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"Cogent Religious Instruction": A Response to the Phenomenon of Radical Islamist Terrorism in Australia

Halim Rane

Griffith Centre for Social and Cultural Research, Griffith University, Nathan 4111, Australia; h.rane@griffith.edu.au

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Abstract: Over the past 15 years, 47 Muslim Australians have been convicted for terrorism offences. Australian courts have determined that these acts were motivated by the offenders' "Islamic" religious beliefs and that interpretations of Quranic verses concerning *jihad*, in relation to *shariah*, *caliphate*, will of God and religious duty contributed to the commission of these crimes. This paper argues that these ideas, derived from certain classical-era Islamic jurisprudence and modern Islamist thought, contradict other classical-era interpretations and, arguably, the original teachings of Islam in the time of the Prophet Muhammad. In response to the call for "cogent religious instruction" to combat the phenomenon of radical Islamist terrorism, this paper outlines a deradicalization program that addresses late 20th- and early 21st-century time-period effects: (1) ideological politicization associated with Islamist jihadism; (2) religious extremism associated with Salafism; and (3) radicalization associated with grievances arising from Western military interventions in Muslim-majority countries. The paper offers a counter narrative, based on a contextualized reading of the Quran and recent research on the authentication of the Covenants of the Prophet Muhammad. It further contends that cogent religious instruction must enhance critical-thinking skills and provide evidence-based knowledge in order to undermine radical Islamist extremism and promote peaceful coexistence.

Keywords: Islam; Covenants; Islamism; Salafism; *jihad*; *caliphate*; *shariah*; deradicalization; terrorism; Australian judiciary

1. Introduction

For well over a century, Islam and Muslims have peacefully coexisted with the state and wider society in Australia, respecting the duties of all citizens and enjoying the constitutional right of religious freedom.[1] The issues concerning Islam and Muslims today relate to communities established since the 1970s. Only since the turn of the 21st century, however, has the phenomenon of terrorism committed by Muslim Australians in the name of Islam emerged. Today, Australia's National Terrorism Threat Level remains at PROBABLE and security agencies confirm that "the primary terrorist threat in Australia is from a small number of Islamist extremists, principally lone actors or small groups" (Australian National Security 2018). Important questions, as serious as they are unprecedented, are being raised about Islam and national security to which responses seem to be

[1] The population of Muslims in Australia increased from 2704 in 1947 to 22,311 in 1971, with the repeal of the *Immigration Restriction Act 1901* in 1959. Today, Muslims number 604,200, which is 2.6% of the total Australian population according to the 2016 census.

unsatisfactory.[2] This is in spite of the federal government spending tens of millions of dollars on countering violent extremism (CVE) programs since the mid-2000s (Harris-Hogan et al. 2016).

New South Wales Supreme Court Justice Desmond Fagan[3] contends that religious beliefs, specifically how some Muslims interpret certain verses of the Quran, are connected to the commission of terrorism offenses. In the most recent of such cases, he sentenced Sameh Bayda and Alo-Bridget Namoa, both aged 21 years old, who were found guilty in October 2018 of conspiring in preparation for a terrorist act. In his sentencing remarks, Justice Fagan referred to Quranic verses concerning the use of armed force and called on Australian followers of Islam "to make a clear public disavowal of these verses as not authoritative instructions from Allah" so that "the terrorists' moral convictions might be weakened" (R v Bayda; R v Namoa 2019, p. 22). In sentencing Bayda and Namoa, Justice Fagan stated:

> . . . the total over the past 15 years has now reached approximately 13 plots or actual attacks involving some 47 jihadists. More such cases are awaiting determination by the courts. This number of convicted Islamic terrorists whose offences span 15 years, all inspired by the same ideology and with the same objective, constitutes a significant phenomenon. (pp. 30–31)

The purpose of this paper is to respond to the call for "cogent religious instruction" (R v Khaja 2018, p. 25) to combat the phenomenon of radical Islamist terrorism, which this paper defines as violence directed against civilian and/or government targets in furtherance of an Islamist political agenda. It should be noted that Australian courts have consistently found the religious beliefs of Muslim terrorism offenders to be central in the commission of their crimes. This paper consists of three main parts. The first begins with an examination of the court sentencing transcripts of three recent cases (R v Bayda; R v Namoa 2019; R v Khaja 2018; R v Kruezi 2018), which show that Australian terrorism offenders' conceived of their crimes as *jihad*. They were motivated by beliefs that killing non-Muslims and to die for the cause of establishing a *caliphate* and *shariah* law is an Islamic religious duty in accordance with the will of God. The second part of the paper provides a framework for understanding the emergence of this phenomenon based on late 20th- and early 21st-century time-period effects. The third part of the paper presents a response to the call for cogent religious instruction to combat the phenomenon of radical Islamist terrorism and Islamist extremism more generally. It includes the scholarly literature on deradicalization and examines the key concepts of *shariah*, *caliphate* and *jihad*. The paper then offers a counter narrative, based on a contextualized reading of the Quran and recent research on the authentication of the Covenants of the Prophet Muhammad. It contends that a program for cogent religious instruction must enhance critical-thinking skills and provide evidence-based knowledge in order to undermine radical Islamist extremism and promote peaceful coexistence.

2. Religion and Terrorism

The judgment against Bayda and Namoa states that "Islam was the religion and ideology the offenders intended to advance by the acts for which they conspired to make preparations" (R v Bayda; R v Namoa 2019, p. 3). The sentencing remarks also record that, having received no instruction in Islam in his youth, at the age of 15, Bayda "commenced to attend Bukhari House, an Islamic bookstore and prayer meeting room in Auburn" and "began to listen to lectures and sermons

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[2] See court transcript of R v Bayda; R v Namoa (No 8) 2019, paragraph 80: "The apparent message of these verses is not answered by non-specific and unelaborated suggestions, from various quarters, that 'there are other verses' or that 'it is an interpretive religion' or that the hostile passages are 'cherry picked'. Assurances are from time to time offered to Western communities that 'Islam is a religion of peace' and that the faith of Muslims requires them to obey the laws of a country in which they are in a minority. But in the absence of express public disavowal of verses which convey Allah's command for violence, as quoted in the jihadist literature tendered in this case, such assurances are apparently contradicted. Certainly that is how the matter is seen by jihadi propagandists and those who have followed them, including these offenders" (p. 22).

[3] *Bar News:* The Journal of the New South Wales Bar Association [2015] (Winter), p. 86. Online: http://www.austlii.edu.au/au/journals/NSWBarAssocNews/2015/104.pdf.

on the Internet which promoted salafist doctrine" (p. 12). In his evidence, Bayda "described salafists as those who 'take the Quran literally and they want to live exactly as Muhammad, the way Muhammad lived', including violent subjugation of non-Muslims" (p. 12). On New Year's Eve 2015, Bayda along with some other young males intended to "prepare for a violent attack against non-Muslims and that on 30 and 31 December Namoa knew of the proposed attack, agreed with Bayda that he should carry it out and strongly encouraged him" (p. 6).

Bayda and Namoa were found in possession of a large amount of Islamist and jihadist images, videos and text files, including numerous editions of the ISIS [Islamic State of Iraq and Syria] magazine *Dabiq*. Justice Fagan stated that the inspiration and justification for the crimes they intended to commit were derived from these sources: "Bayda said that IS [Islamic State] and al-Qaeda propaganda online deemed such crimes against non-Muslims 'Islamically acceptable'" (p. 8). A number of Quranic verses and alleged sayings attributed to the Prophet Muhammad (*hadith*) encouraging violence against non-Muslims are also cited in the court sentencing transcripts as having inspired and legitimized his planned attack. Justice Fagan's assessment of this material in relation to its influence on the offenders' religious beliefs and their offences is as follows:

> The jihadist propaganda on Bayda's laptop and hard drive (particularly the IS and al-Qaeda magazines) also relies upon the Prophet's example of waging religious war in the 7th Century. The articles invoke the duty of Muslims to follow the Prophet's example in all things as a central tenet of Islam. Writings of other Islamic scholars, ancient and modern, are quoted to substantiate that the war-making of IS in the Middle East against everyone except Sunni Muslims and the extension of this violence against Western communities are the fulfilment of all Muslims' religious duty. (R v Bayda; R v Namoa 2019, p. 18)

In sentencing Bayda and Namoa, Justice Fagan called on Muslims to speak out "If the verses upon which the terrorists rely are not binding commands of Allah" (p. 22), adding that "The incitements to violence which terrorists quote from the Quran cannot just be ignored by the many believers who desire harmonious coexistence" (p. 22). Commenting on the impact of such interpretations on intercommunity relations, he stated: "As seen in this and numerous other prosecutions, the hostile verses are inspiring serious crimes. In turn those crimes have the capacity to provoke social division and mistrust" (p. 22).

