

World Peace And Islam

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Introduction

The Holy Quran conceives God as an embodiment of compassion and grace and as one who accepts repentance and is extremely forgiving, and showers mercy in abundance. Even the Prophet of Islam, Muhammad (peace be upon him), has been described as 'Mercy towards the mankind'. Islamic teachings are informed and inspired by love, wisdom and pragmatism. Islam teaches its followers not only to love their own co-religionists but even to treat the enemies with kindness and fairness. An average Muslim's ties of love extend to the entire mankind, animals, and even plants and trees.

While faith is the most desired quality of a human being with Allah, *adl* or justice is the next most sought after characteristic. Similarly, *zulm* or oppression is the most detested of the characteristics next to *kufr* (the negation of Almighty Allah). The Muslim empires and kingdoms were generally havens of peace and progress for their inhabitants. Seldom did the Muslim emperors mistreat their religious minorities. History bears testimony that even the non-Muslims living under Muslim kingdoms found them better endowed with opportunities for growth and enjoyed an environment more secure than the lands ruled by their own people.

The West had led an assault against the Muslim Ummah, Islam and Islamic world after the Crusades. It combined all

aspects of military campaign, cultural assault and ideological domination. The disintegration of the Ottoman empire made their task easier to lead a multi-pronged attack with orientalist distorting the Islamic precepts, practices and the Shariah, the media disfiguring the image of the community and carrying on a calumnious campaign and unleashing a barrage of misgivings against Islam.

As Israel came into being in the heart of the Arab Middle East, the world Jewry gained unprecedented ascendancy in the international political domain. It took firm grip over the Christian world through its domination of the media and the research institutions. It was followed by a new ideological and military campaign which is advancing with its objective of occupation of the Muslim nations as well as portraying the victims as oppressors. Consequently, the West adopted the strategy of first dubbing the Muslims terrorists, then targeting the Muslim states militarily, causing mayhem and bloodshed, violating the human rights of the entire population and finally declaring their governments and rulers abettors of terrorism. Israel is notorious for its raids into Palestinian territory, has attacked the innocent and unarmed people, usurped their land and water resources, yet it is never termed a terrorist state. Genocide by Serbs was perpetrated under the full glare of the media, yet Serbs were never described Christian terrorists. But unarmed Palestinians, who fire slingshots in retaliation to the Israeli rockets, are regularly dubbed Palestinian terrorists.

Muslims are religiously designated *Khaire Ummat* or the 'best of the nations'. They are enjoined to carry the divine

assignment of establishing peace, to work for the welfare of the humanity and enjoin the good and prevent from the evil. They have been commanded to act as mentors and guide. This essentially urges them to be the harbingers of peace despite heavy odds while repudiating the Western propaganda against them. They need to personify the Islamic etiquette and manners and have to emerge as the moral guides for the entire humankind.

The Islamic Fiqh Academy (India) placed the topic of 'Islam and the World Peace' on its agenda for its 14th National Fiqh Seminar held at Darul Uloom Sabeelus Salam, Hyderabad. Under the rubric, sub-themes such as Islamic point of view on Terrorism, State Terrorism and non-State Actors, Shariah Limits of Retaliatory Response to acts of terror, Defence against Terrorist Action, and preventive and preemptive action against terrorism came up for discussion. A total of 54 papers were received and nearly 240 Ulema and intellectuals participated in the deliberations.

This volume compiles the proceedings beginning with the questionnaire sent to these intellectuals and places the resolutions of the seminar next to it. Details of the proceedings of the seminar follow these two chapters. Maulana Hishamul Haq Nadvi of the Islamic Fiqh Academy has condensed the received papers. The interactions during the questions and answers too have been included in the discussion as they present the essence of the discussion. The papers have been divided into three sections. First to be included are the written opinion received in response to the questionnaire. It is followed by

detailed articles. Finally, it takes the details of the interactions. Maulana Safdar Ali Nadvi has taken a lot of pains to edit the whole proceedings comprehensively. The proceedings prepared originally in Urdu have been painstakingly translated into English by Bangalore based journalist Maqbool Ahmed Siraj.

It is hoped that this volume would also receive attention of both, the intellectuals and the Ulema, as was the case with the preceding compilations and it will emerge as a key document in advancing the debate on the topic of peace and terrorism.

Khalid Saifullah Rahmani

General Secretary Islamic Fiqh Academy

Questionnaire

Islam and the World Peace

Islam is a religion of peace and seeks to reconcile differences among the human beings. Going by the Quranic teachings, unjust killing of an individual is considered the killing of the entire humanity. It also ensures the protection of the life, liberty, honor and property of the non-Muslim citizens living in an Islamic state. They have been guaranteed the religious freedom. Islam not only prohibits oppression against others, but also prescribes the limits of justice and fairness for the retaliatory response against oppression from others.

Unfortunately, Islam has come to be perceived as sanctioning terrorism in the public imagination. This is mainly because of the Western propaganda and popular misgivings that have gained ground over the years. It is therefore imperative for all Islam-loving people and the Ulema and individuals occupying the seats of Islamic *Ifta* (jurisprudence) to explain the Islamic precepts with regards to promotion and establishment of peace, methodology prescribed by Islam to achieve consensus and bring about reconciliation among different section of people and differing viewpoints and the teachings of tolerance and hospitality vis-à-vis the non-Muslims. We

hereby present a questionnaire in order to elicit the response from Muslim Ulema and intellectuals.

- 1- What could be the definition and reality of terrorism from the Islamic point of view?
- 2- It is a general perception that Governments deny equality and social, political and economic justice to certain sections of their own people. They are seen as lesser citizens. They even deliberately discriminate against them. Sometimes the official machinery is used to inflict injury on their person and damage against their property. Could this unjust treatment and oppression against people also be treated as terrorism?
- 3- If a community suffers from persecution or continued injustice at the hands of a government, is it obligatory for it to react or protest against it or whether Islam just permits it to merely protest against it. It is also imperative to discuss if the reaction or retaliatory action against persecution would also come under the definition of terrorism.
- 4- If some members of a group are responsible for atrocities and excesses, will it be valid for the oppressed section to target the group for indiscriminate retaliation which might hurt even those who are not guilty of any excesses.
- 5- It is widely believed that roots of terrorism lie in political and economic injustice and usurpation or control of economic resources by use of excessive

force. How does Islam treat this issue? What could be the remedial measures?

- 6- How could an individual or group defend itself if its life, liberty, honour and property come under attack? What is the position of the Shariah on this? Is it mandatory on him/them to defend himself/themselves or is it just desirable and permissible? What could be the limits for defence?

Resolutions

Islam and the World Peace

- 1- Every such action that causes hurt or endangers the life, property, dignity and faith of an individual or group of people without any justifiable reason should be termed terrorism, regardless of it being committed by an individual, group of people or a government.
- 2- Any measures that could deprive an individual or group of persons of their rights under law or violating them should be termed terrorism.
- 3- A- It is the right of the oppressed to raise their voice against oppression, and B- measures taken by the oppressed in their defence against oppression does not come under the definition of terrorism.
- 4- It is not justifiable to target or subject the innocent members of the oppressors' group with any retaliatory action.
- 5- The most effective way to curb terrorism is to ensure equality and justice for every section of the society and safeguard the life, liberty, honour and property of every member of the society regardless of their affiliation to faith, caste, tribe or language.
- 6- Every person will have the right to defend himself against attack on his life, property and dignity.

Summary of the Articles

Islam and the World Peace

Maulana Muhammad Hishamul Huq Nadvi

Question no. 1

What could be the definition and reality of terrorism from the Islamic point of view?

The articles submitted by the authors have relied upon varied sources such as Arabic and Urdu dictionaries, authentic and original sources of the Islamic jurisprudence, and contemporary books in English and Urdu on the subject for arriving at a definition. Some of them have raised new issues emanating from the discussion, e.g., what are the causes for terrorism? What could be Islamic response to terrorism and the ways to curb it? What aspects of violent action will be termed terrorism? What is the difference between terrorism and Jihad and terrorism and struggle for freedom?

A few authors have gone into the American and Western definition of terrorism and have analyzed the issues threadbare. In their perception, Muslims need not be impressed with the term of terrorism coined by the West and need to themselves define it in the light of the Quran and Prophet's traditions rather than look at the sources originating from the US, Zionists and

Europe. (vide Article by Dr. Wahabah Zuhaily, Damascus; Sheikh Muhammad Ali Taskhiri, Iran; Syed Khurshid Hassan Rizvi, Maulana Syed Zakir Hussain Shah Siyalvi (Member, Islamic Ideological Council, Pakistan), Maulana Mohiuddin Ghazi Falahi, Maulana Asad Qasim Sambhali etc.)

Sheikh Taskhiri emphasized the following four points in this regard:

- 1- Primarily, we need to refer to the Islamic terms and the original teachings in order that we could grasp the changes that have occurred, bear in mind the lofty objectives while thinking of reform, bring about the human values that Islam cherishes and thereby determine the yardsticks for solutions.
- 2- We need to look for and bring forth the fundamental elements of human nature totally unalloyed by petty interests so that these human values could be presented as principles on an international plane and qualify for the research and analysis on intellectual level and help chart a pragmatic work plan.
- 3- Secondly, we need to arrive at a general definition of terrorism in the light of the Islamic fundamentals which should comprehensively cover all aspects of the phenomenon and should deter its baneful forays into the precincts of sacred principles and objectives and their misinterpretation.
- 4- Thereafter we need to take stock of all those definitions and concepts of terrorism that are currently being propagated on the national and international level. We would look into them from the perspective of cause and

effect and closely examine them for the sake of acceptance or rejection, lest nothing remains ambiguous.

Sheikh Taskhiri, Maulana Abrar Khan Nadvi, Maulana Mohiuddin Ghazi Galahi, Maulana Qamaruzzaman Nadvi, Maulana Mujeebur Rahman Ateeq Sambhali Nadvi, Maulana Muhammad Shamsuddin, Mufti Habeebullah Qasmi and Maulana Ibrahim Gajia Falahi bitterly criticized the West for its failure to arrive at a consensual and comprehensive definition of terrorism. It was also mentioned that neither the United Nations Organization, nor the major nations of the world, had been successful in defining the term 'terrorism'. (Dr. Aziz Shakri, *Al-Irhab al-Dauli*, p.11, quoted by Sheikh Taskhiri).

General Definition

Maulana Mubarak Hussain Nadvi and Maulana Mohiuddin Ghazi Falahi have quoted the following definition of terrorism from the *Encyclopedia Britannica*:

A systematic use of terror or unpredictable violence against Governments, Publics or individuals to attain a political objective.

Mohiuddin Falahi dubbed this definition flawed as it puts even the genuine struggle against usurpation of rights by the dispossessed masses under the ambit of

terrorism. It could therefore be used to curb the freedom struggles and could also be used to legitimize the state repression against the weaker sections and underprivileged masses and subjugation of weaker nations by the powerful nations.

Ateeq Sambhali and Mubarak Hussain Nadvi have quoted the following definition of an individual involved in terrorism from the Indian National Security Act 1986:

A terrorist is an individual who tries to paralyze or dislodge a government established by law or attempts to strike fear among people or among a section of them by use of bombs, dynamite, or an inflammatory or incendiary device or any weapon capable of firing cartridges that can cause physical harm to individuals, disrupt the supply of goods in order to cause chaos in the public life. (D. P. Sharma, *Countering terrorism*, Lancer Books, 1992)

Ateeq Sambhali has also quoted the following definitions of terrorism arrived at by the FBI and the American Congress:

- i- Any measures or strategies conceived and used to bring about pressure on a group of persons, society as a whole or the government with certain political motives or intimidating them with violence or damage to or usurpation of property constitutes terrorism.
- ii- Terrorism is a kind of deliberately inflicted violence motivated by certain political objective which terrorizes the people. It is resorted to by small groups or secret agents and is aimed at

creating terror in the hearts and minds of those who are witness to it or come to know of it. (Dr. Jaffer Idris, *Al-Irhab: Tarifah was Musabbabatuhu*, p. 06)

Abrar Nadvi has quoted the definition by former Israeli Prime Minister Benjamin Netanyahu:

Terrorism is the kind of violence used by one government against another government through individuals or their groups who are non-state actors as a substitute for war. These non-state forces are supported by a sovereign state and allow them to nurture within their borders. ('Rooting out Terrorism', *Risala Al-Ikhwana*, dt. 13-9-2002, p. 55)

In his interpretation of this definition the *Risalah* says, "According to this, all those Arab and Muslim states that provide moral, financial and political support to Islamic movements struggling to free Palestine such as Hizbullah and Hamas are deemed terrorist organizations. According to this, the entire Muslim world and Muslim organization could be termed fountainheads of terrorism.

Abrar Nadvi, Mufti Habeebullah Qasmi, Maulana Khursheed Ahmed Azmi, Mohiuddin Falahi and Ateeq Sambhali opine that such definitions only reflect the prejudiced mindset of the West, their ingrained racial and geographical biases and their political interests.

Sheikh Taskhiri has quoted a rather elaborate definition from one among the 109 definitions provided by noted researcher Shameed and argued that such definitions

were totally absurd and illogical. (See *Al-Irahabus Siyasi*, p. 1-2)

Sheikh Taskhiri has also quoted another scholar Jenkins, who merely terms acts by vicious individuals as terrorism. Criticizing this definition, he questions as to how to determine vicious and virtuous or good and bad nature of an act. He asks whether the tyrant and powerful rulers of the contemporary nation-states fit the bill, if this definition has to be accepted. Is not the United States of America the most vicious force in the world?

He also quoted the following definition by Bisyuni:

Terrorism is a strategy to inflict or unleash violence backed with ideological motives. It aims at manipulating a section of the society into turning violent in order to get access to the power corridors. It could also be a strategy to indulge in a massive propaganda against some instances of denial of rights regardless of the fact that such violent acts are in self interest or at the behest of a state. (*Al-Irahabud Dauli*, p. 16).

Sheikh considers Bisyuni an eminent jurist whose definition of terrorism was accepted in the 1988 Vienna conference. Yet he thinks that it focuses mainly on terrorism perpetrated by individuals. Secondly, it is not comprehensive. Sheikh Shukri who compared it with French and Syrian law, found it much more incomplete and unsatisfactory. (Ref. *Al Irhabud Dauli*, chapter 1).

Equivalent of *Irhab*

The authors of papers tried to find an equivalent for the Arabic term *Irhab* and discussed their appropriateness. Dr.

Zuhaily and Abrar Nadvi explained that *Irhab* literally stands for frightening others and striking terror among people. According to Maulana Mubarak Hussain Nadvi, Raghieb Isfahani has described *Irhab* as striking fear and causing harassment (Ref. *Mufarradatul Quran*, p. 366). Mujaddudin Ferozabadi said it means frightening and intimidating. (Ref. *Al-Qamusul Muheet*, p. 817). Author of *Tajul Arus* has said that it means harassing and intimidating. According to him, Christian Orientalist Ilyas Antwan has translated *Irhab* as terrorism. (Ref. *Al Qamus al-Asri*). Maulana Khursheed Ahmed Azmi refers to the Jibran Masood's work titled *Ar-Raid* (vol. 1/88) in support of *Irhab* meaning terrorism. Ateeq Sambhali too has taken the same line. Dr. Abdul Azeem Islahi and Mohiuddin Falahi and Ateeq Sambhali do not think *Irhab* to be synonymous of terrorism. Dr. Azeem Islahi thinks that *Irhab* should mean terrifying while Ateeq Sambhali believes that *udwan* could be the most proximate in meaning to terrorism. He also advised that term terrorism propagated by the Western media should in its nature and essence mean oppression, tyranny, domination, and despotism as described by the classical political theorists. Their opposites are sacred rights, civil liberties and dignity of life. (see *Tabae al-Istibdad*, p. 10)

Dr. Azeem Islahi, Mohiuddin Falahi, Maulana Syed Ameer Hussain Gilani, Qazi Muhammad Haroon Mengal, Maulana Hafeezur Rahman Umri, Mufti Anwar Ali Azmi, Maulana Sayeedur Rahman Farooqui and Maulana Abul Aas Waheedi consider terrorism a variant of what Islam calls *Fassad fil Arz* or mischief on earth. They said Islam primarily considers this aspect for discussion. Maulana Abul Qasim Abdul Azeem writes that besides 'mischief' the wordings *baghiyon wa adwa* could also be helpful in reaching its real meaning. Sheikh Taskhiri has taken help from the Islamic commandments regarding war, theft,

murder, *Haraba*, *Fatak*, *ghailah* and *Aitmaar*. Mohiuddin Falahi expressed the need to consider the term *Irhab* in the Holy Quran. Mubarak Nadvi, relying upon the use of word *Irhab* in the Holy Quran, said six different derivatives of the same could be spotted in it. These are as follows:

Surah Hashr—*La antum ishaddu rahbah*

Surah Qasas—*Janahaka minar Rahab*

Surah Nisaa—*Yadaoonana raghabaun wa rahaba*

Surah Anfal—*Tarhabuna behi aduallah* (this verse has been mentioned in all papers)

Suraf Aaraf—*Wastarhabuhum*

Surah Taubah—*Wa iyyaya farhaboon*

As a whole, according to Mubarak Nadvi, it implies getting terrified or frightened. Dr. Zuhaily, Dr. Azeem Islahi, Raheem Qasmi and Ateeq Sambhali said the verse in Surah Anfal could imply military strategy, defence position and attempt to deter the enemy from aggression and interpreted it as quite a reasonable and natural human strategy. Syed Khursheed Hassan Rizvi considered *Irhab* as an integral element of Islam's external strategy.

Islamic Definition

A majority of the paper writers emphasized that terrorism implies all kinds of mischief committed by either an individual or group or a government which can result in injury or loss of life, damage to property, insult or indignity and endanger one's faith or country. (See papers by Dr. Zuhaily, Sultan Islahi, Maulana Burhan Sambhali, Dr. Syed Qudratullah Baqvi, Maulana Abdur Rasheed Qasmi, Maulana Tanzeem Alam Qasmi, Maulana Muhammad Arshad Madani, Sayeed Farooqui, Maulana Ataullah Qasmi, Maulana Zafar Alam Nadvi etc.

Dr. Zuhaily said terrorism conflicts with the Divine law (Shariah), logic, wisdom and International Law. He said terrorism is an illegitimate act viewed from its motivations, objectives and methodology and the Quran and the *Sunnah* have enjoined Jihad only to curb and eliminate terrorism and mischief. He advanced the following verses of the Quran in favour of his arguments:

- 1- And prepare against them your energies according to your capability, and with steeds trained, strike fear into the enemies of Allah, and your enemies and others besides them you do not know.
- 2- And fight in the path of Allah those who fight you, but do not exceed what is just. Lo! Allah does not love the unjust.
- 3- The tradition from the Holy Prophet, peace be upon him, says: It is not right for a faithful to frighten a fellow Muslim. (Ref. *Masnad Ahmed, Sunan Abi Daud, Tabrani*). It is not right for a Muslims to frighten another Muslim even by way of a prank.
- 4- A Muslim is one from whose hands and tongue another Muslim should feel no danger and threat. Dr. Zuhaily feels that these hadiths include both, Muslims and non-Muslims in their ambit as Allah has sanctified life, liberty, honour and property of all human beings irrespective of their faith, community or race and has prohibited killing of another human being, bestowed dignity on everyone, and forbidden usurpation of others' property. *Zulm* or

oppression is in itself a crime and no Divinely-guided community permits it. Dr. Zuhaily placed before the participants the following definition: Terrorism is a violent act backed by political motives regardless of its methodology. The objective of the act is to strike terror among people or a section of them regardless of the times—war or peace—in which it is committed.

According to Sheikh Taskhiri, terrorism is every such act that clashes against religious and ethical values from both in its objective and methodology. Sheikh laid down the following seven points:

- A: Every act that constitutes hijacking, waylaying, kidnapping and piracy on seas.
- B: All kinds of imperialistic activities including war and military assaults.
- C: All activities that promote despotism or safeguard despotism.
- D: All such military or armed measures that are contrary to human values, e.g., chemical, biological and nuclear weapons, targeting the human habitations for destruction, bombing homes of people and compelling citizens to leave them.
- E: Attempts at polluting the cultural and media scene and launching intellectual terrorism which is the most dangerous of variants of terrorisms.
- F: Every such measure that destroys national and international economy, harming the indigent people and aimed at widening the social inequalities and economic disparities and enslaving the people through debt.
- G: Every such initiative aimed at crushing the will of people to attain sovereignty and autonomy and foisting on them humiliating pacts and treaties.

Sheikh exempted the following from the definition of terrorism:

A: Nation's efforts at countering or curbing the armed insurgency.

B: Opposing despots and targeting their institutions.

C: Struggle against racial discrimination and targeting their centers.

D: Responding to aggression with similar measures provided that no alternative defence is available. Every democratic struggle which does not have element of violence should also be exempted from this category.

Niaz Hameed Madani, Abul Aas Wahidi, Mufti Anwar Ali Azmi, Ishtiyah Azmi, Abrar Nadvi presented the following definition proposed at the International Conference in Johannesburg in South Africa on 26-6-1423 AH:

"Terrorism is oppression committed by individuals, groups or states against people's faith, lives, property, honour and wisdom. It encompasses all kinds of harassment, torture, threats, killing, robbery, bloodletting, rendering the passages on land and sea insecure or blocking highways. It also includes all kinds of violent activity that aims at striking fear among people in pursuit of some definite project and making people's lives, property, honour, natural resources and means of production insecure. There are various variants of *fassad fil arz* (mischief on earth) from which Muslims have been asked to stay away in the Quran: Do not create mischief on the earth, verily Allah does not like people who create mischief. Ishtiyah Azmi, Abrar Nadvi, and Anwar Ali Azmi said that this definition of terrorism has also been adopted by Islamic Fiqh Council working under the aegis of Rabitat al-Alam al-Islami, Makkah.

According to Mujahidul Islam Qasmi, terrorism is an ideology or *Maslak* that strikes terror among people and triggers bloodshed through it.

Mufti Wajihi has defined terrorism as war against a government that administers the people's affair with justice and equity.

Asad Sambhali has quoted Maulana Rabe Hasani Nadvi which he mentioned in an interview with *An-Nadwa*, a Saudi daily. It says: Terrorism happens when an individual or group commits excess or aggression against another individual or group without any justification for the same. Qazi Muhammad Haroon Mengal and Syed Khursheed Hassan Rizvi opine that the definition of terrorism from both Islamic and Human perspective, are one and the same. Qamaruzzaman Nadvi and Ibrahim Falahi opine that in the contemporary age, the violence committed by the political opponents of a government and expression of rage is termed terrorism while the political opponents consider the military action against them as terrorism.

Hafeez Umri defines it as follows: Creation of an atmosphere in which the oppressed could not raise their voice and demand their rights despite the knowledge that they are being victimized. Sultan Islahi, Fuzail Usmani, Syed Siyalvi, Khursheed Hassan Riazvi, Maulana Sabeeli, Asad Sambhali, Ishtiyaz Azmi and Mustafa Qasmi presented instances whereby it could be said that it is only non-Muslims—Jews, Christians and Hindus in various regions—who fall into the category of terrorists and Muslims were being deliberately victimized by being accused of terrorism. This in itself is terrorism.

Dr. Zuhaily, Sheikh Taskhiri, Sultan Islahi, Abul Qasim Azeem, Mufti Raheem Qasmi, Ishtiyag Azmi, Abrar Nadvi, Anwar Azmi and Zafrul Islam described various kinds of terrorism, e.g., individual terrorism, international terrorism, political terrorism, interest linked terrorism, economic terrorism, ideological terrorism, diplomatic terrorism, military terrorism etc. Dr. Zuhaily said these variants were recognized by the neutral international law.

While deliberating on these variants, Sheikh Taskhiri, Sultan Islahi, Fuzail Usmani, Syed Khursheed Rizvi and Maulana Sabeeli threw light on state-sponsored terrorism. They referred to the Israeli state terrorism and justified the Palestinian struggle for freedom and termed it legitimate and totally complying with the terms of justice. Sheikh Taskhiri termed the State-sponsored terrorism the most complex one and said this included every such act of violence that falls into the category of terrorism and is carried out by the State and the recognized institutions under its domain, be it an individual or its military.

Mufti Hameedullah of Jamia Ashrafiya, Lahore says that struggle for the establishment of God's religion and in defence of the poor and oppressed Muslims is Jihad. In a similar way, the struggle to save the life and property and to restore honour also falls into the category of jihad. He quoted the verse of the Surah Nisaa in this context (given below) and supplemented it with interpretation of Qurtubi.

And why should not fight in the cause of God and of those who, being weak, are ill-treated (and oppressed)? "Our Lord! Rescue us from this town, whose people are oppressors." (4:75)

He also quoted a tradition from Sunan *Nisai* that says: One who fights for his property and is slain, is a martyr; one

who is slain for blood is a martyr; and one who is slain for his family is a martyr. (Vol. 2 p. 172)

Dr. Zuhaily, Qazi Mengal, Zafrul Islam, Syed Siyalvi, Burhan Sambhali, Asad Qasim Sambhali, Abul Qasim Azeem, Mufti Wajihi, Tanzeem Qasmi, Mubarak Nadvi, Sufiyan Miftahi, Hafeez Umri, Maulana Sabeeli, Mujahidul Islam Qasmi, Arshad Madani, Ateeq Sambhali and Abrar Nadvi expressed their support for the stand while referring to another hadith to the similar effect narrated by Sayeed bin Zaid. This hadith adds the following words to the abovementioned hadith: *man qatala doona deenahu fahua shaheed* (Tirmizi, Vol. 1, p. 261, Abu Daud and other books *Fiqh Al-Sunnah* vol. 2 p. 553)

In the similar vein, Sultan Islahi, Mubarak Nadvi, and Ateeq Nadvi held that the suicide attacks were justifiable. Mubarak Nadvi said such attacks should be held legitimate provided that these are carried out by the organizations struggling for freedom or even when the governments adopt them as the strategy of war, but it will not be permissible under Shariah (Islamic law). Maulana Ateeq Sambhali proposed the following terms and conditions for this to be considered legitimate:

- 1- The attacker should not have the intention to commit suicide.
- 2- The attacker should be confident of success, or believe that it will inflict severe damage against the enemy or it will boost the morale of the Muslims.
- 3- The attacker himself or the commander of the army should guess the consequences of such an attack prior to the attack.

- 4- The attack should be motivated by the objective of upholding the cause of Islam and should in no case be backed by the desire of heroism or national pride.
- 5- It should not be backed with the intention of committing tyranny.

He also argued his point with reference to the Holy Prophet seeking oath of his companions when he heard the rumour of assassination of Hazrat Usman. This is popularly known as *Bayt al-Rizwan* and was sworn to before him at the time of the Treaty of Hudaibiya. He also referred to the mode of action by Baraa bin Malik during the War of Yamamah and provided references from Imam Muhammad's book titled *Assayr al-Kabeer* (vol. 4 p. 192) and *Radd al-Mukhtar*, vol. 13, p. 243).

Khursheed Hasan Rizvi provided several instances of *Irhab* from the era of the Prophet in support of its definition and termed them worthy of pride. The instances referred to were: 1- Raid and attempt to loot the so called merchant caravan of the Quraish which led to the battle of Badr, 2- Dispatching of military contingents of the Islamic state of Madina against the tribes settled around Madinah, 3- Assembling of neo-converts from among the Quraish at the coastal location of Ais after the treaty of Hudaibiya when they were barred to enter Madinah and from being part of Muslims. These converts began to loot and intimidate the merchant caravans of Quraish. Following Quranic verses were cited in reference:

If than anyone transgresses the prohibition against you, transgress you likewise against him. (2: 94)

And those who, when an oppressive wrong is inflicted on them (are not cowed but) help and defend themselves. (42: 39)

But indeed if any do help and defend themselves after a wrong (done) to them, against such there is no cause of blame. (42: 41)

Almost all authors of the papers argued that terrorism contravenes the spirit of Islam and suggested strict punishment for such acts on the basis of the following verses:

If anyone slew a person—unless it be for murder or for spreading mischief in the land—it would be as if he slew the whole people: and if anyone saved a life, it would be as if he saved the life of the whole people. (5:35)

And tumult and oppression are worse than slaughter. (2:191)

Indeed, (the recompense for) those who wage war on Allah and his Messenger and are actively engaged in causing tumult on earth is not but that they are killed or crucified or lose their hand on one side and a foot on the other or expelled from the land, or expelled from the land. (5:33)

Do not cause mischief on earth after it has been set in order. (7:56)

And do not foster division and rancor in the land. Indeed, Allah does not love those who foster division and rancor. (28:77)

And among humankind are those whose conversation about the life of this world entralls you. And he makes Allah a witness to what is in his heart; but he sows discord (within your own souls and in the community). (2: 204-206)

Question no. 2

Officially sanctioned oppression

It is a general perception and even reality that sometimes the governments do not treat all sections of people with equality and justice. A few sections suffer from socio-economic injustice at the hands of the powers that be. Sometimes deliberate deficiency is seen in as crucial matters as safeguarding their lives and property by the official law and order machinery. Some regimes go even further and initiate measures to victimize them and collude with forces that can inflict damage on their lives and property. Could this oppressive attitude be termed terrorism?

There was difference of opinion among the authors of papers. A few termed this unjust attitude and deficiency on the part of the government as terrorism while others considered it merely a lapse on their part. Those who held that it could be termed terrorism were the following:

Dr. Zuhaily, Sultan Islahi, Syed Siyalvi, Ubaidullah Asadi, Mufti Wajih, Mufti Nazeeri, Mufti Hameed, Ibrahim Gajia Falahi, Dr. Yuusf Qasim, Hafeez Umri, Maulana Sabeeli, Aqeel Qasmi, Dr. Baqvi, Abdul Azeem, Raheem Qasmi, Tanzeem Qasmi, Arshad Madani, Maulana Miftahi, Ataullah Qasmi, Rasheed Qasmi, Ishtiyaq Azmi, Mufti Anwar Azmi, Zafarul Islam, Niaz Madani, Mohiuddin Falahi, Zafar Alam Nadvi, Sayeed Farooqi.

Those who held the opinion that it should be considered only a lapse were: Qazi Mengal, Burhan Sambhali, Khursheed Azmi, Dr. Azeem Islahi, Irshad Qasmi.

Several among the former category termed it state-sponsored terrorism. Sultan Islahi, Mufti Wajihi and Maulana Sabeeli considered it worst kind of terrorism, even severer than the one committed by the individuals.

Dr. Zuhaily and Shakeel Anwar opine that the injustice by the governments leads to involvement of the state in economic tyranny spawning a cycle of violence with each side responding and retaliating in due measure. Rasheed Qasmi felt that the governments commit terrorism by suppressing the movements demanding Sharia rights. Dr. Zuhaily held it unwise and illogical to respond to the tyranny in similar measure. Both these gentlemen opposed retaliatory steps and felt that it will eventually harm the innocent people who will be caught in the crossfire.

Sultan Islahi, Ishtiyaz Azmi, Syed Siyalvi, Maulana Shamsuddin and Abrar Nadvi explained the state-sponsored terrorism with reference to the widespread anti-Muslim violence in Gujarat. They said the governments are honour bound to protect the people and safeguard their socio-economic rights and administer justice among them regardless of their race, religion, caste, community and gender. Any negligence or imbalance on this score or oppression against any particular community will naturally attract the charge of terrorism. Syed Siyalvi termed such governments 'terrorist' irrespective of their being Muslim or non-Muslim. Abrar Nadvi and Qasim Azeem held that the 'New World Order' and the 'globalization' and sanctioning of veto power to the powerful nations were also akin to state-sponsored terrorism respectively. Maulana Sabeeli argued that just because a majority of nations were terming atrocities as action based on justice, one could not turn the definition of justice over its head. He said if a great majority of people commit some crime, the crime could not be deleted from the list of crimes. "Say: Not equal are the

impure and the pure, even if the enormity of what is impure fills you with wonderment.” (5:100) Syed Siyalvi writes that Islam allows the people to disobey such governments (that do injustice with people) if they have power and have cited this *Sahih Bukhari’s* hadith in this connection: When the government commands them to commit sin, they should not listen to them, nor should they obey them. Maulana Sabeeli, Mohiuddin Falahi and Zafar Alam Nadvi argued their points in the light of the following verse of the Quran: “She said: Indeed, when rulers enter a town, they destroy it, and they turn the honour of the inhabitants into dishonor, and that is what they do.” (27: 34)

Maulana Sabeeli has quoted the following excerpt from the Ibne Qaddamah: If a group of people kill an individual, every single among them will be liable for *qisaas*....Hazrat Sayeed bin al-Musayyib narrates that Syedna Umar bin Al-Khattab, may Allah be pleased with him, ordered killing of seven men from Sanaa who were convicted of killing one person. Umar said: If indeed the entire people of Sanaa were convicted for killing one person, I would have ordered that entire population of Sanaa to be killed in *qisaas*. Syedna Ali, May Allah is pleased with him, ordered that three persons, who were involved in killing of an individual, be killed in *qisaas*. Hazrat Ibne Abbas has been quoted as narrating that he ordered a group of men to be killed for murder of an individual. No one had any difference of opinion on this issue during that era. This means that it carries consensus (*ijma*).

Burhan Sambhali, Khursheed Azmi and Dr. Azeem Islahi argued that injustice by the State should be termed State-sponsored terrorism only when it involves tyranny. Khursheed Azmi and Dr. Azeem Islahi however advanced the argument that it should involve violence and threat to life and property.

Maulana Wahidi, Hameed Madani and Mubarak Nadvi said that retaliatory action against injustice by the Government will not be termed terrorism. Maulana Wahidi even went to the extent of terming it 'justice' in the contemporary democratic and secular context. Mubarak Nadvi considered it totally in conformity with the spirit of the Indian Constitution which guarantees the right to equality to followers of all religion under the Article 29 of the Indian Constitution. Hameed Madani however added a word of caution and said if it (retaliation against the Government injustice) leads to chaos, it is preferable to remain patient and seek help from Allah and remain loyal to the powers that be. He supported this with the argument that Muslim lives are very precious and Islam permits the faithful to save his life even by consuming things that are prohibited, if it comes to that. He cited a tradition from *Sahih Muslim* in this context.

Zafarul Islam referred to the *Hujjatullah al-Balighah* by Hazrat Shah Waliullah Dehlavi while arguing in favour of establishment of justice and elimination of terrorism. He quoted the following excerpt:

The fourth quality is justice and this is a characteristic that emanates from maturity. It elucidates the process of administration of the community and the state.

Question no. 3

Protest against Oppression

If a community suffers from persecution or continued injustice at the hands of a government, is it obligatory for it to react or protest against it or whether Islam just permits it to merely protest against it. It is also imperative to discuss if the reaction or retaliatory action against persecution would also come under the definition of terrorism.

