

SA'AD IBN MU'ĀDH'S JUDGMENT ON BANŪ QURAYZAH: ANALYZING CLAIMS OF ITS JEWISH LAW ORIGINS

Fajri Matahati Muhammadin*

Felicia Andryanti**

ABSTRACT

The Battle of the Trench (626–627 A.D.) marked a pivotal moment in early Islamic history, during which the Banū Qurayzah tribe was accused of treason. Following their alleged betrayal, Sa'ad ibn Mu'ādh, a key companion of the Prophet Muhammad and leader of the Aws tribe, issued a decisive verdict: all adult male members of the Banū Qurayzah were to be executed, while the remaining members—women and children—were to be enslaved. Some contemporary scholars argue that this judgment was rooted in Jewish legal principles, suggesting that Sa'ad ibn Mu'ādh's ruling mirrored legal prescriptions found in Jewish law.

This study thoroughly examines this claim by analyzing primary sources from Jewish and Islamic legal traditions, alongside historical accounts. Through meticulous library-based research, we critically evaluate whether Jewish law played a role in shaping Sa'ad ibn Mu'ādh's decision. Our findings indicate that there is scant evidence to support the assertion that his judgment was influenced by Jewish legal doctrine. Instead, a thorough analysis of historical and legal sources strongly suggests that Sa'd's ruling was grounded in the prevailing customs of Arabian tribal warfare, which were subsequently legitimized by Islamic law. This research thus challenges the notion of Jewish legal influence and highlights the broader socio-political and legal context within which Sa'ad ibn Mu'ādh's verdict was rendered.

Keywords: Banū Qurayzah, Sa'ad ibn Mu'ādh, Jewish Law, Islamic law

* Corresponding author and Lecturer, International Law Department, Faculty of Law, Universitas Gadjah Mada, Indonesia. Email: fajrimuhammadin@ugm.ac.id

** Student and Researcher, International Law Department, Faculty of Law, Universitas Gadjah Mada, Indonesia. Email: felicia.naftali.andryanti@mail.ugm.ac.id

INTRODUCTION

The judgment of Sa'ad ibn Mu'adh regarding the Jewish tribe of Banū Qurayzah (627 CE) holds significant importance, particularly in discussions on captive execution in Islamic law, where jurists (fuqahā') have differing opinions on its ruling.¹ The fate of Banū Qurayzah was sealed when they betrayed the Muslims during the Battle of the Trench (Ahzab). Following their surrender, they submitted to the judgment of Sa'ad ibn Mu'adh, the chieftain of Banū Aws, who had previously been their ally in earlier conflicts.

The judgment of Sa'ad ibn Mu'adh was recorded in books of Hadith and Sirah and would resonate throughout history: "**My judgment is that their warriors be executed, and their women and children be taken as captives.**"²

Especially in the advent of terrorism and radicalism discourses, discussions on the Islamic laws of war took a different turn. Discussions on Islamic laws of war became more relevant than ever, as discussed by many scholars.³ However, the fear of being accused as "extreme" led some academics go as far as manipulating and misrepresenting historical or religious texts to dishonestly portray how "peaceful" Islam is. Some scholars even argue that the judgement of Sa'd and its execution never actually happened at all,⁴ although these arguments have been proven to be weak and unreasonable.⁵ However, kindly note that we are not making any opinion regarding the claim of "Islam is peaceful" in this paper. Our focus here is how certain religious texts have been, out of severe inferiority complex, distorted to make it more palatable to a Eurocentric (purportedly) modern standard, as discussed by other scholars.⁶

¹ Ibn Rushd, *The Distinguished Jurist's Primer*, vol. 1 (Reading: Garnet Publishing, 2000), 456–57.

² Muḥammad ibn Ismā'īl Al-Bukhārī, *Sahih Al-Bukhari*, vol. 8 (Riyadh: Darussalam, 1997), ḥadīth no.6262; Muḥammad ibn Ismā'īl Al-Bukhārī, *Sahih Al-Bukhari*, vol. 4 (Riyadh: Darussalam, 1997), ḥadīth no. 3043.

³ See *inter alia* Mohd Hisham Mohd Kamal, "Principles of Distinction, Proportionality and Precautions under the Geneva Conventions: The Perspective of Islamic Law," in *Revisiting the Geneva Conventions: 1949-2019*, ed. Borhan Uddin Khan and Md Jahid Hossain Bhuiyan (Leiden: BRILL and Martinus Nijhoff, 2019); Zayd bin 'Abd al-Karīm Al-Zayd, *Muqaddimah Fī Al-Qānūn Al-Duwalī Al-Insānī Fī Al-Islām* (Kuwait: The International Committee of the Red Cross, Kuwait Delegation, 2004); Peter Maurer, "International Conference on Islam and IHL - Statement by the ICRC," ICRC, 2016, <https://www.icrc.org/en/document/speech-icrc-president-international-conference-islam-and-ihl>.

⁴ Barakat Ahmad, *Muhammad and the Jews: A Re-Examination* (New Delhi: Vikas Publishing House, 1979); Muhammad Munir, "Some Reflections on the Story of Banu Qurayzah: A Re-Evaluation of Ibn Ishaq's Account," *Islamabad Law Review* 1, no. 2 (2011): 7–28.

⁵ Fajri Matahati Muhammadin and Muhammad Jasir Nashrullah, "The Authenticity of Sa'd Ibn Mu'adh's Judgement: A Response to Contemporary Challenge," *Al-Burhān: Journal of Qur'an and Sunnah Studies* 4, no. 1 (2021).

⁶ *Inter alia* Nesrine Badawi, "Regulation of Armed Conflict: Critical Comparativism," *Third World Quarterly* 37, no. 11 (2016): 1990–2009; Fajri Matahati Muhammadin and Nur Fajri Romadhon, "Death Penalty and Riddah: A Critical Evaluation towards the Claim of Juristic Ijmā'," *IJUM Law Journal* 31, no. 2 (2023): 315–46.

The focus of this present research is another intriguing proposition regarding Sa'd's judgement is concerning the basis of Sa'd in making the judgement. In the past decades, some contemporary academics have suggested that it was an application of Jewish Law. Among those who suggest this are Ahmed Al-Dawoody,⁷ Ramon Harvey,⁸ and Muhammad Munir.⁹ What appears to be the reason for such a new argument are two levels, explained as follows.

First, generally, during the Madinah period of prophethood, Jewish law was applied to the Jewish people.¹⁰ Sa'ad ibn Mu'adh, who passed the judgement, was a chieftain of Banū Aws who had allied with the Jewish tribe of Banū Qurayzah in previous wars, which adds the likeliness.

Second, appearing to seal the argument, is the supposedly striking similarity between the content of Sa'd's judgement and the Torah in Deuteronomy 20 verses 13-14 which reads as follows:

“and when the Lord your God delivers it into your hand, you shall put all its males to the sword. You may, however, take as your booty the women, the children, the livestock, and everything in the town—all its spoil—and enjoy the use of the spoil of your enemy, which the Lord your God gives you.”

This research critically examines the claim that Sa'ad ibn Mu'adh applied Jewish law in passing his judgement. Both Jewish and Islamic literature will be referred to in determining whether such a proposition is true. We first explore the story and life of Banū Qurayzah, we examine to what extent do they apply Jewish Law in their social life with the Arabs in the Jazirah. Second, by analyzing how much does Sa'ad ibn Mu'adh's judgement really coincide with Jewish Law, considering whether it is plausible Islamically and factually true in a detailed understanding of Jewish Law (particularly, the Torah in Deuteronomy 20). We then proceed to our third and last part, examining the war practices of the Arabs at the time and Banū 'Aws alliances with Banū Qurayzah. This third part is intended to see the extent to which Banū 'Aws's experience in fighting alongside Banū Qurayzah could explain or serve as evidence (if at all) of Sa'ad ibn Mu'adh's supposed reference to Jewish Law in making his verdict against Banū Qurayzah.

⁷ *The Islamic Law of War: Justifications and Regulations* (New York: Palgrave Macmillan, 2011), 27.

⁸ *The Qur'an and the Just Society* (Edinburgh: Edinburgh University Press, 2018), 110.

⁹ “Debates on the Rights of Prisoners of War in Islamic Law,” *Islamic Studies* 49, no. 4 (2010): n. 55.

¹⁰ Ismail ibn Kathir, *Tafsir Ibn Kathir (Abridged)*, trans. Safiurrahman Al-Mubarakfuri, vol. 3 (Riyadh: Darussalam, 2003), 184–89.

FROM MIGRATION TO MASSACRE: BANŪ QURAYḌAH AND THEIR PRACTICES

While the relevant contents of Deuteronomy 20 do not entirely coincide with Sa'ad ibn Mu'adh's judgement, another perspective needs to be examined. To what extent would Sa'ad ibn Mu'adh be exposed to the knowledge of Jewish law for him to (supposedly) apply a judgement based on it? This could be answered by first exploring what kind of Judaism did Banū Qurayḍah bring to Yathrib (later Medina) and how they interacted with the Arabs in the war-filled history of Arabia.

Like most Jewish tribes inhabiting Yathrib during the time of Hijra (622 CE), much of the Banū Qurayḍah's (بنو قريظة) origins remain under ample debate.¹¹ Some sources posit that they sought refuge in the area following Roman persecution,¹² while others point to the banishment of Israelite warriors who defied Moses' orders in fighting the Amalekites,¹³. Another theory asserts that they were native Arabs who converted to Judaism,¹⁴ Ibn Ishaq's account, rather, traces their lineage to Aaron, leading to associations with the Kohens and categorizations as a priestly tribe or *al-kāhinān*.¹⁵

Murky as their history is, it is fairly ascertained around the time of Hijra, that the Jewish tribes have gone to retain a particularly unique identity, forged by varying religious and cultural influences. By said point, the Arab tribes of Medina, particularly the Banū Aws and Khazraj, had held dominance over the region for a significant period of time. Before then, Arab tribes were reported to "accept subordination" under the local Jewish tribes, following their settlement in the area (100-200 CE). Most sources point to a revolt around 550 CE led by Mālik b. al-'Ajlān of the Khazraj tribe as the turning point of this dynamic.¹⁶ This collaterally impacts the Jewish tribes thereof.

