
Shakeel Begg v. BBC

Expert Witness Report

Dr. Matthew Wilkinson

Research Fellow

SOAS, University of London

Visiting Research Fellow

UCL Institute of Education

Director and Principal Researcher

Curriculum for Cohesion

30 May 2016

Contents

1. Introduction.....	7
2. My qualifications as an Expert Witness	8
2.1 Summary.....	8
2.2 Academic Research	8
2.3 A Traditional Islamic Education.....	10
2.4 Grassroots Experience of the Muslim Community in Britain	11
2.5 Previous work as an Expert Witness in 18 significant counter- terrorism trials	12
3. Methodology: Islam, Islamism, Extremism	15
4. Definitions of the terms	19
4.1 What is "extreme" and what is "moderate"?.....	19
4.2 Definition of Terrorism in UK Law	21
4.3 Terrorism in Islam (<i>Hiraba</i> or <i>Irhab</i>)	23
5. The basic differences between Islam, Activist Islam, Political Islamism, Extreme Salafist Islamism and Violent Islamist Extremism	25
5.1 Overall Outlook and underlying philosophy.....	25
5.1.1 Islam: unity-in-diversity	25
5.1.2 Activist Islam: diversity-in-unity.....	27
5.1.3 Political Islamism: contingent separation.....	27
5.1.4 Extreme Salafist Islamism: absolute separation	27
5.1.5 Violent Islamist Extremism: eternal separation with lethal consequences	28
5.2 Outlook on humanity, especially relations between Muslims and non-Muslims.....	28
5.2.1 Islam: unconditional respect for humanity regardless of faith.....	29
5.2.2 Islam: The People of the Book	30
5.2.3 Islam: Muslims Residing in Non-Muslim Lands	31
5.2.4 Islam: Contemporary Britain.....	31
5.2.5 Activist Islam: diversity-in-unity.....	33
5.2.6 Political Islamism: movement towards separation and disrespect of the non-Muslim other	33
5.2.7 Extreme Salafist Islamism: sharp, social separation and total denigration of the infidel.....	34
5.2.8 Violent Islamist Extremism: complete separation from and rejection of the everyone except violent Islamist extremists.....	34
5.3 Religious sources, belief and practice.....	35
5.3.1 The sources of Islam: the <i>Qur'an</i> and the <i>Sunna</i>	35

5.3.2	The sources of Islam: The Qur'an	35
5.3.3	The sources of Islam: Normative Behaviour (Sunna)	37
5.3.4	The Basic Beliefs of Islam: The Allowed (Halal) and Prohibited (Haram) in Islam	40
5.3.5	The Basic Beliefs of Islam: the Six Articles of Faith and the Five Pillars	42
5.3.6	The Basic Beliefs of Islam: The Five Pillars of Islam	44
5.3.7	Activist Islam: religious sources, beliefs and practices.....	46
5.3.8	Political Islamism: religious sources, beliefs and practices.....	46
5.3.9	Extreme Salafist Islamism: religious sources, beliefs and practices	47
5.3.10	Violent Islamist Extremism: religious sources, beliefs and practices	48
5.4	Themes and Tropes in Islam	49
5.5.0	Mercy and Compassion in the Quran.....	49
5.5.1	Themes and Tropes in Islam: Mercy and Compassion in the <i>Sunna</i>	50
5.5.2	Themes and Tropes in Islam: Justice and Excellence.....	50
5.5.3	Themes and Tropes in Islam: Brother/Sisterhood of Humanity.....	51
5.5.4	Themes and Tropes in Islam: The Brother/Sisterhood of Believers	51
5.5.5	Themes and Tropes in Islam: Family and Society	52
5.5.6	Themes and Tropes in Activist Islam.....	54
5.5.7	Themes and Tropes in Political Islamism.....	54
5.5.8	Themes and Tropes in Extreme Salafist Islamism	54
5.5.9	Themes and Tropes in Violent Islamist Extremism	54
5.5	Attitudes to war and violence.....	55
5.5.1	The Sanctity of Life in Islam	55
5.5.2	Jihad in Islam (please see also Section 8).....	56
5.5.3	Types of Jihad in Islam	59
5.5.4	The Legal Conditions of <i>Jihad</i>	59
5.5.5	Activist and Reformist Islam: attitude to war and violence.....	61
5.5.6	Political Islamism: attitude to war and violence	61
5.5.7	Extreme Salafist Islamism: attitude to war and violence.....	62
5.5.8	Violent Islamist Extremism: attitude to war and violence.....	62
5.6	People and texts.....	63
5.6.1	People and texts: Islam.....	63
6.3.1	People and texts: Activist Islam	63
6.3.2	People and texts: Political Islamism	63
6.3.3	People and texts: Extreme Salafist Islamism.....	64
6.3.4	People and texts: Violent Islamist Extremism.....	64
6.	The role of the Chief Imam of a mosque	65
6.1	The BBC's instruction:.....	65

6.2	Overview of the typical religious and educational roles and duties of a Chief/Head Imam of a mosque.....	65
6.3	The religious role and duties of the Chief Imam.....	66
6.4	The educational role and duties of the Chief <i>Imam</i>	67
6.5	Mosque-based children’s religious instruction.....	67
6.6	Mosque-based adult religious instruction	68
6.7	Public education overseen by a Chief Imam	69
6.8	Summary.....	69
7.	Access by Muslims on the internet to speeches or other material by persons of standing within the Muslim community (such as the Claimant)?	71
8.	Jihad	73
8.1	The BBC’s instruction:.....	73
8.2	Explanation of the word ‘Jihad’ as understood and used today	73
8.3	What are the distinctions between mainstream/moderate and extreme interpretations of the doctrines of <i>Jihad</i>	77
8.4	The representation of Jihad in pages 74-77 of the DEVIANT GROUPS (2009) speech.....	79
8.5	Summary.....	81
9.	KINGSTON (2006)	82
9.1	The BBC’s instruction:.....	82
9.2	The argument of the Claimant in the Kingston University speech..	82
9.3	The messages about Jihad contained in the KINGSTON (2006) speech.....	84
10.	THE ADVICE TO TAWFIQUE CHOWDHURY (2009).....	85
11.1	The BBC’s instruction:.....	85
11.2	The argument conveyed by by Tawfique Chowdhury in his speech, <i>Muslim Scholars - West’s Natural Allies in Fighting Scourge of Terrorism</i> runs as follows:	85
11.3	The theological stance of Tawfique Chowdhury in his speech <i>Muslim Scholars - West’s Natural Allies in Fighting Scourge of Terrorism</i> .	87
11.4	The standing of Tawfique Chowdhury and the Al-Kawthar Institute	88
11.5	How (if at all) and to what extent the Claimant’s response assists in identifying his position in terms of Muslim theology/ideology	89
11.	DEVIANT GROUPS (2009).....	91
12.1	The BBC’s instruction:.....	91
12.2	Does the Claimant preach Jihad as the greatest of deed and what is the argument of the Deviant Groups speech?	91
12.3	Is the interpretation of Jihad expounded in this argument extreme?	93

12.4	The significance and the Claimant's interpretation of Sheikh Abdul Aziz Bin Baz (1919-1999)	94
12.5	Whether the speech takes the position for which the Claimant contends at paragraph 17 of the Amended Reply.	97
12.	AAFIA SIDDIQUI SPEECH (2010)	100
12.1	The BBC's instruction	100
12.2	The argument of the relevant section of the AAFIA SIDDIQUI SPEECH (2010)	100
12.3	What this section says about the Claimant's worldview	100
13.	CAGE PRISONERS (2010)	102
13.1	The BBC's instruction	102
13.2	The significance to such an audience of the words " <i>brothers who made Hijira in the path of Allah, who made jihad in the path of Allah and who suffered in the path of Allah</i> "	103
13.3	The nature of the "legacy" alluded to by the Claimant, including Abu A'la Maududi (1903-1979), Sayyed Qutb (1906-1966) and 'Abdullah 'Azzam (1941-1989).....	104
13.4	Abu 'Ala Maududi (1903-1979)	106
13.5	Sayyed Qutb (1906-1966)	107
13.6	'Abdullah 'Azzam (1941-1989)	110
13.7	In summary	113
14.	HHUGS (2011)	114
14.2	What significance and meaning the audience would attach to the term "jihad in the path of Allah"	114
14.3	The issue of which sayings (<i>hadith</i>) of Prophet Muhammad (peace and blessings be upon him) the Claimant is or is not referring to.....	115
14.5	Other matters arising from this speech, HHUGS (2011)	116
14.6	In summary	117
15.	BELMARSH PRISON (2011).....	118
15.1	The BBC's instruction:.....	118
15.2	The Issues involved.....	118
15.3	The Issue of <i>Taqwah</i> and "legacy"	119
15.4	In summary	121
16.	GENERAL SUMMARY.....	122
16.1	The BBC's instruction	122
16.2	The cumulative effect of the speeches	123
16.3	The speeches articulate a violently extreme interpretation of Jihad.....	125
16.4	Qualifications to this General Summary 16.1.....	127
17.	Declaration of Duty to the Court and Statement of Truth	128

18. References 131

1. Introduction

1.1 The British Broadcasting Corporation (BBC) has instructed me as an Expert Witness in the civil defamation action brought against them by Mr. Shakeel Begg, Chief Imam of Lewisham Islamic Centre.

1.2 The BBC has instructed me to provide a report as an Expert in Islamic "theology, language and history" on (at least) the following issues as defined by the Court's order dated 8 July 2015.

1. the various different meanings of the word "Jihad" and how they would be understood in the various contexts used by the Claimant;
2. to explain and translate the various Arabic words and *hadiths* used in the passages quoted by the Claimant in his speeches and what the *hadiths* are that the Claimant is relying upon and
3. to provide evidence about the infamy or otherwise of both Mr. Qutb and Mr. Azzam and their position in relation to modern-day *Jihadism*.

1.3 I am instructed to address these questions in relation to the following speeches and publications made by the Claimant:

1. KINGSTON (2006)
2. THE ADVICE TO TAWFIQUE CHOWDHURY (2009)
3. DEVIANT GROUPS (2009)
4. AAFIA SIDDIQUI SPEECH (2010)
5. CAGE PRISONERS (2010)
6. HHUGS (2011)
7. BELMARSH PRISON (2011)

I am to assess the cumulative effect of these speeches and publications in identifying the Claimant's position on the issue of "Jihad" in the sense of violent action in the name of Islam and, on the evidence of these speeches, whether the Claimant can be considered to espouse a moderate or an extreme position from an Islamic perspective.

1.4 I am also instructed to address various questions as to the religious and educational role of a Chief Imam of a Mosque.

2. My qualifications as an Expert Witness

2.1 Summary

2.1.1 I have an expert research and practice-based knowledge of Islam, the global Muslim community and the British Muslim community in four related fields of experience:

1. academic research;
2. a traditional Islamic education;
3. grassroots, personal and pastoral experience of the Muslim community in Britain and abroad and
4. previous work as an Expert Witness called by both the Prosecution and Defence in 18 significant counter-terrorism cases:

1. Regina v. Ahmed Raza Faraz (2011)
2. Regina v. Naseer *et al* (2012)
3. Regina v. Iqbal (2014)
4. Regina v. Sarwar & Ahmed (2014)
5. Regina v. Choudhary & Weston (2014)
6. Regina v. Runa Khan (2014)
7. Regina v. Begg (2014)
8. Regina v. Javeed (2014)
9. Regina v. UlHaq (2014)
10. Regina v. Khawaja, Bhatti & Ali (2014)
11. Regina v. Bradley (2015)
12. Regina v. Gildo (2015)
13. Regina v. Tarik Hassane *et al* (2015)
14. Regina v. Rahman, Brekke & Ulhaq (2015)
15. Regina v. Mohammed Abdul Kahar (2015)
16. Regina v. Ulhaq (2015)
17. Regina v. Rehman & Khan (2016)
18. Regina v. Alamgir *et al* (2016)

2.2 Academic Research

2.2.1 I am Research Fellow in Islam in Education & Law at the Centre of Islamic Studies at the School of Oriental & African Studies (SOAS), University of London and Visiting Fellow at University College London (UCL) Institute of Education working on the use of contemporary Islamic theological-

philosophy for understanding Islamic beliefs and practices in non-Muslim educational and legal settings.

- 2.2.2 My work has been published in significant peer-reviewed academic papers and in a prize-winning book published by Routledge in November 2014 entitled, *A Fresh Look at Islam in a Multi-faith World: a philosophy for success through education*. This book establishes the basis for a contemporary theological philosophy of Islam for use in education drawing on a wide range of classical and contemporary Islamic theology and philosophy. Its theology falls within the broad scope of the consensually-agreed elements of Islamic belief and practice.
- 2.2.3 In 2010, I was awarded a Research Fellowship at the Cambridge Muslim College on the basis of my PhD research at King's College London entitled, *History Curriculum, Citizenship & Muslim Boys: Learning to Succeed?* This PhD thesis explored the potential for the study of History in general, and the history of Islam in particular, to motivate Muslim boys to study at school.
- 2.2.4 I was awarded a scholarship by the Economic & Social Research Council (ESRC) to undertake my PhD at King's College London in partnership with the Muslim Council of Britain.
- 2.2.5 This PhD thesis involved an in-depth sociological portrait of Islam and the Muslim community in Britain using a methodology based on aspects of Islamic theology and philosophy.
- 2.2.6 I have a Masters Degree in Education & Social Science from King's College London which focuses on Muslim boys in education in England.
- 2.2.7 I have a split First Class B.A. Hons. Degree in Theology & Education, part of which I started at Trinity College, University of Cambridge and which I completed at the London Metropolitan University.
- 2.2.8 The academic training and skills that I bring to bear on the evidence for this case include:

- a. exegesis of Islamic and Christian religious texts, including from the original Arabic and Ancient Greek;
- b. the traditional and modernist theological and jurisprudential understandings of Islam;
- c. research and teaching in the history of Islam;
- d. sociological analysis of the contemporary Muslim community (*Ummah*);
- e. textual analysis of policy documents;
- f. literary critical analysis;
- g. 'grounded' (Glaser 1992) analysis of qualitative data and
- h. statistical and content analysis of textual and other types of data.

2.3 A Traditional Islamic Education

- 2.3.1 From 1991 (when I embraced Islam) to 2003, I received a traditional Islamic education in Qur'an school (*madrasa*) settings in England, Spain and Morocco in a variety of Islamic sciences.
- 2.3.2 My primary teacher was Imam Muhammad Al-Wassani, an Imam and Jurist (*Faqih*) from the traditional Maliki School of Law from Melilla in Spanish North Africa who was a *hafidh* of *Qur'an* (had memorised the entire *Qur'an*) and a respected teacher of *Qur'an* and Maliki jurisprudence.
- 2.3.3 From 2003 to 2008, I studied with Sheikh Ashraf Salah and Sheikh Salah Al-Ansari traditional *Shafi'i fiqh* (Law). Both these Sheikhs are qualified scholars from Al-Azhar University, Cairo (founded in c. 970AD) which is the chief centre of Islamic learning in the world.
- 2.3.4 In particular, during the course of my Islamic studies:
 - a. I have memorised in Arabic and studied the meanings of three sections (*juz*) of *Qur'an* and studied the relevant commentary (*tafsir*) material to learn about the *asbab an-Nuzul* (context of the Revelation). I can recite from memory two of the recognised seven readings of *Qur'an*.
 - b. I have memorised the poem of Arabic grammar *Al-'Ajrumiyyah* of *Shaykh Al-'Ajrum*. I can understand the primary sources of Islam in the original Arabic.

- c. I have studied the classical texts of *Maliki fiqh* (Law) '*Al-Muwatta'*' ('The Well-Trodden Path') of Imam Malik, '*Qawa'id al-Islam*' ('The Foundations of Islam') and '*Ash-shifa bi T'areef Al-Huquq Al-Mustapha'*' ('Healing by Recognition of the Rights of the Chosen One') by Qadi 'Iyad and other seminal Maliki texts.
- d. I have memorised and studied the meanings in Arabic of the classical collection of *hadith* (sayings of the Prophet Muhammad (peace and blessings be upon him) of Imam an-Nawawi.
- e. I have studied the classical *Sira* (biography) of the Prophet Muhammad (peace and blessings be upon him) of Ibn Hisham as well as the more contemporary *Siras*, such as those of Martin Lings and of Professor Tariq Ramadan of the University of Oxford.
- f. I supplemented my basic Islamic education with advanced study into classical and contemporary Islamic theological philosophy and history during my studies as a PhD student and my employment as a post-doctoral Research Fellow in Islamic philosophy.

2.4 Grassroots Experience of the Muslim Community in Britain

- 2.4.1 From 1999 to 2003, I was *Imam Khateeb* (the Imam who delivers the Friday sermon) and established and ran the Qur'an school in the Mosque of Norwich. During this period, I delivered at least 50 Friday sermons, partly in Arabic, and needed to be keenly aware of the issues facing the Muslim community.
- 2.4.2 The congregation of the Mosque of Norwich included a large Bangladeshi community, a community of British converts to Islam and Muslim students, mainly Arabs, who studied at the University of East Anglia.
- 2.4.3 During the period 1991 to 2003, I was also active in *Daw'ah* (Calling to Islam) in Spain, Denmark, Germany, France, Scotland and England. I came across and engaged with all types of activist Muslim groups during this

period including meeting Muslims who had fought in the wars in Bosnia and Afghanistan.

- 2.4.4 From 2003 to 2010, I was a History and a Citizenship teacher at Brondesbury College, an Islamic faith school with an all-Muslim male intake which has the highest A* to C GCSE pass-rate in the London Borough of Brent.
- 2.4.5 At Brondesbury College, I also delivered a monthly Friday sermon in Arabic and English, and was a Form Tutor. This meant I became intimately involved in the issues facing many young British Muslim males.
- 2.4.6 From 2007 to 2012, I served on the Education Committee of the Muslim Council of Britain (MCB) which meant that I came across a whole variety of issues facing Muslim young people at school and university and was asked to provide scholarly, practical advice to teachers and parents on the interface of Islam with the British educational system and society more generally.
- 2.4.7 My work for the MCB was commended by MCB Office Bearers on a number of occasions for its clear understanding of the issues facing Muslim young people and for the quality of the advice that I have offered parents, teachers and the media.
- 2.4.8 I have travelled extensively in the Muslim world to study, to teach and to raise funds for educational projects. Muslim-majority countries with which I am familiar include Bosnia-Herzegovina, Morocco, Spanish Melilla, Turkey, Saudi Arabia, Northern Nigeria, Abu Dhabi and Dubai.

2.5 Previous work as an Expert Witness in 18 significant counter-terrorism trials

- 2.5.1 In October to November 2011, I was instructed by the Crown Prosecution Service (CPS) to give expert advice in the form of a 170-page report as to whether video and literature in the trial Regina v. Ahmed Raza Faraz ought to be considered as representing either “direct or indirect encouragement or other inducement to the commission or instigation of

acts of terrorism” contrary to Section 2 (1) (a) and (2) of the Terrorism Act 2006.

2.5.2 Faraz was convicted for three years for the above offence. The judge, The Hon. Mr. Justice Calvert-Smith, commended my report as amongst the best that he had read. My work in this trial was also commended as “outstanding” by Mr. David Cook, Covert Investigations Manager, West Midlands Counter Terrorism Unit.

2.5.3 In September 2012, I was instructed by the West Midlands Police to provide Expert Witness evidence about the meaning and use of Islamic-style terms as part of the trial of Regina v. Naseer *et al.* At this trial, Irfan Naseer and his conspirators were convicted of plotting multiple suicide bombing attacks in the UK.

2.5.4 In 2014 and 2015, I have acted as an Expert Witness called by the Prosecution and the Defence in 16 counter-terrorism trials all related to the on-going conflict in Syria and Iraq:

1. Regina v. Iqbal (2014)
2. Regina v. Sarwar & Ahmed (2014)
3. Regina v. Choudhary & Weston (2014)
4. Regina v. Khan (2014)
5. Regina v. Begg (2014)
6. Regina v. Javeed (2014)
7. Regina v. UlHaq (2014)
8. Regina v. R. v. Khawaja, Bhatti & Ali (2014)
9. Regina v. Bradley (2015)
10. Regina v. Gildo (2015)
11. Regina v. Tarik Hassane *et al.* (2015)
12. Regina v. Rahman, Brekke and Ulhaq (2015)
13. Regina v. Mohammed Abdul Kahar (2015)
14. Regina v. Ulhaq. (2015)
15. Regina v. Rehman & Khan (2016)
16. Regina v. Alamgir *et al.* (2016)

2.5.5 This experience has given me a detailed, first-hand analytical exposure to the ideologies, actors and events connected with the Syrian Civil War

(2011-present), including detailed analytical exposure to the theology and the claims to Caliphate of the so-called Islamic State group.

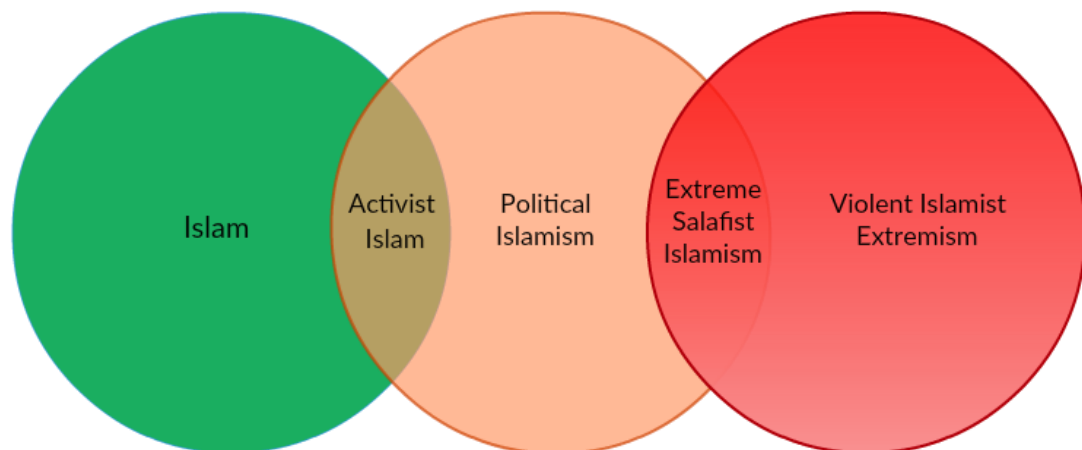
3. Methodology: Islam, Islamism, Extremism

3.1 I will use two theoretical, analytical frameworks by which to interpret the data, neither of which is complicated or difficult to understand.

3.2 **Methodology A:** The first refers to a typological framework for understanding the difference between different religious phenomena which on the surface all look and sound Islamic and yet, in reality, are very different and have their own distinguishing characteristics¹. I will refer to these different phenomena as:

1. Islam,
2. Activist Islam,
3. Political Islamism,
4. Extreme Salafist Islamism and
5. Violent Islamist Extremism.

Figure 3.1 Different religious phenomena that appear related to Islam



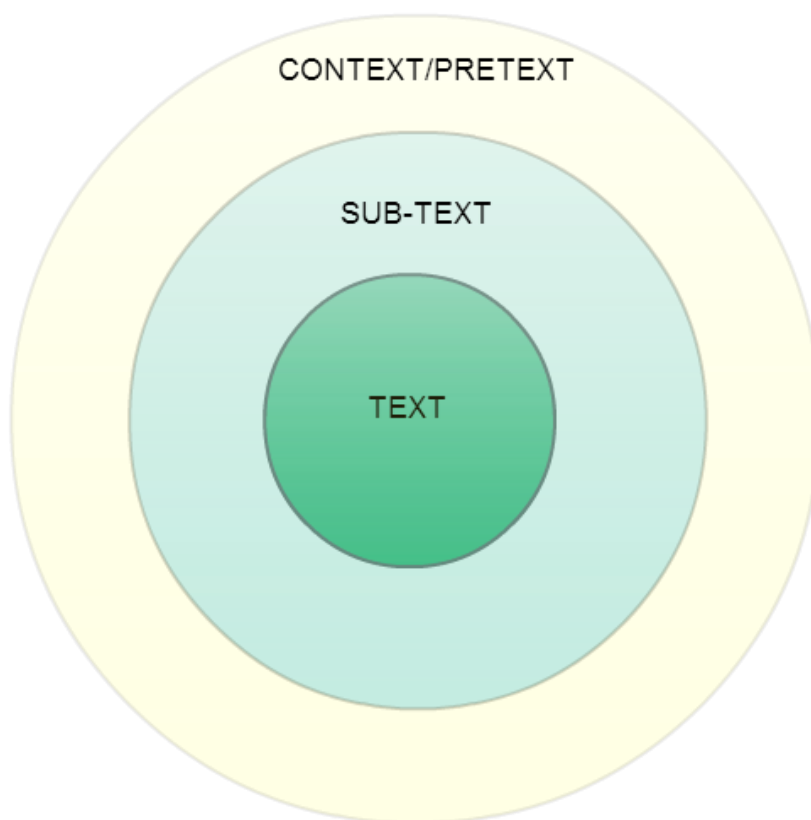
¹ This typology is my own academic contribution to the field. Nevertheless, parallels to it exist in the established academic literature, e.g. Dagli (2013) and Bonner (2006). Therefore, it should be considered as an elaboration and clarification of established academic wisdom.

3.3 I shall analyse the empirical evidence according to understandings of these criteria that I will articulate further below.

3.4 As Figure 3.1 above suggests, there exist clear qualitative differences between Islam, Political Islamism and Violent Islamist Extremism. There are also overlapping grey-areas between Islam and Activist Islam, between Activist Islam and Political Islamism and between Extreme Salafist Islamism and Violent Islamist Extremism. Interpretation of these grey-areas will, in particular, necessitate the second of my interpretative devices: a framework of text, sub-text and context/pretext as shown in Figure 4.1 below.

