

Hamas, Islam, and Israel

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Résumé de l'article

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Abstract

The electoral triumph of Hamas in the Palestinian elections of January 2006 has made it imperative for policy makers around the world to understand this group and its ideology. Is Hamas likely to soften its hostility to Israel? Is Hamas likely to receive significant support from the Muslim world? What are the odds that Hamas can be either placated or isolated? If Hamas can make a strong claim to be authentically Islamic in its ideological underpinnings, then it is more likely to receive support from portions of the Muslim world and less likely to be conciliatory vis-à-vis Israel. Unfortunately, a careful study of the ideology of Hamas and its parent, the Muslim Brotherhood, shows that that ideology is firmly rooted in traditional Islamic principles. Far from distorting or perverting classical Islamic law, Hamas and the Muslim Brotherhood can claim very plausibly that shari'a requires implacable and violent resistance to Israel, including terrorism, and denial of Israel's right to exist as a non-Muslim state located on Islamic territory. Efforts to placate or isolate Hamas are therefore unlikely to succeed.

INTRODUCTION

The electoral triumph of *Hamas* in the January 2006 Palestinian elections has made it important for the world to understand this group and its ideology. Since that ideology is overtly Islamic, understanding *Hamas* requires an understanding of Islam. In particular, it is important to determine if *Hamas* can make a strong and convincing claim to be an authentically Islamic movement, or if, instead, *Hamas* is merely twisting or perverting Islam to achieve its political ends. If *Hamas* can make a plausible claim to be upholding authentically Islamic principles, then it is more likely to continue receiving support from across the Muslim world and less likely to change its platform in any radical way.

This article will attempt to prove that the ideology of *Hamas* has a very strong claim to be considered authentically Islamic. It is no mere perversion of Islam. It is important to recognize at the outset that Islam is not a single mono-

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lithic faith; there are several versions of Islam, each with its own reasons for claiming to be authentically “Islamic.” Those who repeat this truism, however, often fail to notice its corollary, namely, that more violent and aggressive versions of Islam can make a strong claim to be at least as authentic as more progressive and peaceful versions. The ideology of *Hamas* and its parent, the Muslim Brotherhood, is one of several variants of Islam in the world today. The article will demonstrate that a careful study of Islamic history and doctrine will prove that this ideology, while by no means the only possible or actual interpretation of Islam, is indeed deeply rooted in classical Islamic principles relating to the acquisition and use of political power.

The article has two main parts. The first part will summarize classical Islamic doctrine on political power. Since war was a key means by which Muhammad and his successors gained power, we must examine the Islamic law of war as it arose in the early years of Islam. Moreover, as Joseph Schacht notes, “the basis of the Islamic attitude towards unbelievers is the law of war,”¹ so one must study this part of Islamic law to determine whether the attitude of *Hamas* toward the Jews of Israel is authentically Islamic. The second part of the article will examine the central ideological statement of *Hamas*, the *Hamas Covenant*, and the published statements of Dr. Yusuf al-Qaradawi, the most vocal and erudite contemporary exponent of the ideology of the Muslim Brotherhood. Careful examination of these sources will reveal that *Hamas* and the Muslim Brotherhood profess an ideology that consistently and plausibly applies to the Arab-Israeli conflict the central doctrines of classical Islam pertaining to the acquisition and use of political power.

CLASSICAL ISLAMIC DOCTRINE ON POLITICAL POWER

Islamic teachings on the pursuit of political power, and on all else, rest on two foundation stones, the *Koran* (God’s literal, uncreated word) and the *sunnah* (the example and teachings of Muhammad).

To begin with the *sunnah*: Muhammad was more than just a prophet. He was also a political leader. He led armies, imposed taxes, signed treaties, ordered punishments, including capital punishment, and acted as judge and lawgiver. The year one in the Muslim calendar is AD 622, the year in which Muhammad established the first Islamic political community in Medina. “From its beginnings, Islam existed and spread as a community-state; it was both a faith and a political order.”² Central to Muhammad’s example and teaching is this principle: God is sovereign over all of His creation, and His law must therefore regulate every aspect of human life, including politics. If need be, Muslims must use force to extend governance under God’s law around the world. According to traditional sources, at the end of his life Muhammad sent threatening messages to the Persian and Byzantine emperors, and began to prepare his followers for a war to expand Islamic rule beyond Arabia.³

