Deception as an Art of War: Comparative Analyses of Sun Tzu, Machiavelli, Clausewitz and the Islamic Jihadists Views

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Abstract
The ongoing conflict in Gaza, particularly the methods of warfare employed, reflects a culmination of strategies refined from previous skirmishes, notably the 2014 Gaza war. This research provides a theoretical exploration of the art of war as a form of deception, drawing on historical context to elucidate the current hostilities. The study examines the evolution of deceptive strategies in warfare, as discussed by ancient and modern strategic thinkers, and their adaptation by Islamic militants in the prosecution of jihad. It posits that the strategic refinement and effective practice of deception in warfare pose critical questions regarding the justification of granting amnesty to jihadists. However, analysing these strategies through a historical lens requires a deeper understanding of the conflict in Gaza to comprehend the broader implications of warfare tactics on peace and reconciliation efforts.

Keywords: art of war, deception, Islam, Israel and Jihadists

Introduction

From antiquity, dating even before the times of 'ancient' Greeks and Romans, war has been regarded and justified as simply a way of life, a regrettable but inevitable fact of life. Thomas Hobbes's seminar work – *The Leviathan* (Chap. 13), justified war based on the fact that individuals and societies naturally seek for their self-interests and wars offers the 'natural' means and consequence of satisfying both the individual's and societal acquisitive appetites. Thus, the resulting state of war and the possibility for potential war becomes 'natural' particularly in the absence of a sovereign power to restrain these often-conflicting appetites. Time and time again, history has shown that in the international arena, no norm of morality is superior to self-interest, the fundamental 'law of nature' (self-preservation) however dictates the need to seek peace. Hence, in the absence of a sovereign power, there remains a moral duty to desire and seek peace. In this regard, wars can only be termed 'good' or 'bad' depending on whether they succeed or do not succeed in furthering individual/societal self-interest (Regan, 1996).

Pacifism, whose earlier root can be traced to Christianity, moral position on war is categorically negative; no human being, whether as a private individual or as an agent of the public, has any

right or is justified to kill any other being. This stand is variously justified by certain doctrines from the Bible, especially Jesus' injunctions and teachings in the 'Sermon of the Mount' where rather than fight, Christians were enjoined to turn the other cheek (Matt. 5:38-39). Literary evidence has also shown that the early Church leaders disapproved of Christians serving in the imperial Roman army (Swift 1983, Hornus 1980, Ryan 1952, Zahn 1967). Pacifists rest their justification of nonviolence and non-resistance on the assumption that this stance will ultimately win the minds and hearts of the aggressors and oppressors even though the basis of this argument is not entirely convincing. Nevertheless, they boast of eminent personalities in their fold such as Leo Tolstoy (1828-1910), Mohandas K. Gandhi (1868-1948) and Martin Luther King Jr. (1929-1968). Their justification for nonviolence is derived from teachings from antiquity such as Jainism (Sharma, 1965), the Hare Krishna movement, which derived its doctrine of non-violence from the Bhagavad Gita, and the Jewish Talmud of Judaism. The teachings and doctrines from these ancient writings have been acclaimed as the major influence in David Thoreau's (Canby, 1939) and Ghandi's (Hunter, 1990) lives, their formulation and philosophy of nonviolence.

Marxists' justification of war is based on the privatization of property and the dominant mode of production at a given stage of history (slavery, feudalism and capitalism). Their justification for war is based on economic imperialism which inevitably leads to wars to acquire undeveloped resources and markets and to prevent other capitalist competitors from doing so. However, with the coming of communism, the cause for wars will be eliminated and perpetual peace will reign. Hence, the only just cause of war is to defend communism and to overrun capitalist regimes. Put this way, the Marxist explanation for wars is rather too simplistic. Wars are waged for other reasons than solely for economic reasons.

On the other hand, wars have been justified on the basis that God justifies war by specifically sanctioning it, and His will constitutes the moral norm of a just war. For instance, in ancient Israel, God's will had been used as justification for war, as willing specific wars for the sake of Israel, against their enemies, and Israel to punish the people for idolatry. 'Holy wars' were not restricted to ancient times as many modern religions have at one time or the other made allusions to God's will as their basis for waging wars. For instance, the Christian Crusades is a classic example while Islam is another one (Agara, 2021; Lewis, 2003, White 2003). So, considering if God did will a war, that war must be just, but the question is had He? The onus

of proof is on those who assert that God willed a particular war, those who claim to know God's will. In reality, human beings are adept at appropriating God's will to their own.

Another justifying calculus is the just-war theory, the originator being St. Augustine, although a few pre-Christian thinkers such as Aristotle and Cicero, were considered contributors to this theory. Although Aristotle had criticized the Spartan tendency to train its citizens primarily and exclusively for war, military training itself serves three purposes – (1) to preserve one's city-state from subjection to others, (2) to obtain or maintain leadership of one's city-state over other city-states for their benefit but not to exercise dominion over them and finally, (3) to exercise dominion over those who are not fit to rule over themselves. The first objective, which was for self-defence, provides us with a justification for war, whereas, the second objective, which is leadership over other Greek city-states, does not justify the killing involved in wars. The third objective, which is dominion over non-Greek city-states, emanated from the Greeks' assumption that such people and their city-states were inferior and unfit to rule. In justifying the acquisition of private property and slaves, Aristotle justified war as part of nature's plan for acquiring property. Cicero, on the other hand, believed that no just war can be waged except for punishment or repelling enemies and the only excuse for going to war is that we may live in peace unharmed (Regan, 1996). As Aristotle thought Greeks were the superior race, so did Cicero the Romans were the superior race also and hence were justified to wage war against the inferior races. Hitler was later to use this same argument to justify the slaughter and genocide committed by the Aryan race.