The Bayda and Namoa case is not the first in which Justice Fagan has expressed his concerns about how Quranic verses are interpreted and the role they play in terrorism committed by Muslim Australians. Last year, he presided over the case of R v Khaja (2018) NSWSC 238. Tamim Khaja was sentenced to 19 years' imprisonment after pleading guilty for offences in preparation for or planning a terrorist act contrary to s 101.6(1) of the Criminal Code and engaging in conduct preparatory to entering a foreign country with intent to engage in hostile activities contrary to s 119.4(1) of the Criminal Code. The court determined that Khaja's central motivation for planning an act of terrorism in Australia was his religious beliefs based on his reading of the Quran, understanding of *shariah*, *jihad*, *khilafah/caliphate*, and *darul kufr*, as well as his hatred of non-Muslims and belief that to kill non-Muslims is sanctioned by his religion, if not a religious duty (R v Khaja 2018).

Highlighting the extent of Khaja's radicalization, particularly its connection to a religious ideology, Justice Fagan stated:

> The offender planned an attack not merely to attract attention to a specific issue concerning his religion. He aimed for complete overthrow of Australia's system of law and government and to replace it by Islamic rule under a caliph, according to sharia law. The unreality of his thinking that the country could be intimidated into abandoning democracy and surrendering the peace and freedoms which it preserves, in favour of his theocratic alternative, is a measure of the grip of the religious ideology upon his faculties. (R v Khaja 2018, p. 17)

Islamist ideology has been identified as central to terrorism cases heard by Australian courts for the past 15 years. In relation to these cases, Justice Fagan stated:

> In all of these cases the "cause" underlying the offence, although described by the courts in a variety of ways, has been that of furthering Islamic ideology by force and fear through indiscriminate killing of non-Muslims. (R v Khaja 2018, p. 27)

In these cases, verses of the Quran concerning *jihad* and warfare have repeatedly been cited. Regarding their role in inspiring Khaja's offending, Justice Fagan stated:

> ... to my mind beyond doubt, that verses of the Medinan suras [chapters] are the ones he drew upon. The ideas he expressed of religious violence, martyrdom and Muslim supremacism correspond closely with these parts of the Quran. (R v Khaja 2018, p. 22)

He also pointed out that in order for Khaja to arrive at his understanding of his Islamic duty based on the Medinan chapters of the Quran, he would need to employ a method or theory, specifically abrogation, in order to prioritize the Medinian chapters over those revealed in Mecca:

> If the offender has thought at all about parts of the Quran which run counter to the Medinan suras [chapters] he presumably considers that the conciliatory parts are either abrogated by the later-revealed violent passages or in some other way negated. What is conspicuously lacking from the offender's case on sentence is any evidence that he has received and is at least willing to consider an authoritative refutation, from within the scholarship of his own religion, of the verses of the Quran in which he found justification for planning a terrorist attack. In his devout frame of mind it would seem that only a disavowal of those verses by respected Islamic scholars or clerics would have any prospect of causing him to change his own view of Muslim scripture. (R v Khaja 2018, p. 23)

Justice Fagan's call for "the scholarship of his [Khaja's] own religion" to construct "an authoritative refutation" "of the verses of the Quran in which he [Khaja] found justification for planning a terrorist attack" seems not to have been met to date in the form of an education-based deradicalization program that addresses these issues of religious beliefs.

Justice Fagan is not alone in his assessment regarding the relationship between religious beliefs and terrorism offences committed by Muslim Australians. To cite another case, R v Kruezi, Queensland Supreme Court 2018, Justice Atkinson sentenced Agim Kruezi to 17 years and four months' imprisonment on a guilty plea for two offences: one count of preparations for incursions into a foreign state contrary to Section 7(1)(a) of the *Crimes (Foreign Incursions and Recruitment) Act 1978* (Cth) and one count of acts in preparation for or planning a terrorist act contrary to Section 101.6 (1) of the *Criminal Code Act 1995* (Cth) (R v Kruezi 2018). He was found guilty of firstly, attempting to enter the Republic of Syria with the intention of engaging in hostile activities in the Syrian conflict and secondly, obtaining or attempting to obtain materials and ingredients to make improvised explosive devices.

Kruezi's religious beliefs are clearly identified in connection with Islam, specifically a "radical strain of Islam" (R v Kruezi 2018, p. 2) that supports the establishment of "a state governed by Islamic law or a caliphate" (p. 3) and are considered to be consistent with those of "Islamist" groups involved in the Syrian conflict (p. 3). In connection, the court found Kruezi's beliefs to include "a mixture of anti-Western sentiments, expressions of intolerance and disdain for non-believers" (p. 29). Justice Atkinson made specific reference to Kruezi prioritizing his religious beliefs above public safety and wellbeing:

> The fact that you were prepared to offend in the way in which you did because of a belief in matters that you value above compliance with the laws of this country indicates that specific deterrence must be given some significant weight. You also valued your beliefs over the safety and lives of people who live and work in this community. (R v Kruezi 2018, p. 31)

In sentencing Kruezi, Justice Atkinson referred to the sentence imposed by Justice Fagan in the New South Wales Supreme Court in R v Khaja (2018) NSWSC 238, in which it was determined that the offender showed no realistic prospect of abandoning his religious-based hatred of non-Muslims:

> The judge in Khaja's case found that there was an absence of a realistic prospect that he would abandon his religiously based hatred of non-Muslims and of Australia's democratic institutions and he was likely to remain a danger to the community, and that, therefore, personal deterrence was a strong factor. (R v Kruezi 2018, p. 41)

In response to the defense's claim that Khaja "had been seeing on a regular basis the imam who visits the gaol where he is held" and that from this person he has received "teaching and guidance" (R v Khaja 2018, p. 24), Justice Fagan stated that "The content of this teaching has not been tendered in evidence in any form" (p. 24) and that "little weight can be given to any of these statements" (p. 24). The judge found them to be of "second-hand character" and "extremely non-specific" (p. 24). A key point to consider in relation to the offender's ability to demonstrate rehabilitation or deradicalization rests with the effectiveness of the religious instruction provided. Justice Fagan stated:

> Neither from him nor from any other source has there been any attempt to show that the offender can be offered cogent religious instruction that the verses upon which he relied are cancelled and that killing non-Muslims and destruction of democratic government are not decreed by Allah. (R v Khaja 2018, p. 25)

The following section addresses the main issues arising from these cases, which, in the view of the presiding judges, are consistent with the other terrorism cases involving Muslim Australians over the past 15 years. The context of this offending is framed below in terms of time-period effects in order to explain the role of recent historic events in shaping thinking and behavior associated with these offences.

3. Time-Period Effects

The current phenomenon of Muslim Australians committing acts of terrorism in the name of Islam is recent. Less than two decades ago, no Muslim Australian person committed an act of terrorism against Australia or its people in the name of a politicized, extremist, religious ideology that is *not* Islam but masquerades as the true representation of the faith. Time-period effects, also referred to as period or periodical effects, emphasize the role of historic events in influencing thinking and behavior on an individual basis regardless of one's association with a particular generation or life-cycle phase (Nikolayenko 2008). The relatively recent phenomenon of Western Muslim terrorism has emerged at the intersection of three time-period effects: (1) ideological politicization associated with the post-colonial development of political Islam in response to social, economic and political shortcomings of Muslim-majority countries and more recently, in the late 20th century, the spread of Islamist jihadism in response to domestic political repression and foreign military intervention; (2) religious extremism associated with the global spread of Salafism, particularly Saudi Arabian Wahhabism, since the 1970s, which has promoted a *shariah*-oriented, literalist, ultra-conservative, intolerant interpretation of Islam; and (3) radicalization arising from grievances over 21st-century Western military interventions in Muslim-majority countries associated with the war on terror, coupled with feelings of marginalization and discrimination in response to pejorative Western media and political discourses concerning Islam and Muslims. The massive death tolls and destruction caused by Western military interventions have created conditions that have produced militant groups such as ISIS and reinforced their recruitment propaganda (Mahood and Rane 2017), while Western media coverage and political discourses that conflate Muslims with terrorism, and Islam with politicized violence (Courty et al. 2018), have contributed to the alienation and radicalization of some Muslims, particularly among those whose formative years occurred in the post-9/11 era (Roose 2016; Rane and Bull 2019), including Muslim Australian terrorism offenders.