3.5 Methodology B: Text, Sub-Text, Context

Figure 3.2 Framework of text, sub-text and context/pretext



Social scientists have suggested that every text has a pre-text, a context, a text and a sub-text (Usher, 1997).

- 3.6** The 'text' refers to actual words spoken or written and images, whether moving or still, and the relatively transparent, first-order set of possible meanings attached to them.
- 3.7** The 'sub-text' refers to 'reading between the lines', to those meanings contained beneath a text without which the complete meaning of a 'text' cannot be ascertained. The understanding of the 'sub-text' usually depends on an understanding of the 'context and/or pretext'.
- 3.8** The 'context/pretext' refers to the circumstances in which the 'text' is produced. It includes knowledge of the producer of the 'text' and its intended audience and other circumstantial details about its production.
- 3.9** For example, if we take the phrase,

"The man shouted to his wife as he closed the door, "I am off to the pub."

The first-order meaning of this text is clear: man shouts to wife, closes the door and leaves for the pub. However, it would require knowledge of the context of the phrase - for example, that the husband and his wife have just had a marital row - to ascertain the sub-text of the phrase [in brackets].

"The man shouted [angrily] to his wife as he closed the door, "I am off to the pub" [in order to get out of the house and away from you].

Thus, the full meaning (or possible meaning) of a text is often only ascertained with reference to the context and the subtext.

- 3.10** In this analysis, my methodological procedure shall take account of the text, the context and, at times, the sub-text as follows:

- a. the 'text' will refer to the written and spoken words and still or moving images in the speeches which I am instructed to analyse;
- b. the 'context' will refer both to the circumstances of the production of the original 'text' and of the Claimant when he issued/delivered it;
- c. the 'sub-text' will refer to meanings of the 'text' that are suggested by analysis of the 'text' in relation to the 'sub-text', 'context' and 'pre-text'.

3.11 In this analysis, my methodological procedure shall take account of the text, the context and, at times, it will usually require a consideration of the text, pretext/context and sub-text before I can reach an opinion about whether the text is "extreme or moderate".

4. Definitions of the terms

4.1 What is "extreme" and what is "moderate"?

4.1.1 I am instructed to give an expert opinion from an Islamic perspective on what can be considered "extreme" or "moderate" about the Islamic content and messages delivered by the Claimant in the speeches that form the basis of my instruction. This clearly requires a working understanding of what I will mean by "moderate" and what I will mean by "extreme".

4.1.2 For "moderate", I will mean those ideas, doctrines and worldviews that are consensually agreed by Muslim scholars from the canonical Schools of Sunni and Shia' Islamic Law and by mainstream scholars who regard themselves as *Salafi* and by Muslims more generally to constitute the essential doctrines, teachings and spirit of Islam according to the prescriptions and guidance of the Book of God - *al-Qur'an* - and model of customary behaviour - the *Sunna* - of the Prophet Muhammad, applied in such a way as to be suitable for the context of my instruction: contemporary Britain.

4.1.3 Thus, I consider "moderate" Islam to fall within the broad ambit of what I describe as 'Traditional Islam' and 'Activist Islam' in the typology described in Section 2 (above) and articulated in Section 5 (below).

4.1.4 Taken as a whole, Islam forbids extremes of anything, including religiously permitted good deeds. The Quran commands:

"Oh People of the Book, do not go to excess in your religion."

Qur'an, 4: 171 and 5: 77

Similarly, Prophet Muhammad (peace and blessings be upon him) said:

"Distance yourselves from being extreme in religion."

Narrated by
Ahmad, Ibn Khuzaimah,
An-Nasa`ii, Ibn Majah and Al-Hakim

And similarly,

“Beware of going to extremes in religion, for those before you were only destroyed through excessiveness.”

Narrated by An-Nasai

- 4.1.5 The great 14th century Damascene scholar ibn Taymiyya, whose ideas have been hideously misappropriated by violent extremists, said that extremism in religion means deviating from a Middle Path between two extremities (Michot, 2015).
- 4.1.6 Following this understanding, for example, complete denial of sexuality and the asceticism of monasticism on religious grounds would be a religious extreme, and having promiscuous sexual relations outside a legal marriage would constitute another extreme.
- 4.1.7 In the matter of Jihad – struggle in the path of God (please see Section 5.5 and Section 8, below) – an interpretation that was exclusively quietist and inner would be one religious extreme, and an interpretation of Jihad that was exclusively violent and/or outward would be the other religious extreme.
- 4.1.8 Added to this understanding, would be the idea that any interpretation of *Shari’a* that required and advocated breaking the Law of the Land would also be extreme because, under *Shari’a*, Muslims are required to obey the Law of the Land unless that Law of the Land explicitly required them to break the *Shari’a* (please see Section 5.3.2, below) (Al-Oadah 2014).
- 4.1.9 Therefore, for example, in Britain a position that encouraged male Muslims into polygamous marriage would be extreme because in Britain polygamy is illegal. In Britain, marriage is legal and people are actively encouraged to marry which means that Muslims are perfectly able to fulfil the strong recommendations of the *Shari’a* to marry.
- 4.1.10 I will also regard as “extreme” any doctrinal view that requires someone to contravene what is consensually agreed to be the mainstream position in Islam. This would include, for example, adjudicating armed fighting in

defence of Islam (*qital*) as an universal individual religious obligation (*farḍ al 'ayn*) when it has been adjudicated from early to classical to modern times by the vast majority of scholars as being a collective religious obligation (*farḍ al-kifāya*) unless one is directly under attack.

- 4.1.11 By non-violent extremism I will mean a doctrinal position or worldview that deviates significantly from a moderate, mainstream Islamic position towards the extremes - as described above in Section 4.1.2 - but does *not* advocate the use or the threat of the use of illegitimate violence. In other words, non-violent extremism is a doctrinal position that does not condone, advocate or encourage action or the threat of action that can be classed as terrorism (please see Section 4.2, below).
- 4.1.12 By violent extremism, I will mean a doctrinal position or worldview that deviates significantly from a moderate, mainstream Islamic position towards the extremes - as described above in Section 4.1.2 - and *does* condone, advocate or encourage the use or the threat of the use of illegitimate violence. In other words, violent extremism condones, advocates or encourages action that might under certain circumstances be classed as terrorism (please see Section 4.2, below).
- 4.1.13 As a rule in this report, whenever I describe an idea or a doctrine, a religious position or worldview articulated as "moderate" or "extreme", I will explain my reasoning for each particular occasion within the spirit of the general guidance offered here.

4.2 Definition of Terrorism in UK Law

The present definition of terrorism used in UK legal systems (and therefore in this report) is to be found in Section 1, Terrorism Act 2000 as amended:

1 *Terrorism: Interpretation*

- 1) *In this Act "terrorism" means the use or threat of action where —*
- (a) *the action falls within subsection (2);*

- (b) *the use or threat is designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public and*
 - (c) *the use or threat is made for the purpose of advancing a political, religious or ideological cause.*
- 2) *Action falls within this subsection if it —*
- (a) *involves serious violence against a person;*
 - (b) *involves serious damage to property;*
 - (c) *endangers a person's life, other than that of the person committing the action;*
 - (d) *creates a serious risk to the health or safety of the public or a section of the public or*
 - (e) *is designed seriously to interfere with or seriously to disrupt an electronic system.*
- 3) *The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1) (b) is satisfied.*
- 4) *In this section—*
- (a) *“action” includes action outside the United Kingdom;*
 - (b) *a reference to any person or to property is a reference to any person, or to property, wherever situated;*
 - (c) *a reference to the public includes a reference to the public of a country other than the United Kingdom and*
 - (d) *“the government” means the government of the United Kingdom, of a Part of the United Kingdom or of a country other than the United Kingdom.*
- (5) *In this Act, a reference to action taken for the purposes of terrorism includes a reference to action taken for the benefit of a proscribed organisation.*

[N.B. The words in subsection (1) (b) "*or an international governmental organisation*" were inserted by the Terrorism Act 2006, s 34(a), and came into force on the 13 April 2006.]

Importantly for this analysis, I shall also refer to Islamic understandings of terrorism (*hiraba* or *irhab*). This is not, of course, because the Defendant is being tried under Islamic *Shari'a*, but to ascertain whether there might exist any confusion in the mind of a Muslim who was ignorant of UK Law but knowledgeable about Islam as to what constitutes legitimate Islamic activity.

4.3 Terrorism in Islam (*Hiraba* or *Irhab*)

4.3.1 According to the primary sources of Islamic Law, *Qur'an* and the *Sunna*, the crime of sowing sedition and perpetrating terror, to "cause corruption in the land" in peaceful territories is one of the most severe crimes in Islam (*Qur'an*, 5:33).

4.3.2 'Corruption' is defined as armed rebellion against a legitimate ruler, "those who take up weapons to spread fear", highway robbery, kidnapping and other acts that would today be classed as terrorist activity (Tahir-ul-Qadri, 2010).

4.3.3 Terrorism (*Hiraba*) was defined by the eleventh century Chief Judge of Muslim Lisbon, Ibn 'Abd al-Barr as follows:

"Anyone who disturbs the free passage in the streets and renders them unsafe to travel, striving to spread corruption in the land by killing people or violating what God has made it unlawful to violate, is guilty of terrorism [hiraba], be he a Muslim or a non-Muslim, free or slave, and whether he actually realises his goal of taking money and killing or not".

(cited in Jackson, 2001 cited in Winter, 2010)

4.3.4 Islamic rulings against taking up arms against those in authority, even against a corrupt ruler, are based on the *Qur'anic* verse:

"O you who have believe, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and will yield the best result."

Qur'an 4:59

4.3.5 Together with Prophetic *hadiths* (sayings) such as:

"It has been narrated on the authority of 'Auf b. Malik that the Messenger of Allah (may peace and blessings be upon him) said: The best of your rulers are those whom you love and who love you, who invoke God's blessings upon you and you invoke His blessings upon them. And the worst of your rulers are those whom you hate and who hate you and whom you curse and who curse you. It was asked (by those present): Shouldn't we overthrow them with the help of the sword? He said: No, as long as they establish prayer among you. If you then find anything detestable in them. You should hate their administration, but do not withdraw yourselves from their obedience."

Narrated by Muslim, Book: 34, *Hadith*: 4910

4.3.6 One can see how the 7/7 Bombers, for example, would have been guilty as charged of terrorism (*hiraba*). This is because the destruction of the peace of society threatens the sanctity of human life and the possibility that God can be properly worshipped and obeyed in a way that is conducive to human well-being, truth and justice.

4.3.7 In fact, it can be seen that Islamic notions of terrorism bear a close resemblance to those articulated above from Section 1, Terrorism Act 2000 as regards unauthorised threats to the life, health, safety and property of individual citizens and to the state.

5. The basic differences between Islam, Activist Islam, Political Islamism, Extreme Salafist Islamism and Violent Islamist Extremism

I will now provide a basic working sketch of the differences between the five different categories of religious phenomena that form the basis of my analytical framework:

1. Islam
2. Activist Islam
3. Political Islamism
4. Extreme Salafist Islamism
5. Violent Islamist Extremism (VJE)

This is important as, although these phenomena often have a similar 'Islamic' complexion, they are in reality fundamentally different in their philosophy, theology, methodology and substance.

I will make this thumb-nail sketch of the above five different categories of religious phenomena according to six headings (below) in order to guide the court through my analysis:

1. overall outlook and underlying philosophy the five religious phenomena;
2. outlook on humanity, especially relations between Muslims and non-Muslims and a Muslim living in non-Muslim countries;
3. basic beliefs and practices;
4. attitude to war and violence;
5. typical themes/tropes of each religious phenomena and
6. individuals typically associated with each of the five phenomena.

5.1 Overall Outlook and underlying philosophy

5.1.1 Islam: unity-in-diversity

The fundamental philosophical world-view that characterises Islam is one of unity-in-diversity. The underlying Islamic principle is that the whole universe, as the creation of God, is essentially one inter-related reality.

God is one God, and is God of the whole created universe including every human being who is destined to return to Him. The fact that the whole of creation has God as its Source and Creator is the determining feature of life on Earth and the unifying fact that underlies the whole of existence. Adam and Eve, for example, are cited by the primary source of Islam - *al-Qur'an* - as the father and mother of the whole of humanity.

The primordial unity of humankind is a fundamental premise of the *Qur'an* as the *Qur'an* was sent to all humankind to call us to worship and right action. A large part of the *Qur'an* (for example, Qur'an 56:57-74; 10:45-46) is directed at humankind in general without any distinction being made between believer or non-believer. Furthermore, the essential spiritual covenant that all human beings share with God is specifically alluded to (Qur'an 7:172) as existing even before the existence of created matter.

This is the brother/sisterhood that all human beings share by dint of being from the tribe of Adam (*Banu Adam*). All of us are creatures of God and all of us are accountable before God on the Day of Judgement. A supplication made by the Prophet Mohammed (peace and blessings be upon him) after every prayer included the statement, "*I testify that all your servants are brothers*" (Al-Qaradawi 1972).

Within this essential unity, the *Qur'an* recognises natural diversity,

"O mankind! Lo! We have created you male and female, and have made you nations and tribes that you may know one another. The noblest of you, in the sight of Allah, is the best in conduct. Allah is Knower, Aware."

Qur'an, 49:13

Thus, the underlying essential unity of existence and humanity in God is also characterised by real, second-order differences. Men and women are different; different nations, countries and tribes exist; there exist a plurality of different religions - not everyone is born to be a Muslim. Nevertheless, these differences are intended by God to be the source of greater mutual understanding and cultural enrichment and not conflict.

5.1.2 **Activist Islam: diversity-in-unity**

Activist Islam would recognise the same underlying world-view picture as 5.1.1 (above). Activist Muslims tend to emphasise the fact that second-order differences and elements of unbelief and the ego, which is out of line with the spirit, can cause political and social injustices that need addressing through peaceful, active engagement with political structures and agencies.

5.1.3 **Political Islamism: contingent separation**

Political Islamism and Islamists would tend to point to those *Qur'anic* texts that stress the difference and separation of humanity into different groups and, in particular, would begin to emphasise an exaggerated separation between Muslims and non-believers (infidels) who are characterised as *kafir*, pl. *kuffar*.

Political Islamists begin to stress the need for 'pure' Muslims to avoid contact with the society, habits and beliefs of the non-believers (*kuffar* or *kafirun*) (Maududi 1967). In other words, Political Islamist texts can breed separate 'Us' and 'Them' mentalities.

The goal of Political Islamism is to establish a global Islamic State or *Caliphate*. The means of achieving this end, if they are specified at all, are usually but not always non-violent (Hizb ut-Tahrir 2016). This theocratic *Caliphate* is usually regarded by Political Islamists as intrinsically better than and superseding democracy. Thus, Political Islamism tends to suggest the incompatibility of Islam with certain democratic political models.

5.1.4 **Extreme Salafist Islamism: absolute separation**

A standard Islamist tendency to emphasise contingent separation and division between different groups sharpens in the Extreme Islamist outlook into positions of absolute, irreconcilable differences between belief (*Iman*) and unbelief (*kufr*).

According to Extreme Salafist Islamists, such as Sayyid Qutb (1906-1966), the 'unbelievers' include all those who are not confessing, practising

Muslims, Christians and Jews. However, in mainstream, traditional Islam, Christians and Jews are not classed as 'unbelievers' (*kuffar*).

Extreme Salafist Islamism departs radically from traditional Islam by suggesting that the ties of the Muslim faith negate and supersede all other natural ties, such as those of family, kinship and nation (Qutb, 1964).

Extreme Salafist Islamism begins to suggest the use of violence to achieve political ends. Extreme Salafist Islamism also sets up the notion that 'wrong Muslims' are those who do not share the goals of Extreme Salafist Islamism and so fall outside the pail of the Muslim community.

5.1.5 Violent Islamist Extremism: eternal separation with lethal consequences

Violent Islamist Extremism is grounded in the belief of a total, eternal Manichean separation of the world into those who are blessed or saved, (i.e., the 'right kind' of Muslim) and those who are to be damned for eternity (i.e., everyone else).

Violent Islamist Extremism divides the world strictly and absolutely into the Abode of Islam (*Dar al-Islam*), the Abode of Unbelief (*Dar al-Kufr*) and the Abode of War (*Dar al-Harb*) with the last two Abodes being more-or-less interchangeable.

For Violent Islamist Extremists, the 'wrong kind of Muslim' includes moderate *Sunni* Muslims, all *Shia'* Muslims and many others who are 'mete for the sword' and can be fought and killed, as can anyone who associates or 'collaborates' with them.

Although in practice, Violent Islamist Extremists are more interested in ridding the world of *kuffar* and 'wrong' Muslims than they are of achieving anything positive, their ultimate agenda is the overthrow of democratic states. This includes the overthrow of Muslim democratic states and the imposition of a global *Caliphate* or Islamic State, supported by a primitive, literalist interpretation of *Shari'a* Law by force.

5.2 Outlook on humanity, especially relations between Muslims and non-Muslims

5.2.1 Islam: unconditional respect for humanity regardless of faith

The essential fact that all human beings are God's creatures and are destined to meet God to account for their lives on the Day of Reckoning is the basis for a necessary respectful transaction in Islam between Muslims and all other human beings.

Indeed, there are many sayings of the Prophet Muhammad (peace and blessings be upon him) and *Qur'anic* verses that state that it is impossible to be a proper Muslim believer unless one treats other human beings respectfully. In *Sharia'* Law, for example, all other human beings have rights (*huquq*) over the Muslim to be properly treated, regardless of their faith.

For example, the companion of the Prophet Muhammad (peace and blessings be upon him), Abu Hurairah (may God be pleased with him) narrated that the Prophet Muhammad (peace and blessings be upon him) said:

"Let him who believes in Allah and the Last day, either speak good or keep silent, and let him who believes in Allah and the Last Day be generous to his neighbour, and let him who believes in Allah and the Last Day be generous to his guest."

Narrated in Bukhari and Muslim

Within this general understanding, the broad parameters of the relationship between Muslims and non-Muslims are set out in this *Qur'anic* verse:

"Allah does not forbid you from being righteous toward them and acting justly towards those who do not fight you because of religion and do not expel you from your homes - indeed, Allah loves those who act justly. Allah only forbids you from those who fight you because of religion and expel you from your homes and aid in your expulsion - forbids that you make allies of them. And whoever makes allies of them, then it is those who are the wrongdoers."

Qur'an, 60:8-9

In the above *Qur'anic* verse, God expressly permits friendly relations between Muslims and non-Muslims provided that conditions of persecution or war do not prevail. At present, no Muslim State recognised by International Law has declared war on the UK, or vice versa. Therefore there exists a general obligation for peaceful and respectful relations between Muslim and non-Muslim Britons at the very least and indeed between Muslims and non-Muslims more generally.

Other *Qur'anic* verses, for example *Qur'an* 5: 54-55, that appear to prohibit friendly relations between Muslims and non-Muslims, need to be understood in the specific context of the time.

In *Qur'an*, 5: 54-55, hostilities had broken out between Muslims, Christians, Jews and others (Al-Qaradawi, 1994) in specific circumstances which threatened the survival of the early Muslim community. The *Qur'anic* principle is always that peace between people should be achieved at the earliest possible moment so that friendly, harmonious relations can once more pertain as the preferred situation.

5.2.2 Islam: The People of the Book

Furthermore, in Islam God has encouraged an especially close social relationship between Muslims and other People of the Book – Christians and Jews – by permitting Muslims to marry women of the People of the Book and to share their meat.

"This day [all] good foods have been made lawful, and the food of those who were given the Scripture (Jews and Christians) is lawful for you and your food is lawful for them. And [lawful in marriage are] chaste women from among the believers and chaste women from among those who were given the Scripture before you, when you have given them their due compensation, desiring chastity, not unlawful sexual intercourse or taking [secret] lovers. And whoever denies the faith - his work has become worthless, and he, in the Hereafter, will be among the losers."

Qur'an 5:5

What is important about this verse is that women of the People of the Book are entitled to the same rights in marriage as Muslim women and the

injunction is made in specific connection to a warning about those who deny their faith. In other words, to accept this *Qur'anic* injunction is a specific part of the Muslim faith.

5.2.3 Islam: Muslims Residing in Non-Muslim Lands

Qur'anic verses 5:5 and 60:8-9 cited above also pertain to the relations of Muslims with non-Muslims if they are residing in non-Muslim lands. Friendly relations may and should pertain unless Muslims find themselves living in conditions under which they are fought because of their religion or expelled from their homes.

If Muslims are confronted with such hostility, they should emigrate (make *hijra*) to easier circumstances on the Prophetic model of the emigration of the Prophet Muhammad (peace and blessings be upon him) from conditions of persecution in Mecca to conditions of safety in Medina.

The model of Muslims residing peacefully in non-Muslim lands is taken to be the first migration of more than one hundred Muslims to the Christian Kingdom of Abyssinia in 614–615 CE to escape persecution in Mecca. This group of one hundred Muslims was commanded by the Prophet Muhammad (peace and blessings be upon him) to live peacefully, obeying the Laws of the Land and causing no harm to their fellow citizens. Beyond this, the *hadith* material narrates that the Muslims actively supported the Christian ruler – the Negus – when his authority was challenged by an armed insurrection.

Once they are residing in conditions of safety, Muslims are required to obey the Law of the Land as if it were the *Sharia'* and they enter into conditions of covenant (*ahd*) with the non-Muslim population (Al-Oadah 2014; Ramadan 1999). If the Law of the Land requires Muslims to disobey the *Sharia'* then, if possible, they are required to emigrate (make *hijra*) to more favourable conditions. If this is not possible, then they must obey the minimum possible of the Law of the Land that is against the *Sharia'*.

5.2.4 Islam: Contemporary Britain

There is nothing in UK Law that requires Muslims to disobey the *Sharia'*. This is not a surprise given the Judeo-Christian roots of UK Law.

Therefore, contemporary Britain may most definitely be understood as a Place of Treaty (*Dar al-Suhl*) for Muslims (Ramadan, 2010; Safi, 2001).

Moreover, Muslims in Britain are entitled to:

1. freely practise all the basic tenets of Islam and
2. above and beyond that, to propagate our faith and to build the institutions of worship and Islamic education.

This means in some more generous interpretations of the position, ironically of Ibn Taymiyya (see Section 5.6.5, above) contemporary Britain can almost be considered a Place of Islam (*Dar al-Islam*) (Michot, 2006).

All this means that our non-Muslim civilian compatriots and British armed forces are entitled to complete security according to Islamic Law as well as British Law from the hand of the Muslim community in Britain.

Of course, like anyone else, Muslims are entitled to peaceful protest and activism to change government policy and influence legislation.

If a Muslim feels the need, for example, to oppose British foreign policy more directly than through peaceful protest and activism, and to change government policy and influence legislation, a Muslim would be required to emigrate and take up citizenship in another country before he/she would have fulfilled the Islamic conditions even to contemplate armed acts of aggression against the British State.

Even then, given the fact that all Islamic countries belong to the Organisation of the Islamic Conference (OIC) which has signed-up to Article 2 (4) of the UN Charter which prohibits armed aggression, the only aggression against Britain that would constitute an Islamically legitimate struggle would be armed resistance against a British invasion and occupation of a legitimate Islamic State under a recognised Islamic authority, which was governing according to *Sharia'* Law.

For example, if Britain invaded Saudi Arabia as an occupying army, British Muslims would be entitled to renounce their British citizenship and apply for citizenship of Saudi Arabia. If they received Saudi Arabian citizenship,

a former British Muslim would then have a right to join the authorised Saudi Arabian military. If they were successful, only then would they have the right to take up arms against a British invasion of Saudi Arabia.

In absolutely no circumstances is it permitted in Islamic Law to attack civilians living peacefully in their own country (Winter, 2010).

To act against Britons whilst enjoying the privileges and protections of British citizenship would, from an Islamic point of view, be considered an act of treason because it would be breaking the contract of citizenship which is Islamically binding.

Likewise, Muslims travelling in non-Muslim countries on a visa have also, by implication, signed a contract to maintain the safety of the peoples amongst which they are travelling and to obey their laws (Achtar, 2010).

The idea that a Muslim residing as a citizen in a non-Muslim country, such as Britain, in safety, with equal rights before the law and with freedom of worship, often enjoying the benefits of the welfare state at the British taxpayers' expense, and then plot to injure or murder unarmed, innocent fellow citizens by blowing themselves up as happened on 7/7 runs counter to both the spirit and the letter of Islamic Law.

5.2.5 Activist Islam: diversity-in-unity

Activist Islam would recognise all of the above statements, although more politically engaged Activist Muslims might emphasise their rights in their host society over their duties and responsibilities to their host country. In practice in Britain, activist Muslim organisations, such as the Muslim Council of Britain, accept and operate according to all of the above statements.

5.2.6 Political Islamism: movement towards separation and disrespect of the non-Muslim other

Whilst most Political Islamists would tend to identify with the basis of Islamic spiritual manners (*adab*) as mentioned above, they would begin to emphasise an exaggerated separation between the treatment of Muslims and the treatment of non-believers, who are characterised as *kafir*, pl.

kuffar. This term, which does appear in the *Qur'an* to denote those who have rejected any vestige of belief in God, is used by Political Islamists as a largely derogatory term.

Political Islamists begin to stress the need for 'pure' Muslims to avoid contact with the society, habits and beliefs of the non-believers (*kuffar* or *kafirun*). In other words, Political Islamism begins to undermine the universal respect due in Islam to other human beings merely by dint of their being human. Political Islamism starts to move towards the idea that an exclusive respect is due to the Muslim believer and, most especially, the Muslim believer who is involved in the political struggle to establish the Islamic State or *Caliphate* (Maududi 1967).

