

## CAIR vs Dr. Nicholas Damask: The Assault on Academic Freedom

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On June 3, 2020, the Arizona chapter of the Council on American-Islamic Relations (CAIR-Arizona)

*announced the filing of a First Amendment lawsuit against Scottsdale Community College on behalf of a Muslim student who was punished for refusing to agree with an anti-Muslim professor's unconstitutional condemnations of Islam during a Political Science class.*

*During a World Politics course at the college with a module on "Islamic Terrorism," Professor Nicholas Damask repeatedly condemns Islam as a religion that definitively teaches terrorism. The professor also declares that peaceful interpretations of Islam are*

false: “Contentions that Islam does not promote warfare or violence cannot be supported on either theological or historical grounds.” ...Finally, Professor Damask requires students to express agreement with his anti-Islam views in order to pass the course. On a multiple-choice examination, students must declare that “contemporary terrorism” is exclusively “Islamic,” as opposed to “rightwing/fascistic.”<sup>[1]</sup>

Damask has taught the World Politics course for 24 years. Now CAIR is calling for the court to prevent the teaching of this course until the material can be modified so that there is no “disapproval” of Islam. It will of course have to be modified to CAIR’s liking.

Let’s examine some of the items listed in the “Factual Background” of the Complaint filed by CAIR:<sup>[2]</sup>

**15. Notably absent from any of Defendant Damask’s terrorism materials is any discussion of the Ku Klux Klan...**

It is interesting that CAIR brings up the Ku Klux Klan. If Damask should ever include the Klan in his course, it would be a great opportunity to look more into the influence Islam had on the rebirth of the Klan in 1915.<sup>[3]</sup>

**16. In the second sub-topic, Damask states: “Islamic terrorism should be understood within the broader history of Islamic warfare against unbelief, termed in Islamic theology jihad, the Arabic root of which means ‘a condition of efforts’ or ‘striving.’ The ‘efforts’ to be undertaken are physical, not simply prayer or introspection.” Defendant Damask failed to instruct students that prayer, introspection, and spiritual struggle are in fact the actual mainstream belief of Muslims when discussing “jihad.”**

CAIR’s claim that prayer, introspection, and spiritual struggle are the mainstream belief when discussing *jihad* is not supported by footnotes in the English translation of the Koran titled *The Message of the Qur’an*.<sup>[4]</sup> CAIR thinks so highly of this Koran that by 2016 it had already distributed over 120,000 copies of it.<sup>[5]</sup> Here are some things we learn about *jihad* in the translator’s comments in CAIR’s Koran:

1. ...the earliest (and therefore fundamental) Qur’anic reference to the question of jihad, or holy war... (*The Message of the Qur’an*, n. 167, p. 51.)
2. ...he was taken prisoner in a jihad – that is, a holy war... (*The Message of the Qur’an*, n. 72, p. 284.)
3. ...every able-bodied Muslim is obliged to take up arms in jihad (i.e., in a just war in God’s cause) ... (*The Message of the Qur’an*, n. 43, p. 295.)
4. ...a woman taken captive in a “holy war” (jihad)... (*The Message of the Qur’an*, n. 58, p. 727.)
5. ...a just war (jihad)... (*The Message of the Qur’an*, n. 4, p. 883.)

This understanding of *jihad* is not surprising considering what CAIR's prophet Muhammad had to say about *jihad*, e.g.:

*It was narrated that 'Amr bin 'Abasah said: "I came to the Prophet and said: 'O Messenger of Allah, which Jihad is best?' He said: '(That of a man) whose blood is shed and his horse is wounded.'"*<sup>[6]</sup>

And,

*Narrated Abu Hurairah: The Prophet said, "Allah assigns for a person who participates in (holy battles) in Allah's Cause and nothing causes him to do so except belief in Allah and in His Messengers, that he will be recompensed by Allah either with a reward, or booty (if he survives) or will be admitted to Paradise (if he is killed in the battle as a martyr)." The Prophet added: "Had I not found it difficult for my followers, then I would not remain behind any Sariya (an army-unit) going for Jihad and I would have loved to be martyred in Allah's Cause and then made alive, and then martyred and then made alive, and then again martyred in His Cause."*<sup>[7]</sup>