The *Koran*, too, says much about political power and the means by which Muslims should seek it. According to classical Islamic exegesis, the *Koran's* teachings about the waging of war — a key means to political power — went through three stages.⁴ First, while still in the pagan city of Mecca (from AD 610 to 622), Muhammad and the earliest Muslims were commanded to use only peaceful means to spread the message of Islam. During this time the Muslims were persecuted severely. In the early Meccan verses of the *Koran* we read peaceful teachings, for example, “unto you your religion, unto me my religion” (109:1-6). In AD 622 the Muslims migrated to Medina where they founded the first Muslim political community. Around this time the revelations to Muhammad changed: the Muslims were given divine permission to wage war against the Meccans who had driven them from their homes: “Sanction has been given unto those who fight because they have been wronged. . .” (22:39). The Muslims waged a successful war against the Meccans who surrendered and converted to Islam in AD 630. Around this time the divine revelation to Muhammad regarding warfare entered a third phase: God now commanded the Muslims unconditionally to wage war against all non-Muslims until the entire world was governed according to God’s law. The Koranic verses containing this command are called the “sword verses,” and they include the following: “Make war on them [the unbelievers] until idolatry shall cease and God’s religion shall reign supreme” (8:39); “Slay the idolaters wherever you find them” (9:5); “Fight against those to whom the scriptures were given . . . who do not forbid what God and His Apostle have forbidden, and do not embrace the true faith, until they pay tribute out of hand and are utterly subdued” (9:29). These “sword verses” contained in the last parts of the *Koran* to be revealed (*Suras* 8 and 9), are considered by classical exegetes to have repealed or abrogated earlier verses concerning intercourse with non-Muslims, including the more peaceful verses of the Meccan period.

The key term in the Islamic law of war is *jihad*, the verbal noun of the Arabic verb *jahada*, meaning “to endeavor, to strive, to struggle.” *Jihad* can refer generically to any type of religious struggle, but in about two-thirds of the instances where the verb *jahada* or its derivatives occur in the *Koran*, it clearly denotes warfare.⁵ Moreover, each of the major collections of Muhammad’s teachings (*ahadith*) includes a book devoted to *jihad*, and each of these books deals exclusively with warfare.⁶ Thus, in classical Islamic law the primary meaning of *jihad* has always been “armed struggle for Islam against infidels and apostates.”⁷

According to the traditional understanding, the Muslim community as a whole has a duty to expand the territory and rule of Islam.⁸ Non-Muslims, e.g. Christians and Jews, are to be invited either to convert to Islam or at least to accept Islamic rule. If they refuse either option, they are to be subjugated by military force. This duty to wage expansionist *jihad* is a collective duty of all Muslims; that is, if a sufficient number engage in it, the whole community has

fulfilled its obligation; if the number of participants is inadequate, the sin rests on all Muslims. The ultimate goal is the imposition of Islamic rule over the entire world. Until that happens the world is divided into two zones: the *dar al-Islam* or house of Islam and the *dar al-Harb* or house of war. Between the two is a perpetual state of war, punctuated only by temporary truces, which are not permanent peace treaties but mere tactical pauses for the Muslim side to gather its strength. This was the view of both Sunnis and Shiites until AD 873, after which the Shiites (10-15 percent of Muslims) came to believe that expansionist *jihad* should be waged only after the return of the last *imam* at the end of time.⁹

The obligation to wage war in self-defense, when Islamic territory is attacked or occupied by non-Muslims, is far stricter than the duty to wage offensive *jihad*, and here Sunnis and Shiites agree: “non-Muslim forces entering Muslim lands is a weighty matter that cannot be ignored, but must be met with every effort and struggle to repel them by every possible means.”¹⁰ In cases of self-defense war becomes the individual duty of every Muslim in the area under attack, men and women, slave and free. Muslims from other regions also have a duty to assist fellow Muslims under attack by infidels, if not by actual fighting, then by monetary and other assistance. God’s will is that Islamic territory should only expand, never contract.