¹¹ Heinrich Graetz, *History of the Jews*, vol. 3 (Philadelphia: The Jewish Publication Society of America, 1894), 53–54.

¹² Robert Serjeant, "The "Sunnah Jāmi'ah," Pacts with the Yathrib Jews, and the "Tahrīm" of Yathrib: Analysis and Translation of the Documents Comprised in the So-Called "Constitution of Medina,"" *Bulletin of the School of Oriental and African Studies* 41 (1978): 3.

¹³ Ahmad, *Re-Examination*, 26; Graetz, *History of the Jews*, 1894, 3:53–54.

¹⁴ David Margoliouth, *The Relations between Arabs and Israelites Prior to the Rise of Islam: The Schweich Lectures* (Oxford: Oxford University Press, 1921), 61.

¹⁵ Gordon Newby, "The Jews of Arabia at the Birth of Islam," in *A History of Jewish-Muslim Relations: From the Origins to the Present Day*, ed. Abdelwahab Meddeb and Benjamin Stora (Oxford: Princeton University Press, 2013), 40; Theodor Nöldeke, *Beiträge Zur Kenntniss Der Poesie Der Alten Araber* (Hannover: C. Rümpler, 1854), 54; Josef Horovitz, "Judaic-Arabic Relations in Pre-Islamic Times," *Islamic Studies* 52, no. 3/4 (2013): 379.

¹⁶ See: Ahmad, *Re-Examination*, 32; William Montgomery Watt, *Muhammad at Medina* (Oxford: Oxford University Press, 1956), 193; Serjeant, "Sunnah Jāmi'ah, Pacts," 3; Horovitz, "Judaic-Arabic," 372.

Generally demonstrating a high rate of assimilation, the Jewish tribes maintained Arabic names,¹⁷ intermarry¹⁸ and conduct themselves with the language, likely an Arabic dialect with absorption of Jewish-Aramaic terms.¹⁹ It is even implied that by the time of the Constitution of Medina, plenty Jewish tribes of lesser sizes had dissolved due to loss of cultural and/or tribal identity,²⁰ leaving but the biggest tribes to be preserved in most historical accounts by name. Among these tribes were Banū Qaynuqa, Al-Naḍīr, and Qurayzah—the latter two having formed alliances with the Arab Banū Aws.²¹ The nature of these associations, too, have been subject to dispute. While most would characterize the majority of relations between the Jewish and Arab tribes as those of subordination and protection,²² some of these sources concur that this merely applies insofar as weaker tribes. Bigger tribes, such as the Banū Qurayzah, allegedly fostered egalitarian dynamics with their Arab allies.²³

Notwithstanding this, plenty of evidence places the socio-cultural practices of the Medinan Jewish tribes in more alignment with Arabic than Israelite traditions. Beyond their predominantly Arabic names, barring rare Aramaic exceptions such as the Banū Za'ūra,²⁴ surviving poetry remnants from the tribes bear no discernible Talmudic nor Biblical influence,²⁵ and their social customs are often described as close to, or “thoroughly”, Arabized.²⁶ Present evidence scarcely indicates any socio-cultural solidarity between the Banū Qurayzah and their fellow Medinan Jewish tribes, rather often superseded by political loyalties to their respective Arab allies.²⁷ The Jewish tribes would battle each other in support of their Arab allies, as shown by the aptly-documented clashes between the Qurayzah and the Khazraj's Jewish allies, particularly the Qaynuqa.²⁸ By and large, it remains widely substantiated that Arab dominance greatly informed the social fabrics of 600 CE Medina, and the Jewish tribes—regardless their size—were no exemption to this influence.

It then follows that the aforementioned socio-cultural climate inevitably seeped into religious life, too, giving way to a Jewish practice grounded in locality. Often identified in

¹⁷ Margoliouth, *The Relations*, 61; Ahmad, *Re-Examination*, 26–27.

¹⁸ Graetz, *History of the Jews*, 1894, 3:55; Watt, *Muhammad*, 192.

¹⁹ Reuven Snir, “My Adherence to the Creed of Moses Has Not Diminished My Love for Muhammad's Nation’: The Emergence and Demise of Iraqi Jewish Literary Modern Culture,” *The Jewish Quarterly Review* 98, no. 1 (2008): 62–63; Graetz, *History of the Jews*, 1894, 3:55; Newby, “The Jews,” 41–44.

²⁰ Watt, *Muhammad*, 194; Horovitz, “Judaean-Arabic,” 373.

²¹ Watt, *Muhammad*, 194–95; Horovitz, “Judaean-Arabic,” 373.

²² Graetz, *History of the Jews*, 1894, 3:62.

²³ Watt, *Muhammad*, 194–95; Horovitz, “Judaean-Arabic,” 373.

²⁴ Watt, *Muhammad*, 192; Horovitz, “Judaean-Arabic,” 379; Margoliouth, *The Relations*, 60.

²⁵ Nöldeke, *Beiträge*, 56.

²⁶ Graetz, *History of the Jews*, 1894, 3:55; Snir, “My Adherence,” 62.

²⁷ Nöldeke, *Beiträge*, 56; Watt, *Muhammad*, 195.

²⁸ Horovitz, “Judaean-Arabic,” 373–79.

the Qur'an as "People of the Book" (أَهْلَ الْكِتَابِ), the Medinan Jewish tribes were said to have strictly respected laws concerning dietary taboos, the Sabbath, festivals, and fasting.²⁹

On an arguably more critical point, however, less clarity is available on their possession and observance of the Torah and, of significant relevance to our research, Jewish law (*halakha*). Historian Heinrich Graetz was among those who expressed doubts regarding the Medinan Jews' intellectual comprehension of Judaism as a whole. Contending their knowledge of the Bible to be "not considerable", he insisted that the Medinan Jews religiously depended on local teachers of the Law (*achbār*). Note that Charles Torrey,³⁰ aiming to prove the contrary, interestingly corroborates a similar claim based on the Qur'an, referring to the existence of a "more learned class (*ulamā*)" amongst the Medinan Jews consisting of *achbār* and rabbis. They imparted amongst themselves a teaching of Judaism that is embellished and intermixed with "legends", relying purely on haggadic exegesis familiarized to them through travels and immigration.³¹

A similar sentiment is echoed by authors such as David Margoliouth and Barakat Ahmad, who concluded that the Jewish tribes must have not partaken significantly in "literary or scholarly pursuits."³² This is partly due to the fact there have been no recorded "noteworthy figures" of Judaism arising out of the era and region, although it may be argued that occasional tales demonstrating prowess of the local rabbis have persisted; two Medinan rabbis, at times identified as Kaab and Assad by names, are credited with the conversion of Himyarite king Abū Karib into Judaism.³³

Whether the Medinan Jewish tribes followed Talmudic or Rabbinical teachings proves an even more convoluted matter. Multiple Arab and Jewish historians alike attribute the flux of Jewish migration in Arabia (then Hejaz) to the destruction of the Second Temple in 70 CE³⁴ widely regarded as the catalyst for the earliest Talmud codification efforts.³⁵ Indeed, the Jewish tribes are recorded to have managed the region by 100-200 CE, coinciding with the redaction of the Mishnah (משנה).³⁶ This makes it rather difficult to determine the extent of the Banū Qurayzah's knowledge of, and adherence to the Talmud. A few sources have

²⁹ Graetz, *History of the Jews*, 1894, 3:56; Margoliouth, *The Relations*, 61.

³⁰ *The Jewish Foundation of Islam* (New York: Jewish Institute of Religion Press, 1933), 34.

³¹ Graetz, *History of the Jews*, 1894, 3:57.

³² Ahmad, *Re-Examination*, 28.

³³ Horovitz, "Judaeo-Arabic," 384–85; Graetz, *History of the Jews*, 1894; Christian Robin, "The Peoples Beyond the Arabian Frontier in Late Antiquity: Recent Epigraphic Discoveries and Latest Advances," in *Inside and Out: Interactions between Rome and the Peoples on the Arabian and Egyptian Frontiers in Late Antiquity*, ed. Jitse Dijkstra and Greg Fisher (Peeters, 2014), 55.

³⁴ Graetz, *History of the Jews*, 1894; Moshe Gil, *Jews in Islamic Countries in the Middle Ages* (Leiden: Brill, 2004), 6–7.

³⁵ Hermann Strack and Günter Stemberger, *Introduction to the Talmud and Midrash* (Minneapolis: Fortress Press, 1992), 128.

³⁶ Heinrich Graetz, *History of the Jews*, vol. 6 (Philadelphia: The Jewish Publication Society, 1898), 105.

attempted to establish possible contact between the Medinan Jews with the Gaonate in Babylon,³⁷ indicating a degree of familiarity with Talmudic interpretations of the Torah. Even so, these theories rely largely on contextual inferences; though it is well-corroborated that the Medinan Jews maintained trade and religious ties with the communities of Persia and Babylon.³⁸

The limited amount of inconclusive evidence, coupled with centuries of conflicting interpretations amongst scholars, had long stifled attempts at thoroughly illustrating the fabled yet enigmatic Banū Qurayzah. The lush uncertainty clouding the subject had even brought about sparse, yet extreme dissenters rejecting their classification as Jewish entirely. It is crucial to note that these claims, in part, resulted from varying stricter delineations of Judaism, which renders the Medinan Jews rather “Judaized monotheists”, “Raḥmānists”, or “Judaism-sympathizing.”³⁹ In spite of this, we may possibly approximate their attitude towards the *halakha* based on available information regarding their linguistic and literacy conditions.

