreme in the world. It may be argued, therefore, that the ultimate objective of Islam is the achievement of permanent peace rather than the perpetuation of war. Thus the jihad, in Islamic theory, was a temporary legal device designed to achieve Islam’s ideal public order by transforming the dar al-harb into the dar al-Islam.” Dr. Khadduri founded the Paul H. Nitze School of Advanced International Studies Middle East Studies Program, Johns Hopkins University and authored more than 35 texts on multiple Islamic issues.

<sup>lxvii</sup> (Book) Bernard Lewis, *Cultures in Conflict*, New York: Oxford University Press: (1995), p. 14. “The world was divided into the House of Islam, where the Muslim faith and law prevailed, and the House of War, where they did not, and between the two there would be a perpetual state of war, interrupted only by truces, until the Word of God was brought to all humanity. For most Muslim writers, Christendom — first Byzantine and then European — was the House of War par excellence.” Dr Lewis is a widely recognized scholar of Oriental Studies and is regarded as one of the West’s leading scholars of the Middle east.

<sup>lxviii</sup> (Book) *Global War On Terrorism: Analyzing the Strategic Threat - Discussion Paper Thirteen*, Joint Military Intelligence College, Washington, DC: (2004), p. 39. “The dar al-Islam is in perpetual war with the dar al-harb.” See also, p. 40 “Islam is a peaceful religion that is in perpetual (but not necessarily constant) warfare with the dar al-Harb. ‘This obligation [Jihad] is without limit of time or space. It must continue until the whole world has either accepted the Islamic faith or submitted to the power of the Islamic state.’ Lewis, Bernard, *The Political Language of Islam*. Chicago, The University of Chicago Press: (1988), p. 73”

<sup>lxix</sup> Quran 2:216 Jihad is ordained for you though you dislike it, and it may be that you dislike a thing which is good for you and you like a thing that is bad for your. Allah knows but you do not know.

<sup>lxx</sup> Quran 2:193 And fight them until there is no more Fitnah (disbelief and worshiping of others along with Allah) and all and every kind of) worship is for Allah (Alone). But if they cease, let there be no transgression except against Az-Zalimum (the polytheists and wrong doers.)

<sup>lxxi</sup> Quran 9:5 Then when the Sacred Months have passed, the kill the Mushrikun wherever you find them, and capture them and besiege them, and lie in wait for them in each and every ambush. But if they repent and perform *As-Salat (Iqamat-asSalat)*, and give *Zakat*, then leave their way free. Verily, Allah is Oft-Forgiving, most Merciful.

<sup>lxxii</sup> (Book) Ibn Rushd, Abu al-Walid Muhammad ibn Ahmad. *The Distinguished Jurist's Primer (Vol 1 -2)*, Garnet Publishing, Reading, UK: (1994) (Vol-I) p: 454-487. Better known as Averoes, ibn Rushd (d. AH 595/CE1198) served as a Qadi (Jurist) in Seville and Cordova. This text has been incorporated into the “Great Books of Islamic Civilization” initiative by the Center for Muslim Contribution to Civilization, under the patronage of H.H. Sheikh Hamad bin Khalifa al-Thani, Amir of Qatar.

<sup>lxxiii</sup> (Book) al-Misri, *Reliance of the Traveller*. p. 599-605, passim. See specifically “The caliph fights all other people until they become Muslim” p. 603 and “it is offensive to conduct a military expedition against hostile non-Muslims without the caliph’s permission (A: though if these is no caliph, no permission is required.)” p. 602.

<sup>lxxiv</sup> (Book) al-Mawardi, Abu al-Hasan. *Al-Ahkam al-Sultaniyya w'al-Wilayat al Diniyya (The Ordinances of Government)*, Garnet Publishing, Reading, UK: (2000), p. 63.

<sup>lxxv</sup> “*Despite the fact that Islam is a religion of jihad and war,*(emphasis added) its sanctions are to avoid discord, *fitna*. Haddad, Yvonne. “Muhammad Abduh: Pioneer of Islamic Reform” in Rahnama, Ali, *Pioneers of Islamic Revival*. World Book Publishers, Beirut (2005), p. 55

<sup>lxxvi</sup> (Book) Azmi, *Islamic Economics*, p. 82 : *Jizyah*. “The term is derived from the ‘jaza’ meaning compensation. In Islamic fiscal terminology the term is used for the levy taken from the non-Muslim inhabitants of the state (ahl al-dhimmah) in lieu of the protection provided to them. *Jizyah* is the financial obligation upon non-Muslim citizens of the Islamic state in lieu of which they are granted protection of life and property and freedom to practice their religion.”... “Jizyah was not only a tribute of military defeat and political subjugation, but rather by its payment the Non-Muslims enjoyed protection and other benefits from the Islamic state.”

<sup>lxxvii</sup> (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol. I), p. 464 The Muslim Jurist’s agreed that the purpose of fighting the People of the Book, excluding the (Qurayshite) People of the Book and the Christian Arabs, is one of two things: it is either for their conversion to Islam or the payment of the *jizya*.

