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Misreading the Tradition: A Critical Analysis of Four Islamic Legal Concepts in Extremist Jihadi Discourse

Bachar Bakour[1]

Abstract: This study critically examines and deconstructs four key legal foundations frequently appropriated by extremist jihadi groups to justify violence: the Qur'anic slogan of *la hukma illa lillah* (sovereignty belongs to God alone), the doctrine of *takfir* (excommunication) of rulers, the Sword Verse (Qur'an 9:5), and the question of *tatarrus* (human shields). Through textual analysis of both classical Islamic jurisprudential sources and contemporary extremist literature, this study demonstrates how extremist discourse departs from the traditional methodological approaches, ethical commitments, and contextual understandings that defined these concepts in classical Islamic scholarship. The significance of this study lies in its contribution to understanding how the misreading of these key legal foundations led to the emergence of jihadist ideology. The study further explores counter-extremism discourse by demonstrating that jihadi extremist positions do not represent authentic expressions of Islamic law, but rather modern politicized reconstructions that violate the very legal tradition they claim to uphold. The findings offer insights for religious scholars, policymakers, and security professionals engaged in countering violent extremism through evidence-based theological and legal critique.
Keywords: extremist groups, tatarrus, takfir, Sword-verse, Islamic law

Introduction

In the aftermath of violent attacks perpetrated in the name of Islam, a crucial question repeatedly emerges: what relationship, if any, exists between these acts and the Islamic legal tradition they purportedly defend? This question becomes particularly urgent when examining the sophisticated legal arguments advanced by groups like ISIS, al-Qaeda, and their ideological affiliates—arguments that are deliberately framed within the vocabulary and conceptual framework of classical Islamic jurisprudence. Jihadist ideologues do not dismiss the Islamic legal tradition; instead, they draw

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much from it, selectively using and reshaping its concepts to support their agendas (Meijer 2009). This process of selective appropriation presents a complex challenge for scholars, policymakers, and Muslim communities alike, as it blurs the boundaries between authentic religious interpretation and ideological manipulation.

The present study examines four fundamental Islamic jurisprudential concepts that have been systematically misappropriated in extremist jihadi discourse: the Qur'anic slogan of *la hukma illa lillah* (the judgment is God's alone), the doctrine of *takfir* (excommunication) of rulers, the question of *tatarrus* (human shields), and the interpretation of the Sword-verse (Qur'an 9:5). Each of these concepts carries significant historical weight within the Islamic legal tradition and operates within carefully delineated parameters established through centuries of scholarly deliberation. However, in extremist and literal discourse, these concepts undergo radical transformation from traditional methodologies of Islamic law—one that disregards contextual considerations, selectively engages with textual evidence, and rejects the rich interpretive plurality that has defined Islamic jurisprudence (see Abou El Fadl 2001).

I assume that the analysis of the rhetoric employed by militant groups holds relevance beyond academic inquiry, as it reveals key mechanisms behind their recruitment tactics and claims to legitimacy. These fringes adopt the language of Islamic jurisprudence to appear authentic, especially to audiences with limited grounding in Shariah. Exposing their flawed methods, misuse of sources, and distortions of context directly challenges their religious credibility and weakens the ideological foundations of their appeal.

The arrangement of the four legal issues follows a deliberate logical progression that mirrors the theological and operational development of extremist ideology. The analysis begins with the slogan *la hukma illa lillah*, which serves as the foundational premise in extremist discourse—establishing the theological justification for rejecting human governance systems not deemed sufficiently "Islamic" and historically linking contemporary extremism to the early Khawarij movement. This foundational concept then enables the second step: *takfir*, which operationalizes this theological stance by providing the legal mechanism to declare rulers apostates, thereby removing religious prohibitions against rebellion. The third concept, the Sword Verse, represents the scriptural justification for violence once the theological foundation and legal categorization have been established—demonstrating how extremists extract a historically contextual verse and transform it into a universal mandate for aggression against designated enemies. Finally, the principle of *tatarrus* addresses the technical legal question of permissible civilian casualties during operations, representing the last ethical barrier extremists must overcome to justify indiscriminate violence.

La hukma illa lillah: From Political Slogan to Theological Doctrine

The phrase *la hukma illa lillah* (the judgment is God's alone) has experienced significant contextual evolution throughout Islamic history. Originally employed by the Kharijites[2] during Caliph Ali ibn Abi Talib's era, this concept reemerged approximately thirteen centuries later as a cornerstone within divine sovereignty (hakimiyyah) discourse, particularly through the works of Abu al-A'la al-Mawdudi (d. 1979) and Sayyid Qutb (d. 1966). This ideological framework subsequently permeated jihadist Islamic groups, becoming central to their doctrinal systems and serving as an evaluative criterion for political structures and Islamic communities (Cook and Maher 2023).

The root h-k-m encompasses multiple linguistic meanings, including restraining, governing, adjudicating, fortifying, and recognizing. *Al-hukm* within this framework denotes knowledge, jurisprudence, and equitable judgment (Ibn Manzur n.d, 951; Lane 1968, 2: 618; Badawi and Hakeem 2008, 226). In justice administration contexts, al-hakim embodies roles including judging, arbitrating, leading, and governing. As judgment executor, al-hakim must prevent oppression, a concept derived from "bit of the bridle" (hakamat al-lijam), which prevents horses from aggressive movement, analogous to al-hakim's role in restraining injustice (Al-Zabidi 1965-2001, 31: 510-515). Within the Qur'an, *al-hukm* conveys various meanings aligned with these lexical definitions: judicial rulings and dispute adjudication (Qur'an 22:56), establishing legal parameters (Qur'an 5:1), meticulousness (Qur'an 11:1), jurisprudence and knowledge (Qur'an 12:22), clarification (Qur'an 3:7), prophethood (Qur'an 21:75), divine decree (Qur'an 52:48), and governance (Qur'an 4:58-59). The phrase *la hukma illa lillah* has transformed from a misappropriated statement by Kharijites to a contemporary ideological doctrine shaped by political, social, and religious circumstances, particularly in Pakistan and Egypt.