Thomas Aquinas, writing in the 13th century, also justified war and killing not only to defend others from harm but also to defend themselves. Aquinas endorsed the position of Augustine on war and went further to lay down three additional conditions – (1) legitimate, that is constitutional, authority should make the decision to go to war, (2) war should be waged for a just cause, and (3) statesmen should resort to war with the right intention. Three further conditions were handed down by the 16th and 17th century theologian-philosophers; Francisco de Vitoria and Francisco Suarez – (4) the evils of war, especially the loss of human life should be proportionate to the injustice to be prevented or remedied by war, (5) peaceful means to prevent or remedy injustice should be exhausted and (6) an otherwise just war should have a reasonable hope of success.

The advocates of democratic peace have argued against the rationale for studying war when nations in the international system are concerned with how to facilitate global peace (Agara & Ibebunjo, 2021). Interestingly, they would rather want to think that war can be made to disappear simply by ignoring its reality. The reality is as Leon Trotsky, a leading figure in the Bolshevik revolution, put it: "You might not have an interest in war, but war has an interest in you." Our stand is that we study war in other to abolish it. We contend that the first step towards eliminating war is not only to identify its causes but also to understand how it is (or has been) prosecuted. This is the same way that the cures for disease are related to the causes and its manifestation/symptoms, so the cures for wars are to be found in its causes and methods of prosecution.

This paper is purely a theoretical postulation which focuses on one of the strategies of war as an art – deception. The paper explores how this hitherto strategy is alluded to by ancient and modern strategic thinkers and how it has been refined by Islam as a method of prosecuting jihad. The fear expressed is that if this strategy is well-honed and practised, would granting amnesty to jihadists be justified?

What is Deception?

Deception or falsehood is an act or statement that deliberately misleads, hides the truth, or promotes a belief, concept, or idea that is not true. It is often done for personal gain or to have an advantage over others. Deception can involve dissimulation, propaganda and sleight of hand as well as distraction, camouflage or concealment. According to Merriam-Webster, deception is the act of causing someone to accept as true or valid what is false or invalid. It is the act of deceiving, resorting to falsehood. The term is another word for double-dealing, fraud, subterfuge and trickery.

The Thesaurus Britannica has given a list of 103 synonyms for deception among which 'betrayal', 'disinformation', duplicity', 'falsehood' 'treachery', 'lying', and 'beguilement' are very particular. However, language purists have attempted to differentiate between deception and outright lying by claiming that lying differs from deception in two important ways. The first is that to lie, a false statement must be made, whereas deception does not require that a false statement be made or any statement be made at all. True statements can equally be deceptive and some forms of deception do not need a statement being made.

While all these terms mean the acts or practices of one who deliberately deceives, deception may or may not imply blameworthiness since it may suggest cheating or merely being resourceful tactically, but more often than not, deception is harmful. It is aimed at deceiving a person; that is, to cause someone to believe something false, usually to the advantage of the person deceiving the other. Cheating, therefore, is a form of deception which is to act dishonestly or break a rule or law to gain an advantage.

Deception or act of deception is of three types: to cover up, lying, and deception. Cover-up refers to secret-keeping and camouflage whereas lying can be divided into two: simple lying and lying with artifice. Lying is more active than cover-up in that it draws the target away from the truth. Deception, on the other hand, is deliberate, an action that hides the truth. Deception is a human universal behaviour be it active for tangible benefit, concealment of feelings, or self-deception. All humans appear to engage in some level of intentional deception that works on an understanding of behaviour and mental status in others.

Deception as a Strategy of War.
Aptly titled Sun Tzu in China after the legendary writer or The Art of War in Western text, is a compilation of ancient wisdom for contemporary time, offering a radically new perspective on conflict. The text is a compendium of how to conquer without a show of aggression and how to attain victory without having to go into battle. One of its most famous couplets in the book is "One hundred victories in one hundred battles is not the most skilled. Subduing the other's military without battle is the most skilful." How then can the commander be assured of victory without necessarily showing aggression?

It is interesting to note that, of course, the work is on how to ensure victory in battles or campaigns without physical confrontations, but throughout the work, there is no mention of defensive warfare. This demonstrates that not only can battles be won without fighting but strategy requires a dynamically assertive spirit, hence plunging one's own into battle is now what strategy is all about. The second interesting aspect of Sun Tzu's position is that the purpose of strategy is not conflict, but advantage as conflict serves only as one of the strategic tools available to a general. Therefore, conflict is a tactical choice rather than a certitude and wise generals do not make it so. No wonder Sun Tzu has stated emphatically – "neutralize an adversary's military power, but not through battles" – a theory that can be justified with innumerable contemporary examples. The third fact to be noted here is that insofar as practical advantages are concerned, some armed conflicts do not necessarily end in victory because some

victories are not necessarily advantageous. So, no armed conflict should be lightly embarked upon or initiated, it must have unequivocal strategic value. No battle is in itself a form of strategy and not to be considered a form of cowardice.

What then are Sun Tzu's prescription for achieving victory in battles without necessarily confronting the enemy's army or engaging one's soldiers in confrontation with the enemy's? Sun Tzu's prescription for achieving this can be found in his treatise that "the military is a Tao of deception". Deception means to become formless, invisible, unimaginable, or to appear as somewhere or something one is not. As he noted, "the art of war is of vital importance to the state" that it cannot be committed to ordinary people, hence, the use of deception in warfare and as a tactical strategy that ensures victory in battle has been alluded to from antiquity to contemporary times by makers of strategic thought and strategic thinkers. Sun Tzu (1963) advocated for deception as an art of war and it is part of the calculus for ensuring victory.

Deception should be included in the overall calculations a general/commander of an army is expected to make. As he stated, "the general who wins a battle makes many calculations in his temple ere (before) the battle is fought" and part of the calculations is how to use deceit. The importance of this single factor is alluded to by Sun Tzu stating that "it is by attention to this point that I can foresee who is likely to win or lose" a battle.