CAIR is not alone in equating *jihad* with military battle. The modern *Fatawa Islamiyah – Islamic Verdicts* is a "collection of Islamic rulings issued by the most renowned scholars of the world."<sup>[8]</sup> In that book we find this comment under a section titled "The Greatest Jihad":

*There are different kinds of Jihad – with one's self, wealth, supplication, teaching, giving guidance, or helping others in good in any form. The highest form of Jihad, however, is with one's life; then comes Jihad with one's wealth and Jihad with teaching and guidance, and in this way Da'wah is a form of Jihad, but Jihad with ones' life is the highest form.*<sup>[9]</sup>

And,

*...Jihad against the disbelievers is with the sword and arrow.*<sup>[10]</sup>

The modern *Minhaj Al-Muslim* is "one of the most popular books in the Arab world."<sup>[11]</sup> Here is some of what *Minhaj Al-Muslim* has to say about *jihad*:

*The specific ruling of Jihad – which is fighting against the disbelievers and those who wage war against Islam – is that it is a collective compulsory duty. If some of the Muslims perform this duty, the rest of them are free from its obligations.*<sup>[12]</sup>

And,

*It is also incumbent upon the Muslims to establish a system of compulsory military recruitment. Any teenage male reaching 18 years of age must join the military service...He must become proficient...in all the disciplines of war and fighting...With this he will be prepared to respond to the call of Jihad at any moment.*<sup>[13]</sup>

And in terms of sports:

*The goal of all the different types of athletic exercises is... gaining the strength and might to fight in the way of Allah (Jihad). It is obligatory to understand the concept of athletics in Islam in this way.*<sup>[14]</sup>

A popular English translation of the Koran, translated by Muslim scholars and published by Darussalam publishers in Saudi Arabia, has this to say about *jihad*:

*Al-Jihad (holy fighting) in Allah's Cause (with full force of numbers and weaponry) is given the utmost importance in Islam and is one of its pillars (on which it stands). By Jihad Islam is established, Allah's Word is made superior...and His religion (Islam) is propagated. By abandoning Jihad (may Allah protect us from that) Islam is destroyed and the Muslims fall into an inferior position; their honour is lost, their lands are stolen, their rule and authority vanish. Jihad is an obligatory duty in Islam on every Muslim, and he who tries to escape from this duty, or does not in his innermost heart wish to fulfil [sic] this duty, dies with one of the qualities of a hypocrite.*<sup>[15]</sup>

A modern, award-winning biography of Muhammad stated: "A 'war' in Islam is a *Jihad*. That is to say it is a noble sacred fight in the way of Allah..."<sup>[16]</sup>

The now deceased Sheikh 'Abdullah bin Muhammad bin Humaid, of *Al-Masjid-al-Haram* (the Grand Mosque) in Mecca, had some interesting things to say about *jihad*.<sup>[17]</sup> He referred to *jihad* as both "Islamic holy war" and "the holy Muslim warfare"; he said that, "Allah will establish His Religion (Islam), with them (*Mujahidin*)."<sup>[18]</sup> *Mujahidin* are Muslim warriors engaged in *jihad*.

He said there was no other organization that compared to Islam in terms of ordering the mobilization of a whole nation to engage in this *jihad* to make the Word of Allah superior:

*And you will not find any organization past or present, religious or non-religious as regards (Jihad and military) (ordering) the whole nation to march forth and mobilize all of them into active military service as a single row for Jihad in Allah's Cause so as to make superior the Word of Allah (i.e. none has the right to be worshipped but Allah), as you will find in the Islamic Religion and its teachings.*<sup>[19]</sup>

Not much here about prayer, introspection, and spiritual struggle as a “mainstream” aspect of *jihad*.