Majority of the authors of papers opined that the validity or legitimacy of the protest and retaliation against persecution would depend on the circumstances prevailing at a given time. If the community at the receiving end of the persecution is sure of its success in elimination of persecution, such protest becomes obligatory. If protest or reaction against injustice is likely to vitiate the situation even more and bring in reprisals, it will be enough to agitate or be content with registering protest. (See papers from Dr. Zuhaily, Burhan Sambhali, Mufti Nazeeri, Hafeez Umri, Khursheed Rizvi, Zafar Alam Nadvi, Ubaidullah Asadi, Dr. Yusuf Qasim, Asad Sambhali, Maulana Sabeeli, Sufiyan Miftahi, Abrar Nadvi, Irshad Qasmi, Sayeed Farooqi, Qasim Azeem. (Maulana Azeem has argued his case with instances from Prophet Moses' encounter with the Firaun, his band of charlatans, battles of Prophet Muhammad, other military engagements during the Prophet's era and the incident related to Kaab bin Ashraf. Maulana Sabeeli argued that agitation against persecution falls under the category of *Farz e Kifayah*, something obligatory on a few individuals on behalf of a larger group.)

For Hameed Madani, Qazi Mengal, Raheem Qasmi, Maulana Wahidi, Arshad Madani, Khursheed Azmi, Ibrahim Falahi

and Mustafa Qasmi, it is merely permissible to protest against injustice while Mufti Fuzail and Mufti Habeeb Qasmi feel that it is desirable under Shariat to protest against persecution. Sultan Islahi, Mujahidul Islam, Dr. Baqvi, Ataullah Qasmi, Mubarak Nadvi, Rasheed Qasmi, Hafeez Umri and Zafrul Islam termed it obligatory (*wajib*).

Ishtiyag Azmi, Anwar Azmi mentioned various kinds of injustice and have laid down their terms and conditions. In their opinion, if the government is apathetic towards common civic needs such as water and power supply, or practices discrimination in matters of employment, it is permissible to protest. Both of these gentlemen advise that the communities that suffer from discrimination should adopt a strategy in keeping with the political circumstances to extract what is legitimately due to them. Aqeel Qasmi and Shamsuddin feel that if the denial or deprivation from rights was of personal and individual nature, it just permissible to protest. If the denial or discrimination is in matters of faith and religion, protest and reaction would be obligatory. Aqeel Qasmi elaborates it with an example. He says, if the Government allows the construction of temples but curbs the growth of mosques, it will be obligatory for Muslims to protest at the denial of rights and any deficiency on this account would be viewed seriously.

Mufti Hameed says if someone is compelled to carry out illegitimate tasks, it is obligatory for him to protest. For Dr. Azeem Islahi and Shakeel Anwar, those who have been persecuted have the right to protest while complying with the law and order regulations. Qamaruzzaman Nadvi feels that it is obligatory to protest through democratic means and maintaining the human norms. Mohiuddin Falahi opines that it is permissible to protest if the losses caused by injustice are limited and can be compensated suitably. But if the losses cannot be compensated and will continue

to harm the interest of the future generations, a proper mechanism for defence and long term planning has to be worked out.

Most of the paper writers presented the following evidences in support of their argument for protest against persecution:

Allah does not like an open conversation about evil, except about one who has been oppressed. (4: 148)—Dr. Zuhaily, Irshad Qasmi, Arshad Madani, Rasheed Qasmi, Mufti Hameed, Tanzeem Qasmi, Maulana Burhan Sambhali.

And the law of equity is for all matters that are forbidden, and then if they threaten you therein, you respond to them commensurate with the injustice. (2: 194)—(Ref. Ishtiyaq Azmi, Anwar Ali Azmi, Mujahidul Islam Qasmi, Maulana Khursheed Azmi, Maulana Falahi).

But the recompense of an evil is limited to a similar evil. (42: 40)— (Ref. Khursheed Azmi, Mohiuddin Ghazi Falahi, Maulana Sabeeli).

Permission for fighting is granted to those who have indeed been oppressed. Lo! Allah is indeed the One who has the power to help them. (22-39, 40)—(Ref. Mujahidul Islam Qasmi, Arshad Madani).

Mr. Arshad Madani (Jamia Ibne Taimia) points out that this verse was revealed when the Holy Prophet was compelled to migrate out of Makkah. When Abu Bakar heard this verse, he said now the war is round the corner. Khursheed Azmi argued with reference to the verse *wa in aaqibtum, fa*

aaqibu bimisli maa ooqibtum bihi. He also quoted the Fiqhi principle of *Az zarar yazaal*.

Every single of the paper presenters agreed that it is a natural right for the persecuted people to protest and as such is recognized as a basic human right and does in no way constitute terrorism. They rather agreed that it is imperative for the persecuted people to agitate in order to deter the oppressors from continuing their repressive activities. A majority of authors have quoted the following hadith in support of their argument: The Prophet told his companions: Help your brother, be he an oppressor or the oppressed. They asked: O Messenger of God, We can of course help the oppressed. But how can we help the oppressor? The Prophet replied: Hold his hands from oppressing others. (*Sahih Bukhari* with *Fathul Bari* vol. 5, p. 124)

Most of the authors of papers have legitimized raising the voice against persecution to the extent possible by an individual or group and have quoted the following Hadith in support of their argument:

When you observe an evil being committed, stop it by hand; if you cannot do that try to prevent the offender by your tongue; if you cannot even do that, feel bad about it in your heart, and this is the weakest degree of faith. (*Muslim, Tirmizi*, 218)—See papers by Maulana Hafeez Umri, Mufti Fuzail, Mujahidul Islam Qasmi, Mufti Wajihi, Syed Siyalvi, Aqeel Qasmi, Maulana Sabeeli, Mubarak Nadvi, Abrar Nadvi). Mufti Wajihi and Maulana Abrar have interpreted the wordings *fala yughiyyarhu* to be connoting the obligatory nature of the commandment.

Sultan Islahi feels that silence against persecution is untenable. He sought support from the following verses for his argument:

You shall not oppress, nor shall you be oppressed.
(2: 279)

And those who defend themselves when an oppressive tribulation is imposed on them (42: 40). According to Maulana, there are wider implications of his verse as it pertains to Makkan era of the Prophet's life.

One who helps an individual despite knowing full well that he is an oppressor, he severs his ties with Islam (*Baihaqi Fi shuab al-Iman*, ref. *Mishkat* vol. 2, *Kitabul Adab*, ch. Az-Zulm)

When you observe that my ummah desists from naming an oppressor (*zaalim*) as oppressor due to fear, it will deprive itself of Allah's help. (Masnad Ahmad as quoted in *Al-Tayseer bi Sharh al-Jameus Sagheer*, vol. 1, p. 98; Baihaqi, *Fi Shoab al-Iman* as narrated by Abdullah bin Aas; Tabrani *Al- Kabeer*, Tabrani, *Al-Awsat* as narrated by Jabir bin Abdullah)—Compilers of Hadith have authenticated the narration by Jabir bin Abdullah and Hakim has placed in the category of *Sahih* or authentic.

Hafeez Umri has cited the following verse of the Holy Quran in support of right to defend oneself:

And verily! (as for) those who protect (help) themselves after oppression has been committed on them, then there is no blame upon them. Indeed, the blame is but with those who oppress humankind and

are rebellious (against Allah's commands) on earth, violating justice; It is they upon whom there is a painful punishment. (42: 41, 42)

Mufti Jameel Nazeeri justifies the struggle for securing one's rights and cited support from the following hadith: Almighty Allah does not prevent anyone from securing what is due to him (*Baihaqi Fi Shuab Al-Iman, Mishkat Al-Masabih* vol. 2, p. 436 as narrated by Hazrat Ali). Mubarak Nadvi and Maulana Sabeeli have argued in the light of the following Hadith: If people observe an oppressor committing excesses and do not hold off his hands, then entire people might be subjected to Divine punishment. (*Abu Daud*: 4338). Syed Siyalvi, Maulana Abrar, and Maulana Sabeeli term the criticism of the acts of oppression by a tyrannical administration as the noblest form of Jihad. They cited the following Hadith: To pronounce a word of justice against a tyrant ruler is the noblest kind of Jihad. (*Abu Daud*: 4344)

Mubarak Nadvi and Abrar Nadvi felt that maintaining silence against persecution could have dire consequences and have cited the following juristic doctrine: Anything that leads one to commit a prohibited act, is itself prohibited. (Al-Badran al-Aynain Badran, *Usul al-Fiqh al-Islami*). Anything that causes act to be committed is itself prohibited. Abrar Nadvi presented the following Quranic verse in support of his argument:

Those from the children of Israel who rejected the truth were condemned by David and Jesus, son of Mary that happened because they disobeyed Allah and they exceeded the limits. They did not prevent (one another) from doing what was forbidden. How awful was what they were doing! You see that a great many of them turn to the disbelievers. How

awful is what they send ahead (for the hereafter) for their own souls so the wrath of Allah is upon them as is His Punishment, therein they will dwell forever. (5: 78-80)

Syed Siyalvi, Zafrul islam, Mufti Hameed, Mufti Wajihi, Tanzeem Qasmi, Aqeel Qasmi, Mubarak Nadvi and Asad Sambhali argued that those who are killed in defending their lives, family, and religion, are martyrs in the light of the following Hadith: One who fights for his property and is slain, is a martyr; one who is slain for blood is a martyr; and one who is slain for his family is a martyr. (*Tirmizi*, vol. 1, p. 261, *Nisai*, vol. 2 p. 155). Some details pertaining to this has appeared in response to Question no. 1.

Zafrul Islam has quoted the following excerpts from Imam Shatibi's *Al-Muafaqat* to explain it further: There is unanimity within the Ummah that the Shariat has been formulated in order to safeguard and preserve the five fundamentals, i.e., religion, life, progeny, property and the intellect. (vol. 4, p. 27, 28). Rasheed Qasmi and Maulana Sabeeli quoted the following Hadith in support of staging protest against persecution:

A man came to see the Holy Prophet and complained of troubles he was facing from his neighbour. The Prophet asked him to throw off his household good on the street. The passersby began to curse him. He came rushing to the Prophet and said: O Messenger of God! I have suffered a lot at the hands of the people. The Prophet asked him : How did you suffer? He said that they were cursing him. The Prophet told him that he had been cursed by Allah before people could curse him. He then repented his misdoings and promised that he would not repeat them. The Prophet told the complainant to restore his

household goods, for he had repented for his misdeeds. (*Majma Az-Zawaid*, vol. 8, p. 170)

Maulana Sabeeli has also quoted another Hadith in this context:

It is narrated by Abul Waleed Ubadah bin Al-Samit: We took oath on the hands of the Holy Prophet to the effect that we would follow his commands in all circumstances, be it the state of happiness or distress, whether we like or dislike them, and we will accept it over our own choice, and we will not rise against our rulers unless we see them turning against the faith and in the light of solid evidence in our possession and that we shall not be deterred from speaking truth without any fear or favour and will be merely guided by the fear of God. (*Bukhari* vol. 13, p. 5,6, *Muslim* p. 1709).

Khursheed Azmi cited the stories of Abu Baseer and Abu Jundal as example while discussing the reaction and protest against persecution. Abrar Nadvi referred to the *Hilf al-Fuzul* from the Prophet's life while referring to protest against persecution. He said the Prophet was all praise for this kind of a treaty even after he attained the prophethood.

Most of the paper writers cautioned against exceeding the limit while retaliating or reacting against persecution and counseled against use of violence. (See papers by Aqeel, Dr. Azeem Islahi, Raheem Qasmi, Maulana Shamsuddin, Maulana Burhan Sambhali, Ataullah Qasmi, Mustafa Qasmi etc.)

Maulana Irshad Qasmi argued in the light of juristic principles that says:

- 1- Elimination of mischief is preferable over preservation of interest (*Al-Qawaid al-Faqeeh al-Mahmudah*, p. 5)
- 2- Damage cannot be substituted by damage.

Dr. Azeem Islahi, Mujahidul Islam Qasmi and Aqeel Qasmi advise use of democratic methods such as call for strike and presenting memorandum etc. Abrar Nadvi does not find these devices of any use. Raheem Qasmi felt that it was wrong to term the protest illegitimate merely because the administration tries to curb it. According to him, the people dying in the police firing while defying the section 144 would be called *shaheed* or martyrs. He cited references from *Kifayatul Mufti*, vol. 9, 345, 346)

Question no. 4

Reprisals against the Innocents

If some members of a group are responsible for atrocities and excesses, will it be okay for the oppressed section to target the group for indiscriminate retaliation which might hurt even those who are not guilty of any excesses.

All the authors who submitted papers opposed any retaliation against the innocent and guiltless people from among the group which had been committing excesses. They were unanimous that any action against them will be wrong and unjust. However, they felt that reprisals against them will be valid if they were aiding or abetting the group responsible for excesses provided that the retaliation does not exceed the proportion for which they were responsible. (See articles by Sultan Islahi, Burhan Sambhali, Mufti Hameed, Qazi Mengal, Abul Aas Wahidi, Hameed Madani, Sayeed Farooqi etc.). Several of them argued in the light of the following verse: And no soul shall carry the burden of another (6: 164) (See articles by Dr. Yusuf Qasim, Mujahidul Islam Qasmi, Arshad Madani, Mohiuddin Falahi, Maulana Sabeeli, Mubarak Nadvi, Muhammad Shamsuddin, Aqeel Qasmi, Zafrul Islam etc)

Ishtiaq Azmi and Mufti Anwar Azmi quoted the following Quranic verses in support of their argument:

And let not the enmity of any people take you away from justice. Be just! That is closer to piety (consciousness of God). (5: 8)

And for the one who is killed unjustly, We have given the authority to his inheritors. So let him not exceeds

the limits in taking life; indeed, he is assisted (by the guidance of Allah. (17: 33)

Maulana Abrar, Qamaruzzaman Nadvi, Arshad Madani, Mustafa Qasmi and Khursheed Azmi argued in the light of the Quranic verse : Fight in the path of Allah those who fight you, but do not exceed what is just. (2: 190). Qazi Mengal quoted Surah Nahl's verse 126 which says: "And if you counter, then counter only in proportion to the thrust against you, but if you are patient, and then it is better for those who are patient." Maulana Sabeeli described any vengeful action against the innocent persons as persecution and quoted the following instances to support his argument:

- 1- When Prophet Yusuf's younger brother Benyamin's crime was proved, other brothers requested that Benyamin be let off in lieu of some other brother being held in custody of the Egyptian authorities. But Yusuf told them: May Allah protect us if we hold anyone other than the one with whom we found our belonging, (if we did it) we would indeed be wrongdoers. (12: 79).
- 2- But the recompense of an evil (a hurt) is (limited to) a similar evil. (42:40)
- 3- Then if they threaten you therein, you respond to them commensurate with the injustice. (2: 194)
- 4- Neither should you hurt anyone, nor should you exceed in matters of inflicting reprisals. Whoever hurts others, Allah will hurt him and whoever causes misery to others, Allah would cast him in misery. (*Mustadrak Hakim*, Vol. 2, p. 57)

Dr. Zuhaily, Maulana Abrar and Mustafa Qasmi termed any vengeful action against innocent people, an action of Jahiliyya (reminiscent of the era of ignorance) and added

that Islam's very objective was to obliterate such acts. According to Dr. Zuhaily and Syed Siyalvi, law of *qisaas* was enshrined merely to avert victimization of innocents. Zuhaily adds that this law empowers the court in order to be used more effectively and the governments have been bound to defend the innocents and safeguard them from the mischievous elements.

Sultan Islahi and Tanzeem Qasmi explained the Islamic norms for war in the same context. Arshad Madani, Mujahidul Islam Qasmi, Maulana Abrar, Dr. Azeem Islahi, Ibrahim Falahi, Khursheed Azmi, Qamaruzzaman Nadvi, Ishtiyaq Azmi, Aqeel Qasmi, Sayeed Farooqui, and Rasheed Qasmi referred to the instructions issued by the caliphs in Islamic state prior to setting out of troops on military missions. These laid down the norms for targeting the enemy and its installations. Maulana Qamaruzzaman, Tanzeem Qasmi and Arshad Madani cited the following prayer from the Holy Prophet that carried instructions for troops: "Commence your mission in the name of Allah, seeking Allah's help and following the path of His Prophet. Do not slay any old person, child or infant or woman. Do not be dishonest. Deposit the booty in official treasury, be straightforward in your affairs and deal with people with kindness. Remember, Allah loves those who deal with others in a fair and compassionate manner."

Khursheed Azmi quoted the instructions from the first caliph Hazrat Abu Bakar which he had issued while dispatching contingent under the leadership of Usamah or Yazid bin Abi Sufyan: "Do not be dishonest, do not break the promise and do not mutilate the corpses. Do not kill any child, old person or woman. Do not set the orchards and gardens on fire, nor should you cut down any fruit-bearing tree. Do not slaughter any cattle except for the purpose of food. You will come upon certain individuals who will be engaged in meditation or supplication within the sacred precincts of religious shrines. Do not disturb them."

Arshad Madani has also cited the same excerpt from *Tayseer Rahman Lilbayan al-Quran* (vol. 1, p. 106) but did not mention the name of Hazrat Abu Bakar. Rasheed Qasmi too quoted it from *Hidaya* (vol. 2, p. 562). Maulana Abrar has however quoted from *Majma al-Anhar* by Allama Damaad Affendi, *Kitabus Sayr*, (vol. 1, p. 636-7).

Zafrul Islam and Ishtiyaz Azmi termed the reprisals against innocent people to be against Islamic teachings and has quoted *Kifayatul Mufti* (vol. 9, p. 239). Qamaruzzaman Nadvi says that it was against Islamic shariat to pursue anyone fleeing the battlefield and has quoted *Badayat al-Mujtahid*, *Neel Al-Autaar*, *Zaad al-Maad*, *Fathul Qadeer* and *Fathul Bari*.

Mujahidul Islam Qasmi has quoted similar guidelines from Hazrat Umar in a much condensed form. Arshad Madani and Sayeed Farooqui has quoted the following instruction: "The Holy Prophet prohibited us from killing women and children". (*Bukhari*, *Kitabul Jihad*). Mufti Habeeb, Mujahidul Islam Qasmi, Ishtiyaz Azmi and Arashad Madani have quoted the incident in which the slain body of a woman was found in a battle in which the Prophet himself was participating. The Prophet was greatly disconcerted to see this and commented: "Why was she killed, when she was not a combatant." He then sent a special emissary to the commander of the Islamic forces advising him not to kill children and women. (*Muslim*, *Kitabul Jihad* was sayr, *Mishkat al-Masabih*, vol. 2, p. 343, *Bukhari*, *Abu Dawud*).

Irshad Qasmi terms the reprisals against innocent people inhuman. He argues in the light of the hadith narrated by Abu Huraira. According to the Holy Prophet, a certain prophet in earlier times took shelter under a tree. He was bitten by an ant. He ordered that the entire anthill be set afire. He was reprimanded by Allah and in a revelation questioned as to why he punished the entire colony of ants for the wrong done by a single one.

Zafrul Islam cites instances wherein the Muslim Ulema have taken strong notice of atrocities against minorities within the Muslim states. He mentions a letter written by Imam Awzai to the administrator of state criticizing notice of exile served against some innocent non-Muslim subjects of the state. (Ref. Balazari, *Futuh Al-Baldan*). Dr. Azeem Islahi considers fair treatment of non-combatants in battles against Muslim states part of the Islamic etiquette and quotes the following verses: "Allah does not forbid you from making friends and constructing a just order with those who do not fight you in matters of faith. And those who do not expel you from your homes." (60: 8)

Terming suicide bombers as martyrdom-inspired attacks, Islahi urges deeper understanding of the pain and anguish of the Palestinian youth who launch themselves into such ventures with the objective of inflicting maximum damage on the enemy while being fully conscious of the consequences of their self-annihilating mission. Naturally, it is a protest against the dead conscience that takes no notice of the indiscriminate killing of men, women and children in Iraq and Afghanistan by the aerial bombing of the US and the UK. According to him, the barbarism perpetrated by the world powers has turned the Palestinians into live bombs. He termed this cycle of violence as Divine wrath which hits all, be it the oppressors or the innocent. He quotes the following verse: "And fear tumult or oppression, which affects not in particular (only) those of you who do wrong: and know that God is strict in punishment". (8: 25)

The author perceives extreme degree of partisanship in the manner protest against atrocities in this vital region of the Middle East is being orchestrated in the contemporary world.

Question no: 5

Terrorism - Motivations and Remedies

Roots of terrorism lie in either political or economic injustice or strong urge to usurp power establish one's domination over lands or gain hegemony over economic resources of other people. What guidelines and remedies Islam could suggest for the situation?

Most of those who contributed papers suggested that the only perfect remedy for terrorism lies in establishment of justice and equity, ensuring human rights and guaranteeing a life of dignity for all people regardless of racial, tribal, and religious differences. (see papers by Maulana Asaadi, Dr. Yusuf Qasim, Maulana Mujahidul Islam Qasmi, Maulana Irshad Qasmi, Maulana Asad Qasim Sambhali, Mufti Anwar Ali Azmi, Maulana Ishtiyah Azmi, Qazi Mengal, Maulana Zafrul Islam, Maulana Sabeeli, Mufti Jameel Nazeeri, Maulana Tanzeem Alam Qasmi, Syed Khursheed Rizvi and Maulana Sayeedur Rahman Farooqui).

Dr. Zuhaily, Maulana Ishtiyah Azmi, and Maulana Rasheed Qasmi emphasized constructive dialogue and efforts to engage in mutual understanding and tolerance as the effective measures. Dr. Zuhaily, Maulana Shamsuddin, Maulana Arshad Madani, Mufti Hameedullah Jan, Maulana Abul Qasim Abdul Azeem and Maulana Abdur Rasheed Qasmi opined that even use of force when necessary could also be adopted as a strategy.

Maulana Syed Ameer Hussain Geelani felt that efforts to comply with the urges of human rights would be the most effective remedy as terrorism stems from denial or deficiency in ensuring the same. He said ensuring these rights are a moral and social responsibility. Qazi Mengal said terrorism stems

either from economic disparities or from self assumed superiority or sometimes from forcible imposition of faith and ideology. Islam has prescribed a comprehensive system of rights and duties..

Ataullah Qasmi, Mubarak Hussain Nadvi, Aqeelur Rahman Qasmi and Ibrahim Gajia Falahi favoured seeking a remedy in Islamic justice system. Mufti Fuzail felt that establishment of caliphate based on mutual consultation can only guarantee peace and security and stamp out terrorism. Mohiuddin Ghazi Falahi suggested the establishment of Islamic system of rights and duties for ending terrorism.

Syed Siyalvi felt only establishment of justice and equity can end terrorism. He argued in the light of following verses:

Be just! That is closer to Allah-consciousness. (5: 8)
And when you judge between people, judge with justice. (4: 58)

And according to the author, the establishment of justice is predicated upon testifying the truth before the people. He argues in the light of another two verses:

And witness before Allah (65: 2)
And conceal not the witness; for whoever conceals it, his heart is tainted with sin. (2: 283)

Maulana Wahidi and Hameed Madani said Islam suggests the following three steps against terrorism:

- 1- Promotion of mutual love among the people on the basis of unity of human brotherhood.
- 2- Consideration for individual etiquettes of life.
- 3- A system of governance whereby all people could lead their life in an atmosphere of justice, equity and an economic system ensuring prosperity.

Maulana Miftahi says that rebellion against a Muslim ruler who prays (performs *salah*) regularly is not permissible. In such circumstances the victims must maintain patience. If the ruler happens to be a non-Muslim, one should take recourse to protest in manner that is peaceful and democratic. Syed Siyalvi writes that if terrorism stems from economic disparities, it could be remedied through ensuring proper employment to the affected section of people.

Sultan Ahmad Islahi suggests that in order to safeguard the society from terrorism, the community must take up the route to economic development, political empowerment, and should occupy high places in sectors such as science and technology, medical and engineering, trade and commerce, all spheres of education and high echelons of judiciary, legislature and bureaucracy. He called upon the Islamic theological schools (*Madrassas*) to bring about appropriate changes in their curriculum.

Mr. Mohd. Burhanuddin Sambhali suggests adoption of all strategies recommended by able and experienced people and seeking guidance from leaders who are not sentimental in their approach and are aware of Shariat.

A few paper presenters quoted the following verses of the Holy Quran and Hadith that throw ample light upon remedial measures against terrorism:

O you who have certainty of faith! Be upholders of justice as witnesses before Allah even if it be against your own selves, or your parents, or those near to you, whether it be rich or poor, for Allah wills goodness for both and follow not your desires, if you are just. (4: 135) (See article by: Maulana Sabeeli, Mufti Nazeeri)

We have honoured the sons of Adam and provided them with transport on the land and on sea. (17: 70) (See articles by Khursheed Azmi, Maulana Sabeeli).

If anyone slew a person—unless it is in retribution for killing a person—or fosters division and rancour on earth, is as if he has killed the entire human race. And whoever saves the life of a person, is as if he has kept alive the entire human race. (5: 32) (see article Maulana Sabeeli)

O Mankind! We created you from a single pair of a male and female, and made you into nations and tribes, so that you know each other. (49: 13) (see article by Khursheed Azmi)

There is no compulsion in matters of faith. What is right stands manifest from what is wrong. Then, whoever rejects the untruth and believes in Allah with certainty, he has certainly grasped a firm support that is indestructible. (2: 256)

One who supports an oppressor deliberately in order to strengthen him, comes out of the fold of Islam. (*Mishkat al-Masabih* vol. 2, p. 436) (see article by Mufti Nazeeri)

Oppression would turn into darkness on the Day of Judgment. (Article by Mufti Nazeeri)

Repel evil with beneficence. (23: 96) (see article by Tanzeem Qasmi)

Question no. 6

What could be limits of defence?

How could an individual or group defend itself if its life, liberty, honour and property come under attack? What is the position of the Shariah on this? Is it mandatory on him/them to defend himself/themselves or is just desirable and permissible? What could be limits of defence?

In response to this question, a majority of writers opined that one should defend himself to the extent possible if his life, property and honour are attacked. (see articles by Sultan Islahi, Abdul Azeem, Maulana Miftahi, Mufti Fuzail, Mufti Nazeeri, Mufti Anwar Azmi, Mufti Habeeb Qasmi, Ataullah Qasmi, Irshad qasmi, Maulana Shamsuddin, Qamaruzzaman Nadvi, Maulana Gajia Falahi, Hafeez Umri, Sayeed Farooqui). But another section of ulema held that defending life, property and honour is absolutely obligatory. (see article by Burhanuddin Sambhali, Maulana Assadi, Maulana Wahidi, Abdul Hameed Madani, Aqeelur Rahman Qasmi, Mujahidul Islam Qasmi and Mufti Wajihi).

Ishtiyag Azmi and Anwar Azmi maintained that it is obligatory for those who are targeted during the communal riots while it is permissible for others.

Maulana Siyalvi, Asad Qasim Sambhali, Qazi Mengal, Abrar Nadvi and Syed Shakeel Anwar regard the right to defend as a natural right mandated by the shariat. According to Mohiuddin Ghazi Falahi, Arshad Madani, Mubarak Hussain Nadvi and Mustafa Qasmi, it is desirable and appreciable from the Shariah point of view. Arshad Madani Madani validates his point in the light of the following verse:

And will you not fight in the way of Allah and for the weak (downtrodden) among men and women and children who pray: “Our sustainer: take us away from this town whose inhabitants are oppressors and send us from your presence a protector and grant us succor from Your presence.” (4: 75)

According to Maulana Arshad this verse was revealed when Darul Islam had been established in Madinah and Muslims were quite strong and powerful. Prior to this, they were counseled patience despite difficult circumstances. Even during the night of Uqabah, when the Prophet was seeking oath of allegiance (*Bayt Uqabah*) from his companions, who numbered 80, some of them sought permission to kill the infidels present in Mina, the Prophet did not permit them saying that he was (till then) not permitted to do that.

Dr. Yusuf Qasim, Zafar Alam Nadvi, Hameedullah Jan and Tanzeem Qasmi opine that it is obligatory to defend the life and honour while defence of property was permissible. Zafar Alam Nadvi feels that if major losses were feared, it is better to avoid defending the property. Dr. Yusuf Qasim felt that if it was feared that great losses would have to be sustained if property was not defended, it is obligatory to defend the property too.

Those who held the former opinion supported it with the following argument:

One who fights for his property and is slain, is a martyr; one who is slain for blood is a martyr; one who is killed for his faith is a martyr; and one who is slain for his family is a martyr. (Tirmizi vol 1, p. 261, *Nasai* vol. 2, p. 172). (See articles by: Dr. Zuhaily, Maulana Burhan Sambhali, Maulana Sabeeli, Abdul Azeem, Syed Siyalvi, Tanzeem Qasmi, Mubarak Nadvi, Hafeez Umri, Qazi Mengal, Ateeq Sambhali,

Maulana Miftahi, Mujahidul Islam Qasmi, Arshad Madani). This has been cited earlier too on several occasions.

Once an individual came to the Holy Prophet and told him. O the Prophet of Allah! What do you suggest for a man who wants to take away my property forcibly from me? The Prophet asked him not to allow him to do that. He asked: What to do if he wants to fight me? The Prophet said: Fight against him. He again asked: What if I am killed? The Prophet said: Then you are a martyr. He again asked: What if I killed him? The Prophet said: He is in fire? (*Muslim*, Kitabul Iman). (see article by: Khursheed Azmi, Maulana Sabeeli, Syed Siyalvi, Abdul Azeem, Qazi Mengal, Maulana Miftahi, Mujeeb Sambhali).

It is reported from Abul Makhariq through his father that a man came to the Holy Prophet and asked him: An individual comes to me to take away my wealth. What should I do? The Prophet asked him to remind him about the God. He asked: What if he doesn't remember God? The Prophet told him: Seek help against him from the Muslims around you. He asked: What if there are no Muslims around me? The Prophet replied: Then seek the help against him from the ruler. He said: What if the ruler is far from me? The Prophet concluded: Fight to protect your property till you become one of the martyrs on the Day of Judgment or defend your property from the usurper. (*Fatahul Malham*, vol. 1, p. 284) (see articles by Khursheed Azmi, Maulana Miftahi, Ateeq Sambhali)

Abul Qasim Abdul Azeem has also cited several similar narrations from the Hadith compilations. While arguing on the basis of three different terms i.e., *wa qatilu*, *wala tabghe* and *wala taatadu* appearing in the Quran, he says if there is no

argument against its not being obligatory, all the forms of positive and negative imperatives (*Amr wa nahy*) will be considered obligatory. Dr. Zuhaily, Dr. Yusuf Qasim, Ishtiyag Azmi, Sayeed Farooqui, Tanzeem Qasmi and Ateeq Sambhali have noted that defending the life is obligatory with all the leading jurists such as Hanifa, Shafii and Malik while there is consensus (*ijma*) on defending the honour. Dr. Zuhaily supports his argument with the following two verses:

And do not ruin yourselves with your own hands. (2: 195)

Then fight the violator until he returns to the command of Allah. (49: 9)

As for Imam Ahmad, these writers are of the opinion that he considers the defence of life as permissible, not obligatory. Dr. Zuhaily quotes the Holy Prophet's saying in this regard:

- 1- Remain confined in your homes, if you fear the rays of the soul would singe you, cover your face.
- 2- There might be some mischief (*fitnah*) in future, be there as one who lays down his life, not as a killer.

(These have been narrated by Abdullah bin Khabab bin Al-Arat and reported by Ibne Khaythamah and Dar Qutni)

Qazi Mengal has a different opinion. He says to maintain patience in such circumstances is *azeemat* (highly rated virtue) but one has *rukhsat* (permitted) to defend himself. Maulana Sabeeli has also mentioned these two aspects. Both of them have supported their argument with the instance of Habel (Abel), son of Adam. (Ref. Quran 5: 28-30). Maulana Sabeeli says this (*fakun Abdullah al-maqtool*) connotes non-resistance in the face of attack. He alludes to Subul as-Salam of Allama Sanaani in this regard. (*Subulus Salam* vol. 3, 493). Qazi

Mengal cites the non-resistance by Hazrat Usman, the third caliph, to support his argument.

Most authors of papers have tried to lay down the outer limits for defence and have urged the victims, be they individuals or community, avoid aggression and committing of excesses. They have stressed preference for efforts to resolve the dispute through negotiations, dialogue, and reconciliation over physical retaliation. They even go to the extent of terming physical retaliation as prohibited (*haraam*) if the persecution (*zulm*) could be avoided through mediation. They even go further in pursuit of non-violent methods and say that if the hand could be enough to remedy the situation, whip should be avoided and if whip could be sufficient to achieve this purpose, club (*lathi*) should be avoided. In the similar vein, they say that if just the severing a part of the body of the enemy could deter them, killing them would be prohibited. In the final analysis, it is meant to say that killing should be final option in curbing mischief or remedying persecution. (See articles by Dr. Zuhaily, Mufti Anwar Azmi, Ateeq Sambhali, Mujahidul Islam Qasmi etc.). Dr. Zuhaily supplements his argument with the following juristic principle: “The damage should not be replaced by another damage” or “The need has to be defined in terms of its value”. (Mujahidul Islam Qasmi and Md. Shamsuddin have also cited this principle.)

Dr. Zuhaily has also added that if retaliatory action has to be legitimate, there must be a concrete proof of violent physical action against them. The retaliation cannot be initiated merely on the perception of threat. But Dr. Yusuf Qasim says even preemptive action or retaliation to deter continued attacks from the aggressors is quite valid from the Islamic point of view. Abrar Nadvi considers any surrender against persecution or injustice as *ultra-vires* of the trait of piety and held that Islam favours a straight encounter with mischief in order to stamp it out. Khursheed Rizvi says if the victims have no capacity to

encounter the persecutors directly, they can withdraw or surrender. As for limits of defensive action, Dr. Yusuf Qasim, Mufti Fuzail, Maulana Sabeeli, Maulana Qamaruzzaman Nadvi and Arshad Nadvi feel that defensive action should be initiated in concurrence with the State law and order machinery and possibly the court in order to maintain peace and order.

Qamaruzzaman Nadvi feels that war could be sanctioned in the following circumstances:

- 1- When Muslims are persecuted and driven out of their hearths and homes and their human rights are violated with impunity.
- 2- In order to seek restoration of the religious freedom of Muslims. (Maulana Maudoodi, *Al-Jihad fil Islam*, p. 63)

Presenting the Issue

Islam and World Peace

Question No. 1—4

Maulana Waliullah Majid Qasmi*

1—Definition and Reality of Terrorism

All the writers and participants of the seminar are unanimous that persecution is the essence of terrorism. But it is valid to reverse this question and ask if persecution could be termed as terrorism? A few of the writers are of the view that both are synonymous. (Burhanuddin Sambhali, Mufti Habeeb, Iftikhar Alam, Irshad Qasmi, Tanzeen Qasmi, Ishtiyaz Azmi).

Sultan Islahi opines that to selectively target some individual or group for killing is terrorism. Abrar Nadvi feels that what the Islamic jurists term *Jinayat*, is another name for terrorism. Abul Aas Wahidi says that terrorism is every such act that is motivated by attaining political hegemony and usurping others' resources combined with a wish to foist one's religion on others. Abul Qasim Abdul Azeem says terrorism is the outcome of exaggerated self-righteousness among democratic countries. Maulana Assadi feels that every attempt to cow down the rivals motivated by personal interests and totally oblivious of the urges of truth and justice and regardless of the victims and oppressors should be termed terrorism.

