



## Uses and Abuses of Jihad in Islam

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The main problem concerning jihad is a certain imbalance that has led to the near total suppression of the non-military meanings of jihad and an unwarranted focus on its military meaning. A review of the basic evidence of the Qur'an, the Sunna, and modern opinion, is attempted in the following pages to ascertain a balanced perspective of jihad and its relevance to the concerns of contemporary Muslims. Ever since the 1970s jihad has been used as a basis of legitimacy by Islamists in their attempts to challenge a regime in power or retaliate against a perceived enemy in their own countries or beyond. Observers have noted a certain decline in the popularity of jihad during the 1990s in line with the failure of radical Islamism to present a credible challenge to governments. It was expected then that moderate Muslim opinion would gain further ground and enhance its presence in the public sphere. The September 11 and its aftermath changed that course and the jihadists seem to be once again gaining popularity among Muslims in line with a parallel increase in Anti-America sentiment in the Muslim world. Jihad is no longer seen as a holy struggle to defend oneself and the Muslim masses against "hostile assailants" but also to initiate acts of violence against the perceived enemy.

Jihad derives from the same root word jahada, which signifies self- exertion and effort, whether physical or intellectual, on the part of a Muslim or group of Muslims to advance a cause they believe to be of great merit and would gain the pleasure of God. In the broad sense of effort and self-exertion, jihad does not necessarily mean fighting, simply because self-exertion in the path of God, and for causes beneficial to humanity, may be undertaken through peaceful as well as other means. In its Qur'anic usage, especially in the early Meccan revelations, the emphasis was mainly on the peaceful meaning of jihad, on the effort that the individual made for self-improvement or which sought to persuade others for the advancement of Islam. The Prophet Muhammad was content, in the early years of his campaign in Mecca, with admonishing his people to give up idolatry and inviting them to embrace monotheism and Islam. Jihad in the sense of self-discipline and subjugation of the self to the "moral" and "religious" teachings of Islam occurs in many places in the Qur'an, especially in the following verses that were revealed in Mecca: "...And whoever strives [ jāhada ] , he only strives [ yujāhidu ] for his own self, for God is independent of his creatures...." [ Qur'an, 29:6 ]. The jihad mentioned here is striving that consists of moral and spiritual resistance against the temptations of sin and fitna [ disorder, persecution ] , a jihad waged with the weapons of patience and perseverance. Those who engage in this jihad are assured of success: "As for those who strive for Us [ jāhadu finā ] We surely guide them to Our paths" [ Qur'an 29:69 ]. Anyone who seeks enlightenment through "self purification" is consequently engaged in a "sacred struggle" that invokes "Divine assistance" and "guidance". The holy Book further instructed the believers:

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“...Listen not to the unbelievers, but strive against them [ jahidhum ] a great striving [ jihadan kabiran ] by means of the Qur’an....” [ 25:59 ].

It is evident the the pronoun ‘bihi’ in the phrase wa ‘jahidhum bihi’ in the last verse refers to the Qur’an itself. Similarly the reference to jihad in all the verses quoted above has no military connotation. It is also significant to note that the greatest jihad mentioned in the Qur’an, as in the last verse above, is the jihad of “enlightenment” and “education” that is guided by the Qur’anic values. “...The Qur’anic discourse stands out..” , according to Muhammad ibn ‘Ali al-Shawkani [ d. 1250 / 1834 ] “..for its strength, profundity, wisdom and comprehensive grounding in values...”, which is why jihad by means of the Qur’an is “referred to as the great jihad” <sup>2</sup> The idea of the great jihad is also read into another Qur’anic verse which addresses the faithful “...And strive in ( the cause of ) God as you ought to strive – wa jahid fi-Allah haqqa jahidih..” [ 22:78 ]. The emphasis here is on the sincerity which should characterise the struggle waged for the sake of God. It could mean jihad in the sense of military struggle as well as jihad in the non-military sense of self-exertion for attainment of moral and spiritual refinement. This would also be the correct meaning if this verse were to be read in the context of its immediately preceding passage, which refers only to prayer, worship and dedication to beneficial work [ fi’l al-khayr ]. Since this is waged for the sake of God alone, it is the “great jihad”. Qur’an commentators have observed that the idea of great jihad in this verse is due to its comprehensive language, which includes all the three varieties of jihad, namely jihad “against the enemy”, “jihad against evil”, and jihad against the self. Qur’an commentators have also referred, in this connection, to a hadith according to which the Prophet said upon his return from the battle of Tabuk “We returned from a minor jihad to a greater jihad” [ rajacna min al-jihad al-asghar ila’l – jihad al-akbar ]. This is the “greater jihad of striving against the capricious desires of the self.” <sup>3</sup> The “non-military” meaning of jihad is self-evident in another hadith in which the Prophet is reported to have said “...The mujahid is he who wages a struggle against himself – a mujahidiu man jahada nafsahu....” <sup>4</sup> According to yet another hadith “The best form of jihad is to tell a word of truth [ *kalimatu haqqin* ] to an unjust rule” <sup>5</sup>