**18. Defendant Damask goes on to intentionally distort the context of specific Quranic verses that he quotes in his material. For example, without any context or discussion, Damask cites to the following purported English translation of a Quranic verse for the proposition that terrorism is encouraged in Islam: “It is important to note that the Quran places great emphasis on praising those who fight, declaring them to be ‘one degree over’ those who do not [4:95].”**

This is in reference to Slide 22 on Damask’s classroom PowerPoint presentation.<sup>[20]</sup> The phrase “one degree over” is actually from 4:96, but 4:95 provides the context. Here is how 4:95-96 is translated in CAIR’s Koran:

*...God has exalted those who strive hard with their possessions and their lives far above those who remain passive. Although God has promised the ultimate good unto all [believers], yet has God exalted those who strive hard above those who remain passive by [promising them] a mighty reward – [many] degrees thereof...*

Can it really be that CAIR is claiming this quote by Damask distorts the context of this Koran verse because Damask referred to “one degree over” while CAIR’s Koran refers to many such degrees?

It is interesting that Sheikh ‘Abdullah bin Muhammad bin Humaid pointed out that Allah had actually mentioned both levels of exaltation for those who “fight”:

*So He (the All-Mighty) denied the equality between the believers who sit (at home) and join not in Jihad – and the Mujahidin (those who fight in Allah’s cause), – Then He mentioned the superiority of the Mujahidin over those (believers) who sit (at home) by a grade and then later on mentioned their (Mujahidin’s) superiority over them (believers who sit at home) by degrees of grades.<sup>[21]</sup>*

**21. Defendant Damask then purports to sparsely quote seven verses from the Quran, none of which are complete or accurate quotes, and all of which are gross misconstructions of the Quran, which reflect Damask’s own personal hostility towards Islam.**

CAIR is referring to Slide 23 of Damask’s classroom PowerPoint presentation.<sup>[22]</sup> But CAIR apparently just looked at the number of bullet points, because there are actually 15 Koran verses listed on this slide. For the sake of space, we will just look at 11 of those verses:

1. **Damask – Jihad is a moral obligation of Muslims with limited exceptions such as for the blind [48:17]**

Here is 48:17 in CAIR's Koran:

*No blame attaches to the blind, nor does blame attach to the lame, nor does blame attach to the sick [for staying away from a war in God's cause]; but whoever heeds [the call of] God and His Apostle [in deed or in heart], him will He admit into gardens through which running waters flow; whereas him who turns away will He chastise with grievous chastisement.*

So according to CAIR's Koran, whoever participates in "a war in God's cause" is promised the gardens of paradise. Sounds like there is a moral obligation here, especially if one wants to be sure to get into that paradise. And a footnote for this Koran verse points out that the phrase "or in heart" applies "to such as are unable to participate in the fighting physically, but are in their hearts with those who fight."<sup>[23]</sup> Where is the "gross misconception"?

2. **Damask – the world is but a “sport and past-time” [45:36]**

This appears to be a typo on Damask's slide because the verse is actually 47:36. Here is 47:36 in CAIR's Koran:

*The life of this world is but a play and a passing delight: but if you believe [in God] and are conscious of Him, He will grant you your deserts [sic].*

Where is the "gross misconception"?

3. **Damask – jihadists are described as the “best” of humanity [3:110]**

Here is 3:110 in CAIR's Koran:

*You are indeed the best community that has ever been brought forth for [the good of] mankind: you enjoin the doing of what is right and forbid the doing of what is wrong, and you believe in God.*

The "You" in this verse refers to the overall Muslim community. Since, as we have seen above, *jihad* refers to Muslims fighting in the cause of Allah, *jihadists* are by definition part of the Muslim community. Where is the "gross misconception"?

4. **Damask – Allah does not love the non-believer [3:32]**

Here is 3:32 in CAIR's Koran: *Say: “Pay heed unto God and the Apostle.” And if they turn away – verily, God does not love those who deny the truth.*

The people who deny the truth about Islam don't believe in Islam. Where is the "gross misconception"?

5. **Damask – jihadists who are killed are not really dead but enjoying their gifts from Allah in the afterlife [3:169]**

Here is 3:169 in CAIR's Koran:

*But do not think of those that have been slain in God's cause as dead. Nay, they are alive! With their Sustainer have they their sustenance...*

As we have seen above, jihadists are willing to die in the cause of Allah; according to this verse in CAIR's Koran, they are not dead, but being rewarded in paradise by Allah. Where is the "gross misconception"?