Sun Tzu had stated concisely that,

> All warfare is based on some elements of deception. From the antiquity to modern warfare, deception has been alluded to as a strategy of war. when capable, feign incapacity, when active, inactivity, when near, make it appear that you are still far away, when far, make it appear the opposite, that you are near. In short, a good strategy is to offer the enemy a bait to lure him, feign disorder and strike him… Pretend to be weak, that he may grow arrogant.

The overall purpose of deception is to make the enemy lose the initiatives: being occupied with responding to our initiatives and therefore becoming unable to mount their assault.

The second form of deception as recommended by Sun Tzu is in his Book 13 on Espionage, where he elaborated on the necessity of intelligence gathering, information and spreading of disinformation using spies or 'agents' as he preferred to call them. He identified the mastery of intelligence and espionage by generals and identified five types of agents to be used – agents-in-place, moles, turned agents, hidden provocation agents and mobile informants. He believed

that once these five agents all take action, none can penetrate their ways. To him, the use of these agents is part of 'covert mastery' that a general should aspire to.

He elaborated on each of these five thus; 'agents-in-place' (Yinjian) are spies in the enemy's territory and rely on, use or utilize the local personnel to gather the enemy's secrets and information about them and their war plans. 'Moles' are those deeply planted within the enemy's officer cadre, who look to these officials and use them for gathering information about their strategies and war plans. Among all the agents, Sun Tzu regarded 'Turned agents' as the key to espionage operations, warning that the military must acquire them but make certain to ferret out such in their ranks too. Upon finding out about such agents, he cautioned on eliminating them but rather suggested those agents should be plied with advantages, instructed and released to be used against their masters; hence the term – 'turned agent'. His view is that without 'turned agents' reliable espionage will be difficult and information about the enemy's plan of war, weaponry, size/numbers and capability may be difficult to have. Along with agents-in-place and moles, 'turned agents' can be better deployed.

The fourth is 'hidden provocation agents' who can be given deliberate misinformation as to the state and level of preparedness of the army and released to disseminate such to the enemy's army. With deliberate lies and deceitful information (sham), a 'hidden provocation agent' can be released along with a 'turned agent' to spread such lies (sham) among the enemy to deceive them. Finally, 'mobile informants' are those agents who return with useful information about the enemy's capability and plan of action. When deployed with 'turned agents', mobile informants can be used as messengers to return with the enemy's scheduled plan. Sun Tzu concluded that the lord (general) must know the activities of all the five agents and knowledge of these must and can only come from 'turned agents' so this category of agents cannot be treated lightly.

He informed that it is the agents that are closer to the armies and no reward is too much to these agents as they are the ones that observe more closely the activities of the army and can report them. Thus, he opined the necessary requisites for conducting espionage and running agents. The first is the need for wisdom, pointing out that it takes wisdom (sage) to utilize espionage. The second word of advice is the need for morality, cautioning that except for humanity, one cannot deploy agents. By humanity (ren) he meant 'benevolence and justice' (ren yi). The third is the need for keen scrutiny for without thorough observation (weimi), one may not gain true

and reliable information from agents. The fourth pertains to areas where agents should and could be effectively utilized. Sun Tzu emphatically stated that "there are no events where agents are not utilized", implying that agents (spies) can be used everywhere and in all cases.

The fifth is in the handling of intelligence leaks. Sun Tzu opined that before sending an agent on the field, it must be ascertained that such information has not leaked, otherwise, none of the agents will survive, nor those informed may live. The advice given was to execute both the agents who leaked the information and those who heard it to seal their mouths. Finally, agents must obtain highly detailed information before each military action. In Sun Tzu's words;

> When an army is intended to be struck, a city intended to be besieged, or an adversary is intended to be killed, be certain to first learn the names of their defending commander, his aides, his couriers, his gate guards and his administrative officers – order the agents to ferret out [these details] without fail.

Much of the achievement of military concerns is deeply influenced by intelligence work and the quality of agents (spies) that gather information and spread disinformation (deliberate lies). As he opined, only when enlightened lords and distinguished commanders can use highly intelligent men as their agents will they certainly be assured of having great success.

Machiavelli's *L'Arte della Guerra* (The Art of War, 1965) may not be a first-class treatise on the subject of war (van Creveld 2002), because it was cast in the form of a conversation which took place in a Florentine garden; the chief character being Fabrizio Colonna, a member of a noble family of that name which had disturbed the peace of Rome for centuries. However, the appeal of the work was simply that it was presented as the embodiment of falsehood, the use and usefulness of subterfuge in war. He stated that "in the midst of battle to confuse the hostile army, it is necessary to make something happen that will bewilder them, either by announcing some reinforcement that is coming or by showing something that appears like it".

The work for which he became notable was *The Prince* (Machiavelli, 1984; Cahn, 1997) where discussion on war also has a central place and emphasis in this work. For instance, in the opening statement of Chapter XIV of *The Prince*, he stated that;

> A prince ought to have no other aim or thought, nor select anything else for his study, than war and its rules and discipline; for this is the sole art that belongs to him who rules, and it is of such force that it not only upholds those who are born princes, but it often enables men to rise from a private station to that rank.

He further stressed the centrality and importance of war by insisting that

> A prince who does not understand the art of war… cannot be respected by his soldiers, nor can he rely on them. He ought never, therefore, to have out of his thoughts this subject of war, and in peace he should addict himself more to its exercise than in war, this he can do in two ways, the one by action, the other by study.

Added to this study of war as a compulsory vocation for princes, Machiavelli (1997) had also glorified the art of deception in warfare by stating that:

> Although deceit is detestable in all other things, yet in the conduct of war it is laudable and honorable; and a commander who vanquishes an enemy by stratagem is equally praised with one who gains victory by force.