[2] The Kharijites (secessionists) were the first group to split from the early Muslim community during the civil war (fitna) of 35 AH/656 CE, following Caliph Uthman ibn Affan's assassination (ruled 23-35 AH/644-656 CE). Ali ibn Abi Talib, Uthman's successor, faced rebellion from Muawiyah ibn Abi Sufyan, governor of Syria. At the Battle of Siffin (37 AH/657 CE), Ali initially refused Muawiyah's call for arbitration but later agreed. A faction of Ali's supporters condemned this decision, citing the Qur'an, 49:9 which commands fighting rebels until they submit to God's will. They believed arbitration rejected divine judgment, adopting the slogan *la hukma illa lillah* (Williams and Corfield 2009, 2: 418; Kenney 2009, 431). These dissenters became known as Kharijites, first gathering at Harura near Kufa before moving to Nahrawan (Ibn al-Imad 1986, 1: 225). Ali challenged their literalist interpretation of the Qur'an. When he told the Qur'an to "speak" to the people, they protested that it was merely ink and paper. Ali agreed, stressing that humans must interpret its teachings through reasoned judgment (Ibn Kathir 1998, 10: 565-66).

Al-Mawdudi

Abu al-A'la al-Mawdudi is generally recognized as the first to infuse *hakimiyyah* with theological dimensions, asserting its intrinsic connection to divinity. He limited *hakimiyyah* exclusively to God, excluding others from this authority. This novel interpretation later influenced figures like Sayyid Qutb and subsequently gained traction within certain jihadist factions[3]. For al-Mawdudi, *hakimiyyah* constitutes the core of Islamic political systems.

Al-Mawdudi defines *hakimiyyah* as supreme, absolute authority - comparable to contemporary political science terminology. In his view, the ruler possesses complete, unconditional power, demands obedience, holds inherent capability, and remains beyond questioning. This aligns with legal scholars' portrayal of *hakimiyyah*, though this conceptualization remains theoretical without political authority to transform it from theory to reality (Al-Mawdudi 1981, 18-19). Al-Mawdudi further argues that such attributes apply exclusively to God, not human rulers. God executes His will unhindered, with absolute dominion over everything. Thus, divine sovereignty (hakimiyyah ilahiyyah) encompasses both legal and political sovereignty (Al-Mawdudi 1981, 20).

He also emphasizes God's exclusive legal sovereignty by referencing Qur'anic verses such as: "Authority belongs to God alone, and He orders you to worship none but Him: this is the true faith, though most people do not realize it" (Qur'an 12:40) and "Follow what has been sent down to you from your Lord; do not follow other masters beside Him. How seldom you take heed!" (Qur'an 7:3) (Al-Mawdudi 1981, 22-23; Al-Mawdudi 1978, 10). He reinforces his argument by noting that those who reject this legal sovereignty are considered disbelievers, as indicated in verse 44 of surah 5. He further establishes a direct correlation between divinity and authority, asserting that an entity without authority cannot be considered divine, while one possessing authority merits divinity (Al-Mawdudi 1971, 28-29).

As noted, Al-Mawdudi developed his concept of *hakimiyyah* between 1937 and 1941 during British colonization of India. This period coincided with the Congress Party's vision of independent India as a national, democratic, secular state following Western models. Confronted with this notion, al-Mawdudi strongly rejected human sovereignty, emphasizing its divine nature instead (Amarah 2011, 153; Musallam 2005, 151). Consequently, he deemed it essential to establish a clear distinction

[3] The influence of Abul Ala al-Mawdudi on the contemporary Muslim world has been widely documented, particularly his role in shaping Islamic thought across various regions. Scholars such as Fathi Osman (2003) and M. Kamal Hassan (2003) have examined how al-Mawdudi's ideas significantly contributed to modern Islamic discourse in both the Arab world and Southeast Asia. Jan-Peter Hartung (2013) offers a comprehensive study of al-Mawdudi's ideological framework and its broader implications, especially its impact on the Egyptian Muslim Brotherhood. A key aspect of this influence is evident in the works of Sayyid Qutb, who reappropriated al-Mawdudi's terminology and conceptual framework. This intellectual transmission is further discussed by John Calvert (2010, 213–314) and Adnan Musallam (2005, 152), both of whom explore how al-Mawdudi's writings informed the ideological foundations of Qutb's radical thought.

between Islamic principles and Western religious and political ideas. It is within this context of British imperialism and concerns about Muslim subjugation by the Hindu majority that we encounter the particular significance assigned to *hakimiyyah* in al-Mawdudi's discourse.

Qutb

Sayyid Qutub viewed Islam as inherently political, with the state defined and characterized by *hakimiyyah* (Khatab 2006, 7-8). According to al-Khalidi, Qutb considers *hakimiyyah* as the exclusive domain of God in matters of rule, legislation, authority, and sovereignty. All laws, systems, and principles are derived solely from God, with His law governing every facet of life (Al-Khalidi 2000, 152). While al-Mawdudi laid the groundwork by linking governance with divinity, Sayyid Qutb built upon this notion, asserting that *hakimiyyah*—the concept of God's sole sovereignty—constitutes a core element of divine authority (Qutb 1979, 8). Qutb frequently discusses *hakimiyyah* in his "*Fi Zilal al-Qur'an*," particularly regarding divinity, lordship, creed, authority, and legislation (Al-Khalidi 2000, 172-173). Moreover, *hakimiyyah* in Qutb's thought is inseparable from *Jahiliyyah*, which "is based on attacking the sovereignty of God on earth, and the most exclusive attributes of divinity, which is *hakimiyyah* " (Qutb 1979, 8). According to Qutb, just as *hakimiyyah* is a defining attribute of divinity, it is also an essential aspect of God's lordship (Al-Khalidi 2000, 175). Therefore, God's absolute *hakimiyyah* constitutes the primary Islamic tenet. This tenet "is the faith, it is the religion, it is Islam, and beyond it lies nothing but religious applications and derivations" (Qutb 2003, 3: 1192-1193). Furthermore, "the existence of this religion depends on the existence of God's *hakimiyyah*. If this foundation is absent, religion is no more" (Qutb 2003, 3: 1217).

It is widely recognized that Sayyid Qutb's concepts of *hakimiyyah* and *jahiliyyah* provided a crucial intellectual and structural framework for the rise of extremist Islamic movements (Khatab 2006, 173-212; Musallam 2005, 167-204). A notable example is the group of *Takfir wal-Hijrah*, which promoted the excommunication (*takfir*) of not only rulers who govern by laws other than those revealed by God, but also of citizens who accept or support such regimes[4]. The group further endorsed the concept of *hijrah*—a withdrawal or separation from society perceived as ignorant or impure—both in physical relocation and emotional detachment (Al-Wasifi 2010, 259–288).