3.1. Islamism

Islam and Islamism are not the same thing. The former is a faith, while the latter is an ideology that borrows from the religion of Islam for its legitimacy:

> . . . there is a distinction between the faith of Islam and the religionized politics of Islamism, which employs religious symbols for political ends. Many will deny this distinction, including most prominent Islamists themselves. There is no doubt that many Islamists hold the sincere conviction that their Islamism is the true Islam. In fact, however, Islamism emanates from a political interpretation of Islam: it is based not on the religious faith of Islam but on an ideological use of religion within the political realm. (Tibi 2012, p. vii)

Mozaffari (2007) contends that "Islamism is more than merely a 'religion' in the narrow sense of theological belief, private prayer and ritual worship, but also serves as a total way of life with guidance for political, economic and social behavior" (p. 22). Islamism selectively uses the teachings of Islam to form the sets of ideas that comprise the ideology, which it reproduces as legitimate religious obligations (Mozaffari 2007). *Islamists* are identified in relation to their pursuit of an Islam-based political agenda. As defined by one leading scholar of political Islam: "Islamists are Muslims who are committed to political action to implement what they regard as an Islamic agenda", while the content of that agenda and its pursuit is *Islamism* (Martin and Barzegar 2010, p. 27). Similarly, others define Islamists as "Muslims with Islam-based political agendas . . . who reject the separation of religious authority from the power of the state . . . and seek to establish some version of an Islamic political and legal structure" (Rabasa et al. 2010, p. 2). This definition, however, does not account for the evolution of those considered pro-democracy political Islamists, such as Tunisia's En-Nahda Party and Turkey's Justice and Development Party, that advocate political secularism (Rane 2010, 2018).

Although I use the term *Islamist*, in order to be consistent with the academic literature, not all Islamists are violent; most advocate non-violent means, including democratic elections, to achieve their vision of an Islam-based political agenda (Martin and Barzegar 2010). However, research on the prevalence of Islamism among Western Muslim youth gives some reason for concern. Goli and Rezaei (2011), for instance, found that half of the young Danish Muslims included in their study adhere to some form of Islamism, including those that they categorized as *fundamentalists* (27%), *radical Islamists* (18%), and *militants* (6%). Radical Islamists who advocate the use of violence to achieve national or transnational political goals are often referred to as Islamist jihadists or simply jihadists (Tibi 2012). Rabasa et al. (2010) point out that "radical Islamism has been an enduring problem for many nations, but it became a prominent international priority only after the 9/11 attacks" (p. 37).

3.2. Salafism

Sunni Islam has been influenced by Salafism, particularly Wahhabism, which is a version of the former that is prominent in and exported by Saudi Arabia. The global spread of Saudi Wahhabism is well documented. Laurence (2012), for instance, provides the following account:

> The boom in Saudi proselytism around the world—through the construction of grand mosques, the circulation of millions of free Wahhabi prayer books, and the dispatching of missionaries and imams—was funded by petrodollars at an estimated expense of more than $85 billion between 1975 and 2005, reflecting a determined effort to establish spiritual and political hegemony over Muslim practice. King Fahd (1982–2005) personally financed the building of 210 Islamic centres and supported more than 1500 mosques and 202 colleges and almost 2000 schools for educating Muslim children in non-Islamic countries. (p. 54)

Particularly since the 1970s, Muslim Australians have sought funding for mosques from foreign Muslim governments, namely Libya, Iran, Iraq, Saudi Arabia, Turkey and UAE. This funding reflects competition between Muslim states for "global Islamic leadership and patronage in maintaining the Islamic faith of all Believers in the diaspora" as well as "continued influence of Islamic political parties

and movements in the diaspora", where Saudi Arabia has played a prominent role in influencing Islam (Humphrey 2001, p. 39). Documents released by WikiLeaks have highlighted the continued role of Saudi Arabia in funding "mosques and supporting Islamic community activities" in Australia (Dorling 2015).

The influence of Salafism impacts directly on Muslim relations with non-Muslims. Shavit (2014) observes that "Since the 1990s, salafī treatises and fatwās on 'loyalty and disavowal' (*al-walāʾ wa-al-barāʾ*) have proliferated in Western mosques and on internet portals, promoting an anti-integration agenda" (p. 68). These *fatwas*, he says, are used to argue that "friendly personal interrelations between Muslims and non-Muslims are prohibited and that Muslims should not resemble infidels or imitate them" (p. 72).

For example, on the website *Islam Question & Answer*, supervised by Saudi Shaykh Muhammad Saalih al-Munajjid and widely used by Muslims who identify with Salafism, a question was asked about social interactions with non-Muslims. Part of the response given was as follows:

> The scholars differed concerning the ruling on attending celebrations of the non-Muslims on their special occasions such as marriage, recovering from sickness and return from travel. The most correct scholarly opinion is that it is permissible on condition that it serves a legitimate *shar'i* interest, such as opening their hearts to Islam or calling them to the faith. (*Islam Question and Answer* 2012)

What evidence is there of any such thing as a "*shar'i*" reason required of Muslims to interact with or attend a celebration or social event of non-Muslim family, friends, neighbors, colleagues or acquiesces? The use of the word *shar'i* in the response is meant to give it the religious authority of a command from God or the Prophet. The meaning and use of the term *shariah* evolved through the modern Salafist and Islamist movements. Tibi (2012) uses the concept of "shari'atization" to explain: "one of the key areas in which the twentieth century political ideology of Islamism invents tradition is its call for a 'return' to shari'a law", which he argues is an "invented tradition" as it "differs in crucial respects from the traditional or inherited shari'a" (p. 24). The process of shari'atization refers not only to the Islamist agenda of institutionalizing this reinvented conception of *shariah* but also "the claim to derive its laws not from human deliberation but from the will of God is central to Islamist ideology" (p. 25).

Further to this point, partaking in non-Muslim religious celebrations or festivals is regarded by Salafists as a great sin. On the same website, the 14th-century Hanbali scholar Ibn al-Qayyim (d. 1350) is quoted as ruling that even congratulating non-Muslims on festive or religious occasions "is as great a sin as congratulating someone for drinking wine, or murdering someone, or having illicit sexual relations" (*Islam Question and Answer* 2012). While the overwhelming majority of Muslims globally would reject this ruling, for the uneducated and disenfranchised, it does offer religious legitimacy for an exclusivist Islam opposed to considerate, respectful and peaceful coexistence with non-Muslims.

The issue of *jihad* is addressed later in this paper, but it is appropriate to state here that Salafist jihadism is essentially a religio-political ideology that seeks to overthrow near enemies (Muslim nation-states) and cause the destruction of far enemies (Western nation-states)—depending on one's locational perspective—in order to establish a *caliphate* and to implement *shariah* law. While other groups of Salafists do not necessarily advocate violence in pursuit of political goals, and many remain apolitical, Salafi jihadists consider *jihad* a religious duty.[4] Salafists also apply *takfir*[5] against non-Sunni

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[4] *Islam Question and Answer states*: "Jihad against the munaafiqeen (hypocrites), kaafirs (disbelievers) and leaders of oppression and innovation is obligatory upon the community as a whole. Physical jihad (i.e., fighting) against the kaafirs may become an individual obligation upon everyone who is able to do it in certain circumstances" such as: "(1) When the Muslim is present in a jihad situation; (2) When the enemy has come and attacked a Muslim land; (3) When the ruler mobilizes the people, they must respond; and (4) When a person is needed and no one else can do the task except him." <https://islamqa.info/en/answers/20214/ruling-on-jihad-and-kinds-of-jihad>.

[5] Declare Muslims to be non-Muslims.

Muslims, particular Shiites, and advocate the subjugation and even enslavement of non-Muslims (Duderija 2018). Salafi jihadists are most infamously represented by al-Qaeda, Boko Haram, Jemaah Islamiyah, and ISIS among others. The influence of Salafi jihadists in terms of recruitment potential in the West coincides with the war on terror, specifically attacks on Muslim-majority countries.