It is aptly documented that most constituents of 600s CE Hejaz were illiterate, a constant prevalence across tribal and religious creeds. Literacy in Medina was of such rarity, that individuals who attained literacy pre-Islam were often listed by name in Arabic historical records.⁴⁰ As elaborated, most of the Medinan Jews employed Arabic as their native tongue, even in discussions pertaining to religious matters⁴¹ In light of these information, should we accept claims from historians such as Salo Wittmayer Baron, who maintained that the Medinan Jews lacked access to proper Jewish intellectual equipments, save for scrolls, prayer books, and “fragmentary Arabic translations” of the Torah,⁴² we may then reasonably presume that only a small class of rabbis and teachers of the Banū Qurayzah were well-versed in the Torah and conventional Judaism. While the preservation of Jewish knowledge among the Banū Qurayzah as a social unit remains notable, it factually prevails that their practices stand visibly unconventional in relation to Talmudic and traditional disciplines of Judaism.

Another area of particular relevance is the warfare practices of the Banū Qurayzah, as they provide manifest evidence of customs and tactics of the Medinan Jews. One architectural

³⁷ Israel Friedlaender, “The Jews of Arabia and the Gaonate,” *The Jewish Quarterly Review* 1, no. 2 (1910): 25; Gil, *Jews In*, 5.

³⁸ Salo Wittmayer Baron, *A Social and Religious History of the Jews*, vol. 3 (New York: Columbia University Press, 1957), 72; Graetz, *History of the Jews*, 1894, 3:57.

³⁹ Margoliouth, *The Relations*, 71; Hanns G Reissner, “The Ummī Prophet and the Banu Israil of the Qur’ān,” *The Muslim World* 39, no. 4 (1949): 278; Robin, “The Peoples Beyond,” 55; JaShong King, “The Message of a Massacre: The Religious Categorization of the Banū Qurayza,” *Studies in Arabic and Islam* 8 (1986): 218–19.

⁴⁰ Michael Lecker, “Zayd B. Thābit, 'A Jew with Two Sidelocks': Judaism and Literacy in Pre-Islamic Medina (Yathrib),” *Journal of Near Eastern Studies* 56, no. 4 (1997): 264–71.

⁴¹ Snir, “My Adherence,” 62–63.

⁴² Baron, *A Social*, 3:261.

staple unique to Medina were the *atam* (singular *utum*),⁴³ tower-like fortifications built on heights out of stones and layers of mud.⁴⁴ Often constructed with no windows for security, save for a slight opening, *atam* doubled as the Medinan Jews' residence with a military defense role.⁴⁵ These castle-houses contained synagogues to facilitate commencement of religious ceremonies, filled with provisions, arms, treasury, and equipped with schools and conference halls, enabling them to sustain life within their walls for a prolonged time.⁴⁶ It has also been indicated that the Banū Qurayzah possessed a special type of stronghold native to the al-'Aliya region: a war shelter of purely military nature named al-Mur'id,⁴⁷ besides boasting a vast collection of weaponries.⁴⁸

While the origins of *atam* are unsettled (with scholars tracing its etymological roots to both Jewish and Arabic terms, while others attribute them to the influence of Palestinian Jewish immigrants)⁴⁹ the Medinan Jews overwhelmingly outnumbered the Arab tribes in *atam* ownership; one figure by al-Samhudi notes fifty-nine Jewish *atam* to thirteen Arab *atam*.⁵⁰ Given their emphasis on endurance, it has been postulated that *atam* were structurally fashioned for siege warfare, thus distancing them from Arab warfare tradition which was characterized by intermittent instances of short-lived battles.⁵¹ However, the construction of multiple *atam* by and for Medinan Arab tribes, along with two of the special strongholds in al-'Aliya belonging to Arab clans of the Banū Aws,⁵² may suggest that assimilation between the two cultures have also taken place with regards to warfare.

In reassessing the massacre that befell the Banū Qurayzah following the Battle of Khandaq, it becomes vital to keep in consideration the totality of social, cultural, and historical backdrop as established above. The Banū Qurayzah had reportedly agreed not to support the enemy of the Muslims⁵³ before the Battle of Khandaq (627 CE) ensued, incited by the attack launched by a coalition of the Quraysh of Mecca and several other tribes,⁵⁴ one of

⁴³ Michael Lecker, *Muslims, Jews and Pagans: Studies on Early Islamic Medina* (Leiden: Brill, 1995), 13.

⁴⁴ Fatemeh Ahmadvand and Alireza Tafreshi, "Daily Life, Districts and Strongholds of the Jews in the Hijaz at the Advent of Islam," in *The Traditional Mediterranean: Essays from the Ancient to the Early Modern Era*, ed. Jayoung Che and Nicholas Pappas (Athens: Athens Institute for Education and Research, 2011), 229; Ahmad, *Re-Examination*, 106–7.

⁴⁵ Ahmadvand and Tafreshi, "Daily Life," 229; Lecker, *Muslims*, 12–13.

⁴⁶ Ahmad, *Re-Examination*, 30, 107; Ahmadvand and Tafreshi, "Daily Life," 231.

⁴⁷ Barbara Finster, "The Material Culture of Pre- and Early Islamic Arabia," in *A Companion to Islamic Art and Architecture (Vol. 1)*, ed. Finbarr Flood and Gülru Necipoğlu (Hoboken: Wiley-Blackwell, 2017), 80; Lecker, *Muslims*, 14–16.

⁴⁸ Lecker, *Muslims*, 10.

⁴⁹ Ahmad, *Re-Examination*, 106; Ahmadvand and Tafreshi, "Daily Life," 227, 229.

⁵⁰ Ahmadvand and Tafreshi, "Daily Life," 228.

⁵¹ Ahmad, *Re-Examination*, 107.

⁵² Lecker, *Muslims*, 16.

⁵³ Muḥammad ibn Jarīr Al-Ṭabari, *The History of Al-Ṭabari*, vol. 8 (New York: State University of New York Press, 1993), 14.

⁵⁴ Al-Ṭabari, *The History*, 8:7–8.

which was Banū Al-Naḍīr, having been previously expelled from Medina following the Battle of Uhud.⁵⁵ As the battle progressed, however, the Banū Qurayzah, under the leadership of Ka'b b. Asad, behaved duplicitously as they dealt with Ḥuyayy b. Akḥṭab, chief of the Banū Al-Naḍīr,⁵⁶ and began threateningly circling the Muslims' fortress.⁵⁷

Following the Quraysh's retreat, the Muslims then besieged the Banū Qurayzah. The siege lasted 25 days⁵⁸ seeing resistance by Banū Qurayzah from their *atam* and casualties on both sides.⁵⁹ Escalation soon gave way to exhaustion and demoralization on Banū Qurayzah's part,⁶⁰ which resulted in their eventual surrender. After refusing to renounce their faith, they submitted to the judgement of Prophet Muhammad ﷺ.⁶¹ Upon reservations from the Banū Aws, the chief Sa'ad ibn Mu'adh was appointed by Muhammad ﷺ to arbitrate judgment upon Banū Qurayzah's treason.⁶² He ordered all men of the Banū Qurayzah to be killed, the women and children held captive, and their property divided.⁶³ That day, the estimated 600-900 men of the Banū Qurayzah were then executed and buried in the marketplace of Medina.⁶⁴

TEXTUAL COMPATIBILITY: AN ISLAMIC AND JEWISH PERSPECTIVE

Examining Islamic Literature

One of the important ways to see whether Sa'ad ibn Mu'adh's judgement was really taken from Jewish Law is to examine whether the content of his judgement really matches with the content of Jewish Law. The most apparent way is to see this from a Jewish Law perspective, and consider their texts. This is done in the next section.

This section, however, first considers another angle: an Islamic perspective towards what Jewish Law was. The reason is that the Jewish text and histories have been manipulated and fabricated (both in text and interpretation), so what exists now is a mix of truth and falsehood.⁶⁵ It would perhaps require a separate critical analysis to discern whether Deuteronomy 20: 13-14 was fabricated. This section, however, takes a different

⁵⁵ Watt, *Muhammad*, 211–12.

⁵⁶ Watt, *Muhammad*, 212.

⁵⁷ Al-Ṭabari, *The History*, 8:14–15, 23.

⁵⁸ Al-Ṭabari, *The History*, 8:29.

⁵⁹ Ahmad, *Re-Examination*, 110.

⁶⁰ Al-Ṭabari, *The History*, 8:29–30; Ahmad, *Re-Examination*, 111.

⁶¹ Al-Ṭabari, *The History*, 8:30–31.

⁶² Al-Ṭabari, *The History*, 8:33–34.

⁶³ Al-Ṭabari, *The History*, 8:34.

⁶⁴ Al-Ṭabari, *The History*, 8:35.

⁶⁵ Muhammad bin Jarir Ath-Thabari, *Tafsir Ath-Thabari*, vol. 5 (Jakarta: Pustaka Azzam, 2007), 511–14; 'Alī ibn Aḥmad ibn Sa'īd ibn Ḥazm, *Kitāb Al-Faṣl Fī Al-Mīlāl Wa Al-Ahwā' Wa Al-Niḥāl*, vol. 1–3 (Wentworth Press, 2016).

perspective: if the Qur'an and Sunnah verifies it, then it is true.⁶⁶ Therefore, if any parts of Deuteronomy 20:14 is not approved by the authentic Islamic version of the history of the past peoples, it would be implausible for such text to have been a law referred to by Sa'ad ibn Mu'adh.

Deuteronomy 20: 14 mentions a few elements: (a) executing all males, then take as spoil (b) women, (c) children, (d) livestock, and (e) all other riches found in the conquered town, as gift from the Lord. Meanwhile, the text of the judgement of Sa'd also contain elements (a), (b), and (c). Therefore, at least it is clear that those three elements are recognized by Islam, because Prophet Muhammad ﷺ remarked about the judgement: “أَقْدَحَكَمْتَ بِمَا حَكَمَ بِهِ” (You have judged according to the King's (Allah's) judgment).⁶⁷ No problem there.

Elements (d) and (e), on the other hand, do not exist in the text of Sa'ad ibn Mu'adh's judgement. Nonetheless, the property of Banū Qurayzah would naturally be distributed to the Muslims as booty after the judgement. This is plausible because the Banū Qurayzah territory is now conquered by the Muslims, and all remaining become spoils. At a glance this might indicate recognition by Islam, however there is potential problem.