- <sup>lxxviii</sup> (Book) Khadduri, Majid. *The Islamic Law of Nations: Shaybani's Siyar*. Johns Hopkins Press, Baltimore: (1966), p. 5.
- <sup>lxxix</sup> (Book) Kelsay, John. *Arguing the Just War in Islam*. Harvard University Press, Cambridge: (2007), p. 102.
- <sup>lxxx</sup> (Book) *The Encyclopaedia of Islam* (Vol 2), p.538.
- <sup>lxxxix</sup> (Book) al-Misri, *Reliance of the Traveller*, p. 602.
- <sup>lxxxii</sup> (Book) Khadduri, *The Islamic Law of Nations: Shaybani's Siyar*. p. 15.
- <sup>lxxxiii</sup> (Book) Hughes, Thomas Patrick. *Dictionary of Islam: Being a Cyclopaedia of the Doctrine, Rites, Ceremonies and Customs with the Technical and Theological Terms of the Muslim Religion*. Kazi Publications, Chicago: (1994), p. 243, under "Jihad".
- <sup>lxxxiv</sup> (Book) Ahmad ibn Naqib al-Misri, *Reliance of the Traveller: A Classic Manual of Islamic Sacred Law*, Amanat Publications, Baltimore: (1994), p. 599.
- <sup>lxxxv</sup> (Book) *The Encyclopaedia of Islam*, (Vol II) p. 538-539 under "dijihad."
- <sup>lxxxvi</sup> (Book) Khadduri, Majid. *The Islamic Law of Nations: Shaybani's Siyar*. Johns Hopkins Press, Baltimore: (1966), p. 58, 76-77
- <sup>lxxxvii</sup> (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol. I), p. 464.
- <sup>lxxxviii</sup> (Book) al-Misri, *Reliance of the Traveller*. p. 602.
- <sup>lxxxix</sup> (Book) Khadduri, *Al-Shafii's Risala*, p. 82.
- <sup>xc</sup> (Book) al-Misri, *Reliance of the Traveller*. p. 600.
- <sup>xc1</sup> (Book) Hallaq, Muhammad Subhi bin Hasan. *Fiqh According to the Quran & Sunnah* (Vol II), Dar-us-Salam Publications, Riyadh-Saudi Arabia: (2007), p. 527.
- <sup>xcii</sup> (Book) *The Encyclopaedia of Islam*, (Vol II), p. 538-539 under "dijihad."
- <sup>xciii</sup> (Book) Maghniyyah, Muhammad Jawad. *The Five Schools of Islamic Law*. Ansariyan Publications, Qun, Iran: (1995), p. xii.
- <sup>xciv</sup> (Book) Kamali, Mohammad Hashim. *Sharia Law: An Introduction*. One World Press, Oxford: (2008), p. 68-98
- <sup>xcv</sup> (Book) Bakhtiar, Laleh. *Encyclopedia of Islamic Law: A Compendium of the Major Schools*. ABC International Group, Chicago: (1996), p. xxix.
- <sup>xcvi</sup> (Book) Nyazee, *Islamic Jurisprudence*, p. 334-336. Analysts should be aware that at least in the Hanafi Tradition, Jurists are divided into 6 different grades. The first grade, *mujtahid mutlaq* or *mujtahid fi al-shar* is the founder of a school who lays down the principles for interpretation for the school and lays down the law itself. "This jurist is the legislator who also lays down the methodology of the legislator."
- <sup>xcvii</sup> (Book) Philips, *The Evolution of Fiqh: Islamic Law and the Madh-habs*. P.101-134, *passim*.
- <sup>xcviii</sup> (Book) Nyazee, *Islamic Jurisprudence*, p. 334-336. Shaybani is of the Second Grade of Jurists in the Hanafi Tradition. A Second Grade Jurist is identified as *mujtahid fi al-madhab* or the *mujtahid* within the school. "He follows the principles laid down by the founder of the school, and using these principles derived the law himself. His opinion in the derived law may differ from that of his teacher. Jurists like Abu Yusuf and Muhammad al-Shaybani are within this grade in the Hanafi School. They used the principles determined by Abu Hanifah to derive the law. ...The jurists in this grade are independent in all respects, except the *usul* (principles of interpretation). In term of our theory of legislation, this jurist is also a legislator, but he follows the methodology of legislation determined by the full *mujtahid*."
- <sup>xcix</sup> (Book) Khadduri, *The Islamic Law of Nations: Shaybani's Siyar*. p. 96.
- <sup>c</sup> (Book) Khadduri. *The Islamic Law of Nations: Shaybani's Siyar*. p. 105.
- <sup>ci</sup> (Book) Khadduri. *The Islamic Law of Nations: Shaybani's Siyar*. p. 104.
- <sup>cii</sup> (Book) Hanbal, Ahmad b. *al-Musnad*, Beirut:al-Maktab al Islami: (1969)
- <sup>ciii</sup> (Book) Hanbal, Ahmad b. *al-Musnad*, Beirut:al-Maktab al Islami: (1969)
- <sup>civ</sup> (Book) Philips, *The Evolution of Fiqh: Islamic Law and the Madh-habs*. p.101-134, *passim*.
- <sup>cv</sup> (Book) Appendix iii, "The Call to Jihad (Holy Fighting in Allah's Cause)" by Sheikh Abdulla bib Muhammad bin Humaid, Chief Justice of Saudi Arabia in Khan, Dr Muhammad Muhsin and Dr Muhammad Taqui-ud-Din Al Hilali, *Interpretation of the Meaning of the Noble Quran in the English Language*, Dar-us-Salam Publications, Riyadh, Saudi Arabia, (1996) vol 9, pg.459. (Here after cited as "Call to Jihad", Interpretation of the Meanings of the Noble Quran in the English Language, Vol 9, page 459.
- <sup>cv1</sup> (Book) Appendix iii, "The Call to Jihad (Holy Fighting in Allah's Cause)" by Sheikh Abdulla bib Muhammad bin Humaid, Chief Justice of Saudi Arabia in Khan, Dr Muhammad Muhsin. *The Translations of the Meanings of Sahih*

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*Al-Bukari*, Dar-us-Salam Publications, Riyadh, Saudi Arabia, (1997) vol 9, pg.459. (Here after cited as "Call to Jihad", *Bukari*, Vol 9, page 459.)

<sup>cvi</sup> (Book) Appendix iii, "The Call to Jihad (Holy Fighting in Allah's Cause)" by Sheikh Abdulla bib Muhammad bin Humaid, Chief Justice of Saudi Arabia in Khan, Dr Muhammad Muhsin and Dr Muhammad Taqi-ud-Din Al-Hilali. *Interpretation of the Meanings of the Noble Quran in the English Language*, Dar-us-Salam Publications, Riyadh-Saudi Arabia: (1996), p. 845. (Here after cited as "Call to Jihad. Quran Summarized in one volume, p. 845.)

<sup>cvi</sup> (Book) I m a m M a l i k i b n A n a s , *Al-Muwatta of Imam Malik ibn Anas: The First Formulation*

*of Islamic Law*, trans. A i s h a A b d u r r a h m a n B e w l e y . I s l a m i c B o o k T r u s t , K u a l a L u m p u r : ( 2 0 0 4 ) H e r e a f t e r r e f e r r e d t o a s M a l i k , *Muwatta*. I m a m M a l i k i b n A n a s i s t h e f o u n d e r o f t h e M a l i k i s c h o o l o f l a w

<sup>cix</sup> (Book) Philips, *The Evolution of Fiqh: Islamic Law and the Madh-habs*. p.101-134, *passim*.

<sup>cx</sup> (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol I) p. xxvii. *The Distinguished Jurist's Primer* was written by Abu al-Walid Muhammad ibn Ahmad ibn Rushd, a 12<sup>th</sup> century Islamic jurist in the Maliki school. Imran Khan Nyazee, Professor at the Shari'ah Academy of the International Islamic University in Islamabad, Pakistan, translated the work into English and was subsequently published by the Center for the Muslim Contribution to Civilization.

<sup>cx</sup> (Book) M a l i k , *Muwatta*. p. 173: Book 21 (Stimulation of Desire for Jihad), Number 21.1.2: Yahya related to me from Malik from Abu'z Zinad from al-Araj from Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace, said, "Allah guarantees either the Garden or a safe return to his home with whatever he has obtained of reward or booty, for the one who does jihad in His way, if it is solely jihad and trust in his promise that brings him out of his house."

<sup>cxii</sup> (Book) Malik, *Muwatta*. p. 173: Book 21 (Stimulation of Desire for Jihad), Number 21.1.4: Yahya related to me from Abdullah ibn Abd ar-Rahman ibn Mamar al-Ansari that Ata ibn Yasar said that the Messenger of Allah, may Allah bless him and grant him peace, said, "Shall I tell you who has the best degree among people? A man who takes the rein of his horse to do jihad in the way of Allah. Shall I tell you who has the best degree among people after him? A man who lives alone with a few sheep, performs the prayer, pays the zakat, and worships Allah without associating anything with him."

<sup>cxiii</sup> (Book) Malik, *Muwatta*. p. 174: Book 21 (Stimulation of Desire for Jihad), Number 21.3.11: Yahya related to me from Malik that he had heard that Umar ibn Abd al-Aziz wrote to one of his governors, "It has been passed down to us that when the Messenger of Allah, may Allah bless him and grant him peace, sent out a raiding party, he would say to them, 'Make your raids in the name of Allah in the way of Allah. Fight whoever denies Allah. Do not steal from the booty, and do not act treacherously. Do not mutilate and do not kill children.' Say the same to your armies and raiding parties, Allah willing. Peace be upon you."

<sup>cxiv</sup> (Book) Malik, *Muwatta*. p. 180: Book 21 (Stimulation of Desire for Jihad), Number 21.10.18: Yahya related to me from Malik from Yahya ibn Said from Amr ibn Kathir ibn Aflah from Abu Muhammad, the mawla of Abu Qatada that Abu Qatada ibn Ribī said, "We went out with the Messenger of Allah, may Allah bless him and grant him peace, in the year of Hunayn. When the armies met, the Muslims were put in disarray. I saw a man from the idol worshippers who had got the better of one of the Muslims, so I circled round and came up behind him, and struck him with a sword on his shoulder-blade. He turned to me and grabbed me so hard that I felt the smell of death in it. Then death overcame him, and he let go of me." He continued, "I met Umar ibn al-Khattab and said to him, 'What's going on with the people?' He replied, 'The Command of Allah.' Then the people took hold of the battle and the Messenger of Allah, may Allah bless him and grant him peace, said, 'Whoever has killed one of the dead and can prove it, can strip him of his personal effects.' I stood up and said, 'Who will testify for me?' and then I sat down. The Messenger of Allah repeated, 'Whoever has killed one of the dead and can prove it, can strip him of his personal effects.' I stood up and said, 'Who will testify for me?' then I sat down. Then he repeated his statement a third time, so I stood up, and the Messenger of Allah, may Allah bless him and grant him peace, said, 'What's the matter with you, Abu Qatada?' So I related my story to him. A man said, 'He has spoken the truth, Messenger of Allah. I have the effects of that slain person with me, so give him compensation for it, Messenger of Allah.' Abu Bakr said, 'No, by Allah! He did not intend that one of the lions of Allah should fight for Allah and His Messenger and then give you his spoils.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'He has spoken the truth, hand it over to him.' He gave it to me, and I sold the breast-plate and I bought a garden in the area of the Banu Salima with the money. It was my first property, and I acquired it in Islam."