6. **Damask – Allah will aid jihadists with strength and with angels [3:125]**

Here is 3:125 in CAIR's Koran: *Nay, but if you are patient in adversity and conscious of Him, and the enemy should fall upon you of a sudden, your Sustainer will aid you with five thousand angels swooping down.*

Where is the "gross misconception"?

7. **Damask – however, failure to participate in jihad will result in damnation [8:15-17]**

Here is 8:15-17 in CAIR's Koran:

*O You who have attained to faith! **When you meet in battle those who are bent on denying the truth** [my emphasis], advancing in great force, do not turn your backs on them: for, **whoever on that day turns his back on them** [my emphasis] – unless it be in a battle manoeuvre [sic] or in an endeavour [sic] to join another troop [of the believers] – **shall indeed have earned the burden of God's condemnation, and his goal shall be hell** [my emphasis]: and how vile a journey's end! And yet, [O believers] it was not you who slew the enemy, but it was God who slew them; and it was not thou who cast [terror into them, O Prophet], when thou didst cast it, but it was God who cast it: and [He did all this] in order that He might test the believers by a goodly test of His Own ordaining. Verily, God is all-hearing, all-knowing.*

Where is the "gross misconception"?

8. **Damask – Jihad is to continue until the entire earth is Islamic [9:33, 81:27]**

Here is 9:33 in CAIR's Koran:

*He it is who has sent forth His Apostle with the [task of spreading] guidance and the religion of truth, to the end that He may cause it to prevail over all [false] religion – however hateful this may be to those who ascribe divinity to aught beside God.*

In a section of his Koran commentary, titled *Islam is the Religion That will dominate over all Other Religions*, the authoritative Muslim scholar Ibn Kathir used the words of Muhammad to explain this Koran verse:

*Imam Ahmad recorded from Tamim Ad-Dari that he said, "I heard the Messenger of Allah saying, 'This matter (Islam) will keep spreading as far as the night and day reach, until Allah will not leave a house made of mud or hair, but will make this religion enter it, while bringing might to a mighty person (a Muslim) and humiliation to a disgraced person (who rejects Islam). Might with which Allah elevates Islam (and its people) and disgrace with which Allah humiliates disbelief (and its people).'"<sup>[24]</sup>*

Ibn Kathir then added,

*Tamim Ad-Dari [who was a Christian before Islam] used to say, "I have come to know the meaning of this Hadith in my own people. Those who became Muslims among them acquired goodness, honor and might. Disgrace, humiliation and Jizyah befell those who remained disbelievers."<sup>[25]</sup>*

Here is 81:27 in CAIR's Koran:

*This [message] is no less than a reminder to all mankind...*

Muhammad said it. Where is the "gross misconception"?

## **22. Defendant Damask asserts that the Quran instructs Muslims to follow the Hadith...**

This is a curious statement by CAIR. A *hadith* is a story related by a companion of Muhammad about a teaching or example of Muhammad they had personally heard or seen. Authoritative *hadiths* (*ahadith*) are second only to the Koran in importance to Islam, but *hadiths* are not included in the Koran. By using the word "asserts" CAIR seems to be raising doubt about the idea that the Koran actually instructs Muslims to follow the teachings of Muhammad. This is especially curious since many verses in CAIR's Koran instruct that very thing; e.g.:

3:32: *Say: "Pay heed unto God and the Apostle" ...*

4:59: *O you who have attained faith! Pay heed unto God, and pay heed unto the Apostle...*

33:21: *Verily, in the Apostle of God you have a good example for everyone who looks forward [with hope and awe] to God and the Last Day...*

59:7: *Hence, accept [willingly] whatever the Apostle gives you [thereof], and refrain from [demanding] anything that he withholds from you...*

Instead of raising a question about it, CAIR should be happy that Damask is teaching what the CAIR Koran states about following the example and teachings of Muhammad.