In numerous authentic *ahadith*, Prophet Muhammad ﷺ mentions the following:

أَقْدَحُ أُعْطِيْتُ اللَّيْلَةَ خَمْسًا مَا أُعْطِيَهُنَّ أَحَدٌ قَبْلِي ... وَأَجَلْتُ لِي الْعَنَائِمَ أَكْلَهَا وَكَانَ مَنْ قَبْلِي يُعْظَمُونَ أَكْلَهَا كَانُوا يُحْرِقُونَهَا

“I was given five things which are not given to others before me... and spoils was made permissible for me, while it was a major sin for the previous peoples to take so they used to burn the spoils they obtained”

The above text is taken from the *matn* reported by Imam Ahmad, and the *isnad* is good according to Al-Haythami.⁶⁸ There are other variations of this same *hadith* with a more concise *matn*.⁶⁹

Hence, at a glance, there appears to be a contradiction. None of the previous 'ummah (including the Jews who stayed true to the laws of Allah revealed to them) would have a scripture permitting spoils of war, and Deuteronomy 20 seems to be permitting exactly that. At face value, it seems that the content of Deuteronomy 20 therefore cannot have been a law applicable to the Jews of the past. At this point it may be tempting to just say “this part of Deuteronomy must have been fabricated”, but proving fabrication, as explained earlier, is not within the scope of this article.

⁶⁶ Muḥammad ibn Ṣāliḥ Al-'Uthaymīn, *The Fundamentals of Tafseer* (Texas: Tarbiyyah Bookstore Publishing, 2008), 135–36.

⁶⁷ Al-Bukhārī, *Sahih*, 1997, 8:hadith no. 6262.

⁶⁸ Cited in: Ibrāhīm Al-'Alī, *Ṣaḥīḥ Al-Sīrah Nabawīyyah* (Dar al-Nafā'is, 1990), 476.

⁶⁹ Muḥammad ibn Ismā'īl Al-Bukhārī, *Sahih Al-Bukhari*, vol. 1 (Riyadh: Darussalam, 1997), hadith no. 335 and 438.

Nonetheless, further exploration in the Islamic sources reveal more. Ibn Hajar Al-Asqalani, in commenting on this *hadith* (the version of Al-Bukhari), provides a few explanations:

- Al-Dawudi's opinion: all five things in this *hadith* are only given together (all five at once) to Prophet Muhammad, ﷺ and it is possible that the previous people were given one of these five but not all five at the same time. Ibn Hajar rightly pointed out that this opinion is incorrect as the text itself explicitly refutes this interpretation.⁷⁰
- The opinion of "some scholars": previous prophets were not able to manage spoils of war at their own discretion, which seems to imply that they people may have enjoyed the spoils but just not their prophets at their discretion. Ibn Hajar also explains that this opinion is not correct⁷¹. In similar fashion with his refutation to Al-Dawudi's opinion above, the text of the *hadith* clearly indicates its impermissibility for everyone before Prophet Muhammad ﷺ.
- The opinion of Al-Khattabi: Jihad was not prescribed to some previous peoples, thus spoils are naturally impermissible. But for some other previous people to whom jihad was prescribed, they would be able to take spoils, but fire would descend and burn the spoils away. Ibn Hajar prefers this opinion.⁷²

A minor problem with Ibn Hajar's position is that Al-Khattabi's opinion was based on a narration that fire (sent by Allah) will descend upon and burn the spoils taken by the previous people, is not authentic.⁷³ As shown also by the *hadith* reported by Imam Ahmad earlier, it is authentically narrated that it is the people themselves who burn the spoils as they are impermissible for them. This however does not change the essence of the meaning.

However, Ibn Rajab explains that the term used in the *hadith* is *ghanimah* (in form of *al-ghanā'im* (الْغَنَائِمُ) in the Musnad Ahmad version, and *maghānim* (الْمَغَانِمُ) in the Al-Bukhari version) and emphasizes how it is different from *fay*, then clarifies that what was impermissible for the previous peoples was *ghanimah* while *fay* was permissible for them.⁷⁴ The difference between the two is that *ghanimah* is obtained in combat such as items taken from slain enemies, while *fay* taken without a fight⁷⁵ such as what is taken in cities which have already been conquered. Considering that, the booty obtained from Banū Qurayzah, as well as what seems to be in the text of Deuteronomy 20, seems to fall under *fay* as they refer to situations when the cities or peoples have already been defeated. Additionally, Ibn Rajab mentions that what was impermissible for the previous peoples were *ghanimah* in

⁷⁰ Ibnu Hajar Al-Asqalani, *Fathul Baari*, vol. 2 (Jakarta: Pustaka Azzam, 2002), 594.

⁷¹ Al-Asqalani, *Fathul Baari*, 2:598.

⁷² Al-Asqalani, *Fathul Baari*, 2:597–98.

⁷³ Ibn Rajab Al-Ḥanbalī, *Fath Al-Bārī*, vol. 2 (Maktabah Al-Ghuraba fi Shamilah, n.d.), 211.

⁷⁴ Al-Ḥanbalī, *Fath Al-Bārī*, 2:211.

⁷⁵ Wahbah Al-Zuhaylī, *Fiqh Islam Wa Al-Adillatuhu*, vol. 8 (Jakarta: Gema Insani Press, 2011), 69, 72–73.

form of movable and non-human property, meaning that land and slaves are not impermissible.⁷⁶

Therefore, what it seems is that the contents of Deuteronomy 20: 14 are not problematic according to Islamic standards. Meaning, in terms of text compatibility, it is not implausible for Deuteronomy 20: 14 to be a source from where Sa'ad ibn Mu'adh might have taken his ruling. However, plausibility does not make empirical fact. Hence, more exploration is required to conclusively answer the question of whether Sa'ad ibn Mu'adh used Jewish Law in his judgement.

Analyzing Deuteronomy 20 in Jewish Law

In this section, we examine the compatibility of Deuteronomy 20 with Sa'ad ibn Mu'adh's judgment, and corollarily the issue of Banū Qurayzah. Deuteronomy 20 opens with a military oration,⁷⁷ as to be delivered by priests and officials to the troops preceding war as per Deuteronomy 20:3-8. The verse then proceeds to outline its rules of warfare, delineated into two categories based on the nature of mandates. Notably, the halakha also permits Jews to engage in ongoing wars (of both categories) even during Sabbath (*Babylonian Talmud*, Shabbat 19a:9)⁷⁸. This is particularly significant as it appears in some sources that as a last-ditch effort, Ka'b b. Asad suggested an ambush against the Muslims, which was rejected by the Banū Qurayzah as to not desecrate Sabbath.⁷⁹ Assuming such hypothetical attack constitutes a continuation of the 25-day battle, this may further corroborate doubts regarding Banū Qurayzah's conformity to (or knowledge of) Talmudic/Rabbinic Jewish laws.

1. The Deuteronomic Classifications of Wars

The first category expounded in Deuteronomy 20:13-14, generally termed *milḥemet ha-reshūt* (also known as “optional”, “elective”, “discretionary” or “non-Canaanite” war), refers to regular wars commenced for expansionist purposes as per the *Babylonian Talmud*, Sotah 44b:8, which necessitates permission from competent authorities as per the *Babylonian Talmud*, Sanhedrin 20b:4,⁸⁰ then, the seventy-one judges of the Sanhedrin (*Babylonian Talmud*, Sanhedrin 2a:13). It calls for (a) the execution of all males in the enemy's populace; and (b) the taking of its women, children, cattle, and all remaining

⁷⁶ Al-Ḥanbalī, *Fath Al-Bārī*, 2:211.

⁷⁷ Norman Solomon, “The Ethics of War in Judaism,” in *The Ethics of War in Asian Civilization: A Comparative Perspective*, ed. Torkel Brekke (New York: New York, 2005), 40.

⁷⁸ Moses Maimonides, *Mishneh Torah* (New York: Moznaim Publishing, 1993), Melachim uMilchamot 6:11.

⁷⁹ Al-Ṭabari, *The History*, 8:30–31.

⁸⁰ Maimonides, *Mishneh Torah*, Melachim uMilchamot 5:2.

properties as spoils of war. A biblical example of this process is David's annexation of Transjordan cities (*Tanakh*, II Samuel 8:2-14), as could also be seen in the *Babylonian Talmud*, Berakhot 3b:29-30.

In this respect, perhaps of utmost interest to the Banū Qurayzah case is Philō Judæus' *De Specialibus Legibus*. Written sometime between 20-50 CE, it is emblematic of the Second-Temple halakhic system of Late-Antiquity. While Philō's approach towards Jewish law significantly lends to the distinct social conditions of Alexandria and his Hellenistic values, it stands largely faithful to the practices he observed in his visit to the Second Temple—reflecting Jewish law in its stage of conception and similarities with other early rabbinic teachings of halakha.⁸¹

In his works, Philō remarks that provisions concerning *milḥemet ha-reshūt* also cover situations in which a nation renounces and reneges their alliance with the Jews, prescribing actions akin to those mentioned in Deuteronomy 20:13-14, that is (a) slaughtering all men; (b) sparing the women; (c) taking spoils; before (d) burning down the city,⁸² the last element seemingly incorporating punishment for Jewish cities apostatized into Gentilism (Deuteronomy 13:13-17). As far as rabbinic iterations are concerned, *milḥemet ha-reshūt* laws are tenably applicable to breaches of alliance treaties.