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<sup>cxv</sup> (Book) Malik, *Muwatta*. p. 180: Book 21 (Stimulation of Desire for Jihad), Number 21.14.31: Yahya related to me from Malik from Yahya ibn Said from Said al-Maqburi from Abdullah ibn Abi Qatada that his father had said that a man came to the Messenger of Allah, may Allah bless him and grant him peace, and said, "O Messenger of Allah! If I am killed in the way of Allah, expectant for reward, sincere, advancing, and not retreating, will Allah pardon my faults?" The Messenger of Allah, may Allah bless him and grant him peace, said, "Yes." When the man turned away, the Messenger of Allah, may Allah bless him and grant him peace, called him - or commanded him and he was called to him. The Messenger of Allah, may Allah bless him and grant him peace, said to him, "What did you say?" He repeated his words to him, and the Prophet, may Allah bless him and grant him peace, said to him, "Yes, except for the debt. Jibril said that to me."

<sup>cxvi</sup> (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol I) p. 454.

<sup>cxvii</sup> (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol I) p. 455.

<sup>cxviii</sup> (Internet) Polytheist: Islam considers the Christian doctrine of Trinity in post-Nicene Christianity as polytheism. Reinforcing that view is the Christian concept of according patron saints responsibility for a certain aspect of life or society. Source: <http://www.websters-online-dictionary.org/definitions/polytheism?cx=partner-pub-0939450753529744%3Av0qd01-tdlq&cof=FORID%3A9&ie=UTF-8&q=polytheism&sa=Search#906>, accessed 2 January 2011.

<sup>cxix</sup> (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol I), p. 455.

<sup>cxx</sup> (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol I), p. 456.

<sup>cxxi</sup> (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol I), p. 464.

<sup>cxxii</sup> (Book) Khadduri, Majid. *Al-Shafii's Risala* Islamic Texts Society, Cambridge: (1997).

<sup>cxxiii</sup> (Book) *Reliance of the Traveller (Umdat al-Salik)* written by Ahmad ibn Naqib al-Misri, was translated by Keller. The translation and authoritative stature of the text was recognized and approved by the Imam of the Mosque of Darwish Pasha, Damascus; the Mufti of the Jordanian Armed Forces, Al Azhar University, Islam's oldest center for Islamic education, and International Institute of Islamic Thought, Herndon, Virginia p. xiv – xxi.

<sup>cxxiv</sup> (Book) Khadduri, *Al-Shafii's Risala*, p. 82.

<sup>cxxv</sup> (Book) Khadduri, *Al-Shafii's Risala*, p. 83.

<sup>cxxvi</sup> (Book) Khadduri, *Al-Shafii's Risala*, p. 83.

<sup>cxxvii</sup> (Book) Khadduri, *Al-Shafii's Risala*, p. 83.

<sup>cxxviii</sup> (Book) Khadduri, *Al-Shafii's Risala*, p. 84.

<sup>cxxix</sup> (Book) Khadduri, *Al-Shafii's Risala*, p. 84.

<sup>cxxxx</sup> (Book) Khadduri, *Al-Shafii's Risala*, p. 86.

<sup>cxxxi</sup> (Book) Khadduri, *Al-Shafii's Risala*, p. 86.

<sup>cxxxii</sup> (Book) al-Misri, *Reliance of the Traveller*, p. 599.

<sup>cxxxiii</sup> (Book) al-Misri, *Reliance of the Traveller*, p. 599.

<sup>cxxxiv</sup> (Book) al-Misri, *Reliance of the Traveller*, p. 599.

<sup>cxxxv</sup> (Book) al-Misri, *Reliance of the Traveller*, p. 599.

<sup>cxxxvi</sup> (Book) al-Misri, *Reliance of the Traveller*, p. 600.

<sup>cxxxvii</sup> (Book) al-Misri, *Reliance of the Traveller*, p. 600.

<sup>cxxxviii</sup> (Book) al-Misri, *Reliance of the Traveller*, p. 601-602.

<sup>cxxxix</sup> (Book) al-Misri, *Reliance of the Traveller*, p. 602.

<sup>cxli</sup> (Book) al-Misri, *Reliance of the Traveller*. p. 601.

<sup>cxlii</sup> (Book) al-Misri, *Reliance of the Traveller*. p. 602.

<sup>cxliii</sup> (Book) al-Misri, *Reliance of the Traveller*. p. 600-605 passim.

<sup>cxliiii</sup> (Book) Ibn Rushd. *The Distinguished Jurist's Primer* (Vol I), Garnet Publishing, Reading, UK: (1994), "The Book of Jihad", p. 454-487 passim.

<sup>cxliiv</sup> (Book) Al-Imam Abu Zakariya Yahya, *Riyad-us-Saliheen* (Vol II), Darussalam, Riyadh, Saudi Arabia: (1998), "The Book of Jihad," p. 976-1032 passim.

<sup>cxliv</sup> (Book) Hallaq, *Fiqh According to the Quran & Sunnah* (Vol II), p. 522-554 passim.

<sup>cxlvi</sup> (Book) Doi, Abd ar-Rahman I. *Sharia: Islamic Law*. Ta-Ha Publishers, London: (2008), p. 664-687 passim.

<sup>cxlvii</sup> (Book) al-Misri, *Reliance of the Traveller*, p. 600. "The second state is when non-Muslims invade a Muslim country or near one, in which case jihad is personally obligatory upon the inhabitants of that country, who must repel the non-Muslims with whatever they can."