Members of this group maintain that contemporary Muslims have lost sight of the

[4] Farid Abdel Khaleq observes: "The origins of *takfir* ideology can be traced to segments of the Muslim Brotherhood youth detained in Qanater Prison during the late 1950s and early 1960s. These individuals were profoundly influenced by the doctrines of *takfir* espoused by the martyr Sayyid Qutb and his writings, from which they drew the belief that society was immersed in a state of *jahiliyyah*. They argued that the rulers had become *kuffar* (unbelievers) by rejecting God's *hakimiyyah* through their refusal to govern by divine revelation, and that the general populace was likewise guilty of *kufr* if they accepted or submitted to such rule" (Abdel Khaleq 1998, 115).

full weight of the shahadah, the declaration that "there is no god but Allah." In their view, genuine belief demands total and undivided loyalty to God, and any compromise or shared allegiance with secular or un-Islamic systems constitutes disbelief, effectively placing one outside the bounds of Islam (Al-Bahnasawi 1994, 27).

Hakimiyyah assessed

In evaluating the concept of *hakimiyyah* as understood by al-Mawdudi and Sayyid Qutb, it is observed that in Qur'anic contexts where the phrase *al-hukm lillah* ("judgment belongs to God") appears, it encompasses a range of meanings including judgment or decree (*qada'*), command (*amr*), matter or affair (*sha'n*), and God's sovereign will and authority (*mashi'ah* and *tasarruf*). These meanings collectively fall under the category of *al-hukm al-takwini*, which refers to the divine determination governing creation, the organization of the cosmos, and the natural laws—comprising the essential principles that regulate existence as ordained by God (Bakour 2023)[5].

From the standpoint of both linguistic and jurisprudential understanding, the term *hakim* is attributed to both God and human beings, though the nature and scope of its application differ significantly. *Hakimiyyah* in reference to humans indicates the possession of knowledge, insight, precision in action, the ability to resolve disputes, issue legal decisions, and exercise political authority. In divine terms, *hakimiyyah* similarly refers to governance, but it is characterized by God's exclusive authority in legislation and decree, His absolute will, and His decisions over all matters—whether in commanding or prohibiting—thus reflecting a form of sovereignty that is incomparable and absolute (Bakour 2023).

Fathi Osman astutely observes that expressions such as *al-hukm lillah* (judgment belongs to God), *al-ard lillah* (the earth belongs to God), and *al-mulk lillah* (sovereignty belongs to God) articulate a theological principle wherein divine authority establishes a set of universal ethical imperatives. These include justice, benevolence, the fulfillment of trusts, the promotion of good, the prevention of evil, and the preservation of societal harmony and peace. While these principles provide foundational guidance for social, economic, and political life, their practical implementation across various temporal and spatial contexts is necessarily mediated through human intellectual engagement. This task falls upon qualified scholars and experts, operating through consultative mechanisms (shura), to interpret and apply divine guidance appropriately (Osman 1992, 66).

The rulings of God, as manifested in the Shariah through the Qur'an and Sunnah,

[5] With regard to God's *hakimiyyah tashriiyyah* or *taklifiyyah*—that is, His exclusive legislative authority encompassing divine commands and prohibitions—the following Qur'anic verses serve as evidence: "But no, by your Lord, they will not truly believe until they make you [O Prophet] the judge in all disputes between them, and then find no resistance within themselves against your decision, and accept it wholeheartedly" (Qur'an 4:65). "God commands what He wills" (Qur'an 5:1). "So judge between them by what God has revealed, and do not follow their desires" (Qur'an 5:49). "Do they seek the judgment of ignorance? Who is better than God as a judge for a people who have certainty of faith?" (Qur'an 5:50).

are thus interpreted by human agents within the epistemological framework of juristic reasoning and its methodological foundations, as articulated in the discipline of *usul al-fiqh*. Given the diversity of human intellects, it is inevitable that variations in legal interpretation arise. These divergences are shaped by differences in cognitive capacities, socio-historical circumstances, lived experiences, and evolving human needs and interests. This plurality of legal opinions, though diverse in form, remains anchored in the same divine source, illustrating the dynamic interplay between revelation and reason within Islamic legal thought. Consequently, while ultimate legislative sovereignty belongs to God, human beings are granted a constrained and delegated authority within the broader framework of divine vicegerency (khilafah) on earth. As such, the judgment is for God, but it is through people and for people (Huwaydi 1994, 140).

However, this foundational understanding of *hakimiyyah*, as articulated within linguistic and legal traditions, underwent a profound transformation in the thought of al-Mawdudi. He reconceptualized it as an essential attribute of divinity, thereby excluding any notion of human participation in *hakimiyyah* and affirming its exclusive attribution to God alone. Building upon this framework, Sayyid Qutb emerged as a pivotal figure who further intensified this conceptualization. He elevated *hakimiyyah* to one of the most intrinsic attributes of divine sovereignty and lordship, arguing that it constitutes the supreme principle of Islam.

Huwaydi astutely notes that the concept of *hakimiyyah* offers no substantive innovation to Islamic political thought, nor does it address the core challenges of governance. Beyond its limited practical application within contemporary Islamic frameworks, the concept harbors considerable potential for exploitation. Rulers may appropriate it to claim divine legitimacy, asserting "I govern in God's name" while undermining popular sovereignty through the invocation of *al-hukm lillah*. This rhetorical maneuver effectively elevates their authority to a quasi-divine status, rendering it beyond question or accountability. (Huwaydi 1994, 140; cf. Al-Nadwi n.d., p. 71).

Takfir of rulers: A License to Kill!

The doctrine of *hakimiyyah* has significant implications, particularly in its connection to *takfir*—the practice of declaring rulers who do not judge according to divine revelation as disbelievers. This connection between governance and faith status represents one of the most contentious aspects of extremist ideological frameworks. In his commentary on verses 5:41-50, Qutb frames sovereignty and judgment as binary matters of faith versus disbelief, Islam versus ignorance, and Islamic law versus personal desires. He allows no middle ground, asserting that believers are exclusively those who adhere to divine decrees, while disbelievers, oppressors, and transgressors are those who fail to follow God's guidance. According to Qutb, rulers either govern entirely by Shariah, demonstrating their faith, or follow non-divinely sanctioned law,

making them disbelievers, unjust, and sinful (Qutb 2003, 8: 888). This absolutist interpretation establishes a dangerous theological framework that has been exploited by extremist movements[6].