5.2.7 Extreme Salafist Islamism: sharp, social separation and total denigration of the infidel

The Political Islamist tendency towards social separation and a diminishing respect for the other, is taken a stage further by Extreme Salafist Islamism.

Extreme Salafist Islamists will encourage complete social exclusion of the believer from the non-believer even if the non-believers include one's parents and close family members, which is directly contrary to Islamic teaching

Extreme Salafist Islamists are likely to refer to all non-Muslims as *kuffar* in the most derogatory of terms and to encourage Muslims to shun them, their countries and their political systems.

Extreme Salafist Islamists may advocate the execution or assassination of non-believers for perceived blasphemous statements against Islam or the person of the Prophet Muhammad (peace and blessings be upon him). This, of course, is directly contrary to the teaching of the Prophet Muhammad himself who lived in peaceful co-existence in Madina with people whose religion specifically denied his prophecy, such as the Jewish tribes.

5.2.8 Violent Islamist Extremism: complete separation from and rejection of the everyone except violent Islamist extremists

Violent Islamist Extremism is specifically rooted in the 'disavowal' (*al-wala*) of social contact with any non-Muslim and the 'wrong type of Muslim'. Political and social systems, such as liberal democracies, are regarded by Violent Islamist Extremists as manifestations of unbelief (*kufir*) or idolatry (*shirk*) that must be fought and destroyed, if necessary, by their own Muslim citizens from within.

As far as a Violent Islamist Extremist is concerned, the 'correct' attitude of a Muslim living in a non-Muslim land is to cause violent chaos and disruption in order to bring down the '*kafir*' government and to establish an Islamic State as part of a global Islamic *Caliphate*. Hence they advocate '*Jihad*' by Muslims against their non-Muslim fellow citizens.

5.3 Religious sources, belief and practice

5.3.1 The sources of Islam: the *Qur'an* and the *Sunna*

There are two primary sources from which all Islamic belief and practice is derived:

1. the *Qur'an* – the Revelation (literally 'recitation', from God and
2. the *Sunna* – the normative behaviour and practice of the Prophet Muhammad (peace and blessings be upon him) (Kamali 2003).

The legal injunctions derived from the combination of the *Qur'an* and the *Sunna* is called the *Sharia'* (legal path) of Islamⁱ.

The Prophet Muhammad (peace and blessings be upon him) said, "*I have left two things among you. You shall not go astray as long as you hold to them: the Book of God and my Example [Sunnaty].*"

These two sources are considered unanimously by scholars of the Four Schools of Islamic Law to be sources of Islamic belief and practice of equal merit. If they clash, as they very occasionally do with a few *hadiths* of doubtful authenticity, the *Qur'an* takes legal precedent.

5.3.2 The sources of Islam: The *Qur'an*

- a. The *Qur'an* is believed by Muslims to be the inimitable word of God. It was brought from God by the Angel Gabriel, in stages, to be delivered on the tongue of the Prophet Muhammad (peace and blessings be upon him).
- b. The *Qur'an* was revealed over a period of 23 years from 610CE to 632CE.
- c. The *Qur'an* is made up of 114 chapters (*surahs*) and 6,235 verses (*ayats*).
- d. 85 chapters were revealed whilst the Prophet Muhammad (peace and blessings be upon him) and the early Muslim community were in Mecca, and 29 chapters were revealed after Prophet Muhammad's (peace and blessings be upon him) emigration (*Hijra*) to Medina in 622CE.
- e. The verses (*ayats*) that were revealed in Mecca tend to deal with Divine Unity, the need for worship and social responsibility, the Day of Resurrection and the After-Life and Stories of the Prophets.
- f. The verses (*ayats*) that were revealed in Medina deal more with legislation.
- g. Therefore, the *Qur'an* reflects the context into which it was revealed since it was only in Medina that Islam came to govern the legal and political life of an entire community of over 10,000 souls that included Muslims, Jews, Christians and Pagan non-believers.
- h. Despite its modern reputation as a legalistic faith, only one tenth of the *Qur'an* deals with legal matters (Kamali, 2003).
- i. The *Qur'an* describes itself as guidance for those who fear God (*Qur'an* , 2:2) and thus may be read by the ordinary believer to guide him/her in the ways that are pleasing to God.

j. However, for more detailed interpretations and extrapolations (*ijtihad*) of Law (*Sharia'*) from the *Qur'an* require an expert knowledge in a variety of key principles:

1. **Knowledge of the Context of the Revelation (*Asbab an-Nuzul*)**

The *Qur'an* was revealed in response to specific, time-bound circumstances. Therefore, it is vital to understand what these were to know whether its injunction is general (*'amm*) or particular (*khass*) to that instance.

2. **Abrogating or Abrogated (*Nasikh or Mansukh*)**

Some *Qur'anic* verses abrogate others. For example, verses which allow alcohol are abrogated by later ones that prohibit it.

3. **Obvious and Obscure (*Qati'* and *Zanni*)**

Some verses give a clear, unambiguous general ruling; others require interpretation.

As a rule, anyone may and indeed is encouraged to reflect on the meanings of the *Qur'an* and draw his or her personal conclusions from it. However, only trained scholars (*mujtahid*) may make legally-binding judgements (*fatwa*) that must be accepted by all.

5.3.3 The sources of Islam: Normative Behaviour (*Sunna*)

The normative example (*Sunna*) of the Prophet Muhammad (peace and blessings be upon him) is absolutely central to Islam. Quite simply, without the *Sunna* of Muhammad (peace and blessings be upon him) there would be no Islam. As one early Muslim scholar said, "The *Qur'an* ordains it; the *Sunna* explains it."

An illustration of this is the Obligatory Prayer. The *Qur'an* declares the fact that the Prayer must be established at certain times; the *Sunna* illustrates what these times are, how they are calculated and the actions and words that must be performed to complete the Prayer.

The scholars (*'ulama*) are unanimous on the point that the *Sunna* is a source of the Law (*Shari'a*) in that in its rulings with regard to the

permitted (*halal*) and the forbidden (*haram*), the *Sunna* stands on the same footing as the *Qur'an* (Kamali, 1989:63).

This is why the Declaration of Faith in Islam (*Shahadah*) is not simply "*there is no god but Allah* [the one God]" but rather "*there is no God but Allah* [the one God] *and Muhammad is the Messenger of Allah*".

The *Qur'an* describes the Prophet Muhammad (peace and blessings be upon him) as an "*Excellent Example*" (*Uswa Hasana*) (*Qur'an*, 33:21) and the *Sunna* as "*Wisdom*" (*Hikmah*) (*Qur'an*, 62:2).

The *Sunna* is derived from a vast corpus of recorded sayings and actions of the Prophet Muhammad (peace and blessings be upon him) with his Companions that were recorded by reliable chains of narrators (*isnad*) starting in his life but gathering momentum straight after his death.

However, as with the *Qur'an*, the interpretation of the *Sunna* requires a contextual knowledge of the circumstances of their utterance. As with any human being, some sayings were addressed to the particular circumstances of particular people. This is why some *hadith* at first sight appear to contradict others: the spiritual needs of one person or group of people are not the same as another. This is also why the *hadith* themselves are not the *Sunna*.

- The *hadith* are the records of the sayings and actions of the Prophet Muhammad (peace and blessings be upon him).
- The *Sunna* is the legal position and the religious practice derived from the *hadith* (Kamali, 2003).

This is also why the early Schools of Islamic Law considered the collective practice and behaviour (*'amal*) of the Companions to be even more authoritative even than individual Prophetic *hadith*. However, later Schools of Islamic Law that were not based in or did not have regular access to Medina gradually amended this position in favour of a more purely textual approach. Thus, it is also important to distinguish between different types of *hadith*.

Only some *hadith*, such as those which explain the performance of obligatory religious practice, may be the basis of legal or religious rulings.

Other *hadith*, such as words or suggestions that the Prophet Muhammad (peace and blessings be upon him) declared when he was in the midst of battle or his practice of visiting the sick or sleeping on the right hand-side of the body or wearing a beard, may contain wisdom and guidance but are not the basis of religious or legal obligation (Kamali, 2003).

This is because there is a distinction which the Prophet Muhammad (peace and blessings be upon him) and his Companions recognised in his lifetime between utterances and actions that he made as a Prophet of God and those that he made as a political leader or head of state.

There are three types of *hadith* from which the *Sunna* may be derived:

1. **The Continuous (*mutawatair*)**

These are *hadiths* that are reported by so many reliable sources that there is no possibility that the *hadith* would be a fabrication or a lie.

2. **The Well-Known (*mashur*)**

These are *hadiths* reported by two or more of the Companions about the Prophet (peace and blessings be upon him) himself or about another Companion of the Prophet Muhammad (peace and blessings be upon him).

3. **The Single (*ahad*)**

These are *hadiths* narrated by individuals and, therefore, there are stringent conditions that the narrators have to fulfil before they are accepted as the basis of *Sunna*.

As mentioned previously, the Medinan-based Maliki School of Law preferred to follow the accepted behaviour (*'amal*) of the people of Medina even if it contradicted *ahad hadiths*.

Also, there are different categories of reliability of *hadith* that affect their suitability for the derivation of the *Sunna*:

1. **Authentic (*Sahih*)**

Authentic *hadiths* are those with highly reliable chains of transmission (*isnad*) through truthful and trustworthy Followers and Companions that stretch right back to the Prophet Muhammad (peace and blessings be upon him).

2. **Good (*Hasan*)**

Good *hadiths* are those transmitted through reliable chains of transmission by people whose truthfulness is accepted, but may also be thought occasionally to have committed errors.

3. **Weak (*Da'if*)**

Hadiths are said to be weak if their chain of transmission includes people or a person whose memory or integrity is a matter of doubt (Kamali, 2003).

The same basic principle of interpretation of the *Qur'an* applies with the *Sunna*. Anyone may read *the hadith* material and the life of the Prophet Muhammad (peace and blessings be upon him) and be inspired with regards to their faith. Only those with a specific training may make legal judgements and issue legal rulings (*fatwa*) on the basis of the *Sunna* having taken into careful consideration the context and the purpose of the Prophetic utterance or action.

5.3.4 The Basic Beliefs of Islam: The Allowed (Halal) and Prohibited (Haram) in Islam

It is within this broad understanding of Islam as a balance of worship and social responsibility that we can understand why God has allowed (made *Halal*) and forbidden (made *Haram*) other facets of human life.

God has permitted:

1. just government;
2. knowledge and learning of all types that we would term both secular and sacred;
3. trade;

4. productive work of all types that does not involve the manufacture or sale of things that are forbidden (please see 7.3.3, below);
5. sexual relations within certain legal parameters;
6. friendly relationships and affection between groups of all types;
7. artistic expression and
8. under very strict conditions, war because it is a part of the natural way (*fitrah*) by which human beings must occasionally protect themselves.

God has forbidden:

1. political oppression, rebellion, injustice and anarchy (*fitnah*);
2. usury/ charging interest (*riba*) and other forms of financial malpractice;
3. sexual impropriety, in particular fornication and adultery;
4. suicide;
5. slander;
6. murder;
7. theft;
8. gratuitous violence and unjust war;
9. alcohol and drugs and
10. the meat of pigs and carrion.

These are forbidden because they both distract humanity from the Presence of our Lord and erode or destroy individual and collective well-being. In these prohibitions, Islam reflects the Abrahamic heritage of the *Torah*, the Psalms, the Gospels as well as the *Qur'an*.

We only have to reflect upon the British experience of riots in August 2011 and the financial melt-down of 2008-2009 in whose aftermath we still live to become aware of the relevance of the first two prohibitions: political oppression, rebellion, injustice, anarchy and usury (taking of interest and other forms of financial malpractice) even if one is not a Muslim believer.

The riots showed us that no society can exist in a state of civil disobedience and violent protest.

The financial meltdown taught us that the speculative, futures-based casino economy is a grave threat to an economy based on savings and real investments. I merely make these citations to emphasise the fact that Islam is a practical religion grounded in improving and regulating the daily life of individuals and society.

However, contrary to the popular stereotypes, Islam is not a prohibitive, ascetic, religion. Very little above and beyond the list above is prohibited in the *Qur'an* and the *Sunna*. Indeed, the *Qur'an* expressly forbids people to forbid things which are not prohibited in the *Qur'an*.

"Oh you who believe! Do not make forbidden (make haram) the good things which Allah has permitted (made halal) for you, and do not go to excess; indeed, Allah does not love those who go to excess. And eat of what Allah has provided for you, lawful and good, and fear Allah, in whom you are believers."

Qur'an, 5: 90-91

5.3.5 The Basic Beliefs of Islam: the Six Articles of Faith and the Five Pillars

All Muslims are required to believe in:

1. **Allah**
The One who is uniquely God without partners: Creator, Sustainer and Lord of the entire created Universe and other Worlds that we do not know about. Islam, like Judaism, is an uncompromisingly monotheistic faith.
2. **The Angels**
Invisible beings that carry out the Divine Command (*Amr*).
3. **His Books**
The Books of Revelation given to Abraham, Moses, David, Jesus and Muhammad (peace be upon them all). These books are the *Torah*, the Psalms, the Gospels and the *Qur'an*. Muslims believe that only the *Qur'an* is still known to us in its pristine revealed form.
4. **His Messengers**

The *Qur'an* refers to 124,000 Prophets known and unknown. The Prophets who were given Books of Revelation are: Abraham, Moses, David, Jesus and Muhammad (peace be upon them all). As well as the Prophet Muhammad (peace and blessings be upon him), other renowned Prophets of Islam include: Adam, Noah, Aaron, Lot, Ismael, Isaac, Jacob, Joseph, Solomon and John (the Baptist) (peace be upon them all).

Others who are less known include: Enoch, Shiloh, Eber, Job, Zachariah, Jethro, Ezekiel, Elijah, Elisha and Jonah (peace be upon them all). The *Qur'an* requires believers to make no distinction between the Prophets in that they all deliver the message of Divine Unity without partners and the need to worship and obey Him.

5. **The Day of Resurrection & Judgement**

The Day of Reckoning when every human being will stand before God to account for his or her life. It is fundamental to Islam that every human being is individually accountable before God Almighty for his or her actions and their intentions without intermediary or the need for a priesthood.

6. **The Decree**

God Almighty has destined and has power over the good and the bad of everything that happens. Islam differs from Christianity in that Christian belief has tended to stress the goodness of God and His Love to the exclusion of other attributes. Islam recognises and agrees with this aspect of the Divine nature but also teaches that God may manifest himself through His Names of Majesty, Restriction and Anger. Therefore, a supplication of the Prophet Muhammad (peace and blessings be upon him) was, "*Oh Allah, I seek refuge in Your Mercy from your Wrath*". However, God Almighty has also said in a Holy Saying of the Prophet Muhammad (peace and blessings be upon him), "*My Mercy prevails over my Anger*". In other words, it is Mercy that is the defining attribute of God Almighty with regards His creation.

7. All the Schools of Law, Thought and Traditions of Islam, with the possible exception of a few highly esoteric sects, are agreed on these core elements of Islamic belief (*'Aqeedah*).

The *Shia'* Muslim Articles of Faith also include, in addition to the above, *'Adala* (the principle of Divine justice) and *Imama* (the principle that God has designated specific religious leaders to follow the Prophets in the guidance of mankind).

5.3.6 The Basic Beliefs of Islam: The Five Pillars of Islam

The Prophet Muhammad (peace and blessings be upon him) said in an authentic *hadith* related by Al-Bukhari and Muslim:

"Islam has been built upon five things: testifying that there is no god but Allah (God) and that Muhammad is the Messenger of Allah, establishing the Obligatory Prayer, paying the Poor Tax, making pilgrimage to the House of Allah, and fasting the month of Ramadan".

Narrated by Al-Bukhari and Muslim

Following on from this *hadith*, the scholars of Islam have stated that Islam has Five Pillars of basic obligation that every Muslim must perform (*Fard al 'Ayn*):

1. **The Witnessing (*Shahadah*)**
This is the Declaration of Faith *that there is no god but God (Allah) and that Muhammad is the Messenger of Allah*. On this declaration in front of two witnesses a person enters Islam. This Declaration of Faith means that he or she agrees to perform the following four practices.
2. **The Prayer (*Salah*)**
Five daily prayers that are performed at prescribed times of day that move according to the position of the sun. The Prophet Muhammed (peace and blessings be upon him) said, *"The Prayer is the basis of the Life-transaction"*. It is comprised of rotations of standing, bowing and prostrating before God together with the recitation of certain

phrases and verses of the *Qur'an*. It is the means by which the believer connects with and accounts for himself or herself before God five times a day.

3. **The Poor Tax (*Zakah*)**

This is a tax of 2.5% of a believer's unused savings which is paid to a religious authority for the maintenance of the poor and a variety of other categories of needy people. It is paid once someone's unused wealth has reached a certain threshold (*nisab*).

4. **The Fast of Ramadan (*Sawm*)**

This is to abstain from all food, drink and sexual relations from dawn to sunset during the month of Ramadan. The purpose of this is to teach self-restraint and moderation of the appetites, gratitude to God for His provision and empathy with the poor (*Qur'an* 2:183-185).

5. **The Pilgrimage (*Hajj*)**

The believer agrees to perform the rites of *Hajj* at the first place dedicated to the worship of God, the *Ka'aba* in Mecca and surrounding areas, once in a lifetime if s/he is able to afford it whilst still fulfilling his/her duties to provide for his/her family.

These are the only obligatory tenets of worship in Islam. This is proved by the authentic *hadith* (saying) of the Prophet Muhammad (peace and blessings be upon him):

"A man asked the Messenger of Allah (may the blessings and peace of Allah be upon him): Do you think that if I perform the obligatory prayers, fast in Ramadan, treat as lawful that which is lawful and treat as forbidden that which is forbidden, and do nothing further, I shall enter Paradise? He (Muhammad) said: Yes."

Narrated by Muslim

In other words, fulfilment of these obligations makes the believer the complete item: there is nothing that need necessarily be added to this and nothing must be taken away from this for the believer to have fulfilled his

or her contract with God completely, fulfilling the *Qur'anic* injunction to enter into Islam completely (*Qur'an*, 2: 208).

5.3.7 Activist Islam: religious sources, beliefs and practices

Activist Islam would recognise and follow the above (Section 5.3.6). The roots of activist Islam in the moderate reforming traditions of Islamic modernists are represented quintessentially by the quixotic Al-Afghani (1838/1839–1897), who was Iranian not Afghan, and the influential Egyptian theologian and jurist Muhammad Abduh (1849–1905). These two men pointed to gaps and obstacles in the interpretative infrastructure of Islam which had prevented Islam and Muslims from adapting to the challenges of modernity.

Muhammad Abduh, for example, believed that by reintroducing the faculty of deep legal reasoning (*ijtihad*) into the legal infrastructure of Islam and thereby loosening the requirement for the following of legal precedent (*taqlid*) within the four canonical Schools of Law, Islam and Muslims would be released to respond in an authentically Islamic way to the political, intellectual and spiritual challenges of modernity. Thus, activist Muslims might hold less strictly to one of the four *Sunni* or one *Shia'* Schools of Law.

5.3.8 Political Islamism: religious sources, beliefs and practices

Political Islamism, such as the ideology proposed archetypically by the Indian ideologue Abu A'la al-Maududi, would add to the above account (Section 5.3.6) the need to establish an Islamic political system as an Article of Faith and basic premise and goal of Islam.

Thus, for Political Islamism, governance according to Islamic *Shari'a* under Muslim leadership becomes, in theory at least, an essential requirement for the believer to be properly Muslim. Such a belief would be hinged on such *hadith* as:

"Prophet (peace and blessings be upon him) said – as related by `Abd Allah b. `Umar – "Whoever dies without being bound by the oath of

allegiance [to a Muslim leader] (bay`a), dies the death of the time of jahiliyya [pre-Islamic times].”

Narrated by Muslim, number 1851

Political Islamism typically draws upon methodological approaches of what has come to be known as *Salafi* Islam.

Salafi Islam refers, in theory at least, to the Islam as practised by the earliest Muslim community and the generation who followed them.

In practice, *Salafi* Islam, which is sub-divided into myriad sub-groups, often (but not always) does away with the contextual understandings of Islam as developed by the four Canonical Schools of Islamic Law and often, although not always, cherry picks verses of the *Qur'an* and sayings of the Prophet Muhammad (peace and blessings be upon him) without the necessary contextual reasoning (*asbab an-nuzul*) in order to suit a predetermined political agenda.

It should be stated, however, that while the majority of Extreme Islamists and Violent Islamist Extremists will claim to be *Salafi* Muslims, the vast majority of *Salafi* Muslims who may look and dress and sound similar to some Extreme Islamists are neither Extreme Islamists and nor Violent Islamist Extremists and are indeed observant Muslims. Hence, in this report I use the word *Salafist* rather than *Salafi* to denote the *Salafism* of the Extreme Islamist or the Violent Islamist Extremist.

The aspiration to be a *Salafi* Muslim by following the early generation of Muslims as closely as possible is certainly an authentic Muslim aspiration.

5.3.9 Extreme Salafist Islamism: religious sources, beliefs and practices

The understanding in Extreme Salafist Islamism is that allegiance to a Muslim leader - even that of a small Muslim sect or group - supersedes or bypasses the need for the Muslim believer to be a law-abiding citizen of a State. In other words, the Islamic *bay`a* makes the social contract of democratic citizenship between the governed and governing null and void.

With Extreme Islamism, we find the introduction of some of the doctrines that become standard belief with Violent Islamist Extremists. These include, most characteristically The Doctrine of Loyalty & Disavowal (*Al-Wala wal-Bara*).

The Doctrine of Loyalty & Disavowal (*Al-Wala wal-Bara*) means absolute loyalty to the *Umma* of Islam which is construed as a religious-political global community. This absolute loyalty to the *Umma* of Islam necessarily entails the absolute rejection of anything that is deemed to fall outside the *Umma* of Islam, including supposedly non-Muslim political systems, cultural habits, education, social relations, holidays, etc..

In effect, the Doctrine of Loyalty & Disavowal puts into religious practice the extreme separate, Manichean world-view that we have seen as characteristic of Extreme Salafist Islamism in the previous Section, 5.2.. This Doctrine of Loyalty & Disavowal sets up the conditions for its followers to think of only the 'right kind of Muslim' as 'blessed' and non-Muslims and 'wrong-Muslims' as sub-human.

Extreme Salafist Islamism is almost always *Salafist* in complexion and in its legal reasoning which rejects the requirement to follow the judgements and legal precedents of the four Canonical Schools of Islamic Law (*taqlid*).

5.3.10 Violent Islamist Extremism: religious sources, beliefs and practices

The logic of Extreme Salafist Islamism is followed to its conclusion in Violent Islamist Extremism.

Violent Islamist Extremism adds to the Doctrine of Loyalty & Disavowal a number of doctrines which set up the conditions for justifying the killing and murder of innocent non-Muslims and 'wrong-Muslims'. These include:

1. **The Doctrine of Loyalty & Disavowal (*Al-Wala wal-Bara*)**
Please see above, Section 5.3.9. This is a pivotal doctrine of Violent Islamist Extremism and it becomes even more central to the Violent Islamist Extremism project of demonising the non-Islamist world.
2. **The Doctrine of the Absolute Unity of God (*Tawhid*)**

This is a completely mainstream Islamic belief. Violent Islamist Extremism gives it their own twist by claiming that *Tawhid* necessarily includes absolute disavowal (*Baraa*) of anything that is not *Tawhid*, and being prepared to die or kill for one's faith (Brachman 2009).

3. **Excommunication (*Tafkir*)**

This means declaring a Muslim believer a non-believer, i.e., as existing outside the fold (*Umma*) of Islam. The reasons are usually that the Muslim believer has shown a lack of commitment to extremist causes such as the violent imposition of a global *Caliphate*. According to Violent Islamist Extremist ideology, once a Muslim has been declared a non-believer (*kafir*), s/he is mete to be killed.

4. **Obligatory Violent 'Jihad'**

Obligatory Violent 'Jihad' against non-Muslims and 'wrong-Muslims' is understood, quite erroneously as we have seen with Islamic doctrines in 5.3.6, above, as a sixth obligatory Pillar of Islam. In other words, violent armed struggle is an obligatory component of basic Islamic praxis and a necessary means to salvation.

5.4 Themes and Tropes in Islam

5.5.0 Mercy and Compassion in the Quran

Every chapter of the *Qur'an* (except *Surah 9: 'Repentance'*) starts with the phrase, "*In the name of God, the Compassionate, the Merciful*" ("*Bismillahi Ar-Rahman, ir-Raheem*").

Apart from the 113 times these Names of Mercy are used in the *Qur'an*, God also describes Himself 84 times as the "*oft-Forgiving, most Merciful*" (*al-Ghafur, ar-Raheem*) (Sherif, 1995). This makes 'mercy' by far the most referenced attribute of God in the *Qur'an*.

Some commentators have said that the name "*the Compassionate*" ("*Ar-Rahman*") refers to God's Mercy in showering blessings on the whole of Creation and "*the Merciful*" ("*Ar-Raheem*") refers to God's specific mercy in granting those who believe in Him and obey Him the reward of

Paradise. Whatever the case, the two names by which God has chosen to identify Himself are both intensive forms of the verb *rahima* – to be merciful. This is the word that in another form also describes the mother’s womb. In other words, God is intensely merciful in a way that is analogous to the place of security and total provision that is the mother’s womb.

Similarly, the *Qur’an* repeatedly encourages people to be kind and merciful to each other, even suggesting that it is better for people who have been the victim of great injustices to forgive the perpetrators if they are able (*Quran*, 42:43).