- cxlviii (Book) al-Misri, *Reliance of the Traveller*, p. 600. "In the time of the Prophet (Allah bless him and give him peace) jihad was a communal obligation after his emigration (hijra) to Medina. As for subsequent times, there are two possible states in respect to Non-Muslims. The first is when they are in their own country, in which case jihad is a communal obligation, and this is what our author is speaking when he says, 'Jihad is a communal obligation,' meaning upon the Muslims each year."
- cxlix (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol. I), p. 454 – 455 for a general discussion on the conditions mandating communal vs personal obligations.
- cl (Book) *The Encyclopaedia of Islam* (Vol II), p. 538.
- cli (Book) al-Misri, *Reliance of the Traveller*. p. 600.
- clii (Book) Hallaq. *Fiqh According to the Quran & Sunnah* (Vol II), p. 527-528.
- cliii (Book) *The Encyclopaedia of Islam* (Vol II), p. 538.
- cliv (Book) al-Misri, *Reliance of the Traveller*, p. 601 "A woman too has a choice between fighting or surrendering if she is certain that she will not be subjected to an indecent act if captured. If uncertain that she will be safe from such and act, she is obliged to fight, and surrender is not permissible."
- clv (Book) Pruthi, *The Encyclopedia of Jihad*, (Vol I), p. 15.
- clvi (Book) al-Misri, *Reliance of the Traveller*, p. 680.
- clvii (Book) Hallaq, Muhammad Subhi bin Hasan. *FIQH: According to the Quran and Sunnah*. (Vol 2), Darussalam, Riyadh, Saudi Arabia: (2008), p. 526 Under "The incitement to make jihad."
- clviii (Book) Hallaq. *FIQH: According to the Quran and Sunnah*. (Vol 2), p. 526.
- clix (Book) Hallaq. *FIQH: According to the Quran and Sunnah*. (Vol 2), p. 526.
- clx (Book) Hallaq. *FIQH: According to the Quran and Sunnah*. (Vol 2), p. 526.
- clxi (Book) Bukhari, *Ahadith 2792*, Vol 4, p. 50.
- clxii (Book) Malik, *Muwatta*. p. 173: Book 21 (Stimulation of Desire for Jihad), Number 21.1.4.
- clxiii (Book) Malik, *Muwatta*. p. 182: Book 21 (Stimulation of Desire for Jihad), Number 21.18.40.
- clxiv (Book) Malik, *Muwatta*. p. 182: Book 21 (Stimulation of Desire for Jihad), Number 21.18.42.
- clxv (Book) "Call to Jihad", *Interpretation of the Meanings of the Noble Quran in the English Language*, Vol 9, page 459.
- clxvi (Book) "Call to Jihad", *Bukari*, Vol 9, page 459.
- clxvii (Book) "Call to Jihad. Quran Summarized in one volume, p. 845.
- clxviii (Book) al-Mawardi, Abu al-Hasan. *Al-Ahkam al-Sultaniyya w'al-Wilayat al Diniyya (The Ordinances of Government)*, Garnet Publishing, Reading, UK: (2000), p. 44.
- clxix (Periodical) "Zakat: A Warfare Funding Mechanism", *The Vanguard: The Journal of the Military Intelligence Corps Association*, Vol,15, No 2, p.8-10.
- clxx (Book) Azmi, *Islamic Economics*, p. 123.
- clxxi (Book) al-Mawardi, *The Ordinances of Government*, Garnet Publishing, Reading, UK: (1996), p,137. "The seventh share, going towards the cause of God Almighty, must be paid to Muslim fighters according to what they need in their Holy War. If they are to remain stationed in border towns, they must be paid the cost of the outward journey and as much as possible of their boarding expenses, but those destined to come back upon completion of their mission should receive the cost of the return trip."
- clxxii (Book) al-Mawardi, *Al-Ahkam As-Sultaniyyah: The Laws of Islamic Governance*. p.182. "Seventh, this portion is for those fighting in the way of Allah, namely the members of the raiding parties; an amount from their portion is paid which is enough to cover their needs for conducting their jihad; if they go to a ribat on the frontier, the cost of the travel there is given them, and if possible an amount for the expenses which will be incurred during their stay; if they return after having completed the jihad, they are given for the expenses incurred in their travel and their return."
- clxxiii (Book) al-Misri, *Reliance of the Traveller*: p. 272.
- clxxiv (Book) *The Encyclopaedia of Islam*, (Vol XI), p. 416. There is historical precedence for a further delineation of divisions with his category. "One-fourth ...will go to those soldiers to whom it is regularly assigned. The temporary soldiers and the poor will get another fourth (each). One-fourth of it will go to the war veteran in God's cause who is faced with dire need."
- clxxv (Book) Ibn Sallam, *The Book of Revenue*, p. 528.

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clxxvi 2 (Al-Baqarah):190 And fight in the Way of Allah those who fight you, but transgress not the limits. Truly, Allah likes not the transgressors. [This Verse is the first one that was revealed in connection with Jihad, but it was supplemented by another (V.9 (At-Taubah):36)].

2 (Al-Baqarah):216 Jihad (holy fighting in Allah's Cause) is ordained for you (Muslims) though you dislike it, and it may be that you dislike a thing which is good for you and that you like a thing which is bad for you. Allah knows but you do not know.

3 (Al-Imran):140 If a wound (and killing) has touched you, be sure a similar wound (and killing) has touched the others (disbelievers). And so are the days (good and not so good), that We give to men by turns, that Allah may test those who believe, and that He may take martyrs from among you. And Allah likes not the Zâlimûn (polytheists and wrongdoers).

3 (Al-Imran):141 And that Allah may test (or purify) the believers (from sins) and destroy the disbelievers.

3 (Al-Imran):142 Do you think that you will enter Paradise before Allah tests those of you who fought (in His Cause) and (also) tests those who are As-Sâbirin (the patient)?

3 (Al-Imran):169. Think not of those who are killed in the Way of Allah as dead. Nay, they are alive, with their Lord, and they have provision.

3 (Al-Imran):170. They rejoice in what Allah has bestowed upon them of His Bounty, rejoicing for the sake of those who have not yet joined them, but are left behind (not yet martyred) that on them no fear shall come, nor shall they grieve.

3 (Al-Imran):171. They rejoice in a Grace and a Bounty from Allah, and that Allah will not waste the reward of the believers.

3 (Al-Imran):172. Those who answered (the Call of) Allah and the Messenger (Muhammad [rhetorical flourish]) after being wounded; for those of them who did good deeds and feared Allah, there is a great reward.

4:74 Let those (believers) who sell the life of this world for the Hereafter fight in the Cause of Allah, and whoso fights in the Cause of Allah, and is killed or gets victory, We shall bestow on him a great reward.

4:89 They wish that you reject Faith, as they have rejected (Faith), and thus that you all become equal (like one another). So take not Auliya' (protectors or friends) from them, till they emigrate in the Way of Allah (to Muhammad [rhetorical flourish]). But if they turn back (from Islam), take (hold) of them and kill them wherever you find them, and take neither Auliya' (protectors or friends) nor helpers from them.

4:95 Not equal are those of the believers who sit (at home), except those who are disabled (by injury or are blind or lame), and those who strive hard and fight in the Cause of Allah with their wealth and their lives. Allah has preferred in grades those who strive hard and fight with their wealth and their lives above those who sit (at home). Unto each, Allah has promised good (Paradise), but Allah has preferred those who strive hard and fight, above those who sit (at home) by a huge reward.

4:104 And don't be weak in the pursuit of the enemy; if you are suffering (hardships) then surely, they (too) are suffering (hardships) as you are suffering, but you have a hope from Allah (for the reward, i.e. Paradise) that for which they hope not, and Allah is Ever AllKnowing, AllWise.

8:39 And fight them until there is no more Fitnah (disbelief and polytheism: i.e. worshipping others besides Allah) and the religion (worship) will all be for Allah Alone [in the whole of the world]. But if they cease (worshipping others besides Allah), then certainly, Allah is All-Seer of what they do.

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8:40 And if they turn away, then know that Allah is your Maulâ (Patron, Lord, Protector and Supporter, etc.), (what) an Excellent Maulâ, and (what) an Excellent Helper!

8:41. And know that whatever of war-booty that you may gain, verily one-fifth (1/5th) of it is assigned to Allah, and to the Messenger, and to the near relatives [of the Messenger (Muhammad {rhetorical flourish})], (and also) the orphans, Al-Masâkin (the poor) and the wayfarer, if you have believed in Allah and in that which We sent down to Our slave (Muhammad [rhetorical flourish]) on the Day of criterion (between right and wrong), the Day when the two forces met (the battle of Badr) - And Allah is Able to do all things.

8:42. (And remember) when you (the Muslim army) were on the near side of the valley, and they on the farther side, and the caravan on the ground lower than you. Even if you had made a mutual appointment to meet, you would certainly have failed in the appointment, but (you met) that Allah might accomplish a matter already ordained (in His Knowledge); so that those who were to be destroyed (for their rejecting the Faith) might be destroyed after a clear evidence, and those who were to live (i.e. believers) might live after a clear evidence. And surely, Allah is All-Hearer, All-Knower.

8:61 But if they incline to peace, you also incline to it, and (put your) trust in Allah. Verily, He is the All-Hearer, the All-Knower.