Jihad against the self in the first hadith is described as the struggle to subjugate the temptation to sin within oneself, the constant striving to gain the pleasure of God. This is the foundation of all jihad, for fighting an “external” enemy would “not” be possible without a successful engagement in this inner jihad. The Sufis of Islam have taken this hadith as main authority for their doctrines. <sup>6</sup> The best form of jihad in the second hadith refers to an external manifestation of jihad in the cause of truth. This is carried out in verbal advice and sincere reminder that may be given to a ruler so as to avert him from “oppression” and “injustice”. Since this may require exceptional courage, even risking one’s safety, if it is likely to serve the “cause of justice” , it is the best form of jihad. Muslim jurists have advised, however, that one should attempt this in courteous words such that reflect the true spirit of “nasiha” [ “sincere advice” ] which does “not” seek to expose or humiliate the one to whom the advice is given.

2: Cf. Yahya b. ‘Ali al-Shawkani, *Fath al-Qadir*, Cairo : Dar al-Fikr, 1973, Vol. III, p.469.

3: Fakhr al-Din al-Razi [ d.1209 C.E ] , *Tafsir al-Kabir*, Cairo: Dar al-Fikr, n.d. XIII: 73 Jār Allah Mahmud al-Zamakshari, *al-Kashshāf ‘an Haqā’iq Ghawāmid al-Tanzil* , Beirut: Dar al-Kitāb, al - ‘Arābi., n.d. , III:173. See also Ascad al-Khatib, *al-Butula wa’l-Fidā ‘ Ind al-Sufiyya* [ heroism and sacrifice according to the sufis ] , 2nd edn. Damascus: Dar al-Fikr, 1995, 43. Some have considered this to be a weak [ *da’if* ] hadith.

4: Abd al-Rahmān al-Mubārakfuri, *Tuhfat al-Ahwadhi bi-Sharh Jamic al-Tirmidhi*, edr. ‘Abd al-Rahman ‘Uthman. Cairo : Matba’at al-Marifa, n.d.,250, hadith no. 1671.

5: Ibn Maja, Sunan Ibn Maja, Kitab al-Fitan. Bab al-Amr bi’l-Macruf wa’l-Nahy ‘an al-munkar, hadith 4011. Abu Dawud and Tirmidhi have recorded a slightly different version of this hadith which mentions, the word adl [ justice ] instead of haqq [ truth ].

6: Mubarkfuri, *Tuhfa* ,n.3, p.250.

In a hadith that al-Bukhāri has recorded, a young man asked the Prophet at a time of military engagement “should I join the jihad ?” In response, the Prophet then asked him a question “Do you have parents ?” and when the man said ‘Yes’, the Prophet told him “then strive by serving them.” <sup>7</sup>

Jihad is defined as exertion of one’s power in the path of God by means of speech, action, life, property and other than these. Muhammad Hamidullah who quoted this definition from al-Kasani, observes that it represents the generally accepted version which appears in many juridical Works. <sup>8</sup>