5.5.1 Themes and Tropes in Islam: Mercy and Compassion in the *Sunna*

The Prophet Muhammad (peace and blessings be upon him) was a living exemplar of a life lived according to God’s Names of Mercy. He forgave those who persecuted him, even a woman who poisoned his meat on account of the fact that her husband had been killed in battle against the Muslims. When the Prophet Muhammad (peace and blessings be upon him) conquered Mecca at the head of a massive army, not a single drop of blood was spilt and almost all his former enemies, except for a few murderers and criminals, were spared retribution, even those who had killed members of his family.

The Prophet Muhammad (peace and blessings be upon him) is described in the *Qur’an* as uniquely sent as a “*Mercy to all the Worlds*” (*Quran*, 21:107) and encouraged his Companions always to show kindness and compassion saying, “*He who shows no mercy to his fellow man will not be shown mercy by God*”.

5.5.2 Themes and Tropes in Islam: Justice and Excellence

The *Qur’an* encourages people to act throughout life with justice (*‘adl*) and excellence (*ihsan*). Similarly, the Prophet (peace and blessings be upon him) encouraged his Companions to excel in everything that they did saying, “*God loves the servant who perfects his task*”.

The fact that Islam encourages the believer to seek justice and excellence in all his/her daily affairs is recognised every week in the Friday Sermon and is a fundamental Islamic aspiration.

5.5.3 Themes and Tropes in Islam: Brother/Sisterhood of Humanity

The *Qur'an* and the *Sunna* encourage believers to respect and observe the religious commitments of two types of brother/sisterhood: the Brother/Sisterhood of Humanity and the Brother/Sisterhood of Believers.

The primordial unity of humankind is a fundamental premise of the *Qur'an* as the *Qur'an* was sent to all humankind to call them to worship and right action. A large part of the *Qur'an* (for example *Qur'an*, 56:57-74 and *Qur'an*, 10:45-46) is directed at humankind in general without any distinction being made between believer or non-believer. Furthermore, the essential spiritual covenant that all human beings share with God is specifically alluded to as existing even before the existence of created matter (*Qur'an*, 7:172).

Therefore, no distinction is made in Islam between Muslims and non-Muslims with regard to the inviolability of life and property (Tahir-ul-Qadri, 2010). For example, when property disputes arose between the citizens of Medina, the Prophet Muhammad (peace and blessings be upon him) would rule in favour of Jews and other non-Muslims where justice demanded it. All the Schools of Islamic Law are united on this matter.

5.5.4 Themes and Tropes in Islam: The Brother/Sisterhood of Believers

The intense Brother/Sisterhood of all Muslims is referred to in the *Qur'an* as one family (*Ummah*).

The *Sunna* elaborates that the basic obligation of Brother/Sisterhood is that every Muslim's life, property and honour should be considered a sacred trust to another Muslim that may not be violated in any circumstances. In one authentic *hadith*, the Prophet (peace and blessings be upon him) described the life of a Muslim believer as more sacred than the existence of the *Ka'aba* (the House of God) in Mecca itself.

The only instance when Muslims may lawfully shed the blood of another Muslim is in the case of needing to put down an armed rebellion by Muslims against a recognised Muslim polity or State (Ibn Kathir, Tafsir al-Qur'anal-'Adhim, 2:51).

Imam al-Ghazali in his famous *The Revival of the Religious Sciences* (c. 1090 CE) (*Ihya Uloom ad-Deen*) describes ever greater degrees of Brotherly/Sisterly commitment based on his study of the relationships between Believers in the early Muslim community (Holland, 1980).

It should be noted, however, that membership of the Nation/Family (*Ummah*) of Islam that binds Muslims together upon a religious covenant absolutely does not preclude membership of or responsibilities towards other social groups such as the family, nation or the tribe. These entities are also described as important social categories in the *Qur'an* and the *Sunna* to which one owes duties of belonging.

5.5.5 Themes and Tropes in Islam: Family and Society

Other Prophets, such as Jesus (peace and blessings be upon him), brought the Message of Divine Unity into ascetic circumstances, preached to a small band of followers, were shunned by majority society and often did not marry.

The Prophet Muhammad's (peace and blessings be upon him) message was delivered in and for civic circumstances and was completed at Madinah – the Place of the Transaction – amongst 10,000 Companions (*Sahaba*). Civility and the nurture of civic responsibility are at the very heart of the Islamic message.

At the heart of the Islamic message of civil unity is the centrality of the family and the extended family of kith and kin. Respect for parents is specifically connected in the *Qur'an* to worship of God:

“And your Lord has decreed that you not worship except Him, and that you treat your parents well. Whether one or both of them reach old age [while] with you, say not to them [so much as], “uff,” and do not repel them but speak to them a noble word.”

Quran, 17: 23

“And We have enjoined upon man care for his parents. His mother carried him, increasing her in weakness upon weakness, and his weaning is in two years. Be grateful to Me and to your parents; to Me is the [final] destination.”

Quran, 31:14

It should be noted that no distinction is made in the *Qur’an* and the *Sunna* between the good treatment of believing and non-believing parents.

Following on from parents, the *Qur’an* and the *Sunna* specifically require the good treatment and the nurturing of relations between kith and kin.

“Worship Allah and associate nothing with Him, and be good to your parents do good, and to your relatives, orphans, the needy, your close neighbour, the neighbour farther away, the companion at your side, the traveller, and those whom your right hands possess. Indeed, Allah does not like those who are self-deluding and boastful.”

Qur’an, 4:36

Two *hadith* collected by Al-Bukhari indicate the centrality of the ties of blood to the *Sunna*:

“That he heard the Prophet saying, “The person who severs the bond of kinship will not enter Paradise.”

Narrated by Jubair bin Mut’im

“I heard Allah’s Apostle saying, “Whoever is pleased that he be granted more wealth and that his lease of life be prolonged, then he should keep good relations with his kith and kin.”

Narrated by Abu Huraira

Civic cohesion was central to the Prophet Muhammad’s (peace and blessings be upon him) message and it was also central to the very survival of the multi-faith community of Medina (Ramadan, 2007). The Prophet Muhammad (peace and blessings be upon him) himself maintained his family ties throughout the period of his mission, even with

those who did not believe in his Prophetic calling such as his beloved uncle, Abu Talib.

5.5.6 Themes and Tropes in Activist Islam

Activist Islam might draw special attention to religious rights and freedoms of religious expression accorded them by democratic states, as well as the traditions of justice and equality in Islam.

This might include, for example, the call for the inclusion of aspects of *Shari'a* Law in domestic and civic matters within the legal framework of democratic states.

5.5.7 Themes and Tropes in Political Islamism

The classic theme of Islamist Islam is *Khilafa*, or the call for the revival of the united political *Umma* of Islam. This is often based on legendary/white-washed understandings of the historical unity of Islam.

Political Islamism will usually, although not necessarily, understand *Khilafa* as superseding and taking precedence over democratic processes and States. It will aspire to governance according to fairly limited understandings of *Shar'ia* Law.

5.5.8 Themes and Tropes in Extreme Salafist Islamism

The classic trope of Extreme Salafist Islamism is 'ignorance' (*jahiliyya*). This idea states that peoples who are not governed according to Islamic principles and *Shari'a* Law are living in a state of pre-Islamic ignorance, be they Muslim or non-Muslim (Qutb, 1964).

The concept of 'ignorance' (*jahiliyya*) is one of the doctrinal devices that sets up the Extreme Salafist Islamist world into strictly divided 'us' and 'them' camps.

5.5.9 Themes and Tropes in Violent Islamist Extremism

The classic tropes of Violent Islamist Extremism include:

a. **The act of seeking martyrdom (*Istishhad*).**

This word, and its derivative 'martyr' (*shahid*), more often than not refers to suicide bombing attacks and suicide bombers. A high proportion of violently extreme texts are dedicated to the celebration and/or theological 'justification' of suicide bombing as a tactic for waging the second trope, *Jihad*.

Thus, violently extreme texts often will have *fatwas* justifying suicide attacks appended to milder Islamist or even mainstream Islamic theological texts in order to confer authenticity on them by association.

As we shall see, the violent extremists understandings of Jihad violate all the conditions for waging armed *Jihad* as expounded in the classical theological and legal literature of Islam.

b. ***Taghut*, pl. *Tawaghit***

This is another violent extreme trope which means 'the corrupt, evil-doer or deviant' and refers to anyone (Muslim or other) who is not engaged in violent *Jihad*. It is part of the world view that posits the eternal absolute separation of Islam and Unbelief (*Kufr*).

5.5 Attitudes to war and violence

5.5.1 The Sanctity of Life in Islam

The sanctity of all life and especially human life, is a fundamental value in Islam (for example *Qur'an*, 5:32 and *Qur'an*, 6:151).

We decreed upon the Children of Israel that whoever kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely. And whoever saves one - it is as if he had saved mankind entirely.

Qur'an, 5:32

What needs to be noted is the sanctity of each individual human life is comparable to the sanctity of an entire community. This is a complete departure from the tribal ethos that was prevalent at the time of the

Prophet Muhammad (peace and blessings be upon him) and much more in keeping with the modern ethos of individual human rights.

In addition to this general principle, the *Qur'an* specifically abolished the practice of female infanticide that was rife in pre-Islamic Arabia (*Quran*, 81:8-9).

Moreover, the sanctity of human life was extended by the Prophet Muhammad (peace and blessings be upon him) to mean all life. He required the excellent treatment of animals at a time when they were routinely ill-treated. He forbade the beating and branding of beasts of burden and even, on one occasion, is recorded as preventing a man from destroying a colony of ants. He even expressed the view that a woman would inherit Paradise on account of her good treatment of her cat.

This principle of the sanctity of life is given full expression during the rites of *Hajj* when a pilgrim may kill no living creature, not even a mosquito. This is the general context in which we must understand the Doctrine of Armed Struggle (*Jihad*).

5.5.2 Jihad in Islam (please see also Section 8)

The word *Jihad* simply means 'struggling', 'exerting oneself' or 'striving'. It is the nominal participle from the Arabic root j-h-d. By extension, it means 'struggling in the way of God', '*Jihad fiy sabilillah*'.

According to Ahmed al-Dawoody (Al-Dawoody, 2011) seventeen derivatives of *jihad* occur in the *Qur'an* altogether forty-one times with the following five meanings:

1. striving generally because of religious belief (21 citations);
2. armed combat (*qital*) (12 citations);
3. non-Muslim parents exerting pressure, that is, Jihad , to make their children abandon Islam (2 citations);
4. solemn oaths (5 citations) and
5. physical strength (1 citation) (Al-Dawoody 2011).

Following *Qur'anic* usage, for the early Muslim community *jihad* came to mean the struggle to establish or preserve the religion of Islam. Occasionally, if there was no other way open, it meant by force of arms.

All of the verses of the *Qur'an* that authorise and then encourage the conduct of armed struggle (*Jihad*) were revealed after the Emigration of the Prophet Muhammad (peace and blessings be upon him) and his Companions from Mecca to Medina (*Hijra*).

During this ten year phase of the Prophet Muhammad's (peace and blessings be upon him) mission, the fledgling Muslim community and its non-Muslim fellow citizens were engaged in a life or death struggle for survival with hostile, bellicose tribes who desired nothing other than the total annihilation of the new religion and its followers which threatened, as they saw it, the very existence of the polytheist, tribal way of life.

It is in this context that we are to understand, for example, the *Qur'anic* authorisation of all-out war (*Qur'an*, 9:5). In all the *Qur'anic* verses permitting war, the way to the cessation of hostilities is mentioned in conjunction with the authorisation for war as the preferred state of affairs.

This is why, even once this authorisation had been given and in a culture given to war, the moment the opportunity to sue for peace presented itself, the Prophet Muhammad (peace and blessings be upon him) took it. For example, at the Treaty of Hudaibiyya (628 CE), the Prophet Muhammad (peace and blessings be upon him) struck a treaty with the Meccan tribes to the exasperation of some of his Companions. This treaty was famously hailed by the *Qur'an* as "a clear victory" (*Qur'an*, 48:1) thus validating the principle of suing for peace whenever possible.

The Prophet Muhammad (peace and blessings be upon him) himself was initially extremely reluctant to fight against his enemies with anything other than the verses of the Revelation and considered debate. However, in the face of the repeated theft of Muslim property and the persecution of Muslims left behind in Mecca after the Emigration to Medina, he was authorised by God to fight (*Qur'an*, 2:190-193).

As is the case with all Islamic jurisprudence and theology, a coherent doctrine of armed struggle (*Jihad*) only started to emerge about 70 years after the death of the Prophet Muhammad (peace and blessings be upon him) in 632 CE. As Winter (2010) has shown, the legal and theological doctrines of armed struggle (*Jihad*) derived from the *Qur'an* and the *Sunna* bore somewhat the character of Realpolitik in that, after the death of the Prophet Muhammad (peace and blessings be upon him) in 632 CE legislation was often drawn up as *post hoc* justification of the inevitable armed struggle of the early Muslim community, first for survival and then for expansion.

Despite the understandable contemporary preoccupation with the warlike aspects of Islam or what people suppose is Islam, armed struggle (*Jihad*) was an important but certainly not one of the great themes of Islamic practice or the jurisprudence in the earliest Muslim communities.

For example, in the earliest collection of *hadith* used to derive the Normative Practice of the Prophet Muhammad (peace and blessings be upon him) (*Sunna*) and the Muslim community, the '*Al-Muwatta'*' by Imam Malik, the topic of armed struggle (*Jihad*) takes up only 11 of 424 pages of *hadiths* and rulings compared with 73 pages dedicated to the Prayer, 50 dedicated to the correct conduct of business and trade and 37 dedicated to marriage and divorce.

This is why classical jurists of all the Schools of Islamic Law regarded the daily struggle of the believer to live correctly according to Islamic precepts as the Greater Struggle, and the armed struggle (*Jihad*) as the Lesser Struggle. It was the believer's normal actions in daily life that made up the substance of their Reckoning with God not the abnormal situation of war.

Nevertheless, the fact that armed struggle (*Jihad*) received a thorough legal treatment shows that right from the start of the Islamic story, armed struggle (*Jihad*) was both on occasion a necessity of life and subject to the strictest rules and regulations.

5.5.3 Types of Jihad in Islam

Following the lead of the *Qur'an* and the *Sunna*, classical jurists, such as the famous Maliki jurist Ibn Rushd (Averroes), classified *Jihad* into four main categories:

1. *Jihad* of the heart (*jihad bil qalb/nafs*)
This is concerned with combating the evil insinuations of the ego and the devil. This type of *Jihad* was regarded classically as the Greater *Jihad* (*al-jihad al-akbar*) as it concerns the daily business of training the rebellious ego to obey God's injunctions.
2. *Jihad* by the tongue (*jihad bil lisan*)
This is concerned with speaking the truth and spreading the word of Islam.
3. *Jihad* by the hand (*jihad bil yad*)
This refers to choosing to do what is right and combating injustice and what is wrong with action. We might call this 'activism'.
4. *Jihad* by the sword (*jihad bis saif*)
This refers to armed fighting in the way of God, or holy war (*qital fi sabilillah*), the final resort if other types of *Jihad* fail and the integrity of the Islamic religion and safety of the Muslim community is threatened.

The authenticity of the particular (*ahad*) *hadith* that reports the Prophet Muhammad (peace and blessings be upon him) saying that we have come from the Lesser Struggle (*Jihad al-asghar*) to the Greater Struggle (*Jihad al-akbar*), in other words, from the battlefield to the battle with the ego, has been cast into doubt. However, there is no doubt that the behaviour (*'amal*) of the community of Medina as recorded by the early jurists operated on the principle articulated in this *hadith*, hence its enduring appeal.

5.5.4 The Legal Conditions of *Jihad*

During his life, the Prophet Muhammad (peace and blessings be upon him) gave various injunctions to his forces and adopted practices toward the

conduct of war. The most important of these were summarised by the Prophet Muhammad's (peace and blessings be upon him) Companion and first Caliph, Abu Bakr, in the form of *Rules for the Muslim Army*:

"People! I charge you with ten rules; learn them well!

1. *Do no betray or misappropriate any part of the booty.*
2. *Do not practice treachery or mutilation.*
3. *Do not kill a young child, an old man, or a woman.*
4. *Do not uproot or burn palms or cut down fruitful trees.*
5. *Do not slaughter a sheep or a cow or a camel, except for food.*
6. *You will meet people who have set themselves apart in hermitages; leave them to accomplish the purpose for which they have done this.*
7. *You will come upon people who will bring you dishes with various kinds of foods. If you partake of them, pronounce God's name over what you eat.*
8. *You will meet people who have shaved the crown of their heads, leaving a band of hair around it. Go in God's name, and may God protect you from sword and pestilence."*

At-Tabari cited in Lewis, 1974

Following the above *Rules for the Muslim Army* and other rulings, jurists of the emerging Schools of Islamic Law, for example Sahnun of the Maliki School in '*The Compendium*' ('*al-Mudawwana*'), drew up '*Five Basic Legal Conditions of Armed Struggle*' (*Jihad*):

1. Armed struggle (*Jihad*) must be declared and fought under recognised Muslim leadership, an *Amir*, *Imam* or a *Caliph* or a modern Leader. This is because an authentic armed struggle (*Jihad*) is fought for the public good of the Muslim community and the preservation of the faith and not for private gain.
2. Armed struggle (*Jihad*) must be openly declared to the enemy who must first be invited to embrace Islam before fighting or to pay the Poll Tax (*Jizya*). This is to prevent killing people who might potentially be Muslim believers and who are protected People of the Book (Christians and Jews).

3. In armed struggle (*Jihad*), non-combatant men, women and children may not be harmed.
4. In armed struggle (*Jihad*), the agricultural and architectural infrastructure of the enemy must not be destroyed or damaged nor may civilian property be pillaged.
5. In armed struggle (*Jihad*), one fifth of all booty must be given to the *Amir, Imam* or a *Caliph* for the upkeep of the Islamic polity.

There is certainly no evidence whatsoever in the accounts of the early Muslim conquests (*futuh*) of suicide as a means of warfare, even when there are accounts of Muslims fighting against incredible odds.

Suicide is not only expressly forbidden in the *Qur'an* (4:29) and the *Sunna*, but also defeated the point of armed struggle (*Jihad*) which was to see human life protected within the parameters of a divinely revealed religious and social dispensation.

This is why the twenty-first century 'cult of martyrdom', and especially suicide 'martyrdom', has nothing to do with the Islamic doctrine of armed struggle (*Jihad*) and everything to do with a nihilistic violent ideology.

5.5.5 Activist and Reformist Islam: attitude to war and violence

The above (Section 5.1.5) would be accepted by Activist Muslims and those influenced by the modernist reformers.

5.5.6 Political Islamism: attitude to war and violence

Political Islamists have tended to prefer the achievement of their goals by peaceful means in a method that is referred to as 'gradualism'. However, the establishment of the 'us' and 'them' outlook can lend itself to the belief that those who are not Muslim can be fought.

5.5.7 Extreme Salafist Islamism: attitude to war and violence

Extreme Salafist Islamism by establishing an absolutely divided world through The Doctrine of Loyalty and Disavowal, while not necessarily advocating violence themselves, actively generates the types of mind-sets that can be prone to violent extremism by de-humanising and denigrating the non-Muslim other as *kuffar* (the infidel) or *taghut* (corrupt tyrants).

5.5.8 Violent Islamist Extremism: attitude to war and violence

Violent Islamist Extremism is dedicated to the establishment of the Islamic State by violence. Characteristically, Violent Islamist Extremist texts attempt to justify:

1. *Jihad* as the sixth obligatory 'pillar' of Islam in addition to the Five Pillars of Islam listed in Section 5.3.5, above. In some Violent Islamist Extremist accounts, violent *Jihad* even takes precedence over the Five Pillars of Islam (Azzam, 2001).
2. *Jihad* as an individual obligation on every Muslim (*fard al-'ayn*), rather than as a collective obligation (*fard al-kifaya*) if an authorised Muslim State is under attack (Azzam 2002).
3. Suspension of the laws of *Jihad* in *Shari'a* as outlined above. For example, 'collateral damage' in the form of the death of innocent, non-combatants in suicide attacks are justified by recourse to de-contextualised medieval texts.
4. Unauthorised 'leaderless' *Jihad* is also justified in the same way.
5. The innocent 'execution' (murder) of wrong-Muslims or 'collaborators' with the *kuffar* without trial.

Violent Islamist Extremists limit the complex, multi-layered meaning of *Jihad* to violent, armed *Jihad* and then proceed to flout its most basic legal limits. Thus, the violence that Violent Islamist Extremists perpetrate cannot be considered *Jihad* at all.

5.6 People and texts

It can be misleading to categorise people and texts, since both people and texts can and do shift across categories. They can also be used in different contexts to justify different beliefs and actions that range from the completely legitimate to the totally illegitimate. Nevertheless, with great caution, some indication may be helpful.

5.6.1 People and texts: Islam

- a. Teachings from Imam Malik ibn Anas, Imam Abu Hanifa, Imam Ahmad ibn Hanbal and Imam Ahmad ash-Shafi'i and derivatives from the founders of these Four Canonical Schools of Islamic Law.
- b. *Hadiths* from Sahih al-Muslim and Sahih Al-Bukhari, Tirmidhi, Abu Dawud, Hadith Qudsi, An-Nawawi. It should be noted that decontextualised, usually single (*ahad*) *hadiths*, including those from these authentic collections are also used to justify Violent Islamist Extremism.
- c. Imam Al-Ghazali, Muhammad Hashim Kamali, Tariq Ramadan.
- d. The vast majority of mainstream writers on Islam.

6.3.1 People and texts: Activist Islam

All of the above plus Muhammad 'Abduh, Muhammad Abu Zahra, Yusuf Al-Qaradawiⁱⁱ and others.

6.3.2 People and texts: Political Islamism

- a. Hassan Al-Banna and others, typically from the context of the Muslim Brotherhood.
- b. Abul A'la Maududi.
- c. The hallmark of Political Islamism is that Islam is redefined as, first and foremost, a political ideology.

6.3.3 People and texts: Extreme Salafist Islamism

- a. Sayyid Qutb whose work '*Milestone's* has had an enormous influence in terms of generating Extreme Salafist Islamism and Violent Islamist Extremism.
- b. The book '*Milestones*' in itself can be considered an example of Extreme Salafist Islamism, although editions of it have been published with appended Islamist *fatwas* that can be considered to be violently extreme.

6.3.4 People and texts: Violent Islamist Extremism

- a. 'Abdullah Azzam the 'godfather of Jihad' (see Section 13.6, below).
- b. Muhammad 'Abdus Salam Faraj 'inspired' the assassination of President Anwar Sadat on Egypt.
- c. Osama bin Laden former leader and founder of Al-Qaeda.
- d. Ayman az-Zawahiri current leader of Al-Qaeda.
- e. Anwar al-Awlaki the first Al-Qaeda internet ideologue.
- f. Ibn Taymiyya a 13th century theologian-jurist who has been appropriated by Violent Islamist Extremists to justify appalling acts. He is rarely read in the original or in full and is almost always misunderstood.
- g. Ibn Hazm an eleventh century Andalusian jurist from a now defunct *Zahiri* School of Law who is often appropriated by Violent Islamist Extremists ideologues because of his extreme views on *Jihad*.

6. The role of the Chief Imam of a mosque

6.1 The BBC's instruction:

1. *Please give a brief overview of the role and duties of a Chief Imam at a mosque insofar as they bear on giving religious guidance and education including attitudes towards non- Muslims. In particular, please state:*

(i) *what the role (if any) of the Chief Imam and the Management Committee are in relation to such matters;*

(ii) *Whether a Chief Imam (as distinct from the Management Committee) has or can have a role in choosing which speakers attend a Mosque;*

(iii) *the role of the Khateeb at a Mosque and the role of the Chief Imam in giving seminars or topic related study groups;*

(iv) *the general influence of a Chief Imam in terms of religious guidance both in the Mosque and in making wider statements to the Muslim community.*

2. *Please state from your own experience the extent to which Muslims may access on the internet speeches or other material by persons of standing within the Muslim community (such as the Claimant)?*

6.2 Overview of the typical religious and educational roles and duties of a Chief/Head Imam of a mosque

Typically, the Chief (more normally called 'Head') Imam of a mosque would be responsible for setting the overall religious and educational tone of a mosque in its capacity as a hub for the performance of the five Obligatory Prayers in congregation (*jama'*), the establishment of the Obligatory Friday Congregational Prayer (*Jumua'*) and its duty to educate Muslims, especially children, of the community in the Obligatory Basics (*fara'id*) of Islam.

6.3 The religious role and duties of the Chief Imam

- 6.3.1 He (and in traditional Islam, the Imam is always a male) would have responsibility for:
- 6.3.2 The establishment of the Five Daily Prayers at their prescribed times. Relatedly, the Chief Imam would issue prayer timetables, ensure the mosque website was updated with Prayer schedules and, usually, lead some if not all of the Five Daily Prayers in congregation on a daily basis and delegate other Imams (or community figures) to lead the others;
- 6.3.3 The establishment of the Obligatory Friday Congregational Prayer (*Jumua'*). This would usually include setting the theme for the Obligatory Friday Sermon (*khutba*) in order to remind congregants to worship and obey God and to give guidance about issues of the day.
- 6.3.4 At a large Community (*Jami'*) mosque, the theme of the Friday Sermon might be set by the Chief Imam in conversation with a small committee of other Imams who also give the sermon (*Imam Khateeb*). If there was a controversial event to which the Friday Sermon was responding, the Management Committee/Trustees might be consulted but usually, in my experience, they would not.
- 6.3.5 Usually, the Chief/Head Imam would be the lead *Imam Khateeb* (sermon-giving Imam) and would deliver a substantial proportion of the Friday sermons himself. Thus, the Chief/Head Imam would be responsible for both the religious tone and practical points of guidance received by the local community of Muslims week-in-week-out.
- 6.3.6 Some big Community (*Jami'*) mosques in the UK such as the Central London Mosque and the West Ealing Mosque, have a number of different *Imam Khateeb*s precisely to bring variety to the tone of the religious message delivered in the Friday Sermon. The Mosque Management Committee would normally be part of the process of selecting people who deliver the Friday Sermon on a regular basis in consultation with the Chief Imam.
- 6.3.7 Occasionally at Community (*Jami'*) mosques, an outside speaker will be invited to deliver the Friday Sermon or to give a talk on a pertinent

religious theme, for example, the life and example of the Prophet Muhammad (peace and blessings be upon him). The Chief Imam would often choose the outside speaker and issue this invitation himself normally, in my experience, with the approval of the Management Committee.