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Other authors have focused on the element of intimidation, threat and fear as symptoms of terrorism. Their definition, with minor differences in the use of idioms, is:

All actions that terrify people through unauthorized use of force, acts of aggression, oppression, violence, and disruptive activities is terrorism whether it is perpetrated by the word of mouth, media or explosives. In other words terrorism is carrying out mischief on the earth (*fassad fil arz*).

This definition is the accumulated essence extracted from the definitions given by Dr. Azeem Islahi, Maulana Aqeel, Arshad Madani, Mohiuddin Ghazi Falahi, Assad Qasim Sambhali, Ataullah Qasmi, Jameel Nazeeri, Mujahidul Islam Qasmi, Qamaruzzaman Nadvi, Mubarak Nadvi, Ibrahim Gajia Falahi, Qazi Mengal, Abu Sufiyan Miftahi, Syed Ameer Gilani, Maulana Shamsuddin, Zafar Alam Nadvi, Maulana Sabeeli, Mujeebur Rahman Sambhali, Fuzail Usmani, Khursheed Azmi, Anwar Azmi, Zafrul Islam, Syed Siyalvi.

Mufti Hameedullah Jan defines terrorism as extortion of other's rights for the personal gain. Mufti Mahboob Wajih says terrorism is violation of others' rights and bloodshed and destruction. Shaikh Taskhiri defines it in the following words:

Terrorism is every act that is contrary to religious and human values and poses challenge and threat to law and order.

Dr. Zuhaily has the following definition to offer:

Every violent action and aggression not sanctioned by Shariah constitutes terrorism.

Abrar Nadvi, Niyaz Madani, Maulana Wahidi and Ishtiyaz Azmi have also quoted the definition arrived at the conference by Rabitat Alam Al Islami (Muslim World League), Makkah.

2—Should terrorism apply to the indifferent attitude towards protection of life and property of the people or the repressive attitude of the Government?

Most of the writers opine that repressive attitude towards the people and injustice meted out to them by the Government should come under the definition of terrorism. Rasheed Qasmi writes that such governments come under the category of: “Those who wage war against God and his Prophet and strive to spread mischief on the earth.” (5: 33). A few others have suggested that it is incumbent upon the Government of the state to protect the life and property of every section of people and look after their welfare within its borders regardless of their faith or community. Following verses have been quoted in support of this argument:

1-Let not hatred of others make you swerve to wrong and depart from justice. Be just: that is next to piety. (5: 9)(Quoted by Abrar Nadvi)

2-God does command you to render back your trusts to those to whom they are due; and when you judge between man and man, that you judge with justice. (4:58) (Iftikhar Qasmi).

3-Lo! Allah commands justice and excellence (in worship and conduct), and the rights of those who are near.(16: 90) (Mujahidul Islam Qasmi)

4-Indeed when the rulers enter a town they destroy it, and they turn the honour of the people into dishonor. (27: 34)

In the opinion of a few writers, it does not fall under the category of terrorism, but can be termed as oppression, injustice, violation of rights or indifference of the Government in observance of its duties. (Dr. Abdul Azeem Islahi, Irshad Qasmi, Qazi Mengal, Khursheed Azmi)

However, some of them said that in some circumstances when the Government commits all these as its policy and such official initiatives threaten the lives and property of people resulting in people getting terrified, it will be deemed terrorism. Khursheed Azmi opines that when it leads to violence or carries a threat to life and harassment of people, it would be deemed terrorism.

Needless to mention that most writers include the excesses by the government and deliberate negligence in offering protection for lives and property of the people within the definition of terrorism. It is why they have not cited any other argument in this regard.

3—Protest against injustice: Is it obligatory or permissible?

The question that is often raised is: If someone rises in protest against repression, should this be termed terrorism? All the article writers are unanimous that if the persecuted people rise in protest, it will not be considered terrorism. They support their argument on the basis of the following Quranic verses or the sayings of the Prophet:

- 1- And why should you not fight in the cause of God and of those who, being weak, are ill-treated and oppressed. (The Quran 4: 75)(Arshad Madani, Khursheed Azmi)
- 2- Then, if they threaten you therein, you respond to them commensurate with the injustice. (The Quran, 2: 194) (Ishtiyahq Madani, Maulana Mohiuddin, Iftikhar Qasmi, Mujahidul Islam Qasmi).
- 3- And for the one who is killed unjustly, We have given the authority to his inheritors. So let him not exceed the limits in taking life. (The Quran, 17: 33)(Khursheed Azmi)

- 4- And if Allah had not controlled humankind, some arrayed against the others, there would be turmoil on earth. (The Quran 2: 251) (Maulana Mohiuddin)
- 5- And those, when an oppressive tribulation is imposed on them, defend themselves. (The Quran, 42: 39)
- 6- You shall not oppress, nor shall you be oppressed. (The Quran, 2: 279)
- 7- Allah does not like an open conversation about evil, except about one who has been oppressed. (The Quran, 4: 148) (Iftikhar Qasmi, Burhanuddin Sambhali, Mubarak Nadvi).
- 8- One who is killed (while defending) for his property, is a martyr. (Hadith) (Maulana Aqeelur Rahman, Mufti Wajihi, Maulana Mubarak Nadvi, Qari Zafrul Islam, Maulana Asad Sambhali)
- 9- Help your brother, be he an oppressor or oppressed. The companions asked: O messenger of God! We can help him when he is oppressed, but how can we help him if he is an oppressor? The Prophet replied: Hold his hands (keep him away from hurting others). (Mufti Anwar Azmi, Maulana Mubarak Nadvi, Qari Zafrul Islam, Maulana Asad Sambhali).
- 10- Verily, Allah does not stop anyone from exercising his right. (Baihaqi, *Shual al Iman*)(Ref. Mufti Nazeeri)
- 11- When you find my *ummah* being afraid of criticizing an oppressor at his face, it will indeed deprive itself of the mercy of God. (Hadith) (Sultan Islahi).
- 12- The greatest degree of Jihad is to pronounce the truth before a tyrant king. (*Tirmizi*, vol. 4, p. 409)
- 13- This is with regard to the incident that is related with Abu Busayr and Abu Jundal: Hafiz ibne Hajar says: There are useful lessons to learn from the story of Abu Busayr. This indicates permissibility for killing a polytheist by deceit if he

is found engaged in oppressing the people (the faithful). Whatever happened to Abu Busayr cannot be regarded as fraudulent killing. (*Fathul Bari* vol. 5, p. 351) (Maulana Khursheed Azmi).

Syed Khursheed Rizvi in response to a query says that if the victim resorts to terrorism, it is permissible. In the opinion of Shakeel Anwar, if the victim rises in protest against the oppressor, it should not be considered terrorism, provided that democratic means are adopted. The victims should avoid being seen in the image of the oppressor. The Makkan period of the Prophet and his close companions should be our role model.

Some of the contributors of papers have validated the protest in response to the first part of the question. (Ref. Dr. Azeem Islahi, Mufti Abdur Raheem Qasmi, Mufti Rasheed Jaunpuri, Maulana Gajia Falahi, Maulana Mustafa Qasmi, Abdul Hameed Madani, Khursheed Azmi, Qazi Mengal, Tanzeem Qasmi, Maulana Wahidi, Khursheed Azmi, Qazi Mengal, Mufti Wajihi, Maulana Siyavli). Fuzail Usmani sees it as urge of faith, Khursheed Rizvi terms it as natural urge, while Habeeb Qasmi considers it as warranted by the shariat. Some of the participants felt that protest was obligatory. (Ref. Abrar Nadvi, Sufiyan Miftahi, Maulana Sabeeli, Ataullah Qasmi, Hafeez Umri, Mubarak Nadvi, Mujahidul Islam Qasmi, Qamaruzzaman Nadvi, Dr. Qudratullah Baqvi, Sultan Islahi, Zafarul Islam Azmi).

Some of the paper contributors have provided some more details which are following:

Dr. Azeem Islahi says protest is both valid and obligatory going by the capacity of the individual. Maulana Assadi says it is both valid and obligatory if circumstances permit. He further says if the legitimate rights are not honoured, protest is permissible and not obligatory. He quotes the hadith:

You will face lot of selfishness after I depart from this world. You are counseled to maintain patience till you visit me on the tank of Kausar. (*Sahih Muslim*)

If life, honour and property are attacked, then it is obligatory to defend them. Hadith says: Help your brother, whether he is a victim or oppressor (Anwar Azmi, Ishtiyaz Azmi). If the injustice does not pertain to faith and religion, then protest is permissible. If it relates to the religious affairs, it is obligatory to raise the voice of protest (Maulana Aqueel, Maulana Shamsuddin). Protest is permissible, but if an individual is compelled to commit sins, protest becomes obligatory. The verse quoted in this regard is: "Do not obey the ones who compel you to disobey the Creator" (Mr. Hameedullah). Protest and reaction is permissible. But if the victim has considerable strength, it becomes obligatory (Maulana Arshad Madani). Strikes and *dharna* (sit-in) are non-Islamic methods of protest. The shariat recommends that the oppressor must be physically stopped from committing oppression. This is both desirable as well as obligatory. If the victim does not command the strength for the same, it is preferable to remain patient (Asad Sambhali). If it is certain that the oppression will be checked, protest could be held obligatory. Otherwise no (Burhanuddin Sambhali). If the protest does not result in considerable damage, it is obligatory, otherwise no (Iftikhar Qasmi). Right to protest is the victim's legal and democratic right which needs to be exercised. It sometimes becomes obligatory (Irshad Qasmi). If the injustice is temporary and causes limited damage which can be compensated, protest is permissible, otherwise obligatory (Mohiuddin Ghazi Falahi). The reaction is permissible if it does not lead to greater mischief. But if the injustice is likely to damage the community's solidarity, it becomes obligatory (Mujeeb Sambhali). If one possesses adequate retaliatory capacity, defence is obligatory, otherwise not permissible. (Dr. Zuhaily). Protest is sometimes permissible and sometimes obligatory, but retaliation is not permissible, unless there is no fear of mischief.

The arguments from those who consider it permissible and those who held it obligatory are presented below in a nutshell:

- 1- Allah does not approve of people talking about evil loudly, unless it is about persecution. (Mufti Rasheed Jaunpuri, Maulana Aqeel, Maulana Arshad, Maulana Sabeeli, Mr. Hameedullah, Ateeq Sambhali, Maulana Tanzeem Qasmi, Iftikhar Qasmi, Maulana Irshad Qasmi)
- 2- To those against whom war is made, permission is given to fight, because they are wronged; and verily, God is most powerful for their aid. (The Quran 22:39)(Arshad Madani, Mujahidul Islam Qasmi)
- 3- And join together in the mutual teaching of Truth, and of patience and constancy. (The Quran 103: 3)
- 4- And verily, as for those who protect (help) themselves, after oppression has been committed on them, Then there is no blame upon them. (The Quran 42: 41)(Hafeez Umri, Syed Khurshid Rizvi)
- 5- And those who, when an oppressive wrong is inflicted on them, (are now cowed but) help and defend themselves. (The Quran 42: 39) (Sultan Islahi, Khursheed Rizvi).
- 6- The recompense of an evil (a hurt) is (limited to) a similar evil (a hurt) (the Quran 42: 40) (Khursheed Azmi)
- 7- And if you counter, then counter only in proportion to the thrust against you. But if you are patient, then it is better for those who are patient (and who persevere) (The Quran 16: 126)
- 8- The greatest degree of Jihad is to pronounce the truth before a tyrant king. (Tirmizi, vol. 4, p. 409) (Abrar Nadvi, Maulana Sabeeli, Syed Sivalvi)

- 9- One who amongst you finds a wrong being committed, should replace it with his hands. (Hadith)(Maulana Abrar Nadvi, Maulana Aqeel, Maulana Sabeeli, Fuzail Usmani, Hafeez Umri, Mufti Wajihi, Syed Siyalvi, Mubarak Nadvi, Mujahidul Islam Qasmi)
- 10- A man came to see the Holy Prophet and complained of troubles he was facing from his neighbor. The Prophet asked him to throw off his household good on the street. The passersby began to curse him. He came rushing to the Prophet and said: O Messenger of God! I have suffered a lot at the hands of the people. The Prophet asked him: How did you suffer? He said that they were cursing him. The Prophet told him that he had been cursed by Allah before people could curse him. He then repented his misdoings and promised that he would not repeat them. The Prophet told the complainant to restore his household goods, for he had repented for his misdeeds. (*Majma Az-Zawaid*, vol. 8, p. 170) (Maulana Rasheed Jaunpuri, Maulana Sabeeli)
- 11- It is narrated by Abul Waleed Ubadah bin Al-Samit: We took an oath on the hands of the Holy Prophet to the effect that we would follow his commands in all circumstances, be it the state of happiness or distress, whether we like or dislike them, and we will accept it over our own choice, and we will not rise against our rulers unless we see them turning against the faith and in the light of solid evidence in our possession and that we shall not be deterred from speaking truth without any fear or favour merely guided by the fear of God. (*Bukhari* vol. 13, p. 5,6, *Muslim* p. 1709).

This hadith refers to *kufr* (disbelief), but the previous hadith refers to *adl* (justice). The twain could be jointly interpreted as a clear commandment pertaining to protest against all kinds of injustices and tyranny before the powers-that be. These clearly bring out the fact that such protest constitutes the noblest form of worship. (Maulana Sabeeli).

- 12- Help your brother whether he is oppressor or the oppressed. (Maulana Fuzail Usmani, Mufti Habeeb, Maulana Mubarak Nadvi)
- 13- When the people observe a man committing oppression and do not check him, God will probably torment them all. (Hadith) (Maulana Mubarak Nadvi)

4—Revenge from Innocents

All the contributors of papers for the seminar were unanimous that it was unlawful to target the innocent individuals from among the oppressors while retaliating against them. They supported this with the following arguments:

- 1- And fight in the path of Allah those who fight you, but do not exceed what is just. (Quran 2: 190)

While interpreting the wordings *wala tatadu*, the commentators explain that neither should Muslims initiate the war, nor should they attack those against whom no fighting is allowed e.g., women, kids, inmates of lunatic asylum, and the ones meditating in the churches or hospices. (*Tayseer al-Rahman*, vol. 1, p. 106) (Ref. Maulana Abrar Nadvi, Maulana Arshad Madani, Maulana Khursheed Azmi, Maulana Hafeez Umri, Maulana Mustafa Qasmi, Maulana Qamaruzzaman Nadvi, Maulana Tanzeem Qasmi).

- 2- And let not the enmity of any people take you away from justice. (Quran 5: 8) (Ref. Mufti Anwar Azmi, Ishtiyag Azmi, Hafeez Umri, Mustafa Qasmi, Qamaruzzaman, Tanzeem Qasmi)
- 3- And for the one killed unjustly, we have given the authority to his inheritors. So let him not exceed the

limits in taking life. (Quran 17: 33) (Ref. Mufti Anwar Azmi, Maulana Ishtiyag Azmi, Maulana Tanzeem Qasmi).

- 4- And no one shall carry the burden of another. (6; 164) (Ref. Maulana Aqeel, Maulana Iftikhar, Maulana Mohiuddin, Khursheed Rizvi, Maulana Sabeeli, Dr. Yusuf Qasim, Arshad Madani, Maulana Mubarak Nadvi, Maulana Shamsuddin).
- 5- Then if they threaten you therein, you respond to them commensurate with the injustice. (The Quran 2: 194) (Ref. Maulana Sabeeli, Maulana Hafeez, Maulana Mustafa).
- 6- They said: O chief! His father is assuredly a very old man, Therefore, hold one of us (as ransom) in his place. We do indeed see that you are a person who is very kind.
He (Yusuf) said: May Allah protect us if we hold anyone other than the one with whom we found our belonging, (if we did it) we would indeed be wrong doers.(The Quran 12: 78-79)
- 7- Do not kill elderly persons, children, infants and women. (*Abu Dawud*, Kitabul Jihad)
- 8- Neither harm others (Maulana Sabeeli)
- 9- The Prophet said: A certain prophet in earlier times took shelter under a tree. He was bitten by an ant. He ordered that the entire anthill be set afire. He was reprimanded

by Allah. In a revelation he was questioned as to why he punished the entire group of ants for the wrong done by a single one. (*Muslim* 236) (Ref. Maulana Irshad Qasmi)

10- Prior to the advent of Islam, Arabs would kill any persons from among the people related to the killer to avenge for the murder. The Prophet strictly prohibited this. (Ref. Maulana Abrar Nadvi, Maulana Iftikhar, Maulana Hafeez)

11- It is legitimate to arrest or take revenge from the criminals, but it is not right to attack the innocent or kill them. (*Kifayatul Mufti*, vol. 9, p. 339) (Ref. Maulana Ishtiyag Azmi, Maulana Mustafa, Qari Zafrul Islam)

12- It is allowed to kill a pagan fighting face to face in a war, or if he has killed a Muslim, or there is a threat from him or is abetting the killers. But it is not legally right to kill an innocent person. (*Fatawa Raheemiya*, vol. 10, p. 471) (Ref. Maulana Jameel Nazeeri).

13- Once some non-Muslim subjects of the Islamic state were exiled along with those who were guilty. Imam Awzai wrote a letter to the administrator questioning his action. He wrote: Why did you punish those who were innocent while punishing the guilty while the Quran lays the guideline: No bearer of burden shall bear the burden of another individual. (Qari Zafrul Islam) (Ref. Balazari, *Futuh Al-Baldan*).

However, the participants have given a varied opinion vis-à-vis who will be deemed innocent and who will be deemed a

collaborator or accomplice of oppressors. They have maintained some reservations and set a few limits and interpreted the situation in varied ways. They are as follows:

If the innocent people agree with the injustice being committed against others, they too would be considered oppressors. (Ref. Maulana Wahidi, Maulana Niyaz Abdul Hameed). All such persons who do not stop their community from carrying on persecution are themselves oppressors. This is reflected from the roles of Abu Busayr and Abu Jundal. (Ref. Maulana Asad Sambhali). If a role is suspected in collaborating with oppressors, such individuals could be punished. (Ref. Burhan Sambhali, Hameedullah Jan). If the oppression is committed by individuals, retaliation will be against individuals. But if the oppression is on a community or national level, the action will be directed against the entire community. (Ref. Abul Qasim Abdul Azeem). Those people who either ideologically dislike the oppression or have no functional role in hostilities, will be spared from reprisals, provided they can be identified. If there is no scope for identifying them, a general attack is valid. Night ambushes are one precedent in this regard. (Ref. Maulana Assadi, Qazi Mengal).

Those voting for a political party which is hostile towards a particular community, or remain mute spectators against oppression or do not use their political resources to stop the persecution, will also be considered collaborators with oppressors. (Ref. Maulana Sabeeli, Maulana Mohiuddin, Mufti Wajih, Sultan Islahi).

If the injustice has been committed by an individual, none other than him should be targeted. If the oppression stems from party (whose ideology is responsible for the oppression), the entire partymen will be considered oppressors (as they collectively represent the party). *Durr e Mukhtar* says;-----
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A third situation is when a community perpetrated

injustice against others, but not all members of the community participated in the affair. Rather some of them helped the oppressed people. Such people will be spared. (Irshad Qasmi),

If an individual is part of a law-abiding society and the injustice has been committed by an individual and the judiciary is independent and free from communal pressures, it is obligatory to follow the Quranic principle “No one shall bear the burden of another”. Otherwise all members of the oppressive group would be treated as guilty. The Prophet had ordered all the men of Banu Quraizah to be killed. (Khursheed Rizvi).

No revenge should be taken from the innocents. Even in the case of injustice, one should approach the judiciary. (Dr. Zuhaily).

Presenting the Issue

Islam and World Peace

Question No. 5&6

Maulana Rashid Husain Nadvi*

I have been asked to present the issue under the question no. 5 and 6 in the seminar on 'Islam and World Peace'. A total of 48 papers were received by the Academy from ulema and intellectuals from India and abroad. Let us first take up the question no. 5 which was:

It is widely believed that roots of terrorism lie in political and economic injustice and usurpation or control of economic resources by dint of excessive force. How does Islam treat this issue? What could be the remedial measures?

In response to this question, most contributors of the papers admitted that terrorism has certain fundamental motives. Asad Sambhali raised a point of order at the question itself. He said the non-Muslim are not bound to Islamic guidelines. The Muslim governments though conform to Islamic principles, but no rebellion against them can be allowed under these pretexts.

Remaining contributors have suggested other remedial measures, some of which were favoured by leading Ulema.

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Some measures came as individual opinion. To begin with we are first mentioning those of the measures that found favour with most of the Ulema:

First Opinion

Terrorism can be totally stamped out if it is ensured that justice, equality, human dignity is extended to all people and no aggression against other nations is tolerated and all kinds of the categorization among nations is given up. (Ref. Irshad Qasmi, Mufti Nazeeri, Maulana Gajia falahi, Maulana Wahidi, Abdul Hameed Madani, Maulana Assadi, Ateeq Sambhali, Mufti Habeeb Qasmi, Qazi Mengal, Mujahidul Islam Qasmi, Qamaruzzaman, Khursheed Rizvi, Qari Zarul Islam, Mufti Anwar Azmi, Ishtiyag Azmi, Dr. Yusuf Qasim.

Mufti Anwar Azmi and Maulana Ishtiyag Azmi argued on the basis of the following Quranic verses:

- 1- Be just, that is next to piety (5: 8)
- 2- And when they turn (away from Allah), they do their utmost to cause discord and convulsions on earth, they obliterate crops and destroy entire races of humankind. (2: 206)
- 3- And We sent you not except as a mercy for all the worlds. (21: 107)
- 4- And do not transgress the limits; for God loves not transgressors. (2: 190)

Mufti Jameel Nazeeri has quoted the following hadiths:

- 1- The oppression will turn into darkness on the Day of Judgment. (*Mishkat*, vol. 2. P. 434)
- 2- One who lends supports to the oppressor with firm knowledge of his being an oppressor, comes out of the fold of Islam. (*Ibid*, vol. 2, p. 436)

Qari Zafrul Islam has taken support from an excerpt from *Al-Ahkam as-Sultaniyah* by al-Mawardi.

Mufti Sabeeli has discussed the factors responsible for terrorism, which in his opinion could be varied and some of them may have commonality among them. He has laid down 13 various factors and suggested the following remedial measures:

- 1- Islamic message should be conveyed to the masses.
- 2- To remain steadfast and seek Allah's help.
- 3- To dispel despondency
- 4- To strive to eliminate greed from the world
- 5- Avoiding cultural hegemony
- 6- Combating aggressive designs and expansionist ambitions.

Second Opinion

Maulana Arshad Madni and Maulana Hameedullah Jan divided the issue in two sections:

- 1- Terrorism emanating from socio-economic injustice and disparities.
- 2- Terrorism as a means to gain political domination and usurp economic resources.

As for the factors under the first category, the remedial measures suggested by them are on the same lines as has appeared under First Opinion. However, they consider the factors under the second section as revolt and would like such elements to be invited to mend their ways. Next strategies should be thought out to bring about a change in their attitude. Finally, it must be curbed by force. Maulana Arshad Madani quotes the Surah Anfal's verse no. 60 wherein it has been said: "And prepare against them your energies according to your capability."

Third Opinion

Maulana Mubarak Nadvi, Maulana Mohiuddin and Maulana Aqeel opine that the only way it could be remedied is to embrace Islamic way of life in its totality. They cited the verse of the surah Ale-Imran: “Come towards a common position between us and you that there is none worthy of worship except Allah.”

Fourth Opinion

Maulana Shamsuddin and Mufti Abdur Raheem opine that it is the responsibility of the government to tackle the menace of terrorism.

Now we proceed to individual opinions, some of which are important and quite elaborate.

- 1- Serious, effective and productive measures should be initiated in order to remedy the situation and experienced Muslim leaders should be consulted for pragmatic and practical solutions. (Ref. Maulana Burhan Sambhali)
- 2- The world should be introduced with consultation based *Khilafat* system. (Mufti Fuzail)
- 3- Any revolt or rebellion against a Muslim ruler is not permissible. However, if the ruler is a non-Muslim, the well-known democratic measures of protest such as dharna (sit-ins) may be adopted, failing which a engagement with the ruler would be necessary. (Maulana Sufiyan Miftahi).
- 4- Remedial measures range from supplication and seeking forgiveness from Allah, negotiations and cooperation with the administration and finally war. He quoted the hadith: “I will make the hearts of your rulers soft towards you if you obey me faithfully. You are however advised to engage

yourself in remembrance of God, for I am sufficient for all your needs.” (Ref. *Majma al-Zawaid*, vol. 5, p. 249). Those among you who see an evil being committed....(*Mishkat* vol. 2, p. 436). (See Maulana Rasheed Qasmi)

- 5- Islamic concept of justice, Jihad and war should be adopted in its entirety. (Maulana Abul Qasim Azeem)
- 6- Muslims should wait for the appropriate moment for action, e.g., Muslims were prohibited from directing reprisals till the engagement at Badr. (Hafeez Umri)
- 7- According to Maulana Iftikhar, two approaches could be seen from the teachings of Islam: 1-If one has the power and high morale, he should eliminate justice as could be learnt from the verse “Had not God checked one set of people by means of another, they would surely have pulled down monasteries....”(26: 40), 2- It is incumbent upon everyone who can afford to fight along with the leader. (*Ibne Abidin Shami* vol. 6, p. 416) 3- If one is not capable of war, he should maintain patience and pray to God.
- 8- Maulana Khursheed Azmi mentions positive and negative approaches. The positive approach concurs with what Maulana Iftikhar has proposed. As for the negative approach, he mentions use of *Hudood* and penalization.
- 9- Dr. Qudratullah Baqvi has quoted the verse: “But most of them follow nothing but fancy: truly fancy can be of no avail against truth.” (10: 36) . As a matter of explanation, he says that one should not follow suspicion.
- 10- Sultan Islahi advises Muslims to strengthen their socio-economic conditions, direct their efforts towards modern sciences and make planned efforts to place the youth in high position jobs. Madrassas should realize their role in this.
- 11- Maulana Siyalvi said Islam tackles basic issues such as poverty and illiteracy which trigger terrorism. But in case terrorism takes root in the society, the governments must eliminate it by use of force and other means and should

later take up the basic issues. He bases his argument on an excerpt of *Al-Faiqh ala al-Madhahib al-Arbah*.

- 12- Maulana Tanzeem concurred with the abovementioned opinion and advanced arguments on similar lines. He added the following: a- People should be made aware of the insignificance of the worldly life and consequences of greed. B- Innocents should not be targeted for revenge. C- The route for protest should remain open. This comes under what the Quran says 'enjoining the virtues and forbidding the evil.'
- 13- Maulana Mustafa divided the question into two sections. He says that fighting is permissible for the sake of protection of life, faith, property, lineage and dignity. He supported his argument with the following: A: The punishment for those who wage war against God and His apostles.....(Quran 5: 36), B: A man came to the Prophet and asked him what to do with a person who has usurped his property. The Prophet replied him: Fight for your property till you recover it or you fall a martyr. (*Al-Mujtaba*, vol. 2, p. 171-172) As for the second part of the question, he says: Rebellion against the government is not permissible from the Sharia point of view and he argued in the light of a hadith from *Mishkat* that says: Do not abuse the Kings.
- 14- Sheikh Mohammad Taskhiri suggested two sets of measures separately for the Government and the people. A: On the official level, the Governments should strive to get equal status for all members of the United Nations Organization (UNO) as discriminatory treatment has led to the birth of terrorism. B: Injustice and atrocities against Palestinians should be ended. C: An international covenant should be signed by nations to stop all kinds of financial aid to the terrorists. D: There should be a general effort to fight

against poverty, illiteracy, blind prejudices and backwardness. He suggested 12 different measures for effort from the people's side. Some of them were in tune with the measures suggested by several others while the remaining talked about forging solidarity in the Ummah, education, peaceful resolution of the mutual discord.

15- Dr. Zuhaily said the solution lies in mutual dialogue. If the problem persists, the terrorists must be fought against.

16- Shakeel Anwar differed with the approach of linking terrorism with social and economic injustice.

17- Mufti Wajih said Islam does not permit use of force to secure economic domination or political power.

In the final analysis, the writers and participants basically agreed that terrorism stems from deprivation of certain basic rights and necessities. As for remedial measures, some place the responsibility on the Government while others see the solution with people. Both sections alluded to teachings of Islam in this regard. An overview suggests that terrorism could be combated only through a multi-pronged approach.

Question no. 6

How could an individual or group defend itself if its life, liberty, honour and property come under attack? What is the position of the Shariah on this? Is it mandatory on him/them to defend himself/themselves or is just desirable and permissible? What could be limits of defence?

The first section of the question pertains to the position of the Shariah with regard to defence against attack. The opinion can be divided into six categories:

First Opinion

It is absolutely obligatory to defend themselves to the extent possible. This opinion was expressed by Rasheed Qasmi, Maulana Gajia Falahi, Maulana Wahidi, Sufyan Miftahi, Maulana Assadi, Assad Sambhali, Ataullah Qasmi, Burhan Sambhali, Mufti Habibullah Qasmi, Maulana Hameedullah, Hafeez Umri, Iftikhar Qasmi, Irshad Qasmi, Jameel Nazeeri, Mufti Wahiji, Mubarak Nadvi, Mujahidul Islam Qasmi, Niyaz Hameed Madani, Maulana Qamaruzzaman, Dr. Quadratullah Baqvi, Maulana Shamsuddin, Sultan Islahi, Maulana Siyalvi, Dr. Zuhaily, Syed Khursheed Rizvi, Mufti Anwar Azmi, Mustafa Qasmi, Fuzail Usmani.

Their arguments are listed below:

1-Hadith that says: One who is slain in defence of his property, is a martyr.

2-Hadith that says: A person wanted to know from the Prophet what to do with a person who has usurped his property....(Al-Mujtaba)

Maulana Iftikhar quoted the Quranic verse that says: Fight in the cause of God those who fight you. (2: 190)

Dr. Zuhaily cited the Quranic verse that says: Do not ruin yourselves with your own hands. Mufti Habeebullah quoted the verse: Do not kill yourself; for God has been to you most merciful. (4:29) and hadith that says: it does not behoove a Muslim to disgrace himself.

Second Opinion

Mufti Abdur Raheem, Maulana Arshad Madani, Qazi Mengal and Syed Shakeel Anwar opine that defence is permissible. They argued on the basis of hadith quoted in the first opinion in which the Prophet declared the individual who was slain while defending his property to be a martyr. Qazi Mengal cited the second hadith too.

Third Opinion

Mufti Sabeeli and Khursheed Azmi consider self-defence desirable. They too quoted the same hadiths while Maulana Sabeeli referred to the story of Habil and Qabil (Able and Cain) discussed in the 5th chapter of the Quran, i.e., Maidah in verses 28 to 30.

Fourth Opinion

The participants differentiated their approaches in matters pertaining to defence of life and defence of property. They held that while defending life was obligatory, that of property was permissible.

Those who discussed on this line included Dr. Yusuf Qasim, Maulana Abrar Nadvi, Ishtiyak Qasmi, Mujeebur Rahman, Tanzeem Qasmi, Zafar Alam and Qari Zafrul Islam.

In proof of permissibility of defence of property, besides the above hadith, these participants' quotes juristic opinion and explanatory notes by Sheikh Abdul Qadir Awdah. For instance

he explains in the following manner: As for the defence with regard to property, most of the jurists pronounced it permissible and not obligatory. (Ref. *At-Tashree Al-Jinayee*, vol. 1, p. 447, *Al-Fiqh al-Islami wal-Adillathuhu* vol. 5, p. 762, *Sharah Muslim An-Nawawi*, vol. 2, p. 135)

They cite the support for the obligatory nature of defence for life and dignity from the following verses of the Holy Quran:

1-Do not ruin yourselves with your own hands. (2: 195)

2-Then fight against the transgressor until he returns to the command of Allah. (49: 9)

3-Then if they threaten you therein, you respond to them commensurate with the injustice.

Juristic Opinion: The jurists unanimously agreed with the defence against any attacker is obligatory. (*At-Tashree al-Jinayee*, vol. 1, p. 447) and the argument quoted in *al-Fiqh al-Islami wa Adillatuhu*, vol. 5, p. 759.

Fifth Opinion

Maulana Qasim Azeem opines that self-defence could be obligatory (*wajib*), permissible (*mubah*) or desirable (*mustahib*) as per the circumstances obtaining at a particular point of time. He bases his argument on the fact that juristic principle allows circumstantial flexibility.

Sixth Opinion

This opinion was expressed by Mohiuddin Ghazi. He said if the defence results in mitigating the damage, it will be desirable (*mustahib*). If it is suspected to lead to bigger mischief, it would be permissible (*jayez*).

As for the limits of defence, most of the writers referred to various interpretations and opined that the defence should be a-

to the extent that injustice is undone, **b**- Simplest means should be adopted, and **c**- physical force should be kept at minimum.

Those who expressed this opinion included: Dr. Zuhaily, Sufiyan Miftahi, Mufti Anwar Azmi, Ataullah Qasmi, Qazi Mengal, Hafeez Umri, Ishtiyag Qasmi, Khursheed Azmi, Mubarak Nadvi, Mujahidul Islam Qasmi, Mujeeb Rahman Ateeq Smbhali, Maulana Shamsuddin, Maulana Siyalvi, Abrar Nadvi, Maulana Gajia Falahi.

Ataullah Qasmi, Qazi Mengal, Hafeez Umri, and Iftikhar Qasmi had the following evidences to offer in support of their argument:

And let not the enmity of any people take you away from justice. (Quran 5: 8)

And fight in the path of Allah those who fight you, but do not exceed what is just. (2: 190)

But do not transgress the limit. (2: 190)

If they stay away from you, then do not fight them. And if they send you (a treaty) of peace, then Allah has not provided you a path (to fight) against them. (4: 90)

Maulana Siyalvi argued on the basis of the earlier mentioned hadith that said, “A man came to the Holy Prophet asking...”.

Khursheed Azmi cited a hadith from *Fath al-Malham* (vol. 1, p. 284). Maulana Shamsuddin and Mujahidul Islam argued on the basis of juristic principle “Needs are to be determined as per their value”.

Maulana Abrar and Maulana Mujeeb argued on the basis of some excerpts from jurisprudence, e.g., 1- The defence should

start from easier and easier, if possible (ref. *Al-Mausuah al-Faqeeh*), 2- The base in it lies in the principle that one who intends to kill a man, he actualizes it. (*Al-Badaya*, vol. 8, p. 92-93)

Some More Opinions

In Maulana Arshad Madani's opinion, those who launch the defence operations should serve the notice on the government (or send prior intimation to the government). Abul Aas Wahidi and Niaz Madani opine that: If there is no fear of bigger mischief, there is no excess use of force and it is meant to secure the legitimate rights of the victims, defence could be resorted to. Maulana Qamaruzzaman legitimizes it only when there is hope of bright success. Mufti Fuzail advises defence operations to be launched within the framework of rule of the law. Dr. Yusuf Qasim says defence could be permitted as a preemptive measure to check violence or to prevent its recurrence.