Hence, his expressed opinion is that "for a man who wishes to act entirely up to his professions of virtue (that is, to be good, pious and honest), [will] soon meet with what [will] destroy him…". Therefore, he recommended that "for a prince wishing to hold his own [he must learn] to know how to do wrong", [otherwise he would] find out "that something which looks like virtue, if followed would be his ruin, whilst something else, which looks like vice [lying, deceit, evil] yet followed brings him security and prosperity". In Chapter XVIII of his book, Machiavelli (1997) agreed with the generality of opinion that it is praiseworthy for a "prince to keep the faith, and to live with integrity and not with craft [deceit, falsehood and lying]. Rather, the prince must learn "how to circumvent the intellect of men by craft and in the end overcome those who have relied on their word." Therefore, he submitted that "a wise lord cannot, nor ought he to, keep faith when such observance may be turned against him, and when the reasons that caused him to pledge it exist no longer."

Machiavelli (1997), however, cautioned that to use this subterfuge, while recommendable, it is necessary for the user to know how to disguise this characteristic "and to be a great pretender and dissembler", because "men are so simple and so subject to present necessities, he who seeks to deceive will always find someone who will allow himself to be deceived." He, therefore, recommended that while "a prince doesn't have to have all the good qualities," it is also necessary for him "to appear to have them."

He cited the example of Alexander VI as a man who did nothing else but deceive men "for there never was a man who had greater power in asserting, or who with greater oaths would affirm a thing, yet would observe it less." He was a man whose deceit would always succeed according to his wishes because he well understood this side of man." To succeed and maintain

his rule, the prince is enjoined to always "appear to him who sees and hears him altogether merciful, faithful, humane, upright and religious" whereas he is the opposite. His example of this type of prince was the Holy Roman Maximilian I who "never preaches anything else but peace and good faith, and to both he is most hostile."

The opening pages (Prelude) of Ghyczy et al's (2001) treatise on Clausewitz started with an event that occurred at midnight of December 27, 1812, at Tauroggen, Lithuania that changed the texture and course of the war between Napoleon, supported by the Prussian army and against the Russian army. Prussia eventually broke off its alliance with the French army, thereby sealing the latter's doom and joining with the Russian army to ensure the defeat of the French. This coup was the result of the effort of a secret agent and this agent was no other than Carl von Clausewitz. Clausewitz is included in this discussion, not because of his use and dictates about using deceit but because of his view and justification of 'absolute war', which must be stripped of all practical considerations concerning time, place and intent. To him, therefore, war is an elemental act of violence in which all ordinary social restraints must be cast off and in which everything (including deceit and lies) becomes permissible (Clausewitz, 1976; Paret, 1986).

Clausewitz was not simply a soldier but a thoughtful philosopher in uniform. His approach to the issue of war was both deductive and inductive, and this he did by focusing on two questions: what is war and what purpose does it serve? He thinks that war is a duel between two independent minds. It consists of fighting, in other words, battles, and this is what determines the outcome of wars – "war is a physical and moral struggle using the former". His work, *On War*, puts forward a brutally realistic doctrine on war, his view is that war is a deliberate political act, "a continuation of policy by other means." Even though war has a 'grammar' of its own, that is, rules which could not be violated with impunity, it is equally true that it does not have a logic of its own, hence, everything possible must be deployed to ensure victory – even including deceit and subterfuge where necessary.

Deception as an Art of War as Taught and Practiced by Islamic Radicals
Mohammed has been recorded as declaring that "War is deceit" (Al-harb khida'a) (Gabriel, 2006). Put more succinctly, Islam teaches and expects its adherents to practice deception as an art and hence, an essential tool of jihad. For obvious reasons, fundamentalists have been silent about this aspect of the jihad, but several translations of the hadith. See the hadith narrated by

Um-Koulthoum, as quoted in Mussallam Revival of Religious Sciences, (Beirut, Lebanon; Dar al-Maharifa) vol 3. See also how the hadith narrated by Al-Noas bin Semaan had recorded the prophet rebuking his followers one day by declaring;

> All lying will be written against the sons of Adam except if he lies in war, or when two men are quarrelling and he mediates between them, or fabricates (lies) to his wife to please her.

Put differently, Mohammed objected to lying except in these three instances – during a war, to reconcile between two feuding/warring parties and to appease/please a spouse, albeit our focus will be on lying during wars. Fundamentalists and radicals have since accepted this as a doctrine that lying is completely authorized to Muslims, especially during war, and jihadists have taken this to be a vital factor in ensuring victory. Other commentators and intellectuals have made serious commentaries on this aspect in prosecuting a jihad. For instance, Faraj (1991) had elaborated that

> The scholars of Islam have agreed to the legitimacy of deceiving the idolaters during war by any means unless it was preceded by an agreement or a treaty, then it is not allowed. And it is known that there is no treaty or agreement between us (Al-Jihad) and them (Egyptian government) as they are combatants to the religion of Allah. The Muslims are then free to choose any appropriate method of fighting they deem fit, as long as the trick accomplishes victory with the least amount of losses.

Since the prophet, hadith and commentators have agreed and established this as a principle, Muslim radicals and fundamentalists see deceit as a sacred duty to accomplish jihad on all the houses of war (dar al-harb) against al-Islam. It is therefore an obligation that carries no penalty.

A notable Islamic scholar and intellectual who has carried this tactic to new and higher heights than all others was Ayman Al-Zawahiri, the second in command of Al-Qaeda. He wrote a book eulogizing how deception should be used by jihad fighters. The work, *Covert Operations,* goes deep into Islamic teaching and history to describe how deceit can be used as both a strategy and a ploy in Muslim life. Since he headed al-Qaeda after the death of bin Laden and hence had become a strategy of believers and prosecutors of jihad, it may be worthwhile to discuss some of his advice, teaching and suggestions here.