8:66 Now Allah has lightened your (task), for He knows that there is weakness in you. So if there are of you a hundred steadfast persons, they shall overcome two hundred, and if there are a thousand of you, they shall overcome two thousand with the Leave of Allah. And Allah is with As-Sâbirin (the patient ones, etc.).

8:67 It is not for a Prophet that he should have prisoners of war (and free them with ransom) until he had made a great slaughter (among his enemies) in the land. You desire the good of this world (i.e. the money of ransom for freeing the captives), but Allah desires (for you) the Hereafter. And Allah is All-Mighty, All-Wise.

9:5 Then when the Sacred Months (the 1st, 7th, 11th, and 12th months of the Islamic calendar) have passed, then kill the Mushrikûn (see V.2:105) wherever you find them, and capture them and besiege them, and prepare for them each and every ambush. But if they repent [by rejecting *Shirk* (polytheism) and accept Islamic Monotheism] and perform As-Salât (Iqâmat-as-Salât), and give Zakat, then leave their way free. Verily, Allâh is Oft-Forgiving, Most Merciful.

9 (At-Taubah):29 Fight against those who (1) believe not in Allâh, (2) nor in the Last Day, (3) nor forbid that which has been forbidden by Allah and His Messenger (4) and those who acknowledge not the religion of truth (i.e. Islam) among the people of the Scripture (Jews and Christians), until they pay the Jizyah with willing submission, and feel themselves subdued.

9 (At-Taubah):36 Verily, the number of months with Allah is twelve months (in a year), so was it ordained by Allah on the Day when He created the heavens and the earth; of them four are Sacred, (i.e. the 1st, the 7th, the 11th and the 12th months of the Islamic calendar). That is the right religion, so wrong not yourselves therein, and fight against the Mushrikûn (polytheists, pagans, idolaters, disbelievers in the Oneness of Allah) collectively, as they fight against you collectively. But know that Allah is with those who are Al-Muttaqûn (the pious - see V.2:2).

9 (At-Taubah):38 O you who believe! What is the matter with you, that when you are asked to march forth in the Cause of Allah (i.e. Jihâd) you cling heavily to the earth? Are you pleased with the life of this world rather than the Hereafter? But little is the enjoyment of the life of this world as compared with the Hereafter.

9 (At-Taubah):39. If you march not forth, He will punish you with a painful torment and will replace you by another people, and you cannot harm Him at all, and Allah is Able to do all things



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9 (At-Taubah):41 March forth, whether you are light (being healthy, young and wealthy) or heavy (being ill, old and poor), strive hard with your wealth and your lives in the Cause of Allah. This is better for you, if you but knew.

9 (At-Taubah):91 There is no blame on those who are weak or ill or who find no resources to spend [in holy fighting (Jihad)], if they are sincere and true (in duty) to Allah and His Messenger. No ground (of complaint) can there be against the Muhsinûn (good-doers - see the footnote of V.9 (At-Taubah):120). And Allah is Oft-Forgiving, Most Merciful.

9 (At-Taubah):111 Verily, Allah has purchased of the believers their lives and their properties; for the price that theirs shall be the Paradise. They fight in Allah's Cause, so they kill (others) and are killed. It is a promise in truth which is binding on Him in the Taurât (Torah) and the Injeel (Gospel) and the Qur'ân. And who is truer to his covenant than Allah? Then rejoice in the bargain which you have concluded. That is the supreme success.

9 (At-Taubah):122 And it is not (proper) for the believers to go out to fight (Jihad) all together. Of every troop of them, a party only should go forth, that they (who are left behind) may get instructions in (Islamic) religion, and that they may warn their people when they return to them, so that they may beware (of evil).

17:15 Whoever goes right, then he goes right only for the benefit of his ownself. And whoever goes astray, then he goes astray to his own loss. No one laden with burdens can bear another's burden. And We never punish until We have sent a Messenger (to give warning).

22:39 Permission to fight (against disbelievers) is given to those (believers), who are fought against, because they have been wronged; and surely, Allah is Able to give them (believers) victory.

33:23 Among the believers are men who have been true to their covenant with Allah [i.e. they have gone out for Jihad (holy fighting), and showed not their backs to the disbelievers], of them some have fulfilled their obligations (i.e. have been martyred), and some of them are still waiting, but they have never changed [i.e. they never proved treacherous to their covenant which they concluded with Allah] in the least.

clxxvii (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol. I), p. 459

clxxviii (Book) "Call to Jihad", Interpretation of the Meanings of the Noble Quran in the English Language, Vol 9, page 459.

clxxix (Book) "Call to Jihad", Bukari, Vol 9, page 459.

clxxx (Book) "Call to Jihad. Quran Summarized in one volume, p. 845.

clxxxi (Book) al-Misri, *Reliance of the Traveller*, p. 599.

clxxxii (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol. I), p. 454.

clxxxiii (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol. I), p. 976.

clxxxiv (Book) "Call to Jihad", Interpretation of the Meanings of the Noble Quran in the English Language, Vol 9, page 459.

clxxxv (Book) "Call to Jihad", Bukari, Vol 9, page 459.

clxxxvi (Book) "Call to Jihad", Interpretation of the Meanings of the Noble Quran in the English Language, Vol 9, page 459.

clxxxvii (Book) "Call to Jihad", Bukari, Vol 9, page 459.

clxxxviii (Book) "Call to Jihad. Quran Summarized in one volume, p. 845.

clxxxix (Book) "Call to Jihad", Interpretation of the Meanings of the Noble Quran in the English Language, Vol 9, page 459.

cxc (Book) "Call to Jihad", Bukari, Vol 9, page 459.

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cxcii (Book) "Call to Jihad", Interpretation of the Meanings of the Noble Quran in the English Language, Vol 9, page 459.

cxci (Book) "Call to Jihad", Bukari, Vol 9, page 459.

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- cxcv (Book) "Call to Jihad", Interpretation of the Meanings of the Nobel Quran in the English Language, Vol 9, page 459.
- cx cvi (Book) "Call to Jihad", Bukari, Vol 9, page 459.
- cx cvii (Book) "Call to Jihad. Quran Summarized in one volume, p. 845.
- cx cviii (Book) "Call to Jihad", Interpretation of the Meanings of the Nobel Quran in the English Language, Vol 9, page 459.
- cx cix (Book) "Call to Jihad", Bukari, Vol 9, page 459.
- cc (Book) "Call to Jihad. Quran Summarized in one volume, p. 845.
- cc i (Book) al-Misri, *Reliance of the Traveller*, p. 599.
- cc ii (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol. I), p. 455.
- cc iii (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol. I), p. 977.
- cc iv (Book) Khadduri, *Al-Shafii's Risala*, p. 83.
- cc v (Book) "Call to Jihad", Interpretation of the Meanings of the Nobel Quran in the English Language, Vol 9, page 459.
- cc vi (Book) "Call to Jihad", Bukari, Vol 9, page 459.
- cc vii (Book) "Call to Jihad. Quran Summarized in one volume, p. 845.
- cc viii (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol. I), p. 455, 465.
- cc ix (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol. I), p. 464.
- cc x (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol. I), p. 462.
- cc xi (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol. I), p. 456.
- cc xii (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol. I), p. 485, 459, 460, 463.
- cc xiii (Book) Khadduri, *Al-Shafii's Risala*, p. 83.
- cc xiv (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol. I), p. 463, 494. 465.
- cc xv (Book) Khadduri, *Al-Shafii's Risala*, p. 83.
- cc xvi (Book) "Call to Jihad", Interpretation of the Meanings of the Nobel Quran in the English Language, Vol 9, page 459.
- cc xvii (Book) "Call to Jihad", Bukari, Vol 9, page 459.
- cc xviii (Book) "Call to Jihad. Quran Summarized in one volume, p. 845.
- cc xix (Book) al-Misri, *Reliance of the Traveller*, p. 599.
- cc xx (Book) Khadduri, *Al-Shafii's Risala*, p. 83.
- cc xxi (Book) Khadduri, *Al-Shafii's Risala*, p. 83.
- cc xxii (Book) "Call to Jihad", Interpretation of the Meanings of the Nobel Quran in the English Language, Vol 9, page 459.
- cc xxiii (Book) "Call to Jihad", Bukari, Vol 9, page 459.
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- cc xxviii (Book) "Call to Jihad. Quran Summarized in one volume, p. 845.
- cc xxix (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol. I), p. 455.
- cc xxx (Book) Khadduri, *Al-Shafii's Risala*, p. 83.
- cc xxxi (Book) "Call to Jihad", Interpretation of the Meanings of the Nobel Quran in the English Language, Vol 9, page 459.
- cc xxxii (Book) "Call to Jihad", Bukari, Vol 9, page 459.
- cc xxxiii (Book) Khadduri, *Al-Shafii's Risala*, p. 83.
- cc xxxiv (Book) "Call to Jihad", Interpretation of the Meanings of the Nobel Quran in the English Language, Vol 9, page 459.
- cc xxxv (Book) "Call to Jihad", Bukari, Vol 9, page 459.
- cc xxxvi (Book) Ibn Rushd, *Distinguished Jurist's Primer*, (Vol. I), p.455.
- cc xxxvii (Book) Khadduri, *Al-Shafii's Risala*, p. 83.