3.3. Western Military Interventions

Radicalization among Muslims in the West is thought to arise from a sense of powerlessness in relation to foreign policy decisions, which have left many Muslims feeling alienated from the political process (Akbarzadeh 2013). More specifically it is associated with the consequences of Western military interventions in Muslim-majority countries, particularly a sense of outrage at the massive destruction and death caused in Afghanistan, Iraq, Libya and Syria, as well as Israel's occupation of Palestine with US financial and military support. The ensuing indignation with the conduct of certain Western governments is wrongly projected onto innocent Western civilians, most of whom also oppose these military interventions (Fishwick 2016). Further consequences include the creation of conditions that give rise to terrorist groups such as ISIS and the provision of material for recruitment propaganda (Mahood and Rane 2017). Additionally, having displaced millions of people, whose arrival in the West in search of security has inflamed anti-immigrant and racist sentiments, Western military interventions have arguably contributed to the rise of anti-Muslim populism in the West, which has impacted politics in Europe, United Kingdom, United States and Australia.

While the discussion of geopolitics will be complex, it is a necessary part of an effective education-based deradicalization program and should acknowledge what independent inquiries have confirmed. For instance, a British public inquiry which investigated the decision to invade Iraq in 2003 found that:

- "The UK went to war without the explicit authorization which it had sought from the [United Nations] Security Council" (Chilcot 2016, p. 47);
- "diplomatic options had not at that stage [early March 2003] been exhausted [and] Military action was therefore not a last resort" (p. 6);
- In November 2001, the JIC [Joint Intelligence Committee] assessed that Iraq had played no role in the 9/11 attacks on the US and that practical co-operation between Iraq and Al Qaida was "unlikely" (p. 10); and
- In the week prior to the invasion, the United Nations inspection team (UNMOVIC) led by Dr Hans Blix "still lacked clear evidence that Iraq possessed any WMD" (p. 31).

In assessing future consequences of the invasion, the Joint Intelligence Committee assessment concluded:

> . . . Al Qaida and associated groups will continue to represent by far the greatest terrorist threat to Western interests, and that threat will be heightened by military action against Iraq. The broader threat from Islamist terrorists will also increase in the event of war, reflecting intensified anti-US/anti-Western sentiment in the Muslim world, including among Muslim communities in the West. (Chilcot 2016, p. 48)

To effectively combat violent extremism, legitimate grievances with military interventions and ensuing radicalization need to be given far more attention as associated and ongoing costs if such actions are contemplated in the future.

4. Deradicalization

Before presenting an outline for cogent religious instruction to counter interpretations that encourage radicalization and extremism associated with jihadist terrorism, a brief discussion of deradicalization is necessary. Rabasa et al. (2010) define *radicalization* as "the process of adopting an extremist belief system, including the willingness to use, support, or facilitate violence, as a method to effect societal change" (p. 1). *Deradicalization*, therefore, "is the process of abandoning an extremist

worldview and concluding that it is not acceptable to use violence to effect social change" (p. 2). *Islamist radicalization* involves "adopting the belief that, to recreate an Islamic state, Muslims must not only adhere to a strict Salafist or ultraconservative interpretation of Islam but also wage jihad, defined as armed struggle against the enemies of Islam" (p. 2). *Islamist deradicalization*, therefore, is "the process of rejecting this creed, especially its beliefs in the permissibility of using violence against civilians, the excommunication of Muslims who do not adhere to the radicals' views (*takfir*), and opposition to democracy and concepts of civil liberties as currently understood in democratic societies" (p. 3).

Concerning the prospects for deradicalizing Islamists, Rabasa et al. (2010) express cautious optimism:

> . . . it is more difficult for Islamists to renounce their ideology because they consider the precepts of the ideology to be religious obligations. On the other hand, since Islamist radicals are motivated by an ideology that is rooted in a major world religion, there is an opportunity to leverage mainstream Islam to challenge extremist interpretations of the religion. This could facilitate the deradicalization of radical Muslims by making it possible for extremists to renounce extremism without also renouncing their faith. (p. 4)

While religious beliefs have been identified by Australian judges in terrorism cases as central to the offences committed, like other Western countries, Australia has been reluctant to directly address the issue of religious beliefs in its approach to deradicalization and counter-extremism. Western secular democracies tend to be reluctant to prescribe religious beliefs or be involved in changing the beliefs of even convicted criminals (Koehler 2016). Many Western governments "do not directly challenge the extremist ideology" mainly due to constitutional constraints and political sensitivities (Rabasa et al. 2010, p. xx). They instead settle for lesser outcomes such as 'disengagement', which is when behavioral change from offending to non-offending occurs but does not involve an ideological or psychological change in relation to the underlying motivations for offending (Koehler 2016). Disengagement means an individual will remain committed to their cause and, while they may cease to act, researchers have raised concerns that such individuals may be at high risk of recidivism (Koehler 2016).

Western governments have attempted to counter radicalization by enhancing social cohesion and the integration of Muslim communities (Rabasa et al. 2010). However, the notion that a lack of integration leads to radicalization has been challenged by empirical research (Goli and Rezaei 2011). A major shortcoming of the Danish counter-radicalization strategy, for instance, was that it refused to "directly challenge the radical ideology" and instead focused on "socioeconomic and affective issues" (Rabasa et al. 2010, p. 155). Similar critiques have been made in regards to Australia. A study of Australia's CVE programs funded by the federal government between 2010 and 2014 found that of the 87 projects, only one attempted to target violent extremists and provide disengagement options, nine attempted to provide support to at-risk groups and individuals, and while the remaining 64 aimed only to build community resilience and cohesion, the majority of these "had little or no direct relationship to addressing radicalization" (Harris-Hogan et al. 2016, p. 17).

It is noteworthy that in recognition of the central role of religious ideology in driving violent Islamism, deradicalization programs in many Muslim-majority countries, as well as Singapore, employ a method referred to as theological dialogue. This tends to be used in prison-based programs that enlist imams, Islamic scholars, and sometimes former radicals "to discuss Islamic theology in an effort to convince militants that their interpretation of Islam is wrong" (Rabasa et al. 2010, p. 29). These discussions tend to be based on a common reference to Islam and Islamic law and have been found to be "more compelling than other approaches and, at times, effective in moderating the prisoner's beliefs" (p. 29).

It should be noted that the Australian federal government does fund initiatives aimed at addressing radicalization and extremism in Australian prisons. These include training programs for frontline staff to identify behavioral changes that may indicate radicalization among inmates as well as the Proactive Integrated Support Model (PRISM), aimed at disengaging inmates deemed at risk of radicalization

(Commonwealth of Australia 2016). However, it seems that the courts consider the religious counsel provided to inmates by imams to be ineffective (see R v Khaja 2018, pp. 24–25).

An important consideration in developing cogent religious instruction to deradicalize offenders concerns the beliefs and methods of interpretation used by extremist groups such as ISIS and their consistency with mainstream Sunnism, especially Salafism. G. Wood (2015) argues that, although mainstream Muslims reject the group, the beliefs and actions of ISIS are grounded in authentic Islamic teachings:

> The reality is that the Islamic State is Islamic. *Very* Islamic. Yes, it has attracted psychopaths and adventure seekers, drawn largely from the disaffected populations of the Middle East and Europe. But the religion preached by its most ardent followers derives from coherent and even learned interpretations of Islam. (G. Wood 2015)

Rabasa et al. (2010) highlight the underlying premise of Middle East and Southeast Asian deradicalization programs is that extremists have been misguided into accepting an incorrect interpretation of Islam. The response, therefore, is to re-educate according to the 'true' teachings of the faith. However, it has been argued that because Salafists and mainstream Sunnis both refer to the same body of classical texts, jurisprudence, and interpretations, their understanding of Islam's teachings overlap considerably (Duderija 2018). Duderija (2018) has addressed the issue of consistency between ISIS and mainstream Sunni interpretations of Islam arguing that "there is a large degree of hermeneutical affinity between the interpretational approaches found in the *Dabiq* magazine and mainstream Sunnism as they both share the same interpretational, epistemological, and methodological commitments inherent in the Salafi worldview" (p. 9).