Qasim Azeem has provided the following verses in support of his argument:

Except such as those who repent before you overcome them. Then know that Allah is indeed the Forgiver, the Merciful. (5: 34)

And fight them wherever you confront them, and expel them from where they have expelled you, causing discord and convulsion is more oppressive than murder. (2: 191)

Imam Ahmad bin Hanbal says: Fight them until you defend yourself and your property. (Ref. *Al-Sunnah* p. 161-162)

Brief Opinion in Writing

(Papers of Islamic Scholars)

- ❖ **Maulana Mohd. Burhanuddin Sambhali**
- ❖ **Mufti Mohd. Ubaidullah Assadi**
- ❖ **Mufti Jameel Ahmed Nazeeri**
- ❖ **Mufti Sher Ali Gujarati**
- ❖ **Syed Ameer Hussain Geelani**
- ❖ **Mufti Fuzailur Rahman Hilal Usmani**
- ❖ **Mufti Mahboob Ali Wajihi**
- ❖ **Dr. Syed Quadratullah Baqvi**
- ❖ **Maulana Zubair Ahmed Qasmi**
- ❖ **Maulana Ibrahim Gajia Falahi**
- ❖ **Dr. Yusuf Qasim, Cairo**
- ❖ **Maulana Mohd. Qasim Muzaffarpuri**
- ❖ **Maulana Hafeezur Rahman Umri**
- ❖ **Mufti Hameedullah Jan**
- ❖ **Qazi Muhammad Haroon Mengal**

Islam and World Peace

Maulana Muhammad Burhanuddin Sambhali*

(Note: Readers are requested to kindly relate each of the following answers to the Questionnaire produced in the beginning of this volume.)

- 1- Oppression or persecution committed either by an individual or by a group and directed against a person or a community, is prohibited and is illegitimate from the sharia point of view.
- 2- Perpetration of oppression will be termed terrorism.
- 3- Protest against oppression will be sometime obligatory and other times permissible. If the protests are enough to counter oppression, it will be obligatory. Otherwise no. If the victims rise against the oppression and adopt only legal and democratic means, it should be considered their legal right to do so. The verse: Allah does not like an open conversation about evil except about one who has been oppressed. Indeed, Allah is the Hearer, the Knower. (4: 148). But this protest must be within the bounds of sharia.
- 4- Never, except for the fact that there is a strong suspicion that these people abetted the oppressors. If so, the

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retaliation / punishment should be commensurate to the proportion in which these individuals or section aided the oppressors, not beyond that.

- 5- Serious, effective and productive measures should be initiated in order to remedy the situation and experienced Muslim leaders should be consulted for pragmatic and practical solutions. The efforts should not be guided by sentiments and rhetoric.
- 6- It is obligatory as is evident from the hadith from the Prophet that says 'A man came to the Prophet and said.....'.

Terrorism

Islamic Point of View

Mufti Mohammad Obaidullah Assadi*

- 1- All kinds of violence that is perpetrated against people in pursuit of personal interest and directed indiscriminately totally oblivious of the urges of truth and justice is terrorism.
- 2- This kind of violence, committed by either an individual or by a group, comes under the category of terrorism.
- 3- Protest against injustice and oppression could be either obligatory or permissible, depending upon the circumstances.
- 4- It is not at all right to target the innocent people among the group engaged in oppressive activities. One must identify people who neither ideologically nor practically help the oppression. They should not be attacked, if it is possible to differentiate between the actual oppressors and the ones who are part of the community/group, yet remain uninvolved. However, no harm if they unintentionally become target in absence of a

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mechanism to identify them. The night ambushes provide the precedent.

- 5- Terrorism can be rooted out only by providing an alternative system whereby justice and equity could be ensured. People should think of the welfare of the humanity by rising above the considerations of race, colour, faith, caste, gender and language.
- 6- It is obligatory to defend one's life, property and dignity. There should be no objection if the defensive action hurts someone. If the defender himself becomes a casualty, he will be termed *shaheed* (martyr). This is mentioned in hadith.

Islam and World Peace

Mufti Jameel Ahmed Nazeeri*

The Urdu word *Dahshat* means fear, scare and danger.

Dahshat Pasand means an individual who seeks to replace the government by striking terror.

Dahshatgardi (terrorism) means the action leading to striking terror. (*Jame Fairoz ul Lughat*, p. 685).

I have referred to the *Jame Fairoz ul Lughat* to access the meaning of Urdu word *Dahshatgard*. It could not be found. But it could be derived from *dahshatgardi* and could mean ‘anyone who strikes terror’. Whether it results in replacement of government or not, the action leads to striking fear into heart of the people.

I, as an individual believe that terrorism does not include an attempt to replace a government. But it does connote attempt to change the way people think through means that strike fear. Or alternatively, it could be a means to draw the popular attention towards an issue or problem people have forgotten or ignored.

A terrorist tries to draw the attention of either the people or the governments. Deeper insight would reveal that basic essence

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of terrorism lies in striking fear. It is aimed at harassing people, suppressing opponents and not allowing them to think freely.

Looked at from Islamic point of view, reality of terrorism lies in striking fear, suppressing others and establishing one's domination.

Terrorism is an oppressive and unjust action. If a government does not deal with the people of a community or a section of people justly, or deliberately denies them economic and political justice, shows laxity in providing them safety and security or ignores the threats to lives and property of its individuals, it would fall under the category of terrorism.

It is a legitimate right of people to protest against injustice. But I as an individual hesitate to term it obligatory. It depends on context and circumstances. However, there should be no doubt that if persecuted people rise against the oppressors, it should not be called terrorism. Contrarily, a terrorist is one who oppresses.

The Holy Prophet says: Allah does not restrain an individual who has been denied rights to extract his due. (narrated by Baihaqi in Shuab Al-Iman, vide *Mishkaat al-Masabih*, vol. 2, p. 436)

It is not right on the part of the oppressed people to direct reprisals against those who are innocent among the group of oppressors.

Mufti Abdur Raheem Lajpuri writes: If there is an encounter with a non-believer who has killed a Muslim, or poses a threat or abets the assassins, he can be killed. If he is innocent, it is not right to kill him. (*Fatawa Rahimiya*, vol. 10, p.471.)

Islam enjoins justice with all, be they from one's own people or others. The Quran says: O you who have certainty of faith! Be among those who stand up for justice as witnesses before Allah

and let not the enmity of any people take you away from justice. Be just! That is closer to Allah-consciousness. And be mindful of Allah. Lo! Allah is well aware of what you do.

No one should be suppressed and crushed. No one should be subjected to atrocities. The Prophet of Allah has said: Oppression will loom like darkness on the Day of Judgement. (Ref. *Mishkat ul Masabih*, vol. 2, p. 434)

Yet another narration from the Prophet says: One who joins an oppressor in order to strengthen him while knowing that he is an oppressor, he has quit Islam.

One is supposed to defend himself as far as possible. He is eligible to use all means that he can employ for this purpose. One should not target other's life as it would have dire consequences in this life and the hereafter. (*Fatawa Mahmoodiya*, vol. 11, p. 380). The same rule applies to the protection of others property, honour and dignity.

Peace and Security in Islam

Mufti Sher Ali Gujarati*

- 1- Definition: Terrorism is an extremist kind of persecution perpetrated by individuals, or groups or government against people and their faith, lives, property or honour. This definition includes all such measures that hurt or frighten people and have been forbidden by Allah. “Verily, Allah does not like those who create mischief. (Surah Qasas, v. 77)
- 2- Mere injustice or high-handed attitude or policies by the Government will not be termed terrorism. This could be termed lapses or indifference. But this injustice could lead to violence in a state and result in revengeful actions from the victims spawning an endless cycle of violence. This is evident from situation in Iraq, Afghanistan and Palestine.
- 3- If a group of people or a community perceives injustice or has been subjected to oppression, it should register its protest without making much fuss about it and in a peaceful manner. But if such protests are expected to be counterproductive, it is better avoided and one should counsel patience. The Prophet is reported to have said: If

* Madrasa Falah Darain, Tarkaisar, Gujarat

you see an evil being committed, stop it (or replace) by hand. If you cannot do this, stop the people verbally. If you are incapable of even doing this, think about its being wrong. And this is the weakest degree of faith. (*Muslim Sharif*, vol. 1, p. 51).

- 4- It is quite permissible for the oppressed people to take revenge for the oppression committed against them. Allah says: And the law of equity is for all matters that are forbidden. Then, if they threaten you therein, you respond to them commensurate with the injustice. Be conscious of Allah, and know that Allah is with those who are conscious of Him. (Baqrah: v. 194). And let not the enmity of a people Who used to prevent you from visiting the sanctified Mosque (in Makkah) cause you to veer from justice. (Maeeda, v. 2). The general juristic principle is: The oppressed should not oppress the others.
- 5- Islam prescribes establishing justice and equity in order to end terrorism. It enjoins that lives, property and dignity of all the citizens be protected. Since Muslims do not run the government, they should advise the existing government to ensure justice and equity to all. The Quran says: Argue with them in way that are best and most gracious (16: 125). The Prophet has laid down the procedure for replacing the evil as quoted above under the point no. 3.
- 6- Muslims are advised to defend themselves against attacks on their lives, property and honour and dignity. However, one should not put at stake his life for the sake of protecting his property as one's own survival has a priority over property.

Limits of defence: The oppressed should observe certain limits while directing reprisals and should not commit excesses. One should exercise moderation and should do nothing to aggravate the matters. The Quran says: Transgress you likewise against them. (Quran 2: 194). And all these commandments pertain to the people, not the governments.

Proscription of Terrorism

Syed Ameer Hussain Gilani*

Islam has absolutely prohibited terrorism. Terrorism connotes killing people, usurp or extort property, cause bloodshed and mischief on the earth. This prohibition from mischief is contained in the Quran at several places. Even the verse that says: Causing mischief is more oppressive than murder (2: 191).

Verses in the chapter Maeeda beginning from verse no. 32 proscribe all kinds of bloodshed, mischief, killings and mayhem declaring them absolutely illegitimate. Shaykhul Islam Shabbir Ahmed Usmani offers the following interpretation: The verses contained therein rule out any scope for terrorism in Islam. Islam does not permit killing of any person, be it Muslim or non-Muslim. Islam makes it a social obligation to give the dues to those it is owed. The roots of most disputes and discords lie in infringement of rights and dues. If indeed people leave no dues unpaid and do not violate others right, entire populace can lead life in perfect harmony and ensure a life free of all hassles. Islam guarantees peace and amity. There is absolutely no scope for terrorism in Islam. Killing of Habel by Qabel was the earliest offence committed on the earth. Qabel thus pioneered the crime and that is how this tradition

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was founded. It is why the Torah says: “If you killed an individual, it is like you killed the entire humanity.” A criminal gets emboldened after committing a crime. It is how he opens the portals for murder and chaos. Conversely, it says: “One who saves an individual (from being killed), he saved the entire humanity.” This is as he emerges as the savior of humanity.

Distinguishing Between Jihad and Terrorism

Mufti Fuzailur Rahman Hilal Usmani*

The struggle by Muslims to assert their political freedom and free their areas from occupation has been dubbed as terrorism. This is nothing new. There have been several such allegations against the struggle being waged by Muslims.

But in reality Islamic Jihad is in itself a well-defined concept which is absolutely based on justice. It stems from the ideology of basic freedom of an individual. Man is free to think and act as he deems fit. This freedom of thought and action is bestowed upon him by God. No individual or nation has the right to enslave another individual or nation or commit excess against them and usurp their freedom. Islamic Jihad is synonymous with the struggle to erase vices and oppression. It is why it has been a necessity all through the ages.

- 1- To commit oppression against others, to infringe upon their rights and to create such an atmosphere that people are afraid of expressing the truth and find their lives, property and dignity at stake if they did that. It is how the terrorism is defined. Terrorism is use of force against all such wicked stratagems of depriving others

* Malerkotla, Punjab.

of their rights. Islam has laid down the rights of human beings in elaborate detail. Even the world bodies have accorded recognition to the Universal Charter of Human Rights. Any bid to usurp or curtail these rights is terrorism. And any effort to preserve these rights is Jihad.

- 2- Undoubtedly, terrorism is sponsored from official levels too. Several such instances could be seen from the recent history of the nation. Latest among them is the anti Muslim violence in Gujarat. It can be termed nothing but State-sponsored terrorism. Israeli terrorism against Palestinians, Russian armed incursion in Chechnya and military action against insurgents in Mindanao in the Philippines are some of the examples of state-sponsored terrorism.
- 3- A Hadith from the Prophet says: Help the oppressed as well as the oppressors. The holy companions asked: It is all right that we are being advised to help the oppressed people. But how do we help the oppressors? The Prophet said: You can do this by preventing the oppressor from committing the acts of oppression. An oft-quoted hadith also commands Muslims not to overlook the commission of evils and to stop them by hand and so on... .

What it sums up is that one should not ignore the oppression in the society and should either try to end or replace it or should at least register our protest against it. The Quranic verse in the Chapter Asr says: And enjoin upon one another Justice (and Truth) and enjoin upon one another patience (and perseverance).

- 4- It is not right to direct revengeful action against those who are innocent even if they belong to the community to which oppressors belong. Our late Prime Minister Ms. Indira Gandhi was assassinated by a Sikh bodyguard. It is not right to hold the entire Sikh community responsible for the act or to target them for the act of a wicked man.
- 5- Islam has offered the system of caliphate based on justice so that rights due to each and every person could be fulfilled and they should be able to exercise their free will and express their opinion in a free manner. If the world could accept this caliphate based system with all its elements, all these factors that cause terrorism will have no reason to exist.
- 6- It is in the nature of human beings to defend their life, liberty and honour. If one has the necessary wherewithal, it is obligatory upon him to defend it. If he does not possess the necessary capacity, it is permissible. However, one should exercise his right to defend himself as far as possible while remaining within limits of law and order. It is not for all individuals and communities to punish others but this right solely belongs to institutions set up under the law. If individuals and groups begin to punish others, there will be no law and order. It will be anarchy. In the final analysis, one should defend himself, but should not take the law into one's own hands.

Commonalities Between Terrorism and Oppression

Mufti Mahboob Ali Wajih^{*}

- 1- Any kind of violence, pillage or declaration of war against a government constituted under a law and committed to establish justice, is terrorism. Similarly, any kind of infringement of citizens rights, oppression and killing that does not conform to law, is officially sponsored terrorism. Any kind of violence or killing by individuals has no sanction within the shariah and constitutes terrorism. It is not right for any two nations to wage war against one another and engage in killing of women and children. If indeed they have disputes and differences on any point, they should sit together and resolve the matter or involve a third party as a mediator. Most of the battles of the Prophet or his caliphs against other states were not initiated by the Prophet. They were of the nature of self-defence which is not terrorism. Breach of treaty by one country against another and struggle by another to get the former to conform to the treaty does not constitute terrorism.

^{*} Jameul Uloom Furqania, Rampur (U.P)

- 2- It is the duty of a government to deal equitably with all its citizens regardless of their caste, community, race or language. The governments that fail to protect the lives and property of their citizens or maintain a degree of difference in the treatment accorded to various sections of the society, or commit injustice, or allow their administration to side with the killers and oppressors, or covertly support them, should also be categorized under ones that sponsor terrorism. Indeed, their terrorism is much more severe than the one committed by the individuals.
- 3- In this context, the Hadith that exhorts a believer to use the force (quoted several times before) could be cited. It serves as a proof that such remedial action or protest or agitation does not constitute terrorism because another Hadith (quoted earlier too) says that a believer who gets killed in defence of life or property, is a martyr... and so on. (*Tirmizi* vol. 1, p. 261, *Nisai* vol. 2, p. 155)
- 4- Revenge should not be directed against only those who initiated or took part in persecution. Those who did not take part or were active in stopping such persecution should not be targeted. However, if they could have used their social position or political power to stop the oppression, yet did not do anything to stop it, would be considered partners in persecution.
- 5- In the first place it should be understood that Islam does not permit any kind of social or political injustice, be it from Muslims or from non-Muslims. Even usurpation of economic resources of other nations or groups cannot be permitted.
- 6- If there is an attack on the life, honour or property of a community or group of people, they are permitted to

defend themselves from the Islamic point of view. Though it is better to defend through other means, but if it becomes inevitable to use violence to ward off the attack, it should not be avoided. Someone wanted to grab the land belonging to Hazrat Abdullah bin Amr bin Aas and Abdullah found out that he may have to physically stop the attack. He drew a full-fledged plan to defend himself and quoted the Hadith wherein the Prophet considered a person martyr if he died while defending his property.

Terrorism from Islamic Standpoint

Dr. Syed Quadratullah Baqvi[•]

- 1- “Evident is the mischief on land and at sea from what the hands of humankind have wrought, so that He may give them a taste of some of their (own) deeds perchance they may desist”. (The Quran, Rum: 41) When people divert from the righteous path, oppression reigns on the land and sea, plunder and pillage become commonplace, and people’s honour and property become unsafe. All these come under terrorism, at least from the Islamic point of view. At another place, the Quran says: And when they turn (away from Allah), they do their utmost to cause discord and convulsions on earth. They obliterate crops and destroy entire races (of humankind). Lo! Allah does not love those who cause discord and convulsions. (Baqrah: 205) From this and other verses of this genre, it is evident that all such acts that rob the society of calm, peace and equilibrium, constitute mischief and terrorism. Similarly all acts that lead to oppression, plundering of houses, commit excess in matters of religious rights and drive the people away from their habitations, constitute terrorism.

[•] Mysore, Karnataka

- 2- Any government that adopts such unjust and oppressive attitude can be accused of committing terrorism.
- 3- If any section of people suffers from injustice at the hands of the government, it is obligatory for them to protest. To stand up against oppression, is not terrorism.
- 4- It is not lawful to take revenge from the innocent.
- 5- “Lo! Most people follow not except conjecture. Indeed, conjecture is not in the least helpful towards (finding) the truth, Lo! Allah is aware of what they do.” (The Quran, Yunus 36). In the light of this verse, it is pointed out that most people follow conjecture, but it can hardly be a substitute for truth. God is all powerful. He could unravel their mischief and can make the truth plain to everyone.
- 6- In the case of attack on the life, property, honour of some individual or group, it is obligatory for it to defend itself.

Islam

The Religion of Peace

Maulana Zubair Ahmed Qasmi*

Islam is a religion of peace and harmony. It ensures world peace on the basis of a righteous system as the fundamental principle of its manifesto. It is difficult to conceive a link between Islam and terrorism.

Only such acts of aggression could be described as terrorism that is directed against peace-loving individuals or community or group of people who live in harmony and mean no mischief against others. All such acts that cause oppression, injustice, mischief, anarchy and bloodshed in a peaceful society and lead to social unrest and spawn an atmosphere of fear will be termed as terrorism. Such action would endanger the lives, honour and property of the people and will be totally contrary to what Islam preaches.

Notwithstanding this preamble, if someone tries to link Islam with terrorism, he will be seen as trying to contrive a paradox as Islam is totally opposed to any kind of violence. Muslims must not be afraid of such a situation and should not consider it something new. This stratagem has been an old trick by the forces opposed to Islam.

* Jamia Ashraful Uloom, Kanhawan, Sitamarhi, Bihar.

Why should the Muslims be surprised with such devious strategies when in the past the Holy Prophet was maligned and was dubbed a charlatan and Jesus Christ was described as son of God. To the contrary the perception of fear from these forces and the diffidence it causes among Muslims should be considered misplaced.

It is time to shirk all those false notions of self-defence being terrorism. Indeed one should be well within his right to defend himself against all such elements who are rebellious, aggressive, barbaric, brutal and deceitful. This should be rather described as defence of one's life, property and honour. Self-defence is the natural right for every self-respecting citizen and individual. All such efforts rather deserve encouragement. Allah says: They ask you about fighting in the forbidden month. Say: "Fighting in it is a great (wrong); but to prevent people from following the right path, and to disbelieve in Him, and (to prevent them from entering) the Masjid al Haram, and to expel people from it, is a greater (crime) before Allah. And fostering discord and convulsion is a greater (offence) than slaughter. (Baqrah: 217). Hazrat Ashraf Ali Thanvi offers the following interpretation for this verse. He says: when some bloodshed was mistakenly caused at the hands of the holy companions during the sacred months, the non-believers began to taunt the Muslims for the violation of the sanctity of these months. The immediate explanation is that any deliberate attempt at bloodletting is illegitimate and it does not apply to mistake. Now the Quran repudiates their allegation by recounting the excesses the non-believers have been committing against the believers. It says that the non-believers have been obstructing the believers, preventing them from worshipping in the Masjidul Haram, carrying out a harassment campaign against Muslims in order to drive them out of Makkah. This, the Quran says, were much more heinous offences than killing as Muslims were not causing any harm to the belief. If indeed the Muslims would have caused some

killing, they would have been committing just one sin. But non-believers were a constant obstacle in the path of God and violating the basic right of people to pray in the house devoted to His worship. Looked at from this angle, they have no justification to accuse Muslims.

Another Quranic verse says: But fight them not at the Sacred Mosque, unless they initiate the fighting; but if they fight you slay them. (2:191). While interpreting this verse, Maulana Thanvi writes under footnote no. 5: if the non-believers begin to prepare for a war, you should also kill them and says the verse implies that in such a situation there would be a consensus among Muslims on the lawfulness of the fighting.

In the light of the above circumstances, it is evident that we need to support the struggle by Afghans and Palestinians in all their initiatives. The enemy has uprooted an Islamic government in Afghanistan and thereby causing obstruction in the way of God while in Palestine they have driven out people from worshipping in the Aqsa Mosque.

Islam and World Peace

Maulana Ibrahim Gajia Falahi*

- 1- No consensus has been arrived at any definition of Terrorism. However, this term is being used and applied widely on the international level. Most governments are in the habit of dubbing the resentment and protest of their political opponents as terrorism. To counter them, the political opponents describe the suppression of their protest by police or military forces as officially sponsored terrorism.

The essence of terrorism lies in violence against people, harassment and plunder and pillage and striking terror in the hearts of people. Even from the Islamic point of view, all such acts that subject the innocent people to oppression and persecution constitute terrorism.

- 2- It is a reality that some of the governments do not treat all sections of the people equally. They discriminate against certain sections and do not administer political justice. Sometimes they deliberately ignore their security or initiate such measures that lead to the loss of life and property. Even this should be termed oppression and terrorism.

* Bardoli, Gujarat

- 3- It is quite permissible for people who are meted out injustice to protest and agitate within the limits of sharia. To stand up against injustice by the oppressed people is not unjustified. Terrorism stems from injustice, lopsided treatment and divergence from a balanced approach.
- 4- It is not fair for the victims to take revenge from those who were though part of the community with which oppressors belong, but were individually innocent, i.e., children, women and those who are engaged in meditation.
- 5- Terrorism owes itself to certain basic factors such as political or economic injustice done to some section of people or a desire on the part of some section to usurp power or gain control over governance. Islam urges measures to remove these contributing factors and introduction of Islamic system based on justice.
- 6- If the life, property and honour of some section of people come under attack, they will be well within its right to defend itself, provided it does not exceed the limits of justice.

Terrorism Islamic Point of View

Dr. Syed Yusuf Qasim^{*}

- 1- It is now fully evident that all attempts to link Islam with terrorism have failed to carry conviction. Islam has never encouraged terrorism.
- 2- Certain Governments that have pursued policies that were totally unjust and oppressive are in fact responsible for promoting and perpetrating terrorism.
- 3- Protests are permissible and sometimes even obligatory. It is not permissible to protest when it may lead to more mischief.
- 4- It is not right to direct the retaliatory action against the people who are innocent as the Quran declares: No bearer of burdens would bear the burden of another. (6: 164).
- 5- Oppressors must be prevented from oppression and justice must be given to those whose rights have been violated, as has been commanded by Allah.

^{*} Cairo, Egypt

Preemptive measures to defend oneself against the attack are legally justified. However if one is being oppressed, he has no alternative other than approaching a court of law. There is a consensus among the jurists that one is obliged to defend himself with all force at his disposal. He can even similarly defend his honour. However, in matters pertaining to property, defence is permissible. If one feels that in case of no defensive measures, he may endanger his life or would face greater trouble, it would become obligatory for him to defend himself. Preemptive action is allowed if the trouble is anticipated. Even taking measures to stop its recurrence or continuance is perfectly permissible. However, if the damage has been caused, it is obligatory to approach the court of law.

Reality of Terrorism Islamic View

Maulana Muhammad Qasim Muzaffarpuri*

1 & 2- The Arabic words Islam and *Iman* have been derived from words *silm* (peace) and *aman* (tranquility). It is not permissible for any Muslim to take someone's life or threaten it, destroy or plunder someone's property or show indignity to anyone. I believe that following elements are essential constituents of terrorism: 1- To kill or threaten or endanger someone's life, 2- To extort, usurp or destroy somebody's property, 3- To show dishonor to someone, 4- To cause insult to religious symbols or demolish the cultural property, 5- To ban or proscribe religious rituals or to stop people from performing them, and 6- To find ways to curb exercise of Constitutional rights of people.

All these fall under the category of terrorism. Similarly, violation of rights of some community, exploitation, eviction from their property and forcible occupation of their assets are also varied forms of the phenomenon.

The Quranic verses say: Indeed (the recompense for) those who wage war on Allah and his Messenger is not but that they are

* Madrasa Rahmania, Supaul, Darbhanga, Bihar

killed or crucified or lose their hand on one side and a foot on the other or expelled from the land. (Maeeda 33). This verse of the Quran suggests punishment for all kinds of mischief that may be caused by people. Even the Friday sermons in the Mosques use the sentence *Yanha anil fahshaa wal munkar* and add the term *baghi* afterwards. This is interpreted as rebellion, revolt, violation, extortion and usurpation and the attempt to subjugate people. It includes all unjust measures.

- 3- Peaceful protest and agitation against oppression and injustice is not only permissible but is obligatory. Oppression should of course not be countered through oppression. But one is supposed to raise his voice. The Quranic verse no. 194 of Surah Baqrah and 126 of Surah Nam'l recommend that retaliation should not exceed the oppression. Islam does not permit exceeding the limit in matters of retaliation. Verse no. 126 of Surah Nah'l says: And if you counter, then counter only in proportion to the thrust against you. But if you are patient, then it better for those who are patient (and who persevere).
- 4- If injustice or oppression has been perpetrated by a group of people, the oppressed should take the legal recourse as Islam does not authorize individual or communities to retaliate against the group of oppressors as settling of scores by people would lead to chaos and anarchy on the land. It is quite possible that main culprits would go scot free and innocent would bear the brunt of the retaliatory attack. It is for the judiciary and courts to investigate the crime and fix the culpability and punish the criminals or oppressors. And judiciary and court are institutions that are part of the governance.
- 5- Whatever may be the factors responsible for terrorism, multi-pronged efforts must be made to address and

redress them. Primarily, the effort should be directed at erecting defences against the oppression within the legal parameters. Secondly, rule of the law must be observed as at no cost law and order must be compromised. Thirdly, the instances of injustice and incidents of oppression must be brought to the notice of the officials of administration with documentary proof. Fourthly, the media should be made aware of the instances of injustice and oppression and help of the civil society organization must be obtained.

- 6- It is constitutional right of every individual to defend his life, property, honour and dignity and one must exercise this right. If they lose their life while striving to defend it, they will be considered martyr. However, it is better to adopt the legal course against oppressors.

Terrorism: Islamic Point of View

Maulana Hafeezur Rahman Umri^{*}

- 1- The term terrorism is alien to Islamic lexicon. Islam is a religion of peace and is a source of safety and security for all. Islam aims at establishing peace in the world and those who spread mischief through the earth have been warned of serious punishment as quoted in the preceding article with reference to 33rd verse of Surah Maeeda. It is therefore evident that terrorism has not been even conceived by Islam. However, if indeed we are attempting to define terrorism, it could be said than any attempt to commit oppression , cause mischief on the earth, harass innocent people and create such conditions whereby people's rights could be curbed and no one could raise a cry for justice and a general air of fright and scare prevails, is terrorism.
- 2- It is the government's duty to deal with every citizen and community in the country with equality and justice. If the Government discriminates against some community and does not mete out social and equal justice on par with other communities and deliberately ignores its security leading to loss of life and property

^{*} Jamia Darussalam, Umerabad, Tamil Nadu.

by the members of that community, such an attitude would fall into the category of terrorism.

- 3- If some section of people suffers from discriminatory attitude from the government and injustice is being done to it, it is obligatory for it to register its protest as has been stated in the Hadith that instructs the people to stop by force if they see any evil being committed.... and so on. It is natural for the oppressed to stand up against oppression. It has to be recognized as a right. Nature demand justice and this has got nothing to do with terrorism. The Quran says: And verily! (as for) those who protect (help) themselves after oppression has been committed on them, then there is no blame upon them. Indeed the blame is but with those who oppress humankind and are rebellious (against Allah's commands) on earth, violating justice; it is they upon whom there is a painful punishment.
- 4- It is not at all permissible to retaliate against the innocents among the group of people who have been oppressing. The retaliation should be only against those who have been oppressing and one is not supposed to commit excesses even while doing this, lest they themselves become oppressors. Verses 190 and 194 of Surah Baqrah could be cited in support of this assertion. Prior to the advent of Islam, the Makkan tribes used direct retaliatory action indiscriminately. If someone killed somebody from a rival tribe, anyone from the victim's tribe would kill anyone from the killer's tribe. Often innocents would be caught in the crossfire. The

Prophet therefore strictly prohibited indiscriminate killings.

- 5- Terrorism stems from certain factors such as denial of right, deprivation, or injustice which provoke anger and reaction. Islam directs its followers to follow certain norms in matters of inflicting reprisals. For example, the faithful have been asked to wait for the right moment. Till the time of the battle of Badr, Muslims were generally restrained from initiating armed action. For instance: Permission for fighting is granted to those who have indeed been oppressed. Lo! Allah is indeed the One Who has the power to help them! (Hajj: 39).
- 6- If there is an attack on the lives, property and honour of some group, they are supposed to defend themselves as much as they are capable of doing this. (An-Nisaa: 75). Any person killed while protecting his life, property and honour, would be considered a martyr.

As far as the right of defence is concerned, the victim should not exceed the limits while taking revenge. Several verses have been cited in support of it in preceding papers. Secondly, Islam does not permit the victim to turn into aggressor. It is also not permitted for him to assume the role prosecutor and direct the revenge as per his whims and fancies. He will be required to approach the court and should desist from taking the law into his own hands. The court should try the offender and deliver justice to the victim. Muslims will have to follow this wherever they are, be it in a Muslim country or non-Muslim state.

Terrorism: Islamic Point of View

Mufti Hameedullah Jan[•]

- 1- Islam ordains that the fighting for the sake of establishing the word of God, or to defend the weak, the depressed or the release of Muslim is Jihad. Even fighting in order to defend the lives, property and honour is termed Jihad. The Quran says: And will you not fight in the way of Allah and for the weak (downtrodden) men and women and children who pray: “Our sustainer! Take us away from this town whose inhabitants are oppressors and send us from your presence a protector and grant us succour from Your presence.” (4: 75)

Imam Qurtubi interprets this verse in the following words: This discusses three issues. 1- “Why should you not fight in the cause of God” exhorts the people for Jihad. This includes getting those downtrodden and the weak people liberated who are suffering under the stranglehold of infidels and non-believers and are harassing them in the matters of faith. It is why Allah has made Jihad obligatory in order to get the weak and the oppressed liberated from the oppressors and to establishment of his word and system on the earth, regardless of the cost it involves. Similarly it is obligatory for the Muslims

[•] Jamia Ashrafiya, Lahore, Pakistan

to get the prisoners freed from the captivity of infidels, either through fighting or through payment of ransom money. It is so because the Holy Prophet has termed those who are killed while fighting in defence of life or property as martyrs. (Nisai, vol. 2, p. 172)

Terrorism certainly does not include these aspects. It is motivated by self interest and involves extortion and violation of other's rights for self-gratification.

- 2- The unfair, discriminatory and unjust treatment of some sections by the government also falls under the category of terrorism.
- 3- Any community or group of people who are victimized by such unfair and oppressive treatment could justifiably rise up against the oppression and register their protest or agitate. This does not constitute terrorism and should be termed as defence. The Quran says: Allah does not like an open conversation about evil except about one who has been oppressed. Indeed, Allah is the Hearer, the Knower. (Nisa: 148). If the oppressed people are compelled to carry out certain sinful acts, it becomes obligatory upon them to react and register their protest as the Hadith says: If obedience to someone (among Allah's creatures) involves disobedience to the Creator (God), it is not permissible.
- 4- The victim is supposed to take revenge only against the oppressors, not the innocents who may be part of the community of oppressors and are not accomplices to such oppressive acts. However, those who have abetted the oppressors could be targeted for reprisals.

- 5- There could be two situations. Firstly, it is essential that factors which motivate people to take recourse to terrorism should be addressed. These may be factors like political and economic injustice. However, it must be ascertained that the grievances are genuine, not concocted. Secondly, if their urges are in line with Islam, the fighting to secure these rights cannot be termed Jihad. If it is not so, then we need to bring them round towards Islam and in the event of rejection, we would be required to forcibly end the programme.
- 6- It is obligatory to defend one's life, if it is under a threat. It is permissible to defend the property and honour.

Islam and World Peace

Qazi Muhammad Haroon Mengal[•]

- 1- Definition of Terrorism could not be different, whether we look at it from Islamic angle or from the human angle. It is one and the same. A terrorist is out to create an environment of fear and frighten people through killing, loot and plunder and divides the people on the basis of colour, race, language and religion. He is driven by a passion to create bloodshed and draws sadistic pleasure by seeing people bathed in blood.

Terrorism might stem from several factors. It might be an outcome of economic disparities or it might have been triggered by notions of self-aggrandizement and an overpowering will to dominate others and foist one's own views on others. Islam has laid down a system of rights and duties and requires its adherents to fulfill them and avoid falling prey to his own whims and fancies. It does not leave any scope for a believer to turn terrorist.

- 2- The denial of equal treatment and unjust attitude by the Government could not be termed terrorism. However,

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you may term it lapse or deficiency in meting out justice. It is certainly not terrorism.

- 3- The protest against injustice is the legitimate right of the people who have been denied their rights. No one can stop them from exercising this right to agitate. However, we can consider it permissible, not obligatory. Then one can question if it is valid for the oppressed to raise his voice against injustice. Will it be called terrorism? The answer is in negative. Unless he exceeds the limits while directing the reprisals, he will not be termed a terrorist.
- 4- Islam provides no scope for targeting the innocent. However, if the innocent persons are not identifiable from those who are perpetrators, it is difficult to say. Islam does not allow targeting the innocents.
- 5- Islamic guidance in this matter is very well explained. It is the duty of the government to deal justly with all sections and the government should care for every individual residing under its territory and jurisdiction. The second Caliph of Islamic state Hazrat Umar used to go round the city during nights to find out the circumstances of his people. He would take care of the sick, the destitute and the wayfarers and would deliver them their needs. He had observed that even if a dog starves to death on the banks of River Euphrates, he would be accountable for the same on the Day of Judgment.

