

## **Terrorism and Jihad**

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The men who committed the acts of terrorism on Sept. 11 left a trail of evidence about how they accomplished their mission, but virtually nothing about why. They left no suicide notes detailing why they felt it necessary to kill thousands and die in the process. What's more, there have been no phoned-in claims of responsibility after the fact. But if, as the evidence seems to indicate, they were supported by Usama bin Ladin and the al-Qa'ida network he heads, they probably died convinced they were waging jihad.

This term invokes for many in the West the notion of a holy war conducted by zealots in the name of their god with the aim of imposing their beliefs on recalcitrant unbelievers. Since Sept. 11, we have heard this idea repeatedly invoked by public officials. In his address to Congress, President Bush described the goal of al-Qa'ida as "remaking the world and imposing its radical beliefs on people everywhere."

Yet it would be a mistake to view the attacks on the Pentagon and the World Trade Center as the latest phase of an Islamic holy war to convert or subjugate unbelievers. Based on the few and the most illuminating statements of their mission, al-Qa'ida's goals appear to be far more mundane than religious, more political than theological. And in terms of their tactics, the vast majority of Muslims have rejected them as reprehensible in light of the restrictions on fighting that Islamic law upholds. In

a way what al-Qa'ida has attempted to do in the attacks on Sept. 11 and others before them is to hijack the jihad tradition itself.

I'd like to take a few minutes to place the arguments of Usama bin Ladin and his supporters in the context of the broad and rich set of moral reflections that constitute the jihad tradition. As in the Western just war tradition, Muslim ethical debates on war may be divided into two broad, related, but morally independent set of criteria: *jus ad bellum* – under what circumstances is war justified?-- and *jus in bello* –once war has begun, how may fighting be justly conducted?

The jihad tradition began to evolve during the lifetime of the Prophet Muhammad himself. For the first thirteen years of his life, while he was in Mecca, Muhammad refused to engage in any form of violence in response to the opposition and persecution he and the earliest Muslims faced at the hands of the polytheist Meccans. Jihad during the Meccan period of Islam's development, was an inward struggle, aimed at morally developing the character of individual Muslims. With regard to non-Muslims, the Prophet's response was one solely of nonviolent resistance.

If the Prophet had died or been killed in Mecca, it is possible that Islam may have evolved along lines similar to those of early Christianity, as an other-worldly sect devoid of political ambitions in this world. But as we know, the Prophet relocated in the year 622 to Medina, and it is in Medina that the jihad struggle acquired a military or violent aspect. This development is marked in Qur'anic verses: the first one gives permission to Muslims to defend themselves with force if they are attacked by their enemies. A subsequent verse makes such self-defense a requirement for the faithful. Finally, after nearly eight years of warfare with an array of enemies, the Qur'an seems to enjoin a war

of conquest against non-Muslims aimed at politically subjugating them and eventually converting them to Islam.

Following the Prophet's death in 632, the Islamic state spread rapidly through military conquest of the Arabian peninsula and the overthrow of the aging Byzantine and Sassanid empires. At the same time, Muslim scholars began the formulation of the Islamic laws of wars, focusing almost exclusively on the Medinan notion of jihad while almost entirely neglecting the Meccan period. Thus jihad came to have in the lawbooks of Islam largely a military connotation. It was left by and large to Islamic mystics, the Sufis, to emphasize its nonviolent, spiritual aspects, as in the famous tradition ascribed to the Prophet that when he returned from a military engagement, he told his supporters that they had left the lesser jihad only to enter the greater jihad, the one waged within oneself to be a better person.

In the lawbooks, jurists distinguished wars against other Muslims from those against unbelievers. The first were treated as police actions aimed at suppressing rebels, apostates, and brigands. Greater restrictions on fighting applied here because the goal was to rehabilitate the wayward Muslims into the body politic as quickly as possible, not to annihilate them.

Wars against unbelievers were further divided into two categories: first, defensive fighting to repulse enemy aggression against Islamic territory or Muslim populations (*dar al-Islam*); and second, the struggle to expand *dar al-Islam* by reducing the territory of the infidels (*dar al-**+**arb*). Both types of conflict justified killing, although in the second type (what we may call the expansionist jihad), killing of the enemy was permitted only as the final stage in a hierarchy of options to be offered the

enemy: first, that they accept Islam; second, that they accept Islamic sovereignty and agree to *dhimm* (protected) status; third and finally, if they refuse the other two options, they are to be given fair warning and fought.

Among the vast majority of modern Muslim scholars, the only appropriate type of jihad is held to be the defensive kind. Some scholars reject completely any expansionist aspect to jihad, arguing that medieval scholars had misinterpreted the Qur'an and the Prophet's teachings to justify it. Others hold that while it may have been historically justified in the seventh or eighth centuries, the modern division of the world into nation-states that agree to abide by international law has made wars of religion obsolete and morally unjustified.

Where do Usama bin Ladin and his supporters fit in this picture? They have been characterized as extremists lurking on the fringes of Islamic thought. But I would suggest that they are really not all that radical if we are discussing purely *jud ad bellum*, the justification of war.

The stated grievances of the bin Laden network fit a pattern familiar to students of Islamic activism over the past two centuries. In a fatwa released in February 1998 (and echoed recently by the Taliban), they specified that their war was a defensive struggle against Americans and their allies who had declared war "on God, his messenger, and Muslims." The "crimes and sins" perpetrated by the United States were threefold. First, it had "stormed" the Arabian peninsula during the Gulf War and continued "occupying the lands of Islam in the holiest of places"; second, it continued a war of annihilation against Iraq; and third, it supported the state of Israel and its continued occupation of Jerusalem.