Many Muslim scholars and intellectuals have expressed strong opposition to such implications. Muhammad Said Ramadan al-Buti articulates the parameters defining disbelief as outlined in classical Islamic jurisprudential texts. According to these sources, disbelief is specifically attributed to Muslims who deny fundamental Islamic principles or engage in actions clearly contrary to Islamic teachings, such as idol worship. Within this framework, a ruler's failure to implement God's decrees does not automatically constitute disbelief. The ruler's underlying motivation remains ambiguous—perhaps driven by worldly desires, self-interest, lack of commitment, or insufficient motivation. Alternatively, they might openly reject these principles. Without definitively identifying the specific motivation, each possibility carries equal plausibility (Al-Buti 1993, 155-157).

Al-Buti's contention is that verse 5:44 pertains solely to scenarios involving obstinate rejection of fundamental Islamic principles outlined in the Qur'an. If Muslims acknowledge God's sovereignty yet fail to fulfill religious obligations due to ignorance or lack of motivation, they should not be branded as disbelievers. Such individuals remain believers, maintaining faith in core Islamic tenets despite occasional wrongful behavior. This interpretation aligns with contextual evidence from subsequent verses 5:45 and 5:47[7]. Ibn Abbas, a prominent Companion well-versed in Qur'anic exegete, is quoted as saying: "Whoever denies what is revealed by God, he is kafir. And whoever recognizes it, yet did not act accordingly, he is a wrongdoer and a transgressor" (Ibn Kathir 1999, 3: 119; Al-Qurtubi 2006, 7: 497). This distinction between denial and non-compliance is crucial in understanding

[6] A distinct yet ideologically aligned application of common *takfir* can be seen in the rhetoric of Abu Muhammad al-Maqdisi, a Palestinian-Jordanian Jihadi-Salafi ideologue, who offers a fundamental reinterpretation of the doctrine of *al-wala' wa-l-bara'* (loyalty and disavowal). While his ideas are rooted in earlier Salafi scholarship, particularly the works of figures like Juhayman al-'Utaybi, al-Maqdisi introduces notable innovations by framing the concept through two interconnected dimensions: its politicization and its direct association with *takfir*. Central to al-Maqdisi's reinterpretation is his view that allegiance to secular legal systems constitutes *shirk* and *kufr*. He argues that obedience to man-made laws—regardless of whether it involves ritual worship—amounts to idolatry. This position is grounded in his reading of the Qur'anic verse: "They have taken their scholars and monks as lords besides Allah." (Qur'an 9:31). From this, he extrapolates that submission to secular authorities renders both the rulers and those who follow them as guilty of elevating others to divine status, thus branding them as *tawaghit* (false gods). Although earlier Salafi thinkers had politicized *al-wala' wa-l-bara'*, al-Maqdisi took this a step further by embedding it within a systematic framework of *takfir*. He redefined *Millat Ibrahim* (the creed of Abraham) to require exclusive devotion to God in every possible sense, including political obedience. By broadening the definition of worship to encompass adherence to legal and political authority, al-Maqdisi justified the excommunication of Muslim rulers who govern by secular laws. Viewing idolatry as pervasive across the Muslim world, al-Maqdisi devotes extensive writings—spanning hundreds of pages—to denouncing leaders he deems apostates due to their loyalty to human-made legislation. Similar to other ideologues, al-Maqdis provides his justification of *takfir* by quoting the verse 5:44 (Wagemakers 2009, 92-99).

[7] A similar stance is articulated by the distinguished scholar Abd al-Rahman Habannakah (2000, 186–199).

traditional approaches to faith categorization.

Al-Buti further emphasizes that declaring someone a disbeliever should not be done carelessly or arbitrarily. Such recklessness could lead to inappropriately labeling numerous Muslims—including parents, officials, and employers—as non-believers, as these individuals may occasionally fail to follow God's directives or prevent subordinates from doing so. He notes the curious inconsistency that those who declare *takfir* on rulers do not extend the same judgment to parents instructing children against Islamic principles or individuals engaging in unethical business practices, revealing a bias in *takfir* application that particularly targets political authority figures (Al-Buti 1993, 158).

The consequences of indiscriminate *takfir* are demonstrated by extremist groups like *Takfir wal-Hijrah*, which, as Yusuf Qaradawi observes, readily brand as unbelievers anyone committing unrepented sins, rulers not applying Islamic law, and citizens submitting to such governance. Their *takfir* extends to Muslim scholars who don't explicitly condemn both rulers and ruled as infidels, operating on the principle that "whoever does not declare an infidel to be an infidel is himself an infidel." They further declare as infidels those rejecting their ideology, those accepting their ideology but not joining their group and pledging allegiance to their imam, and—most dangerously—those who join but later leave, whom they label apostates whose "blood may be shed with impunity" (Qaradawi 1991, 32-33).

These groups expanded *takfir* to include those who accept teachings from the four major Islamic juristic schools (al-Shafi'i, Malik ibn Anas, Abu Hanifah, and Ahmad ibn Hanbal), or who acknowledge established Islamic legal methodologies like consensus (ijma'), analogy (qiyas), etc. They went so far as to view all Islamic periods since the 4th century AH as epochs of ignorance and unbelief, accusing Muslims of venerating the "idol of tradition" rather than God (Qaradawi 1991, 33).

Islamic jurisprudential tradition emphasizes extreme caution before pronouncing *takfir*. According to classical sources, even if seventy unanimous reports brand an individual as a disbeliever, the presence of a single contradicting report—even if weak in transmission—obligates both religious jurists and judges to adhere to the latter interpretation (Ibn Abidin 1992, 1: 82). This principle underscores the critical importance of careful consideration and strict adherence to evidence before making such serious judgments[8].

This cautious approach to *takfir* does not necessarily constitute an endorsement of contemporary Arab and Muslim leadership. Many such leaders have demonstrated dictatorial tendencies, moral corruption, subservience to entities hostile to Islamic interests, and violent oppression. They have often replaced Islamic identity with secular, communist, or nationalistic ideologies while cynically employing religious rhetoric to maintain legitimacy and stability (See Alianak 2007; Esposito 1999; Sadiki 2015). However, the fundamental principle remains that they cannot be branded as

[8] On traditions warning against reckless *takfir*, see (Ibn Hanbal 1993-2001, 10: 158; Al-Nawawi 1930, 2: 49).

disbelievers unless they have demonstrated explicit disbelief through unambiguous statements or actions.

The Sword Verse: Universal Mandate!