The second category of war is the *milḥemet mitzvah* (also known as the “holy war”, “mandatory war”, or the war against the seven nations) as defined in Deuteronomy 20:15-18. Notoriously regarded as a mandate of “total annihilation” (*ḥērem*, or חָרֵם)⁸³ it is to be conducted against “the cities of the nations the Lord ... is giving [the Israelites] as an inheritance”, among which are “the Hittites, Amorites, Canaanites, Perizzites, Hivites and Jebusites” as per Deuteronomy 20:16-17. This refers to the concept of the *Eretz Yisrael* (אֶרֶץ יִשְׂרָאֵל; more commonly the ‘Promised Land’) originating from The Lord's Covenant with Abram in Genesis 15:18-21, which reads:

“On that day the Lord made a covenant with Abram and said, ‘To your descendants I give this land, from the Wadi of Egypt to the great river, the Euphrates—the land of the Kenites, Kenizzites, Kadmonites, Hittites, Perizzites, Rephaites, Amorites, Canaanites, Girgashites and Jebusites.’”

⁸¹ Yedidya Etzion, “Philo's Jewish Law: Uncovering the Foundations of a Second-Temple System of Jewish Law” (University of California, Berkeley, 2015); Crawford Toy, Carl Siegfried, and Jacob Lauterbach, “Philo Judæus — His Relation to the Halakah,” in *The Jewish Encyclopedia* (Vol. 10), ed. Cyrus Adler and Isidore Singer (New York: Funk and Wagnalls, 1905), 15–18; David Winston, “Philo and Rabbinic Literature,” in *The Cambridge Companion to Philo*, ed. Adam Kamesar (Cambridge: Cambridge University Press, 2009), 247–51.

⁸² Philō Judæus, “On the Special Laws, Book IV,” in *Philo of Alexandria, Works* (Loeb Classical Library), Vol. VIII (Cambridge: Harvard University Press, 1939), paras. 219–244.

⁸³ Samuel Driver, *A Critical and Exegetical Commentary on Deuteronomy* (Edinburgh: T. & T. Clark, 1896), 98–99; Solomon, “The Ethics,” 40.

As it is considered to stem from a holy commandment (*mitzvah*), it does not require authorization from the Sanhedrin, and takes priority over wars of *milḥemet ha-reshūt*.⁸⁴ Its enactment calls for death to the entire population (“all that breathes”), including its livestock. Exemplary to this are the conquests of Joshua against cities within the aforementioned lands: Jericho, Ai, and cities in the southern and northern regions as per *The Tanakh*, Joshua 6:1-27 (the conquest of Jericho); 8:1-29 (the conquest of Ai); 10:1-43 (the southern campaign); 11:1-23 (the northern campaign).

2. *Contextual Inapplicability of Milḥemet Mitzvah Laws*

Historically, rabbinic traditions regarding the *milḥemet mitzvah* are rife with discourse. While most insist on strict legalistic readings of its scope (so as to only encompass the seven nations of Eretz Yisrael and Amalek) as per Deuteronomy 25:19⁸⁵ and wars of self-defense,⁸⁶ some have sought to broaden its definition to accommodate “preemptive wars” in anticipation of attacks from other idolater nations. Note that this was met with disagreements among the Tannaim; *Babylonian Talmud*, Sotah 44b:8.

Nevertheless, attempting to situate Banū Qurayzah’s treason within the framework of *milḥemet mitzvah* poses its own implausibility. Considering the judgment was rendered on behalf of the Muslims, it would require a positioning of the Banū Qurayzah as a nation of the ‘Promised Land’ or at least a threat of idolatry; presumably from the perspective of Islam. However, the concept of a ‘Promised Land’ does not exist in Islam, and its differences with Judaism is not a matter of idolatry. In the general halakhic consensus (including the Babylonian Geonim), while still deemed Gentilism, Islam is monotheistic and not considered idolatrous.⁸⁷ Thus, not only does this create an odd judicial predicament, it fundamentally deviates from the initial legal cause underlying the judgment—Banū Qurayzah’s treason against the defense pact—which constitutes an entirely different issue than the circumstances described in Deuteronomy 20:15-18.

Even the possibility of a self-defense *milḥemet mitzvah* does not quite translate neatly to the conditions of Banū Qurayzah. The inclusion is not found in the Deuteronomy 20 nor the Tanakh (Although it was briefly mentioned in the Palestinian Talmud, the authoritative halakha is derived from its Babylonian counterpart);⁸⁸ rather extrapolated in rabbinic interpretations which did not include ample elaboration nor definition, seemingly serving to merely exempt self-defense wars from the *milḥemet ha-reshūt* requirement for Sanhedrin

⁸⁴ Maimonides, *Mishneh Torah*, Melachim 5:1-2.

⁸⁵ Maimonides, *Mishneh Torah*, Melachim 6:4.

⁸⁶ Maimonides, *Mishneh Torah*, Melachim 5:1.

⁸⁷ Maimonides, *Mishneh Torah*, Ma’akhalot Assurot 11:7.

⁸⁸ Heinrich W. Guggenheimer, ed., *The Jerusalem Talmud, Third Order: Našim* (Berlin and New York: De Gruyter, 2005), Sotah 8:10. See also: Reuven Firestone, *Holy War in Judaism: The Fall and Rise of a Controversial Idea* (Oxford: Oxford University Press, 2012), 81–82.

authorization; an exception of *necessity* in the face of imminent attack. This meaning is endorsed by contemporary translations (explicitly describing self-defense as an extraordinary act amidst an ongoing attack) and discussions of the *Mishneh Torah*, most of whom, too, acknowledge the uncertainty surrounding it.⁸⁹

Contrarily, the present case saw an offensive operation (the siege) on the Muslims' part—as the Battle of Khandaq, the precise conflict comprising Banū Qurayzah's betrayal, had concluded then.⁹⁰

3. *The Issue of Voluntary Surrender*

Another pivotal area of analysis is Banū Qurayzah's surrender. Deuteronomy 20:10-12 demands the Israelites extend peace terms before war, which when accepted would relegate all inhabitants into forced labor, *in lieu* of death:

“When you approach a town to attack it, you shall offer it terms of peace. If it responds peaceably and lets you in, all the people present there shall serve you at forced labor. If it does not surrender to you, but would join battle with you, you shall lay siege to it.”

While the siege against the Banū Qurayzah did result from their initial refusal to surrender, the Banū Qurayzah eventually surrendered voluntarily instead of being defeated in battle.⁹¹ It remains unmistakable that the majority of sources of *halakhic midrash*—on all categories of war—unequivocally stress the mandatory obligation to offer peace terms prior to besiegement, and the lenience in the repercussions that follows. Even Philō's application of *milhemet ha-reshūt*, in the context of treason, maintains a great emphasis on restraint, and the importance of peace over potential war.⁹²

This sentiment is echoed centuries later by Maimonides in the *Mishneh Torah* as an absolute prerequisite for all wars.⁹³ A similar obligation is present in the enforcement of Deuteronomy 13:13-17, whereby two Torah sages must be dispatched preliminarily to deliver warning and offer a chance of repentance.⁹⁴ Such rule is also supported by various

⁸⁹ Firestone, *Holy War*, 94; Baruch Alster, “R. Moshe Feinstein on Milhemet Mitzvah,” in *The Gift of the Land and the Fate of the Canaanites in Jewish Thought*, ed. Katell Berthelot, Joseph E. David, and Marc G. Hirshman (New York: Oxford University Press, 2014), 432; David Bleich, “Preemptive War in Jewish Law,” *Tradition: A Journal of Orthodox Jewish Thought* 21, no. 1 (1983): 8; Reuven Kimelman, “Working Warfare and Its Restrictions in the Jewish Tradition,” *Contagion: Journal of Violence, Mimesis, and Culture* 9, no. 1 (2002): 43.

⁹⁰ Al-Ṭabari, *The History*, 8:14–29.

⁹¹ Al-Ṭabari, *The History*, 8:30–31.

⁹² Judæus, “On the Special Laws, Book IV,” paras. 221, 224; Solomon, “The Ethics,” 46–47.

⁹³ Maimonides, *Mishneh Torah*, Melachim 6:1.

⁹⁴ Maimonides, *Mishneh Torah*, Avodah Zarah 4:6.

halakhic authorities such as Nachmanides in his *Ramban*⁹⁵ in conformity with historical implementations thereof.

In the context of *milhemet ha-reshūt*,⁹⁶ a number of sources suggest that peace terms are not obligatory, or rather not an option, in *milhemet mitzvah*. However, this would contradict the Rabbinic narrative of Joshua offering three alternatives (peace, evacuation, or war) to the Canaanites.⁹⁷ Such possibility of peace is also implied in the Tanakh, Joshua 11:19-20.

“Apart from the Hivites who dwelt in Gibeon, not a single city made terms with the Israelites; all were taken in battle. For it was God’s doing to stiffen their hearts to give battle to Israel, in order that they might be proscribed without quarter and wiped out, as God had commanded Moses.”

In any event, as elaborated, neither the circumstances of Banū Qurayzah nor Sa‘ad ibn Mu‘ādh’s judgment fall under the legal ambits of *milhemet mitzvah*.

Hence, a hypothetical application of Deuteronomy 20 in the case of Banū Qurayzah would then raise a grave question as to its glaringly inconsistent outcome.

4. *Discordances in Punishment*

This discrepancy becomes increasingly apparent as we return to the established facts, contrasted against the normative ramifications of warfare under Deuteronomic laws. Immediately, a textual analysis shows clear incongruences between elements of Sa‘ad ibn Mu‘ādh’s judgment and that of the *milhemet ha-reshūt* and *milhemet mitzvah* in Deuteronomy 20, as both respectively entails the taking of spoils and indiscriminate extermination of inhabitants.

Sa‘ad ibn Mu‘ādh’s judgment only appears to contain partial resemblance to the *milhemet ha-reshūt*. Coinciding elements include killing all adult men and enslaving women and children, while the element of taking cattle and everything else as spoils are explicitly absent from the judgment. While the property of Banū Qurayzah were eventually divided as spoils,⁹⁸ one may assume this is but a natural consequence, given their owners have been executed or enslaved (the latter considered to bear no property rights).⁹⁹

⁹⁵ Nachmanides, *Commentary on the Torah* (New York: Shilo Publishing House, 1971), Deuteronomy 20:10.

⁹⁶ Flavius Josephus, *Of the War, Book I* (New York: Bigelow, Brown, n.d.), chap. 19:para.6; Flavius Josephus, *Antiquities of the Jews, Book XIII* (New York: Bigelow, Brown, n.d.), chap. 15:para.3, note.50.