- 6.3.8 Mosque Management Committees tend to respond to complaints by congregants about the Friday Sermon rather than setting the tone or theme of the sermon themselves.
- 6.3.9 In especially large Community (*Jami'*) mosques, such as the East London Mosque, the mosque will have lecture/conference facilities which will be rented out to outside organisations for events. This process would often be done entirely through the Management Committee without the involvement of the Imam(s).

6.4 The educational role and duties of the Chief *Imam*

- 6.4.1 Likewise, the Chief Head/Imam has a core role in setting the educational tone and syllabus of the religious instruction delivered from the mosque.
- 6.4.2 The Chief Head/Imam's educational function usually has three main components:
- a. children's religious instruction,
 - b. adult religious instruction,
 - c. a public educational dimension.

6.5 Mosque-based children's religious instruction

- 6.5.1 Mosque-based children's religious instruction, overseen by the Chief Imam, normally revolves around the memorisation of the Qur'an, the Book of Islam, a process which is normally accompanied by an explanation of its meanings and teaching about the life (sirah) of the Prophet Muhammad (peace and blessings be upon him).
- 6.5.2 Most mosques of any size will offer daily after-school Qur'an classes, which typically last for 1-hour.
- 6.5.3 The Chief Imam will usually be at the centre of this teaching process

himself with a circle of his own students. In large Qur'an circles (*madaris*), he will delegate part of the instruction to other local Qur'an transmitters (*Qaris*) or giving his most accomplished students a teaching role for the beginners and the youngest children.

- 6.5.4 Increasingly, as Muslim communities in Britain become settled communities rather than immigrant communities, mosques provide youth-club-style-edu-tainment, perhaps by offering a space for a martial art or something similar. The Chief Imam will typically have a role in selecting what is offered to the youth.
- 6.5.5 Some mosques such as the East London Mosque, will also offer after-school revision/booster classes for children in normal school subjects, as well as religious instruction, in which the Chief Imam is unlikely to be directly involved.

6.6 Mosque-based adult religious instruction

- 6.6.1 In addition to the religious instruction of the local Muslim community's children, the Chief Imam will also be responsible for the education of the Muslim community's adults.
- 6.6.2 Often, although not always, adult mosque-based education is on a less regular and more *ad hoc* basis than the education of children. This is partly because the responsibilities of adults mean that they cannot make such a regular commitment to education.
- 6.6.3 Typically, the adult education for which the Chief Imam will be responsible will consist of:
1. teaching the basic obligations of Islamic law (*Shari'a*) that pertain to the daily conduct of the Muslim's religious obligations, such as the Obligatory Prayer. This type of adult religious instruction is often relevant to and attended by adult converts to Islam;
 2. teaching basic Arabic that pertains to, for example, the conduct of the Obligatory Prayer;

3. sermons/seminars about pertinent topics, such as issues that arise at schools where Muslim children attend in large numbers;
4. sometimes, adult education will involve the invitation of well-known itinerant preachers both from the UK and from across the Muslim-world and elsewhere. The selection of these speakers would be the responsibility of the Chief Imam, usually made in consultation with and with the approval of the Management Committee.

6.7 Public education overseen by a Chief Imam

- 6.7.1 Increasingly in a digital age, the Chief Imam will be responsible for the issue of Press Releases or public online statements from the Mosque about notable local, national and international events. These statements will sometimes be derived from the Friday Sermon.
- 6.7.2 In especially large mosques, the mosque may employ a designated Public Relations officer who will communicate the mosque's message with the Chief Imam.
- 6.7.3 As such, the online profile and spiritual guidance issued from a mosque may be influential in the local community. For example, the Lewisham Islamic Centre publishes some of the Claimant's sermons on Youtube, for example: https://www.youtube.com/watch?v=yPcRyVXF_8 Nevertheless, in my experience, the religious influence of the Chief Imam and of mosques in general is still brought to bear most forcefully through the power of the Friday Sermon and the Imam's regular face-to-face religious homilies.
- 6.7.4 The Chief Imam will also be on-hand to meet, greet and brief local dignitaries, such as the local MP and other faith leaders, about the function and activities of the mosque and will normally be the public face of the mosque.

6.8 Summary

- 6.8.1 In summary, the role of the Chief Imam of a large mosque is analogous to the role of the manager of a football club. He has ultimate responsibility

for the content, vision and the tone of the religious practice and instruction based at a mosque. The Chief Imam will usually be guided, advised and, when necessary, constrained by other Imams or religious officers at the mosque and by a Mosque Management Committee and/or Board of Trustees.

- 6.8.2 The extent of the relationship between the Chief Imam and the Management Committee is very varied. In some, especially in small mosques, the Imam will be more-or-less left to his own devices in the daily running of the mosque. In others, especially big community mosques, the Chief Imam's activities will be more closely observed by the Management Committee.
- 6.8.3 The influence and teaching of the Chief Imam will be amplified through an online presence. However, Chief Imam's main influence is still likely to be through face-to-face interactions with local congregants of Muslims.

7. Access by Muslims on the internet to speeches or other material by persons of standing within the Muslim community (such as the Claimant)?

- 7.1 The internet is a powerful global force for good and bad in the dissemination of both Islamic and Islamist ideas and behaviours. There is so much Islamic activity online that commentators have coined the phrase digital Islam to describe a distinct Islamic phenomenon (Bunt 2003).
- 7.2. It is quite common for Muslims to convert to Islam online - although the validity of such conversions is questionable - and to find Islamic instruction through online Islamic chat-rooms and the like.
- 7.3 There is a compendious quantity of Islam-related material online ranging from authoritative volumes of *ahadith* (sayings of the Prophet Muhammad (peace and blessings be upon him) and canonical commentaries (*tafsir*) of *Qur'an*, to Islamic websites of completely unqualified online individuals issuing 'legal judgements' (*fatawa*) of the most dubious and sometimes dangerous quality.
- 7.4 Almost all Muslim preachers that aspire to influence cultivate an online presence.
- 7.5 The speeches of 'celebrity' Islamic speakers and preachers, such as Sheikh Hamza Yusuf, Professor Tariq Ramadan and Dr. Zakir Naik, are downloaded and viewed in their tens, even hundreds, of thousands.
- 7.6 The speeches and sound-bites of less savoury and even violent Islamist speakers, such as Musa Cerantino (1984-present) and the late Anwar Al-Awlaki (1971-2011), also command a global audience of hundreds of thousands.
- 7.7 There is a large internet traffic in relevant snippets of celebrity violent

extremists such as the late 'Abdullah Azzam (1941-1989) and classical jurists such as the Damascene ibn Taymiyya (1263-1328) in which social media *fora* play a significant role. These snippets are often used completely out of context in a way that was never intended by the original speaker.

- 7.8 Young Muslims in particular will be inclined to follow the speeches of their favourite scholars online and are likely to exchange Islamic views with co-religionists on social media.

8. Jihad

8.1 The BBC's instruction:

1. *Please explain the various different meanings of the word "jihad" as that term is understood and used today. In particular, please state whether (as stated by the Claimant at pages (74)-(77) in particular in the Deviant Groups speech referred to below) and to what extent there are different religious and linguistic meanings of the word, and if so, how these are defined and to be distinguished, and the extent to which context is important.*
2. *Does the term "jihad in the path of Allah" have a particular meaning (or meanings) within the range of meanings discussed under 3, and, if so, which?*
3. *Please give a brief overview of the different approaches to 'jihad' in the specific sense of 'holy war' in Islamic theology/ideology, and how it relates to the treatment of non-Muslims more generally, stating whether there is a discernible line between moderate and extreme positions and, if so, how that line is best defined. Please state the importance of these approaches in terms of any risk of radicalisation in contemporary society.*
4. *Please consider the following speeches referred to in the Amended Defence and give your interpretation of the speech in terms of whether it advocates jihad and, if so, to what extent and in what sense, and whether you consider the position taken to be moderate or extreme. Obviously the Court can assess ordinary English for itself, but will look to you for any perspective particular to a Muslim audience and Muslim theology/ideology as mentioned above.*

8.2 Explanation of the word 'Jihad' as understood and used today

- 8.2.1 The word *Jihad* is an Arabic participle which simply means 'striving' or 'making an effort'.
- 8.2.2 In *Qur'anic* usage (for example *Qur'an*, 9:24) and in contemporary religious understanding, *Jihad* is short for *Jihad fiy sabilillah* which means 'striving in the cause (literally 'path') of God' (Afsaruddin, 2013).
- 8.2.3 This is, in fact, exactly how religious jurists (*'ulema*) of Islam have traditionally described the difference between the linguistic and the religious meaning of *Jihad* (Kamali, 2013).
- 8.2.4 In the religious meaning of *Jihad*, the words 'in the cause of God' (*fiy sabilillah*) are understood, so the *religious* meaning of *Jihad* is 'striving or exerting oneself in the cause of God.'
- 8.2.5 Any struggle or exertion that is made with the intention to please God either by the establishment and preservation of Islam, by God-fearing behaviour or by performing permitted (*halal*) actions (see Section 5.3.4) to the best of one's ability can and has been described as 'religious *Jihad* in Islam' (Shaltut, 2013).
- 8.2.6 This is the case now, as it was in the time of Muhammad (peace and blessings be upon him) when *Jihad fiy sabilillah* included striving to establish the Obligatory Prayer, striving to memorise and teach the *Qur'an*, striving to call people to worship of One God, striving to care for orphans and the needy, etc. (Hayward, 2013).
- 8.2.7 For example, in Islam it can be an act of *Jihad* to perform the Obligatory Prayer on time during a busy working day. It can be an act of *Jihad* to give money in charity when one is hard-up oneself. It can be an act of *Jihad* to forgive someone who has acted unjustly towards one. It can be an act of *Jihad* for a teenager to revise for his/her exams when s/he would rather be outside socialising with friends. It can be an act of *Jihad* to perform voluntary days of Fasting outside the month of Ramadan. It can be an act of *Jihad* to speak the truth in defence of an unpopular colleague or friend at school. It can be an act of *Jihad* to oppose and try to change one's own bad habits. It can be an act of *Jihad* to protest against an unjust

government policy. All these are acts of *Jihad* if the intention of the believer is to serve God and the principles of justice and the common good.

- 8.2.8 None of the 36 verses of the Qur'an that mention *Jihad* explicitly mention *Jihad* as an armed struggle, although 10 of them are mentioned in contextual relationship to armed combat in defence of Islam (*qital*).
- 8.2.9 The *Qur'anic* word for armed defensive combat is not *Jihad* (striving) but *qital* (fighting). It is only during the later doctrinal formulations of *Jihad* as 'striving in the path of God' that *qital* was included officially as one of the many forms of striving in the path of God (*Jihad fiy sabilillah*).
- 8.2.10 When Islam and the Muslim community and its non-Muslim allies (*ummah*) were threatened by a war of annihilation from their pagan Qureishi opponents during the Medinan period of Muhammad's (peace and blessings be upon him) mission (622-633 CE), and if all other means of negotiation had defensive warfare against a clear aggressor by force of arms failed, the *Qur'an* gave Muhammad (peace and blessings be upon him) permission for defensive combat:

"Permission to fight is given to those against whom war is made, because they have been wronged — and God indeed has power to help them. Those who have been driven out from their homes unjustly only because they said, 'Our Lord is Allah' — And if God did not repel some men by means of others, there would surely have been pulled down cloisters and churches and synagogues and mosques, wherein the name of God is oft commemorated. And God will surely help one who helps Him. God is indeed Powerful, Mighty.

Qur'an, 22: 40-41

- 8.2.11 At a later period, during the formalisation of the doctrines of Islam, *qital* (fighting) was included by jurists as one of many forms of *Jihad* identified in the *Qur'an* and the *Sunna* (Winter, 2010).

8.2.12 Traditionally, as explained in Section 5.5.2, religious jurists divided *Jihad* into at least four categories:

1. *Jihad* of the heart (*jihad bil qalb/nafs*)

This is concerned with combating the evil insinuations of the ego and the devil. This type of *Jihad* was regarded classically as the Greater *Jihad* (*al-jihad al-akbar*) as it concerns the daily business of training the rebellious ego to obey God's injunctions.

2. *Jihad* by the tongue (*jihad bil lisan*)

This is concerned with speaking the truth and spreading the word of Islam.

3. *Jihad* by the hand (*jihad bil yad*)

This refers to choosing to do what is right and combating injustice and what is wrong with action. We might call this 'activism'.

4. *Jihad* by the sword (*jihad bis saif*)

This refers to armed fighting in the way of God (*qital fi sabilillah*), the final resort if other types of *Jihad* fail and the integrity of the Islamic religion and safety of the Muslim community is threatened by an aggressor.

Others, such as Ibn Qayyim al-Jawziyya (1292–1350), divided *Jihad* into 16 categories of which only one category was armed combat (*qital*).

8.2.13 The conflation and reduction to *Jihad* (striving in the cause of God) with/to *qital* (armed defensive combat) is largely due to the resurrection and appropriation of the idea of struggling for Islam in the twentieth century within the context of armed insurrectionist Islamist groups, such as Islamic Jihad, Hisbollah, Al-Qaeda and Islamic State and the powerful effects on Muslim self-consciousness of the Afghan Jihad in defeating the Soviet occupation of Afghanistan.

8.2.14 This means that in the last thirty years the one branch of the doctrine of *Jihad* as armed struggle (*Qital*) has completely monopolised the meaning of the word *Jihad* both in the Muslim-majority world and the Western media.

8.2.15 This means, regrettably, when both Muslim and non-Muslim commentators use the word '*Jihad*', they are almost always referring to '*qital*' (armed combat).

8.3 What are the distinctions between mainstream/moderate and extreme interpretations of the doctrines of *Jihad*

8.3.1 There are three main areas in which one can distinguish between mainstream/moderate and extreme interpretations of the doctrines of *Jihad*:

1. the reduction of *Jihad* (striving in God's cause) to *qital* (armed combat);
2. the observation or ignoring of the conditions for declaration of armed *Jihad*;
3. the observation or ignoring the regulations governing the conduct of armed *Jihad*.

8.3.2 An interpretation of *Jihad* that reduced *Jihad* to *Qital* and ignores peaceable notions of *Jihad* would *a priori* be extreme and, probably, symptomatic either of ignorance of the broader meanings of '*Jihad*' or of a violent Islamist extremist worldview more generally.

8.3.3 The distinction between mainstream/moderate notions of armed *Jihad* (*qital*) and extreme ones lie in the observation or violation of the conditions for its declaration and the regulations of its conduct.

8.3.4 The conditions for the declaration of armed defensive combat are as follows (Kamali, 2013 and Gomaa, 2013):

1. all peaceful avenues for the avoidance of armed defensive combat, such as international diplomacy, must have been explored and exhausted before war is declared;
2. armed defensive combat must be declared against a direct, open and known armed aggressor and this would never include, for example, civilian populations;

3. armed defensive combat must be declared by the appointed/elected and recognised leader of a Muslim political entity against a declared and clear aggressor, except in direct self-defence by ambush;
4. armed defensive combat must be declared to protect the religion, persons and property of those who have been wronged and not for personal gain;
5. in classical Islamic circumstances, the enemy should either have been invited to Islam or invited to pay an exemption poll-tax (*jizya*) before hostilities commence;
6. in modern times, this means that international peace treaties and agreements must not be breached (Kamali, 2013).

8.3.5 In this regard, one can clearly see that terrorist insurgency, leaderless 'Jihadist' attacks against civilians or aggressive war against another country or people cannot constitute *Jihad* and would therefore constitute extreme interpretations of *Jihad*.

8.3.6 In terms of the conduct of *Jihad*, it must not transgress clear boundaries laid out in the *Qur'an* and the *Sunna* of the Prophet Muhammad (peace and blessings be upon him) (*Qur'an*, 2:190-194). These stipulations of the ethics of just armed combat are as follows:

1. the combat must be proportionate and only such force as is necessary to defeat the enemy must be used;
2. only combatants may be fought;
3. crops and civic infrastructure must not be damaged;
4. looting and plunder and property violation are prohibited;
5. the use of human shields is forbidden;
6. prisoners of war must be humanely treated.

- 8.3.7 Under these regulations, indiscriminate suicide violence and the use of excessive violence against an enemy, including the torture or the murder of prisoners of war would constitute extremist violation of the regulations of *Jihad*.
- 8.3.8 The complete observation of these conditions is vital to protect the integrity of religious armed struggle in Islam. If these conditions are not fulfilled, a religious *Jihad* is not being fought (Gomaa, 2013).
- 8.3.9 Violent Islamist extremists such as 'Abdullah Azzam (1941-1989), Osama bin Laden (1957-2011) and Muhammad al-'Adnani (1977-present) have moved to loosen and/or ignore both the conditions and regulation of armed *Jihad* in order to justify 'leaderless' ideologically-inspired terrorism against non-combatant civilians, for example in the attacks of 9/11 and 7/7.
- 8.3.10 Once these conditions and regulations are removed, given the historical appeal of fighting in the cause of God, the idea of *Jihad* can and is being used as a powerful tool of violent Islamist radicalisation, especially, although not exclusively, for young Muslim males.

8.4 The representation of Jihad in pages 74-77 of the DEVIANT GROUPS (2009) speech

8.4.1 In pages 74-77 of the DEVIANT GROUPS (2009) speech, the Claimant misrepresents correct understandings of *Jihad* in Islam in three clear ways:

1. First, the Claimant abuses the classical Islamic notion that words have a linguistic and a religious meaning by claiming that "it [*Jihad*] has a religious meaning, which is fighting physically against the enemies of Islam" (p.75, ll.10-11).

In the early, classical and modern periods of Islam, the 'religious meaning' of Jihad was 'striving in the cause of God' (*Jihad fiy sabilillah*), it has never meant 'fighting physically against the enemies of Islam' (Afsaruddin, 2013). As I have explained above, *Jihad* has a whole variety

of very practical manifestations, only one of which under stringent conditions is fighting (*qital*) against the enemies of Islam.

2. Thus second, the Claimant reduces the broad doctrine of *Jihad* (struggling in the path of God) to the narrow notion of *qital* (fighting to defend Islam), ignoring all its possible peaceful manifestations.

In this regard, it should be noted that in both the saying (*hadith*) of the Prophet Muhammad (peace and blessings be upon him) and the *fatwa* of Sheikh Abdul Aziz bin Baz (1919-1999) who was the former Grand Mufti of Saudi Arabia from 1993-1990 that are quoted by the Claimant on **p.75**, *Jihad* does not of necessity mean 'fighting', but clearly does mean 'striving in the path of God'.

3. Third, even within the notion of *qital* as armed *Jihad*, the Claimant omits to mention the clear *Qur'anic* injunction (*Qur'an*, 2:190) that a Muslim may only fight "the enemies of Islam" if "the enemies of Islam" are actively fighting you. If those who may or may not be the enemies of Islam are at peace or sue for peace with Muslims, it is an inviolable *Qur'anic* principle (*Qur'an*, 2:193) that peaceful relations must be maintained or sought.

- 8.4.7 These are the circumstances of the *Qur'anic* verse 2: 216 quoted by the Claimant on **pp.76, ll.19 - 20 and p.77 l.1**, "Fighting [*Qital*] is prescribed for you although you may dislike it".

At the time of the revelation, the Prophet Muhammad (peace and blessings be upon him) and the Muslim community and its allies faced an all-out war of annihilation from the Meccan Qureish tribe and their allies in violation of previous treaties. In these circumstances of the struggle to defend one's life, religion and interests, defensive combat becomes obligatory in Islam. However, note that the *Qur'anic* word used in these verses is *qital* (armed combat) and not *Jihad* as implied by the Claimant on these pages.

8.5 Summary

In this reduction and conflation of 'striving in the path of God' (*Jihad fiy sabilillah*) to armed combat (*Qital*) and its failure to articulate of the Qur'anic conditions and regulations of *Qital*, I regard the interpretation of the Islamic doctrine of *Jihad* as presented by the Claimant in these pages as a violent, extreme, partial and misleading to a young British Muslim audience.

9. KINGSTON (2006)

9.1 The BBC's instruction:

This speech was given by the Claimant to male and female students at the Islamic Society at Kingston University speech at 4.6 of the Amended Defence (and see also the fuller transcript made by Abul Taher, a Sunday Times journalist, contained in an email he sent to 'press@kingston.ac.uk' at 15:36 on 20 October 2006 at tab 4 of file C (Further documents and recordings)). It is common ground that it took place in the year after the London bombings in July 2015. On the assumption that Mr Taher's e-mail fairly transcribes part of this speech, set out how you think such a young Muslim audience would have understood in context its reference to jihad.

9.2 The argument of the Claimant in the Kingston University speech

9.2.1 There are three parts of the argument of the Claimant during this speech made at Kingston University in 2006:

1. That armed *Jihad* is like a Muslim woman wearing the *hijab* (Islamic headscarf), in that it is a religious obligation and it is something of which Muslims should be proud rather than ashamed.
2. That the various insurgencies and struggles undertaken by Muslims in the name of *Jihad* in Palestine, Chechnya, Kashmir and Iraq in recent decades are not acts of terrorism but rather authentic Islamic Jihad.
3. That it is legitimate and desirable for members of what can assumed to be a largely British national Muslim audience to be "practical" about their religion ("*deen*") and to "take some money go to Palestine and fight, fight the terrorists, fight the Zionists in Palestine" in order to reclaim "the practicalities of the *deen* of Islam".

9.2.2 I will take each point in turn before I address the sense in which a young Muslim audience would have understood *Jihad* in this context.

- 9.2.3 The argument that armed Jihad (*qital*) is like the wearing of the *hijab* by Muslim women and generally dressing modestly is a spurious one. There is a consensus amongst Muslim scholars that the *hijab* for women (and for men in different ways) is an individual religious obligation (*fard al-'ayn*). In other words, under any circumstances (except persecution) if a Muslim woman does not cover her hair and neck in public she has committed a sin.
- 9.2.4 Armed Jihad (*qital*) by contrast only becomes an individual religious obligation if a Muslim's life or religion is directly threatened by an aggressor as explained in Sections 8 and 5, above. In normal daily circumstances, *Jihad* does not pertain except in the broader sense of *Jihad* as the on-going peaceful struggle to establish Islam in one's life and to please God.
- 9.2.5 As far as the struggles in Palestine, Chechnya, Kashmir and Iraq are concerned, there is no doubt that in all of these places, Muslims have historically suffered persecution, displacement and other assorted injustices often at the hands of legitimate and internationally recognised States.
- 9.2.6 However when an armed struggle/resistance violates the conditions and regulations of armed *Jihad* laid out in Section 8 (above) by, for example, targeting civilians or using humans as a shield, these struggles would constitute terrorism in Islam and not *Jihad*, even if the cause were just (Dagli, 2013).
- 9.2.7 Therefore, a blanket description of these conflicts as legitimate armed *Jihad* is undoubtedly simplistic and misleading.
- 9.2.8 It should be remembered that in the recent struggles in Iraq and Afghanistan, for example, Muslim civilian populations have suffered in vastly greater numbers at the hands of Muslim insurgent groups perpetrating 'informal' and unannounced acts of violence in the name of *Jihad* than they have as a result of non-Muslim military intervention.
- 9.2.9 Furthermore, in answer to point three, it would not constitute a legitimate

Jihad for a citizen of a State such as Britain, in which Muslims reside in a contract of citizenship and peace, to travel to a war zone and take up arms against another State with whom Britain exists in a state of peace and under international treaties, even if that State was acting unjustly.

- 9.2.10 As far as a British Muslim audience is concerned these conditions of persecution do not exist in Britain where Muslims are permitted to establish and propagate Islam and are entitled to the same rights to protection of our property, persons and honour as any other citizens. Under such circumstances, Muslims like everyone else are required to obey the Law of the Land.

9.3 The messages about Jihad contained in the KINGSTON (2006) speech.

In my opinion, there are three messages about *Jihad* that would have been absorbed by a young Muslim audience as a result of listening to and trusting the message of this KINGSTON (2006) speech:

1. That armed combat (*qital*) is an individual religious obligation like Muslim women wearing the Islamic headscarf - *hijab* - and an intrinsic part of being a proper observant Muslim.
2. That all the various contemporary insurgencies conducted by Muslims constitute armed *Jihad* in some way regardless of their nature.
3. That it is legitimate and desirable for a young British Muslims to join an armed insurgency/resistance struggle such as the on-going Arab-Israeli conflict as an act of religious *Jihad* in order to demonstrate their 'practical' and proper commitment to the religion of Islam.

10. THE ADVICE TO TAWFIQUE CHOWDHURY (2009)

11.1 The BBC's instruction:

Please consider the speech made by Tawfique Chowdhury and the position which he sets out in his speech to anti-terror police chiefs in Cardiff in early December 2008.

Please state what you understand Mr Chowdhury's stance to be and whether it represents any particular known Muslim standpoint in terms of theology/ideology, and its positioning in the context of the matters discussed under 5. above.