Researchers have sought deeper insights into the profile of those most likely to join Islamist jihadist groups. Consistent with the cases of most Australian terrorism offenders, studies have found that those who join Islamist radical groups tend to have "no formal religious training and therefore were particularly susceptible to extremist propaganda" (Rabasa et al. 2010, p. 30). This has been found in the case of ISIS recruits, particularly in relation to knowledge and training in *shariah* (Lebovich 2016). Other research has found an overrepresentation among Islamist militants of individuals educated in the STEM fields, especially engineering, and explains these findings in terms of a lack of critical thinking skills and inclination towards binary, black and white thinking (Rose 2015; Gambetta and Hertog 2016). Gambetta and Hertog (2016) note that among jihadists with post-secondary school qualifications, engineers account for approximately 45 percent of recruits from Muslim-majority countries and Western countries. These data contrast with the numbers of graduates from the humanities and social sciences, which are almost in "complete absence" among Islamist and jihadist groups. This is understood to be due to the humanities and social sciences' emphasis on "critical, nuanced thinking" (Rose 2015, p. 10). Hence, an effective deradicalization program will need to involve training and education that addresses key questions concerning Islamic religious beliefs that have been highlighted by the Australian judiciary, and designed to enhance religious literacy through the development of critical-thinking skills and evidence-based knowledge. The following section presents a response to the call for "cogent religious instruction" (R v Khaja 2018, p. 25) concerning Islam, particularly interpretation of the Quran in relation to the use of armed force and relations with non-Muslims.

5. "Cogent Religious Instruction"

This section begins with a brief justification for an education-based response, followed by an examination and discussion of *shariah* and *caliphate*, and then the Quranic verses concerning *jihad* and warfare based on a contextual-higher principles (*maqasid*) approach. This section concludes with a counter-narrative based on the Covenants of the Prophet Muhammad in relation to interfaith/intercommunity relations and coexistence in Islam.

Rabasa et al. (2010) contend that the theological dialogue model is only one way to approach the rehabilitation of Islamist extremists. Other methods they suggest include:

> ... providing information on Islam through classes or access to religious texts so that the militants, who often have a shallow and truncated understanding of Islam, can gain a deeper and more nuanced understanding of the religion. In the same vein, a program may make information on alternative interpretations available to encourage debate among the militants as a way of indirectly undermining extremism. (Rabasa et al. 2010, p. 43)

An education-based approach would allow for the presentation of information, discussion and debate concerning the historical contexts that have shaped what has been defined as Islam over the centuries, evolution of key concepts that have formed the frames and doctrines through which Islam has been approached, interpreted and manifested, as well as hermeneutical theories and methods that have been used to define what constitutes the will of God and religious duty in Islam.

5.1. Shariah

The term *shariah* is a potent concept that has become almost synonymous with Islam to the extent that it is used to declare what is and what is not Islamic. One world-renowned expert on Islamic jurisprudence refers to this as:

> the overly legalistic tendency which the latter-day Muslim jurists (*mutakhkhirun*) have embraced at the expense sometimes of the spirit of Islam, its moral and devotional teachings on matters of personal conduct. This tendency is manifested in the way authors have expounded the relationship of law and religion so that the *Shariah* is often presented as the core and kernel of religion and the essence of Islam itself ... the tendency to over-legalise Islam is common across the board in the writings of both Muslims and orientalists. (Kamali 2006, p. 1)

It was not until what is referred to as the classical era of Islam, during the reign of the Abbasid Empire (750–1258), that the terms *fiqh* and *shariah* were used to respectively describe processes of jurisprudence undertaken by legal scholars and the multitude of legal rulings they gave according to their methods of interpreting the Quran, *hadith*, sayings of Muhammad's companions and policies of various caliphs in relations to the evolving circumstances of their time (Farooq and El-Ghattis 2018).

Among the juristic writings were interpretations concerning *jihad* and non-Muslims based on a worldview, that had developed by this time, grounded in territorial divisions between Muslim lands (*dar al-Islam)* and those of non-Muslims (*dar al-harb, dar al-kufr)*. It should be noted that these terms are not Quranic or based on the worldview of the Prophet Muhammad (Al-Dawoody 2011). Similarly, restrictions on non-Muslims living under Muslim rule also developed at this time that were not imposed by the Prophet Muhammad and are contrary to the pledges he made to Christian, Jewish and other communities referred to as the Covenants of the Prophet (El-Wakil 2016). Relations with non-Muslims based on discrimination, restrictions and subjugation by Muslim rulers reflect the political context and jurisprudence of the 8th century and beyond rather than the central teachings, values and principles of the Quran and the Prophet Muhammad. However, their incorporation into what came to be termed *shariah* gave such discrimination, restrictions and subjugation religious legitimacy.

Farooq and El-Ghattis (2018) reiterate that the Quran, the primary source of Islam, uses the word *shariah* only once in verse 45:18 in reference to a life or moral path and "provides no sense of a legal system or of laws" (p. 12). This is not to suggest that the Quran does not contain laws, indeed it does in relation to interpersonal relations and social order. However, the authors' analysis of all of the major and minor collections of *hadith* shows that the terms *shariah* and *fiqh* were almost never used and in the handful of instances they appear are defined according to the Quranic definitions of a 'path' and 'understanding', respectively (Farooq and El-Ghattis 2018). The authors' state:

> . . . there is no evidence the Prophet used the term [*shariah*] frequently, let alone in the sense of a set of laws or a legal system. Although several leading collections, including *Sahih al-Bukhārī*, also contain *Athar* narrations (statements of the companions and some of their followers the *Tabiyeen*) in addition to the Prophetic Hadiths, in neither case is the *Sharīʿah* mentioned in a single instance. Looking through the prism of the Hadith literature spanning the 4th and 5th centuries AH [after *hijra* in 622] confirms there is hardly any mention of the *Sharīʿah* at all. In the collections dating to the 2nd and 3rd centuries, there is no mention of it whatsoever. (p. 23)

This is also the opinion of Kamali (2006), who explains that "*Shariah* is a path to religion" but "as a legal code did not exist at the time this verse [Quran 45:18] was revealed" (p. 2). The same applies to another verse (Quran 42:13) that uses a related term, *shara'a,* in reference to the religious path of earlier Prophets, including Noah, Abraham, Moses and Jesus (Kamali 2006). He explains:

> The word *shariah* does not seem to have been used even by the Pious Caliphs following the demise of the Prophet, nor have they used its equivalent *fiqh* in the sense of a legal code. These terminologies emerged much later and consist mainly of juristic designations that found currency when a body of juristic doctrine was developed over a period of time . . . identifying *Shariah* in the sense of a legal code as the defining element of an Islamic society or state, which became commonplace in subsequent juristic writings, does not find a strong footing in the source evidence [Quran and *hadith*]. (Kamali 2006, p. 5)

In the centuries after the death of the Prophet Muhammad, the term *shariah* was applied in reference to the body of juristic rulings concerning *ibadat* (matters of worship: prayer, charity, fasting, pilgrimage), *mu'amallat* (civil matters: marriage, divorce, inheritance, trade, commerce) and *hudud* (specific crimes and punishments: banditry, theft, adultery, defamation).[6] During the Abbasid period (750–1258), matters of state, such as administration, taxation, warfare, and foreign relations, were in a separate category called *siyasa* (policy and administration) and were the prerogative of the caliph but following its fall, some jurists, such as Ibn Taymiyyah (d. 1328), incorporated *siyasa* into *shariah* (Kamali 2006).

Some Islamic scholars also of the late classical period, however, cautioned against the misuse of the term *shariah.* For instance, Ibn Qayyim al-Jawziyyah (d.1350) stated:

> Shariah is based on wisdom and achieving people's welfare in this life and the afterlife. Shariah is all about justice, mercy, wisdom, and good. Thus, any ruling that replaces justice with injustice, mercy with its opposite, common good with mischief, or wisdom with nonsense, is a ruling that does not belong to the Shariah, even if it is claimed to be so according to some interpretation. (cited in Auda 2008, pp. xxi–xxii)

This exemplifies the importance of providing cogent religious instruction that counters narrow readings and interpretations through access to a multiplicity of scholars and texts across diverse social and historical contexts. Broad exposure to the diversity of Islamic scholarship on jurisprudence, philosophy and theology will encourage an appreciation for epistemology concerning what has come to be defined as Islam over the centuries.

5.2. Caliphate

The earliest leaders of the emerging Muslim empire that reigned after the death of the Prophet Muhammad (632–661) were not initially called caliphs but *Emir al-Mu'mineen* (Commander of the Believers). Archeological and textual evidence suggests that this continued to be the case among the

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[6] In respect to the latter of these categories, I recommend a paper by Jonathan Brown on the theory versus reality of implementing *huhud* and *shariah* in Islamic history by Brown (2017).

early rulers of the Umayyad dynasty (661–750) and that it was not until about 50 years after the death of the Prophet Muhammad that Muslim rulers used the title of caliph and retrospectively applied it to earlier rulers (Donner 2012).