⁹⁷ Maimonides, *Mishneh Torah*, Melachim 6:5; Heinrich W. Guggenheimer, ed., *Jerusalem Talmud, First Order: Zeraim* (Berlin and New York: De Gruyter, 2001), Shevi’it 6:1:13; H. Freedman and Maurice Simon, eds., *Midrash Rabbah: Leviticus* (London: Soncino Press, 1939), chap. 17:6.

⁹⁸ Al-Ṭabari, *The History*, 8:34.

⁹⁹ ‘Alī ibn Muḥammad ibn Athīr, *Al-Kāmil Fi Al-Tārīkh*, vol. 1 (Beirut: Dar al-Kitab Al-‘Arabi, 1417), 601.

In conclusion, beyond its *prima facie* likeness, a comparison between Sa'ad ibn Mu'ādh's judgment and the contents of Deuteronomy 20 based on halakhic tradition demonstrates mere fragmentary parallels, with equally substantial gaps and divergences.

SA'AD IBN MU'ĀDH: HOW MUCH WOULD HE HAVE KNOWN?

Ultimately, the key issue is evaluating whether Sa'ad ibn Mu'ādh based his judgment on Jewish law or what he perceived as such. However, there is no explicit evidence that he referenced Jewish law, the Torah, or any related source. Instead, the argument relies solely on circumstantial evidence. At this point, we are examining the extent to which there is any evidence indicating such a possibility.

The possible indication is that the Banū 'Aws, where Sa'ad fought with and later came to lead, in the city of Yathrib where Banū Qurayzah also lived. Banū 'Aws and Banū Qurayzah later became allies in multiple battles culminating in the battle of Bu'āth (c.620 CE) against the Banū Khazraj and Banū Qaynuqa'. One might suggest that, while living together and later fighting as allies, the Banū 'Aws (and its leading figures including) might learn a thing or two about Banū Qurayzah's Jewish traditions.

Many biographies of Sa'ad ibn Mu'ādh begin at his conversion to Islam.¹⁰⁰ and other historical sources of pre-Islamic history seem to only mention him in passing. For example, some accounts do exist about some of his feats during the battles against Banū Khazraj.¹⁰¹ However, it is apparent that he was an important figure who then later became a Chieftain among his people. Before becoming Muslim after Sa'd himself converted, Banū 'Aws was an Arab tribe believing polytheism.¹⁰² Together with Banū Khazraj, Banū Aws was descended from Banū Qaylah of Yemen as do the other Arabs of Yathrib.¹⁰³

To understand the Banū Aws is to understand the Arab customs at the time, especially in their tradition of warfare. In the pre-Islamic era, Arabia was practically in a constant state of tribal warfare. It must be noted that the usual type of warfare that the Arabs were accustomed to was raiding, meaning swift surprise attacks focusing more on swift hit and run tactics¹⁰⁴. While these wars can be fought for various reasons (blood feuds, border

¹⁰⁰ Yūsuf Ibn 'Abd Allah Ibn 'Abd Al-Barr, *Al-Istī'āb Fi Ma'rifah Al-Ashāb*, vol. 2 (Beirut: Dar al-Jayl, 1412), 603; 'Alī ibn Muḥammad Ibn Athīr, *Asad Al-Ghābah Fī Ma'rifah Al-Ṣahābah*, vol. 2 (Beirut: Dar al-Kutub al-'Ilmiyyah, 1994), 461.

¹⁰¹ ibn Athīr, *Al-Kāmil*, 1:599.

¹⁰² Hishām ibn Muḥammad Al-Kalbī, *Kitab Al-Ashnām* (Cairo: Dar al-Kutub Al-Misriyyah, 2000), 27; Khayr al-Dīn Al-Zarkalī, *Kitab Al-A'Lām*, vol. 2 (Dar al-'Ilm Lil Malayyin, 2002), 31.

¹⁰³ Muḥammad ibn Jarīr Al-Ṭabari, *The History of Al-Tabari*, vol. 6 (New York: State University of New York Press, 1993), 11; Al-Zarkalī, *Kitab Al-A'Lām*, 2:31.

¹⁰⁴ Muhammet Fatih Duman, "Patterns of Intertribal Violence in Late Antique Arabia (III-VII Century AD)," *Gaziantep University Journal of Social Science* 22, no. 3 (2023): 675, 689.

incursions, revenge, *etc*),¹⁰⁵ but it appears that the primary objective of these raid attacks is to achieve plunder and booty as shown in the following.

For example, around the mid-500s CE, Mundhir of the Lakhmids sent an army to capture Ḥārith ibn Amr. The mission to capture Ḥārith failed, but Mundhir plundered the cities' wealth and livestock and executed many people.¹⁰⁶ Another example is the battle of Qushawa between Banū Shayban and Banū Yarbu'.¹⁰⁷ At first, the Banū Shayban warriors successfully raided the Banū Yarbu' to snatch their camels. The Banū Yarbu' warriors launched a retaliatory raid to also take back their camels but was ambushed and defeated instead, some of their warriors killed and others taken captive¹⁰⁸. In another conflict involving Banū Shayban, they fought against Banū al-Tamīm (Banū Yarbu' were a sub of Banū al-Tamīm) in the Mubā'id war. The Banū Shayban were also victorious, not only inflicting great casualties but also obtaining many captives.¹⁰⁹

The above are but samples of how wars are being practiced in pre-Islamic Arabia. They often end the same way: swiftly attacking and killing their foes in the raid then plundering for wealth and captives. It must be noted here that captives here are sometimes ransomed, sold into slavery, or killed (sometimes, but rarely, massacres on a massive scale).¹¹⁰ Historical literature on pre-Islamic Arabia is full of stories of these kinds of raid wars resulting in almost similar results, perhaps appearing even almost repetitive.¹¹¹

It must be noted that similar practice of warfare is also done in the advent of Islam in Medina. For example, not long after the defeat of Banū Qurayzah, the Muslims raided the Banū al-Muṣṭaliq. Some tribesmen of Banū al-Muṣṭaliq were killed during combat, but the entire rest of the tribe were taken as captives and their property taken as loot.¹¹² In Islamic law, captives can be either executed, enslaved, ransomed or gratuitously released, and rules related to booty and spoils are very comprehensive.¹¹³

Wars between Banū Khazraj and Banū 'Aws in the city of Yathrib did culminate into the major battle of Bu'āth, but that was certainly not the first engagement between the two. Ibn Athīr's very detailed recollection of events show how the two tribes have clashed in many raids and battles, most of them because of blood feuds and payment of blood money, and

¹⁰⁵ Duman, "Patterns of Intertribal Violence in Late Antique Arabia (III-VII Century AD)," 689.

¹⁰⁶ 'Alī ibn al-Ḥusayn Al-Iṣfahānī, *Kitāb Al-Aghānī*, vol. 9 (Beirut: Dar al-Kutub al-'Ilmiyyah, 2008), 56–57.

¹⁰⁷ Aḥmad ibn Yaḥyā ibn Jābir Al-Balādhurī, *Ansāb Al-Ashrāf*, vol. 12 (Dār al-Fikr, 1996), 196–97.

¹⁰⁸ Al-Balādhurī, *Al-Ashrāf*, 12:196–97.

¹⁰⁹ Shihāb al-Dīn Aḥmad Al-Nuwayrī, *Nihāyat Al-'Arab Fī Funūn Al-Adab*, vol. 15 (Beirut: Dar al-Kutub al-'Ilmiyyah, 2004), 301.

¹¹⁰ Duman, "Patterns of Intertribal Violence in Late Antique Arabia (III-VII Century AD)," 680–83.

¹¹¹ Ibn Athīr, *Al-Kāmil*, 1:453–607; Tawfīq Birū, *Tārīkh Al-'Arab Al-Qadīm* (Beirut: Dar al-Fikr, 2001), 203–29.

¹¹² 'Abd al-Malik ibn Hishām, *Al-Sīrah Al-Nabawīyyah*, vol. 2 (Egypt: Mustafā Al-Bābī Al-Ḥalabī Al-Awladīhi, 1955), 289–95; Al-Ṭabari, *The History*, 8:51–57.

¹¹³ Ibn Rushd, *The Distinguished*, 1:456, 466–83.

Sa'ad ibn Mu'adh did take part in them.¹¹⁴ Throughout these confrontations, both sides took turns in achieving small victories and plundering each other.

What would have Sa'ad ibn Mu'adh seen of the Jews in these events for him to be aware of Jewish laws? It is crucial to note that it was not until the very end of this long story of confrontation, i.e. the build-up towards the battle of Bu'āth, that the Jewish tribes were involved: Banū Qurayzah and Banū Al-Naḍīr assisting Banū 'Aws, and Banū Qaynuqa assisting Banū Khazraj¹¹⁵. Also, there is not very much details regarding what the Jewish tribes did during the battle other than what isn't been done by the other Arab warriors: fighting, making alliances, giving hostages as guarantee, and others.

The chief of Banū Qurayzah, Ka'b ibn Asad, did threaten the opposing forces to take their wives and children as hostage during the build up to the battle of Bu'āth.¹¹⁶ Years later, the same Ka'b ibn Asad offered to a similar solution for Ḥuyayy ibn Akḥṭab (Chief of Banū Al-Naḍīr) in how to handle the siege against Banū Qurayzah by the Muslim forces in the battle of Ahzab. As one out of three solutions, Ka'b suggested the Banū Qurayzah kill their own women and children, launch surprise attack against the Muslims, and, if they win, take the Muslim women and children as plunder.¹¹⁷ Ḥuyayy rejected, but this illustrates the ways of Banū Qurayzah.

Given the above cases, it is likely that Sa'ad ibn Mu'adh was aware of Ka'b ibn Asad's actions, as they were allies engaged in the same war. However, it is less likely that Sa'ad was informed of the incident during the Battle of Ahzab, since it occurred within the fortress of Banū Qurayzah, while Sa'ad remained outside as part of the besieging forces.