What is Mr Chowdhury's position and standing within the Muslim academic world? Is he (as pleaded at 4.7.2 of the Amended Defence) a well-known and highly respected Muslim scholar? Is his AlKauthar Institute well-known?

Please provide a brief explanation of the following terms used by Mr Chowdhury:

"daees";

"mashaikh",

"Wahhabi",

"khwarij".

Please state how (if at all) and to what extent the Claimant's response assists in identifying his position in terms of Muslim theology/ideology including the import of his last paragraph and its reference to "those of whom Allah makes mention in His Book".

11.2 The argument conveyed by by Tawfique Chowdhury in his speech, *Muslim Scholars - West's Natural Allies in Fighting Scourge of Terrorism* runs as follows:

- a. Counter-terror initiatives by Western governments have often indiscriminately and ignorantly targeted mainstream, moderate Muslims as part of the problem of terrorist extremism, in particular *Salafi* Muslims.
- b. This means that the Islamic work of legitimate peaceful *daees* ('those who call to Islam') such as missionaries and *mashaikh* ('teachers of Islam') have been obstructed and confused with the propagation of violent extremism.
- c. Wahabi scholars, i.e. those scholars who identify with the teachings of Muhammad ibn Abdul Wahab (1703-1792) the dominant Salafi position and position of the Saudi State have been particularly maligned. This is unfair since Wahabi scholars have been at the forefront of the Muslim denunciation of terrorism².
- d. The argument continues that Muslim scholars who are themselves best equipped with the networks and thinking to deal with Islamist extremism have often been sidelined in the struggle against terrorism.

² Wahabi Islam is named after Muhammad ibn Abdul Wahab (1703-1792). Ibn Abdul Wahab was an 18th century religious reformer from the Najd region in the Arabian Peninsula who opposed what he regarded as the religious innovations of Ottoman *Sunni* Islam and propounded what he regarded as a purified Islam of the earliest generations of Islam (*Salaf*). Because they follow the *Salaf*, followers of Muhammad ibn Abdul Wahab are also known as *Salafi*.

After ibn Abdul Wahab teamed up with Muhammad ibn Saud of the Saudi family, this theological-political partnership between *Salafi* Islam and Saudi tribal power and authority became the basis of the modern Saudi State. This *Wahabi-Saudi* regime came to the fore as the ruling elite in the Hijaz with British sponsorship after the First World War (1914-1918) and capitalised on the discovery of tremendous oil wealth from the 1940s onwards to consolidate its power and influence as the leader of Sunni Islam in the Middle East.

- e. Independent Islamic scholarship has a long history of identifying and combating terrorists since the days of the early *khawarij* sect³.
- f. The religious sources of Islam and the scholars that know about them are the best resource to combat religious extremism from within Islam itself.
- g. A broad range of scholars needs to be identified by governments to build a four-point counter-extremism strategy by:
 - i. building theological resilience against extremism within the Muslim youth;
 - ii. countering media hostility against mainstream Muslim organisations which stokes extremism;
 - iii. encouraging the proactive citizenship participation of Muslims;
 - iv. mobilising and drawing upon the historical links of Muslims with local UK communities in, for example, Cardiff and Wales.

11.3 The theological stance of Tawfiq Chowdhury in his speech *Muslim Scholars - West's Natural Allies in Fighting Scourge of Terrorism*

10.3.1 I would characterise the theological stance conveyed by Tawfiq Chowdhury in his speech *Muslim Scholars - West's Natural Allies in Fighting Scourge of Terrorism* as a mainstream *Salafi* Muslim position. I make this decision for the following reasons:

- a. It is mainstream in that it expounds an argument with which a lot of mainstream Muslims would have sympathy in its claims that a lot of potential Muslim allies have been alienated and sidelined by Western

³ The *Khwarij* which means 'those who left the mainstream body of Islam' were a violent sect who opposed the political leadership of the Caliph 'Ali through violent insurrection in the first century of Islam. They claimed that no human leadership had the political right to lead Islam which belonged to God alone.

Governments in the struggle against extremism, who are unable to distinguish between different types of Muslims and Islamist extremists.

- b. I also believe that many Muslims would agree with the fact that the theological resources of Islam are the best place to start combating extremism and that they have been under-recognised on the struggle against terrorism.
- c. It is *Salafi* in its obvious sympathy and empathy for those who follow the teachings of Muhammad ibn Abdul Wahab, including the Grand Mufti of Saudi Arabia.
- d. It is clearly Muslim in its respect for the primary sources and the theological and jurisprudential traditions of Islam, in its clear rejection of extremist violence and terrorism and in the strategy that it proposes for combating extremism which shows a traditional Muslim respect for civic engagement.

11.4 The standing of Tawfique Chowdhury and the Al-Kawthar Institute

- 10.4.1 I would describe Tawfique Chowdhury (1977-present) as a popularist Muslim intellectual who has built up a considerable following and is "well-known and respected" amongst some young Salafi Muslims in the English-speaking world.
- 10.4.2 He is not a respected scholar of Islam in the sense of being a renowned Muslim *'alim* (religious-jurist) such as Tariq Ramadan, Yusuf al-Qaradawi or Ali Gomaa of Al-Azhar University.
- 10.4.3 Likewise, the staff of the Al-Kawthar Institute such as Hamza Tzortzis are well-known popularist speakers in certain *Salafi* Muslim circles and make regular appearances on Muslim community *fora* in the UK such as the Islam Channel, but do not have an international reputation as Muslim thinkers or scholars of particular standing.
- 10.4.4 They are equivalent, perhaps, to well-known Christian evangelists in the United States who would be respected by their constituencies but be

unrecognised as theologians of standing such as the late Paul Tillich (1886-1965).

11.5 How (if at all) and to what extent the Claimant's response assists in identifying his position in terms of Muslim theology/ideology

- 10.5.1 The claimant's response provides great assistance in identifying his basic theological position or religious worldview which can be characterised here as *extreme Salafist Islamist* (please see Section 5, above, for further details of the characteristics of *extreme Salafist Islamism*). make this claim for the following reasons:
- 10.5.2 First, the Claimant's writing manifests an absolute Manichean 'Us' versus 'Them' worldview in which the West and its agencies are regarded *a priori* as the enemies of Islam. As part of this Manichean worldview, the struggle against terrorism which in the *ADVICE TO TAWFIQUE CHOWDHURY* (2009) speech is regarded implicitly as a Muslim duty is framed in the response of the Claimant as "a war against Islam at home and abroad". Within this absolutely divided picture of the Muslim versus non-Muslim world, anti-terrorism officers are branded as "*brutal, cunning and oppressive*" and the willingness to work with them to oppose illegitimate violence as "*a deal with the devil.*" This Manichean worldview includes branding Tawfique Chowdhury as being in danger of betraying his "covenant" with God which a Muslim audience would know is tantamount to an accusation of religious hypocrisy (*nifaq*) and branding Chowdhury as a 'wrong-Muslim' who is on the brink of leaving Islam.
- 10.5.3 Second, relatedly, this Manichean worldview is given added force by the Claimant's use of hyperbolic language to characterise the *ADVICE TO TAWFIQUE CHOWDHURY* (2009) speech. For example, "*which [speech] he [Chowdhury] brazenly posted on an Islamic blog. I was deeply shocked and appalled by his enthusiasm for collaboration with a body [anti-terror police] that has failed in its war against Islam and the Muslims at home and abroad. It is deplorable for a graduate of the prestigious university of the Prophet's City to declare himself an ally with the West against Islam...*"

- 10.5.4 Third, related to the above, is the Claimant's disregard for the primary sources, in this case the text of the Chowdhury speech in his efforts to score ideological points.

Chowdhury, for example, never declared himself an "ally of the West against Islam". The main thrust of Chowdhury's argument is that Muslim scholars and Islamic resources have been unfairly *sidelined* in the common struggle against extremist violence and that this has reduced the effectiveness of that shared struggle.

The four-point strategy Chowdhury puts forward is directed primarily at empowering the Muslim community to protect itself against extremism rather than collaborating with the West.

- 10.5.6 The whole effect of the Claimant's ADVICE TO TAWFIQUE CHOWDHURY (2009) is of someone who is more concerned with propagating a strictly divided worldview of 'Us' (i.e., 'proper non-collaborating good Muslims) vs. Them (Infidel and wrong bad Muslims) in the Muslim community rather than of someone who opposes extremist violence.
- 10.5.7 I also note that the nature of the message of the Claimant in ADVICE TO TAWFIQUE CHOWDHURY (2009) is inconsistent with the purported position of the Claimant in Clause 53 of his Witness Statement dated 16.05.2016 where the Claimant states:

53. I believe that the government should not alienate Muslim leaders but rather, engage with credible Muslim Imams, scholars, academics and the wider Muslim community. Working with credible Muslim Imams and scholars in the UK will assist in tackling extremism.

This is precisely the position of Tawfique Chowdhury which the Claimant takes such exaggerated pains to denounce in his ADVICE TO TAWFIQUE CHOWDHURY (2009).

11. DEVIANT GROUPS (2009)

12.1 The BBC's instruction:

Please consider the full terms of the speech given on the subject of Deviant Groups within Islam by the Claimant to an audience at Lewisham Islamic Centre in May 2009 and its materiality (if any) to the question of whether the Claimant preaches jihad and/or whether he does preach jihad "as the greatest of deeds" and/or whether he is or is not extreme.

The BBC's case is set out at paragraph 4.8 of the Amended Defence and the Claimant's response is at paragraphs 13 to 19 of the Amended Reply.

Please explain any significance you attach to Sheikh Abdulaziz BinBaz, from whom the Claimant quotes at length, what the Sheikh stands for in the Muslim community, and how the Claimant presents him.

Please consider specifically whether the speech takes the position for which the Claimant contends at paragraph 17 of the Amended Reply in the light of the extracts relied on by the BBC (especially pages (70] and (74] to [84]) including any additional context which you consider relevant.

12.2 Does the Claimant preach Jihad as the greatest of deed and what is the argument of the Deviant Groups speech?

11.2.1 The argument of the Claimant as regards *Jihad* in **pages 74-84** of the DEVIANT GROUPS (2009) speech runs as follows:

11.2.2 The religious⁴ meaning of *Jihad* is "fighting physically against the enemies of Islam." The Claimant makes this assertion first on **p. 75 II.10-11** and then repeats it under questioning on **p.82 .14** where he says that the meaning of *Jihad* is "*fighting in the path of Allah the enemies of Islam*".

⁴ The Claimant uses the word 'Shari'y' which means 'in Shari'a Law' which he translates as 'religious'.

11.2.3 I have already covered at length in Section 8.2 how the religious meaning of *Jihad* is not and has never been "fighting physically against the enemies of Islam." Jihad religiously-speaking is *Jihad fiy sabilillah* which means 'striving [in a whole variety of ways] in the cause of God', one sub-branch of which is fighting physically against the enemies of Islam when they directly fight you.

11.2.4 Having established (misleadingly) that *Jihad* means religiously "fighting in the path of Allah the enemies of Islam", the Claimant states that *Jihad*, i.e. "fighting in the path of Allah the enemies of Islam" is variously...

...its [Islam's] highest point...[p.75, l. 6] according to a saying of the Prophet Muhammad...

...one of the best methods of getting closer to Allah [p.75, ll. 20-21]

according to a fatwa of Sheikh Abdul Aziz bin Baz...[see Section 11.4, below].

This clearly establishes the fact that here the Claimant teaches that Jihad (in the sense of "fighting physically against the enemies of Islam") is the greatest of Islamic deeds and the pinnacle of Islam, for which he adduces the authority of the Prophet Muhammad (peace and blessings be upon him) himself and the late Grand Mufti of Saudi Arabia, Sheikh Abdul Aziz bin Baz (1910-1999) (see Section 11.4, below).

11.2.5 Jihad thus construed as "fighting in the path of Allah the enemies of Islam" is the highest point of Islam because according to the Claimant..

"it comprises of...supporting and helping the believers and the promotion of the religion of Islam and the making the religion of Allah, the supreme, and the suppression of the Disbelievers and the Hypocrites and destroying the disbelievers and hypocrites..." (p.76. ll. 3-5)

11.2.6 This "fighting in the path of Allah the enemies of Islam" is then described by the Claimant as...

"prescribed...Obligatory...Written for you..." (p.76. II.76)

The Claimant does this by drawing a parallel with Fasting which is "prescribed" in the Qur'an. The Claimant makes it clear that he thinks that fighting, like fasting, is an individual religious obligation. The Claimant fails to mention that just like Fasting, fighting in Islam is governed by strict rules and conditions. The Claimant merely describes it as "prescribed".

- 11.2.7 The Claimant goes on using the authority of *fatwas* of Shaykh Abdul Aziz bin Baz (1910-1999) to present the contemporary struggles in Bosnia, Chechnya and, in particular Palestine, as Islamic affairs and as Islamic Jihads. The claimant adduces Bin Baz in support of his argument (**p.80, II. 7-10**):

"...and by fighting the Jews an Islamic Jihad until the Territory (Israel-Palestine) goes back to its proper people and then he (Bin Baz) says "And make Jihad against the Jews, in an Islamic Jihad until the Territory goes back to its proper people..."

- 11.2.8 Under questioning (**pp. 82 II.16ff**) from his audience the Claimant continues to articulate the virtues of what he takes to be the proper religious meaning of Jihad in terms of the virtues of the martyr who dies in an armed Jihad, during which he *specifically denies* the meaning of Jihad as a daily, inner struggle.

"That we get, you know, to intercede for 70 members of our family, those encouragers towards Jihad, that there will be no punishment of the grave, that they will be in the house of green birds...Paradise that, you know, all our sins will be forgiven? No. So it's not the struggle, the inner struggle that we go through every day that it's referring to, it's referring to physically fighting and the rewards attached to it [...] so it's referring to a specific struggle, which is referring to fighting."

12.3 Is the interpretation of Jihad expounded in this argument extreme?

- 11.3.1 I regard the interpretation of Jihad expounded by the Claimant in this speech as extreme for the following five reasons:

1. First, the Claimant misconstrues the religious meaning of Jihad ("striving in the cause of God") as "fighting physically against the enemies of Islam" and reduces the religious meaning of *Jihad* in the cause of God exclusively to "fighting physically against the enemies of Islam", while explicitly excluding other legitimate strands and ways to make *Jihad* in the cause of God.
2. It is doubly extreme in the context of the Claimant's providing Islamic instruction to a group of young people living peaceably as Muslim citizens of Britain for whom "fighting physically against the enemies of Islam" is not a legal option, but for whom other types of Jihad, e.g. establishing Islam in their own lives and appropriately at school and college and peaceful protest and lobbying in support of Palestinian rights or many other legitimate causes, is not only legal and legitimate Islamically but also highly possible.
3. It is extreme as the Claimant describes "fighting physically against the enemies of Islam" as "*prescribed...Obligatory...Written for you...*", i.e. as an individual religious obligation for those listening to his lecture without any explanation of the conditions under which armed *Jihad* (*qital*) is and is not obligatory.
4. It is extreme since all mainstream credible contemporary scholarly opinion is in agreement (Gomaa, 2013) that armed Jihad (*qital*) is not fought to "promote Islam and suppress and destroy disbelief", i.e. offensively, but in defence of Muslim lives, interests and faith when they are directly attacked, i.e., defensively.
5. It is as extreme as it mobilises the 'martyriology' of violent Islamist extremism in the promise of intercession with God for families, the joys of Paradise and safety from the punishments of the grave in order to make the message of Jihad as "obligatory and prescribed" more enticing to an impressionable, young audience.

12.4 The significance and the Claimant's interpretation of Sheikh Abdul Aziz Bin Baz (1919-1999)

- 11.4.1 Sheikh Abdul Aziz ibn Baz (1910-1999) was a highly significant religious figure in the development and prominence of *Salafi-Wahabi* Islam in the twentieth century.
- 11.4.2 Sheikh Abdul Aziz ibn Baz was the Grand Mufti of Saudi Arabia from 1993 until his death in 1999. The Grand Mufti is the most important religious position in the Kingdom of Saudi Arabia, equivalent to the Archbishop of Canterbury in Anglican Christianity, although with considerable legal clout and political influence across the *Sunni* Muslim world.
- 11.4.3 Even before his appointment to this restored position of the Grand Mufti of Saudi Arabia, Sheikh Abdul Aziz ibn Baz was the religious mainstay of Saudi policy during the tumultuous years of the emergence of Saudi Arabia as a powerful oil-state and the protector of the Protected Domains (*haramayn*) - Mecca and Medina - of Islam.
- 11.4.4 Sheikh Abdul Aziz ibn Baz was responsible for many controversial religious decisions and rulings (*fatawa*) which had far-reaching repercussions across the *Sunni* Islamic world and whose effects we are all feeling to this day.
- 11.4.5 For example, Sheikh Abdul Aziz ibn Baz was a signatory to the *fatwa*, *In Defence of Muslim Lands* drawn up by the Palestinian ideologue 'Abdullah 'Azzam (1941-1989) that declared support for the Mujahideen Fighters in Afghanistan in resisting Soviet Occupation as an individual religious obligation (*fard al-'ayn*).
- 11.4.6 This *fatwa* attracted thousands of young Arab fighters to Afghanistan to the Service Office in Peshawar set up by 'Abdullah 'Azzam (1941-1989) on the Afghan-Pakistan border (Rogan, 2011) to funnel volunteer fighters to the war in Afghanistan (1979-1989). These were the infamous Afghan-Arabs, whose reputation and influence after the war outweighed their influence on the outcome of the Afghan conflict itself (Rogan, 2011).
- 11.4.7 One of these early recruits was the young Osama bin Laden (1957-2011) who was mentored by 'Abdullah 'Azzam (1941-1989) and whose split with

'Azzam and appropriation of 'Azzam's theology led to the formation of Al-Qaeda.

- 11.4.8 Also, controversially, Sheikh Abdul Aziz ibn Baz backed non-Muslim military intervention in the expulsion of the *Mahdist* invaders from the Grand Mosque in Mecca in 1979 and gave religious backing to the US-led coalition to expel the Iraqi army from Kuwait in the first Gulf War in 1991.
- 11.4.9 These invitations for the 'infidel' to intervene in Muslim affairs led to a hardening of the position of Al-Qaeda and Osama bin Laden against the Saudi regime and the branding of them as *taghut* (tyrants) and as the enemies of Islam (Rogan, 2011).
- 11.4.10 Religiously, Sheikh Abdul Aziz ibn Baz was, as are many Salafis, an extreme scriptural literalist. For example, in 1966 he issued a religious opinion that the Sun rotated around the Earth and suggested that both experience and *Qur'anic* teaching required Muslims to believe that the Earth was flat. He questioned the authenticity of the first Moon landing on the basis that 'infidel' science could not be trusted. He later revised many of these controversial opinions (Weston, & Fowler Jr, 2008).
- 11.4.11 With the benefit of hindsight, we can observe that his religious edicts often followed rather than shaped Saudi foreign policy often at the behest of the United States of America, Saudi Arabia's most significant oil client.
- 11.4.12 In the Afghan conflict (1979-1989), which the US regarded as a Cold War proxy war against the Soviet Union and during which they poured massive financial support behind the Afghan Mujahideen, ibn Baz declared an armed Jihad and encouraged Saudi young men to fight.
- 11.4.13 During the first Gulf War when Saudi Arabia and Kuwait desperately needed US intervention, ibn Baz issued a *fatwa* allowing a US military presence in the Arabian peninsula.
- 11.4.14 For all the controversy that has surrounded him, ibn Baz is regarded by many, particularly Salafi-leaning, Muslims as one of the greatest scholars of the twentieth century and his utterances and *fatwas* are regarded as authoritative and binding.

11.4.15 The Claimant uses text from *fatwas* issued by Sheikh Abdul Aziz ibn Baz in the context of ibn Baz's support for the Afghan Jihad (1979-1989) to provide the most authoritative *Salafi* support of the position that the Claimant lays out in the argument of this talk: namely that Jihad means exclusively armed *Jihad* (qital) and that it is 'obligatory and prescribed' for Muslim believers.

11.4.16 He adduces the authority of the *fatwas* of ibn Baz without mentioning the context of in which they were issued (the Afghan conflict) or their broader historical circumstances, but in support of his general point that "fighting against the enemies of Islam" is "prescribed."

12.5 Whether the speech takes the position for which the Claimant contends at paragraph 17 of the Amended Reply.

11.5.1 The DEVIANT GROUP (2009) speech takes a fundamentally different position to that offered by the Claimant in his Amended Reply.

11.5.2 The Amended Reply (point 17, pp.7 to 8) says that,

"the Claimant was not supporting or encouraging violent action against non-Muslims in the name of Islam in Israel/Palestine or Afghanistan or elsewhere. The Claimant would only go so far as to say that Muslims have a right to defend themselves when attacked in such countries when they are attacked because they are Muslims and that such self-defence could be characterised as jihad because the relevant Muslims were being attacked because of their religion, i.e. they were being attacked by an "enemy of Islam". Self-defence in such a situation amounts to defending Islam itself. He had arrived at this belief sometime prior to the broadcast of the words complained of. His support of Jihad in the physical sense does not extend beyond the use of the proportionate self-defence in such circumstances.

11.5.3 However, in the DEVIANT GROUPS (2009) speech the Claimant explicitly contends (**p.79, ll.27-28**) that Israel-Palestine conflict as an "Islamic affair" with which Muslims generally should show "solidarity" by (quoting Sheikh Abdul Aziz ibn Baz) *...fighting the Jews an Islamic Jihad until the Territory (Israel-Palestine) goes back to its proper people..."*

- 11.5.4 Contrary to the claim in paragraph 17 of the Amended Reply, this argument undoubtedly and obviously does constitute “*supporting or encouraging violent action against non-Muslims in the name of Islam in Israel/Palestine or Afghanistan or elsewhere.*”
- 11.5.5 I and, I believe, the majority of orthodox Muslims, have no argument with the idea that “proportionate self-defence” under legitimate leadership in defence of Islam conducted by Muslim believers when they are attacked by an aggressor who are bent on destroying them and their faith constitutes a legitimate armed *Jihad*.
- 11.5.6 This is not the message of the Claimant in the DEVIANT GROUPS (2009) speech in which the notion of “proportionate self-defence” is not mentioned once.
- 11.5.7 Instead, the ideas propagated about Jihad by the Claimant in this speech are that:
1. Jihad uniquely means “fighting the enemies of Islam” and explicitly *not* other forms of religious struggle (**p.83, II.1-4**).
 2. “fighting the enemies of Islam” is a general religious obligation (**p.76, I.26**) with the sub-text that it is an obligation for the Muslims listening to his lecture and not an injunction for particular Muslims when they are themselves the victims of unjust aggression.
 3. That Jihad is for the purposes of, “*the promotion of the religion of Islam and the making the religion of Allah, the supreme, and the suppression of the Disbelievers and the Hypocrites and destroying the disbelievers and hypocrites...*” (**p.76. II. 3-5**), i.e. armed Jihad is aggressive and not defensive.
- 11.5.8 The Claimant makes no mention of the defensive conditions of the declaration of armed Jihad or the regulations of its proper conduct, such as proportionality, at any point in the DEVIANT GROUPS (2009) speech.

11.5.9 Instead, the Claimant tantalises his audience with the celestial rewards for participating in what he regards as armed Jihad (**pp. 82-83, II.24-1**) using the violently extreme trope of martyrdom (see Section 5.4.10 for further details).

12. AAFIA SIDDIQUI SPEECH (2010)

12.1 The BBC's instruction

"Neither side invites the Court to engage with the underlying merits of the Siddiqui case. The Court will assess the language used in its ordinary meaning, but please state whether any, and, if so, what significance should be attached to the Claimant's references to siding with the oppressor in the context of the allegations outlined above. The BBC's case is set out in paragraph 4.9 of the Amended Defence; and the Claimant's response in paragraph 20 of the Amended Reply."

12.2 The argument of the relevant section of the AAFIA SIDDIQUI SPEECH (2010)

12.2.1 In the 'oppression' section of the speech delivered at the Justice for the Aafia Siddiqui Coalition Rally, the Claimant imagines the American Muslim Civil Rights activist Malcolm X charging the American Government of being the greatest criminal, rapist and terrorist on Earth.

12.2.2 The Claimant uses this imaginary outburst attributed to Malcolm X in defence of Aafia Siddiqui to make a number of general points about the relationship between the United States and the rest of the world:

1. The US Government is the cause of global tyranny, oppression and terror, especially against Muslim people.
2. Anyone who "sides" with or who "aids and abets" the US oppressor is an oppressor themselves.
3. Any Muslim or Muslim government that works with American "*kufir* (unbelief) and injustice" "are with them", i.e. they are like American tyrants and infidels (*kuffar*).

12.3 What this section says about the Claimant's worldview

12.3.1 In this speech, the Claimant articulates the same Extreme Salafist Islamist worldview that he manifests in his ADVICE TO TAWFIQUE CHOUDHURY

(2009) in the following ways:

- i. The Claimant expresses the same absolute Manichean 'Us' (Muslim/good) versus 'Them' (Kafir/bad) worldview in which the West, in this case represented by the US government and its allies, are regarded *a priori* as the enemies and oppressors of Islam and Muslims, regardless of the actual facts and figures about the real daily sources of death, fear and destruction in the Muslim-majority world.
- ii. Those who collaborate with the 'Them'/non-Muslim/Western half of this Manichean reality are branded by the Claimant religiously as 'wrong-Muslims' with the subtext that they are close to being *kuffar* (infidels). The Claimant holds back from actually making '*takfir*' (calling people *kafir*), but the Claimant comes as close to it as is expedient.
- iii. Consistent with this Claimant's use and citing of Sheikh Abdul Aziz ibn Baz (1910-1999) in the DEVIANT GROUPS SPEECH (2009), the Claimant here draws upon the supposed words of a famous, authoritative Muslim figure in the form of Malcolm X to reinforce the Claimant's points, to give them an air of authenticity and, I would suggest, to deflect the authorship of the accusations against the American Government away from himself.