Right from the opening statements of the book, al-Zawahiri had made his intention felt, emphasizing that deceit should not be used in wartime alone but also during peacetime as long as it can "protect the believers from harm from the infidels". To justify this, and quite interestingly, he referred to the example of Abraham in Genesis 20, comparing it with Surah

37. Furthermore, and rather wrongly, he asserted that Abraham was telling a lie by claiming to be sick so that he could be left alone in the temple of idols to destroy the idols – (See Surah 37:89 and compare it to the story of Gideon in Judges 6).

One of the difficult things for Muslims to do is hide their faith because Surah 15:94 and 4:165 among other passages, enjoined them to openly proclaim their faith – Allah's message. However, citing examples from the Qur'an (Surah 40:28, 18:19), al-Zawahiri justified the need for Muslims to lie about and hide their faith. Emphatically, he stated that "hiding one's faith and being secretive was allowed especially in time of fear from the persecution of the infidels" is permissible as this will give Muslims the opportunity to blend into society for safety and to further their goals. Citing the authority of one of the Islamic famous legal scholars – Ibn Hanbali, al-Zawahiri had permitted radicals not to pray in the mosque or attend Friday jumat if it would compromise their position or expose them to the authorities. In his exact words;

> Muslims are allowed not to pray in the mosque or attend Friday prayer if they fear the enemy. And the justification came through the word of the prophet Mohammad, who said Muslims are allowed to do that if they have fear or sickness. And the fear is divided into three categories: fear for himself, fear for his money, and fear for his family. The first category includes fear from the government, an enemy, thieves or a dangerous animal.

To achieve this, al-Zawahiri cautioned jihadists on patience and forgiveness when they are weak, but when they are assured of power, they should follow the dictates of Surah 9:5 which stipulates that "kill the *Mushrikun* (Surah 2:105) wherever you find them, and capture them and besiege them, and prepare for them each and every ambush".

Al-Zawahiri also reminded the followers of two specific ways the prophet used deceit in battles. The first was in keeping his battle plans secret. This hadith contains and describes a lot of battle strategies of Mohammad. This hadith tells us that, ordinarily, Mohammad did not reveal his battle strategy nor tell his soldiers where he was taking them to fight but made an exception in the battle of Tabuk because they would have to undertake a long journey, for he wanted to prepare them for both the journey and for a battle ahead. The hadith equally narrated that the prophet made extensive use of spies to discover the level of preparation and plans of his enemies. The hadith was also clear on how the prophet dealt with those spying on him; by ordering their death.

Recruiting Women as Suicide Bombers: An Act of Deception?

Many reasons have been adduced for women involvement in terrorist organisations. al Zarqawi has been reported as lamenting that

> Are there no men, so that we have to recruit women? Isn't it a shame for the sons of my own nation that our sisters ask to conduct martyrdom operations while men are preoccupied with life? (Dickey, 2005).

The recourse to recruiting women by jihadist groups could be a result of the fact that with the massive resources being diverted to the global war on terror, al Qaeda and other terrorist groups are increasingly experiencing a shortage of male recruits into their organisations and hence, have to resort to recruiting women. However, there are contentions as to whether the use of women, even as suicide bombers is sanctioned in the Qur'an and the hadiths. There is confusion and disagreement even among Muslims as to the desirability of using women as suicide bombers or the religious acceptance of suicide bombing itself. Until recently, female suicide bombers were extremely rare among Muslims and some fundamentalist Islamic terrorist organisations do not even recruit females as combatants less as suicide bombers.

For instance, historically, Hamas and the Islamic Jihad were adamant that women should not participate in violent demonstrations but rather remain at home and perform their established roles as mothers and wives, wearing traditional dresses and head covering and rarely appearing in public unaccompanied. But in 2002, Yasser Arafat, in his famous "Army of Roses" speech, called on women to join as equals in the struggle against Israel, coining the term shaheed, the feminine of the Arabic word for martyr (Victor, 2003). As if on cue, that same afternoon, Wada Idris became the first female Palestinian suicide bomber (Reynolds, 2002; Tierney, 2002). Many more were to follow suit later.

This remarkable innovation of using women or female suicide bombers started by the Kurdish terrorists in Turkey in 1996-1999 and made popular by Palestinians from January 2002 (Cunningham, 2007; McKay, 2005; Patkin, 2007) has been accepted by all religiously motivated terrorist organizations. The issue of suicide terrorism has raised fundamental issues and important questions concerning Islamic teaching. Many hold on to the fact that Islamic doctrines and teachings are against suicide and that suicide is punished by eternal damnation in the form of endless repetition of the act by which the suicide initially died (Rosenthal, 1946). The passages from the traditions of the Prophet are many but this has him saying specifically;

> Whoever kills himself with a blade will be tormented with that blade in the fires

of hell. He who strangles himself will strangle himself in hell, and he who stabs himself will stab himself in hell ...whoever kills himself in any way will be tormented in that way in hell...Whoever kills himself in any way in this world will be tormented with it on the day of resurrection.

But then, what is suicide bombing or terrorism? Suicide is easy to conceptualise as the willful and deliberate taking of one's life as a result of some perceived reason or cause, what Gere (2007, p. 363) has called "homicidal self-sacrifice." According to Jane's Intelligence Review, "suicide terrorism is the readiness to sacrifice one's life in the process of destroying or attempting to destroy a target to advance a political goal. The aim of the psychologically and physically war-trained terrorist is to die while destroying the enemy target." As Gere (2007, p. 363) pointed out, the use of suicide bombers occurs in two contexts: in declared open war in which regular combatants are involved, targeting other uniformed enemy soldiers, equipment and installation; and in undeclared conflicts which can be civil, ethnic or religious.