The Qur’anic verses reviewed above are thus expressive of jihad in terms of the salvation of the soul, rejection of falsehood and unbelief and the intellectual effort it may involve to understand the Qur’an and promote its teachings. The fact that Muslims were not allowed to resort to fighting during the Meccan period of the Qur’anic revelation [ about 12 years and seven months ] is also clear evidence that all references to jihad in that period carried its non-military meaning. The Prophetic authority was based strictly on religious sanction rather than on coercive force. The Prophet himself was certainly conducting a jihad in Mecca but only through the language of persuasion. Islam was a minority movement in Mecca and jihad in its military sense would not have been feasible. The Prophet and his followers were tormented and persecuted by the pagans of Mecca which forced quite a few of them to migrate, initially to Abyssinia, and eventually to Madina. Nevertheless, the Prophet advised his followers to be patient, and kept reminding his Companions to conduct their campaign peacefully and avoid violence as he had not been given permission to fight. Some of the Companions urged the Prophet if he would allow reciprocal treatment, but this was also not granted and the Prophet awaited Divine instruction on this matter until this was conveyed to him in Madina that “...permission is granted to those against whom war is waged because they have been wronged, and God is able to assist them ( in defending themselves against oppression ) .....” [ Qur’an 22:39 ]. <sup>9</sup> In the Madinan revelations of the Qur’an, jihad acquired a new dimension, and there is no doubt that in certain verses jihad is synonymously used with fighting and war [ cf. 2:215; 9:41; 49:15 ]. It was in the second year of the hijra in Madina that Muslims were permitted to take up arms “in defence” of the freedom of religion as the following verse indicate once again:

And fight in the way of God those who wage war on you, but do not transgress, for God loves not the transgressors [ Qur’an, 2:190 ]

Even in Madina the Prophet resorted “...to jihad as a defensive measure, and the theory of jihad as a war of offensive character was a later concoction of the Muslim jurists who did so in order to legitimise the policies of expansion of the Muslim rulers...” <sup>10</sup> In the course of time, juristic writings on jihad became so preoccupied with its military aspect that the term jihad was eventually restricted only to this meaning to the near-total exclusion of its wider connotations. It is noteworthy that the chapters on jihad in fiqh texts such as that of the sixth / twelfth century “Bidayat al-Mujtahid” of the Andalusian jurist, Ibn al-Rushd al-Qurtubi [ d.595 / 1199 ] , and in our own time, “al-Fiqh al-Islami wa Adillatuh”, by the Syrian jurist, Wahba al-Zuhayli, are completely focused on the military aspects of jihad, virtually equating jihad with war. This has lent support to the common misconception about jihad that has persisted ever since. For violence and war have no

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<sup>7</sup>: Muslim, *Mukhtasar Sahih Muslim*, ed. Nasir al-din al-Albani, 469, hadith 1756.

<sup>8</sup>: Allauddin al-Kasani, *Bada’ic al-Sanaic, fi Tartib al-Shara’ic*. Cairo: Mataba al-Istiqama, 1956, VII, 97; Muhammad Hamidullah, *Muslim Conduct of State*, 3rd edn, Lahore: Ashraf Press, 1953, 161.

<sup>9</sup>: Ali Husni al-Kharbutly, *al-Rasul fi’l-Madina*: Cairo: al-Majlis al-Acla lil-Sh’un al-Islamiyya n.d., 69

<sup>10</sup>: Manzooruddinn Ahmad, *Islamic Political System in the Modern Age*, Karachi: Royal Book Company 1983, 185.

place in the essence of Islam, which as a faith is a state of mind and belief in the first place, and this cannot be realised through violent means. This warlike meaning of jihad has unfortunately suppressed to obscurity its other, one might say normative, meaning of jihad in the sense of an inner struggle for self-discipline and a sincere striving for the acquisition of knowledge.