Classical Islam imposes certain moral constraints on warfare. Muslims must not directly attack women, children, slaves, the elderly, the handicapped, or fellow Muslims. However, it is permissible to cause the deaths of such innocents indirectly, e.g. if they cannot be distinguished during night raids or are killed by missiles hurled by catapults or by the burning or flooding of whole cities. Women, children, etc. may be directly targeted under certain conditions: if they act as combatants (and this includes fighting with words, e.g. by propaganda, or acts, such as spying¹¹). In general any moral limit on the waging of war may be set aside in cases of necessity according to the juristic principle, “necessity permits what is prohibited,” and this rather massive loophole exists in both Sunni and Shiite interpretations of Islamic law.¹² Finally, while Islamic law condemns suicide, it does not condemn “suicidal” attacks by Muslim fighters; indeed, Muhammad himself expressed his approval of such attacks and promised paradise to those who carried them out.¹³ Franz Rosenthal writes:

While the Qur’anic attitude toward suicide . . . remains uncertain, the great authorities of the *ahadith* leave no doubt [that] suicide is an unlawful act On the other hand, death as the result of ‘suicidal’ missions and of the desire for martyrdom occurs not infrequently, since such death is considered highly commendable according to Muslim religious concepts. However, such cases are no suicides in the proper sense of the term.¹⁴

Conquered non-Muslim men may be executed, enslaved, held for ransom, or released entirely at the discretion of the Muslim commander-in-chief accord-

ing to what best serves Muslim interests. Captive women and children may not be killed, but may be enslaved; Muslim men may have sexual relations with women so enslaved, their previous marriages being annulled by the fact of their capture. The commander (first Muhammad, later the caliphs) received 20 percent of all the booty, including slaves; the remainder was shared out among the Muslim fighters. An important part of the booty was the land itself, which could not be shared out as easily as slaves and moveable goods. The solution of Muhammad and the first caliphs was therefore to declare all conquered land the collective property of the Muslim community (*waqf*) on which the former non-Muslim owners had to pay rent or land tax (*kharaj*); the ruler then shared out this revenue to the Muslim fighters after keeping his 20 percent.¹⁵ In the words of the Shiite Grand Ayatollah Ali al-Sistani, “Of course, the lands which have been seized as spoils of war belong to the Muslim public, even if the war was not fought with the permission of [the] Imam.”¹⁶ According to a classical manual of Islamic law in the Sunni Malikite school, upon conquest, “the land . . . is converted into real estate [for the benefit of the Muslim community], following the example of what Umar b. al-Khattab did with the land of Egypt, Syria, and Iraq....”¹⁷

Conquered non-Muslims who were not executed or enslaved were generally allowed to practice their own faiths under Islamic rule, but only under conditions imposed by the victorious Muslims. (Non-Muslims under Muslim rule are called *dhimmis*, and the pact under which they enjoy Muslim “protection” is called the *dhimma*.)¹⁸ These conditions were, first of all, that Muslims retained an absolute monopoly on political power: non-Muslims could not own land, as we have just seen; they also could not bear arms, serve in the military, or serve in the government above the menial level. Muslims thus retained control of government, military, taxation, and land. The rationale here was logical: society must be governed according to God’s holy law, the *shari’a*, so those who reject that law are unfit to exercise political power. Second, the public space of society and right to proselytize were reserved for Islam alone: no new churches or synagogues could be built; non-Muslim men could not marry Muslim women; non-Muslims could convert (only) to Islam, but apostasy was a capital offense for Muslims; non-Muslims must not insult Muhammad or the *Koran*; the call to prayer went out five times a day from every mosque, but Christians and Jews had to practice their faith privately and discretely (e.g. no ringing of bells or display of crosses); proselytizing was prohibited for non-Muslims but permitted for Muslims. Finally, regulations were implemented to remind non-Muslims of their humbled condition: they had to wear special clothes; they could only ride donkeys, not horses, and could only ride side-saddle, like women; they could not build houses or graves taller than those of Muslims; they could not overtake a Muslim on the street; and they had to pay tribute to their Muslim overlords in the form of a special tax called the *jizya*, specifically designed to be a humiliating experience (i.e. they were to be slapped or shaken while paying the tax). If, and

only if, they obeyed these rules would their lives and property be protected by their Muslim overlord. In dealing with *dhimmis* who violated the *dhimma* pact, the caliph had the options of execution, enslavement, release, or ransom (the same four options he had for disposing of war captives).