ccxxxviii (Book) "Call to Jihad", Interpretation of the Meanings of the Noble Quran in the English Language, Vol 9, page 459.

ccxxxix (Book) "Call to Jihad. Quran Summarized in one volume, p. 845.

ccxl (Book) "Call to Jihad", Bukari, Vol 9, page 459.

ccxli (Book) "Call to Jihad", Interpretation of the Meanings of the Noble Quran in the English Language, Vol 9, page 459.

ccxlii (Book) "Call to Jihad. Quran Summarized in one volume, p. 845.

ccxliiii (Book) "Call to Jihad", Bukari, Vol 9, page 459.

ccxliv (Book) Hughes, *Dictionary of Islam*, p. 327, under "Martyr".

ccxlv (Book) Bukhari, Ahadith 5733, Vol 7, p. 348. "5733. Narrated Abu Hurairah: The Prophet said, 'He (a Muslim) who dies of an abdominal disease is a martyr, and he who dies of plague is a martyr.'" <http://www.usc.edu/dept/MSA/fundamentals/hadithsunnah/muwatta/008.mmt.html#008.8.2.6>

ccxlvi (Book) Bukhari, Ahadith 7232, Vol 7, p. 347. "7232. Narrated Anas bin Malik: Allah's Messenger said (Death from) plague is martyrdom for every Muslim."

ccxlvii (Book) Bukhari, Ahadith 2480, Vol 3, p. 382. "2480. Narrated 'Abdullah bin 'Amr bin Al-'As: I heard the Prophet saying, 'Whoever is killed while protecting his property then he is a martyr.'" <http://www.usc.edu/dept/MSA/fundamentals/hadithsunnah/muwatta/008.mmt.html#008.8.2.6>

ccxlviii (Book) Muwatta Book 8, Number 8.2.6: He also said, "Martyrs are five: the one killed by a plague, the one killed by a disease of the belly, the one who drowns, the one killed by a collapsing building, and the martyr in the path of Allah." <http://www.usc.edu/dept/MSA/fundamentals/hadithsunnah/muwatta/008.mmt.html#008.8.2.6>

ccxlix (Book) Bukhari, Ahadith 652-653, Vol 1, p. 374-375: "652-653. Narrated Abu Huraira: Allah's Apostle said, 'While a man was going on a way, he saw a thorny branch and removed it from the way and Allah became pleased by his action and forgave him for that.' Then the Prophet said, 'Five are martyrs: One who dies of plague, one who dies of an abdominal disease, one who dies of drowning, one who is buried alive (and) dies and one who is killed in Allah's cause.'" See also Bukhari, Ahadith 2829, Vol 4, p. 69.

cccl (Book) Mutwatta Book 16, Number 16.12.36: Yahya related to me from Malik from Abdullah ibn Abdullah ibn Jabir ibn Atik that Atik ibn al-Harith, the grandfather of Abdullah ibn Abdullah ibn Jabir on his mother's side, told him that Jabir ibn Atik had told him that the Messenger of Allah, may Allah bless him and grant him peace, came to visit Abdullah ibn Thabit and found him in his death-throes. He called to him but he did not reply. The Messenger of Allah, may Allah bless him and grant him peace, said, "We belong to Allah, and to Him we are returning," and added, "You are being taken from us, Abu'r-Rabi." The women cried out and wept, and Jabir began to silence them. The Messenger of Allah, may Allah bless him and grant him peace, said, "Leave them, and when the necessary time comes, none of the women should cry." They said, "Messenger of Allah, what is the necessary time?", and he replied, "When he dies." The dying man's daughter said, "By Allah, I hope that you will be a martyr, for you have completed your preparations for battle," and the Messenger of Allah, may Allah bless him and grant him peace, said, "Allah has made his reward fall according to his intention. What do you consider dying a martyr to be?" They said, "Death in the way of Allah." The Messenger of Allah, may Allah bless him and grant him peace, said, "There are seven kinds of martyr other than those killed in the way of Allah. Someone who is killed by the plague is a martyr, someone who drowns is a martyr, someone who dies of pleurisy is a martyr, someone who dies of a disease of the belly is a martyr, someone who dies by fire is a martyr, someone who dies under a falling building is a martyr and a woman who dies in childbirth is a martyr." <http://www.usc.edu/dept/MSA/fundamentals/hadithsunnah/muwatta/016.mmt.html#016.16.12.36>. See also, <http://www.usc.edu/dept/MSA/fundamentals/hadithsunnah/abudawud/020.sat.html#020.3105>

cccli (Internet) Abu Dawud Book 14, Number 2493: Narrated AbuMalik al-Ash'ari: Abu Malik heard the Apostle of Allah ("rhetorical flourish") say: He who goes forth in Allah's path and dies or is killed is a martyr, or has his neck broken through being thrown by his horse or by his camel, or is stung by a poisonous creature, or dies on his bed by any kind of death Allah wishes is a martyr and will go to Paradise. <http://www.usc.edu/dept/MSA/fundamentals/hadithsunnah/abudawud/014.sat.html#014.2493>

ccclii (Internet) Abu Dawud Book 40, Number 4754: Narrated Sa'id ibn Zayd: The Prophet ("rhetorical flourish") said: He who is killed while protecting his property is a martyr, and he who is killed while defending his family, or his blood, or his religion is a martyr. <http://www.usc.edu/dept/MSA/fundamentals/hadithsunnah/abudawud/040.sat.html#040.4631>, accessed 1 January 2004.

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<sup>ccliii</sup> (Internet) Abu Dawud Book 14, Number 2535: Narrated Mu'adh ibn Jabal: The Apostle of Allah ("rhetorical flourish") said: If anyone fights in Allah's path as long as the time between two milkings of a she-camel, Paradise will be assured for him. If anyone sincerely asks Allah for being killed and then dies or is killed, there will be a reward of a martyr for him. Ibn al-Musaffa added from here: If anyone is wounded in Allah's path, or suffers a misfortune, it will come on the Day of resurrection as copious as possible, its colour saffron, and its odor musk; and if anyone suffers from ulcers while in Allah's path, he will have on him the stamp of the martyrs.  
<http://www.usc.edu/dept/MSA/fundamentals/hadithsunnah/abudawud/014.sat.html#014.2493>, accessed 1 January 2004

<sup>ccliv</sup> (Book) al-Misri, *Reliance of the Traveller*. p. 670 "p.25.0 SUICIDE, p.25.1 Allah Most High Says: 'Do not kill yourselves, for Allah is compassionate towards you. Whoever does so, in transgression and wrongfully, We shall roast in a fire, and that is an easy matter for Allah.'" (Koran 4:29-30) p25.2 "The Prophet ("rhetorical flourish") said: (1)'Of those before you, there was once a wounded man who could not bear it, so he took a knife and cut his arm, and bled until he died. Allah Most High said, 'My slave has taken his life before I have, so I forbid him paradise.'" (2) 'Whoever kills himself with a knife will abide forever in the fire of hell, perpetually stabbing his belly with it. Whoever kills himself with poison will abide forever in the fire of hell, poison in hand, perpetually and drinking of it.'"