The only appropriate Muslim response, according to the statement, was a defensive jihad to repulse the aggressor. According to virtually all classical and modern scholars, such a war—unlike the expansionist jihad—is a moral obligation incumbent upon all true Muslims.

This list of grievances is certainly not unique to bin Ladin's group. The general complaint that the West is attacking Muslim countries and the goal of fighting the aggressors to compel their "armies to move out of all the lands of Islam, defeated and unable to threaten any Muslim" has been heard repeatedly before.

The notion of jihad involved here is not that formed during the period of Arab expansion in the 7th century or the Ottoman Turkish expansion of the 15th and 16th centuries, but the one formed over the past two centuries as Muslims struggled to answer the expansion of the West. In the 19th and early 20th centuries, the aggressor nations would have been the British, the French, the Russians. Since the end of World War II, the United States has increasingly occupied this position, and of course all the more so as it became the guardian of the Persian Gulf during the late 1980s and '90s.

The fact that American support of Israel comes third on the list should not diminish from its importance, as defenders of Israel have assiduously claimed in recent weeks. The perception that the United States provides *carte blanche* support to Israel as it occupies Jerusalem and large tracts of the West Bank and Gaza, that American-made weapons are used to kill Palestinians resisting occupation—all while the sanctions against Iraq remain in place 10 years after the Gulf War—sparks the rawest emotional responses. These complaints require no elaboration in the fatwa; they are immediately understood by the statement's intended Muslim audience.

If we accept the fatwa as articulating the ideas that motivate Usama bin Ladin and his supporters, then there is nothing at all remarkable about his group. They selectively quote from the Koran to establish the basis for their defensive jihad, but their motivations appear primarily to be the sort of anti-imperialism that motivates religious and non-religious groups in the Middle East and other parts of the world. They may view themselves as the vanguard of an ideological movement that will ultimately overturn the societies of the rich and powerful West, but their words and actions indicate they are astute enough to realize this is a remote possibility.

It is when we move from *jus ad bellum* to *jus in bello* that bin Ladin and his supporters quickly move to the fringes of Islamic thought, both historical and contemporary. The right conduct of Muslim armies has been an important concern of the jihad tradition from its very origins. In one of the first verses enjoining war in self-defense, the Qur'an states: "And fight in God's cause against those who wage war against you, but do not transgress limits, for God loves not the transgressors" (2:190). The "limits" are enumerated in the practice of the Prophet and the first four caliphs. According to authoritative traditions, whenever the Prophet sent out a military force, he would instruct its commander to adhere to certain restraints, including giving fair notice of attack and sparing women and children. The Prophet's immediate successors continued this practice, as is indicated by the "ten commands" of the first caliph, Abu Bakr:

Do not act treacherously; do not act disloyally; do not act neglectfully. Do not mutilate; do not kill little children or old men, or women; do not cut off the heads of the palm-trees or burn them; do not cut down the fruit

trees; do not slaughter a sheep or a cow or a camel, except for food. You will pass by people who devote their lives in cloisters; leave them and their devotions alone. You will come upon people who bring you platters in which are various sorts of food; if you eat any of it, mention the name of God over it.

Clearly, then, the Qur'an and the actions of the Prophet and his successors established the principles of discrimination and proportionality of means. Later jurists devoted considerable attention to elaborating just who qualified for noncombatant immunity and what tactics were permissible with this principle in mind. Modern Muslim scholars have continued to develop these principles. One of the most important contributions comes from the Syrian scholar Wahba al-Zuhayli, who interprets the verse I have quoted above (2:190) as saying: "Do not fight anyone unless they fight you. Fighting is thus justified if you fight the enemy and the enemy fights you. It is not justified against anyone who does not fight the Muslims, and it is necessary [in this event] to make peace." Zuhayli clearly rules out the possibility of collective responsibility, that all citizens belonging to a perceived foe are somehow responsible.

The overwhelming consensus of modern scholars is that Islamic ethics endorses international humanitarian law, including the Geneva Conventions, that makes the deliberate targeting of noncombatants and the terrorizing of civilian populations a war crime.

Usama bin Ladin and his supporters have a brutally simple response to international law and indeed to the jihad tradition: "We do not differentiate between those dressed in military uniforms and civilians." Because "U.S. aggression is affecting

Muslim civilians, not just the military,” all Americans “are targets in this fatwa.” In the name of retaliation and reciprocity, they claim, there are no innocents.

Two points need to be made in response: first, Islamic ethics never endorses that in the name of retaliation or reciprocity, any and all tactics are permissible. Once again bin Laden’s supporters selectively quote from such Qur’anic verses as “Fight the unbelievers as they fight you” to justify attacking American military and political installations, including military barracks in Saudi Arabia, American embassies in Africa, the USS Cole, and the Pentagon. We can only wonder what rationale might be offered for crashing civilian passenger airplanes into the World Trade Center. They quote Qur’anic verses out of context and completely dismiss other verses enjoining forgiveness over retaliation as the better moral option.

The second point relates to the specific tactic now favored by Islamic militants: suicide bombing. Suicide is strongly condemned in Islamic teachings. According to one *hadith* of the Prophet: Even a soldier suffering from the wounds of battle should not deliberately take his own life.

One may argue, of course, that the line between combat and suicide is often very fine and easily crossed. This may be the case when soldiers of a badly outnumbered and outgunned army are fighting the soldiers of a superior force. Americans still celebrate as heroic such suicidal ventures as the defense of the Alamo, Pickett’s charge at the battle of Gettysburg, or Custer’s last stand. But this not the line we are talking about in most cases of suicide bombings performed today in the name of jihad, where the targets are families eating in a pizzeria in Israel, or office workers sitting at their desks on the 89<sup>th</sup> floor of the World Trade Center. This can only be called murder suicides.