HAMAS

Hamas is an acronym of *Harakat al-Muqawma al-Islamiyya*, which is Arabic for “Islamic Resistance Movement.”¹⁹ The Arabic word *Hamas* can also mean “zealot,” “strength,” or “bravery.” *Hamas* sprang from the most important modern Muslim fundamentalist group, the Muslim Brotherhood, which was founded by Hassan al-Banna in Egypt in 1928. The *Hamas* Covenant states plainly that *Hamas* “is one of the wings of the Muslim Brotherhood in Palestine.”²⁰ The central objective of the Muslim Brotherhood is to impose governance under Islamic law, first in Muslim countries and then around the world.²¹ After the Six-Day War of 1967 the Muslim Brotherhood began in the occupied Gaza strip and West Bank as a provider of educational and social services. In 1982, under Sheikh Ahmed Yassin, the Muslim Brotherhood began to lay the groundwork for armed resistance to Israel. With the outbreak of the First Intifada in 1987, *Hamas* issued its first communiqué and began attacking Israeli soldiers and civilians. It remains committed to armed resistance to Israeli “occupation,” not only of the West Bank and Gaza, but of the whole of Palestine.

On 18 August 1988, *Hamas* issued its “Covenant,” in which it explained its ideology and goals:

The Islamic Resistance Movement maintains that the land of Palestine is *Waqf* land given as endowment for all generations of Muslims until the Day of Resurrection. One should not neglect it or [even] a part of it, nor should one relinquish it or [even] a part of it. No Arab state, or [even] all of the Arab states [together], have [the right] to do this; no king or president has this right nor all the kings and presidents together; no organization, or all the organizations together — be they Palestinian or Arab — [have the right to do this] because Palestine is Islamic *Waqf* land given to all generations of Muslims until the Day of Resurrection. This is the legal status of the land of Palestine according to Islamic law.

It continues:

In this respect, it is like any other land that the Muslims have conquered by force, because the Muslims consecrated it at the time of the conquest as religious endowment for all generations of Muslims until the Day of Resurrection. This is how it was: when the conquest of Al-Sha'm [i.e. modern-day Palestine, Israel, Lebanon, Jordan, and Syria] and Iraq was complete, the commanders of the Muslim armies sent messages to the Caliph 'Umar b. Al-Khattab, asking for instruc-

tions concerning the conquered land — should they divide it up among the troops or leave it in the hands of its owners or what?

It concludes:

After discussions and consultations between the Caliph ‘Umar b. Al-Khattab and the Companions of the Prophet, they decided that the land should be left with its [original] owners to benefit from its crops, but the substance of the land, that is the land itself, should constitute *Waqf* for all the generations of Muslims until the Day of Resurrection. The tenure of the owners is only tenure of usufruct. This *Waqf* will exist as long as the heaven and earth exist. Any measure which does not conform to this Islamic law regarding Palestine is null and void. . . . [W]hen the enemy tramples Muslim territory, waging jihad and confronting the enemy become a personal duty of every Muslim man and Muslim woman. A woman may go out to fight the enemy [even] without her husband’s permission and a slave without his master’s permission.²²

Here we find two classical Muslim principles. The first is that non-Muslim lands conquered by Muslims are Muslim property in perpetuity, and Jews as non-Muslims therefore have no right to own or control the land of Palestine. The second is that the duty to wage *jihad* against non-Muslim invaders of Muslim lands is an individual duty of every Muslim man and woman. Thus, Muslims are obligated to wage war against Israel until the state of Israel is destroyed.

Next, we consider a group of rulings published by Dr. Yusuf al-Qaradawi, an expert on Islamic law who has long been affiliated with the Muslim Brotherhood.²³ Dr. al-Qaradawi was born in Egypt in 1926, where he studied and taught at Al-Azhar University, the oldest and most prestigious Islamic university. Al-Qaradawi is currently a professor at the University of Qatar in Doha. Al-Qaradawi is the founder of the website IslamOnline.net, which describes itself as taking a “balanced approach,” “adopting the middle ground of Islam, avoiding extremism or negligence.” In 1997, al-Qaradawi founded the European Council for Fatwa and Research headquartered in Dublin. The *New York Times* states that al-Qaradawi’s program “Islamic Law and Life” on *Al Jazeera* satellite television makes him “about the most influential cleric among mainstream Sunni Muslims.”²⁴ The *Wall Street Journal* states that the European Council for Fatwa and Research is “Europe’s most influential Muslim rule-making body” and adds that Qaradawi is the author of “one of the most widely reprinted and translated popular Islamic works, ‘The Lawful and the Prohibited in Islam.’”²⁵

A careful reading of the *fatwas* on IslamOnline pertaining to Palestine reveals an absolute rejection of the legitimacy of the state of Israel. On 14 August 2000, when President Bill Clinton and Prime Minister Ehud Barak were trying to reach a final peace treaty between Israel and the PLO, a letter to Dr. al-