<sup>cclv</sup> (Book) Bukhari, Ahadith 1365, Vol 2, p. 258: "1365: Narrated Abu Huraira- 'The Prophet said, 'he who commits suicide by throttling shall keep on throttling himself in the Hell Fire (forever) and he who commits suicide by stabbing himself shall keep on stabbing himself in the Hell-Fire.'"

<sup>cclvi</sup> (Book) Bukhari, Ahadith 6047, Vol 8, p. 50. "6047: Narrated Thabit bin Ad-Dahhak: (who was one of the companions who gave the pledge of allegiance to the Prophet underneath the tree (Al-Hudaibiya)) Allah's Apostle said, 'Whoever swears by a religion other than Islam (i.e. if somebody swears by saying that he is a non-Muslim e.g., a Jew or a Christian, etc.) in case he is telling a lie, he is really so if his oath is false, and a person is not bound to fulfill a vow about a thing which he does not possess. And if somebody commits suicide with anything in this world, he will be tortured with that very thing on the Day of Resurrection; And if somebody curses a believer, then his sin will be as if he murdered him; And whoever accuses a believer of Kufr (disbelief), then it is as if he killed him.'"

<sup>cclvii</sup> (Book) Hughes, *Dictionary of Islam*, p. 243, under "Suicide". Suicide is not once referred to in the Quran but it is forbidden in the Traditions, where Mohammad is related to have said: "Whosoever shall kill himself shall suffer in the fire of hell" (Al-Bukhari, Arabic ed. 984); and "shall be excluded from heaven forever (ibid. p182.) It is also related that the Prophet refused the funeral rites to a suicide (Abu Da'ud, Arabic ed, vol ii, p. 98), but it is usual in the Muhammadan countries to perform the funeral service, although forbidden by the custom of the Prophet himself."

<sup>cclviii</sup> (Book) Bukhari, Ahadith 2480, Vol 3, p. 382. Cited previously.

<sup>cclix</sup> (Book) Bukhari, Ahadith 35, Vol 1, p. 72, "35 Narrated by Abu Huraira: The Prophet said, 'The person who participates in (Holy battles) in Allah's cause and nothing compels him to do so except belief in Allah and His Apostles, will be recompensed by Allah either with a reward, or booty (if he survives) or will be admitted to Paradise (if he is killed in the battle as a martyr). Had I not found it difficult for my followers, then I would not remain behind any sariya going for Jihad and I would have loved to be martyred in Allah's cause and then made alive, and then martyred and then made alive, and then again martyred in His cause.'"

<sup>cclx</sup> (Book) Bukhari Vol 9, Book 83, Number 29: "Narrated Salama: We went out with the Prophet to Khaibar. A man (from the companions) said, 'O 'Amir! Let us hear some of your Huda (camel-driving songs.)' So he sang some of them (i.e. a lyric in harmony with the camels walk). The Prophet said, 'Who is the driver (of these camels)?' They said, 'Amir.' The Prophet said, 'May Allah bestow His Mercy on him !' The people said, 'O Allah's Apostle! Would that you let us enjoy his company longer!' Then 'Amir was killed the following morning. The people said, 'The good deeds of 'Amir are lost as he has killed himself.' I returned at the time while they were talking about that. I went to the Prophet and said, 'O Allah's Prophet! Let my father be sacrificed for you! The people claim that 'Amir's good deeds are lost.' The Prophet said, 'Whoever says so is a liar, for 'Amir will have a double reward as he exerted himself to obey Allah and fought in Allah's Cause. No other way of killing would have granted him greater reward.'"

<sup>cclxi</sup> (Book) Al-Imam Abu Zakariya Yahya, *Riyad-us-Saliheen*, Vol 2, p. 1002. "1322. Narrated Anas: Allah's Messenger said, 'He who supplicates sincerely for martyrdom, it will be granted to him even though he is not killed on the battlefield.' [*Muslim*] Commentary: This *Hadith* tell us that the benefit and reward of good intention. It

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induces one to cherish good intentions and wish for noble deeds. Even if one is not able to fulfill some of them, he will get their reward. For this reason, every Muslim should wish for martyrdom so that he can attain this distinction.”

<sup>cclxii</sup> (Internet) Abu Dawud *Book 14, Number 2535*: Narrated Mu'adh ibn Jabal: The Apostle of Allah (“rhetorical flourish”) said: If anyone fights in Allah's path as long as the time between two milkings of a she-camel, Paradise will be assured for him. If anyone sincerely asks Allah for being killed and then dies or is killed, there will be a reward of a martyr for him. Ibn al-Musaffa added from here: If anyone is wounded in Allah's path, or suffers a misfortune, it will come on the Day of resurrection as copious as possible, its colour saffron, and its odour musk; and if anyone suffers from ulcers while in Allah's path, he will have on him the stamp of the martyrs. Source <http://www.usc.edu/dept/MSA/fundamentals/hadithsunnah/abudawud/014.sat.html#014.2535>

Accessed: 1 December 2010.

<sup>cclxiii</sup> (Book) *The Encyclopaedia of Islam*, (Vol II) p. 204 under *shahid*.

<sup>cclxiv</sup> (Book) Bukhari, *Ahadith 7530*, (Vol 9), p. 382: “7530. Narrated Al-Mughira: Our Prophet has informed us our Lord's Message that whosoever of us is martyred, will go to Paradise.”

<sup>cclxv</sup> (Book) Bukhari, *Ahadith 7463*, (Vol 9), p. 430: “7463. Narrated Abu Hurairah: Allah's Messenger said, ‘Allah guarantees (the person who carries out Jihad in His Cause, and nothing compelled him to go out but Jihad in His Cause and the Belief in His Word (i.e. in Allah's religion of Islamic Monotheism) that He will either admit him into Paradise (martyrdom) or return him to his residence from where he will started, with reward or booty he has earned.’” See also Bukhari, *Ahadith 3123*, Vol 4, p. 217 for an additional hadith with essentially the same wording.

<sup>cclxvi</sup> (Book) Bukhari, *Ahadith 4046*, (Vol 5), p. 231: “4046. Narrated Jabir bin' Abdullah: On the day (of the battle) of Uhud, a man came up to the Prophet and said, ‘Can you tell me where I will be if I should get martyred?’ The Prophet replied, ‘In Paradise.’ The man threw away some dates he was carrying in his hand, and fought till he was martyred.”