Extremist Islamist groups have misused the Sword Verse (Qur'an 9:5) to legitimize coercive conversions and violent jihad (Azzam n.d., 36–37; Faraj 2000, 53–56). Their interpretation rests on a narrow literalism that strips the verse of its theological depth and historical context, thereby ignoring the ethical fabric of the Qur'an and centuries of interpretive tradition that underscore the importance of contextual analysis (Zayd 1987, 2: 507–508; Ibn Taymiyyah 1997, 15: 58; Zarkashi 1957, 2: 200). A thorough approach to the verse, grounded in its linguistic and historical surroundings and guided by traditional exegetical methods, offers a more balanced and principled interpretation. Such analysis follows classical methodologies that seek meaning through progressive contextual expansion, akin to assembling a puzzle in which each piece clarifies the overall message.

The verse's context

The verse in question states: "Then, when the sacred months have passed, slay the idolaters wherever you find them, seize them, besiege them, and lie in wait for them at every place of ambush. But if they repent, establish prayer, and give zakah, then let them go their way. Indeed, God is Forgiving and Merciful." (Qur'an 9:5).

Found in Surah al-Tawbah, revealed late in the Prophet's life, the verse has been associated with confronting idolaters, especially those breaching treaties (Al-Qurtubi 2006, 10: 93). The Makkan period featured persecution of Muslims and deliberate obstruction of the Prophet's mission (Ibn Ishaq 1990, 143–145; Lings 1984, 79–80), forcing the migration to Madinah (Lings 1984, 118–124). A temporary peace came with the Treaty of Hudaybiyah in 6 AH (Ibn Ishaq 1990, 499–507; Al-Qurtubi 2006, 10: 89–99), but this was broken by the Quraysh's backing of the Bakr tribe in an attack against the Muslim-allied Khuza'ah. This violation led to the Conquest of Makkah and campaigns at Hunayn and Ta'if (Lings 1984, 297–307; Al-Qurtubi 2006, 10: 99–100).

The verse emerged in the aftermath of the Battle of Tabuk in 9 AH, when the Prophet (pbuh) issued a public ultimatum granting idolaters four months to consider their stance, resulting in widespread Islamic acceptance across Arabia (Al-Tabari cited in Qutb 2004, 8: 33, 47). The surrounding verses clarify that only specific groups—those guilty of treachery—were targeted. This diplomatic notice, issued during the Grand Pilgrimage (Al-Qurtubi 2006, 10: 104–105), marked a critical shift in Muslim-idolater relations. Treaty-abiding idolaters who remained peaceful were excluded from punitive measures, demonstrating a discerning and fair political approach (Qutb 2004, 8: 32). According to Al-Sha'rawi, idolaters were classified into

three types: open enemies, passive detractors, and neutrals, and each was dealt with appropriately (Al-Sha'rawi 1991, 8: 4877–4878).

Derived from the context of the Sword Verse, the idolaters subject to capital punishment are characterized by seven distinct behaviors: breaking oaths, displaying open hostility towards Muslims, exploiting divine revelations for personal gain, obstructing religious expression, engaging in corruption (*fasiqun*), committing acts of aggression (*mu'tadun*), and leading hostile forces. Yet, the verse also outlines avenues for reconciliation—granting protection to those seeking knowledge about Islam and ensuring safe passage for those in need (Bakour 2022, 606).

Essential to this discussion is the distinction between polytheists and Ahl al-Kitab (People of the Book), namely Jews and Christians. The Qur'an repeatedly refers to them with respect, recognizing their possession of divine scriptures. This acknowledgment of shared Abrahamic roots creates a different framework for relations with monotheistic communities, countering misreadings that equate all non-Muslims with idolaters targeted in the Sword Verse. This theological nuance curtails the verse's application and affirms the Qur'anic vision of religious plurality and respectful coexistence.

Free choice

Claims that this verse abrogates the principle of religious freedom are unfounded. The oft-cited verse "No compulsion is there in religion" (Qur'an 2:256) unequivocally affirms liberty of belief. Extremist assertions of its abrogation by 9:5 misinterpret both verses' intent and context. The phrase *la ikraha* expresses a categorical denial of coercion (Ibn Ashur 1984, 3: 26), establishing freedom of faith as a core Islamic tenet. Furthermore, the Qur'an embraces diversity as divinely ordained: "Had thy Lord willed, He would have made mankind one nation..." (11:118), while verse 49:13 calls for *ta'aruf*, mutual understanding, and reinforcing pluralism.

True faith in Islam inherently demands sincere, heartfelt acceptance. The very concept of *aslama* (to surrender) represents a conscious, deliberate submission to God's will—an act that by definition must be freely chosen. Rationally speaking, coercion creates only outward conformity while leaving inner conviction untouched. A person who professes faith under duress harbors no true belief—He merely perform empty rituals while his heart remains disconnected. This superficial adherence contradicts Islam's emphasis on *niyyah* (intention), which teaches that actions derive their spiritual value from the intentions behind them.

Moreover, forced conversion undermines the divine purpose of free will. If God granted humans the capacity to choose, compelling religious adherence negates this divine gift and the moral responsibility that accompanies it. The spiritual journey in Islam involves conscious recognition of truth followed by willing submission—a process that coercion short-circuits entirely.

Throughout his message, The Prophet Muhammad (pbuh) demonstrated this

principle in action – he invited people to Islam through kind persuasion and by being a living example of the faith, never through force or intimidation. As the scholar Ibn al-Qayyim points out, the Prophet never compelled anyone to become Muslim. He only engaged in conflict with those who first attacked Muslims, while respecting those who kept peaceful relations, following the Qur'anic guidance: "So as long as they are true to you, be true to them" (9:7). When living in Medina, the Prophet honored his agreements with the Jewish communities there, taking action only when they broke these treaties and initiated hostilities. Similarly, he faithfully kept the conditions of the Treaty of Hudaybiyah until the Quraysh themselves violated it. Throughout his prophetic mission, Muhammad consistently stood for justice and peaceful coexistence. People came to Islam of their own free will after seeing the truth and beauty of his message (1996, 1: 238). This reinforces that the Sword Verse targets a specific, historically bounded group of treaty-violating polytheists, not all non-Muslims. It prescribes a measured political response rather than a universal theological doctrine.

Tatarrus: From Reluctance to Permissibility

The concept of *tatarrus* represents a complex ethical and jurisprudential question in Islamic thought concerning situations where enemies use human shields. This doctrine has been appropriated by contemporary jihadist groups to justify violence that results in Muslim casualties, claiming both strategic necessity and theological legitimacy for such actions. Al-Qaeda spokesmen and ideologues have prominently featured this concept in their discourse, attempting to provide religious sanction for operations that may harm Muslim civilians.