13. CAGE PRISONERS (2010)

13.1 The BBC's instruction

Please consider the Claimant's speech at the third annual dinner of Cage Prisoners. The BBC's case is set out at paragraph 4.10 of the Amended Defence and the Claimant's response at paragraph 21 of the Amended Reply. In particular state:

What significance such an audience would attach to the words relied on by the BBC at paragraphs 4.10.1 of the Amended Defence including in particular the references to "brothers who made Hijira in the path of Allah, who made jihad in the path of Allah and who suffered in the path of Allah " in the context of the possible meanings of the word 'jihad' referred to above. You are free to point to any other matters you consider relevant by way of context in the speech.

Please comment on the Claimant's choice of names, in particular please give a short overview of how his brief references, in their context, to the following individuals would have been understood by the particular audience:

- a. Abdullah Azzam; and
- b. Sayyed Qutb

explaining the significance, infamy or otherwise of Mr Azzam and/or Mr Qutb and their relevance (if any) to the allegations which the BBC seek to prove to be true.

Please consider the Claimant's case (set out in full at para 21 of the Amended Reply) is that he was not supporting jihad, in the meaning contended for, in any warzone or country at all.

In his Response to the BBC's Request for Further Information the Claimant also states (para 6) that "jihad" was used to refer to Moazzam Begg's journey to Pakistan and then Afghanistan in order to build a school and

teach (as the Reply was amended, the reference to para 14.3 of the Reply in this answer is a reference to para 21.3 of the Amended Reply). The Claimant further says he referred to Sayedd Qutb because he was executed for wanting Egypt ruled according to Islamic law and that he did not refer to Abdullah Azzam because of how other people interpreted what he did prior to his death, which occurred before the phenomenon of Islamic terrorism arose.

13.2 The significance to such an audience of the words "*brothers who made Hijira in the path of Allah, who made jihad in the path of Allah and who suffered in the path of Allah*".

13.2.1 In giving my answer to this question, I will confine myself to analysis of what the Claimant means by these words within the context of the speech itself and what the Claimant has said about the supposed meaning of *Jihad* in other contexts here cited.

13.2.2 CAGE is a controversial organisation both inside and outside the Muslim community. Nevertheless, its basic mission,

'striving for due process and rule of law in the war on terror'

<http://www.cageuk.org/>

seems to me to be legitimate and, in the face of known miscarriages of justice during the US-led War on Terror, necessary. However, I have never attended a CAGE event and know no CAGE associates personally.

Therefore, I will not comment on the possible mindsets of those attending a CAGE fundraiser.

13.2.3 Given that we know from an examination of the Claimant's own teachings delivered in the DEVIANT GROUPS (2009) speech that the Claimant believes that Jihad has the exclusive meaning of "fighting physically the enemies of Islam" (**11.2 ff**), the words,

"brothers who made Hijira in the path of Allah, who made jihad in the path of Allah and who suffered in the path of Allah" can only mean one thing,

namely 'brothers', i.e. fellow Muslims, who migrated (made *Hijra*) to a place in order to combat the enemies of Islam and who therefore suffered various tribulations in that cause.

- 13.2.4 The phrase 'to make *hijra*' is derived from the migration (*hijra*) of the Prophet Muhammad (peace and blessings be upon him) with his fledgling community of around 100 followers from a situation of persecution in Mecca to a situation of safety in Yathrib (later renamed Medina) in 622 CE. This Prophetic *Hijra* marks the starting point of the Muslim calendar.
- 13.2.5 In mainstream Islamic theology, following the Prophet Muhammad's (peace and blessings be upon him) model, to make *hijra* tends to mean 'to migrate in the path of God (*fiy sabilillah*)' away from a place where it is difficult or impossible to practise Islam and/or live in safety as a Muslim, and towards a place where it is possible to practise Islam and/or to live in safety as a Muslim.
- 13.2.6 However, the motif, "to make *hijra* in order to fight *Jihad*" is also a recurring recruiting device for violent Islamist extremism and crops up repeatedly in magazines and online violent Islamist extremist publications such as in Al-Qaeda's magazine, *Inspire*, and so-called Islamic State's magazine, *Dabiq*. Many violent Islamist extremists think that *Hijra* is a necessary precursor to armed *Jihad* and that this was the Prophetic model (the *Sunna*).
- 13.2.7 In light of the definitions of *Jihad* given unequivocally and repeatedly by the Claimant in the DEVIANT GROUPS (2009) speech as "fighting physically the enemies of Islam" (see 11.2 ff), I consider it highly unlikely to be true that the claim of Clause 21.3 of the Amended Reply was referring to *Jihad* as an act of charity. The Claimant has repeatedly rejected other meanings of *Jihad* other than "fighting physically the enemies of Islam" (see 11.2 ff). I see no reason why this would change in this context.
- 13.3 The nature of the "legacy" alluded to by the Claimant, including Abu A'la Maududi (1903-1979), Sayyed Qutb (1906-1966) and 'Abdullah 'Azzam (1941-1989).**

- 13.3.1 The nature of the “legacy” that the Claimant adduces in this CAGE PRISONERS (2010) speech in support of the work of Cage prisoners confirms that interpretation in Section 13.2.7, above.
- 13.3.2 Using the idea of “legacy”, the Claimant tries to create a direct link between the Prophetic lineage of Noah, Moses, Abraham, Jesus and Muhammad (peace be upon them all) through the canonical *Sunni* Imams Abu Hanifa (702-772 CE), Muhammad Idris ash-Shafi’ (767-820 CE), Malik (711-795 CE) and Ahmad ibn Hanbal (780-855 CE) through the Ayyubid Dynasty leaders Nuruddin Zengi (1118-1174 CE) and Salahuddin Al-Ayyubi (1137-1193 CE) who fought against the Crusader invasions, to some of the most notorious political Islamists and violent extremists of the twentieth century.
- 13.3.3 These include Hassan al-Banna (1906-1949), the founder of the Muslim Brotherhood an organisation responsible for *inter alia* the assassination of Egyptian Prime Minister Mahmoud Fahmi an-Nukrashi Pasha (1888-1948) in 1948 and the attempted assassination of the Egyptian President of Gamal Abdel Nasser (1918-1970) in 1954.
- 13.3.4 The above two acts of Islamist-inspired political violence gives lie to the false claims of the Amended Reply (Clause 21.4) that “*Sayyed Qutb was executed in 1966, long before the phenomenon of Islamic terrorism*”.
- 13.3.5 In fact, Islamist terrorism in the Middle East had at least a 20-year history of political agitation and assassination before the execution of Sayyed Qutb in 1966.
- 13.3.6 The list of the supposedly canonical legacy of Islamic belief (“*eman*” in CAGE PRISONERS (2010)) and action (*‘ama*) cited by the Claimant includes most tellingly:
1. Maulana (an honorific title meaning ‘Our Master’) Maududi (1903-1979),
 2. Sayyed Qutb (1906-1966) and
 3. ‘Abdullah ‘Azzam (1941-1989).

who between them are the ideological figureheads respectively of political Islamism, extreme Salafist Islamism and violent Islamist extremism in the twentieth and twenty-first centuries. I will take each one of them in turn and give a brief explanation of their core teachings.

13.4 Abu 'Ala Maududi (1903–1979)

13.4.1 Abu 'Ala Maududi (1903–1979) (sometimes spelt 'Mawdudi') was an Indian-Pakistani Muslim ideologue and journalist and the founder the Jamaat e-Islami (JI) political party whose manifesto is the establishment of an Islamic State in order to bring about the Kingdom of God on Earth. The Jamaat e-Islami (JI) remain highly influential in Pakistani politics. Maududi championed three related ideas (Maududi, 1967):

1. that a global Islamic State governed according to what he took to be *Shari'a* Law was the only form of governance acceptable to God;
2. that Muslims could only be true and proper Muslims if they lived within the type of *Shari'a* Law imposed by a genuine Islamic State;
3. that the purpose of armed Jihad was to be bring about an Islamic State.

"An [Islamic] State is...universal and all-embracing. Its sphere of activity is coextensive with the whole of human life. It seeks to mould every aspect of life and activity in consonance with its moral norms and programme of social reform. In such a State, no one can regard any field of his affairs as personal and private. Considered from this aspect, the Islamic State bears a kind of resemblance to the Fascist and Communist States..."

Mawdudi 1975/1939:166

13.4.2 Critically for the later development of Extreme Salafist Islamism and its Doctrines of Loyalty and Disavowal (*al-wala' wal bara'*), for Maududi belief in the Islamic State also entailed the rejection and repudiation of other forms of governance (Mawdudi, 1975).

"Islam, speaking from the point of view of political philosophy, is the very antithesis of secular Western democracy [...] Islam has no trace of Western

democracy. Islam, as already explained, repudiates the philosophy of popular sovereignty and rears its polity on the sovereignty of God and the viceregency of man...A more apt name for the Islamic polity would be 'kingdom of God' which is described in English as a 'theocracy'. But Islamic theocracy is something altogether different from the theocracy of which Europe has had bitter experience..."

Mawdudi 1975/1939: 160

- 13.4.3 Maududi advocated that the supreme purpose of armed Jihad was the eradication of so-called 'non-Muslim' forms of governance:

"Islam wishes to press into service all forces which can bring about a revolution and a composite term for the use of all these forces is 'Jihad'. the objective of the Islamic 'jihād' is to eliminate the rule of an un-Islamic system and establish in its stead an Islamic system of State rule.

Maududi 1980:6

13.5 Sayyed Qutb (1906-1966)

- 13.5.1 The political thought of Abu 'Ala Maududi (1903–1979) was in turn highly influential on the thought of a generation of Arab political Islamists, and none more so than the Egyptian Islamist ideologue, Sayyed Qutb (1909-1966).
- 13.5.2 Sayyed Qutb was a novelist, literary critic and self-taught scholar of Islam who was a seminal figure behind the development of the ideology of the Muslim Brotherhood in Egypt. Qutb's Islamist vision, in particular as advocated in a manifesto for political Islam called *Milestones (Ma'alim fiy tariq)*, became the blueprint for all subsequent Extreme Islamist worldviews. *Milestones* was highly influential, for example, on the worldviews advocated by both Osama bin Laden (1957-2011) and Ayman Az-Zawahiri (1951-present), respectively the former and current leaders of the Al-Qaeda terrorist network.

- 13.5.3 Qutb drew upon the notion elaborated by Maududi that all ways of living and modes of governance that are not overly Islamic and run according to *Shar'ia* Law are, in essence, corrupt and evil.
- 13.5.4 In particular, Qutb exploited the idea of pre-Islamic ignorance (*jahiliyya*) which, in traditional Islamic understanding, refers to the Arabs and other peoples in pre-Muslim times but used *jahiliyya* in a novel way to characterise all modern systems of secular governance, especially Arab ones, and the Muslims who followed them as *jahil* (sunk in pre-Islamic ignorance) and therefore not really Muslims at all (Qutb, 1964).
- 13.5.5 Qutb then went further: he characterised the entire social and political fabric of the modern world as *jahil* and as such unfit for coexistence with Islam and Muslims.

"Islam cannot accept any mixing with Jahiliyyahh, either in its concept or in the modes of living which are derived from this concept. Either Islam will remain, or Jahiliyyahh: Islam cannot accept or agree to a situation which is half-Islam and half-Jahiliyyah. In this respect Islam's stand is very clear. It says that the truth is one and cannot be divided; if it is not the truth, then it must be falsehood. The mixing and co-existence of the truth and falsehood is impossible. Command belongs to Allah Almighty, or otherwise to Jahiliyyahh; Allah's Shari'ah will prevail, or else people's desires."

Qutb, 1964: 146

- 13.5.6 By this absolute division of the world into *either* the world of pristine Islam or *Jahiliyya* (the domain of godless ignorance), Qutb contributed enormously to the idea of the world divided strictly and absolutely into two eternally and absolutely opposed Muslim versus Non-Muslim camps that were locked in an eternal battle to the death and which has become the ideological bedrock of violent Islamist extremism.
- 13.5.7 Qutb also contributed to the virulent anti-Westernism that characterises extreme Islamism and which, as we have seen in the AAFIA SIDDIQUI SPEECH (2010) of the Claimant, often manifests as extreme anti-Americanism.

"Thus, only Islamic values and morals, Islamic teachings and safeguards, are worthy of mankind, and from this unchanging and true measure of human progress, Islam is the real civilization and Islamic society is truly civilized."

Qutb, 1964: 112

"The Western ways of thought and all the sciences started on the foundation of these poisonous influences with an enmity towards all religions, and in particular with greater hostility towards Islam. This enmity towards Islam is especially pronounced and many times is the result of a well thought out scheme, the object of which is first to shake the foundations of Islamic beliefs and then gradually to demolish the structure of Muslim society."

If, in spite of knowing this, we rely on Western ways of thought, even in teaching the Islamic sciences, it will be an unforgivable blindness on our part. Indeed, it becomes incumbent on us, while learning purely scientific or technological subjects for which we have no other sources except Western sources, to remain on guard and keep these sciences away from philosophical speculations, as these philosophical speculations are generally against religion and in particular against Islam. A slight influence from them can pollute the clear spring of Islam.

Qutb, 1964:131

- 13.5.8 Qutb's advocacy of this divided Manichean worldview was so strong that he even advocated the breaking of family ties if one's parents were not 'proper' Muslims, in strict opposition to traditional Islamic teaching (see Section 5.4.6, above).

"A Muslim has no relationship with his mother, father, brother, wife and other family members except through their relationship with the Creator, and then they are also joined through blood."

Qutb, 1964:133

- 13.5.9 Qutb advocated armed Jihad to destroy *jahili* society as an inevitable consequence of the duty of Islam and Muslims to eradicate *Jahiliyya* (ignorance).

"But any place where the Islamic Shari'ah is not enforced and where Islam is not dominant becomes the home of hostility [Dar-ul-Harb] for both the Muslim and the Dhimmi [protected non-Muslim citizens of an Islamic government]. A Muslim will remain prepared to fight against it, whether it be his birthplace or a place where his relatives reside or where his property or any other material interests are located.

Qutb, 1964:131

- 13.5.10 Qutb, furthermore, thought that the eternal enmity between Islam and *Kufr* (unbelief) would persist as a cosmic reality until the End of Time.

"Thus, this struggle is not a temporary phase but an eternal state - an eternal state, as truth and falsehood cannot co-exist on this earth."

Qutb, 1964:7

- 13.5.11 Again, this belief in the essential and eternal enmity between Muslims and non-Muslims and the duty of Islam and Muslims to overcome Un-belief (*kufr*) by fighting became a bedrock of violent Islamist extremist ideology.

- 13.5.11 Sayyed Qutb was in turn hugely influential on a generation of Islamist extremists who were inspired both by the works and life and death of Qutb who was executed by the Egyptian President Gamal Abdel Nasser (1918-1970) in 1966.

13.6 'Abdullah 'Azzam (1941-1989)

- 13.6.1 None of these Qutb-influenced ideologues was more influential than 'Abdullah 'Azzam.

- 13.6.2 'Abdullah 'Azzam was a Palestinian academic who fought in the 1967 Six-Day War of Israel against Egypt, Jordan and Syria. Like Qutb, 'Abdullah 'Azzam became disenchanted with the failure of the Arab Nation States to oust the State of Israel from Palestinian territories and more generally the

failure of Arab nationalism to re-establish justice and Muslim power in the Arab World (Rogan, 2011).

- 13.6.3 During a period of study in Al-Azhar University in Cairo, 'Abdullah 'Azzam met the family of the deceased Sayyed Qutb and was deeply impressed by Qutb's ideas.

After being expelled for his radical views from a teaching position at the University of Jordan, 'Abdullah 'Azzam migrated to Saudi Arabia and taught at the King Abdul Aziz University in Jeddah but was expelled from his position there during the crackdown on suspected Islamic extremists after the occupation of the Grand Mosque of Mecca by extremists in 1979.

It is thought that 'Abdullah 'Azzam first met Osama bin Laden (1957-2011) in the King Abdul Aziz University between 1976-1979. 'Abdullah 'Azzam moved to Peshawar in North Pakistan where he was ready to respond the Soviet invasion of Afghanistan of 1979.

- 13.6.4 At the start of the Soviet-Afghan War (1979-1989), 'Azzam established the Service Office (*maktab al-khadamat*) for Arab recruits joining the war. 'Azzam was behind a *fatwa* (religious-legal judgement), *Defence of Muslim Lands: the first obligation after faith* (1979), which declared the Afghan *Jihad* an individual religious obligation on all Muslims wherever they were if any Muslim-controlled territory came under attack (Azzam, 2002).

- 13.6.5 This declaration of armed *Jihad* as an individual religious obligation on all adult Muslims in all times and places (*fard al-'ayn*) was a radical shift from the position of classical Muslim scholars such as ibn Rushd (1126-1198 CE) who had advocated *Jihad* as a collective religious duty (*fard al-kifaya*) in defence of Muslim life and faith under specific circumstances.

- 13.6.6 Thus, 'Azzam was instrumental in generating the idea that not only the near and direct enemy of Muslims should be fought defensively, but also the 'far' enemy of Islam in the form of non-Muslim powers in their own countries should be fought aggressively. This idea became a pillar of the Jihadist thinking of Al-Qaeda, as demonstrated most devastatingly in the attacks on the Twin Towers in New York on 11 September 2001.

13.6.7 'Azzam was also responsible for the propagation of a powerful ideology of martyrdom (*ishtishhad*) for recruitment to the Soviet-Afghan Conflict (1979-1989). He recounted often fantastical tales surrounding those who fought and died in fighting armed '*Jihad*', for example of corpses not rotting and heavenly hosts attending dying fighters. These tales have now become stock Jihadist recruiting tools and were used as such in the Bosnian War (1991-1995), the First Chechen War (1994-1996), the Second Chechen War (1999-2009) and most recently in the Syrian Civil War (2011-present).

13.6.8 These two ideas of armed '*Jihad*' as an individual religious obligation and of '*martyrdom*' have been the doctrinal core of violent Islamist extremism ever since and which, together with the powerful recruitment techniques and propaganda that 'Azzam pioneered, were pivotal in shaping the ideology of 'Azzam's mentee, Osama bin Laden (1957-2011), and the Al-Qaeda network.

13.6.9 'Azzam himself with his trademark Afghan hat and Palestinian *kefaya* became an iconic figure of violent Islamist extremism and has rightly been called the Godfather of Global '*Jihad*'.

13.6.10 'Azzam's oft-repeated slogan,

"Jihad and the rifle alone. NO negotiations. NO conferences and NO dialogue"

and 'Azzam's speech,

'We are the terrorists for God'

...are more-or-less the calling-card of violent Islamist extremism and crop up *ad infinitum* on Jihadist social media sites and blogs.

It goes without saying that the ideology that these doctrines represent are far, far removed from the highly controlled ethics of *Qur'anic* notions of

armed combat (*qital*), in which combatants must sue for peace and negotiate at the earliest opportunity.

13.7 In summary

- 13.7.1 By citing this "legacy" of supposedly 'canonical' Islam which includes Maududi, Qutb and 'Azzam, the Claimant is aligning his understanding of Islam with the views of extremist ideologues who have been the driving force in the development of extreme Islamism, including violent Islamist extremism, over the past 60 years.
- 13.7.2 This Claimant aligns his understanding of Islam and the views of extremist ideologues to the highest sources of authority in Islam: the Prophets of God, senior Companions of the Prophet Muhammad (peace and blessings be upon him), the Canonical *Sunni* Imams, as well as to the well-known Islamic warriors Nuruddin Zengi (1118-1174 CE) and Salahuddin Al-Ayyubiin (1137-1193 CE) in such a way that the Claimant's Muslim audience can have been left in no doubt that the Claimant was voicing his support for a 'jihad' of violent actions against non-Muslims in the name of Islam.

14. HHUGS (2011)

14.1 The BBC's instruction:

Please consider the Claimant's HHUGS address at the annual dinner for HHUGS in March 2011. The BBC's case is set out at para 4.11 of the Amended Defence and, in particular, relies on the passage set out at 4.11.1 in its context. In particular state:

- (i) What significance and meaning the audience would in context have attached to the term "jihad in the path of Allah" as there used three times including the concluding reference to jihad as "the greatest of deeds a Muslim can take part in".*
- (ii) The BBC contends that the Claimant was referring to the hadith "Bukhari 2630". The Claimant denies this; and in his Response to the BBC's Request for Information (para 8-10) the Claimant says the correct hadith is Muslim 2982, Book 55 (the Book of Zuhd and softening of Hearts). What is your view of these rival contentions and which particular hadith (if any) the audience is likely to have taken this passage to refer to? To what extent does the outcome of this issue affect(i)?*
- (iii) Do you have any view on the argument advanced by the BBC in paragraph 4.11.2.5 and in any event is the statement correct in setting out a course the Claimant could have taken.*

14.2 What significance and meaning the audience would attach to the term "jihad in the path of Allah".

14.2.1 Given that we know from analysis of the DEVIANT GROUPS (2009) speech (see Section 11.2) that the Claimant himself limits the meaning of Jihad to "fighting against the enemies of Islam", it is likely that the Claimant himself means his audience to take Jihad to mean 'fighting physically in the path of God.'

14.2.2 Given the fact that the popularist understanding of *Jihad fiy sabilillah* has become to be synonymous with *qital* (combat in defence of Islam), it is

most likely that a Muslim audience would have taken Jihad to meaning 'fighting physically in the path of God.'

14.2.3 Having said this, it is quite clear that the purpose of this particular talk is to encourage spending on the needy (*infaq*) and charity more generally (*sadaqa*) which are mainstream and recognised Islamic virtues.

14.2.4 Moreover, the Claimant leaves the word '*Jihad*' in the original Arabic so I cannot say for sure - unlike the DEVIANT GROUPS (2009) speech - what he means by '*Jihad*'.

14.3 The issue of which sayings (*hadith*) of Prophet Muhammad (peace and blessings be upon him) the Claimant is or is not referring to.

14.3.1 My opinion is that the Claimant is referring to the *hadith* which he claims to be citing *Sahih Muslim 2982, Book 55 (The Book of Zuhd & Softening of Hearts)* – adduced in the Request for Information by the Claimant.

"One who makes efforts on behalf of a widow and the destitute is like a striver in the cause of Allah, and I think he also said: He is like one who constantly stands for prayer and observes fast without breaking it."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ بْنِ قَعْنَبٍ، حَدَّثَنَا مَالِكٌ، عَنْ ثَوْرِ بْنِ زَيْدٍ، عَنْ أَبِي الْغَيْثِ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ " السَّاعِي عَلَى الْأَرْمَلَةِ وَالْمَسْكِينِ كَالْمَجَاهِدِ فِي سَبِيلِ اللَّهِ - وَأَحْسَبُهُ قَالَ - وَكَالْقَائِمِ لَا يَفْتُرُ وَكَالصَّائِمِ لَا يُفْطِرُ " .

14.4 My view on the argument advanced by the BBC in [paragraph 4.11.2.5](#).

14.4.1 There is a vast array of sayings (*ahadith*) of the Prophet Muhammad (peace and blessings be upon him) extolling the virtues of giving charity that the Claimant might have chosen to encourage his audience to give. For example, one of the most well-known is:

"On the authority of Abu Huraira who said: The messenger of Allah (pbuh) said: "Each person's every joint must perform a charity every day the sun comes up: to act justly between two people is a charity; to help a man with his mount, lifting him onto it or hoisting up his belongings onto it is a charity: a good word is a charity, every step you take to prayers is a charity

and removing a harmful thing from the road is a charity." related by Bukhari and Muslim."

Imam An-Nawawi's *Forty Hadith*

14.4.2 Given the context of an audience of people some of whose spouses presumably had terrorist convictions, I feel that the choice of a *hadith* that did *not* mention jihad would have been more appropriate. However, in this HHUGS (2011) speech the Claimant is clearly encouraging his audience to give charity rather than to make *Jihad*.

14.5 Other matters arising from this speech, HHUGS (2011)

14.5.1 There are more telling issues arising from the Claimant's HHUGS (2009) annual dinner speech than the issues of the *hadith* rehearsed above.

14.5.2 For example, at **00:40 to 1:35**, the Claimant chooses to translate *Qur'an* (Qur'an, 3:19) as "The *deen* (religion) with Allah, is *only* Al-Islam."

14.5.3 The Arabic text (إِنَّ الدِّينَ عِنْدَ اللَّهِ الْإِسْلَامُ) does not require the use of the word "only" used by the Claimant which gives the verse an excessively exclusivist flavour. The text accurately translated reads, "Surely the religion according to God is Islam."

14.5.3 The Claimant follows this over-translation with a further de-contextualised *Qur'anic* verse with a separatist flavour

"And whoever seeks a religion other than Islam, it will never be accepted of him, and he in the Hereafter will be among the losers..."

Qur'an, 3:85

14.5.3 This is consistent with the divided worldview which has been manifest in the speeches by the Claimant that I have been instructed to analyse.

14.5.4 The exclusivist position about Islam that the Claimant advances here is inconsistent with the inclusive (and correct) position that the Claimant himself advances in Clause 18 of his Witness Statement dated 16.05.2016:

"18. For Muslims, the term Islam is not only the name of the religion that was revealed through Prophet Muhammad (peace and blessings be upon him "pbuh"), but the common name of all the divine religions that God revealed through all his Prophets from Adam, the first Prophet, to Muhammad, the last and final messenger of God."