The idea of the caliphate as an "Islamic" religious requirement received endorsement from 11th-century scholars such as al-Marwardi (d. 1058), was revived in the 20th century by reformers such as Rashid Rida (d. 1935), and has since been promoted by Islamist groups including Hizb ut-Tahrir, Al-Qaeda and ISIS. However, the Quran uses the term caliph not in reference to a political leader or institution but human beings in general as inheritors of, being entrusted with, the earth (Quran 6:165, 27:62 and 35:39) and to administer this trust with wisdom and justice (Quran 2:251 and 38:26) guided by revelation (Quran 2:2).

The seminal work of Ali Abdel Razek (d. 1966), Al-Islam wa Usul al-Hukm: Bahth fi al-Khalifah wa al-Hukumah fi al-Islam (Islam and the Foundations of Rule: Research on the Caliphate and Government in Islam), written in 1925, presents a compelling argument that the caliphate is a human innovation rather than a religious imperative (Razek 2013). Razek constructs his case for political secularism in Islam based on analysis of the Quran, hadith, *sira* (biography of Prophet Muhammad), classical works of Islamic political thought and Islamic history. He determined that neither the Quran nor the Prophet Muhammad articulated a specific form of government. In respect to his claim that the Quran and *hadith* offer no support or evidence for an "Islamic" political institution called a caliphate, Razek states:

> If there were one single evidence in the Quran, these scholars would have never hesitated to refer to it and praise it. Or even if there were in the Noble Book what resembled an evidence for *wujub al-Imamah,* someone among the supporters of *Khilafah* would have tried to turn any such resemblance into evidence. However, the fair scholars failed to find *hujah* or evidence in favour of their opinion in God's Book. Thus they left the Book and went to find evidence in the claim of *Ijma'* [consensus among legal scholars or jurists] at times, and *Qiyas* (reasoning by way of analogy), at other times. (cited in Ali 2009, p. 73)

Razek contends that Islam neither endorsed nor denied the various political institutions that humans have developed; rather "it has been left for people to decide how to use their minds, other nations' experiences, and the principles and fundamentals of politics in organising their governments" (cited in Ali 2009, p. 84). The implication is that the idea of a caliphate as an "Islamic" political institution is an invention of Muslims after the Prophet Muhammad's time and therefore not an Islamic religious requirement, as only the Quran or the Prophet have the authority to make such a determination according to orthodox Islamic thought.

5.3. Jihad

The word *jihad* means to 'strive' or 'exert effort' and is used in the Quran 35 times in reference to striving through good words and deeds as well as more narrowly in the sense of armed struggle (Abdel Haleem 2010; Al-Dawoody 2011). However, most of the Quranic verses concerning fighting in the sense of warfare use a term that denotes fighting or killing (*qital*). The issue at hand is the interpretation of these verses. The majority of classical Islamic jurists, including three of the four founders of the enduring Sunni schools of jurisprudence—Hanafi, Maliki and Hanbali—consider *jihad* to be defensive, permitted to repel aggression and overcome oppression. They do not permit *jihad* for the propagation of Islam or in response to the unbelief or rejection of Islam on the part of non-Muslims (Al-Dawoody 2011). Moreover, even in the context of legitimate armed struggle for self-defense, the majority of classical jurists, and later scholars including Ibn Taymiyyah, permitted fighting only against combatants and not against non-combatants (Al-Dawoody 2011; Rane 2009).

Additionally, the majority of classical jurists do not accept the theory or method of abrogation (*naskh*) and therefore do not see the numerous verses of the Quran that urge Muslims to exercise restraint towards, and establish peace with, their enemies as having been superseded by such verses

as the so-called sword verse (Quran 9:5) (Al-Dawoody 2011). Moreover, the majority of classical jurists interpret such sayings attributed to the Prophet Muhammad, as *"I have been ordered to fight against the people until they say 'there is not god but God'"* to be a specific reference to the aggressive Arab polytheists of his time or the Quraysh tribe specifically and not a general reference to non-Muslims (Al-Dawoody 2011).

However, within the Shafi'i school of jurisprudence, as well as the minor Zahiri school, *jihad* is understood to be permitted when non-Muslims refuse to accept Islam or submit to Muslim rule (Al-Dawoody 2011). This opinion is based on the theory that latter verses of the Quran, namely 9:5 and 9:29, abrogate all earlier verses concerning *jihad*, warfare and relations with non-Muslims. The interpretation that non-Muslims are to be fought and subjugated not because of their aggression but their disbelief extends to non-combatants according to the view of this minority of classical jurists (Al-Dawoody 2011). *Naskh* was adopted by these jurists in order to eliminate what seemed to be contradictions between verses advocating peace and others that permitted the use of armed force. When applied to verses concerning *jihad*, it also served the interests of Muslim rulers seeking to expand their territory into non-Muslim lands. While it is beyond the scope of this paper to discuss the concept of *naskh* in further detail, refutations of the doctrine have been provided in other studies (Al-Dawoody 2011; Khan 2006; AbuSulayman 1993).

An alternative to *naskh* is to read the verses of the Quran in context (Abdel Haleem 2010, 2018; Rane 2009). Abdel Haleem (2018) explains that a contextual reading of the Quran is essential to avoid misinterpretation but has been neglected:

> … attention to context (*siyāq*) is essential to proper understanding and translation of the Qur'an. However, in much *tafsīr* writing, and in most of the translations of the Qur'an into English, as well as more general discussion of the Qur'an, we come across examples where insufficient regard to the context seriously mars understanding and results in misrepresentation of the Qur'an's message. The study of context has a central place in rhetoric (*balāgha*) and in Qur'anic studies in Arabic, but is hardly mentioned in Qur'anic studies undertaken in English. (p. 47)

The Quran's verses on *jihad* and warfare are very much part of the book's recording of the Prophet Muhammad's conflict with his fellow tribesmen, the Quraysh, and as such cannot be disavowed. To do so would be an assault on the integrity of one of humanity's oldest surviving, complete sacred texts, which has remained in its current form since its composition in the lifetime of the Prophet Muhammad almost 1400 years ago (Sadeghi and Goudarzi 2012).[7]

Studies that have applied contextualization to reading the Quranic verses on *jihad*, warfare and peace have concluded that they collectively reflect three higher principles (*maqasid*): self-defense, overcoming oppression and establishing a just peace (Rane 2009). Similarly, Abdel Haleem's (2010) study of Quranic verses on *jihad* concludes: "Military jihad is prescribed only for self-defence and defence of the oppressed" (p. 163). He adds that "Without taking context into account … gross and wild misunderstandings of the subject have arisen" and "This, unfortunately, is something that has been done both by Muslims and non-Muslims. Muslim extremists and anti-Muslim propagandists hold the same views on jihad and stand on the same ground" (p. 164).

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[7] Based on the discovery and analysis of very early Quranic manuscripts found in Yemen, Sadeghi and Sadeghi and Goudarzi (2012) conclude: "Analysis resolves a fundamental question about the early history of the Qur'ān: who joined the existing verses to form the *sūra*s (chapters) and when? Many scholars and some early reports hold that this was accomplished after the death of the Prophet by the committee that 'Uthmān charged with the task of standardizing the Qur'ān. Some other early reports however indicate that this was done already by the Prophet himself. This last view is now found to be better supported … With only a few exceptions, the differences among the codices are at the level of morphemes, words, and phrases—not at the level of sentences or verses" (pp. 22–23).