Qaradawi asked him if it would be permissible for Palestinian refugees to give up their land to Israel and the Zionists and accept compensation, as opposed to insisting on a right of physical return. (The negotiations failed because, among other things, Yassir Arafat refused to give up the right of return for over four million Palestinian refugees and their offspring, while the Israeli government was only prepared to offer monetary compensation for the land left behind by the original 730,000 Arab refugees in 1947-48.)²⁶ Here are some excerpts from Dr. al-Qaradawi's reply:

The answer to your question is that a Muslim may sell land that is owned by him to whom he wants at the price that he wants, if he is selling it to a citizen like himself . . . For in this case, while the land would be changing hands, it would remain generally within the circle of public property of the Ummah [nation] of Islam. . . , and the deed to it would not be shifting to another nation . . . As to selling the land or conceding it for any compensation, however high it may be, to another nation, be it represented by a state or the nationals of that state, it would be wrong by all means . . . Waiving the right to Muslim land is not only *haram* [forbidden by *sharia*], it is one of the gravest sins, which make those who do them commit the great unbelief [i.e. apostasy] . . .

He continued:

Furthermore, this land does not belong to those who own it and hold the deed to it; it is not the property of the Palestinian people alone . . . In fact, it is the property of the Muslim nation in all parts of the world, and should be defended with life and every means at the disposal of Muslims . . . Islam stipulates for Muslims a . . . religious duty if a part of their land is . . . occupied by force by their enemies. This duty is that Muslims should go to war to restore that part and drive the enemy out of it whatever the cost. Such fighting is a duty of all the people of the country, men and women alike . . .²⁷

This ruling is notable for several reasons. First, Muslims are seen as citizens of a nation, the *ummah* of Islam, which transcends international borders. Second, the land of Palestine, having once been conquered and ruled by Muslims, belongs forever to the Muslim *ummah*: Palestine is the collective property of Muslims everywhere and must not be handed over to non-Muslims. Finally, Muslims have a strict duty to use violence ("every means") to resist Israeli occupation, not just of the West Bank and Gaza, but of all of Israel. The implication is that the Jews of Israel must admit into their country over four million mostly Muslim Palestinians and accept majority rule by Muslims under such terms as that Muslim majority would dictate to them: Jews would presumably once again become *dhimmi*s. Needless to say, Israeli Jews, a majority of whom are refugees from Islamic lands or the children of such refugees,²⁸ are none too

keen on living under Islamic rule, since they remember vividly what that rule was like.

Finally, we consider the issue of Palestinian suicide bombings (“martyrdom operations”). Islamic law condemns both suicide and deliberate attacks on women, children, and the elderly, but we have seen that these prohibitions are far from absolute in classical Islamic law, and indeed, the *fatwas* on IslamOnline and elsewhere contain a carefully elaborated casuistry that reconciles these operations with Islamic law. Consider the following excerpts from a talk given by al-Qaradawi to a meeting of the European Council for Fatwa and Research in Stockholm in July 2003:

The martyrdom operations carried out by the Palestinian factions to resist the Zionist occupation are not in any way included in the framework of prohibited terrorism, even if the victims include some civilians. This is for several reasons: **First** of all, . . . Israeli society . . . is . . . a military society. Anyone past childhood, man or woman, is drafted into the Israeli army. Every Israeli is a soldier in the army, either in practical terms or because he is a reservist . . . **Second**, Israeli society has a unique trait . . . it is a society of invaders, who came from outside the region . . . to occupy Palestine . . . Those who are invaded have the right to fight the invaders with all the means at their disposal . . . This is a *Jihad* of necessity, as the clerics call it, and not a *Jihad* of choice . . . Even if an innocent child is killed as a result of this *Jihad* — it was not intended, but rather due to the necessities of the war . . . Even with the passage of time, these [Israeli] so-called civilians do not stop being invaders . . .