Muhammad Abu Zahrah, one of the most prolific writers on Islamic jurisprudence of twentieth century, has quoted Taqi al-Din Ahmad Ibn Taymiyya [ d.728 / 1328 ] in support of his own conclusion that war in Islam is permitted for one purpose alone, namely defence against aggression. This is why the permission that the Qur'an granted for Muslims to fight in the verse just quoted is immediately qualified by the phrase "lāta'tadu" [ do not transgress ]. <sup>11</sup> The ultimate goal of war in Islam is to prevent "fitna" [ disorder, persecution ] as the Qur'an has proclaimed in another verse: "...And fight them ( the unbelievers ) until *fitna* is exterminated..." [ 8:39 ] . The correct meaning of *fitna* in this verse is "...oppressing people for the sake of their faith by trying to force them out of it. This is the *fitna* which is to be prevented, if necessary by means of armed struggle..." <sup>12</sup> This message is further endorsed in the "categorical declaration" of the Qur'an that "...there shall be no compulsion in religion..." [ 2:256 ] , which clearly means that force of any kind may not be used in the propagation of religion. The only role that jihad can play here is a defensive one, which is to prevent *fitna*. <sup>13</sup> This should not, on the other hand, preclude the military meaning and role of jihad in the prevention of "fitna". For a campaign against fitna may necessitate the use of force. The Indian scholar, Khalifa Abdul Hakim [ d.1957 ] wrote that "...Islamic jihad is directed to the securing of essential human liberties..." Jihad does not necessarily mean a defensive war in the sense that "...you should wait until you are actually attacked. For this would be a misinterpretation of the essential principles of Islam. Fighting in the way of the Lord means fighting for social justice. It does not mean fighting to spread the dogma..." In countless places the Qur'an ordains fighting tyranny and suppression of liberties until persecution stops and people are free to believe and act in accordance with their own conscience. <sup>14</sup> The Egyptian author, Muhammad Husayn Haykal, characterised the wars fought by the early Muslims in the days of the Prophet and his successors and those who came afterwards as "defensive" wars, wars that were "not" fought for the sake of conquest, but in "defence" of the creed of Islam. For: "...Islam prohibits all war of aggression, but it permits warfare in defence of one's life and creed..." <sup>15</sup>

Many jurists have discussed uprising [ khuruj ] against an unlawful government as one of the themes and meaning of jihad. According to Imam Abu Hanifa [ d.150 / 767 ] , it is an inherent right of the community to resist 'tyranny' and 'dispotism'. Shah Wali Allah Dihlawi [ d.1176 / 1762 ] considered this as the highest form of jihad. The opposite of this, Abu Hanifa added, was rebellion [ baghy ] which is staged by "those who rise in revolt against lawful government without any just cause." Jihad thus aims at the overthrow of despotism and installing in its place a just order that grants the people their freedom of conscience, and also preserves and promotes Islamic values within the community. <sup>16</sup> Ubaydullah Sindhi [ d.1944 ] observed that jihad when rightly conceived and pursued, is a holy war that is aimed at the "extermination of evil". To fight against evil, the evils of poverty and disease - should be the focus of contemporary jihad. <sup>17</sup> To ascertain the true meaning of jihad and strip it of unwarranted militarism that has dominated the whole idea of jihad would make it an eminently suitable instrument of service to humanity. Jihad in this sense can be waged against the negative currents that have challenged modern societies especially in the

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11: Muhammad Abu Zahrah, *Nazariyyat al-Harb fi'l-Islam* [ The theory of war in Islam ] , Cairo : Dar al-Qahira lil-Tabā'a 1380 / 1961, 24-25.

12: Muhammad Rashid Ridā, *Tafsir al-Qur'ān al-Hakim*, 2nd edn., Cairo: Matba`a al-Manar, 1367H, XI, 255; see also Abd al-Hakim Hasan al-cili, *al-Hurriyyat al-camma*, Cairo: Dar al-Fikr, 1403 / 1983, 338.

13: Rida, *Tafsir*, Id., III, 36.

14: Quoted in Siddiqi, *Modern Reformist Thought*, n.16, 91.

15: *Ibid.* , 63

16: Manzooruddinn Ahmad, *Islamic Political System in the Modern Age*, Karachi: Royal Book Company 1983, 228.

17: Quoted in Mazheruddin Siddiqi, *Modern Reformist Thought in the Muslim World*, Islamabad, Islamic Research Institute 1982, 15.

developing countries of the Muslim world. To fight for social justice, and to wage a resolute campaign against "illiteracy" and "administrative corruption" would capture the best meaning of jihad in our times.