**25. Damask states: “The central role of the Prophet Muhammad: All Islamic terrorists sanctify their actions through pious references to the Quran and the traditions of the Prophet Muhammad, and by extensive use of longstanding Islamic legal doctrines.”**

Instead of questioning Damask’s statement, the CAIR folks need to spend some time examining *jihadists* publications such as *Azan* (Taliban), *Dabiq* (Islamic State), *Inspire* (Al-Qaeda), and *Gaidi Mtaani* (Al-Shabaab). These publications are rife with references to Koran verses and teachings of Muhammad used to justify the actions taken by these *jihadist* groups. For some examples of individual *jihadists* referring to Islamic Doctrine, I refer CAIR to my article “Suicide or Paradise?”<sup>[26]</sup>

### **What does CAIR want?**

CAIR wants, among other things, the court to:

1. *Declare that Defendants’ actions in teaching the materials violated the Establishment Clause of the First Amendment of the United States Constitution;*
2. *Temporarily and permanently enjoin Defendants, their officers, and employees from teaching the violative materials unless and until the materials are modified such that they do not have the primary effect of disapproving of Islam;*<sup>[27]</sup>

CAIR, and at least one Muslim student, do not agree with what Damask teaches about Islam. But from what I have seen Damask’s instruction about Islam is supported by the Koran, the teachings and example of Muhammad, and centuries of authoritative Muslim scholarly writings. And the irony is that CAIR’s preferred Koran actually refutes many of the claims CAIR made in the “Factual Background” of the Complaint!

This lawsuit is an assault on academic freedom. The goal of this lawsuit is to enable Muslim special interest groups and individual Muslims to determine the content of any course of instruction involving Islam.

There are those who want to sanitize Islamic Doctrine and history by wiping away the writings of authoritative Muslim scholars who have been engaged in the study of that doctrine and history since the 8<sup>th</sup> Century. For the sake of academia in the United States, we need to respond by holding to these words of Thomas Jefferson:

*For here we are not afraid to follow truth wherever it may lead...*

*Thomas Jefferson writing to William Roscoe about Jefferson's newly founded University of Virginia, December 27, 1820*

**Dr. Stephen M. Kirby is the author of six books about Islam. His latest book is *Islamic Doctrine versus the U.S. Constitution: The Dilemma for Muslim Public Officials*.**

[1] "CAIR-Arizona Files Lawsuit Against Public College for Permitting Anti-Muslim Professor to Condemn Religion and Punish Muslim Student in Violation of First Amendment," *CAIR Press Releases*, June 3, 2020, [https://www.cair.com/press\\_releases/breaking-news-cair-arizona-files-lawsuit-against-public-college-for-permitting-anti-muslim-professor-to-condemn-religion-and-punish-muslim-student-in-violation-of-first-amendment/](https://www.cair.com/press_releases/breaking-news-cair-arizona-files-lawsuit-against-public-college-for-permitting-anti-muslim-professor-to-condemn-religion-and-punish-muslim-student-in-violation-of-first-amendment/).

[2] A copy of CAIR's complaint is available at <https://www.cair.com/wp-content/uploads/2020/06/1-Complaint.pdf>.

[3] Stephen M. Kirby, "Islam and the Rebirth of the Ku Klux Klan," *Jihad Watch*, October 15, 2018, <https://www.jihadwatch.org/2018/10/islam-and-the-rebirth-of-the-ku-klux-klan>.

[4] *The Message of the Qur'an*, trans. Muhammad Asad (Bristol, England: The Book Foundation, 2003).

[5] [https://www.launchgood.com/project/help\\_cair\\_share\\_the\\_quran#!/](https://www.launchgood.com/project/help_cair_share_the_quran#!/)

[6] Muhammad bin Yazeed ibn Majah al-Qazwini, *Sunan Ibn Majah*, trans. Nasiruddin al-Khattab (Riyadh, Kingdom of Saudi Arabia: Darussalam, 2007), Vol. 4, No. 2794, p. 65.