He continued:

Third, it has been determined by Islamic law that the blood and property of the people of *Dar Al-Harb* [the Domain of Disbelief where the battle for the domination of Islam should be waged] is not protected. Because they fight against and are hostile towards the Muslims, they annulled the protection of his blood and his property [sic] . . . **Fourth**, . . . it is permissible to kill Muslims if the army that attacks the Muslims hides behind them as barricades or human shields . . . **Fifth**, in modern war, all of society . . . is mobilized to participate in . . . war . . . **Sixth**, . . . it is permissible for a Muslim, when in a situation of extreme necessity, to do what is [normally] prohibited to him . . . ‘Necessities permit prohibitions.’ . . . Those who oppose martyrdom operations and claim that they are suicide are making a great mistake. The goals of the one who carries out a martyrdom operation and of one who commits suicide are completely different . . .²⁹

Here we are reminded that, while classical Islam prohibits direct attacks on women, children, and the elderly, this prohibition is qualified in many ways. Women may be directly attacked if they are combatants, and Israeli women serve in the military. Most Israeli adults serve in the reserves and so are combatants. Virtually all Jewish Israelis support the Israeli military by voting, paying taxes, propagandizing, teaching Zionism to their children, etc., and so can be classified as combatants in the broad sense. All Israeli Jews are illegal occupiers of a Muslim land. They, like other denizens of the *dar al-Harb*, do not enjoy the protection of the *dhimma* contract. Unintentional killing of innocents is permitted if it is a side-effect of necessary military force. In any event normal moral rules do not apply in cases of necessity. Finally, the bombers are not suicides: their goal is not to kill themselves, but to bring the fight to the enemy in the only way they can, accepting their own deaths as foreseen yet unintended side-effects of obeying God's law. Numerous *fatwas* on IslamOnline.net take exactly the same position defended by al-Qaradawi in this speech.³⁰ Far from being an extremist position, this defense of Palestinian "martyrdom operations" has been endorsed by the Islamic *Fiqh* Council affiliated with the Organization of the Islamic Conference, the international organization of Islamic states.³¹

CONCLUSION

The ideology of *Hamas* and the Muslim Brotherhood has deep roots in classical Islam. *Hamas* and the Muslim Brotherhood refuse to acknowledge that Israel has any right to exist as a non-Muslim state on what they regard as Islamic territory. Consistently and plausibly applying classical *shari'a*, the ideologues of *Hamas* and the Muslim Brotherhood teach that Muslims have a strict duty to use any means necessary, including terrorism, to eject infidel invaders from the *dar al-Islam* and to exclude non-Muslims from political power in Muslim lands. Given their firm conviction that it would amount to apostasy to recognize Israel's right to exist, it is highly unlikely that *Hamas* will ever sincerely accept a permanent peace agreement with Israel. Moreover, *Hamas* can effectively use classical Islamic principles to attack and de-legitimize more progressive Muslims who show any inclination to make peace with Israel or (what amounts to the same thing) give up the so-called "right of return" for Palestinian refugees and their descendants. Finally, *Hamas* can expect to continue receiving political and financial support from the more conservative parts of the Islamic world, because their ideology has broad appeal for traditional Muslims. Realistic policy makers will take these facts into account in crafting their Middle East policies. Such policy makers are likely to face an uphill struggle should they pursue policies designed either to placate *Hamas* with proffered compromises or to isolate *Hamas* from the rest of the Muslim world.