<sup>cclxvii</sup> (Book) Bukhari, *Ahadith 3159*, (Vol 4), p. 243. “3159. Narrated Jubair bin Haiyya: Umar sent the Muslims to the great countries to fight *Al-Mushrikun* [polytheists, pagans, idolaters, and disbelievers in the Oneness of Allah and in His Messenger Muhammad. When Al-Hurmuzan embraced Islam, Umar said to him, ‘I would like to consult you on these countries which I intend to invade.’ Al-Hurmuzan said, ‘Yes, the example of these countries and their inhabitants who are the enemies of the Muslims, is like a bird with a head, two wings and two legs; if one of its wings got broken, it would get up over its two legs with one wing and the head, and if the other wing got broken, it would get up with two legs and a head, but if its head got destroyed, then the two legs, two wings and the head would become useless, The head stands for Khosrau, and one wing stands for Ceasar and the other wing stands for Faris. So, order the Muslims to go towards Khosrau.’ So Umar sent is (to Khosrau) appointing An Nu'man bin Murqarrin as our commander. When we reached the land of the enemy, the representative of Khosrau came out with forty thousand warriors, and an interpreter got up saying, ‘Let one of you talk to me!’ Al-Mughira replied, ‘Ask whatever you wish.’ The other replied, ‘Who are you?’ Al-Mughira replied, ‘We are some people from the Arabs; we led a hard, miserable disastrous life; we used to suck the hides and date stones from hunger; we used to wear clothes made up of fur of camels and hair of goats, and used to worship trees and stones. While we were in this state, the Lord of the heavens and the earths, be elevated His Remembrance and be Majestic His Highness, sent us from among ourselves a Prophet whose father and mother are known to us. Our Prophet, the Messenger of our Lord, had ordered us to fight you till you worship Allah Alone or give *Jizya* (i.e. tribute); and our Prophet has informed us that our Lord says: ‘Whoever amongst us is killed (i.e. martyred), shall go to Paradise to lead such a luxurious life as he has never seen, and whoever amongst us remains alive, shall become your master.’”

<sup>cclxviii</sup> (Internet) Abu Dawud *Book 14, Number 2516*: Narrated Abud Darda': The Prophet (“rhetorical flourish”) said: The intercession of a martyr will be accepted for seventy members of his family.

<http://www.usc.edu/dept/MSA/fundamentals/hadithsunnah/abudawud/014.sat.html#014.2516>, accessed 1 January 2004

<sup>cclxix</sup> (Book) al-Misri, *Reliance of the Traveller*, p. 272. Those fighting for Allah stand to receive obligatory payments from Zakat. Specifically, those engaged on Islamic military operations for whom no salary has been allotted in the army roster. They are given enough to suffice them for the operation even if affluent of weapons, mounts, clothing and expenses for the duration of the journey, round trip, and the time they spend there. Current interpretation and practice has been to provide expenses in supporting such person's family during this period or a reward to the family.

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<sup>cclxx</sup> (Book) Bukhari, Ahadith 2797 Vol 4, p. 52: "2797. Narrated Abu Huraira: The Prophet said said, 'By Him in Whose Hands my soul 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) going out for *Jihad* in Allah's cause. By Him in Whose Hands my soul is, I would love to be martyred in Allah's Cause and then come back to life and get martyred, and then come back to life again and then get martyred and then come back to life and then get martyred."

<sup>cclxxi</sup> (Book) Bukhari, Ahadith 2795, (Vol 4), p. 51: "2795. Narrated Anas bin Malik: The Prophet said, 'Nobody who dies and finds good from Allah (in the Hereafter) would wish to come back to this world even if he were given the whole world and whatever is in it, except the martyr who, on seeing the superiority of martyrdom, would like to come back to the world and get killed again (in Allah's Cause).'"

<sup>cclxxii</sup> (Book) Bukhari, Ahadith 2796, (Vol 4), p. 51. "2796. Narrated Anas: The Prophet said, 'A single endeavor (of fighting) in Allah's Cause in the afternoon or in the forenoon is better than all the world and whatever is in it. A place in Paradise as small as the bow or lash of one of you is better than all the world and whatever is in it. And if a woman (*Hur*, etc) from Paradise appeared to the people of the earth, she would fill the space between Heaven and the Earth with light and pleasant scent and her head cover is better than the world and whatever is in it."

<sup>cclxxiii</sup> (Book) Bukhari, Ahadith 7226, (Vol 9), p. 210: "7226. Narrated Abu Hurairah: I heard Allah's Messenger saying, 'By Him, in Whose Hand my soul is! Were it not for some men who dislike to be left behind and for whom I do not have the means of conveyance, I would not stay away (from any Holy Battle). I would love to be martyred in Allah's Cause and come back to life and then get martyred and then come back to life and then get martyred and come back to life and then get martyred.'"

<sup>cclxxiv</sup> (Book) Bukhari, Ahadith 7227, (Vol 9), p. 210: "7227. Narrated Al-A'raj: Abu Hurairah said, Allah's Messenger said, 'By Him, in Whose Hand my soul is! I would love to be martyred in Allah's Cause and then get martyred and then come back to life and then get martyred and come back to life and then get martyred and then come back to life.' Abu Hurairah used to repeat those words three times and I testify to it with Allah's Oath."

<sup>cclxxv</sup> (Book) Bukhari, Ahadith 2972, (Vol 4), p. 138: "2972. Narrated Abu Hurairah: Allah's Messenger said, 'Were it not for the fear that it would be difficult for my followers, I would not have remained behind any *Sariya* (army unit going for *Jihad* in Allah's Cause), but I don't have riding camels and have no other means of conveyance to carry them on, and it is hard for me that my companions should remain behind me. No doubt I wish I could fight in Allah's Cause and be martyred and come back to life and then again to be martyred and then come back to life once more."

<sup>cclxxvi</sup> (Book) Bukhari, Ahadith 2808, (Vol 4), p. 58: "2808. Narrated Al-Bara: A man whose face was covered with an iron mask (i.e. clad in armor) came to the Prophet and said, 'O Allah's Messenger! Shall I fight or embrace Islam first?' The Prophet said, 'Embrace Islam first and then fight.' So he embraced Islam, and was martyred. Allah's Apostle said, A little work, but a great reward. '[He did very little (after embracing Islam), but he will be rewarded in abundance].'"

<sup>cclxxvii</sup> (Book) Bukhari, Ahadith 2817, (Vol 4), p. 63: "2817. Narrated Anas bin Malik: The Prophet said, 'Nobody who enters Paradise likes to return to the world even if he got everything on the earth, except a martyr who wishes to return to the world so that he may be martyred ten times because of the honor and dignity he receives (from Allah).' Narrated Al-Mughira bin Shu'ba: Our Prophet told us about the message of our Lord that 'Whoever amongst us is killed will go to Paradise.' Umar asked the Prophet, 'Is it not true that our men who are killed will go to Paradise and their's (i.e. those of the Pagan's) will go to the (Hell) fire?' The Prophet said, 'Yes.'"

<sup>cclxxviii</sup> (Book) Bukhari, Ahadith 2826, (Vol 4), p. 68: "2826. Narrated Abu Hurairah: Allah's Messenger said, 'Allah welcomes two men with a smile; one of whom kills the other and both of them enter Paradise. One fights in Allah's Cause and gets killed. Later on Allah forgives the 'killer (who embraces Islam and) who gets martyred (In Allah's Cause).'"

<sup>cclxxix</sup> (Book) Bukhari, Ahadith 2796, (Vol 4), p. 51: Previously cited

<sup>cclxxx</sup> (Book) Bukhari, Ahadith 2795, (Vol 4), p. 51: "2795." Previously Cited

<sup>cclxxxi</sup> (Book) Malik's Muwatta: Book 21 (Stimulation of Desire for Jihad), Number 21.14.28 "Yahya related to me from Malik from Abu'z-Zinad from al-A'raj from Abu Hurayra that the Messenger of Allah, ("rhetorical flourish"), said, 'Allah laughs at two men. One of them kills the other, but each of them will enter the Garden: one fights in the way of Allah and is killed, then Allah turns to the killer, so he fights (in the way of Allah) and also becomes a martyr.'"

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- cclxxxii (Book) "Call to Jihad", Interpretation of the Meanings of the Noble Quran in the English Language, Vol 9, page 459.
- cclxxxiii (Book) "Call to Jihad. Quran Summarized in one volume, p. 845.
- cclxxxiv (Book) "Call to Jihad", Bukari, Vol 9, page 459.