Apparently, when the Government does not fulfill its obligations and prefers to maintain a policy of discrimination in

matters of treatment between different communities, some sections of people would react by taking recourse to terror. Solution lies in following Islamic principles and instructions. Not merely non-Muslim governments, even the Muslim governments are averse to adopting these measures in giving the people their due, end the injustice, and avoid discriminatory treatment between castes, communities and various groups of people. This is the only guarantee for peace and amity among various sections of people and for restoring the respect and dignity of people.

- 6- The Shariah permits the people to defend themselves. If one's life is threatened, he is permitted to defend and if he follows the Sunnah (example) of Habeel (Abel), or prefers to fall a martyr in pursuance of the example set by Hazrat Osman, may Allah be pleased with him, he will be following the most glorious example. Even if the attacker is killed while one defends the assault on his life, the defender will not be considered a sinner or at fault. This is evident from the Hadith quoted from Tirmizi in previous chapters.

In another Hadith narrated by Hazrat Abu Huraira: A man came to the Holy Prophet and asked him what do you think of a man who wants to usurp my wealth? The Prophet said: Do not give him anything. He then asked: what if he intends to fight against me? The Prophet said: Fight against him. He then asked: What if he killed me? Prophet: In that case you will be a martyr. Man: What if I killed him? Prophet: He will be consigned to the flames of hell. (*Muslim*, cited in *al-Fiqh ala al-Madhahib al Arabaah*, vol. 5, p. 68).

However, the general principle should be borne in mind. While defending, one should not exceed the limit of defence. The Quran specifies: If anyone transgresses the prohibition against you, transgress against him. (2: 194).

Detailed Papers

- ❖ **Maulana Mohd. Abrar Khan Nadvi**
- ❖ **Mufti Syed Asrarul Haq Sabili**
- ❖ **Dr. Wahba Mustafa Zuhaili**
- ❖ **Maulana Mujeebur Rahman Ateeq Sambhali**
- ❖ **Maulana Badar Ahmed Mujeebi Nadvi**
- ❖ **Sheikh Mohd. Ali Taskhiri, Iran**
- ❖ **Maulana Mubarak Hussain Nepali,**
- ❖ **Maulana Mohd. Arshad (Jamia Imam Ibne Taimiya)**
- ❖ **Maulana Abdur Rasheed Jaunpuri**
- ❖ **Syed Zakir Hussain Shah Siyalvi**
- ❖ **Maulana Mohd. Mustafa Qasmi**
- ❖ **Maulana Iftikhar Alam Qasmi**
- ❖ **Maulana Abu Sufiyan Miftahi**
- ❖ **Maulana Mohd. Irshad Qasmi**
- ❖ **Mufti Anwar Ali Azmi**
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The Religion of Peace

Maulana Mohd. Abrar Khan Nadvi*

Terrorism is the most oft-repeated word today in all kinds of media, be it print, audio-visual or digital. More worryingly, it is being associated with Islam which stands for peace. History bears the testimony that Islam provided salvation for the orphans, widows, and the oppressed and laid down a system whereby security and rights could be guaranteed for people across the social spectrum.

As far as the definition of ‘Terrorism’ is concerned, no intellectual consensus has been reached on any single description which could comprehensively cover the myriad aspects of the phenomenon. No definition has gained universal acceptance.

Zionist Definition

Israel’s former Prime Minister Benjamin Netanyahu who represents the extreme rightists among the Jews has the following to say for the definition of the term:

“Terrorism implies the targeting of a specific government through terrifying violence by another government which provides asylum to the terrorists and uses it as a substitute for war. Sometimes terrorism is initiated by a new outfit with the

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backing by a state which provides it with all the material support with entire generosity.” (Ref: Rooting out Terrorism, p. 55, cited in *Risalah Al-Ikhwan*, September 13, 2002)

Given this definition, all Arab and Muslim states which provide moral and material support to the Palestinians fighting against the illegal usurpation of their land and resources or helping the Palestinian prisoners and refugees with their needs are terrorist states and are liable for punishment. Similarly, all those Palestinian groups that are present in Lebanon or Syria and are fighting against Zionism, e.g., Hezbollah of Lebanon or any other Islamic movement struggling to roll back the Jewish state, gets covered by the definition.

However, the Ulema, Muslim intellectuals and those having profound knowledge of Islam and the Sharia, have defined terrorism according to the precepts of Islam. It takes a comprehensive look at the variants of terrorism, factors and ways to combat the same.

Acceptable Definition of Terrorism

Terrorism has been derived from the word ‘terror’ which is synonymous with fear. Terrorism is translated as *dehshatgardi* in Persian, *atankwad* in Hindi and *irhabiyah* in Arabic. Terrorism means ‘striking fear’, ‘creating scare’, ‘harassing’ and includes oppression, committing excesses, creation of mischief on earth, destruction and killing of innocents. Islamic jurists use the term *jinayah* to denote terrorism. (*Bidayah al Mujtahid*, vol. 2, p. 394-395, *Kitab Al-Jinayat*)

In other words it could be defined thus: Targeting of lives, honour, faith and property of innocent people, to strike fear in their hearts and oppress them through any means constitutes terrorism.

It encompasses all crimes like creating fear, frightening the people, indulge in oppression, loot, plunder, kidnapping, hijacking, arson, use of medicine to poison the people, imprisonment of guiltless individuals. It may emanate from individuals, groups, communities or the state.

Definition by Muslim World League

The Muslim World League based at Makkah and known by its Arabic name as Rabita al Alam al-Islami has defined it in the following manner:

“Terrorism is oppression committed by individuals, groups or states against people’s faith, lives, property, honour and intellect. It encompasses all kinds of harassment, torture, threats, killing, robbery, bloodletting, rendering the passages on land and sea insecure or blocking highways. It also includes all kinds of violent activity that aims at striking fear among people in pursuit of some definite project and making people’s lives, property, honour, natural resources and means of production insecure. There are various variants of *fassad fil arz* (mischief on earth) from which Muslims have been asked to stay away in the Quran: Do not create mischief on the earth, verily Allah does not like people who create mischief.”

This definition was proposed and accepted at the International Conference in Johannesburg in South Africa on 26-6-1423 AH.

These acts and plans of terrorism could stem from any individual, group or community and it could have several variants:

Terrorism from Individuals

A single individual could strike terror into the hearts of the people by his acts of aggression and destructive activity against

other individuals, groups or communities. This kind of terrorism was pioneered by Abel, the son of Adam by killing Cain. This was the first instance of terrorism. Islam described it as an act of aggression against the human society in the following words: “On that account, We ordained for the children of Israel that if anyone slew anyone—unless it be for murder or for spreading mischief in the land—it would be as if he slew the whole people; and if anyone saved a life, it would be as if he saved the life of the whole people.” (The Quran 5: 35)

The instances of individual terrorism are quite commonplace and the media is full of such news reports.

State Terrorism

State terrorism is the third variant of terrorism. It takes the form of certain rulers persecuting some sections of the people on the basis of their faith, race and political inclinations. They deprive them of their Constitutional rights, maintain double standards in matters of treatment of citizen and suppress the freedom of conscience, faith and doctrine. Similarly, the powerful nations subjugate weaker nations and usurp their natural and mineral resources and contrive reasons for aggression against them. This is State Terrorism. The history is replete with such acts of terrorism. Russian aggression against Afghanistan and Chechnya and the barbaric treatment of its citizens, genocide of Muslims and mass rape of Muslim women in Bosnia at the hands of Serbs, occupation of Baitul Maqdis in Jerusalem by Israel since 1948, sacrilege of the religio-cultural properties accompanied by the massacre of Palestinians, expulsion and eviction of 1.8 million Albanian Muslims from Kosov0, colonization of India by the British and oppression against the people, state patronized repression against Muslims since Independence and systematic exclusion of Muslims, and

violation of their rights are some of the examples that could be cited in support of the State Terrorism.

Terrorism and Islam

Islam is harbinger of peace. It exhorts love and compassion towards all human beings, help for the destitute, orphans and the widows, enjoin its followers to visit the ailing, to be hospitable towards the wayfarers, respect the elders and opposes any kind of oppression, mischief, destructive activities and violent actions. It strictly prohibits creation of mischief. It says:

Wa la tufsidu fil arz or Do not create mischief on the earth (once the peace and order has been established). (Surah Aaraf: 56)

Similarly it says, Allah does not like those who create mischief and disorder on the earth. The Quran says: *Innallaha la yuhibbul mufsideen* (Surah Qasas: 77) which is translated as Allah does not like those who create mischief and cause disorder.

The Holy Prophet said: Help the oppressed as well as the oppressors (*Bukhari* read with *Fathul Bari* vol. 5, p. 124-125)

There is not even a remote link between Islam and terrorism. In fact they are contradictory to each other. A terrorist strikes terror among people, and has no value for human life. Islam commands its followers to have fear of Allah. It places tremendous value for human life. It, in fact, likens the killing of an individual as the killing of the entire humanity as has been quoted earlier.

The allegation of terrorism against Islam is therefore an entirely baseless accusation and is a clear attempt to besmirch the image of Islam.

Injustice leads to Terrorism

It is the responsibility of the people at the helms of power to deal with all their subjects in a just manner and treat them with equality and lay down rules that do not show any kind of discrimination between people on the basis of colour, caste, community and nationality. Several of the provisions of Islamic law are part of the International law today. The Quran declares: Let not the hatred of others make you swerve to wrong and depart from justice. Be just: that is next to piety. (5: 8)

If any administration betrays discrimination in matters of socio-economic welfare measures between sections of people and turns apathetic towards their safety and security of any particular section of people, or initiates measures that lead to endangering their lives and property, this attitude of the government can be considered terrorism. It may even be termed socio-economic terrorism.

In fact, this kind of terrorism has the world in its grips for the last two decades. The Cold War between capitalist America and Communist Soviet Union led to disintegration of the latter. This turned the world unipolar with capitalists ruling the roost and usurping resources of the smaller and weaker nations. The new world order is an unjust system under which the poorer nations are slipping under further misery. The so called Globalization has led to extreme inequality between world nations. This is gross injustice against the poorer nations and is nothing less than economic terrorism.

Protest against Injustice

Injustice and oppression are condemnable. No religion allows injustice. Islam being championing of equality and justice, is opposed to injustice of any kind against any section of people. If any community perceives injustice or discrimination or

denial of constitutional rights, it is obligatory for them to stand up against any such policies and knock at the portals of justice. Allah's Prophet has asked his followers to replace the evil with good by hand (implying use of force). In case an individual Muslim or the community is incapable of this, it should verbally oppose it. Even if this is not possible, they must think of this being an evil. And he had specified that this is the minimum that is expected of a believer.

Tolerance of injustice and oppression often embolden the tyrants and unjust rulers. It is therefore obligatory upon every citizen to at least declare the unjust nature of policies before the powers that be and demand that the things be set right. The Holy Prophet had declared that any such act that exposes the injustice before the rulers constitutes supreme Jihad, according to the Hadith from Tirmizi. (Ref. vol. 4, p. 409)

The Holy Prophet always sided and supported the oppressed and went to the extent of getting the deprived and the people who were wronged, to access their rights. A story is related in this context:

Once an outsider known as Zubaidi came to Makkah and had a business deal with Aas bin Voyal, an influential chieftain of the Quraysh. Aas bought his goods, but did not pay him the dues that he owed. Zubaidi sought the help of the bigwigs of the Quraysh. None came to his help as Aas was pretty influential and had lot of clout in Makkah. He then approached the general populace of Makkah. He met everyone who mattered in the city. Some of them felt incensed at the manner he was treated by Aas. They gathered at the house of Abdullah bin Jadaan over dinner. All of them concluded a treaty among themselves named as Half al-Fazool which bound every single of them to jointly oppose any kind of injustice. They brought pressure upon Aas bin Voyal and made him pay the dues to Zubaidi.

The Holy Prophet was extremely happy at this turn of events and would praise any such kind of initiative that guaranteed prevalence of justice in society. Though this treaty was concluded much before he attained prophethood, he would often say that he would join any such effort even after he became a Prophet in order that those who have been wronged could get their dues and no oppressor would get away with his excesses. (Ref: Maulana Abul Hassan Ali Nadwi, *Nabi e Rahmat*, p. 112).

However, if any protest or open demonstration of opposition is feared to cause bloodier reprisals which could endanger the safety and security of the aggrieved groups and make their situation much worse, it is permissible to remain calm and avoid protest. If one could afford to be bold and could urge the authorities to set the things right, one could protest both loudly and visibly.

It is desirable for the persecuted and oppressed individuals or groups to raise their voice against the oppression or expose the oppressor. It will benefit all those people who are likely to be victimized by such oppressors. Similarly, ways and means should be found out to bring the oppressors before the court of law. This will effectively hold his hands from oppressing others. If one could afford, it will be even more desirable to use force against him in order to stop the reign of terror from him. Jurist Damad Affendi writes: To warn the people against a tyrant's oppressive behavior through general discussion does not constitute backbiting. The Holy Prophet had said: Tell the people about the vices that transgressors possess in order that the people stay away from them. And present the oppressors before the King so that he could be reprimanded from the court. It is not a sin.)

If an oppressed individual fights against oppression, it does not constitute terrorism. It is rather desirable. However, if the

victims exceeds the limits, it would be transgression of the Shariah. Writes Sheikh Badran: Any such thing that provides access to the prohibited, will also fall in the category of prohibition. (*Usual al Fiqh al-Islami*, p. 342).

Revenge against Unconnected People

Islam does not allow dragging the innocent people into any conflict by targeting them with any kind of reprisals that are meant for those who are the oppressors. It is not permissible for anyone to attack the people of the community indiscriminately to which the oppressors belong. Those who are innocent even if they belong to the community of people from whom oppression has emanated, should not be touched at any cost regardless of their racial, religious or national affiliation to the group of oppressors. No law would allow this. Islam put a halt to all such practices that allowed revenge against the individuals from the rival tribes regardless of those who actually committed it. The Quran says: And fight in the path of Allah those who fight you. But do not exceed what is just. Lo! Allah does not love the unjust. (Quran 2: 190)

Islam has enjoined the Muslim combatants to spare the women, children, old aged people, the sick and those engaged in meditation and any other non-combatant sections. However, if they are found to be aiding the ones engaged in war, or are spending their resources or indulge in provoking the general masses against the Muslims or are part of the planning the battle, they can be killed. Scholar Damad Affendi writes: The Holy Prophet prohibited his followers from attacking or killing the women and other sections who do not aid and abet the combatants. However, if some among them incite the people on violence or are partners in planning, they will be killed.

Fundamental Rights of People

Almighty Allah has elevated the human being to the status of “best among His creatures” (*Ashraf al-Makhluqat*) and has guaranteed their right to freedom, right to life and right to dignity. These rights are available to them without the distinction of colour, community and faith. These would be available to anyone soon after his birth. Arab scholar Syed Sabiq writes: A human individual will be able to fulfill his ambitions only when he is guaranteed with all the rights and opportunities. Islam ensures all these rights such as right to life, right to ownership of material things and assets, right to protection of his honour and dignity, right to equality and right to education. These rights should be available to every individual regardless of his colour, affiliation to community or faith and gender. Even the objective of the Shariah is to protect these rights and liberties. Imam Ghazali writes: There are five objectives before the sharia. These are: Protection of life, faith, intellect, progeny and intellect. (Ghazali, *Almustasfi Lil Ghazali*, p. 286)

Defence of Basic Rights

Islam has commanded every individual to protect his life, property, honour and dignity and property. They are permitted to defend themselves against any attack on these. In fact even the wisdom of permissibility of war is integral to it. So people are permitted to go to war in defence if any of these rights are violated or are threatened. Syed Sabiq writes: One is permitted to wage a war in protection or defence of his life, honour and dignity, and property or nation.

The permission to use force against the oppressors and tyrants is merely to keep them from oppression and aggression. One is commanded to fight against those who initiate oppression and

tyranny in order to stop them from committing excesses. (*Fiqh as Sunnah* vol. 2, p. 553)

Limits of Defence

Islam has laid down definitive parameters for everything. One is not expected to transgress these limits. Even in matters of defence against oppression and aggression, limits have been fixed. Revenge should not exceed the oppression. One is not supposed to shoot from gun at those who are raising provocative slogans and hurling abuses, lest the defender himself turns an aggressor. We further discuss the topic in the ongoing lines.

Defence of Life

Every individual has been guaranteed the right to life and to protect it. No one is permitted to deprive one of his life. Allah says in the Holy Quran: And do not take away the life which has been sanctified by Allah except by way of justice. (Surah Anam, v. 151). It is prohibited to deprive someone of the right to life. But if he has indulged in creation of mischief or terrorism against others, such mischief-mongers have absolutely no right to live. Syed Sabiq writes: Every individual has the right to protect his right to life. No excesses has to be done against him, except when he kills somebody or spreads mischief on the earth in which case he will deserve to be killed. An individual is not even permitted to kill himself (commit suicide) or inflict injury on his person. A Hadith is quoted from the Holy Prophet. It says: Anyone who kills himself by jumping from a hill, he will remain in the fire of the hell forever. One who kills himself by consuming poison, he would be forever consuming poison in the hell and killing himself constantly. And one who inflicted injury upon his personal self, he will be constantly engaged in inflicting injury upon his self in the hell.

It is quite natural for any self-respecting individual to protect himself and his family to defend himself and the family if he or they come under attack. It will be even permissible for him to kill the attacker or aggressor in the process. Alternatively, if he himself is killed while doing this, he will be elevated to the rank of martyr. Hadith to this effect (quoted previously too) considers all such persons who died while defending themselves, or the their faith or even their property or kin, martyrs. (Fiqh as-Sunnah)

Defence of oneself has been recognized by all faiths and under all cannons of law. Syed Sabiq quotes the verse *wa qatilu fo sabeelillah allazeena yuqatilunakam* (Fight against those who fight with you in the way of Allah).

Limits of Defence

However, one is not supposed to commit excesses while defending himself. If someone has just been abused, or has been slapped or thrashed with a club, it will be totally unjustified to retaliate by killing him. Similarly, if someone attacked with the intention of killing and takes to heels if people could be gathered by raising an alarm, it is better to resort to such measures rather than killing him. However, if the attackers come armed to the teeth and seem to be committed to fulfill their ambition by killing alone, such attackers must be repelled with full force and can even be killed. Noted Islamic scholar Allama Kasani (died 587) has expounded the principles in details. He writes:

If one could defend himself without killing the attacker, it is not permissible for him to kill him. But if the defence is not possible without killing the attacker, it is permissible to kill him. It has been permitted because he would be killed even before he could seek help or raise alarm.

(Badaya as-Sanaya, vol. 7, p. 92-93, Darul Kutb al Illmiya, Beirut, also see: Al-Fatawa al-Hindiyya, vol. 6,p. 7)

It is evident from the Quran and Hadith that it is obligatory on an individual to defend his life against being killed. Allah declares: Do not ruin yourself with your own hands (2: 195), and at another place it has been said: Then all of you must fight against the attackers until he agrees to comply with the commandments of God. (49:2)

It may be noted here that these verses are in the nature of commandments and as such these carry the element of obligatory nature. Even Islamic jurists concur that self-defence is obligatory. Islamic scholar Marghinani (died 593), compiler of Hidayah, writes: It is evident from the language of the commandments as well as Imam Mohammad's assertion that Muslims have the right to kill the attacker, hints that killing in self-defence is obligatory. It all boils down to remove the danger. (*Al-Hidayah* read with *Tukmalatul Fatah*, vol. 10, p. 232, Kitabul Janayah, Darul Fikr, Beirut.)

Scholar Ibne Humam also opines on the same lines. He says that it is essential to remove the harm as it is obligatory for Muslims to curb the evil whatever may be the means. It may not be necessarily by killing alone.

Syed Sabiq says: it is obligatory on the individual to save his life and property by any means. And if such a defence is not possible without killing the attacker, it could be resorted to and he need not pay any compensation.

It is just like the instruction in matters of saving the life from starving to death. If one is sure to die of hunger and has nothing to eat except some prohibited category of food items, it is essential for him to consume the same and save his life. Unless

he does that, he will be a sinner. Similarly, self-defence is mandatory even by killing the attacker.

It is in tune with the commandment with regard to avoiding a death due to starvation. Islamic scholar Damad Affendi writes: If an individual is hungry and has nothing to eat except that has been religiously prohibited, he must consume the same in order to avoid certain death. Such a person will not be a sinner. Similarly, if one is fasting and has reached a stage whereby he cannot survive, he must eat and end his fast. Saving life is accorded priority. (*Majma al-Anhar*, vol. 2, p. 525, Kitabul Karahiya).

Similarly, if food is stuck in someone's throat and there is no water around to flush it down the gullet, he may use liquor to do that although it is prohibited (*haraam*).

One is not supposed to waste economic resources as these are *amanah* (custody) by Allah. One could use it for himself and for his family, and for the purpose of charity, but should in no case waste them. Even the owner of the resources is not permitted to squander these resources or use them for any purpose that is illegitimate. Allah declares in the Holy Quran: O you who have certainty of faith! Do not squander your wealth among yourselves wrongfully, but engage in trade with mutual consent. (4: 29)

The Prophet says: Anyone who took away the wealth of his brother (illegally) will make it mandatory for himself to be cast the in hell and will shut the doors of heaven upon himself. A companion asked, will it be so even if it is something insignificant. The Prophet replied: Even if it is a twig of willow wood (used as a tooth brush).

Protection of Property

Owners of property and goods are supposed to protect them from theft, loot and destruction and defend them against extortionists, thieves and looters inasmuch as they can even kill them if they do not heed the warning to keep off the crime. And if the protectors are killed, they will be considered martyrs.

In a Hadith narrated by Hazrat Abu Huraira: A man came to the Holy prophet and asked him what do you think of a man who wants to usurp my wealth? The Prophet said: Do not give him anything. He then asked: what if he intends to fight against me? The Prophet said: Fight against him. He then asked: What if he killed me? Prophet: In that case you will be a martyr. Man: What if I killed him? Prophet: He will be consigned to the flames of hell. (*Neil al-Autar*, vol. 5, p. 366).

In another Hadith the Prophet is quoted to have said: If someone tries to usurp the property of an individual, he should fight against it. If he is killed in the process, he will be a martyr. (*Sunan Tirmizi*, vol. 4, p. 22)

There is no objection if the extortionist is killed in the process of fighting that ensues as a result of the criminal act. However, it is conditional. One is supposed to wrest back his property or goods with minimum use of force and violence.

Jurists have engaged themselves in elaborate discussion on the topic. *Fatawa e Hindiya* says: There will be no objection if the occupant of a house pursues and kills a thief who has entered a house during the dead of the night and has fled after taking away goods, provided that return of the stolen material is not possible without killing of the thief. However, if the goods could be protected just by raising the alarm and forcing the thief to flee, it is not permissible to kill him. At another place,

the discussion goes further and says: If the thief flees following the raising of alarm, he should not be killed. If he is killed, the killer will be liable to pay *qisas*.

Status of Property in the Shariah

There are differences among the jurists as the Shariah status of goods and property and its protection. Some would say it is obligatory while others have held it permissible. Those who consider the protection obligatory, opine that if the goods in question consists of living beings such as animals (cattle, pets etc), or belong to the category of Waqf (dedicated for the public purpose), or are mortgaged or procured on rent, it must be protected at all cost.

Sheikh Abdul Qadir Oudah argues on the following lines: Protection of one's goods and property is permissible, and not obligatory, with majority of jurists. It is left to the owner of the property either to protect his property and defend it against the usurper, or not. However, some other jurists consider the protection of property obligatory if it belongs to the category of living beings such as animals, or it belongs to others, or is of the nature of Waqf, or has been given to him as mortgage or under lease. (*At-Tashreey al-Janayee al-Islami*, vol. 1, p. 476, Muassasa al-Risalah)

Islamic scholar Shaukani feels that if the goods in question are of less value, it is not appropriate to kill the usurper or extortionist. He writes: The Hadith pertaining to the issue argues that it is permissible to fight against someone who tries to snatch, usurp or extort the goods or property belonging to others, whatever be the value of goods. Most scholars agree upon this as opined by Imam Nawawi and Hafiz Ibne Hajar in Fathul Bari. Some Ulema feel that fighting to gain the control of goods is obligatory while Malikis do not favour fighting if the value of goods is less.

Jurist Syed Sabiq writes: It is obligatory upon an individual to defend himself and his property against harm. (*Fiqh as-Sunnah*, vol. 2, p. 521-522.) Even Ibne Taimiyah concurs with this. (Ibne Taimiyah, *Al-Ikhtiyarat al-Faqeeh min Fatawa*, p. 291).

However, in my humble opinion, it is not obligatory upon an individual to defend his property. He has the option of defending or not defending it against usurpers. If he does not defend it, he is not liable to any punishment nor would he be committing any sin. It is permissible to defend his property as one is permitted to allow others to use his property. However, it does not apply in matters of dignity and honour. (*At-Tashreey al-Janayee al-Islami*, vol. 1, p. 476)

Right to Honour and Dignity

Allah has conferred dignity on every human individual. He or she is supposed to defend it against any onslaught. Particularly, the Shariah has elaborately laid down laws with regard to safeguarding the honour and chastity of members of the fair sex. People have been warned against attaching any stigma to the honour of women and make any allegations against them. Syed Sabiq writes: It is not permissible to defile honour of any individual.

Right to Defend One's Honour

If a woman's modesty is outraged, it is obligatory for the onlookers to protect her. Even women themselves have to protect their honour, lest she commits a sin. She should not allow any male to play with her honour or chastity and should defend herself with full might if anyone tries to overpower her. And it is extremely shameless and prohibited to allow any male to do this with her.

All jurists agree that it is permissible to kill anyone who tries to outrage the modesty of women. Abdul Qadir Audah

elaborates: All jurists agree that it is obligatory for the victim to defend himself/herself if his honour or dignity comes under attack. If the victim happens to be a woman, she could kill the attacker, if it is possible for her. It is prohibited for a woman to allow any man to defile her honour and dignity and outrage her modesty. If a man happens to see another man raping or trying to rape a woman, and there is no other means to safeguard the woman other than killing the attacker, it is obligatory upon him to kill him. (*At-Tashreey al-Janayee al-Islami*, vol. 1, p. 476)

Noted Islamic scholar Ibne Taimiya writes: It is obligatory for individual who is being demanded to commit a sin to repel the attack with full force and kill the attacker if no alternative to safeguard her honour is possible. All jurists have a consensus on the point.

Terrorism and Islamic Standpoint

Mufti Syed Israrul Huq Sabeeli^{*}

Terrorism is the burning issue today. Threat of terrorism looms against several countries. It has assumed global proportions after the September 11, 2001 attack on twin towers of the World Trade Organization in New York. Terrorists are affiliated to different religions and belong to several communities. But contrary to vast number of victims being Muslims, most accusations for terror attacks are attributed to Islam. Such is the force of propaganda by the imperialists that Islam and Muslims are becoming synonymous with terrorism and terrorists. Now it is up to Muslims to adopt a strategy whereby they could counter these allegations and misgivings on this account from the public mind. The initiative by the Islamic Fiqh Academy to discuss the issue threadbare is indeed welcome.

1- Reality of Terrorism

Terrorism implies creation of mischief, to wreak disaster, commit oppression and practice prejudice. Any individual who commits oppression against innocent people without any reason and justification is one who could be called a terrorist. The Quran declares: And among humankind are those whose conversation about the life of this world enthralls you and he

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makes Allah a witness to what is in his heart: but he sows discord (within your own souls and in the community. And when they turn (away from Allah) they do their utmost to cause discord and convulsions on earth. They obliterate crops and destroy entire races of humankind. Lo! Allah does not love those who cause discord and convulsions! (2: 204-206)

2- State-sponsored Terrorism

When it is evident from the definition that terrorism is nothing but oppression, injustice and exploitation, the wise and the intelligent should not hesitate to differentiate between such acts emanating from either individuals, groups or the powers that be. But there might be a section of people who approve of such atrocities when they emanate from certain quarters, one simply cannot approve of them.

The state-sponsored terrorism has been explained in the Holy Quran in following verse: Indeed, when rulers enter a town, they destroy it, and they turn the honour of the inhabitants into dishonour and that is what they do. (27: 34).

Jurists unanimously agree that if a person is killed by a group of people, the law of Qisas would apply on every single of them. No leniency would be shown merely because it was not a one-to-one affair. Ibne Qaddmmah states: It has been narrated by Sayeed bin al-Musayyib that the law of Qisas was applied against seven persons from Sana'a who had killed an individual. Umar declared that he would have the entire people of Sana'a killed if all of them had joined the killers. It is reported from Hazrat Ali that he got three persons killed who had jointly killed a single individual. Hazrat Abbas reports that he got a group of people killed for murdering an individual. No one opposed him in taking such a decision during that time. It is therefore taken as unanimously agreed. It therefore follows that a group could be punished for a crime if the entire group

has committed an offence just as a single individual is punished. (*Al-Mughni* vol. 11, p. 490, 491, published by Darul Aalim al-Kutub Saudia).

It becomes evident from these excerpts that oppression and terrorism, regardless of it being committed by individuals, groups or the Government, is highly reprehensible. Just as an average individual stands condemned for individual crimes, a government too should not be spared of such condemnation for committing violation of human rights. Any such government cannot be termed a 'civilized government'.

3- Protest and Reaction

Any democratic state should allow peaceful protest against any oppression and injustice committed against individuals or groups. Islam too allows such reaction. The Quran declares: Allah does not like an open conversation about evil except about one who has been oppressed. (4: 148). A Hadith narrates: If people see an oppressor committing excesses and do nothing to stop him from this, Allah will inflict his wrath on the entire people. (Abu Dawood, 4,338). Another Hadith says: The best form of Jihad is to utter what is just before a tyrant ruler. (Abu Dawood, 4,344).

The reaction or protest could be obligatory or permissible as per circumstances. For instance, those who are politically influential, enjoy high credibility among people, or have the power of the media should essentially register their protest. It is almost like *farz e kifayah* or something that is obligatory on few individuals of a society on behalf of all. Some people cite the following anecdote from the Prophet's era in support of the argument for protest against injustice:

A man came to see the Holy Prophet and complained of trouble he was facing from his neighbour. The Prophet asked him to throw off his household good on the street. The passersby

began to curse him. He came rushing to the Prophet and said: O Messenger of God! I have suffered a lot at the hands of the people. The Prophet asked him: How did you suffer? He said that they were cursing him. The Prophet told him that he had been cursed by Allah before people could curse him. He then repented his misdoings and promised that he would not repeat them. The Prophet told the complainant to restore his household goods, for he had repented for his misdeeds. (*Majma Az-Zawaid*, vol. 8, p. 170)

Another Hadith too hints at the right to protest with the government: Ubaida bin Samat narrates that we took an oath (*bayt*) with the Holy Prophet, to the effect that we would listen to him and follow his advice be it in the state of penury or prosperity, regardless of our like or dislike and even if he preferred others over us, and that we would not fight over matters pertaining to the government except that we see outright rejection (*kufir*) of Islam about which we have clear commandments of Allah. We also swore that we would profess what is truthful and will not be afraid of those who condemn us for being straightforward in declaring what is Divinely commanded.

The above Hadith uses the term *Kufir* while the preceding Hadith uses the term *kalima e adl* or word of justice. Read together the two Hadith emphasize the fact that protest against injustice and oppression is an inalienable right of individuals and criticizing their wrong policies is akin to worship.

Besides the following Hadith also likes a Muslim to be seen in an active role in eradicating evils: When you observe an evil being committed, stop it by hand; if you cannot do that, try to prevent the offender by your tongue; if you cannot even do that, feel bad about it in your heart, and this is the weakest degree of faith. (*Muslim, Tirmizi*, 218)

Some other Hadith go still further and add the following: Those failing to do these must remember that their hearts have been rendered totally empty of faith. (Muslim, 50)

To sum up, above Hadith make it amply clear that protest or agitation against injustice does not amount to terrorism. The Quran rather urges the Muslims to persuade the perpetrator of justice and wrongdoers to desist from oppression and injustice.

- 4- It is not right on the part of the victims to direct the reprisals against all members of the community or group whose members were responsible for oppression or injustice. It is evident from the verses of the Surah Yusuf which says the following: They said: O chief! His father is assuredly a very old man, therefore hold one of us (as ransom) in his place, we do indeed see that you are a person who is very kind. He (Yusuf) said: May Allah protect us if we hold anyone other than the one with whom we found our belongings,, we would indeed be wrongdoers. (Yusuf, 78-79)

There are other verses of the Quran too that make the same point:

And no one shall carry the burden of another. (6: 164)

But the recompense of an evil (a hurt) is (limited to) a similar evil (a hurt). (42: 40)

If then any one transgress the prohibition against you, transgress you likewise against him. (2: 149)

A Hadith says: One should not initiate inflicting injury on other, nor should exceed the limits when they are hurt by others. Whoever hurt others, Allah will hurt him. Whoever

troubles others, will be troubled by Allah. (Mustadrak Hakim: vol. 2, p. 52).

But there is another knotty issue which only people in a democracy encounter. It is quite well known that in democracies, the sovereignty exists with people who elect a government and vest entire power to rule them. If a political party known to be harbouring antipathy against a particular group of people and a record of instigating violence is voted to power by a massive mandate of the people, who will be held responsible. Will the blame lie with the people who voted such violent groups to power?

5- Factors and Motivations for terrorism: It is for the psychologists to find out the reasons that motivate individuals and groups to indulge in terrorism. They vary from country to country, but some of them could be common. Some of the factors responsible for state-sponsored terrorism are stated hereunder:

- a- Religious intolerance and partisan attitude, b- Encouragement of monoculture and attempts at assimilation of diverse cultural groups into one homogenous whole, c- Expansionist ideologies characterized by greed, d- Usurpation of other's natural resources, e- American and British imperialist designs against others,

Following could be the factors motivating the non-state actors to commit acts of terror:

- a- Unavailability of justice, b- Misinterpretation of religious teachings, c- Sense of deprivation, d- Denial of access to rights, e- Economic deprivation targeted at impoverishment of certain nations, f- Political

deprivation, g- Denial of rights and privileges to certain communities, g- Policy of selective victimization of certain communities, e.g., anti-Sikh riots of 1984 and frequent outburst of violence against Muslims.