ENDNOTES

1. Joseph Schacht, *An Introduction to Islamic Law* (Oxford, UK: Clarendon, 1982), p. 130.
2. John Esposito, *Islam: The Straight Path*, 3rd ed. (New York: Oxford University Press, 1998), p. 32.
3. Sahih Bukhari, Volume 4, Book 52, Numbers 190, 191, 192, 196; Sahih Muslim, Book 19, number 4294. See A. Guillaume, trans., *The Life of Muhammad: A Translation of Ibn Ishaq's Sirat Rasul Allah* (Karachi: Oxford University Press, 1955), pp. 452, 454. See also Reuven Firestone, *Jihad: The Origins of Holy War in Islam* (New York: Oxford University Press, 1999), pp. 63-64, on the significance attributed by classical exegetes to Muhammad's expedition against the Byzantines at Tabuk in AD 630.
4. This interpretation of the *Hamas* goes back to the earliest biography of Muhammad, that of Ibn Ishaq; see Guillaume, trans., *The Life of Muhammad*, pp. 212-13. See also Reuven Firestone, *Jihad: The Origin of Holy War in Islam*, pp. 50-51; and David Cook, *Understanding Jihad* (Berkeley, CA: University of California Press, 2005), p. 10.
5. Rudolph Peters, "Jihad," in Mircea Eliade, ed., *The Encyclopedia of Religion*, vol. 8 (New York: Macmillan, 1987).
6. See Sahih Bukhari, Book 52; Sahih Muslim, Book 19; Sunan Abu-Dawud, Book 14; Malik's Muwatta, Book 21, at <http://www.usc.edu/dept/MSA/fundamentals/hadithsunna>.
7. On the meaning of *jihad*, see W. Montgomery Watt, "Islamic Conceptions of the Holy War," in Thomas Murphy, ed., *The Holy War* (Columbus, OH: Ohio State University Press, 1976), p. 145; and *Muhammad: Prophet and Statesman* (Oxford: Oxford University Press, 1961), pp. 108-9; Bernard Lewis, *The Crisis of Islam* (New York: Random House, 2003), pp. 29-31; David Cook, *Understanding Jihad*, pp. 1-2, 32-48.
8. The following summary of the classical Islamic rules of war is based on these sources, unless otherwise indicated: Ahmed ibn Naqib al-Misri, *Reliance of the Traveller: A Classical Manual of Islamic Sacred Law*, trans. Nuh Ha Mim Keller, revised ed. (Beltsville, MD: Amana Publications, 1994), sects. o9.0-o10.3; Majid Khadduri, *The Islamic Law of Nations: Shaybani's Siyar* (Baltimore, MD: The Johns Hopkins Press, 1966), pp. 1-57, 75-129, 142-57; Rudolph Peters, "Jihad," in Mircea Eliade, ed., *The Encyclopedia of Religion*, vol. 8 (New York: Macmillan, 1987); and *Jihad in Classical and Modern Islam* (Princeton, NJ: Marcus Wiener, 1996), pp. 1-8, 27-54; David Cook, *Understanding Jihad*, pp. 1-72; Bassam Tibi, "War and Peace in Islam," in Terry Nardin, ed., *The Ethics of War and Peace: Religious and Secular Perspectives* (Princeton, NJ: Princeton University Press), pp. 128-45.
9. Peters, *Jihad in Classical and Modern Islam*, p. 4.
10. Al-Misri, *Reliance of the Traveller*, sect. o9.3.
11. Thus Ibn Taymiyya states, "As for . . . women, children, monks, old people, the blind, handicapped and their likes, they shall not be killed, unless they actually fight by words [e.g. propaganda] and acts [e.g. by spying or otherwise assisting in the warfare]." Rudolph Peters, *Jihad in Classical and Modern Islam*, p. 49. Muhammad himself clearly approved of, and sometimes ordered, the execution of women who composed propagandistic poetry attacking him or who spied for the enemy; for examples, see A. Guillaume, trans. *The Life of Muhammad*, pp. 551, 665. See also Maxime Rodinson, *Muhammad* (New York: The New Press, 1980), pp. 248, 261.
12. Al-Misri, *Reliance of the Traveller*, sects. c6.2, r32.1 (end); Antony Black, *The History of Islamic Political Thought* (New York: Routledge, 2001), pp. 158, 284; Amir Taheri, *The Spirit of Allah: Khomeini and the Islamic Revolution* (Bethesda, MD: Adler and Adler, 1985), pp. 116, 195; Bassam Tibi, "War and Peace in Islam," p. 133; Joseph Schacht, *An Introduction to Islamic Law*, pp. 84, 199f.
13. For two examples, see A. Guillaume, trans., *The Life of Muhammad*, p. 300.
14. Franz Rosenthal, "On Suicide in Islam," *Journal of the American Oriental Society* 66 (1946), pp. 243, 256.