Thus, it becomes important to distinguish between wartime suicide operations made popular by the Japanese kamikaze during World War II and terrorist suicide operations such as those carried out by Palestinian Islamist organisations and made more desirable by Al Qaeda. A suicide bomber is a human being turning or transforming himself into a weapon to kill other human beings. Patkin (2007,p. 170) has defined suicide bombing as "a bomb attack on people or property, delivered by a person who knows the explosion will cause his or her death." Compared with other forms of insurgency, suicide bombing is inexpensive, cost-effective, media-friendly and with a built-in intelligent guidance and delivery system very effective as a psychological warfare (Hoffman, 2003; Agara, 2014). For the Islamic or religious insurgents, killing oneself is no longer an act of self-destruction (intihar), but rather divinely commanded martyrdom (istishad), in defence of the faith (Stern, 2003) and a continuation of the jihadic struggle between the house of Islam or Peace (dar al Islam) and the house of war (dar al harb).

What is important here is that in any jihadist organization, female involvement in terrorist activities or jihad must be justified as fundamentalists would not want to go against the hadiths and the Qur'an. Most terrorist groups and societies are patriarchal with women relegated by religion and culture to the status of a second-class citizen. The heightened interest in recruiting female operatives is in complete conflict with many of the Islamic value systems which are now being softened based on the necessity and the massive media coverage which women's involvement is enjoying. For instance, two of the al Qaeda spoke persons, al Zarqawi and

Sheikh Yassin, former spiritual leader of Hamas, lend their support to and have extended a direct role for women and have provided an appropriate a priori legal justification for their inclusion and use as weapons (Ness, 2008).

There is also a growing number of Islamic scholars who have muted their belief in support of women's involvement in jihad: that it is obligatory for them as much as it is for men too. The crux of their argument is that jihad is a personal obligation and women should be involved and need not ask permission from their husbands or fathers or any male to carry out such commandment that everyone must carry out (Jane, 2003). Every set of principles and justification for women's involvement has been based on historical development outlined in published documents. Such documents have shown examples of women fighting in jihad, becoming martyrs for the cause and providing other essential duties for the men in the course of the jihad. A good example was Aliyya Mustafa Mubarak who had assembled a list of 67 such women who had fought alongside the prophet in the course of the great Islamic conquests (Cook, 2008). The hadiths have reported the example of Safiya, the aunt of the prophet who was reported as taking up arms to protect a stronghold during the Battle of the Khandaq (Cook, 2008).

Of equal relevance are the legal issues associated with suicide attacks and the role played by women. A Syrian Islamic legal cleric, Nawaf al-Takruri, had cited 6 fatwas that legalized women to execute suicide operations. These fatwas include those issued by the famous TV and radio personality, Yusaf al-Qaradawi, three academics at the al-Azhar University in Egypt, Fasal al-Mawlawi of the European Council for Research and Legal Opinion based in Dublin, and Nizar'Abd alQadir Riyyan of the Islamic University of Gaza (Palestine) (Cook, 2008). In another publication, al-Ayyiri, one of the ideological leaders of al-Qaeda in Saudi Arabia, attempted to dismiss two of the arguments critics have used against women's involvement in jihad and hence, suicide terrorism. These arguments are that women ought to obtain the permission of their parents or male folks before getting involved and that jihad for women is similar to performing the hajj ritual. His argument to dispel these criticisms is that because jihad at present is an individual duty (fard 'aym), it is therefore incumbent on all Muslim women as well as men, without regard to parental permission. He listed prayer, jihad and respect for parents as the important activities that women should conduct and honour.

A final point to be noted is that the prophet has not been quoted as having said anything specific about women's involvement in suicide bombings, but what we have are a series of reinterpretations of the Qur'an, the hadiths and other commentaries by Islamic scholars justifying this inclusion of women in terrorism. The question to ask is whether, looking at the cost-effectiveness of the suicide option, women's almost inconsequential role and second-class status in Muslim societies and the several customs, rules and laws that have emasculated them from active citizenship, can these justifications and recourse to historical fables by modern Islamic scholars not be a strategy of grand deception to fight a war? After all, Islamic doctrine and strategy allow for deception as a grand strategy to prosecute a war. Could this deception have been seen as the means for justifying women's involvement in a war that the males are becoming wary of?

Hamas and the War at Gaza: A Continuation of Deception as a Grand Strategy
For us to understand the presently ongoing conflict in Gaza, recourse to history. Hamas is one of the arms or wings of the Muslim Brotherhood in Palestine, established on the eve of the first intifada (an Arabic word for 'civil uprising that means 'shaking off') (Agara, 2022) in December 1987 by Sheikh Ahmed Yassin and Mahmoud Zahar as the Brotherhood's local political arm and with one specific purpose: to eliminate Israel as a nation and return all of Palestine to Islamic control. The Hamas Charter declares violence to be a legitimate means to use against Israel. Sheikh Yassin was the spiritual leader who founded the Islamic Center (al-Mujamma' al-Islami) in 1973 to coordinate the Brotherhood's activities in Gaza.

In 1988, Hamas published its charter where its primary purpose was put in words. Now known as the Hamas Charter, the document opens with verses from the Qur'an, claiming the superiority of Islam over other religions and stating clearly Hamas's stated motto in Articles 5 and 8 – "Allah is its goal, the Prophet its model to be followed, the Qur'an its constitution, Jihad its way, and death for the sake of Allah its loftiest desire". Also included in the Charter was the ominous warning that "Israel will exist, and will continue to exist until Islam abolishes it". The Charter, from its preamble to the last article, stated its purpose clearly – the violent elimination of Israel as a people and a nation. Very clear from the wordings of the Charter is that Hamas does not want peace or offer or want any compromise with Israel. Rather, it will only agree to intermittent 'truces' when its military capabilities are not sufficiently strong enough and it needs time to recuperate and rearm – the practice and uses of deception. Thus, the various 'peace solutions' and 'conferences' are seen as a way to give the infidels power of arbitration over

Moslem land but also to allow and give time to Hamas to rearm, reorganize and re-strategise before the continuation of the conflict.