- 6- Remedial measures for Terrorism: Remedy lies in disseminating the message of peace of Islam and the mission begins with the Islamic Dawah. It implies reaching the people with the message that salvation lies in Islam as it encompasses the message of all prophets which was translated into a perfect model by the Prophet Muhammad. Quran contains the essence of all major religions and ensures the success in the hereafter. It testifies the message of books revealed prior to it. The Jews and Christians should be invited to join us in the worship of a common God. The Muslims will need to exercise a lot of restraint and patience and planned progress towards presenting the message of truth as was demonstrated by Prophet Moses. Islam also enjoins its followers to give up the pursuit of greed and hedonism and concentrate on the success in the hereafter. The Quran summarizes the reality of the worldly life in the following words: Know that the life of this world is play and deception and show. And (a means of) bragging between you and piling up of wealth and children. Like the joy felt by disbelievers when it rains and the vegetation grows. Then, as it dries up, you see it turn yellow, then it becomes dried sticks. And there is in the hereafter an intense punishment, as well as forgiveness from Allah and His pleasure. Lo! The life of this world is not but a means for deception. (Hadeed : 20)

Inaccessibility to justice has led to a lot of terrorism in the world. Major and dominant nations of the world have been following a policy of the suppression and exploitation against smaller nation. Their voice of protest and plea for justice is interpreted as terrorism. Small acts of violence by such militant group are magnified and used for drumming up massive military build-up against tiny states who are then crushed into subservience. Islam opposes such double standards. The Quran says: O you who have certainty of faith! Be upholders of justice as witnesses before Allah even if it be against your own selves, or your parents, or those near to you, whether it be rich or poor, for Allah wills goodness for both. (Nisa: 135)

Policy of assimilation and cultural domination practiced by major nations against smaller ones also constitutes one of the major reasons for terrorism. Islam does not approve of any compulsion in matters of faith. Allah declares: There is no compulsion in matters of faith. What is right stands manifest from what is wrong. Then, whoever rejects the untruth, and believes in Allah with certainty, he has certainly grasped a firm support, that is indestructible. Lo Allah is the Beholder, the Knower. (Baqrah: 256).

Terrorism breeds in minds that are devoid of dignity of the mankind. One would, for sure, desist from harming other individuals and nations, if they enjoy the same esteem and respect in his eyes. The Quran says: We have indeed conferred dignity on the progeny of Adam. (Bani Israel: 69). It is why the slaying of a single individual has been likened to the slaying of the entire mankind (Ref. Quran 5: 32). Terrorism in fact represents a psyche of usurpation. A Hadith informs that whoever illegally occupies even a square feet of other's land, would be buried under seven layers of the earth. (Bukhari vol. 5, p. 76, Muslim 1612).

Self-Defence in the sight of Sharia: Question is raised as to how the Sharia views the defence in the event of an attack on life, property, honour and dignity by an individual. The Hadith says that anyone who loses his life in defence of his life, property and honour will be given the status of a *shaheed* (martyr) (Ref. Tirmizi 261).

The above Hadith places the defender on par with a *mujahid*. Other Hadith mentions both who defended themselves and those who didn't. A Hadith from Muslim talks about one who defends.

Yet another Hadith says : Once an individual came to the Holy Prophet and told him. O the Prophet of Allah! What do you suggest for a man who wants to take away my property forcibly from me? The Prophet asked him not to allow him to do that. He asked: What to do if he wants to fight me? The Prophet said : Fight against him. He again asked: What if I am killed? The Prophet said: Then you are a martyr. He again asked: What if I killed him? The Prophet said: He is in fire? (*Muslim, Kitabul Iman*).

Quite in contrast, the Holy Quran narrates the story of two sons of Adam, i.e., Abel and Cain wherein Abel did not defend himself against the murderous attack from Cain and laid down his life. It says: "So if you raise your hand to kill me, I will not raise my hand to kill you. Indeed, I fear Allah, the Lord of all the worlds. Indeed, I wish you take on my sins and your own sins, then you will be among the companions of the Fire, and that is the recompense for transgressors." So (the dark side of) his ego convinced him to kill his brother. And he killed him, and became one of the lost ones. (Quran, Maeeda: 28-30).

The Islamic scholars like Muhammad bin Ismail Sanaani has quoted both kinds of Hadith that hold the self-defence as permissible as well as impermissible. It depends upon

circumstances. If indeed defence is possible, one must defend himself. In fact defence preparedness deters the enemies from attacking. In contrast, if Muslims are incapable of defending themselves, it is better for them to come to a compromise.

Secondly, it leads us to the issue of limits of defence. Primarily, it should be the duty of the individual to defend himself. Next it is imperative for the administration and judiciary to arrange for protection of the communities. Third, Muslims should form peace committees and seek the help of the administration to protect their lives and property. If the administration cannot be trusted in this matter, the community could even appeal to the Human Rights Commission and National Minorities Commission. Following the experience in Gujarat, where administration suffers from trust deficit, it is now argued that Muslims should rely upon courts and the Constitutional bodies and should prevail upon them to put in place new policies and mechanism for the protection of minorities.

Islam is Religion of Peace and Security

Dr. Wahbah Mustafa Zuhaili*

Islam does not recognize any form of terrorism and if ever Muslims are found involved in any terrorist activities, it may be due to certain external reasons. These elements would be mainly from those sections which remain illiterate and are involved in criminal activities. They may belong to drug addicts who lose their intellect and rationale under intoxicated conditions. We have tried to dissect the definition of terrorism which is being popularized by the United States and the World Zionist lobby without any concrete evidence.

1- Terrorism or Arabic term *Irhab* implies to frighten and intimidate and to create scare among people. It is okay if it is done in the battlefields in order to subjugate the enemy. It is quite acceptable and appeals to the intellect. The Quranic verse says: And prepare against them your energies according to your capability, and with steeds trained, strike fear into the enemies of Allah, and your enemies, and other besides them you do not know, but whom Allah knows. And whatever you set aside in the path of Allah shall be returned to you, and you shall not suffer injustice. (Anfaal: 60)

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It is quite in order to develop one's armed might in order to deter the rivals and enemies from thinking of war and subjugating others. .

The primary condition that Islam sets for Jihad is to be led by a Muslim Government, not by an individual. And it should be publicly announced. It cannot be waged secretly and covertly.

Terrorism implies all kinds of atrocities, strategies to frighten common folk and create mayhem without any proclamation of war. Terrorism practiced by sundry militant groups is totally different from Jihad. Jihad is backed by a sound logic and is a legally sanctioned war. Islam sanctions all resistance against injustice and condemns all kinds of oppression and excesses.

According to experts of International Law, Terrorism is a violent act motivated by certain political objectives regardless of the methodology. It aims at creating scare and striking terror and could be trans-border and may not confine to the period of war or conflict. It means that organized terrorism could have several variants e.g., individual, international, political, economic or fuelled by faith or religion. But the outcome is invariably the same i.e., to create scare among a section of people and to wreak destruction. It means that those who are defending themselves against terrorism are justified in their defensive action to protect their lives, property, honour and dignity. Terrorism is therefore an act that has no legal sanction under Shariah or Islam, regardless of its nature.

Islam defines *Irhab* or terrorism in the above sense. It is why most of the international legal luminaries recognize the right to defence against terrorism under the International Charter of Human Rights.

Jihad deters the oppression and excesses. The Quran says: And fight in the path of Allah those who fight you. But do not

exceed what is just. Lo! Allah does not love the unjust. (Baqrah: 190). What it means is that war is justified when it comes to deter the enemy but should not lead to excesses. A Hadith has the following to offer: It is not permissible for a Muslim to terrorize or intimidate another Muslim e.g., by brandishing a sword or by letting out a snake or hiding away his valuables. All these amount to causing him hurt and inconvenience. A Muslim is one from whose hands and tongue another Muslim remains safe. Hadith interpreters are of the opinion that both, Muslims as well as non-Muslims are covered under its ambit as Allah has conferred dignity on all members of the mankind and guaranteed protection of their lives, property and honour.

2- Next comes the question as to how to deal with the issue of discriminatory policies with regard to social and economic justice and deliberate laxity in matters of protecting their lives and property. Could this unjust attitude be likened with terrorism?

Undoubtedly, terrorism regardless of where it is being practiced, targets the governments. It might be that the roots of terrorism go back to the discriminatory policies against certain sections of people. In certain cases, groups are encouraged or instigated to attack certain other groups, demolish or damage their places of worship and a drama of inaction is staged to maintain a neutral stance. The objective is clear: to heap indignity on certain communities and humble them into subjugation.

Although all these might come under the ambit of terrorism, Islam does not favour a tit for tat policy and mischief being countered by another kind of mischief. This will only engulf the whole population in a cycle of violence, mutual hatred feeding physical violence from each side.

3- The reaction against oppression or persecution and defending one's life and rights is obligatory, provided one affords to articulate his reaction. But it is urged that one has to first assess his own situation, strength and consequences. Reaction or defensive action must be backed with sound assessment of each other's strength. If defensive action is likely to deter the oppressor, it will be obligatory to initiate such measures. If such an initiative is likely to add to the miseries of the victim, it is better to exercise restraint till some opportune moment strikes at the door. The following verse of the Quran could be cited in support of this argument: Allah does not like an open conversation about evil except about one who has been oppressed. Indeed, Allah is the Hearer, the Knower. (Nisa: 148)

There is a consensus among all Ulema besides the Hanbalis on taking defensive measures as it deters the oppressors. Those who die while defending themselves will fall martyrs and oppressors will be consigned to hell.

Therefore, the defensive action against oppression does not constitute terrorism. But in the current discourse, the ones who are backing the oppressors are themselves accusing the victims of committing terrorism when they defend themselves. Obviously, they would like to see that their domination in the world continues. If one could be more explicit, it is the United States of America which in all its arrogance wants to keep the entire world under its thumbs, and more particularly subjugate the Muslim countries into subservience.

4- The fourth question pertains to whether entire group of oppressors, even those who are innocent and did not participate in the oppressive activities, could be targeted for vengeful action.

Islamic Shariah does not permit targeting the innocent people and launching the reprisal in such an indiscriminate manner that even those who did not participate in the atrocities would be harmed. Islamic Shariah does not even allow killing even the one who has murdered someone. Such cases have to be decided by the court, in order that the whole society does not get caught into the vortex of violence. It is the duty of the government to protect the oppressed and not to allow the mischief mongers to gain an upperhand in the society.

It is a jahiliyya characteristic to oppress the innocent people. Islam allows for law of Qisaas which is exercised by courts alone and allows killing of one person for murder of an individual. It is not justice for people to adjudicate, convict and kill the killers. Matters have to be referred to courts, adjudicated by judges and convicted. Similarly, the offenders and oppressors have to be punished proportionate to their offence and oppression. It will not be proper to punish the unrelated persons.

5- The fifth question pertains to the factors like political and economic injustice and usurpation or control of economic resources by use of excessive force. How does Islam treat this issue? What could be the remedial measures?

It has to be understood that terrorism is rooted in several factors such as political, economic, and social and communitarian. Such issues should be sorted out through a gentle and constructive dialogue with groups harbouring such grievances. Even there should be effort to promote a section within the mischief-mongers who believe in a dialogue. Terrorism does not resolve the issues of injustice but only complicates the resolution process. It is therefore imperative that mutual dialogue between well-meaning sections could only ensure durable peace. However, if these peaceful measures do not

yield any result, the most appropriate response could be that the oppression be countered with similar kind of oppression.

6- The sixth question pertains to the Shariah status of defensive measures and whether use of forces for defending the lives, property and honour and dignity would be obligatory or permissible. Moreover what would be the limits of defence?

Several organizations and laws recognize the right to defend against the attack on life, property and honour and dignity and recommend the retaliation in the same measure. A gradual process has been prescribed in this regard whereby one has to proceed for resolving the issue through negotiations, and then through mediators. It should further proceed by use of assault by hand, then by use of whips, then by severing some limbs and finally by killing. However one has to bear in mind that when minimum force could resolve the issue, the harsher measures should be avoided.

Similarly, it will be better to measure the need and proportion of response beforehand. It will be better to avoid confrontation and instead take refuge in some fort or among people. Such measures will be mandatory and killing the oppressor will be forbidden.

There is no obligation on the defender other than that he is strictly commanded not to exceed the limits in directing reprisals. There are four conditions for the right to defence, 1- The crime has been committed, 2- The crime should have been actually committed rather than merely threatened, 3- That the defence is not possible through minimum use of force, 4- The response should be a measured and proportionate one, and should be to deter the offender.

In case, it is the question of defence of life, the majority of the jurists (Hanafites, Shafiites, and Malikis) agree that that

response is obligatory as Allah says: And make not your own hands contribute to (your) destruction. (2: 195). It further says: Then fight you all against the one that transgresses until it complies with the command of God. (49: 9).

All jurists agree that the defender may not be sued under any civil or criminal law as he is not liable to be prosecuted because the blood of the transgressor is permissible.

Imam Ahmad opines that the defence of life is permissible, not obligatory. In the event of any mischief, the Holy Prophet has advised: Remain Confined to your homes. In case it leads to any mischief, it is better to be killed rather than emerging a killer.

If it is a case of defending the honour and dignity, the jurists agree that it is obligatory for both male and female to defend themselves as lack of response would embolden the oppressor. It is perfectly permissible to kill the attacker. If he is killed, there will be no liability for his blood as it was unavoidable. Jurists of all schools agree that the defender will not be prosecuted under any civil or criminal law. No Qisaas will be demanded and no blood money will be paid, as the Prophet has said: One who is killed while defending his kin, will be termed as *Shaheed* (martyr).

(The original paper was presented in Arabic and Safdar Zubair Nadvi rendered it into Urdu. The contents here have been translated from Urdu to English).

Islamic Concept of World Peace

MI. Mujeebur Rahman Ateeq Sambhali*

Media headlines have been dominated by topics like terrorism, violence, extremism, fundamentalism etc after the 9/11 attacks in New York. Curiously, all those forces responsible for violence around the world have themselves been raising raucous cries against violence and laying the blame at the door of Islam. No doubt their propaganda has made some impact on innocent minds. A sizeable population has come to believe that Islam is synonymous with terrorism, fundamentalism, violence, and extremism.

What is Terrorism?

Terrorism is translated into Urdu and Persian as *Dehshatgardi* and *Irhab* in Arabic. The United Nations kept discussing the term 'Terrorism' from September 18, 1972 to December 7, 1987 but could not arrive at a consensus. The Indian National Security Act 1986 defines terrorism in the following words:

A terrorist is an individual who tries to paralyze or dislodge a government established by law or attempts to strike fear among people or among a section of them by use of bombs, dynamite, or an inflammatory or incendiary device or any weapon capable of firing cartridges that can cause physical harm to individuals,

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disrupt the supply of goods in order to cause chaos in the public life. (D. P. Sharma, *Countering terrorism*, Lancer Books, 1992)

The Federal Bureau of Investigation and the American Congress have defined it in the following words:

- iii- Any measures or strategies conceived and used to bring about pressure on a group of persons, society as a whole or the government with certain political motives or intimidating them with violence or damage to or usurpation of property constitutes terrorism.
- iv- Terrorism is a kind of deliberately inflicted violence motivated by certain political objective which terrorizes the people. It is resorted to by small groups or secret agents and is aimed at creating terror in the hearts and minds of those who are witness to it or come to know of it. (Dr. Jaffer Idris, *Al-Irhab: Tarifah wal Musabbabatuhu*, p. 06).

Even any cursory glance over these definitions of terrorism makes it apparent that they have been very casually worded, are incomplete and take only a highly partisan view of the phenomenon. A basic reason why a mutually agreed definition has proved elusive is that the parties engaged in the discussion have kept out the aspects of state-sponsored terrorism from the ambit of the discussion. Similarly, they have shunned the central element of violence involved in terrorism. By keeping these two aspects from the discussion, they have merely tried to attribute and ascribe violence to non-state actors who are principally stray violent and militant groups creating mayhem in isolated pockets. Having said this, it could be concluded that Arabic word *Irhab* does not sufficiently convey the sense of terrorism. The Arabic word *Udwan* should rather fit the bill

more effectively as modern day terrorism is more akin to oppression, persecution and aggression rather than targeting of innocent citizens. Viewed from this angle, the following definition seems to be more apt:

According to political scientists, the term 'tyranny' implies the exploitation of an individual or group or denying the rights to a community. A number of terminologies now convey the same meaning. They use the words like colonization, aggression, domination, occupation, and so forth; and as their opposites, the words like legitimate government, human rights, constitution and civil life are used. (*Tabai al Istibdad*, Ar-Raihala, p. 10)

The Protocols of the Elders of the Zion too make it amply clear as to how they have proposed their oppressive ideology. Here is a quote: It has to be noted that wicked people outnumber the gentle ones. The best way possible to dominate the world is through terror and violence and not from academic discussions.... There is no dearth of such people who can trample upon other's right for the sake of their own interests. (*Al-Khatr al-Yahudi*, translated in Arabic by Abbas Mahmood Aqqad, p. 103)

It makes the following points: 1- the essence of terrorism lies in oppression and it uses the tool of violence. 2- Terrorists basically attack the fundamental rights and destroy civilizations. 3- It is the people who are the direct targets of the terrorists. 4- Terrorism is inspired by motives that are political, individual, and national or are embedded in prejudice. Therefore the Arabic term *Irhab* is not even remotely related to the verse "*turhiboona bihi aduallahi*".

From the Islamic point of view any act that is inspired by oppression, is criminal in nature or leads to chaos and disorder, regardless of the point of origin, is terrorism. It could be by an individual, a group or community or by the State. The Quran

terms it mischief, anarchy and war against God. It's why the Quran termed the mischief more sinister and damaging than murder. Mischief is referred to in the Holy Quran as *Fitnah*, *Fasad* and *Maharabah*.

Meaning of *Fitnah*

Fitnah stands for testing or distinguishing the right from the wrong. If the term is being used with Allah being the subject, it means 'trial'. If the subject is humankind, it could have the following uses:

- 1- Oppression against the weak, curb on or violation of their rights, exile or causing hurt to them. The Quran uses *Fintah* in this meaning. It says: And indeed your *Rabb*, for those who migrate after are persecuted, then struggle and persevere with patience. (Nahl: 110)
- 2- And to prevent them from entering the Masjid al Haram, and to expel people from it, and fostering discord and convulsion is a greater (offense) than slaughter. (Baqrah: 217)
- 3- To suppress the truth and prevent the people from accepting it. It says: So, no one believes in Moses except the youth among his people, out of fear that the Pharaoh and his leaders would persecute them. And indeed! The Pharaoh was a tyrant in the land, and he was among those who had exceeded the limits of justice. (Yunus: 83)
- 4- To misguide the people and lure them away from the truth. It says: Indeed they were about to tempt you away

from what We have revealed to you, so that you ascribe something else to Us. (Beni Israel: 73)

- 5- To wage war for unjustified causes and indulge in bloodshed. It says: And if an entry had been effected to them from the sides of the (city), and they had been incited to sedition, they would certainly have brought it to pass, with none but a brief delay. (Beni Israel: 14)

Meaning of *Fasad*

Every such act that is unjust and violative of peace is *fasad*. The Quran used this principally to describe distortion and corruption in social morality and culture. For instance, The Quran accuses Firaun, Aad and Samud of *fasad* (mass corruption). For instance look at the following verses: And the Pharaoh, master of stakes—the one who oppressed the people in the land and fostered much corruption in it. (see Fajar: 10, 11).

The Quran lists the crimes of these nations in detail. For instance, Firaun has been accused of arrogance, racial discrimination, killing innocent people, and their persecution (see Surah Qasas: 4), Deterring people from acceptance of truth and intimidating them (see Surah Taha: 71), Enslaving the weak (see Surah: Shuraa 22), Laying claim to divinity and arrogance, (see Surah Qasas: 38, 39), Humiliation of the subjects leading to enslavement (see Surah Zukhruf: 54), Framing draconian laws, (see Surah Hood, 97).

Similarly, the Quran describes the destruction wrought by the oppressive laws as *fasad*. (see Surah Naml: 34).

What is evident from all this is that any act that leads to persecution of people, corruption and distortion in public life, order, causes hurt to masses, leads to denial of rights,

deprivation of the populace and results in bloodshed and killings, is *fasad*. Hence all these fall into the category of terrorism. The Quranic verse (Surah : 60) where the term *Irhab* has been used does not have even a semblance of likeness with terrorism. This verse merely asks the adherents of Islam to strengthen themselves to an extent that your strength should itself be enough to deter the enemy from causing any mischief against you (the Muslims). All that it may imply is that one has to keep reinforcing his defences constantly. If indeed the aura of one's strength itself could avert the attack, there could be nothing better than this.

If indeed this commandment of the Quran amounts to terrorism, then keeping any kind of arms, possessing even a gun at home, should be treated as forbidden. This totally defies the common logic as even Nature has provided thorns around the flowers. Even animals defend themselves against attack. By this logic every individual should be termed a terrorist.

Islam is totally opposed to terrorism and violence. It is a religion of peace and guarantees security for everyone. All kinds of bloodshed, mayhem, violence or mischief have been forbidden by Islam. To kill any individual has been likened to killing the entire humanity as is evident from the 32nd verse of Surah Maidah. Similarly, the Quran prescribes severe punishment for those who create mischief or indulge in bloodshed on the earth. It says:

Indeed the punishment of those who wage war against God and His apostle, and are actively engaged in causing tumult on earth is not but that they are killed or crucified or lose their hand on one side and a foot on the other or expelled from the land. Such is their disgrace in this world and upon them is a great punishment in the Hereafter. (5: 36)

The implication of this verse is not confined to merely those who are highways robbers, but are engaged in plunder and pillage, destroying peace and creating mischief and causing bloodshed. (The Quran even includes usury among these crimes at another place and terms it akin to declaration of war against God. However, usury is not included here.) What could be concluded is that terrorism, violation of human rights, oppression and persecution and violence are totally illegitimate and all perpetrators of this kind of injustice would be liable for punishment here in this world as well as hereafter. Islam does not propound the theory of war for the sake of war or Jihad for wielding of sword.

Raising Voice against Injustice

Islam neither allows its followers to commit oppression, nor does it permit them to maintain silence in the face of injustice. The Quran recognizes the right of the victims of injustice to protest, seek his legitimate right and defend them. Allah declares:

Allah does not like an open conversation about evil except about one who has been oppressed. Indeed, Allah is the Hearer, the Knower. (4: 148)

The Quranic commentators have explained this in a variety of ways. Some would opine that it stands for cursing the oppressors, or to warn them against oppression. Some others say that it implies taking revenge. Abubakar Jassas Razi has quoted all these opinion in his book *Ahkamul Quran Liljassas*.

Imam Razi clarifies the issue more elaborately: What should a victim of oppression do? There are a number of sayings in this regard: 1- Qatadah and Ibne Abbas opine that Allah does not like an evil to be talked loudly in public. However the victim of oppression can curse the oppressor. He is allowed to invoke

God against the oppressor. 2- Mujahid says the victim of oppression is permitted to warn the oppressor. 3- It is not justified to expose the hidden aspects of the crime, but one should raise voice against theft and extortion. 4- A victim of the oppression is allowed to take revenge from the wrongdoer. (*Al-Tafsir al-Kabeer*, Vol. 11, p. 91)

Syed Rasheed Raza writes: The oppressed can prefer their complaints before the officials of the administration from whom they can expect action and justice against the oppressor and can say so loudly.

A Hadith from *Sahih Bukhari* enjoys the status of a principle. It says: One could convey his complaint to the people at the helms (*Sahib e Haqq*).

All that can be concluded from these narratives is that victims of oppression can raise their voice against oppression, can protect, warn the oppressors, can issue statements in the media, can hold protest meeting, can even initiate action to take revenge provided that it does not lead to more mischief, and can plead for the redressal of their grievances and demand their rights. Finally it can be said that attitude of condoning oppression or leniency in matters of response is not always effective. It is essential that source of mischief is stamped out. If the oppressors continue their reign of tyranny, Islam even permits full scale war against such individuals or groups. (See *Aalaus Sunan*, Zafar Ahmed Usmani, vol. 12, 667)

A Shariah Point of View on Suicide Attack

Suicide attacks have emerged as the latest attempt to defend themselves by groups that have faced constant onslaught by forces of world imperialism. An attacker sacrifices his own life for the sake of attack that takes several lives and cause demoralization in the ranks of oppressors. Before we explain

the Shariah point of view, I would like to place a few facts before you. 1- Islam has sanctified the lives of the human beings. To kill someone unlawfully and in an unjust manner and to cause bloodshed is prohibited (*haraam*). 2- Everyone is custodian of his life, not the owner. It is not permitted for an individual to kill himself. If he does so, he would be violating the law of *amanah* (custodianship). 3- Hadith very specifically proscribes suicide and therefore the jurists have declared it prohibited (*haraam*).

With this premise we cite here the opinions of jurists. The issue has two aspects: 1- An individual launches the suicide attacks during the war and gets killed. 2- Someone has been caught and imprisoned by a group of oppressors and apprehends severe kind of tortuous punishment. He plans suicide as a bid to escape this torture.

Now let us go into the ramifications of the first aspect of the issue:

- 1- The rumours were circulated regarding the martyrdom of Hazrat Osman while the Prophet Muhammad was camping at a place called Rizwan outside Makkah. The Prophet invited all his companions for what has come to be known as Bayt Rizwan. According to this, every single of the *sahabi* (companion) swore on oath that he would sacrifice his life while fighting against the enemies.
- 2- The *Seeratus Sahaba* records the account of the battle of Yamamah when the Musilamah's forces were raining arrows from within the fort and Muslim forces were taking heavy casualties. Holy companion Braa' bin Malik Ansari requested his fellow combatants to mount

him on the shield and launch him inside the fort. He said: "If I survive their attack, I will open the door of the fort so that the Muslim forces could enter the fort and overpower the enemy. They did accordingly and Braa' put up a stiff fight inside and ultimately succeeded in opening the doors. (*Swarum Min Hayatus Sahaba, Sahih Muslim*)

- 3- Holy companion Auf bin Harith bin Afraa' asked the Prophet: What act of a servant pleases Allah the most? The Prophet replied: Plunging oneself into the enemy's rank unarmoured. The biographers write: Auf threw away his armour, took the sword in his hands and fought the enemy till he fell a martyr. (*As-Siratul Halbiyah*, vol. 2, p. 411)
- 4- Imam Muhammad writes in his book *As Sayr al-Kabeer* regarding the suicide attacks: It is permissible for an individual to attack a thousand strong group of enemy fighters hoping to emerge successful or causing considerable damage to them. If he does not feel that it will inflict any damage on the enemy; such an act will be disapproved, because it is useless to endanger one's life. However, if he feels that his death will boost the morale of the Muslim forces, there is no objection against this.

In the light of above excerpts and accounts from the history, it becomes amply clear that any attack against the enemy in which the attacker might lose his life, is permissible. But from the very same accounts some principles could be derived:

- 1: The Attacker should not be intending a suicide.

2: He should have the conviction that he will either emerge successful, or inflict severe damage to the enemy forces, or will enhance the morale of the Muslim forces.

3: The outcome of the attack should be assessed and calculated beforehand either by the attacker himself or the commander of the forces.

4: The objective behind the attack should be to take forward the cause of religion and Divine mission, not the personal promotion or national or racial prejudice.

5: It should be done with the aim of benefitting the Muslims and should be in their interest.

6: It should not be with an aim of aggression or persecution.
If the attack takes into account all these points, there could be little room for doubting its permissibility and justification and any such attacker, will be Insha Allah deemed a *shaheed* (martyr) if he is killed.

The second aspect of the issue i.e., preferring death to torture, too needs to be deliberated. It is necessary to think over the ramifications of the issue, especially in today's context, because torture is an instrument through which the enemy forces try to extract such information from their rivals which might be severely harmful against their larger interest of the community and the nation. This needs more deliberations from the Muslim intellectuals and the Islamic scholars. Ibne Qaddamah Hanbali writes: If a fighter apprehends that he would be arrested and imprisoned by the enemy, he should prefer to fight till the end and fall martyr rather than surrendering to the enemy. He will be rewarded with Divine favour and will be given elevated status in the heavens.

In the light of the above submissions, I believe killing of self should be permitted if the objective is to escape from the

torture and to safeguard the collective interest of the community. In such circumstances, it should not be considered suicide. However, following conditions could be taken into consideration: 1- The objective should neither be to commit suicide nor should it be to escape torture. 2- When collective interest of the community or nation is at stake. 3- One apprehends that he would divulge such information about the nation or the community under the threat of torture that would endanger the collective interest of the community, provided that he has such information. 4- He should adopt such means that he does not inflict death on himself.

Self-Defence from the Shariah Point of View

The Sharia commands individuals who are attacked to defend themselves if the attack is directed against their life, honour or dignity or even property. One who is killed while defending himself will be deemed a *shaheed* (martyr). Sayeed bin Zaid narrates having heard the Holy Prophet saying : One who fights for his property and is slain, is a martyr; one who is slain for blood is a martyr; one who is killed while defending his faith is a martyr; and one who is slain for his family is a martyr.

Self-defence could be opted in the following categories: 1- Defending one's life, 2- Defending one's honour and dignity, 3- Defence of property.

Defending one's Life

All the jurists agree that it is obligatory for one to defend himself and save his life against attack by either a Muslim, animal or non-believer. Imam Shafii, however, thinks that it is obligatory only when the attack is from a non-believer or an animal. Shafii opines that surrender before the non-believer is outright humiliation. However, if the attacker is a Muslim, surrender is possible. Abu Dawood opines that one could be

like the son of Adam (Abel or Habeel) who surrendered himself. Imam Ahmad bin Hambal does not think that self-defence is obligatory. He puts it in the category of permissibility. (*Al-Fiqh al-Islami wa Adillah*, vol. 5, p. 755).

Scholar Shami opines that it is obligatory to defend oneself if the attacker is a non-believer and he could even be killed if there is no alternative to saving oneself other than killing him. (*Durrul Mukhtar*, vol. 5, p. 351). Scholar Abideen opines that if one gives up defence of his self, he will be a sinner. (*Raddul Mukhtar*, vol. 5, p. 351)

Fatwa by Maulana Thanvi: In the event of an unpleasant incident happening from the official side, it is imperative for the people to inform the administration using very polite language. If the administration does not move to redress the grievances, one should have patience and should exercise restraint and should not respond to it by action or by pen or even verbally. He should keep praying to God to remove the difficult circumstances. But if the oppressors are insistent upon killing, the Muslims should fight it out and put up stiff resistance against their machinations. It becomes obligatory to do so. (*Hayat al-Muslimeen*, p. 179)

Defending the Honour

There is a consensus among the Islamic scholar that if a woman is attacked by a wicked man who is out to outrage her modesty, it is obligatory for her to defend her honour. It is permissible for her to even kill him. The victim will not be liable for any punishment. Similarly, if anyone observes any person defiling the honour of a woman, it is obligatory for him to protect that woman, and he can even kill him while defending her provided he is capable of it and does not fear for his life. (*Al-Fiqh Al-Islami wa Adillah*, vol. 5, p. 579. Fatuhi, *Muntaha al-Iradat*, vol. 5, p. 162).

But there is yet another aspect to the issue. What if a woman prefers death than her honour being defiled by the enemy or rioters. Maulana Thanvi had given a fatwa about one such woman who committed suicide by jumping out of a moving train to save her honour from being defiled by a wicked man. Here are his words:

The chaste women are so very sensitive about their modesty that they even take the risk of death or loss of limbs by jumping out of the moving train out of desperation rather than losing their modesty being outraged by a wicked man. Though the death is not certain, but severe injury or permanent disability can be expected in such circumstances. So such a desperate step will not be termed suicide. Addressing a similar issue, my teacher Maulana Muhammad Yaqub was asked about women who during mutiny jumped into the well to safeguard their modesty at the hands of the British sepoys. (*Ghair Islami Hukumat ke Sharii Ahkam*, compiled by Mufti Muhammad Zaid Mazahari, p. 34).

It seems quite pragmatic that such bid to kill oneself should not be termed suicide. Thanvi's explanation seems to be quite suitable to the contemporary context.

Defence of Property

Defence of property is quite permissible and all schools of jurisprudence agree to it. However, it is not obligatory. However, if the extortionist gets killed while defending the property, the defender will not be liable for any punishment, provided he had observed the limits of defence.

However, Imam Shafii has elaborately explained the nature of property. He says it is not obligatory to defend the property

which is not of living nature (i.e., animals etc.). It is permitted to defend and protect the cattle, animals and pets provided that it does not lead to personal physical harm. It is obligatory to defend such property which belongs to others such as rented, mortgaged or leased property etc.

In Imam Malik's opinion, a man entering someone's harem with the intention of theft will be treated as *Muharib* (one fighting against God) and will be punished accordingly. It is therefore evident that man has been given the right to defend his property, however it does not enjoy the same status as that of defending the right to life or honour.

Limits of Defence

The right to freedom is not unlimited. The jurists have laid down a few conditions. These are: 1: If the attack against which the defence is being sought should fall into the category of *zulm* (oppression) and violence. One criterion to determine this is to see that the nature of attack is such that it attracts punishment under the Shariah. 2: The attack should have actually taken place. It should not be of the nature of intimidation or threat. 3: While defending oneself, one should opt for the measures that cause the least damage. For instance, if the attacker flees merely by raising an alarm, it could be resorted to. In such a situation, it is not permissible to physically assault or kill him. 4: The situation should be such that no measure of defence other than physical assault is possible. (*Fiqh al-Islami Al-Dillah*, vol. 5, p. 754)

Terms for Defence

If someone is attacked by an oppressor, the Shariah has laid down the procedure for defence. They are being laid down here:

1: One should not initiate the fighting. A Hadith says: Once an individual came to the Holy Prophet and told him. O the Prophet of Allah! What do you suggest for a man who wants to take away my property forcibly from me? The Prophet asked him not to allow him to do that. He asked: What to do if he wants to fight me? The Prophet said: Fight against him. He again asked: What if I am killed? The Prophet said: Then you are a martyr. He again asked: What if I killed him? The Prophet said: He will go to the hell? (*Muslim*, Kitabul Iman).

Qazi Ayaz further interprets the Hadith and says: It is evident from the above Hadith that it is quite permissible to fight against an aggressor and it becomes obligatory if he tries to extort the property. (*Akmaal Al-Muallim*, vol. 1, p. 444)

It is reported from Abul Makhariq through his father that a man came to the Holy Prophet and asked him: An individual comes to me to take away my property/wealth. What should I do? The Prophet asked him to remind him about God. He asked: What if he doesn't remember God? The Prophet told him: Seek help against him from the Muslims around you. He asked: What if there are no Muslims around me? The Prophet replied: Then seek the help against him from the ruler. He said: What if the ruler is far from me? The Prophet concluded: Fight to protect your property till you become one of the martyrs on the day of judgment or defend your property from the usurper. (*Fatahul Malham*, vol. 1, p. 284)

Though this Hadith pertains to the defence of property, a few Shariah principles could be derived from it. First among these is that if it is sufficient to defend oneself verbally or through prosecution, one should take that course. If the attacker could

be kept away by assaulting by hand, one should not wield a whip. If merely a whip could be effective, one should avoid a club. If just the severing of a limb could deter the attacker, killing should not be resorted to. But if the killing is inevitable, it too can be permitted as a measure of defence. (*Al-Mausuah al Fiqhiya*, vol. 28, p. 106, *Nihayatul Muhtaj*, vol. 8, p. 34, *Al-fiqh al-Islami wa Adillah*, vol. 5, p. 751, *Sahrah Az-Zarkashi ala Matan Al-Kharqi*, vol. 4, p. 115, *Kaza fil Badaya* and others.)