[7] Muhammad bin Ismail bin Al-Mughirah al-Bukhari, *Sahih Al-Bukhari*, trans. Muhammad Muhsin Khan (Riyadh, Kingdom of Saudi Arabia: Darussalam, 1997), Vol. 1, Book 2, No. 36, pp. 72-73. The title above this *hadith* is “*Al-Jihad* (holy fighting in Allah’s Cause) is part of faith.”

[8] <https://dar-us-salam.com/english/fiqh-islamic-law/148-fatawa-islamiyah-islamic-verdicts-8-volumes.html>

[9] Muhammad bin ‘Abdul-‘Aziz Al-Musnad, *Fatawa Islamiyah: Islamic Verdicts* (Riyadh, Kingdom of Saudi Arabia: Darussalam, 2002), Vol. 8, p. 24.

[10] *Ibid.*, p. 30.

[11] Hussein Elkabany, “Prominent Algerian scholar dies in Saudi Arabia,” Anadolu Agency, August 15, 2018, <https://www.aa.com.tr/en/africa/prominent-algerian-scholar-dies-in-saudi-arabia/1232027>. Darussalam Publishers in Saudi Arabia described this book:

*A comprehensive work by the great scholar Abu Bakr Jabir Al-Jaza’ri [1921-2018] comprising all that concerns a Muslim regarding creed, manners, providing direction for righteous character, acts of worship, and dealings with his colleagues... We hope Allah will reward all of us for the benefit it may provide for the readers.*

<https://dar-us-salam.com/english/fiqh-islamic-law/133-minhaj-al-muslim-2-vol-set.html>

[12] Abu Bakr Jabir Al-Jaza’iry, *Minhaj Al-Muslim* (Riyadh, Kingdom of Saudi Arabia: Darussalam, 2001), Vol. 2, p. 165.

[13] *Ibid.*, p. 175.

[14] *Ibid.*, p. 192.

[15] *Interpretation of the Meanings of The Noble Qur’an*, trans. Muhammad Muhsin Khan and Muhammad Taqi-ud-Din Al-Hilali (Riyadh, Kingdom of Saudi Arabia: Darussalam, 2007), n. 1, p. 50.

[16] Safiur-Rahman al-Mubarakpuri, *The Sealed Nectar* (Riyadh, Kingdom of Saudi Arabia: Darussalam, 2008), p. 514. In 1979 this biography was awarded first prize by

the Muslim World League in the worldwide competition for a new biography of Muhammad. The Muslim World League is headquartered in Mecca.

[17] Sheikh ‘Abdullah bin Muhammad bin Humaid, “The Call to Jihad (Fighting For Allah’s Cause) in the Qur’an,” *Interpretation of the Meanings of The Noble Qur’an*, trans. Muhammad Muhsin Khan and Muhammad Taqi-ud-Din Al-Hilali (Riyadh, Kingdom of Saudi Arabia: Maktaba Dar-us-Salam, 1994), pp. 1043-1064.

[18] Ibid, p. 1046.

[19] Ibid, p. 1054.

[20] <https://www.cair.com/wp-content/uploads/2020/06/1-2.pdf>

[21] “The Call to Jihad (Fighting For Allah’s Cause) in the Qur’an,” p. 1049.

[22] <https://www.cair.com/wp-content/uploads/2020/06/1-2.pdf>

[23] *The Message of the Qur’an*, n. 20, p. 896.9

[24] Abu al-Fida’ ‘Imad Ad-Din Isma’il bin ‘Umar bin Kathir al-Qurashi Al-Busrawi, *Tafsir Ibn Kathir* (Abridged), abr. Shaykh Safiur-Rahman al-Mubarakpuri, trans. Jalal Abualrub, et al. (Riyadh, Kingdom of Saudi Arabia: Darussalam, 2000), Vol. 4, pp. 412-413.

[25] Ibid., p. 413.

[26] Stephen M. Kirby, “Suicide or Paradise?” *Arutz Sheva 7 / Israel National News*, June 7, 2017, <http://www.israelnationalnews.com/Articles/Article.aspx/20604>.

[27] <https://www.cair.com/wp-content/uploads/2020/06/1-Complaint.pdf>