14.6 In summary

- 14.6.1 I do not consider the Claimant's use of *hadith* to be obviously extreme in this speech or particularly relevant to the Defendant's allegations.
- 14.6.2 The purpose of the Claimant's text is clearly to encourage charitable giving for those in need rather than to encourage the prosecution of armed Jihad.

15. BELMARSH PRISON (2011)

15.1 The BBC's instruction:

Please consider the Belmarsh Prison speech at paragraph 4.12 of the Amended Defence and the Claimant's response at paragraph 23 of the Amended Reply. In particular, please state:

(i) how his brief references, in their context, to the following individuals would have been understood by the particular audience:

a) Abdullah Azzam; and

b) Sayyed Qutb.

explaining the significance, infamy or otherwise of Mr Azzam and/or Mr Qutb and their relevance (if any) to the allegations which the BBC seek to prove to be true; if appropriate by reference to the answers given in response to Request 13(2).

(ii) Briefly explain the following terms used by the Claimant:

c) "Iftaar",

d) "Taqwa".

15.2 The Issues involved

15.2.1 This is a speech made by the Claimant on the invitation of the Belmarsh *Iftaar*, which means the Belmarsh group responsible for organising the Breaking of the Fast in Ramadan, which in 2011 ran from 1 August to 30 August. In other words, the Claimant was making a Ramadan address, which he confirms at 01:57.

15.2.2 I assume that this *Iftar* is an informal association of Muslims rather than a group connected to the Prison Chaplaincy. However, the Court will need to ascertain this itself by asking the prison authorities.

15.2.3 The Belmarsh *Iftar* has a patchy an online presence and a motto:

*"Solidarity & Remembrance of Muslim Prisoners Worldwide
Separated by Nations, United in Purpose"*

15.2.4 The purpose of what looks like an annual event is to:

"This event provides an opportunity to remember the victims of illegal rendition detainment and torture, control orders, SIAC court rulings and all other measures imposed to unlawfully strip Muslim prisoners in the UK and abroad of their dignity, freedom and liberties - 'guilty' either by association/circumstance or for expressing an opinion/voicing openly an authenticated article of faith.

<http://www.ahlalhddeeth.com/vbe/showthread.php?t=15492>

15.2.5 The fact that this organisation comes under the banner of *Ahl al-hadith* (The People of Prophetic Sayings) proclaims them as a *Salafi-Wahabi* leaning group, which does not mean that it is necessarily extreme.

15.2.6 The event looks as if it takes place on a grassy knoll outside the prison itself. The Claimant's speech takes the form of a traditional Islamic sermon (*khutba*).

15.2.7 Although such a rally appears provocative given the high-security nature of the Muslim inmates of Belmarsh in 2011 listed by the BBC in Clause 4.12.2 of the Amended Defence, it is also true that miscarriages of justice and excessive detention without trial have occurred at Belmarsh, e.g. of Moazzam Begg (2014).

15.2.8 Therefore, I concur with the Claimant in his Amended Reply that speaking at such a rally as a gesture of solidarity (23.1) does not in and of itself constitute showing "unqualified support" for the crimes of Muslim criminals.

15.3 The Issue of *Taqwah* and "legacy"

15.3.1 Nevertheless, there are a number of features of the Claimant's BELMARSH PRISON (2011) speech that I certainly feel are inappropriate for such an occasion, the first is the way in which the Claimant construes the Islamic idea of *Taqwah*.

- 15.3.2 *Taqwah* is an Islamic virtue or aspiration which generally means ‘fear or awe of God together with an awareness of the Presence of God as a witness to our deeds’. In fact, the Claimant himself offers such definitions from Imam ‘Ali ibn ‘Ali Talib, the fourth Rightly-Guided Successor to Muhammad (at **03:05ff**) *Taqwah* is a core Qur’anic virtue (*Qur’an*, 2:2)
- 15.3.3 Having introduced the theme of *taqwah*, it would have been more normal and natural if the Claimant had, for example, encouraged the congregation - which I assume includes inmates of Belmarsh Prison to whom the address would have been relayed - to be mindful of God and to use the month of Ramadan as an opportunity for reflection (*fikr*) and repentance (*tawba*).
- 15.3.4 Instead, the Claimant uses the theme of *taqwah* in an un-orthodox way:
1. To foreground the unity and solidarity of the Muslim *Ummah* (at **04:22ff**) which, although a feature of Islam, is not usually associated with the virtue of *taqwa*.
 2. To extol the virtues of the “legacy” of those who “spoke truth to an oppressor” (at **11:43ff**). This foregrounding of the Islamic “legacy” of “speaking truth to an oppressor” does seem to imply in the circumstances that the Claimant believes that some Muslims behind bars at Belmarsh Prison are in that condition not because they have been convicted of violent crimes but because they have conducted the Jihad of “speaking the word of truth before an oppressor”.
- 15.3.5 Also, as I have explained at Sections 13.5, 13.6 and 13.7, it is both misleading and highly inappropriate in the circumstances of Belmarsh Prison to include the names of Sayyed Qutb (1906-1966) and ‘Abdullah ‘Azzam (1941-1989) as part of the canonical “legacy” of right-acting Islam, when these men laid the ideological and ‘doctrinal’ ground for the very crimes for which some of the prisoners listed by the BBC at Belmarsh Prison had been convicted, i.e., “leaderless” aggressive acts of armed insurgency planned against civilians.
- 15.3.6 The citing of Sayyed Qutb and ‘Abdullah ‘Azzam in the legacy of canonical Islam reinforces my view that the Claimant is not interested in

calling the inmates of Belmarsh Prison to remember and be mindful of God, i.e., to have *taqwah*, as construed in traditional Islamic theology.

15.3.7 In my view, the Claimant does send out a message about Islam and its sources that has a subtext of sympathy for the very crimes for which many of the inmates of Belmarsh Prison have been convicted, as listed by the BBC in **Clause 4.12.2** of the Amended Defence.

15.3.8 In the general context of this court case, it needs to be noted that the Claimant quotes a saying of the Prophet Muhammad (peace and blessings be upon him) at **11:43**, *“The best of Jihad is a word of truth before an oppressor ruler”* which directly contradicts his repeated claims in the DEVIANT GROUPS (2009) speech that Jihad only means *“fighting physically against the enemies of Islam.”*

15.3.9 This suggests that the Claimant is liable to tailor his interpretation of the meaning of Jihad according to the context and audience that he is addressing.

15.4 In summary

15.4.1 In this BELMARSH PRISON (2011) speech, the Claimant offers an interpretation of *taqwah* (God-fearing behaviour) that is both inappropriate for its context and un-orthodox in terms of mainstream Islam.

15.4.2 The Claimant conveys a sub-text that he sympathises with the crimes of some of the inmates by suggesting that they have been convicted of “speaking truth to an oppressive ruler” according to a “legacy” of true Islam that includes the violent extreme Islamist ideologues Sayyed Qutb (1906-1966) and ‘Abdullah ‘Azzam (1941-1989).

16. GENERAL SUMMARY

16.1 The BBC's instruction

"Insofar as you consider the cumulative effect of the speeches, having due regard to their timing, to be significant in identifying the Claimant's position on the issue of jihad in the sense of violent action in the name of Islam and whether he is moderate or extreme, please state your conclusions and reasoning."

16.1.1 For my summary, I will confine my expert views to the nature of the theological worldview and account(s) of Jihad articulated by the Claimant in the speeches that have formed the basis of my instruction by the BBC.

These speeches are:

1. KINGSTON (2006)
2. ADVICE TO TAWFIQUE CHOWDHURY (2009)
3. DEVIANT GROUPS (2009)
4. AAFIA SIDDIQUI SPEECH (2010)
5. CAGE PRISONERS (2010)
6. HHUGS (2011)
7. BELMARSH PRISON (2011)

16.1.2 It is for the court to decide on the specific allegations made by the BBC in their defence against the claims of the Claimant in the context of what the Claimant says in his Witness Statement about his own general character and Islamic work.

16.1.3 I have no view on this matter. I do not know the Claimant. I have never met the Claimant. I have never been addressed or taught by the Claimant and I have never attended or associated with the organisations Cage, HHUGS, the Justice for Aafia Siddiqui Coalition, Kingston University Islamic Society or the Belmarsh Iftar which were the context of the speeches.

16.1.4 I must say, however, now that I have read the Claimant's Witness Statement of 16.05.16 that a number of important positions that the Claimant lays claim to in his Witness Statement on:

1. the unity of mankind (in Clause 57);
2. on Jihad (in Clauses 144, 145 and 146);
3. on the nature of Islam's relationships with other faiths (in Clause 18) and
4. on Muslim collaboration with the UK Government to combat violent extremism (in Clause 53)...

...are in direct contradiction with the messages on the same topics delivered in these speeches.

16.1.5 By contrast to the speeches under scrutiny, all of these Clauses of the Witness Statement articulate mainstream Muslim positions with which I and the majority of Muslims would be aligned. The Court will make of this inconsistency what it will.

16.1.6 We have already seen in the different accounts of Jihad offered by the Claimant in the DEVIANT GROUPS speech (2009) and the BELMARSH PRISON speech (2011) that the Claimant's articulated views are not always consistent.

16.2 The cumulative effect of the speeches

16.2.1 I regard the cumulative effect of the speeches analysed above to be consistent with an extreme Salafist Islamist worldview with positions articulated on the particular issue of Jihad that are violently extreme.

16.2.2 In other words, the views that I have read and heard expressed by the Claimant in these speeches on the subject of Jihad are extreme and would, I believe, be regarded by the vast majority of the Muslim community as theologically extreme.

16.2.3 My reasoning for this decision is as follows:

- a. The speeches by the Claimant propagate an absolutely divided Us *versus* Them, Muslim *versus* Infidel worldview.

- b. The position propagated by the Claimant on the issue of *Jihad* is premised on an absolutely divided Us. versus Them / Muslim versus Infidel worldview.
- c. For example, in the ADVICE TO TAWFIQUE CHOWDHURY (2009), the Claimant characterises "the West" as a whole as "against Islam" and brands anti-terrorism officers as "*brutal, cunning and oppressive*" and those Muslims who are willing to work with them to oppose terrorist violence not only as making "*a deal with the devil*" but also in danger of breaking their covenant with God, i.e., of leaving Islam, the gravest of actions in Islam. This message is absolutely the opposite to what the Claimant describes his position to be in Clause 53 of his Witness Statement.
- d. For example, in the AAFIA SIDDIQUI SPEECH (2010) the Claimant characterises the US Government hyperbolically as the greatest tyrant, rapist and terrorist on Earth.
- e. For example, in the HHUGS (2011) speech, Islam is advocated as the *only* religion acceptable to God and those of other faiths as "losers" in direct contradiction to his claims about Islam in Clause 18 of his Witness Statement.
- f. For example, the strong subtext of the BELMARSH PRISON (2011) speech is that the British state is the oppressor of the united *Ummah* (global community) of Islam and that convicted prisoners have been doing the Jihad of "speaking truth to power".
- g. The strong cumulative sub-text of the speeches is of the extreme Salafist Islamist Doctrine of Loyalty & Disavowal (*Al Wala' wal Bara'*). Please see Section 5.3.9 for further details.
- h. This divided and extreme worldview includes an acute victim mentality which blames all the injustices faced by Muslims on non-Muslim powers.

- i. This is an extreme ideological position not only because it flies in the face of *Qur'anic* teaching about the essential unity of humankind (please see Section 5.1.1, above) as the Claimant himself says in Clause 57 of his Witness Statement but also because it flies the face of the facts of recent history.
- j. History shows clearly (Rogan, 2011) that, notwithstanding many breaches of trust and justice and foreign-policy blunders in the Western powers' recent dealings with the Muslim-majority world, over the past 50 years the majority of oppressive actions and premature Muslim deaths in the Muslim majority-world have been caused not by "Western intervention" but by Muslims against other Muslims and internecine fighting. These include, for example, 1.25 million Muslim deaths in the Iran-Iraq War (1980-1988).
- k. Moreover, it is a fact that arguably the greatest 'Muslim' victory of the past 50 years (the Afghan victory against the Soviet Union) was won with massive 'non-Muslim' US financial and technological backing, e.g. \$250 billion in 1985 alone. Furthermore, the Bosnian War (1992-1995) which saw the death of c.62,000 Bosniak Muslims was eventually brought to an end through NATO intervention. Therefore, the idea that the Western Powers are necessarily and essentially against Islam and Muslims bears no historical scrutiny.

16.3 The speeches articulate a violently extreme interpretation of Jihad

16.3.1 Within this generally extreme and divided Islamist worldview which has no warrant in the *Qur'an* or the *Sunna* or in history, in these speeches the Claimant propagates an extreme and violent interpretation of Jihad.

16.3.2 The Claimant's interpretation of Jihad in these speeches is violently extreme because:

- a. the Claimant misconstrues the religious meaning of Jihad (which means 'striving in the path of God' to establish and preserve Islam and to serve God more generally) as "fighting physically against the enemies of Islam".

- b. Thereby, the Claimant publicly reduces the multi-various interpretations and strands of the doctrine of Jihad to one minor and violent interpretation, “fighting physically against the enemies of Islam”.
- c. the Claimant does this specifically and directly on two occasions in the DEVIANT GROUPS (2009) speech whilst specifically *denying* alternative peaceable interpretations of Jihad in front of a young British Muslim audience.
- d. Also in the DEVIANT GROUPS (2009) speech, the Claimant propagates an aggressive notion of armed Jihad for the “promotion of Islam”.
- e. When misconstruing Jihad as 'combat' (*Qital*) and comparing it with the religious obligation for Fasting, the Claimant makes no mention of the precise and exacting conditions for the declaration or the prosecution of armed *Jihad* (*please see Section , above*).
- f. Nor does the Claimant (except in the BELMARSH PRISON (2011) speech when he mentions Jihad as “speaking truth to an oppressor”) offer an understanding to impressionable young British audiences of what might legitimately constitute *Jihad* in a Place of Treaty (*Dar al-Ahd*) such as Britain.
- g. Moreover, by including the ideologues Sayyed Qutb (1906-1966) and ‘Abdullah ‘Azzam (1941-1989) consistently in both of CAGE PRISONERS (2010) speech and the BELMARSH PRISON (2011) speech as part of the “legacy” of true Islam, the Claimant aligns his Islamic position with people who, in the case of Sayyed Qutb, advocated extreme Muslim/non-Muslim separatism and in the case of ‘Abdullah ‘Azzam is known for propagating the idea of global armed Jihad as an individual religious obligation (*fard al-‘ayn*) and for propagating the notion of ‘martyrdom’ (*istishad*) for those who fight such a ‘Jihad’.
- h. the Claimant makes the highest canonical claims for this “legacy” by linking these ideologues - Sayyed Qutb (1906-1966) and ‘Abdullah

'Azzam (1941-1989) - and their ideas with the greatest canonical scholars of Islam and the Prophets of God. These claims about the "legacy" would have left the Claimant's Muslim audiences in no doubt that the Claimant supported the ideologies and violent understandings of *Jihad* that Sayyed Qutb and 'Abdullah 'Azzam advocated.

16.5.3 The violent, reductive, partial and misleading interpretation of Jihad delivered by the Claimant in the relevant speeches is directly contradicted by his own (correct) account of Jihad in Clauses 144, 145 and 146 of his Witness Statement.

16.4 **Qualifications to this General Summary 16.1**

It should be added that, whilst the above represents the cumulative effect of the speeches, they are not all of the same theological nature. Please see Section 4.1, above, for Definition of Terms.

- a. The rendering of Jihad in the DEVIANT GROUPS (2009) and KINGSTON (2006) speeches is overtly violently extreme.
- b. The "legacy" advocated in the CAGE PRISONERS (2010) and BELMARSH PRISON (2011) speeches is violently extreme, encased within the articulation of a worldview that is non-violently extreme.
- c. The worldview of the ADVICE TO TAWFIQUE CHOWDHURY (2009) and AAFIA SIDDIQUI (2010) speeches are non-violently extreme.
- d. The message of the HHUGS speech is moderate.

This suggests that the Islamic/Islamist views expressed by the Claimant are liable to change depending on his context and his audience, as does the inconsistency of the views expressed in the speeches with those of the Claimant's Witness Statements (see Section 16.1 above).

17. Declaration of Duty to the Court and Statement of Truth

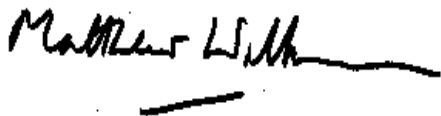
I, Dr. Matthew Loudon Nairn Wilkinson DECLARE THAT:

1. I understand that my duty in providing written reports and giving evidence is to help the Court, and that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied and will continue to comply with my duty.
2. I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.
3. I know of no conflict of interest of any kind, other than any which I have disclosed in my report.
4. I do not consider that any interest which I have disclosed affects my suitability as an expert witness on any issues on which I have given evidence.
5. I will advise the party by whom I am instructed if, between the date of my report and the trial, there is any change in circumstances which affect my answers to points 3 and 4 above.
6. I have shown the sources of all information I have used.
7. I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.
8. I have endeavoured to include in my report those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.

9. I have not, without forming an independent view, included or excluded anything which has been suggested to me by others, including my instructing lawyers.
10. I will notify those instructing me immediately and confirm in writing if, for any reason, my existing report requires any correction or qualification.
11. I understand that:
 - 11.1 my report will form the evidence to be given under oath or affirmation;
 - 11.2 questions may be put to me in writing for the purposes of clarifying my report and that my answers shall be treated as part of my report and covered by my statement of truth;
 - 11.3 the court may at any stage direct a discussion to take place between experts for the purpose of identifying and discussing the expert issues in the proceedings, where possible reaching an agreed opinion on those issues and identifying what action, if any, may be taken to resolve any of the Expert's Declaration of outstanding issues between the parties;
 - 11.4 the court may direct that following a discussion between the experts that a statement should be prepared showing those issues which are agreed, and those issues which are not agreed, together with a summary of the reasons for disagreeing;
 - 11.5 I may be required to attend court to be cross-examined on my report by a cross-examiner assisted by an expert;
 - 11.6 I am likely to be the subject of public adverse criticism by the judge if the Court concludes that I have not taken reasonable care in trying to meet the standards set out above.

12. I have read Part 35 of the Civil Procedure Rules, the accompanying practice direction and the Guidance for the instruction of experts in civil claims and I have complied with their requirements.
13. I am aware of the practice direction on pre-action conduct. I have acted in accordance with the Code of Practice for Experts.

STATEMENT OF TRUTH I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

A handwritten signature in black ink, appearing to read 'Matthew L N Wilkinson', with a horizontal line underneath it.

Signature of Dr. Matthew L N Wilkinson

Dated 30 May 2016

18. References

Achta, A. (2010). Challenging Al-Qa'ida's Justification of Terror. *Just War on Terror? Christian and Muslim Response*. D. Fisher and B. Wicker. Farnham, UK: Ashgate Publications.

Afsaruddin, A. (2013). *Striving in the Path of God: Jihad and Martyrdom in Islamic Thought*. Oxford, UK: Oxford University Press.

Ali, Y. (2000). *The Holy Qur'an: Arabic Text with English Translation*. Delhi, India: Kitab Bhavan.

Al-Dawoody, A.(2011). *The Islamic Law of War*. New York, USA: Palgrave Macmillan.

Al-Oadah, S. (2014). Obeying the law in non-Muslim countries. *IslamToday*, (10.11.2014). Available at: <http://en.islamtoday.net/node/604>. [Accessed: 27 May 2016]

Arnold, T. W. (1924). *The Caliphate*. Oxford, UK: Clarendon Press.

Azzam, A.Y. (2002). *Defence of Muslim Lands*. London, UK: Azzam Publications.

Azzam, A.Y. (2001). *Join the Caravan*. London, UK: Azzam Publications.

Baalbaki, M. and R. Baalbaki (1997). *Al-Mawrid Dictionary*. Beirut, Lebanon: Dar el-Ilm Lilmalayin.

Bonner, M. D. (2006). *Jihad in Islamic History*. Princeton, USA: Princeton University Press.

Brachman, J. M. (2009). *Global Jihadism*. London, UK: Routledge.

Bunt, G.R. (2003). *Islam in the Digital Age*. London, UK: Pluto Press.

Burke, J. (2003). *Al-Qaeda*. London, UK: Penguin.

Dagli, C.K. (2013). Jihad and the Islamic Law of War. In P. G. bin Muhammad, M. H. Kamali, & I. Kalin, eds. *War and Peace in Islam*. Cambridge, UK: Islamic Texts Society.

Glaser, B. G. (1992). *Emergence vs. Forcing: Basics of Grounded Theory Analysis*. Mill Valley, California, USA: Sociology Press.

Gomaa, S.A. (2013). A Fatwa on Jihad. In P. G. bin Muhammad, I. Kalin, & M. H. Kamali, eds. *War and Peace in Islam*. Cambridge: Islamic Texts Society.

Hayward, J. (2013). Warfare in the Qur'an. In P. G. bin Muhammad, I. Kalin, & M. H. Kamali, eds. *War and Peace in Islam*. Cambridge, UK: Islamic Texts Society.

Hizb ut-Tahrir (2016). Hizb ut Tahrir. Available at: <http://www.hizb-ut-tahrir.org/index.php/EN/def> [Accessed: 4 May 2016].

Holland, M. (1980). *The Duties of Brotherhood in Islam by Imam Al-Ghazali*. Leicester, UK: Islamic Foundation.

Ibn Ishaq (1955). *The Life of Muhammad*. (A. Guillaume, Trans.). Oxford, UK: Oxford University Press.

Kamali, M. H. (2003). *Principles of Islamic Jurisprudence*. Cambridge, UK: Cambridge University Press.

Kamali, M.H., (2013). Introduction. In P. G. bin Muhammad, I. Kalin, & M. H. Kamali, eds. *War and Peace in Islam*. Cambridge, UK: Islamic Texts Society.

Lewis, B., Ed. (1974). *Islam from the Prophet Muhammad to the Capture of Constantinople*. New York, USA: Walker & Company.

Malik ibn Anas. (1997). *Al-Muwatta* (A. Bewley, Trans.). Granada, Spain: Madinah Press.

Maududi, A.A. (1980). *Jihad in Islam*. Beirut, Lebanon: The Holy Koran Publishing House.

Maududi, A.A. (1967). *The Process of Islamic Revolution*. Lahore, Pakistan: Islamic Publications.

- Mawdudi, A.A. (1975). *Political Theory of Islam*. In *Islam: its meaning and message* (pp. 147–171). Leicester, UK: The Islamic Foundation.
- Michot, Y. (2006). *Muslims Under Non-Muslim Rule. Ibn Taymiyya*. Oxford, UK: Oxford Interface Publications.
- Michot, Y. (2015). Ibn Taymiyya. In *Advanced Ibn Taymiyya study weekend* at Birkbeck College, University of London.
- Penrice, J. (1873). *Dictionary & Glossary of the Kor-an*. London, UK: Curzon Press.
- Al-Qaradawi, Y. (1994). *The Lawful and the Prohibited in Islam*. Plainfield, Indiana, USA: American Trust Publications.
- Qutb, S. (1964). *Milestones*. Karachi, Pakistan: International Islamic Publishers.
- Ramadan, T. (1999). *To be a European Muslim*. Leicester, UK: The Islamic Foundation.
- Ramadan, T. (2007). *The Messenger*. London, UK: Penguin.
- Ramadan, T. (2010). *What I Believe*. Oxford, UK: Oxford University Press.
- Rapoport, Y. & Ahmed, S. (2010). *Ibn Taymiyya and his Times*. Oxford, UK: Oxford University Press.
- Richardson, L. (2007). *What Terrorists Want*. New York, USA: Random House.
- Rogan, E. (2011). *The Arabs: A History*. London, UK: Penguin.
- Safi, L. M. (2001). *Peace and the Limits of War: Transcending the Classical Conception of Jihad*. Herndon, Virginia, USA: The International Institute of Islamic Thought.
- Shaltut, M. (2013). The Qur'an and Combat. In P. G. bin Muhammad, I. Kalin, & M. H. Kamali, eds. *War and Peace in Islam*. Cambridge, UK: Islamic Texts Society.

Sherif, F. (1995). *A Guide to the Contents of the Qur'an*. Reading, UK: Garnet Publishing Ltd.

Tahir-ul-Qadri, S. u.-I. D. M. (2010). *Fatwa on Suicide Bombings & Terrorism*. London, UK: Minhaj-ul-Qur'an International.

Usher, R. (1997). Telling a story about Research and Research as Story-telling: Post-modern Approaches to Social Research. In G. W. McKenzie, J. Powell & R. Usher (Eds.), *Understanding Social Research: perspectives on methodology and practice*. London, UK: Falmer Press.

Weston, M. & Fowler Jr, W. (2008). *Prophets and Princes: Saudia Arabia from Muhammad to the present*. Hoboken, New Jersey, USA: John Wiley & Sons.

Wilkinson, M. L. N. (2015). *A Fresh Look at Islam in a Multi-Faith World: a philosophy for success through education*. Abingdon, UK: Routledge.

Winter, T. (2010). Terrorism & Islamic Theologies of Religiously-Sanctioned War. In D. Fisher & B. Wicker (Eds.) *Just War on Terror? A Christian and Muslim Response*. Farnham, UK: Ashgate Publishing Limited.

i The word *Sharia'* has regrettably become associated with certain interpretations of the *Hudud* (limits) punishments of the *Sharia'* often implemented in countries where basic human rights - which are the conditions of *Sharia'* Law - do not exist. Every Muslim who follows the Five Pillars of Islam is on the *Sharia'* of Islam.

ii In the vast majority of respects, Yusuf Al-Qaradawi has advocated a moderate, peaceful activist path. However, his opinions on suicide bombing depart from this norm and may be considered, in this respect only, violently extreme.