After Hamas took over Gaza in 2006, it transformed from an underground guerrilla organization into a uniformed terrorist organization designed to protect Gaza from outside influence. Yet, despite its unquestioned terrorist identity, Hamas seeks and often obtains recognition and funding from Western powers and in June 2014, Hamas and Fatah announced their decision to form a unity government. Fatah is a secular group that was founded by Yasser Arafat and a small group of Palestinian nationalists in the late 1950s. Both its existence and purpose were a secular version of Hamas's and this secularist ideology had been roundly criticized by Hamas as being "in total contradiction to the religious ideology; ideas which are of the basis of position, behaviour and decisions" of Hamas. The secular Fatah had joined the jihadis group Hamas to govern the Palestinian territory together. This led to a new phase in the conflict which has been termed 'lawfare', meaning the abuse of international law and legal processes to accomplish military objectives that cannot be accomplished on the battlefield (Sekulow, 2014).

The present imbroglio and conflict in Gaza and the nature of how the conflict is being prosecuted is a culmination of lessons learnt from previous skirmishes and more so, from the 2014 Gaza war. We shall do well if we can look at this war and also explore some lessons learnt that may have informed the way the present conflict is being handled by both sides. It started with the kidnapping of three Israeli teenagers. In response, the Israeli government launched "Operation Brother's Keeper", a search-and-rescue mission in the West Bank in an attempt to find the missing teenagers. While Hamas did not initially claim responsibility, they praised the kidnapping as a 'heroic act' and subsequently followed with rocket fire into Israeli territory.

On June 28, 6 rockets were launched against Israel from Gaza, and in response, Israel retaliated the following day (June 29) with strikes on 12 targets in Gaza. On June 30, the bodies of the three teenagers were found and a Hamas-speaking person warned that if Israel was to retaliate, by bringing war to Gaza, then 'the gates of hell will open'. On July 1, Israel launched 34 air strikes on Gaza in response to 18 rockets fired at Israel from Gaza. On July 7, Israel Defense Forces (IDF) announced on its Twitter account its commencement of "Operation Protective Edge" in Gaza against Hamas to stop the terror Israel's citizens face daily.

Then and now, Hamas's attack on Israel is a violation of international law that the threat and the use of force against a UN member state are prohibited. See, for example, the UN Charter, article 2(4): "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations."

Viewed from this perspective, therefore, every single rocket that Hamas has ever fired into Israel violates this international law. In addition, Article 51 of the UN Charter recognizes "the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations". It is worth noting that this law does not stipulate that this right to self-defense is a creation of the law, but rather that it is an inherent right of all states under international law. Every state has a right to defend itself in case of attack and this right does not need any other stipulation but lies with the government of each state under attack.

Thus, it is given under international law that states have the right to defend themselves against non-state actors like terrorist groups. Equally explicit in international law is that when a state is attacked and hence, acting in self-defense, the law does not require such state "to limit itself to actions that merely repel an attack; [the] state may use force in self-defense to remove a continuing threat to future security" (Murphy, 2006). A historical example was the Pearl Harbour incident where Imperial Japan on December 7, 1941, launched an attack on the USA. The right to self-defence by America was not limited to shooting back at the Japanese planes but also included the right to declare war on Japan and fight back until Japan surrendered. Hamas's rocket attack on Israel gives it the right not only to retaliate but also to choose to exercise its right to eliminate the possibility of future attacks by eliminating Hamas, an option which it did not pursue in 2014 but which it has chosen to pursue by the 2023 attack on it.

The second-strike option, a reality in international relations as a standard for self-defence, does not require a defender or limit it to a totally-like attack response. Put differently, the second-strike option does not limit the degree of force to be employed in self-defence which can be greater than what was employed by the aggressor in the original first-strike armed attack. The need to eliminate the aggressor and the possibility of future attacks gives flexibility to the defender to use every weapon in its arsenal to ensure this. So, Israel can respond in any way

possible to ensure this goal. Israel as a sovereign state has the inherent right to defend its territory and citizens.

Since the 2014 conflict against Hamas, Israel has learnt from that experience, particularly, the use of deception by Hamas. For instance, in 2014, Hamas repeatedly refused to accept virtually every cease-fire proposal which Israel had honoured (Sherwood, 2014), particularly such cease-fire proposals to allow humanitarian assistance into Gaza (Rudoren & Barnard, 2014). Such cease-fires were used by Hamas to recoup and rearmed to continue the conflict. No wonder in this present conflict, Israel seems not to be taking the cease-fires seriously having learned from the 2014 episode.

Following the second-strike option, more Palestinian civilians have died than Israelis. Accusations of war crimes are not proved merely by citing casualty numbers and statistics, but by evaluating and seeking to understand the cause/reasons for these casualties. Both parties in the conflict cannot be exonerated in this case. Both were culpable of attacking civilians, using them as collateral damage. What Israel has learned in the 2014 conflict and perhaps, has resolved not to make a similar mistake in this present conflict with its determination to put an end to future threats of attacks is that Hamas have intentionally hid behind civilian structures using the civilian as barricades. The terrible reality of the war with Hamas which IDF learnt in 2014 and is reluctant to commit in 2023, is that hundreds of American and Israeli soldiers were killed just because they were being cautious with civilian lives. Put differently, soldiers do not have to die to avoid civilian casualties.

The Red Cross and other humanitarian organisations and bodies have persistently vilified and criticized the IDF for deliberately targeting hospitals, schools, and places of worship and civilian areas that are normally protected under the rule of war. As the Red Cross puts it, "In combat areas, it often happens that purely civilian buildings or installations are occupied or used by the armed forces and such objectives may be attacked, provided that this does not result in excessive losses among the civilian population" of equal note is Article 52 of Additional Protocol to the Geneva Convention which states that "attacks shall be limited strictly to military objectives" and this is defined as meaning "those objectives which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite

military advantage."[1] Notably, the presence of a protected person may not be used to render certain points or areas immune from military operations or attacks, hence, the use of human shields does not negate the right of attack in self-defense.