Work in Islam -- according to Yusuf al-Qaradawi "...is a form of 'ibadah [ worship ] and a jihad..." , when it is carried out with the intention of gaining the pleasure of God and rendering service to humanity. To excel in the work place through self-application to the best of one's ability is the theme of many reliable hadiths. To complete the work assigned to one in accordance to the best of one's ability forms an integral part of the ethos of Islam. "...When a Muslim seeks to learn, to excel and acquire insight into the sciences for the sake of God, he is actually performing 'ibadah and jihad..." This is truly an important aspect of jihad, which must, nevertheless, be tempered with moderation. What is recommended here is a balanced approach toward work, one which does not sacrifice spirituality and materialist comfort, one at the expense of the other. <sup>18</sup> Qaradawi is critical of the tendency nowadays that in their zeal for jihad, Muslim youth have often focused on trivialities at the expense of "...fight against injustice, perversion and corruption..." <sup>19</sup>

In a comment on Muhammad Iqbal's [ d.1938 ] critique of Western rationalism and its materialist overtones, Khalifa Abdul Hakim wrote that Iqbal's critique was possibly more applicable to the Easterners. The West, more than the East, has worked for the overthrow of political tyranny of the ruling classes. Consequently, in the West the workers have more rights than in the East. Filth has disappeared in the cities and "poverty which is the normal feature of Eastern life, has disappeared from the West." Western materialism therefore did not deserve Iqbal's critical remarks. <sup>20</sup> His words of praise for the West notwithstanding, Khalifa Abdul Hakim, and later Muhammad Asad, have both observed that the Muslims instead of imitating the West should rethink their understanding of the fundamentals of Islam. A total imitation of the West by Muslims, of course, is impossible, according to Muhammad Asad, without compromising the basic values of Islam.

### Suicide Bombing:

It may generally be said that suicide falls under the Qur'anic provision of killing without a just cause. The Qur'anic dictum on the sanctity of life addresses the believers to "... slay not the life which God has made sacrosanct unless it be in a just cause...." [ 6:151 ] The terms of this address basically apply to all living creatures but the focus is on human life. This is because life is a God given gift and not the creation of its bearer, hence the latter does not have the right to destroy it. This is why suicide is forbidden in Islam without any exception whatsoever. It is an offence for which the perpetrator is liable, in the event of an unsuccessful attempt, to a deterrent penalty of ta'zir. But even when the attempt succeeds, the person is still liable to an expiation [ *kaffara* ] which may be taken from his property, according to the Shafi'is and some Hanbalis, whereas the Imams Abu Hanifa and Malik do not make expiation a requirement.

Direct Qur'anic authority on the prohibition of suicide is the text which addresses the people: "kill yourselves not ( *la taqtulu anfusakum* ) , for God is truly merciful to you" [ 4:29 ] People who are driven to despair are thus reminded to have faith in God's mercy in the hope that they may be relieved of their suffering and despair. Since suicide is prohibited by the clear text, anyone who tries to facilitate it, or acts as an accomplice, is also liable to a deterrent punishment that may be quantified by the court of shari'a taking into consideration the material circumstances of the case. Commentators have, moreover, drawn the following conclusions from this verse:

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<sup>18</sup>: Shayk Yusuf al-Qaradawi, *Islamic Awakening Between Rejection and Extremisim* [ al-Sahwa al-Islamiyya Bayn al-Juhd wa'l Tataruf ]. English Translation by Anas al-Shaikh Ali and Mohamed Wasfy. 2nd edn. Riyadh: International Islamic Publishing House, 1412 / 1991, 24, 153.

<sup>19</sup>: Ibid. , 92

<sup>20</sup>: Quoted is Siddiqi, *Modern Reformist Thought*, 98.

1. the obvious meaning is that suicide is forbidden;
2. the text also stipulates that "you may not kill one another" ;
3. one may not undertake a task which is likely to cause his own death, even if it be a religious obligation;
4. no one should deprive himself of the necessities of life to an extent that endangers his life; and
5. the text forbids self-destruction through the consumption of lethal substances.

The Qur'an also forbids the faithful from courting danger and inviting death and destruction upon themselves, as in the following verse: "...Throw not yourselves [ la tulquanfusakum ] into the mouth of danger..." [ 2:195 ]. The Prophet Muhammad has spoken strongly in condemnation of suicide, as in the following hadith: "...One who throws himself off a mountain cliff and kills himself, he will be doing the same to himself perpetually in Hell. One who takes poison and kills himself shall be holding the same in his hand permanently taking it in Hell... and one who kills himself with a weapon, he will be piercing his body with it perpetually in Hell...." <sup>21</sup> According to another similar hadith "...One who kills himself with something in this life will also be tortured by it on the Day of Resurrection...." <sup>22</sup> Life is accordingly a Divine trust [ amana ] in the custody of its bearer, who is expected to "safeguard" and cherish it with a sense of "responsibility" and care.