Abu Yahya al-Libi's 2008 work Human Shields and Modern Jihad exemplifies this contemporary reinterpretation[9]. Al-Libi argues that applying the principle of *tatarrus* is necessary in modern jihad despite ethical challenges. He contends that avoiding attacks merely to protect Muslim civilians might ultimately expose the broader Muslim community to greater danger. According to his reasoning, refraining from such operations would constitute a failure to fulfill jihad obligations, particularly in contexts of occupation. Al-Libi frames civilian casualties as a "specific harm to prevent a greater harm," positioning such losses as regrettable but morally justified sacrifices (Barclay 2010, 7).

The historical roots of *tatarrus* can be traced to classical Islamic jurisprudence. Al-Ghazali (d. 1111), in his book al-Mustasfa, was apparently the first scholar to systematically address this concept while developing the idea of public interest (al-maslahah al-mursalah) as a legal source when primary texts are silent, particularly when this interest reaches the level of absolute necessity (darurah) (Al-Ghazali 1413

[9] An English translation of this work can be found at the following link: https://scholarship.tricolib.brynmawr.edu/items/3fc17b45-7224-4c1b-bdc1-c9e7c5a0105a

AH, 2: 487-490). Al-Ghazali presented a hypothetical scenario where a Muslim army confronts enemies using Muslim captives as human shields. He argued that if refraining from attack would result in the enemy defeating the Muslim army and subsequently annihilating the entire Muslim community (including the captives), then firing upon the enemy—despite the inevitable death of innocent Muslims—becomes permissible. This represents an exceptional case where the threat of total communal destruction creates a necessity that overrides the general prohibition against killing innocent Muslims (Al-Ghazali 1413 AH, 2: 487-490).

To justify their actions, jihadist groups cite the juridical principle: "The essential act for completing an obligatory becomes an obligation in itself" (ma la yatimm al-wajib illa bihi fa huwa wajib). Through this reasoning, they claim that if removing certain rulers necessitates the death of innocent people, such collateral damage becomes acceptable (Al-Buti 1993, 162).

However, eminent Muslim scholars have challenged both the understanding and application of this principle. Following Al-Ghazali's approach, Al-Buti specifies that *tatarrus* is permissible only when three essential preconditions simultaneously exist: 1. *Daruriyyah*: The absolute necessity of saving the entire Muslim community by averting enemy harm; 2. *Qat'iyyah*: Absolute certainty that killing the human shield will enable enemy destruction, and 3. *Kulliyyah*: The entire Muslim nation faces extinction if the shielded enemy is not attacked. If any single precondition is absent, killing the human shield remains prohibited (1993, 164).

Although causing harm (mafsadah) in itself, killing innocent Muslims becomes permissible only to prevent the greater harm of communal annihilation. This approach aligns with two legal maxims: choosing the lesser of two evils and accepting private sacrifice to prevent public catastrophe. Al-Buti further argues that contemporary jihadist applications of *tatarrus* fail to meet these strict conditions. He notes two critical distinctions: first, classical jurisprudence limited application to non-Muslim enemies rather than Muslim rulers; second, the potential harm must threaten the entire Muslim community rather than specific groups (Al-Buti 1993, 165; see al-Dawoody 2009, 212-216).

It is evident that extremist interpretations distort the principle of *tatarrus* by converting what classical jurists established as a narrowly defined exception applicable only in dire circumstances into a standard justification for attacks against civilian populations in ordinary contexts. This profound inversion of the principle's original intent can be observed in how terrorist organizations rationalize mass-casualty attacks both on Western soil and within Muslim-majority nations.

Conclusion

This analysis has demonstrated how extremist jihadi groups systematically misappropriate and distort four foundational Islamic legal concepts— and the principle of *la hukma illa lillah*, *takfir*, the Sword-verse and *tatarrus*,—to legitimize

violence that contradicts both the letter and spirit of the Islamic tradition. These misreadings are not merely academic errors but dangerous manipulations with profound consequences for Muslim communities worldwide and for global security. This study, having examined the original contexts, classical interpretations, and proper methodological frameworks of these concepts, reveals the significant gulf between authentic Islamic jurisprudence and extremist discourse. The extremist hermeneutic is characterized by several consistent patterns: selective citation that ignores contextual limitations, literalist readings that bypass centuries of interpretive tradition, decontextualized applications that ignore historical contingency, and a radical oversimplification of nuanced legal principles. This approach fundamentally betrays the methodological rigor and ethical commitments that have defined Islamic legal thought throughout its history.

Moving forward, several recommendations emerge from this analysis. First, scholarly efforts must continue to recover and articulate the holistic frameworks within which these concepts originally operated, making this knowledge accessible to wider audiences. Second, religious education at all levels should emphasize methodological pluralism and interpretive sophistication rather than simplified or decontextualized readings of sacred texts. Third, policymakers and security professionals should develop deeper understandings of Islamic legal discourse to avoid inadvertently reinforcing extremist narratives by accepting their claims to authentic interpretation. Finally, Muslim scholarly communities must be supported in their efforts to reclaim interpretive authority through institutions that combine classical expertise with contemporary relevance. The battle against extremism cannot be won through security measures alone; it requires intellectual engagement that exposes how extremist discourse fundamentally misreads the tradition it claims to defend. Through recovering the ethical sophistication, contextual awareness, and methodological rigor of classical Islamic jurisprudence, we can help establish more compelling alternatives to extremist interpretations and contribute to both religious authenticity and global security.

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Бачар Бакур

Погрешно тумачење традиције: Критичка анализа четири исламска правна концепта у екстремистичком џихадистичком дискурсу

Сажетак: Овај рад критички испитује и деконструише четири кључне правне основе које екстремистичке џихадистичке групе често присвајају ради оправдавања насиља: кур'ански слоган *la hukma illa lillah* („власт припада једино Богу"), доктрину текфира (проглашавања владара неверницима), „Ајет мача" (Кур'ан 9:5) и питање *tatarrus* (употребе људских штитова). Кроз текстуалну анализу како класичних извора исламске правне науке тако и савремене екстремистичке литературе, ова студија показује на који начин се екстремистички дискурс удаљава од традиционалних методолошких приступа, етичких начела и контекстуалних разумевања која су обликовала ове концепте у класичној исламској учености. Значај ове студије огледа се у доприносу разумевању начина на који је погрешно тумачење ових кључних правних основа довело до појаве џихадистичке идеологије. Рад даље разматра дискурс супротстављања екстремизму показујући да ставови џихадистичких екстремиста не представљају аутентичне изразе исламског права, већ савремене политизоване реконструкције које нарушавају саму правну традицију на коју се позивају. Налази пружају увид религијским учењацима, креаторима политика и безбедносним стручњацима који се баве супротстављањем насилном екстремизму кроз теолошку и правну критику засновану на доказима.