A contextual reading of the verses in their entirety makes the claim that the Quran advocates offensive war against all non-Muslims unsustainable. For instance, the so-called sword verse (Quran 9:5) states:

> *And so when the sacred months are over, slay the idolaters wherever you may come upon them, and take them captive, and besiege them, and lie in wait for them at every conceivable place. Yet if they repent and take to prayer, and render the purifying dues, let them go their way, for God is much forgiving, a dispenser of grace.* (Quran 9:5)

If one reads on, the following verse says:

> *And if any of the idol worshipers seek your protection, grant them protection, so that they might hear the word of God. And thereupon convey them to a place where they can feel secure.* (Quran 9:6)

These verses do not amount to a denial of the right of non-Muslims to exist, including would-be enemies of Muslims. Moreover, verses of the Quran should not be read in isolation. A very different picture emerges from the one propagated by Islamist extremists and proponents of anti-Islam hate, who tend to selectively read verses in isolation, if one considers the many verses concerning *jihad* and warfare, peace and security, coexistence and interfaith relations contextually and collectively:

> *If they let you be, and do not make war on you, and offer you peace, God does not allow you to harm them* (Quran 4:90)

> *If they [the enemy] incline toward peace, you should incline toward peace also and trust in God. Verily He also is all-seeing, all-knowing. Should they seek to deceive you with their show of peace, God is sufficient for you* (Quran 8:61)

> *It may be that God will grant love and friendship between you and those you now hold as enemies for God has power over all things. God is oft-forgiving, most merciful. God does not forbid you from dealing kindly and justly with those who do not fight you nor drive you out of your homes. For God loves those who are just* (Quran 60:7–8)

> *There shall be no compulsion in religion* (Quran 2:256)

> *Indeed, those who believe, and those who are Jews, Christians and Sebeans—whoever believes in God and the Last Day and does righteous deeds—shall have their rewards is with their Lord, and no fear need they have and nor shall they grieve* (Quran 2:62)

> *Say: O followers of the earlier revelations! Come to a common word we and you hold: that we worship none but God, we shall not ascribe divinity to aught besides God and we shall not take human beings for our Lord besides God* (Quran 3:64)

> *Say: O you who reject the truth. I do not worship what you worship and you do not worship what I worship . . . Unto you your way and unto me mine.* (Quran 109: 1–6)

This picture is one of religious pluralism, inclusivity and coexistence with diversity, which are themes that also characterize the Covenants of the Prophet Muhammad.

5.4. Covenants of the Prophet Muhammad

The Covenants of the Prophet Muhammad were written after his migration in 622 to Yathrib (Medina) from Mecca, where he and his companions endured intense persecution that ranged from public ridicule to physical assault and torture as well as the ostracism of Muhammad's clan. Some of those who became Muslims in Mecca were forced to seek refuge across the Red Sea under the protection of the Christian Aksum Kingdom in Abyssinia (Ethiopia). One should not understate the Prophet Muhammad's close relations and connections with Christians, including the Askum Negus

Al-Najashi, Bahira the monk whom he met on a journey to Syria as a young man, and his wife Khadija's cousin, Waraqa ibn Nawfal, whom he consulted upon receiving the very first revelation of the Quran in 610 (Thomas and Roggema 2009).

After migrating from Mecca to Medina, Muhammad received a revelation permitting Muslims, for the first time, to defend themselves against the continued aggression of the Meccan polytheists:

> *Permission [to fight] has been given to those who are being fought, because they were wronged. And indeed, Allah is competent to give them victory. [They are] those who have been evicted from their homes without right only because they say, 'Our Lord is Allah.' And were it not that Allah checks the people, some by means of others, there would have been demolished monasteries, churches, synagogues, and mosques in which the name of Allah is much mentioned. And Allah will surely support those who support Him. Indeed, Allah is Powerful and Exalted in Might*. (Quran 22:39–40)

The second of these two verses is very significant as it calls on Muslims to also defend Christian and Jewish places of worship indicating that Islam was not intended to be exclusivist but to defend the right of diverse faith communities to peacefully coexist. The Covenants of the Prophet Muhammad provide an even more detailed expression of the Quranic invocation to protect *monasteries, churches, synagogues, and mosques* (Quran 22:40).

When the Prophet Muhammad settled in Medina he formalized his already strong, peaceful and respectful relations with fellow monotheists. He wrote a Charter of Medina outlining the rights and responsibilities of the city's various Arab and Jewish tribes, which stated that all belong to a single community (*ummah*) (Al-Umari 1991). The Covenants of the Prophet Muhammad are an extension of his pledge, in the name of Allah, to protect the rights of those outside of Medina—Christian, Jewish and other monotheistic communities—and defend their right to live in peace and security. El-Wakil (2016) provides the following summary of the contents of the Covenants in general:

1. The Muslims would protect the churches and monasteries of the Christians. They would not demolish any church property either to build mosques or to build houses for the Muslims;
2. All ecclesiastical property of the Christians would be exempt from every tax;
3. No ecclesiastical authority would ever be forced by the Muslims to abandon his post;
4. No Christian would ever be forced by the Muslims to become a convert to Islam;
5. If a Christian woman married a Muslim, she would have full freedom to follow her own religion (p. 276).

The wording of the various Covenants is very similar in spite of the diversity of geographical locations and communities that possess them, which suggests a unique origin rather than a multiplicity of forgeries—examples of which include the Covenant with the Monks of St Catherine Monastery in Mount Sinai and the Covenant with the Christians of Najran (Morrow 2013; El-Wakil 2016). The original of the former was dictated by the Prophet Muhammad to his most trusted companion, cousin and son-in-law, Ali bin Abi Talib (d. 661), in the second year following the migration (around 624). The document also includes a list of 22 witnesses from among his most prominent companions. Historical records suggest that the original was taken from Egypt to Istanbul by the Ottoman Sultan Salim I in 1517 (Morrow 2013). Analysis to date has been based on copies or recensions of the Covenants (Morrow 2013; El-Wakil 2016), while the search for surviving originals continues.[8]

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[8] In reference to the ongoing research on the Covenants, it should be noted that we find only very indirect references to them in the biographies of the Prophet (*sira*) and the sayings attributed to the Prophet (*hadith*) (Thomas and Roggema 2009). That we do not find any details about the writing, witnessing, contents or issuing the Covenants in these sources raises important questions that researchers will need to answer, part of which may relate to the acceptance of alternate, contradictory 'compacts' by later caliphs and jurists that appeared in jurisprudential texts during the late 8th and 9th centuries when the *sira* and *hadith* were also compiled.

Although earlier scholarship dismissed these documents as apocryphal or pious forgeries, recent analysis of multiple Covenants across diverse non-Muslim communities with a specific focus on the dating, stipulations, phrasing, and lists of witnesses has led El-Wakil (2016) to conclude otherwise:

> . . . the covenants of the Prophet with (1) the Christians of Najran, (2) the Monks of Mount Sinai, (3) the Armenian Christians, (4) the one written on Monday 29 Rabi al-Thani 4 AH, (5) the 1538 reproduction with the Christians of the World, (6) with the Jews of Khaybar and Maqna and (7) with the Samaritans—are all essentially authentic. The same applies to the covenants of Umar with (8) the Christians of Jerusalem and (9) the Christians of Mesopotamia, as well as (10) Ali's covenant with the Armenian Christians. This gives us a total of seven authentic covenants that can be traced back to the Prophet and two that can be traced back to Umar, and one that can be traced back to Ali. (pp. 332–33)

The Quran and Covenants clearly establish that the original Islam of the Prophet Muhammad accepted religious pluralism and cultural diversity and established peaceful coexistence as the normative basis of relations between communities. Considine (2016) contends that the Covenants provide a strong narrative for religious pluralism in Islam, which he associates with genuine social interaction, seeking understanding between diverse groups, commitment to various religious values and institutions, and inter-religious dialogue. This characterization of early Islam as embracing religious pluralism is corroborated by the writings of the first Christians that lived under Muslim rule, following the conquests of the Near East after the death of the Prophet Muhammad (d. 632). These Syriac texts, such as the letters of the East Syrian Catholicos Ishoyahb III (d. 659) to another bishop, state of the Arab conquerors:

> Not only, as you know, do they not oppose Christianity. Rather, they are givers of praise to our faith, givers of honor to our Lord's priests and holy ones, and givers of aid to churches and monasteries. (cited in Penn 2015, p. 60)

Such statements are consistent with the provisions of the Covenants and reflect other early Syriac writings about the good treatment of Christians under Muslim rule, such as *The Book of Main Points* by John bar Penkaye (Thomas and Roggema 2009; El-Wakil 2016). Although we find that within a few decades there seems of be an erosion of adherence to the Covenants in many lands under Muslim rule, some Muslim scholars retained knowledge of them. For instance, a well-known Maliki jurist, Shahab Ad-Deen Al-Qarafi (d. 1285), stated in his book *Al-Furuq*:

> The covenant of protection imposes upon us certain obligations toward *ahl adh-dhimmah*. They are our neighbors, under our shelter and protection upon the guarantee of Allah, His Messenger (peace and blessings be upon him) and the religion of Islam. Whoever violates these obligations against anyone of them, by damaging his reputation, or by doing him some injury, has breached the Covenant of Allah, His Messenger, and his conduct runs counter to the teachings of Islam. (cited in Al-Qaradawi 2006)