Nonetheless, this would at least be a clue of what Banū Qurayzah may be accustomed of doing in times of war, for Sa'd specifically and the other Arabs generally to be aware of. Note that we have yet to find evidence of slaughtering one's own women and children being practiced by Arabs or Jews other than in Ka'b ibn Asad's suggestion to Ḥuyayy b. Akḥṭab, which occurred in a closed conversation unlikely to be known by Sa'd. Unlike the case of taking captives, which Ka'b has mentioned in another occasion which is likely to be known by Sa'd.

Some important things need to be considered here.

Before being executed, Ḥuyayy b. Akḥṭab was narrated to have said:

أَيُّهَا النَّاسُ، إِنَّهُ لَا بَأْسَ بِأَمْرِ اللَّهِ، كِتَابٌ وَقَدَرٌ وَمَلْحَمَةٌ كَتَبَهَا اللَّهُ عَلَى بَنِي إِسْرَائِيلَ

¹¹⁴ ibn Athīr, *Al-Kāmil*, 1:586–604.

¹¹⁵ ibn Athīr, *Al-Kāmil*, 1:600–601.

¹¹⁶ ibn Athīr, *Al-Kāmil*, 1:601.

¹¹⁷ Ismail Ibn Kathir, *The Life of the Prophet: Al-Sira Al-Nabawiyya*, vol. 3 (Reading: Garnet Publishing, 2005), 163; ibn Hishām, *Al-Sīrah*, 2:235–36.

“O people, there is no harm in the command of God; a decree, fate and a massacre have been written by God against the Sons of Israil.”¹¹⁸

At a glance, one reading of Ḥuyayy’s statement might appear as confirmation that Sa‘ad ibn Mu‘ādh’s judgement was indeed taken from Jewish Law which the Jews considered as commands from God. Based on the previous section, this reading is quite a difficult one considering at least two points: (a) the content of Sa‘d’s verdict does not actually match Deuteronomy 20, and (b) Deuteronomy 20 are laws prescribing certain violence to be inflicted by the Israelites towards other peoples, not the other way round.

Perhaps different readings may be more convincing. For example, Ḥuyayy meant that their entire predicament was God’s command in the sense that it is His will that they ended in such a situation. This has nothing to do with whatever Sa‘d considered in making his judgement. It might also be possible to suggest that this statement is a fabricated one, because ibn Hishām narrated this statement from Ibn Ishāq who’s credibility in narrating authentic history has been subject to some debate, compare for example Al-Baghdādī¹¹⁹ with Al-Dhahabī.¹²⁰ Barakat Ahmad questions a lot of details of the events surrounding the execution of Banū Qurayzah, including Ḥuyayy’s statement.¹²¹ Nonetheless, at least to the extent of the content of Sa‘ad ibn Mu‘ādh’s judgement and that it was carried out, the mainstream narrative appears to be rock solid.¹²²

However, most crucially, even if the first reading were correct, it does not matter. The focus of this section is to examine whether there is any evidence at all that Sa‘d specifically or the Arabs generally would have been aware of this detail within Jewish law at all. Ḥuyayy made the above statement after Sa‘d had issued his judgement. We would require more (at least some) evidence that Sa‘d had been aware of any of this before making his judgement for anyone to even claim he used such information as basis for said judgement.

In the known feats of Banū Qurayzah in warfare, we know nothing so far of anything particularly uniquely Jewish. The few things we know, even if they coincide with matters prescribed in the Torah as explained in the previous section, also coincide with whatever the Arabs have been practicing in the battles and raids amongst themselves. Perhaps the only thing known to have some Jewish identity was the *atam* fortress. However, as explained in the previous sections, these *atam* do not appear to be from Jewish law *per se*, merely architectural heritage from their ancestors, and the Arabs even adopted that too.

¹¹⁸ Ibn Hishām, *Al-Sīrah*, 2:241.

¹¹⁹ *Tārīkh Madīnah*, vol. 2 (Beirut: Dar al-Gharb al-Islami, 2001), 19.

¹²⁰ *Mizān Al-I’tidāl*, vol. 3 (Beirut: Dār al-Ma’rifah li al-Thibā’ah wa al-Nashr, 1382), 475.

¹²¹ Ahmad, *Re-Examination*.

¹²² Muhammadīn and Nashrullah, “The Authenticity of Sa‘d Ibn Mu‘ādh’s Judgement: A Response to Contemporary Challenge.”

It is therefore unclear what action, if any, would make any Arab at the time—including Sa'ad ibn Mu'adh—think to be so unique as to warrant particular attribution to Jewish Law. The only major change between the battle of Bu'āth and the battle of Ahzab was the advent of Islam, which's laws recognize the same things: taking spoils and booty (including captives), as well as executing captives.

CONCLUSION

For over a thousand years, Islamic literature and scholarship have not linked Sa'ad ibn Mu'adh's judgment to Jewish law. Is there any compelling reason to now assume that his ruling was influenced by it?

On one hand, the contents of Sa'ad ibn Mu'adh's judgment against Banū Qurayzah are not as closely aligned with Deuteronomy 20 as many contemporary scholars suggest. It would require a significant assumption to conclude that Sa'ad possessed sufficient knowledge of Jewish law to base his ruling on it. An even greater—and arguably more implausible—leap would be to accept Abdullah Yusuf Ali's claim that Sa'ad was aware of multiple legal options within Deuteronomy 20 and deliberately chose a more merciful ruling.

On the other hand, Sa'ad ibn Mu'adh's judgment aligns perfectly with Arab warfare traditions and Islamic law, without any deviation. As a seasoned Arab warrior and a Muslim, his background fully accounts for the reasoning behind his decision. Introducing Jewish law into the discussion neither adds clarity nor contributes meaningfully—it only raises unnecessary questions. Thus, it is best to dismiss this assumption entirely.

ACKNOWLEDGEMENTS

We thank Rabbi Ben Abrahamson (Al-Sadiqin Institute, New York) for his comments to the initial (short) draft of this manuscript. This research was funded under the *Hibah Penelitian Jurnal Nasional* research grant, Faculty of Law, Universitas Gadjah Mada.

BIBLIOGRAPHY

- Ahmad, Barakat. *Muhammad and the Jews: A Re-Examination*. New Delhi: Vikas Publishing House, 1979.
- Ahmadvand, Fatemeh, and Alireza Tafreshi. "Daily Life, Districts and Strongholds of the Jews in the Hijaz at the Advent of Islam." In *The Traditional Mediterranean: Essays from the Ancient to the Early Modern Era*, edited by Jayoung Che and Nicholas Pappas. Athens: Athens Institute for Education and Research, 2011.

- Al-'Alī, Ibrāhīm. *Ṣaḥīḥ Al-Sīrah Nabawiyyah*. Dar al-Nafā'is, 1990.
- Al-'Uthaymīn, Muḥammad ibn Ṣāliḥ. *The Fundamentals of Tafseer*. Texas: Tarbiyyah Bookstore Publishing, 2008.
- Al-Asqalani, Ibnu Hajar. *Fathul Baari*. Vol. 2. Jakarta: Pustaka Azzam, 2002.
- Al-Baghdādī, 'Alī ibn Thābit al-Khaṭīb. *Tārīkh Madīnah*. Vol. 2. Beirut: Dar al-Gharb al-Islami, 2001.
- Al-Balādhurī, Aḥmad ibn Yaḥyā ibn Jābir. *Ansāb Al-Ashrāf*. Vol. 12. Dār al-Fikr, 1996.
- Al-Bukhārī, Muḥammad ibn Ismā'īl. *Saḥīḥ Al-Bukhari*. Vol. 1, 4 & 8. Riyadh: Darussalam, 1997.
- Al-Dawoody, Ahmed. *The Islamic Law of War: Justifications and Regulations*. New York: Palgrave Macmillan, 2011.
- Al-Dhahabī, Muḥammad ibn Aḥmad ibn 'Uthmān Ibn. *Mīzān Al-I'tidāl*. Vol. 3. Beirut: Dār al-Ma'rifah li al-Thibā'ah wa al-Nashr, 1382.
- Al-Ḥanbalī, Ibn Rajab. *Fath Al-Bārī*. Vol. 2. Maktabah Al-Ghuraba fi Shamilah, n.d.
- Al-Iṣfahānī, 'Alī ibn al-Ḥusayn. *Kitāb Al-Aghānī*. Vol. 9. Beirut: Dar al-Kutub al-'Ilmiyyah, 2008.
- Al-Kalbī, Hishām ibn Muḥammad. *Kitab Al-Aṣnām*. Cairo: Dar al-Kutub Al-Misriyyah, 2000.
- Al-Nuwayrī, Shihāb al-Dīn Aḥmad. *Nihāyat Al-'Arab Fī Funūn Al-Adab*. Vol. 15. Beirut: Dar al-Kutub al-'Ilmiyyah, 2004.
- Al-Ṭabari, Muḥammad ibn Jarīr. *The History of Al-Tabari*. Vol. 8. New York: State University of New York Press, 1993.
- . *The History of Al-Tabari*. Vol. 6. New York: State University of New York Press, 1993.
- Al-Zarkalī, Khayr al-Dīn. *Kitab Al-A'Lām*. Vol. 2. Dar al-'Ilm Lil Malayyin, 2002.
- Al-Zayd, Zayd bin 'Abd al-Karīm. *Muqaddimah Fī Al-Qānūn Al-Duwalī Al-Insānī Fī Al-Islām*. Kuwait: The International Committee of the Red Cross, Kuwait Delegation, 2004.
- Al-Zuḥaylī, Wahbah. *Fiqh Islam Wa Al-Adillatuhu*. Vol. 8. Jakarta: Gema Insani Press, 2011.
- Alster, Baruch. "R. Moshe Feinstein on Milhemet Mitzvah." In *The Gift of the Land and the Fate of the Canaanites in Jewish Thought*, edited by Katell Berthelot, Joseph E. David, and Marc G. Hirshman. New York: Oxford University Press, 2014.