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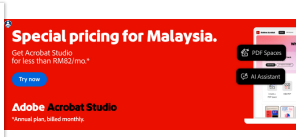

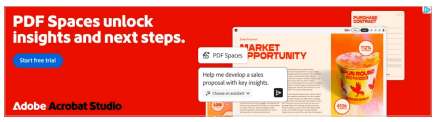

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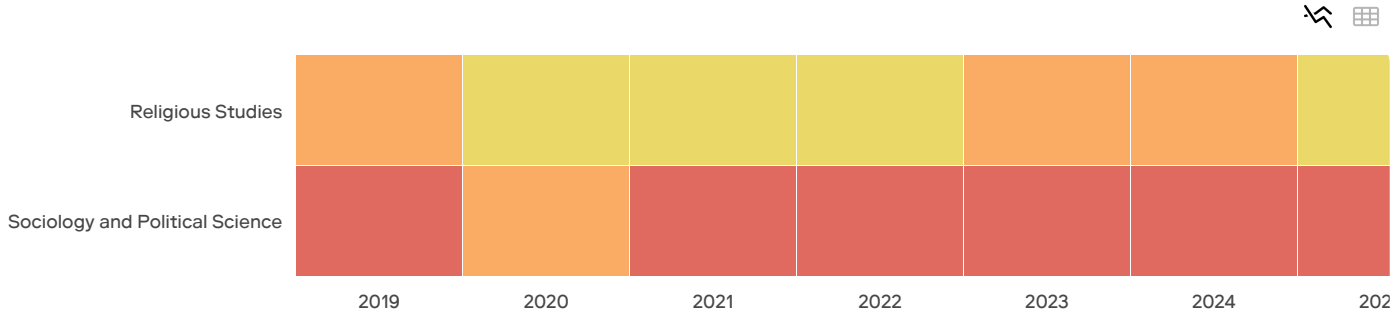

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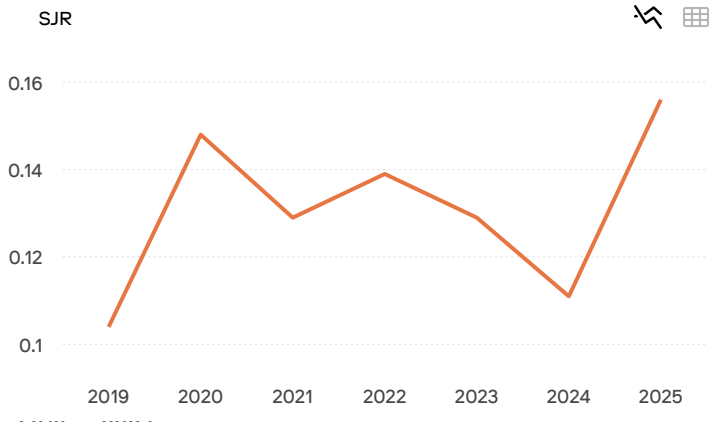

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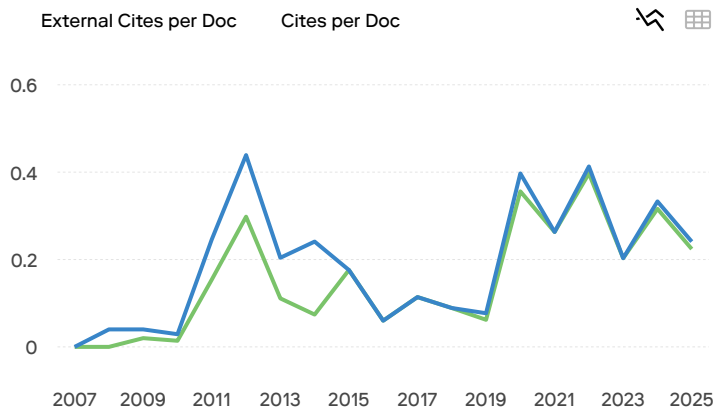