Over the centuries, the writings of non-Muslims under Muslim rule show they were increasingly subjected to discrimination and violations of rights in the name of Islam through rules that came to be part of the so-called *dhimmi* system of 'protected' minorities (Ye'or 1985; Penn 2015). The scholarly consensus seems to be that this mistreatment was based on a document referred to as the Pact of Umar (*al-Shurūt al-Umariyya*), which is thought to have originated in the late 8th or early 9th century and to have replaced all previous agreements between Muslims and non-Muslims (Thomas and Roggema 2009). There are two main versions of the Pact of Umar and two dates concerning its development (Ezziti 2018). The first is recorded in books of historians such as Ya'qubi (d. 898) and al-Tabari (d. 923) and refers to the Covenant of Umar bin al-Khattāb (d. 644) with the Christians of Jerusalem (referred to by El-Wakil 2016), which guaranteed protection and allowed freedom of religion—similar to the Covenants of the Prophet Muhammad—without mention of any derogatory conditions, restrictions, or taxes

(Ezziti 2018; El-Wakil 2016). However, medieval Islamic jurisprudence sources refer to a different version, *al-Shurūt al-Umarīyah*. According to Ezziti (2018), this version first appeared in the book *Ahkam Ahl al-Milal* by al-Khallal Abi Bakr Ahmed al-Baghdadi al-Hanbali (d. 935) and then another by Abi al-Shaykh (d. 941) entitled *Shurūt Umar*" or *Shurūt al-Dhimmis*.

Although the document's attribution to the Caliph Umar (d. 644) is rejected by historians (Thomas and Roggema 2009), its provisions became a standard by which books of Islamic jurisprudence articulated the rights of non-Muslims. For instance, the 14th-century scholar of Shafi'i jurisprudence, Ahmad ibn Naqib Al-Misri (d. 1367) states in his famous manual of Islamic law in the section on "Non-Muslim Subjects of the Islamic State" (Al-Misri 1997, p. 608) that non-Muslims are to be distinguished from Muslims in dress, wearing a wide cloth belt (*zunnar*), are not greeted with *as-salamu alaykum*, must keep to the side of the street, may not build higher than or as high as the Muslims' buildings, are forbidden to ring church bells or display crosses, recite the Torah or Evangel aloud, or make public display of their funerals and feast days, and are forbidden to build new churches. These discriminatory and offensive provisions are not derived from the Quran and contradict the Covenants of the Prophet Muhammad, which advocate religious freedom without external interference, restrictions or discrimination. They acquire their authority and legitimacy from the Pact of Umar. Muslims, past and present, have uncritically placed texts attributed to caliphs and jurists above those of the Quran and the Covenants of the Prophet Muhammad and called it Islam. Adherence to such texts has encouraged intolerance of non-Muslims and a rejection of peaceful coexistence. Cogent religious instruction will, therefore, need to provide a critical-analytical, evidence-based approach to reading the various sources associated with Islam.

6. Discussion

The extent to which terrorism offenders are found to be entrenched in their beliefs and lacking in prospects for rehabilitation are considered by Australian judges in relation to the length of sentence imposed, weighing of mitigating factors, possibility of parole, and the likelihood of release even after sentences are completed. This should evoke a moral obligation to provide the offenders, their families, Muslim communities and wider society with coherent religious instruction concerning the teachings of Islam based on critical analysis and evidence-based knowledge. This paper advocates an education-based deradicalization program which could begin with those currently in prison for terrorism offences as well as those who have had their passports cancelled for attempting to join ISIS and other militant groups. Among the most recent offenders to be sentenced are those whose passports were cancelled and subsequently directed their "jihad" towards Australia and its citizens.[9] To date, it seems that the provision of cogent religious instruction has either not been forthcoming or is ineffective; however, deradicalization experts suggest a focus on religious beliefs "is likely to not only effect a more permanent change in the militant's worldview but also help weaken the radical Islamist movement by discrediting its ideology" and thereby limit its potential to recruit or find support within Muslim communities (Rabasa et al. 2010, p. 30).

Additionally, in order to succeed, deradicalization programs "must be extensive efforts that include affective, pragmatic, and ideological components and considerable aftercare" (Rabasa et al. 2010, p. xxii). Relative socioeconomic deprivation and marginalization as well as political alienation have been identified as significant factors in the radicalization of Western Muslims (Akbarzadeh 2013). Therefore, professionals and civil society personnel also need to be engaged to address emotional, psychological and socioeconomic factors that may also contribute to such at-risk individuals' states of being. Some will respond positively over various periods of time as these factors

[9] Among those recently involved in terrorism-related activities are many whose passports were canceled on account of their attempt to join the Islamic State or other militant group in Syria and subsequently directed their "jihad" towards fellow Australian citizens (ABC News 2018; Wood 2018). This raises a very important question about the need for effective counter extremism and deradicalization programs, which it appears these offenders were not provided.

are addressed and the necessary critical-thinking skills and evidence-based knowledge are also diffused within communities more broadly.

The provision of cogent religious instruction that includes critical-thinking skills and evidence-based knowledge should also be encouraged within Islamic secondary schools, which teach the state curriculum plus an additional Islamic studies subject. As mentioned above, Western governments are reluctant to be involved in prescribing religious beliefs. However, given that these schools receive government funding, this may provide acceptable grounds to revise Islamic studies subjects and perhaps upgrade them to the required standard for contribution to student tertiary entrance scores. This would enable a new generation of Muslim Australians—potentially thousands per year across Australia's more than 30 Islamic schools—to take a more proactive role in defining Islam in the Australian context and effectively countering extremist propaganda. A Muslim population that is properly educated about Islam will be a benefit to Australia for it is not only likely to be resistant to religious and ideological extremism but also competent to participate in conversations about the future of Islam and its relationship with society and politics in the broader Asia–Pacific region where over sixty percent of the world's Muslims currently reside and Australia has significant interests.

7. Conclusions

Terrorism committed by Muslim Australians is a phenomenon that has emerged over the past 15 years in relation to three crucial time-period effects: (1) ideological politicization associated with Islamist jihadism; (2) religious extremism associated with Salafism; and (3) radicalization associated with grievances arising from Western military interventions in Muslim-majority countries. The interpretations of Quranic verses concerning *jihad*, as well as ideas concerning *shariah* and the *caliphate,* in relation to beliefs concerning the will of God and religious duty, have been determined in court to contribute to the commission of these crimes. The call to disavow Quranic verses concerning *jihad* is unnecessary but how they are interpreted must change. The claims of Islamist or Salafist jihadists that Islam allows offensive war to impose Islam and subjugate non-Muslims is not supported by the Quran, the Prophet's Covenants or the consensus of classical Islamic scholars. The minority who interpret *jihad* to mean offensive war against non-Muslims rely on a discredited method of interpretation that is rejected by the majority. That *shariah* and *caliphate* are not terms used in the Quran or by the Prophet to denote a law code or political institution respectively should at least give pause for thought as to the extent to which these concepts could constitute a religious duty, let alone one for which God commands Muslims to kill and die. Moreover, this seriously undermines the claims of groups such as Hizbut Tahrir, Al-Qaeda and ISIS that their goals are Islamic and reinforces the distinction between the faith of Islam and the political ideology of Islamism. However, religious literacy among their potential recruits is currently low, making them particularly vulnerable to emotional appeals in relation to Western military interventions in Muslim-majority countries, which must stop in order to end the phenomenon of terrorism under the banner of Islam.

Cogent religious instruction should be developed as an education-based deradicalization program that distinguishes Islam from Islamism, addresses overlaps between Salafism and mainstream Sunnism, and appropriately responds to grievances over Western military interventions in Muslim-majority countries, including democratic means of opposing such action, to which governments will need to be meaningfully responsive. This program should focus on enhancing critical-thinking skills and evidence-based knowledge relating to: Islam's history, including the origin and evolution of key concepts, ideas and texts; Islamic values and principles (*maqasid*); and relations with non-Muslims. Regarding the latter, this paper has provided an extended discussion of the Covenants of the Prophet Muhammad, which, considered alongside a contextual reading of the Quran, provide a perspective of Islam's original teachings on interfaith/intercommunity relations, advocating considerate, respectful and peaceful coexistence. Additionally, the program broadly outlined in this paper could be applied to the development of a critical-analytical, evidence-based approach to teaching Islamic studies subjects at Islamic secondary schools in order to promote resilience against extremist propaganda and

enable a new generation of Muslim Australians to take a more proactive role in defining Islam in the Australian context.

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