To determine whether incidental injury or collateral damage violates the law of war will require further analysis of the military advantage anticipated by using civilians as human shields. Military advantage should be judged in the context of an entire operation and not just as an isolated part. Hamas has repeatedly and continually adopted the tendency to use protected civilian sites for military attacks thereby rendering such sites legitimate military targets. It is an unwritten and unacclaimed part of war that collateral damage on both parts of the feuding parties may occur, however, such collateral damage including death and injuries to civilian assets do not automatically or even necessarily, constitute a war crime. What constitutes a war crime is the willful or deliberate killing or "intentionally directing attacks against civilian objects, that is, objects which are not military objectives" can be said to constitute a war crime. Simply, [2] civilian casualties alone do not render those attacks unlawful. Only civilian casualties that are excessive in relation to the importance of the military objective are forbidden.

Since the start of the 2023 Israel-Gaza war, there has been a need to review certain things in the light of facts, after all, facts are stubborn things. A fact is that in any conflict situation, each party has a duty to the extent possible and feasible, to remove civilian persons and objects under its control from the vicinity of the war or military objectives, and in no event should civilians be used to shield military objectives.[8] The Rome Statute recognizes the use of humans as shields in a conflict as constituting a war crime in itself. The record has it that in the 2014 conflicts, Hamas launched over 300 rockets at Israeli civilians from mosques and on July 16 the UN Relief and Works Agency (UNRWA) reported discovering 20 rockets hidden in a vacant Gaza school.[3] Using and adopting such tactics turns the building used as a storage site into a legitimate structure that can be attacked as a military target. The Law of War lifts any

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[5] ICRC, Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949.
[6] ICRC, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts. Article 52, 8June 1977.
[7] UN General Assembly, Rome Statute of the International Criminal Court (last amended 2010), Art. 8(2)(b)(ii), 17 July 1998.

[8] Customary International Humanitarian Law, Rule 23, Location of Military Objectives outside Densely Populated Areas. ICRC, http://www,icrc.org/customary-ihl/eng/print/vl_cha_chapter6_rule23
[9] Rockets found at UN Gaza School went Missing. *Washington Post,* July 23, 2014.

prohibition on such sites and makes them an effective contribution to military action, whose total or partial destruction offers a definite military advantage.

Hence, Israel's assaults and bombings of such sites that Hamas is using to store weapons, to serve as command centers or as locations from which to fire at Israel's forces, make them legitimate military targets. Israelis' attacks on those sites are not indiscriminate but deliberate. Indiscriminate attacks are those that are launched without consideration as to where harm will fall and are defined as (1) those which are not directed at a specific military objective, and (2) those which employ a method or means of combat which cannot be directed at a specific military objectives. An attack is indiscriminate if it is "expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive about the concrete and direct military advantage anticipated". At the onset of 2023, Hamas attacked Israel's territory, and there was no concrete and direct military advantage anticipated hence, such firing violated the law of war.

Implications and Conclusion

Coming home to Nigeria, can we then rely on those terrorists who have renounced terrorism? Can the government assure the people that granting the terrorists amnesty is the preferred way to go? Can we be sure of their sincerity to forego terrorism? Can there be any real discussion between terrorists and the government? Can they be trusted to hold on to their words or terms in any situation? These and many questions agitated the mind when we become aware of the usefulness to which deceit and lies can be used and are allowed to be used by both the prophet, the hadith and the intellectuals among the terrorists. This leads to the question – what else can be done? What options do we have?

It seems therefore that the problem of terrorism that confronts, perhaps, all the states in the international system and particularly, the democratic world, can only be resolved either when the insurgents are totally and finally defeated, (nothing short of total annihilation which in our opinion is impossible), or when the states become weary and give in to their demands, or when the political-cum-religious issues that feed and justify the conflict are finally settled (how possible is this?). An additional scenario could be painted and this may be a plausible compromise although the outcome may be the least satisfactory to both the terrorists and the government because each party will have to accept less than it has been fighting for. The state will have to accept that they have failed in its attempt to defeat terrorism, a goal to which it has

long been committed. On the other hand, the terrorists may have to come to terms with a much-diminished goal than they started with or hoped to realise.

Politically, such a settlement may cause the state to lose credibility among its citizens since it has promised an end to terrorism. On the other hand, and as history has shown, the terrorists may spawn or 'recreate' themselves into other factions determined never to settle for anything less than their goal (see for instance the progression from Hamas to al-Qaeda to al-Qaeda in Iraq (AQI) to ISIS (the Islamic State of Iraq and Syria). Although any compromise settlement may include certain elements that may enable both sides to save face, such as the state proclaiming a victory in getting the terrorists to renounce their armed struggle, the terrorists may get the state to release some of their members and grant amnesty. The overriding question is for how long this compromise can work before a resurrection of the conflicts, particularly if both sides are not truthful to themselves or in religiously motivated terrorism, where such compromise is needed to refit and regroup strength.

Note:
1. Today, there are many different translations of Sun Tzu's major work, 'The Art of War'. Those I think are among the best of these translations are; Sun Tzu (500 BC) *The Art of War,* translated by Lionel Giles (1910), and Sun Tzu: *The Art of War: The New Translation. Research and Reinterpretation* by J. H. Huang (1993). New York, William Morrow & Company, Inc.

Other equally good translations of Sun Tzu's work are;
1. Sun Tzu (1963). *The Art of War,* translated by Samuel B. Griffith. Oxford, Oxford Univ. Press
2. Sun Tzu (1993). *The Art of War,* translated by Roger Ames, New York, Ballentine Books

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