Overall the emphasis is on taking the easier and less violent means to defend oneself. This interpretation prioritizes the measures of defence, beginning from the ones that are least damaging to ones that are more deterrent. If an attacker is killed while he could have been forced to flee merely by raising an alarm, the killer would be liable for punishment. However a few exceptions have been mentioned, for instance, 1- if the defender had nothing other than a sword to defend himself and he killed the attacker, 2- If the physical engagement between the attacker and the defender gets intense, the priority may be difficult to observe. 3- If one becomes convinced that attacker cannot be made to flee and he intended killing him, the order of priority could be dispensed with. 4- It is not mandatory to follow the order if the attacker belongs to the category of people like apostates, insurgents, adulterer etc who may be killed under the law. (*Al-Mausua Al-Fiqhiya*, vol. 28, p. 107)

The above discussion lays down the terms for protest or defensive action, determines the limits under which defence could be exercised. It is essential to see that while taking measures for defence, one's action should not lead to greater mischief.

Thanvi's Fatwa

It will be quite appropriate to look at Maulana Ashraf Ali Thanvi's fatwa in this regard: One should bear in mind that capacity to defend does not merely means physical capability. The implications even extend to circumstances where one has to take into account the fact that defensive measures do not lead to more mischief. If indeed, the success cannot be foreseen, it is permissible to avoid any kind of engagement because there is no reward in such an effort.

World Peace and Security: Islamic Point of View

Maulana Badar Ahmed Mujeebi Nadvi*

Islam is a religion of peace and ensures security for all by declaring that even the killing of an individual is like killing of the entire humanity. It even prohibits killing of animals without reason. It exhorts its followers to fulfill the rights of even neighbors, be they Muslims or non-Muslims. A Muslim is supposed to be an embodiment of mercy and compassion and is not expected to cause even a minor hurt to another individual. Oppression is totally ruled out from a society that Islam seeks to build. Islam though legitimizes the defence against attack and violence, but clearly warns against committing excesses and crossing the limits. It enjoins *Dawah* on its adherents, but prohibits any compulsion in matters of faith. Even non-Muslims have admitted the enlightened approach of Islam to administration of human affairs.

However, it is to be accepted that a section of enemies of Islam had been actively engaged in maligning the fair image of Islam as Islamic concept of equality and justice does not quite suit its vested interests. They are clearly afraid of the attraction that Islam offers. Yellow journalism and biased media are behind this effort of character assassination of Islam and Muslims. They have recently launched the campaign to ascribe terrorism

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to Islamic teachings. Some of them draw a line between Soft Islam and Terrorists' Islam. This is aimed at abusing the innocent minds among common populace. It is a matter of great pleasure that the Islamic Fiqh Academy has organized a seminar on the topic. I hope it will prove a great milestone towards the objective of clearing the misgivings that have gathered around Islam and Muslims during the last two decades.

In the common parlance, a terrorist is one who strikes terror among the people and tries to push some political objective through violent means. The Arabic equivalent is *Irhab*. A terrorist is an individual who tries to dislodge a lawfully elected government or bring to power another group through use of force. The *Encyclopedia Britannica* offers the following definition:

A systematic use of terror or unpredictable violence against government, publics or individuals to attain a political objective.

The definition of terrorism in *Encyclopedia Britannica* and the meanings provided by the Arabic dictionary *Ar-Raid* do not convey the meanings of the term as is being explained today. Certain elements of the phenomenon are missing.

In reality, those actions that trigger bloodshed or create mischief and are intended to harass or frighten a specific community, group or section of people and endanger their life, faith, property or honour and dignity constitute terrorism, regardless of it originating from an individual, group or country.

The Rabitat al-Alam al-Islami has defined Terrorism in the following words:

“Terrorism is oppression committed by individuals, groups or states against people’s faith, lives, property, honour and intellect. It encompasses all kinds of harassment, torture, threats, killing, robbery, bloodletting, rendering the passages on land and sea insecure or blocking highways. It also includes all kinds of violent activity that aims at striking fear among people in pursuit of some definite project and making people’s lives, property, honour, natural resources and means of production insecure. There are various variants of *fassad fil arz* (mischief on earth) from which Muslims have been asked to stay away in the Quran: Do not create mischief on the earth, verily Allah does not like people who create mischief.

It becomes amply evident that terrorism is the worst form of *fasad fil arz* or mischief on earth. This being highly reprehensible, it is prohibited (*haraam*) and liable for severe punishment. The following Quranic verses throw light on the abominable nature of such activities:

Indeed the recompense for those who wage war on Allah and His messenger and are actively engaged in causing tumult on earth is not but that they are killed crucified or lose their hand on one side and a foot on the other, or expelled from the land. Such is their disgrace in this world and upon them is a great punishment in the hereafter. (Maida : 33)

It prescribes four categories of punishment for those who create mischief and tumult on the earth, i.e., 1- Death sentence, 2- crucifixion, 3- severing the limbs from the opposite sides, and, 4- Imprisonment. An Islamic state can use any of these punishments after conviction. Since Terrorism is nothing but creation of mischief, a terrorist is liable for any of these punishments.

And do not foster division and rancor in the land.
Indeed, Allah does not love those who foster division
and rancour. (Qasas: 77)

And do not cause discord on earth after there is peace.
(Aaraf: 56)

The abovementioned verses make elaborate mention of the types of activities that amount to creation of tumult and mischief. The definition encompasses killings, mayhem, destruction, plunder and pillage, arson and setting the farm, factories and workshops on fire, uprooting of orchards.

It is not legitimate for any individual, group or the state to commit any of these offences and endanger the lives and property of people or violate their honour.

Even a discriminatory treatment towards a section towards a specific section of the people, laxity and deficiency in safeguarding their lives and property, encouragement to genocide and exploitation are variants of State Terrorism. State Terrorism is much more sinister and severe form of terrorism. It spawns resentment and reaction leading to individual terrorism thereby triggering a cycle of violence. It is quite natural that denial of justice towards a particular section will prompt them to react and raise a voice of protest. These will naturally be voiced in a mild manner to begin with. Disappointment in eliciting any response will push them towards violence.

In most cases the countries where terrorism has emerged as a threat to peace, its seeds were sown through discriminatory treatment and denial of justice. The Soviet Union was brought into existence by crushing the independent Muslim republics which were later dragged into the oppressive Communist state. They suffered under the 70 years of State-sponsored terrorism.

Now Chechens in Chechnya are undergoing the similar kind of treatment at the hands of Russian State. The State Terrorism against the people is now leading to a revolt. The expulsion of Arabs from their Palestinian homeland, creation of the extremist Zionist state of Israel, genocide of Arab people is yet another example of State Terrorism.

The denial of rights, persecution and injustice could be of various kinds and each of them needs to be responded differently. Here are a few possible scenarios:

- 1- If the injustice or denial of rights is of the kind of denial of civic amenities such as power, water, or discrimination in matters of employment, or excess taxation, then the protests could be lodged or registered with the administration within the framework of law. The Fiqh principle prescribes removal of hardships and hindrances.
- 2- If the injustice pertains to right to life, property and honour and dignity, then it is obligatory for people to fight for their civil liberties. If someone loses his life in this struggle, he will be deemed a martyr. The Quran enjoins: And if they threaten you therein, you respond to them commensurate with the injustice. (Baqarah: 194)
- 3- If the oppression or persecution is in matters of religion such as Islamic rituals and worships is being hindered, doctrine of faith and Shariah is under attack, mosques and places of worship are being demolished and the following of Islamic precepts and practices are being hindered, then it becomes imperative for people to raise their voice and put up a fight to secure their right to practice of religion even if it involves fighting against

the government. The Quran says: Permission for fighting is granted to those who have indeed been oppressed. Lo! Allah is indeed the One who has the power to help them! Those who have been expelled from their homes unjustly, for (no other reason than) they said: "Allah is our *Rabb!*" And if Allah had not checked humankind, some against the others, then the monasteries would have pulled down. And churches, and temples and mosques in which is taken the Name of Allah, boundless times. And Allah does indeed help whom He helps. Indeed, Allah is the strong, the Powerful! (Hajj: 39, 40)

These verses endorse the obligatory nature of Jihad. In the first instance, those who are being commanded to do Jihad are the ones who have suffered persecution. Secondly, it has been said that commandments for Jihad are nothing new, but have been in place since the Prophets in olden times. Had there been no tradition of the forces of truth overwhelming the forces of evil, all these places of worship belonging to different religions would have been erased off the face of the earth at the hands of crusaders of evil. It was the spirit of Jihad that enabled the forces of truth to subjugate the forces of evil and ensure continuance of the symbols of faith. It is why when the doctrines of faith and the Shariah come under attack, it becomes obligatory to safeguard them.

What it boils down to is that any section that has been the victim of persecution, should have the natural right to raise its voice of protest and such voices should not be construed as terrorism. This contention finds support from the following verses:

But the recompense of an evil (a hurt) is (limited to) a similar evil (a hurt). (Shuraa: 40)

And if you counter, then counter only in proportion to the thrust against you, but if you are patient, then it is better for those who are patient (and who persevere). (Nahl: 126)

The two verses permit the retaliatory action against persecution and oppression. If indeed, the oppressors—be they a group or the State—are not countered, they would feel encouraged to eliminate the weaker section from the face of the earth. Therefore any struggle to seek redress of the grievances and restoration of civil liberties does not constitute terrorism. Even if one exceeds the limit a bit while retaliating, it could be only held legitimate. The jurist quote the principle of *Az-Zuroorat tabiha al-mahzoorat* under which if the retaliatory action causes the death of the attacker, the oppressed cannot be held liable for the same. The juristic principle is also reinforced by the following quotation: It is permitted to restrain the attacker even if it leads to his killing. (*Al-Ishbah Wan-Nazair*)

- 4- The oppressed group should not target or attack the innocent people among the group of oppressors while directing the retaliatory action. The Shariah merely permits defence and defensive action, not the counter-oppression. It does not permit general destruction of their property, looting of houses and killing of the women, children and the aged people. There are specific Hadith that prohibit the indiscriminate killing of people even in wars. The Prophet expressed his outrage at the killing of a woman in a battle and sent express instruction to the commander of the Islamic forces against killing women, children, the disabled and the laborers.

Reality of Terrorism And Islamic Solution

Muhammad Ali Taskhiri*

During the last two decades, Terrorism has evoked a good deal of debate and research. As many as 900 different research documents have been presented and prepared. A string of institutes too have come up and several countries have trained special forces to combat the terrorists. Yet surprisingly, no consensus has been reached on the definition of terrorism. Conversely, what we have come to observe is that those who are championing the cause of combating terrorism have begun to use the phenomenon as a convenient camouflage for their own sinister designs for genocide, exploitation of mineral wealth and violation of rights of the weaker nations.

Researcher Schmit has cited 109 definitions of Terrorism. He himself has defined it thus:

The Paragraph on his own definition does not make any sense. It is being left out.

Jenkins has defined terrorism as an act that is committed by some wicked men. This is a vague definition. Who will decide and determine what is good and what is bad. Is it not the very same rogue power i.e., the United States of America that plays

* Iran

with the fortunes of the world nations that decides who is good and who is bad?

Shariff Bisyuni has defined Terrorism in the following words: Terrorism is the method of using the Internationally prohibited forms of violence under motivation provided by a religion or faith and is aimed at harassing or terrorizing a specific section of people in order to seek access to the seat of power or to make some demand or propagate some injustice, no matter who does it, whether an individual or persons actively aided by a state.

Though Bisyuni is a legal luminary and this definition was accorded recognition in the 1988 Vienna Conference of legal experts, it has several flaws. One among them is that it focuses upon individual terrorists and secondly, it is not comprehensive in its ambit. Mr. Shukri who has analyzed it and compared it in the light of laws enacted in Syria and France, has found it incomplete. (*Al-Irhabud Dauli*, chapter one)

I had the opportunity to participate in the Fifth International Islamic Conference in Geneva. It supported the proposal to convene an international conference to discuss global terrorism and while doing this differentiate this from the various resistance movements against oppression, and freedom struggles by various groups. This also took into account all those Islamic sources that explain the purpose of creation of human beings and prepare a universal template so that the definition does not become a prisoner of narrow interests. Similarly, the exercise looked at arriving at a comprehensive definition which encompasses all actions that could be termed terrorism and all factors and motivations that encourage and promote the phenomenon. Fourthly, the objectives also included scrutinizing all national and international events that are bandied about as examples and incidents of terrorism and fine-tune the definition in order that no ambiguity is left.

I would like to present my arguments in the following points:

First Point

Every nation, state and block of nations have a few enemies and opponents. All of them are locked in a constant conflict to downgrade and defame the other and uses choicest epithets (though political in nature) such as anarchists, criminals, outlaws, rebels, inhuman and terrorist. The campaign against each other involves hurling of slurs, invectives and a constant attempt to put them into docks. This is an ever ongoing process in diplomatic circles and international forums. Those who have the brute power of diplomacy, media and lobbying ultimately dominate. Logic and reasoning take a back seat.

Second Point

Terrorism operates at various levels. At one level it is physical and can endanger peace, security, honour and dignity and life and property. Another level is where it makes a cultural onslaught and shatters the cultural identity of the rivals to smithereens. On a third level it articulates itself through media and stifles the voices of the rivals. It also operates in intellectual, economic, financial and military sectors. Broadly, it falls into two categories, State-sponsored and by non-state actors. The state-sponsored terrorism is a much more serious threat to the international peace than the one posed by the non-state actors.

Third Point

Any action has two aspects, 1- Motives behind the action, and 2- Credibility of the action among people. The two aspects are not interdependent. It is quite possible that certain actions stem from totally humane consideration but are not viewed so publicly. Conversely, there may be certain initiatives that are

not motivated by humane consideration, but gain credence among people. Any act cannot be declared appreciable or despicable by judging it from just one angle. One has to look at both the motivation and the public perception to term them positive or negative. Objectivity can be ensured only by looking at both of them.

Islam has provided us a lot of material to discuss the issue of Terrorism. For instance, look at the commandments pertaining to *Baghee*, revolt by an armed group of people against a lawfully established government which administers justice and attempt to terrorize people and creating disunity among them. Similarly, we could have a glance at the commandments regarding war and its ethics. (See *Ahkam al-Harb wal Israa... Bain Ar-Rahmah wal-Maslaha...*)

Then there are commandments regarding *Hiraba* (taking up arms against people in order to strike terror among them.) This definition has been derived from the following Quranic verse:

Indeed the punishment of those who wage war against God and His apostle, and are actively engaged in causing tumult on earth is not but that they are killed or crucified or lose their hand on one side and a foot on the other or expelled from the land. Such is their disgrace in this world and upon them is a great punishment in the Hereafter. (Maidah: 36)

The commandments regarding punishment for theft and murder too belong to this category. Similarly, Islamic literature also provides terms like *fatk* (attack), *ghilah* (ambush) and *iitimar* (conspiracy) too which are included within the category of terrorism.

Similarly, there are other categories of commandments that emphasize upon honouring the treaties and make it imperative

for the followers of Islam against breaking them until the other party breaches it.

Moreover, Islamic ethics place their own demands. For instance, lying is a vice whose severity almost approaches the *gunaaah e saghirah* (a major sin). Similarly, slandering or libel is considered a major sin. Islam is serious about safeguarding every single civil liberty, integrity and dignity of the family and its potential and prescribes severe punishment against any onslaught against them.

Islam advocates individual responsibility and terms any excesses against innocent people a major crime and places a lot of emphasis on the security of the weak, the depressed and the destitute and has prescribed Jihad as obligatory for the protection of their rights as is evident from the following verse:

And will you not fight in the way of Allah and for the weak (downtrodden) among men and women and children who pray... (Nisa: 75)

Overall, Islam exhorts its adherents to be on the side of the weak till their rights are restored to them. Hazrat Ali had instructed his sons to be the supporters of the weak and opponents of the oppressors and tyrants. This is considered as the best guarantee for peace in the society. There is not much scope for discussing these here. In short, it should be sufficient to say that the prime criterion for acceptance of an act is religion itself.

Now we take up the humane considerations. Here we accept all those norms that are generally recognized by the entire humanity, governments, official institutions and the human intuition. We take this as the second major criterion for the acceptability or rejection of an act. This could be understood more clearly by citing examples. For instance, all of us agree

that adultery leads to disintegration of family system, consumption of intoxicants erodes rationality and hollows human personality; imperialism legitimizes exploitation, violation of human rights tramples upon the principles of equality before law, and bombing of human habitations, the railway lines, ports and civil aviation leads to disruption of human civilization. These are some of the acts which are anti-human and there could be no two opinions about it. These are prohibited even when two nations are at war. Any act that attempts to put an end to all these would be considered as motivated by humane consideration. It would be imperative for all of us to join any such effort.

Before we proceed to define Terrorism, it would be quite appropriate for us to take into consideration elements that go into its making. These may be, 1- To frighten people and strike at peace, 2- Inhuman intentions, 3- Unpopular objectives, 4- Proper alignment between the objective and the means. So we can define Terrorism in the following words:

Terrorism is every such act that negates the human and religious values by its intent and methodology and could be a threat to peace. It could be elaborated further through the following points:

- 1- We have used 'human' instead of 'International' values in order that there could be general consensus among people.
- 2- Both the objective and method to achieve it should be taken into account.
- 3- We have taken into consideration both religious and human criteria in order that we first internalize the faith and then popularize it.
- 4- It has also to be borne in mind that any act that involves violence need not be Terrorism.

In the light of these points we can determine if a particular act falls into the category of Terrorism. For example, the following acts cannot be declared Terrorism: 1- Nationalistic resistance against extortion and usurpation by the forces of imperialism. 2- Opposition and Resistance against rulers that have been foisted by force. 3- Any action that seeks to dislodge the dictators and sabotage their authority. 4- Resistance against policies of racial discrimination and 5- Repudiation or response against any excesses and atrocities, if there is no other option.

However, this would not apply to any action that targets a democracy, or any act of terrorism by an individual which does not disrupt social unity or infrastructure. These actions could be of course condemnable, but may not fall in the category of terrorism.

But all activities that disrupt the communication on land, water and air, all invasions and attack by imperialistic forces, support provided to autocrats and oppressive actions; all military ventures that seek to use atomic, biological and chemical weapons against human habitation; exile of peace-loving citizens; attempts at polluting the cultural, geographic environment; every action that strikes at the roots of international economy, undermines the interests of the poor, the deprived and reinforces the inequalities and imposes indebtedness on smaller nations; every such action that amounts to suppression of the freedom and sovereignty of other nations and leads to their subjugation.

Fifth Point

Though there have been a series of conferences against terrorism, they failed to produce any result because of the following reasons: 1- These were not held on the international level and rather opted for narrow and limited goals. 2- They did not look at the factors responsible for triggering terrorism.

Interestingly, the United States of America, which itself is the progenitor of international terrorism, has usurped the rights of the weaker nations, has been exploiting their mineral resources, backing up the despots, dictators and autocrats throughout the Muslim world, has been sponsor of these anti-terrorism conclaves. For the US, any act that counters its interests and ambitious designs, amounts to terrorism.

Today, the dominant forces in the world are trying to foist a definition of the terrorism on the world nations that has been contrived by them. Furthermore, they themselves have become the protectors of the world nations and have assumed the role of the judge, jury and the executioner. They now have the audacity of the ignoring even the United Nations Organization.

Assault on the Muslim Nations after 9/11

No one with even a little wisdom would have any compunction in condemning the attack on twin towers of the World Trade Centre in New York on September 11, 2001. Whoever did this, did it with an eye over allowing the most dominant power of the world an opportunity to realize its designs to subjugate the whole world with its massive military might. Now under the veneer of being under terrorist attack, it is out to trample upon the rights of the weaker nations and has got a pretense to do that.

The sequence of the events later has laid bare before us the American strategy which was devised in the 9th decade of the century just past after the fall of the Soviet Union. It is based on putting a fight against the mythical Islamic menace and militant Islam and assuming the role of the global cop. It has a long-term plan too with the following aspects:

- 1- To render the Islamic doctrine doubtful which was given voice by an Italian intellectual, lending

supremacy to Christian doctrine over the Islamic doctrine and its widespread propaganda, and attack on the Islamic viewpoint of gender equality and justice.

- 2- Increase in hostility against Islam, attack on Mosque and Islamic centers in the West, surveillance of Muslim minorities, raising the finger of objection even against all those governments which are friendly towards Europe and the West and constricting the flow of immigrants to Europe even though Europe is facing a deficit of youth labour force.
- 3- Certain Islamic nations such as Afghanistan came under barbaric attack under the pretext of giving asylum to terrorists.
- 4- Some of the Islamic countries were declared rogue nation and they are ever under the threat of being attacked by the dominant nations.
- 5- Pressure was exerted on several governments to close down financial, philanthropic and charitable institutions after meticulous planning.
- 6- Plans were put in place to strike at the Islamic educational institutions and blatant interference was made in their policies to align their Islamic curriculum along the lines of the Western designs and concepts.
- 7- Several such initiatives are being taken that would neutralize the efficacy of Islamic institutions.
- 8- Then there had been a series of efforts prior to all the above in order to see that obscenity, nudity, permissiveness becomes all-pervasive in the Muslim countries; causing sacrilege to Islamic symbols;

weakening the grip of Arabic language (promotion of local and regional accents of Arabic was undertaken in this direction); opposition to Arabic script (as it was done in Central Asia); promotion of irreligiosity and ideology; fanning differences among the Islamic nations; opposition to the element of Ijtihad; creation of doubt in Islamic doctrine and efforts to make it compatible with the Western values.

- 9- Finally and more significantly, attempt to close down the file of the most contentious issue i.e., Palestine and push under the carpet issues of human rights violation by Israel and refugees. America gave a green signal to Sharon to confuse the Palestinian struggle with terrorism and initiate steps to completely crush their struggle. The USA extended its support to Israel in the most brazen manner against all international norms of justice and ignored the Zionist crimes.

Factors and Motivation for Terrorism

There are several factors responsible for terrorism. These may be: Illiteracy, blind prejudice and negativist view of the world, 2- oppression and persecution, backwardness, coercive policies, denial of rights and justice, 3- Absence of moral restraints, degradation of values, 4- all-pervasive incidence of carnal desires etc. All these factors would continue to fuel terrorism until there are serious and sincere efforts to fight these factors or at least to bring down their intensity.

It is in view of these factors that we have invited the people from the Islamic world to adopt a common stand on the issue of terrorism and unite on a platform.

This stand should take into account Terrorism in all its variants and manifestations and should be accepted by the UNO which should bring about pressure on major nations of the world and restrain them from conducting the UN business according to their designs. The UN can emerge an effective instrument of peace only when the dominant nations avoid using it for their own ambitions and begin to consider it a medium of establishing peace and order on the earth. Following could be the points on which this initiative could be based:

- 1- To impart equal status to all member countries of the UN in matters of right and duties. No special status to any of the major countries or dominant powers as is the rule now in Security Council which is responsible for denial of justice and thereby fostering of terrorism, particularly in Palestine. The United States has been responsible for passing resolutions against Israel in the Security Council several times.
- 2- An international legislation should be passed which should restrain the major powers from backing despots and autocrats, apartheid regimes and providing support to terrorist organizations. The question of oppression and injustice against Palestinians should be addressed in order that the region could be free from all kinds of oppression from Jews.
- 3- Efforts should be made to end poverty, illiteracy, blind prejudice and backwardness and modern civilizational maladies promoted by the media such as racism, extremism, and the attempts to weaken the roots of spiritualism should be banned as these very elements go into triggering terrorism.

There must be efforts to a- Promote dialogue between various civilizations and cultures, b- Encouragement to initiatives to

integrate democracy with moral values, c- Help to implement development programmes around the world, d- Support to strengthen international organization and to put an end to the hegemony of certain dominant powers, e- To enhance efforts to maintain the integrity of the family system, and reinforce the religious and moral foundations, f- Seeking subordination of knowledge for the service to humanity, g- Endeavour to promotion of Art for the loftier ideals and to humanize them.

- 4- Efforts should be made to mitigate the hardships of the people of Afghanistan and Iraq and to ensure their basic necessities of food, clothing, health and shelter and to see the exit of the American forces from the occupied lands and restore the governance to the citizens of the respective countries.
- 5- Creation of an atmosphere whereby intellectuals from various faiths and cultures continue interactions in order to prepare ground for durable peace, amity and cooperation.

This fact must not get obscured from our sight that we are in pursuit of peace and security for the entire humanity which will be based on justice and equal opportunity for all. Everyone should have the chance to prosper and no violator of the peace should escape the punishment. A peace without foundation of justice will be like embers beneath the ash with potential to be stoked any time.

Solution at the level of the Ummah

What we need to do at the level of the Ummah also needs to be discussed. Here are its broader contours:

- 1- We will need to enhance the consciousness regarding Islam and its objective, the context among the Muslims.
- 2- To strive for the compatibility between Islamic Shariah and various sectors of life.
- 3- To conduct a training course for the various groups within the Ummah.
- 4- To make a constant effort at maintaining a single focus of the Ummah. It should neither be too idealistic nor should be apologetic. It should be pragmatic and moderate in its objective and target.
- 5- To strengthen the Islamic institutions, set up new institutions and make them efficient and offer them liberty to operate on various levels.
- 6- A comprehensive plan should be charted out to benefit from possibilities in the field of politics, economy, and education. We should tap all kinds of talents and give them a competitive edge.
- 7- Effort should be made to avoid sectarian and controversial issues and postpone them for discussion and attention should be focused on issues of immediate importance.
- 8- Muslim minorities whose share in the total Muslim population reaches up to 30 per cent should be helped in order that they maintain their unity, ensure their survival and reinforce their identity.
- 9- Attention must be paid to the charitable institutions, philanthropic societies and Dawah organization.
- 10- Autonomy of the educational institutions should be safeguarded in order that they do not come under external pressure.

- 11- To seek help from the international institutions in order to get justice in legal disputes.

We need to forge close alliance on contentious issues such as Palestine where we need to adopt wisdom and planning and could have the following guidelines: a- To reinforce the unity and solidarity among Palestinians and defeat the Sharon's plan to defeat the chivalrous Intifada. 2- A campaign to be initiated to help rehabilitate the distressed people and reconstruct or restore the damaged buildings and each affluent nation should contribute its mite to the cause. 3- It is essential to convince the entire Ummah about the Islamic nature of Palestine issue and all Islamic forces should bring about unity among their plans. 4- Efforts must be made to expose the crimes of the Zionists and all legal measures should be taken to resolve the issue and help should be sought from all international institutions. 5- The United States of America should not be considered the only mediator on the issue nor its decisions should be accepted as the final one nor should they be taken as credible. 6- A strong campaign to be started to boycott the usurper Jews by the international community of nations. 7- To strengthen the OIC's political role in securing implementation and enforcement of international resolutions to secure the rights of Palestinians and reverse the occupation of the Israel on Palestinian territory. 8- We must arrive at a comprehensive definition of Terrorism and a clear line of demarcation should be drawn between Terrorism directed against innocent people and legitimate struggle to secure the rights of Palestinians, 9- Legal protection should be provided to Palestinian resistance, and 9- To benefit from the NGOs as suggested at the Durban Conference held in South Africa.

Real Picture of World Peace

MI. Mubarak Hussain Nadvi[•]

Islam ensures peace, security, love and brotherhood. Its teachings are replete with humaneness and goodwill. The Holy Quran repeatedly endorses the need to ensure prevalence of law and order as is evident from the verse *La tufsidu fil arzi baada Islahiha* (Do not create mischief on the earth once order has been established). What it asserts is that the peace and order are and should be the general norm, while mischief and disorder may disrupt it occasionally. At another place the Quran clarifies that: Those who breach the pledges they have made with the God, treat those fellow beings with brutality with whom Allah has asked them to be compassionate, create mischief on the earth, they are the ones who are making a bargain in which they would suffer loss, be it on the earth or in the hereafter. Islamic scholars while interpreting this verse say: They create mischief by calling people towards *Kufr* (disbelief), make it alluring for them, encourage the people to tread that path and harass those who follow the Divine path. (The life of this earth has been made glittering for the disbelievers and they laugh at those who have certainty of faith; even though it is the pious who will be honoured above them on the day of Judgment. And Allah provides sustenance as He wills in boundless measures.) Scholar Hasan al Mansuri interprets it thus: The mischief they create on the Earth is by inciting conflicts between communities. Various verses of the Quran that liken the killing

[•] Jamia Noorul Uloom, Mudholia, Naval Parasi, Nepal

(unless sanctioned by law as punishment) of one single individual to the killing of the whole humanity have been cited by several authors. A Hadith narrated by Abdullah bin Masood says: It is not legitimate to kill a Muslim who has faith in the *Kalima* of *Touheed* (creed of oneness of God) unless he has committed a murder, has indulged in adultery while himself being married or has given up faith (turned an apostate). Sanctity of life carries a high value in Islam. According to a Hadith in Tirmizi: Destruction of the Earth is more acceptable to Allah than the killing of an individual Muslim.

All these etch to broad relief the fact that peace and security are integral to social structure prescribed by the Holy Quran. Allah has endowed the humanity with love and affection, brotherhood and fraternal bonds. Great emphasis has been laid in strengthening of the bonds with neighbours and relatives. An individual rises into the estimation of Allah in proportion to the piety and consciousness of God he develops in his own self. He will avoid sins as much as he fears God.

The term 'Terrorism' has gained currency these days. But it is yet to be defined properly. It is rather bizarre that those who are intent upon reforming the world and the humanity are branded terrorist today and the ones engaged in killing the humanity, suppressing the rights of minorities and creating mischief on the earth are being branded champions of peace. The current bloodshed around the world falls under three categories: 1- To kill the innocent people, 2- To target a people for crimes committed by some other sections, and 3- To oppress innocent people in order to mobilize public opinion.

Islam has been opposed to the first variant from the day one. Enough verses have been quoted in support of it earlier in this work. The second type pertains to terrorism and extremism. An individual is responsible for his own doings. None else should be made to pay for sins and crimes of the other person. Even

the third category relates to terrorism. One should not be allowed to mobilize public opinion by oppressing the people or by hijacking the plane or the taking hostage of diplomats and envoys. Islam has nothing to do with all these. Suicide bombers also fall into this category. Hadith makes it clear that suicide is prohibited in Islam and those who kill themselves will be in the hell. This includes three groups, 1- terrorist organizations, 2- government, and 3- resistance movement against oppression and organization fighting for independence. All terrorist organization that lead the suicide attacks have got nothing to do with *Shariah* or Islam. If indeed the governments opt for some suicide attack as a preemptive tactics in a situation of war, these could be held legitimate. In the battle of Yamamah, Braa' bin Aazib penetrated deep into the ranks of the enemy and laid down his life. When those leading resistance movements against oppressive forces are at their tether's end in opposing the enemy, they too resort to sending suicide contingents. Situation in Palestine borders on this. The scholars have held this compatible with the norms of war.

Jihad and terrorism are two contradictory concepts. Jihad is waged in order to restore sanctity of human life, establishing the peace and order and for crushing the oppressive forces as is evident from the Quranic verse that declares: Fight them till the mischief is completely curbed and the Divine order is established. (*Hujjat Allah al-Baligha* p. 6). To the contrary, terrorism, mischief, revenge, corruption, anarchy and killing of innocent people are crimes against the humanity.

Now I take the answers to the questions placed before the participants:

1-Terrorism encompasses all activities that frighten people and create scare. *Irhab* is its Arabic equivalent. Several lexicographers have held it to mean 'creation of scare', 'frightening', 'intimidation' etc. The *Encyclopedia Britannica*

defines it thus: A systematic use of terror, or unpredictable violence against government, public or individual to attain a political objective. Sheikh Muhammad bin Hadi Al-Mudkhali in his book *Al-Irhab wa Asaarahi alalafraad wal Ummam* writes: There are several form of Terrorism. Overall it encompasses frightening the innocent people, killing the innocent people, to destroy secured property, violate honour and to create disunity among communities.

The Holy Quran has used six words derived from Rahab, the origin of Irhab (details have come earlier in the book). Modern researcher D. P. Sharma has defined it thus: A terrorist is an individual who tries to paralyze or dislodge a government established by law or attempts to strike fear among people or among a section of them by use of bombs, dynamite, or an inflammatory or incendiary device or any weapon capable of firing cartridges that can cause physical harm to individuals, disrupt the supply of goods in order to cause chaos in the public life or poisonous gases which can cause fatalities or injuries. (Dr. Syed Abdul Bari, *Islam aur Dehshatgardi*, vide Indian National Security Guard Act 1986).

A lady journalist writes: Frequent mention of the violent incidents too should be construed as terrorism.

All these make clear as to who is a Terrorist and who is peace-loving and who is using the media to camouflage his own actions. It is evident from the aforementioned definition of terrorism that several of these governments who accuse others of terrorism, are themselves practitioners of it. It is particularly so with India where the Article 29 of the Constitution ensures special protection to the rights of the minorities. But it is observed more in breach rather than in compliance.

If a community is victimized with denial of rights, it is quite legitimate to raise a voice of protest over it as is learnt from the

Hadith “If you see an evil being committed...”. In case no reaction is demonstrated, it is likely that the oppressors would feel emboldened. It is therefore necessary that protests are registered. Several Hadith and anecdotes make it abundantly clear that the Prophet strongly recommended helping those who are being victimized and stopping the ones who are oppressors. Any retaliatory action from or on behalf of the victims therefore does not qualify for being branded an activity of the genre of terrorism.

It is not right to direct the retaliatory action indiscriminately against all members of the community or group to which the oppressors belong. The Quranic verse from Surah Najm: “No bearer of the burdens shall bear the burden of another” testifies to the fact that the Shariah does not allow the innocent—who might be part of the people of enemy’s faith—should not be subjected to any retaliatory action. The Christians residing in Palestine were always at peace with Muslims even while the latter fought Crusaders from Europe.

We would need to have a comprehensive look at the issues that provide the motivation for Terrorism. If the factors responsible are economic, we will have to address them in the light of the Islamic economics. In the non-Islamic nations, they have attempted solution through the man-made laws which have not completely addressed the issue and flaws have remained.

As for the defence against attack on one’s life, property, dignity and honour, it is necessary that he should have the right to defend himself. A Hadith from *Mishkat* has already been quoted in this context where the Prophet is reported to have asked the victims to defend their life and property. The connotation emerging from the Hadith sounds like the Prophet has urged its obligatory nature.

Islam is a Cradle of Peace

Maulana Muhammad Arshad Al-Madani[•]

- 1- From an Islamic point of view Terrorism implies harassment of innocent people, creating scare in the hearts and minds of people or a particular section of them and a criminal act against a State. Any act that amounts to mischief, bloodshed and has no constructive purpose should fall into the category of terrorism. Any atrocity perpetrated against others' lives, property, honour and dignity is also included in the category of terrorism.

Islam is a religious ideology which has from its inception has condemned terrorism and all kinds of oppression and persecution. It provides no scope for excesses or attack against lives of others, their properties and honour and dignity. Terrorism directly conflicts with the Islamic *Shariah*.

The Quranic verse says: Consequently, We revealed to the children of Israel: "Whoever kills a person—not as retribution for killing a person—or fosters division and rancor on earth is as if he has killed the entire human race. And whoever saves the life of a person is as if he has kept alive the entire human race. (Maeeda: 32)

[•] Jamia Imam Ibne Taiymia, Chandanbara, East Champaran, (Bihar).

At another places the Quran declares: And fight in the path of Allah those who fight you, but do not exceed what is just. Lo! Allah does not love the unjust. (Baqrah: 190)

Not only that Islam does not permit any atrocity to be committed, but it also does not condone those who are perpetrators of injustice and excesses. It preaches tolerance and hospitality with non-Muslims and declares that “There is no compulsion in matters of religion” (Baqrah: 256).