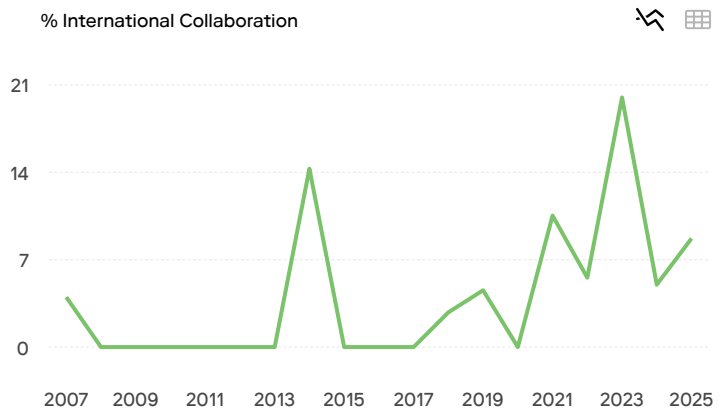

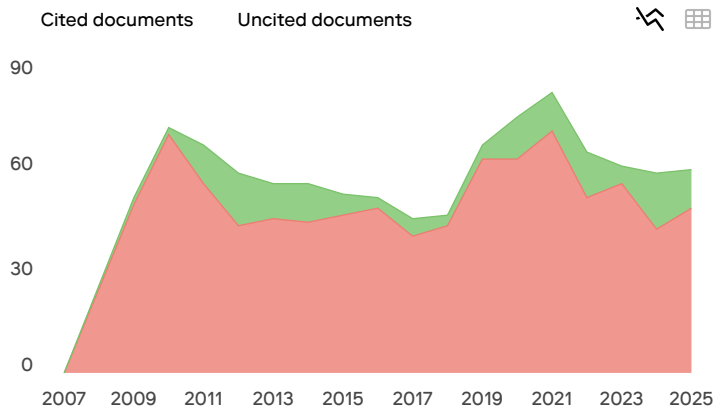

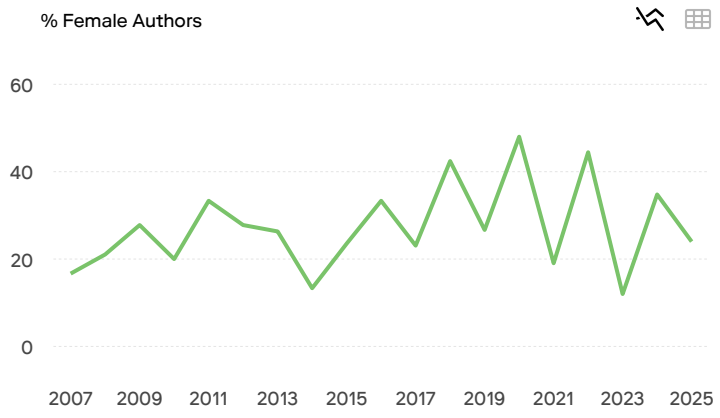

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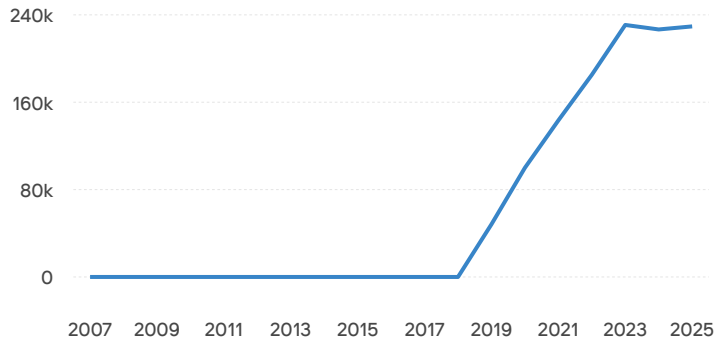

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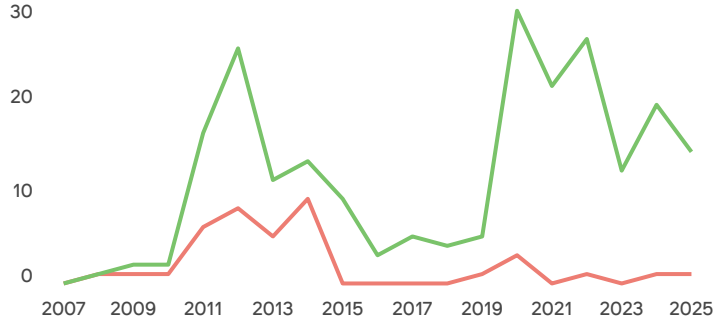

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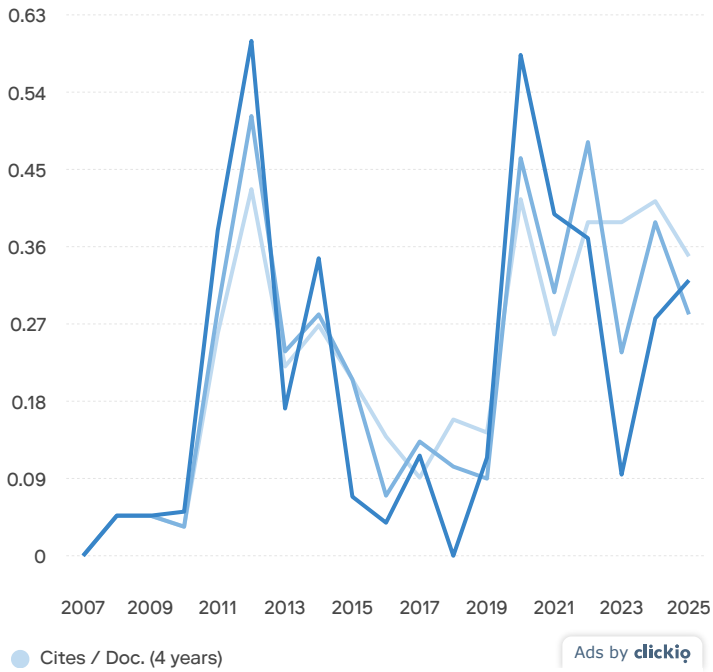

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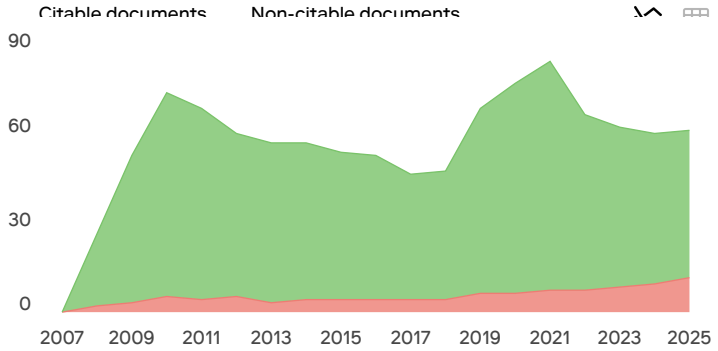

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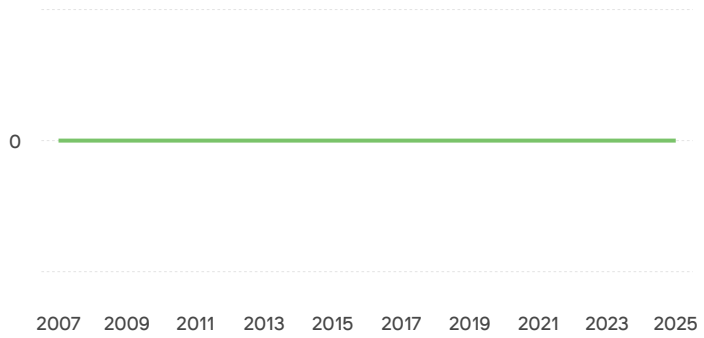

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reply

Melanie Ortiz
2 years ago

Dear Alamsyah,
Thank you for contacting us.
We suggest you visit the journal's homepage (See submission/author guidelines) or contact the journal's editorial staff , so they could inform you more deeply.
Best Regards, SCImago Team

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This journal is a real revolution in social science. I checked and compared it with an American journal with a similar name Politics and Religion. The only difference is the word JOURNAL. But there is a big difference. American Journal has 19 members on the Editorial board. Only 3 of them are not American. And those 3 are from Canada, the UK, and Italy. But this one from Italy has an Anglo-Saxon name. This is a local American journal. Looking at the Editorial Board of Politics and Religion Journal from Belgrade we see that it is composed of 27 members. From the entire world: USA, Serbia, UK, Saudi Arabia, Abu Dhabi, Russia, Israel, Australia, Sri Lanka, North Macedonia, Bulgaria. Belgrade's Journal is one of the most international journals in social sciences in the entire world.

reply

Melanie Ortiz
2 years ago

Dear Jean Michel, thanks for your participation! Best Regards, SCImago Team

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