- Ath-Thabari, Muhammad bin Jarir. *Tafsir Ath-Thabari*. Vol. 5. Jakarta: Pustaka Azzam, 2007.
- Badawi, Nesrine. "Regulation of Armed Conflict: Critical Comparativism." *Third World Quarterly* 37, no. 11 (2016): 1990–2009.
- Baron, Salo Wittmayer. *A Social and Religious History of the Jews*. Vol. 3. New York: Columbia University Press, 1957.
- Birū, Tawfīq. *Tārīkh Al-'Arab Al-Qadīm*. Beirut: Dar al-Fikr, 2001.
- Bleich, David. "Preemptive War in Jewish Law." *Tradition: A Journal of Orthodox Jewish Thought* 21, no. 1 (1983).
- Driver, Samuel. *A Critical and Exegetical Commentary on Deuteronomy*. Edinburgh: T. & T. Clark, 1896.
- Duman, Muhammet Fatih. "Patterns of Intertribal Violence in Late Antique Arabia (III-VII Century AD)." *Gaziantep University Journal of Social Science* 22, no. 3 (2023): 674–84.
- Etzion, Yedidya. "Philo's Jewish Law: Uncovering the Foundations of a Second-Temple System of Jewish Law." University of California, Berkeley, 2015.
- Finster, Barbara. "The Material Culture of Pre- and Early Islamic Arabia." In *A Companion to Islamic Art and Architecture (Vol. 1)*, edited by Finbarr Flood and Gülru Necipoğlu. Hoboken: Wiley-Blackwell, 2017.
- Firestone, Reuven. *Holy War in Judaism: The Fall and Rise of a Controversial Idea*. Oxford: Oxford University Press, 2012.
- Freedman, H., and Maurice Simon, eds. *Midrash Rabbah: Leviticus*. London: Soncino Press, 1939.
- Friedlaender, Israel. "The Jews of Arabia and the Gaonate." *The Jewish Quarterly Review* 1, no. 2 (1910): 249–52.
- Gil, Moshe. *Jews in Islamic Countries in the Middle Ages*. Leiden: Brill, 2004.
- Graetz, Heinrich. *History of the Jews*. Vol. 3. Philadelphia: The Jewish Publication Society of America, 1894.
- . *History of the Jews*. Vol. 6. Philadelphia: The Jewish Publication Society, 1898.
- Guggenheimer, Heinrich W., ed. *Jerusalem Talmud, First Order: Zeraim*. Berlin and New York: De Gruyter, 2001.
- , ed. *The Jerusalem Talmud, Third Order: Našim*. Berlin and New York: De Gruyter, 2005.

- Harvey, Ramon. *The Qur'an and the Just Society*. Edinburgh: Edinburgh University Press, 2018.
- Horovitz, Josef. "Judaean-Arabic Relations in Pre-Islamic Times." *Islamic Studies* 52, no. 3/4 (2013): 357–91.
- Ibn 'Abd Al-Barr, Yūsuf Ibn 'Abd Allah. *Al-Istī'āb Fi Ma'rifah Al-Aṣḥāb*. Vol. 2. Beirut: Dar al-Jayl, 1412.
- ibn Athīr, 'Alī ibn Muḥammad. *Al-Kāmil Fi Al-Tārīkh*. Vol. 1. Beirut: Dar al-Kitāb Al-'Arabi, 1417.
- Ibn Athīr, 'Alī ibn Muḥammad. *Asad Al-Ghābah Fī Ma'rifah Al-Ṣaḥābah*. Vol. 2. Beirut: Dar al-Kutub al-'Ilmiyyah, 1994.
- ibn Ḥazm, 'Alī ibn Aḥmad ibn Sa'īd. *Kitāb Al-Faṣl Fī Al-Milal Wa Al-Aḥwā' Wa Al-Niḥal*. Vol. 1–3. Wentworth Press, 2016.
- ibn Hishām, 'Abd al-Malik. *Al-Sīrah Al-Nabawīyyah*. Vol. 2. Egypt: Mustafā Al-Bābī Al-Ḥalabi Al-Awlādihi, 1955.
- ibn Kathir, Ismail. *Tafsir Ibn Kathir (Abridged)*. Translated by Safiurrahman Al-Mubarakfuri. Vol. 3. Riyadh: Darussalam, 2003.
- Ibn Kathir, Ismail. *The Life of the Prophet: Al-Sira Al-Nabawīyya*. Vol. 3. Reading: Garnet Publishing, 2005.
- Ibn Rushd. *The Distinguished Jurist's Primer*. Vol. 1. Reading: Garnet Publishing, 2000.
- Josephus, Flavius. *Antiquities of the Jews, Book XIII*. New York: Bigelow, Brown, n.d.
- . *Of the War, Book I*. New York: Bigelow, Brown, n.d.
- Judæus, Philō. "On the Special Laws, Book IV." In *Philo of Alexandria, Works (Loeb Classical Library), Vol. VIII*. Cambridge: Harvard University Press, 1939.
- Kimelman, Reuven. "Working Warfare and Its Restrictions in the Jewish Tradition." *Contagion: Journal of Violence, Mimesis, and Culture* 9, no. 1 (2002).
- King, JaShong. "The Message of a Massacre: The Religious Categorization of the Banū Qurayza." *Studies in Arabic and Islam* 8 (1986): 63–74.
- Lecker, Michael. *Muslims, Jews and Pagans: Studies on Early Islamic Medina*. Leiden: Brill, 1995.
- . "Zayd B. Thābit, A Jew with Two Sidelocks": Judaism and Literacy in Pre-Islamic Medina (Yathrib)." *Journal of Near Eastern Studies* 56, no. 4 (1997): 259–73.
- Maimonides, Moses. *Mishneh Torah*. New York: Moznaim Publishing, 1993.

- Margoliouth, David. *The Relations between Arabs and Israelites Prior to the Rise of Islam: The Schweich Lectures*. Oxford: Oxford University Press, 1921.
- Maurer, Peter. “International Conference on Islam and IHL - Statement by the ICRC.” ICRC, 2016. <https://www.icrc.org/en/document/speech-icrc-president-international-conference-islam-and-ihl>.
- Mohd Kamal, Mohd Hisham. “Principles of Distinction, Proportionality and Precautions under the Geneva Conventions: The Perspective of Islamic Law.” In *Revisiting the Geneva Conventions: 1949-2019*, edited by Borhan Uddin Khan and Md Jahid Hossain Bhuiyan. Leiden: BRILL and Martinus Nijhoff, 2019.
- Muhammadin, Fajri Matahati, and Muhammad Jasir Nashrullah. “The Authenticity of Sa’d Ibn Mu’ādh’s Judgement: A Response to Contemporary Challenge.” *Al-Burhān: Journal of Qur’an and Sunnah Studies* 4, no. 1 (2021).
- Muhammadin, Fajri Matahati, and Nur Fajri Romadhon. “Death Penalty and Riddah: A Critical Evaluation towards the Claim of Juristic Ijmā’.” *IIUM Law Journal* 31, no. 2 (2023): 315–46.
- Munir, Muhammad. “Debates on the Rights of Prisoners of War in Islamic Law.” *Islamic Studies* 49, no. 4 (2010): 463–92.
- . “Some Reflections on the Story of Banu Qurayzah: A Re-Evaluation of Ibn Ishaq’s Account.” *Islamabad Law Review* 1, no. 2 (2011): 7–28.
- Nachmanides. *Commentary on the Torah*. New York: Shilo Publishing House, 1971.
- Newby, Gordon. “The Jews of Arabia at the Birth of Islam.” In *A History of Jewish-Muslim Relations: From the Origins to the Present Day*, edited by Abdelwahab Meddeb and Benjamin Stora. Oxford: Princeton University Press, 2013.
- Nöldeke, Theodor. *Beiträge Zur Kenntniss Der Poesie Der Alten Araber*. Hannover: C. Rümpler, 1854.
- Reissner, Hanns G. “The Ummī Prophet and the Banu Israil of the Qur’ān.” *The Muslim World* 39, no. 4 (1949): 276–81.
- Robin, Christian. “The Peoples Beyond the Arabian Frontier in Late Antiquity: Recent Epigraphic Discoveries and Latest Advances.” In *Inside and Out: Interactions between Rome and the Peoples on the Arabian and Egyptian Frontiers in Late Antiquity*, edited by Jitse Dijkstra and Greg Fisher. Peeters, 2014.
- Serjeant, Robert. ““The “Sunnah Jāmi’ah,” Pacts with the Yaṭḥrib Jews, and the “Tahrīm” of Yaṭḥrib: Analysis and Translation of the Documents Comprised in the So-Called “Constitution of Medina.””” *Bulletin of the School of Oriental and African Studies* 41 (1978).

- Snir, Reuven. “My Adherence to the Creed of Moses Has Not Diminished My Love for Muhammad’s Nation’: The Emergence and Demise of Iraqi Jewish Literary Modern Culture.” *The Jewish Quarterly Review* 98, no. 1 (2008): 62–87.
- Solomon, Norman. “The Ethics of War in Judaism.” In *The Ethics of War in Asian Civilization: A Comparative Perspective*, edited by Torkel Brekke. New York: New York, 2005.
- Strack, Hermann, and Günter Stemberger. *Introduction to the Talmud and Midrash*. Minneapolis: Fortress Press, 1992.
- Torrey, Charles. *The Jewish Foundation of Islam*. New York: Jewish Institute of Religion Press, 1933.
- Toy, Crawford, Carl Siegfried, and Jacob Lauterbach. “Philo Judæus — His Relation to the Halakah.” In *The Jewish Encyclopedia (Vol. 10)*, edited by Cyrus Adler and Isidore Singer. New York: Funk and Wagnalls, 1905.
- Watt, William Montgomery. *Muhammad at Medina*. Oxford: Oxford University Press, 1956.
- Winston, David. “Philo and Rabbinic Literature.” In *The Cambridge Companion to Philo*, edited by Adam Kamesar. Cambridge: Cambridge University Press, 2009.