15. Edmund Bosworth, "Armies of the Prophet," in Bernard Lewis, ed., *The World of Islam* (London: Thames and Hudson, 1976), p. 203. Muhammad set the precedent for this Muslim appropriation of the land at the battle of Kaybar: see Sahih Muslim, Book 19, Number 4363; Guillaume, trans., *The Life of Muhammad*, pp. 515-16; and Watt, *Muhammad: Prophet and Statesman*, pp. 189-90.
16. From Grand Ayatollah Sistani's website, at <http://www.sistani.org> (accessed on 8 February 2006); <http://www.sistani.org/html/eng/main/index.php?page=3&lang=eng&part=3>.
17. Edmond Fagnan, "The Jihad or Holy War According to the Malikite School," in Andrew G. Bostom, ed., *The Legacy of Jihad: Islamic Holy War and the Fate of Non-Muslims* (Amherst, NY: Prometheus Books, 2005), p. 256.
18. On the treatment of non-Muslims under classical Islamic law, see al-Misri, *Reliance of the Traveller*, sect. o11.0-o11.11; Khadduri, *The Islamic Law of Nations*, pp. 269-84; Bat Ye'or, *The Dhimmi: Jews and Christians Under Islam* (Rutherford, NJ: Fairleigh Dickinson University Press, 1985), pp. 43-77 and passim; Bernard Lewis, *Islam from the Prophet Muhammad to the Capture of Constantinople* (New York: Walker and Company, 1974), vol. 2, pp. 217-35; and *The Jews of Islam* (Princeton, NJ: Princeton University Press, 1984), pp. 3-66; A.S. Tritton, *The Caliphs and their Non-Muslim Subjects* (London: Frank Cass, 1970); Yohanan Friedmann, "Islam is Superior," *The Jerusalem Quarterly* 11 (1979), pp. 36-42; Joseph Schacht, *An Introduction to Islamic Law*, pp. 130-33; Ibn Kathir, *Tafsir Ibn Kathir* (abridged), Shaykh Safiur-Rahman al-Mubarakpuri, trans., 2nd ed. (Riyadh: Darussalam, 2003), Volume 4, pp. 404-13 (commentary on *Hamas* 9:29).
19. The following information on *Hamas* and the Muslim Brotherhood is taken from Aaron Mannes, *Profiles In Terror: The Guide to Middle East Terrorist Organizations* (Lanham, MD: Rowman and Littlefield, 2004), pp. 77-79 and 113ff.
20. "The Covenant of the Islamic Resistance Movement — *Hamas*," Chapter 1, Article 2, at <http://memri.org/bin/articles.cgi?Page=archives&Area=sd&ID=SP109206>.
21. Under interrogation by the Egyptian police, Syed Qutb (d. 1966), one of the chief ideologues of the Muslim Brotherhood, was asked to explain his opposition to the Nasser regime in Egypt. He replied: "Now the Shari'a is not the sole source of all legislation; I would like it to be installed as such. This is the major divergence, all others are derivative." Quoted in Emmanuel Sivan, *Radical Islam: Medieval Theology and Modern Politics* (New Haven, CT: Yale University Press, 1990), p. 93. On the Muslim Brotherhood, see also Esposito, *Islam: The Straight Path*, pp. 149-56.
22. "The Covenant of the Islamic Resistance Movement — *Hamas*," Chapter 3, Articles 11 and 12, at <http://memri.org/bin/articles.cgi?Page=archives&Area=sd&ID=SP109206>.
23. Emmanuel Sivan states that al-Qaradawi "is an Egyptian MB [Muslim Brotherhood] thinker who refused to go along with the Qutb revolutionary school," Sivan, *Radical Islam*, p. 55.
24. *The New York Times*, 10 December 2004.
25. *The Wall Street Journal*, 4 August 2005.
26. For Israeli population figures, see <http://www.mfa.gov.il>. For Palestinian refugee numbers, see <http://www.un.org/unrwa>. On Arafat's intransigence regarding the "right of return," see Dennis Ross, *The Missing Peace* (New York: Farrar, Straus and Giroux, 2004), p. 756.
27. *Fatwa* title: "Ruling on Accepting Compensation for the Land of Palestine," dated 14 August 2000, at <http://www.islamonline.net>. See also *fatwas* entitled, "Islamic Ruling on Selling the Palestinian Lands to the Jews," 15 May 2004; and "Palestine: Its Significance for Muslims," 26 June 2004; the former asserts that any Muslim who so much as expresses approval of selling Palestinian land to Jews "will be accused of disbelief and apostasy."
28. Bernard Lewis, *From Babel to Dragomans* (New York: Oxford University Press, 2004), p. 186.
29. Middle East Media Research Institute, Special Dispatch Series, no. 542, "Al-Qaradhawi Speaks In Favor of Suicide Operations at an Islamic Conference in Sweden," 24 July 2003, at

- <http://memri.org>. On the same web site, see also Special Report No. 30 (8 July 2004) and Special Dispatch Series no. 246 (24 July 2001).
30. "Condemning the Martyr Operations," 23 May 2002; "Attacking Civilians in Wartime: Juristic Approach," 29 October 2002; "Retaliation Against US and Allied Civilians," 22 March 2003; "Attacking Civilians in Martyr Operations," 26 October 2003; "Martyr Operations or Terrorism," 27 January 2004; "Martyr Operations Carried Out by the Palestinians," 22 March 2004; "Palestinian Martyr Operations," 18 April 2004.
 31. See <http://www.islamonline.net>. *fatwa* entitled, "Martyr Operations or Terrorism," 27 January 2004.