Al-Bukhari has recorded a hadith to the effect that the Prophet looked at a Muslim warrior, in the course of a battle waged to repel the enemy attack on Muslims in Madina. The man was by all accounts a most devout Muslim and a competent warrior willing to sacrifice his life for a "worthy" cause. Yet the Prophet said concerning him:

"...one who wants to look at someone from the dwellers of Hellfire, let him look at this man...."

Another man followed him and kept on following him until the fighter was injured, and in a wish to die quickly, he placed the tip of his sword on his chest and leaned over it until it passed through his shoulders and killed himself. When the Prophet was informed of what had happened, he said:

"...A person may do deeds that seem like the deeds of the people of Paradise, while in fact, he is from the dwellers of Hell. Similarly, a person may do deeds that look like the deeds of the people of the Hell while he is, in fact, from the dwellers of Paradise. Verily the [ results of ] deeds done depend upon what is done at the end [ i.e. , the last action ]...." <sup>23</sup>

The manuals of Islamic law are silent on the issue of suicide bombing, a disturbing phenomenon of our times that became frequent in connection with Israeli-Palestinian conflict, especially when Israel unleashed a new wave of aggression on the street processions of unarmed Palestinian youth in 2000-2001. The aftermath of September 11, and more recently violence in Iraq , added new dimensions to the incidence of suicide bombing - although it still appears to be more closely

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<sup>21</sup>: Khatib al-Tabrizi, *Mishkat al-Masabih*, vol.II, hadith no.3453.

<sup>22</sup>: Bukhari, *Sahih al-Bukhari*, kitab al-adab, bab mu yunha 'anhu min al-sibab.

<sup>23</sup>: Ibid. , kitab al-raqaq [ book on what affects emotions ] , bab al-a'malu bil-kawatim [ the result of deeds depend on the last action ].

linked with the Palestinian issue. Suicide bombing has invoked mixed responses from Muslim commentators, most of whom have denounced this as well as the September 11 attacks, as being contrary to Islamic principles. Others have gone on record to equate suicide bombing with martyrdom and jihad. The advocates of suicide bombing included the late Hamas leader, Shaykh Ahmad Yasin [ himself a victim of Israeli targeted bombings ] who has been quoted to have said in reference to Israel "As long as they target our civilians, we will target their civilians." <sup>24</sup> In a 1998 interview, Muhammad al-Tantawi of the Azhar University of Egypt also validated suicide bombing if the enemy targeted civilian population, in which case it would fall, according to him, under jihad and death for an honourable cause. <sup>25</sup>

In September 2003, the former Malaysian Prime Minister, Dr. Mahathir denounced Palestinian suicide bombing and said that suicide bombing was unacceptable to Islam. Mahathir, himself a strong supporter of the Palestinians, added that they resorted to suicide bombing because they did not have proper weapons in their fight for an independent homeland. "Nevertheless, it is wrong to commit suicide bombing" because it causes loss of innocent lives. "Fighting is one thing, but if you go onboard a schoolbus and kill all the school children, I don't think it is a brave move" Dr. Mahathir made these remarks in response to a statement of Abdul Hadi Awang, leader of the opposition Islamic party, PAS, who had said that Islam permitted suicide bombing in the fight against oppression. He added that his party supported the Palestinian militant group Hamas and considered suicide bombings as acts of martyrdom. Mahathir added in his response to these remarks that the root cause of Palestinian problem was not religion but territory and unless this issue was resolved it would be difficult to persuade Hamas not to take up violence. <sup>26</sup>

In November 2003 the Arab states condemned the suicide car bombing in Riyadh that killed 17 and wounded more than a hundred persons mainly Arabs. The 22-member Arab league denounced the attack as a "terrorist and criminal" act, while Saudi Arabia and its five neighbours in the Gulf Cooperation Council condemned it as "cowardly and terrorist." The Arab league Secretary General, Amar Musa, said such acts "only aim to destabilise... terrify and kill" innocent people. The Egyptian President Husni Mubarak condemned it as a "criminal act", and the foreign Minister Iran, Kamal Kharazi said "...killing defenceless women and children in the holy month of Ramadan... is against Islamic values and human ethics..." <sup>27</sup>

It would be simplistic to lump the Palestinian suicide bombing with al-Qaeda terrorist activities, as the latter is wider in scope and relate not only to the Palestinian issue but also to international terrorism and hostile Western activities against Muslims in other places. One can hardly deny the genuine suffering of the Palestinian people and legitimacy of their demand for a homeland and state. It would appear equally simplistic, however, to equate suicide bombing with martyrdom and jihad. This is because suicide bombing contravene two fundamental principles of Islam: prohibition against suicide, and deliberate killing of non-combatants. The argument that proceeds over reciprocity and retaliation is also flawed by the involvement of innocent non-combatants in suicide bombing. Those who have raised the issue of "collateral damage" in this context have also exaggerated their case, simply because non-combatants are chosen as the direct target of suicide bombing. They are, as such, neither collateral nor incidental. Even if the cause of fighting the Israeli aggression is deemed valid, that would still not justify killing non-combatants. According to the hadith, reviewed above, the Prophet of Islam denounced those who deliberately took their own lives even in the course of a defensive war, including suicide by a warrior who suffered from severe wounds. The Muslim fighter who is motivated by the spirit of *jihad* enters the battle, not with the intention of dying, but with the conviction that if he should die, it would be for reasons beyond his control. Martyrdom in Islam does not begin with suicidal intention, let alone the linkage of that intention with the killing of non-combatants.

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<sup>24</sup>: Quoted by Sohail Hashmi, *Washington Post*, June 9, 2002, p.38.

<sup>25</sup>: Tantawi's view published in *al-Hayat*, 24 May 1998, also quoted by Muhamad Tawfiq al-Shawi, *al Mawsu'a al-'Asriyya fi'l-Fiqh al-Jina'i* [ Islamic criminal law encyclopedia ], 2000, III, 93.

<sup>26</sup>: See: [www.mpppillai.com/bwatch.php.3?op=see&lid=2024](http://www.mpppillai.com/bwatch.php.3?op=see&lid=2024).

<sup>27</sup>: See: [www.utusan.com.my/utusan/content.asp?y=2003&dt=1111&pub=utusan\\_Express](http://www.utusan.com.my/utusan/content.asp?y=2003&dt=1111&pub=utusan_Express)

## Conclusion

One of the principles of legitimate war and jihad in Islam is that it must be declared by a lawful authority and government. A free and unregulated recourse to violence in the name of jihad for disputed causes is bound to be contentious and divisive in our times. In places that are ruled by a lawful government, recourse to jihad in defiance of its authority and against it is not jihad but lawlessness and *baghy*. The only jihad valid against a government that upholds law and order in its territory is jihad through reasoned argumentation and persuasion that partake in sincere advice [ *nasiha* ]. A constitutional government can only be fought by constitutionally valid means. Islam does not permit recourse to violence that disturbs peace and order in society even if it be against a government of questionable legitimacy so long as that government stays short of blatant indulgence in "criminality" and "kufr" [ denial and rejection of Islam ]. Even under extreme circumstances, open rebellion and recourse to violence must be avoided if the likelihood of fitna [ disorder and persecution ] and loss of life is greater than the chances of success to overthrow and replace an unjust government. This is a sensitive issue and Islamic constitutional law remains somewhat inconclusive over it. All one can say is that in places where a constitution provides guidelines, they should be obeyed. The best jihad of our times open to individuals is one that is motivated by affirmative action to fight ignorance, poverty and disease. The jihad of our times should aim at facilitating *people's welfare* and improvement in methods of government, fight against corruption and abuse through peaceful means that inspires the people's confidence and support.

To justify suicide bombing under the banner of retaliation, or as a form of jihad, is questionable as it begins on an erroneous note, which goes against the essence both of just retaliation and justified jihad. What drives the suicide bombers- often impressionable youth of tender age - on their suicidal missions are promises of a martyr's reward of the so-called religious scholars who fuel the frustration and volatility of tender emotions with their emotive and exaggerated instructions.