The Quran expounds the position in these words: Allah does not forbid you from making friends and constructing a just order with those who do not fight you in matters of faith. And those who do not expel you from your homes; Indeed, Allah loves those who are just. (Mumtahinah: 8)

Islam does not tolerate Terrorism and eliminates the scope for any differences and conflict among human beings by declaring that all human beings are progeny of one man and one woman and the real criterion for superiority in the sight of God is the degree of virtuosity. The Holy Quran makes a faithful a much stronger claimant of peace than a non-believer. It says: So, which of the two positions is just and consistent with (inner) peace, if you are in the know? Those who have certainty of faith and do not corrupt their faith with transgression, they are the ones at peace and are (rightly) guided. (Al-Anam: 81-82)

In fact, Arabic term *Iman* (faith) is derived from *Amn* which itself means peace. The Quran terms mischief much more reprehensible than murder (Al-Baqrah: 191).

Islam equates the uttering the truth before a tyrant king with Jihad. Similarly the attempt to restrain the oppressor from

oppression has been held as a symptom of faith. Islam enjoins its followers to confront the evil with the truth.

- 2- Undoubtedly, oppressive behavior or unjust attitude of the Governments would also fall into the category of terrorism. Terrorism includes all kinds of unkind acts, atrocities and persecution.
- 3- As for the legitimacy of expression of dissent or raising voice against injustice, it is to be said that Islam allows its followers and adherents to oppose all kinds of oppression, be it from individuals, groups or communities. It is supported by the Quranic verse that declares that: Allah does not like the expression of evil except from the one who has been oppressed.

It is only Allah who is all-powerful and sovereign and he has delegated a limited power to the man as his vicegerent on the earth. Man has been made a custodian of this earth and its contents and has been advised to use all of it as an honest custodian. Abu Bakar, the first caliph of Islam, had declared in public: O my people! Continue to cooperate with me till I am following the straight path. Whenever I go astray, correct me. Obey me till I follow the path of Allah and his messenger and the moment I digress, cease to obey me.

Muslims should lodge the complaint or raise the voice of protest if they have the capability to do so. Allah says: Permission for fighting is granted to those who have indeed been oppressed. Lo! Allah is indeed the one who has the power to help them! Those who have been expelled from their homes unjustly, for (no other reason than) they said: Allah is our *Rabb*! And if Allah had not checked humankind, some against the others, then the monasteries would have been pulled down

and churches and temples and mosques in which is taken the Name of Allah, boundless times. (Al-Hajj: 39-40)

Tirmizi, Nasai and Tabari quote the tradition from Ibne Abbas that when the Prophet was compelled to migrate out of Makkah, this verse was revealed. When Abu Bakar heard it, he predicted that there will be a war now. According to *Masnad Ahmad*, this was the first verse that permitted war against the non-believers. Makkah had only a small number of Muslims and they were far outnumbered by the polytheists, so Allah was counseling patience. On the night of Bayt Al-Uqbah, the number of those who took an oath from Madinah was just about 80 people. These people sought permission from the Prophet to kill the non-believers but the Holy Prophet told them that he has not been permitted to kill anyone. It was only after all of them gathered at Madinah and a considerable community of Muslims came into being that this verse was revealed.

The resistance or repelling of attack by victims does not fall into the category of terrorism. The Quran portrays the situation in Makkah in the following words: And will you not fight in the way of Allah and for the weak (downtrodden) among men and women and children who pray: “Our sustainer! Take us away from this town whose inhabitants are oppressors and send us from your presence a protector and grant us succor from your presence.” (Al-Nisaa: 75)

The verse makes it amply evident that resisting the oppression against the weak and the downtrodden does not constitute terrorism. Rather creation of mischief, hatred, corruption, anarchy and killing of innocent and the guiltless people is terrorism.

- 4- It is not justified to direct the reprisals against the innocent people who might belong to the community of oppressors. Islam does not support punishing somebody

for someone else's sins or crimes. Allah has clearly guided in this context through the following verse: Fight against those who fight with you and do not transgress the limits, for Allah does not like those who commit excesses. (Baqrah: 190)

Quranic commentators opine that this verse prohibits committing excesses against the enemies or those who have been oppressing. Muslims are not even supposed to initiate wars, nor are they permitted to kill the women, children, the aged, the sick, the demented ones and those who are engaged in meditations in hospices. It even prohibits killing those with whom Muslims have entered treaties of peace. It prohibits cutting of trees, poisoning of water sources, mutilation of bodies of the personnel killed in the battle, and killing of cattle and animals. It even prohibits sudden attack without warning. Allah does not like those who commit excesses. (*Tayseer Ar-Rahman Libayan al-Quran*, vol. 1, p. 106).

Whenever the holy Prophet would dispatch some contingent for battle, he would counsel the commander of the forces and his subordinates in the following words: Begin your journey in the name of Allah, seeking his help and follow the path of his messenger, do not kill any mendicant, or any child or infant, or even a woman. Do not be dishonest, collect the booty and keep your dealing straight and maintain high standards of behaviour. Allah loves those who are beneficent. (*Abu Dawood*, Kitabul Jihad).

- 5- In case the factors behind terrorism are economic and political injustice, Islam enjoins establishment of a system based on justice. If the terrorism stems from policies of usurpation of economic resources by governments or states, Islam recommends that Muslims should prepare themselves adequately to defend their

rights and assets and natural resources. The preparation should be such that it proves a deterrent against any such attack. The 60th verse of the Surah Anfal testifies to this argument. It has been quoted in papers appearing prior to this.

- 6- It is the natural right of every individual to defend himself, lives of the people, their properties and dignity and honour. In some situations, it is obligatory for a Muslim to defend the lives, property and honour and dignity of his kin and family. All canons of law recognize the right of individuals to defend themselves, their people and their property and honour and dignity. If a believer loses his life while defending himself, he will be considered a martyr. Hadith to this effect has been cited earlier.

It is necessary that we have eyes on two aspects while defending ourselves:

- 1- Defence and the protection of the lives, property and honour and dignity of the citizens is the responsibility of the State. Citizens are called upon to defend themselves only when the attack is sudden and the State is either caught unawares or found wanting in taking precautionary steps. It is therefore necessary that citizens remind the State of its duty to protect them. In case the State fails to carry out its obligation, it is for the citizens to initiate their own defensive measures.
- 2- Minimum force should be used while taking defensive measures. If the attacker could flee merely by raising an

alarm or a threat of reprisals, then the attack should be avoided. The attackers should be killed only when other measures fail to dissuade him from attack.

Defence and self-protection is a universally recognized right. It gives courage to even the weakest of the individuals in a society. If a Muslim exercises this right, he violates no national laws and follows Islam in the true sense of the word.

Islam and World Peace

Maulana Abdur Rasheed Qasmi Jaunpuri

Islam is undoubtedly the final version of the faiths chosen by Almighty Allah for the people He has created on the earth. It does not support any kind of aggression, let alone terrorism against innocent people. But there has been no dearth of mischief-makers across the world who not only place themselves among the reformers, but arrogate to themselves the claim to be the sole reformers and feel no qualms in dubbing others criminals and terrorists.

The Quran says:

When they are asked not to cause dissension and rancour on earth, they say: We are indeed peace-makers! No it is indeed they who are mischief-makers, but they realize it not. (2: 11 &12)

Imam Raghīb Isfahani offers the following definition for *fasad* or mischief: Giving up the attitude of moderation is *Fasad* (mischief) and it is opposite of reform. (*Tafseerul Quran*, vol. 1, p. 64). The Quran perceived the intention of these ‘peace-makers’ and declared them to be those who would be punished in this worldly life as well as in the Hereafter:

Indeed, (the recompense for) those who wage war on Allah and his messenger and are actively engaged in

causing tumult on earth is not but that they are killed or crucified or lose their hand on one side and a foot on the other or expelled from the land. Such is their disgrace in this world and upon them is a great punishment in the Hereafter. (Maaeda: 33)

According to commentators, “those who cause tumult on the earth” is equivalent to *Muharabah al-Muslimeen* (or ‘waging war against Muslims’). The use of Arabic letter of conjunction *wa* between the two sentences is explanatory in nature. The preceding sentence is therefore explained and interpreted by the succeeding sentence. The author of *Roohul Maani* says, the verse quoted above refers to the robbers and dacoits, regardless of their being Muslims or non-Muslims, because when they are out to demonstrate their ‘reformative zeal’, do it with full strength and splendor inasmuch as the ones who are targeted cannot defend themselves. A majority of commentators concur with the opinion that the reference is to the robbers and dacoits. Abubakar Jassas opines that every transgressor of the commandment of Allah would not be termed *Muharib* because while robbing the people he does not reach that level.

Definition of Terrorism

The discussion makes it plain that anyone trying to cause disorder on the earth by looting the people’s property, hurting them or endangering their lives will be indulging in terrorism and he is waging a war against God. So there is some similarity between *Muharibah* and *Fasad*. It is therefore quite permissible to kill a terrorist if he enters the territorial jurisdiction of an Islamic state. (*Hidaya vol. 2, p. 585*)

3- State Terrorism: There are different variants of terrorism: Individual terrorism, acts of terror by a community and State terrorism. Sometimes, the violation of civil right triggers a sense of deprivation. When such genuine expression

of protest is suppressed, it leads to violence. If it is handled with care, compassion and resolved with justice, it would not lead to violence. This is the only way to a peaceful resolution of contentious issues. But this is not the way the issues are resolved so amicably. People are rubbed the wrong way and those in power and out to usurp the material resources adopt unwise attitude. This situation usually occurs in states where people are urging implementation of the Shariah-given rights and the people at the helms curb these rights dubbing such demands with terrorism and spare no weapons to suppress them. Such governments are waging a war against God. They even do not feel any qualms in transgressing limits of civility and their own laws. This could be defined as State terrorism.

4- Protest and Reaction: The Quran says: “Allah does not like an open conversation about evil except about one who has been oppressed...” (Nisa: 148) It is not permissible for an individual to unnecessarily indulge in backbiting against someone. However, he can take his complaint to the administration. Nowhere so much consideration has been shown to natural instincts of human beings in emergency and non-emergency situations except in the Islamic Shariah. What is apparent is that, according to this verse, it is quite legitimate for one who has been persecuted to raise a voice of protest against oppression or persecution. It is also supported by another Hadith quoted in *Majmauz Zawaid* that asserts the right of a person who has been harassed by his neighbour. (The Hadith has been quoted earlier.) Evidently, one could engage in a token protest in order to highlight excesses from another individual. Even the contemporary statecraft recognizes the right to protest.

Protest or agitation against oppression is therefore a legitimate right and does not constitute terrorism, provided it does not hurt others. The Prophet has been reported to have narrated: Those who are not kind to others, do not deserved to be shown kindness. (Mishkaat vol. 2, p. 421).

5- Reprisals against innocent people: It is quite well known that Islam lays down elaborate rules and regulation under the Shariah. The various Hadith from the Prophet make it evident that he prohibited killing of aged people, women, and children, invalid or handicapped persons even in the situation of a war. However, those who abet the oppression and persecution, could be targeted while directing the reprisals. The Prophet would send his commanders to the battlefield with express and detailed instruction in this regard and would advise them to develop consciousness of God.

6- If a group of people or community suffers from official apathy in matters of socio-economic issues, they could adopt one of the following measures. Let us begin with a Hadith reported by Hazrat Abu Darda in *Majmauz Zawaid*: “Allah declares: I am God, there is no one worthy of worship other than me. I am the King of kings. I control the hearts of the kings. When my servants supplicate before Me, I turn to them with compassion and mercy. And when they transgress my commandments, I turn their hearts against them and they are troubled by them. You should therefore now engage yourself in praying against your kings, rather keep yourself engaged in supplication and I will help you in issues that you have with those who administer your affairs.”

If a community or group of people has grouses against the administration, they should first turn to God and sincerely

beseech His favour in this matter. Next they should take practical measures to stop oppression as is evident from the much-quoted Hadith: “When you see an evil being done, stop it with your hand.....”.

Injustice is only a variant of oppression. It could be tackled through a variety of means. One could use his or her power and influence. He could also approach the court to render justice in a contentious matter. Even an appeal could be made to the members of the society to redress the grievances of the particular group. If the situation demands that one should wage a war, even that could be resorted to. Hazrat Ashraf Ali Thanvi has said: Any economic injustice that is an absolute excess should be countered with all the might at one’s disposal, even if it involved a war. However, it is better to have patience. (*Ahsan Al-Fatawa*, vol. 6, p. 139)

What is clear from the above discussion is that any injustice should be removed. One could choose from a variety of options such as: supplication, beseeching Allah’s blessings and forgiveness, dialogue, use of political influence, support from the heads of neighbouring states and even to the extent of war. One should choose the measures carefully.

7- Status of Defence in the Sharia: Self defence in order to protect one’s life, property and honour and dignity is part of Jihad. If one loses his life in this struggle, he would be deemed a martyr. (Hadith regarding this has appeared earlier.)

But there is a fundamental difference between Jihad and defence. Jihad presupposes certain conditions, e.ge., Jihad has to be ordered by a leader and an administration. Ibne Qaddamah says: “Jihad’s decision will be based on the opinion of an Imam”. Jihad cannot be waged without express instruction from an Imam (leader) of the Muslims. It will be considered *makrooh* (disapproved) without this. *Ameer* or *Imam* imply that

Muslims should have a legitimate leader who will arrange for the military build-up and the resources for the war.

Secondly, the Jihad is permitted only against a nation which has been invited to Islam and has refused to enter its fold and also refuses to pay *jizya*. What could be implied from this is that Jihad is a means towards reaching to people with Divine guidance. Islamic scholar Haskafi explains it further: “It is not permitted to wage war against those who have never been invited to Islam. Though Islam has spread in all directions of the East and the West, there are still regions where there is no awareness about Islam.”

The bottomline is that Jihad presupposes presence of an *Ameerul Momineen* (leader of the faithful) and a movement for the propagation of Islam. Without this there cannot be Jihad.

Defence also presupposes oppression and excesses, either in reality or by perception. Defence could be both on individual level or collectively. It does not require presence of a leader nor does it presuppose build-up of a collective force. It is permissible in all situations. Therefore, the Muslims could be advised to defend themselves whenever there is a reasonable danger to their lives, property and honour and dignity and should not submit or surrender against the oppressors.

Terrorism: Islamic Point of View

Syed Muhammad Zakir Hussain Shah Siyalvi*

Islam is a religion of peace and rates killing and murder of an individual as the biggest crime and one among the major forms of oppression. The 29th verse from chapter Maeeda makes it abundantly clear that killing anyone without any legal justification is like killing the entire humanity and similarly saving a soul is akin to giving life to the entire humanity. The scholars are unanimous that by way of implication, taking someone's life could be permitted only in two situations, 1- in lieu of murder or assassination, and 2- for causing mischief on the earth i.e., causing widespread law and order problem by wanton killing of people, and making the life unsafe through loot, rape and rendering the thoroughfares insecure by indulging in violence.

Islam strives to ensure peace and security through the land and any effort to cause mischief or to render the land insecure is considered creation of mischief or *fasad* in Arabic. Chapter Baqrah's 11th verse commands: Do not create mischief on the earth while chapter Aaraf's 56th verse says: Do not create mischief on the earth once order has been established.

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Islam and Justice

Peace is predicated on justice. If a society expects peace to prevail, it must strive for establishment for justice which is the only guarantee for security and safety and order in the society. The Quran makes it obligatory on Muslim to strive to establish and maintain peace as is evident from the 8th verse of the chapter Maeeda which says: Deal with justice, for justice is close to piety. The 98th verse of the chapter Nisaa also exhorts Muslims to adjudicate between the people (litigants) with justice. And justice could be administered only when the people testify truthfully. (chapter Talaq, verse 2). And the ones who conceal truth cannot stand witness and all such people who conceal truth are sinners. (Baqrah, verse 283)

Looking at the sequence of the above quotes and statements, it is evident that Islam strives for peace and it is predicated on the prevalence of and access to justice for all. A Muslim cannot kill anyone without proper legal justification, nor can extort, encroach and usurp others rights nor can outrage modesty of women or loot what belongs to others or intimidate them. When he is in power, he deals with justice and when he is out of power, he strives for establishment of justice. All such individuals who put in a place a system on the basis of such principles, certainly cannot be bracketed with terrorists, let alone be promoters of terrorism.

Similarly, Islam is opposed to any compulsion in matters of religion and does not believe in forcible conversions. The chapter Baqrah's 252nd verse says: There is no compulsion in religion. At another place the Quran while addressing the Holy Prophet queries: Would you compel people that they should join the community of the believers? (Chapter Yunus, verse 99)

All these merely debunk the charge of terrorism against Islam and Muslims. It boils down then to the fact that all this

campaign is to defame Islam and its followers and malign the religion which champions peace for all.

Islam prescribes harsh punishment for those who create mischief on the earth. Verses have been quoted elsewhere in this books that say that such people should be killed, or crucified or their limbs should be severed from opposite sides or they should be exiled. This, the Quran says is their punishment in this worldly life, and much harsher chastisement awaits them in the Hereafter. (Al-Maeeda 33).

Rights of Non-Muslims

Islam allows complete religious freedom to non-Muslims and rights to get the education of their choice and earn their livelihood. It even does not bring them to account for such statements which might bring reprimands or punishment if uttered by a Muslim.

Muslims could write will bequeathing their property to non-Muslims; they can even be donated charity; they are described as *zimmi* which does not have any pejorative connotation; it is derived from the word '*zimmedari*' making the Islamic state responsible for their safety and security. Hazrat Umar Farooq asked the state to take care of an old non-Muslim who was not able to pay his taxes. All it meant was that the state should provide him food, clothings and shelter.

Islam even prohibits from mutilating the body of a non-Muslim warrior who dies fighting against the Muslim forces. (Ref. *Hidaya* vol. 2, p. 533)

If they take away booty from a battlefield while fighting against the Muslims and subsequently when Muslims overpower them or defeat them, they will take back their property by paying them the price of such goods. (*Hidaya*, vol. 2, p. 549)

If a *zimmi* does not pay *jizya* (does not afford to pay), or kills a Muslim or commits blasphemy against the holy Prophet or commits adultery with a Muslim woman, he still would remain a *zimmi* and would be entitled to all the rights of *zimmi*.

After this premise, let us come to the question of what constitutes terrorism. If a group kills people without any rhyme or reason, or loots belongings of people, destroys people's property, outrages the modesty of women, frightens and intimidates people by doing all these in gathering of people, or in public transport or train or plains or bomb public places, these acts should be described as terrorism. Any objective attained through striking fear into the hearts and minds of people is terrorism.

Islam leaves no scope for any kind of terror activity as all such acts are included under *Muhariba* or acts of violence and deserve severe punishment under the Islamic penal code. Islam stands for peace, security and order on the earth. It seems there is a well organized campaign to accuse Muslims of terrorism and thereby undermine civil liberties and rights of people.

2-The governments are duty bound to establish peace and order and ensure safety of lives of the citizens and administer their affairs with justice and equity. If the Governments themselves commit injustice and oppress the people, such governments would not only be held accountable for neglecting the welfare of the people but would also be described as terrorist outfits. Islam prohibits compliance with the orders of such governments. A Bukhari Hadith (vol. 2, p. 1057) says: If the government commands people to commit sins, it should not be complied with. A government which itself promotes class conflict and commits crimes does not deserve to be followed.

3-If a Government commits injustice and oppresses a section of people, it becomes imperative for people to protests against

such actions. Allah's Prophet has declared: The best Jihad is pronouncing truth before a tyrant administrator. This Hadith is found in all books of Hadith. Another Hadith (which has appeared several times in papers by other scholars) seeks Muslims to stop an evil by hand (implying force)... and so on. If one is killed while doing this, he would be considered a martyr (*shaheed*). It has also been mentioned that if an individual is killed while defending his life, property and honour and dignity, he would be deemed a martyr (*shaheed*). Hadith to this effect too is found recorded by all leading Hadith compilers.

Any such protest or reaction against injustice and usurpation of rights could not be compared to terrorism as it falls into the category of seeking and demanding one's legitimate rights. Killing others and suppressing the rights of people constitutes terrorism. Demanding restoration of rights is not only permitted but is mandatory in certain circumstances. It was in this spirit that Imam Hussain, may Allah be pleased with him, physically fought against the usurper of political power and Imam Ahmed bin Hanbal and Mujaddid Alf Sani took up cudgels against the tyrant rulers of their time and wrote a new history of chivalry. If people do not rise against such terrorism, then the reign of terrorism can never be ended.

4-Islam permits taking revenge against the criminal and even in this matter, the reprisals against him should not exceed the original crime. For example, if someone has broken someone's leg, he could also break the offender's leg. He has no right to break both legs of the perpetrator, nor even should he cause two fractures of the same leg.

Islam exhorts forgiveness. If someone could forgive an offender who has committed excesses against him, it is extremely laudable. But if indeed, he is intent upon taking revenge, the vengeful action should not exceed the original

hurt. As for murder, Islam enjoins Qisaas (punishment of killing the offender after the due judicial process) which is to ensure that punishment is deterrent and no such crimes are committed in future. The Quran declares: O people of intellect! Know that there is (preservation of) life in the principle of Qisaas so that you may learn consciousness of Divine presence (Baqrah: 179).

The Quran also says: O you who believe! Prescribed for you is the principle of Qisaas (equitable recompense) in case of murder: a free man for a free man, a slave for a slave, a woman for a woman, even if some relief is granted by the brother of the deceased then follow a practice that is noble. Forgive and accept the recompense as a good deed, such is the latitude provided to you by your *Rabb* as a Divine mercy. (Baqrah 178)

The Quran thus prohibits any excesses in matters of retributive punishment and lauds and recommends forgiveness. Islam is opposed to any kind of terrorism and recommends severe punishment against such acts. Yet it is necessary to understand that Islam also looks at factors behind such crimes. For instance, if these crimes are committed owing to unemployment, Islam recommends employment guarantee schemes and payouts for welfare schemes from the Baitulmal (Public treasury). It is why Islam recommends striking at the nodes of terrorism. (*Al-Fiqh Alal Mazhab Al-Arbaa* published Beirut, vol. 5, page 412) says: If the militants or terrorists carry out operations where some people are killed, some people are made their accomplices and others get into the role of their protectors, they all will attract the penalties under Islamic Penal Code.

While Islam prescribes strong arm methods to suppress menace of terrorism, it also recommends welfare means to address the factors that lead to discontent and terrorism.

6-Islam does not permit attack on any individual or use of violence against any section of people. All kinds of violence falls under the category of *fasad fil Arz* or creation of mischief on earth. Islam therefore considers it highly reprehensible for people to indulge in violent activities. In case of attack against any individual, it allows him the right to defend. Hadith have been cited in previous papers that quote Prophet saying that those who die defending their lives, property or dignity and honour, die as martyrs. Another Hadith even says that if the attacker is killed in defensive action by the victims, he will be consigned to hell. Other Hadith too elaborate the method of defence and recommends that victims of violent attacks could use any means, physical or arms, to defend themselves but should primarily target aim at deterring him from further attack. However, if the attacker is killed in such defensive action, the defender would not be liable to pay Qisaas. If the defender is killed by the attacker, the victim would be deemed martyr.

Peace and Security in Islam

Maulana Muhammad Mustafa Qasmi Avapuri^{*}

1-Definition of Terrorism

It is absolutely illegitimate to harass innocent people, or encroach upon or snatch their property, exploit them by any means, frighten or intimidate them or usurp the property through strong arm methods. Allah warns the people against being favourably disposed towards those who are transgressors and oppressors. Allah says in the holy Quran: And do not incline towards the oppressors, Or else the fire will singe you; and there will be no protector for you except Allah, and you shall not be helped. (Chapter Hood: 113)

A Hadith from Hazrat Abuzar informs us that Allah intensely detests oppression and tells the people that He himself does not oppress anyone, nor would He like any individual or group oppressing another individual or group. Another Hadith from the holy Prophet advises Muslims to get their excesses against others forgiven in this worldly life itself because in the life Hereafter, those who have oppressed others will have to trade off their virtues against others' sins.

Islam commands elimination of terrorism from the face of the earth. If force has to be used to eliminate oppression, it does not

^{*} Shakarpur Bharvara, Darbhanga (Bihar).

fall under the category of terrorism. But currently the so called military campaigns being launched by the dominant powers while raising slogans to the effect, camouflage the real intentions of these power.

- 1- As for the question of inequality or social and economic injustice against certain sections of the people and the deliberate negligence towards their security often leading to loss of lives and property, if the Muslims could engage the Government in negotiations or protest its inefficiency or incompetence, they must do this. If this is not possible, they must have patience.
- 2- It is permissible for Muslims to take their resentment against the official inaction to the corridors of power either through protest, agitation or peaceful representation of matters before the powers that be. Even strikes or bandhs could resorted to in this context. However, it is not permissible to adopt any such means that cause inconvenience to the general public such as *rasta roko* (blocking the thoroughfares) or any other means that causes damage to public property. The Muslims are permitted to convey their grievances in the most civilized manner to the powers that be and should not mince words while doing this.
- 3- If a certain section of a community has committed oppression against another, the victims should not include the entire community of their enemies while directing their reprisals. Only the ones who were actually involved in the oppression should be targeted for vengeful reprisals. The innocent and the guiltless should never be touched. Allah says: And fight in the

path of Allah those who fight you, but do not exceed what is just. Lo! Allah does not love the unjust. (Baqrah: 190). Further on, another verse says: Then, if they threaten you therein, you respond to them commensurate with the injustice. Be conscious of Allah, and know that Allah is with those who are conscious of Him. (Baqrah: 194)

Mufti Kifayatullah writes in *Kifayatul Mufti* (vol. 9, page 339): “It is all right to get the criminals arrested or take revenge from them, but if the real culprits dodge the law, it is not right to attack those who are innocent and kill them.”

In a Hadith reported by Suhaib, the holy Prophet is reported to have said, a believer (*mumin*) earns virtues be it the state of happiness or gloom. If he is happy, he thanks Allah and earns the virtues and if he is in distress, he maintains patience and still earns the virtues.

The Indian Muslims have been through such circumstances that they had happier moments as well as they have been through intensely painful times. They should thank Allah for all His blessings and maintain patience and seek His help while leading their lives. In no circumstances, they should attack and kill the innocent.

- 4- Injustice breeds terrorism. Some sections develop resentment with the administration due to social and economic grievances or political injustice. Some other

groups resort to terrorism to usurp power or to challenge the legitimate rulers. We will describe the ways to tackle the two separately: a: Terrorism against other group. The Shariat has given permission for war on five counts in order that the terrorism could be stamped out of the entire world. These are: 1- security, 2- Protection of Deen (religion), 3- Defence of Life, 4- Defence of Intellect, 4- Protection of lineage, and 5- Defence of property. (*Al.Mausuatul Faqeeh*, vol. 17, p. a53, 164).

Protection of Faith

Generally all citizens of the country enjoy the complete freedom of religion and liberty to follow any faith.

Defence of Life

Every State guarantees right to its citizens to operate freely and earn their livelihood and promote their interest. But some elements tend to misuse this freedom to create mischief and bloodshed. Such elements must be curbed by the State in the interest of safety and security of general citizenry.

Protection of Intellect

Protection of intellect is one of the duties of the State under which it can proscribe the manufacture, sale and consumption of intoxicants, liquor and harmful drugs. Unless this is done, the entire nation could be set on the course to self destruction.

Protection of Lineage

Two persons of opposite sex could get into a marital contract through mutual consent. But if some people seek gratification

of carnal desires through illegal means and commit adultery or fornication, the Government can enforce Islamic *hadd* or punishments, lest lineage gets distorted.

Protection of Property

Every citizen living in a state has the full freedom to earn livelihood and wealth. But if someone resorts to wrong means such as corruption, loot, plunder or pilferage, such people would be proceeded against by a government, lest it create an economic crisis.

The Surah Maeeda's 33rd verse prescribes certain punishment like killing, crucifixion or severing of limbs from opposite sides for all such people who create mischief and disorder on the earth. The Prophet on being asked by an individual as to what to be done against a person who extorts others, suggested that he should be first counseled, then his efforts should be countered with help from neighbours, then a complaint should be lodged with the administration and if it is not possible due to distance, he should be fought against till either he (the extortionist) gives up his claim on his property or the victims fall a martyr.

A Hadith from Bukhari quotes instructions from the Prophet while he was sending away Hazrat Muaz bin Jabel to Yemen wherein he said: Look! Save yourself from the curse of the victims of oppression (which implies that you are being appointed a governor of a region, do not oppress any people) because curse of a victim gets instantaneously acknowledged by God and is acted upon. (*Maarif al-Hadith*, vol. 1, p. 84, 87)

In yet another Hadith, the Prophet is reported to have said that curse of a victim of oppression is accepted by Allah even if he is a sinner. He will be paying for his own sins on the day of

judgment but the oppressor against him will be punished in this world itself. (*Fathul Bari*, vol. 5, p. 116 to 122)

Usurpation of Power and Economic Control

The authors of previous papers have made it abundantly clear that those who are killed while defending their lives, property and honour and dignity are considered martyr by Allah. Jihad is not only desired but mandatory against the ones who oppress others in certain circumstances. However, it fundamentally requires an *Ameer* (a leader of the Muslims) who could administer affairs of Jihad.

Defence is both an individual act and a collective duty. It does not require an *Ameer* to be initiated. It cannot be called Jihad. Rather it should be adopted as a matter of right to protect oneself. It carries an omnibus permission and is well recognized under laws of all states and civilizations. The Muslims could always be asked to take adequate steps to protect themselves instead of surrendering to the attackers or aggressors.

Oppression and Aggression and Islamic Standpoint

Maulana Iftikhar Alam Qasmi*

- 1- Any kind of oppression against others is terrorism. If a Muslim government violates the commandments of Allah in some affairs, it will also be construed as terrorism. Any attack by nation or nations on other countries sheer due to their overwhelming firepower without any evidence of any excess against them, they too would be considered to be committing terrorism. Similarly, arrest or incarceration or punishment of any individuals on the false charges of terrorism without any evidence, and without any judicial process, too constitutes an act of terror. In the same vein, use of power to 'punish' others merely on the basis of doubt is also terrorism. Killing of innocent people, taking revenge from a people not connected with incidents of violence or terrorism at another point, to oppress people on faked up charges of crimes, too fall under the category of terrorism. Islam opposes any killing of individuals without the process of law and justification as is evident from the 33rd verse of chapter Maeda.

To be brief, any act of oppression and atrocity in violation of the laws of Allah and his messenger would be defined as terrorism.

* Begumpur, Samastipur, (Bihar).

- 2- The attitude of certain governments to do injustice to certain sections of people, efforts to alienate and marginalize them or to show deliberate negligence towards their safety and security or to initiate any measures that would hurt them and cause loss of lives and property would also be called terrorism. It is so both from the point of view of the country's Constitution as well as from the angle of civilized behavior recognized universally. Allah says in chapter Nisaa verse 58: "Verily Allah commands you that if you have a trust, return it to its owner, and when you judge between people, judge with justice. Indeed, Allah teaches with this (admonishing) what is good for you. Lo! Allah is the hearer, the Beholder!" (Trust in the above verse means all the duties and responsibilities that an administrator is entrusted with while looking after the affairs of the state.) According to a Hadith, if an *Ameer* of Muslims entrusts a position or post to someone merely on the basis of a favour, he is cursed by God and his obligatory (*farz*) as well as *nafl* (optional) prayers will not be accepted inasmuch as he will be consigned to the hellfire. (*Jamaa al-fawaid*, vol. 1. P. 325)

It is evident that it is not legitimate for the administrator of a State to show unequal or unjust treatment with anyone or any section of people. They are duty bound to maintain justice and fairplay in the administration of official affairs. Similarly, it is the duty of the Government to protect every citizen of the state from criminals and hate-mongers and from external enemies, fight all kinds of evils and vices. If any administration is seen to be acting against the interest of any section or indulges in injustice, it will be accused of committing terrorism.

- 3- As for the protest, agitation or lodging of complaint against injustice, it bears some details. Allah has made it obligatory on the Muslims to invite the people towards virtues and prevent them from committing evils (Ref. Al-Imran verse 104). If an individual finds that the

atmosphere is conducive for carrying out this obligation, it is mandatory for him to protest against injustice. If he is of the view that this would result in more harm, it will not be obligatory for him to protest against injustice. However, if he does, he will be Divinely rewarded. In this context, the Hadith (previously cited) that says that “if someone among you sees a wrong being done....” could be quoted. What it implies is that remedial action is recommended proportional to one’s capacity.

If the victims of oppression rise against the oppression, it cannot be termed terrorism. There is no religion in the world that dubs such action terrorism. Hindu scripture Gita records the advises offered by Sri Krishnaji to Arjuna on the eve of the famous battle of Mahabharat between Kauravas and Pandavas. The lessons we get from this is that one should fight for his legitimate rights and it is not terrorism to fight against the injustice. Rather it is Jihad. The Quran has made this subtle point through a verse : Allah does not like any evil to be mentioned openly, unless it be by him who has been wronged. (An Nisaa: 148). In the same vein, nobody would describe a fight for securing legitimate right as injustice. The Quran says: Thus if anyone commits aggression against you, attack him just as he attacked you—but remain conscious of Allah, and know that Allah is with those who are conscious of Him. (Al-Baqrah: 194). In short, when the Almighty Allah commands the faithful to fight against the tyrants, why we need to turn to others for permission. Such a fight is not terrorism.

4- Islam does not permit taking revenge from those sections of people who were not involved in attacking and oppressing others. Innocents who may belong to the same ethnic, linguistic or faith group to whom the oppressors belong would not be targeted during oppression. The pagan Arabs used to direct their reprisals against the rival tribes indiscriminately when they were attacked or an individual was killed. Such mayhem led to innocents being killed. The Prophet imposed

strict prohibition against such attacks. He annulled revengeful action against all killings that had happened during the pre-Islamic period. He declared amnesty against Bani Huzail who had killed an infant son of Rabia bin Al-Haris. (*Seerat Ibn Al-Hisham* vol. 2, page 603).

5- If the lives, property and honour and dignity of a community come under attack from others, they are permitted to defend themselves as much as they can. A Hadith in this context in which the Prophet allowed an attacker to be killed has been quoted several times in another paper. Similarly, another Hadith that declares that one who dies defending his life, property, honour and dignity, is also considered a martyr, has also been cited earlier. Hadith also permits people to avert any danger or hazard against them by defending himself by any means, except that the attacker wants the targeted victim to kill somebody or kill himself. If he gets killed in the process, he would be considered a martyr.

If some attackers lay a siege around Muslims and the Muslims are convinced that they would be killed if they initiate the attack, even then they are recommended to attack. Such a precedent is available in the Battle of Uhud.

All the above arguments should be enough to convince us that Muslims are permitted to defend themselves even if comes to laying down their lives.

World Peace and Islam

Maulana Abu Sufiyan Miftahi•

- 1- Terrorism could be defined as frightening or intimidating the people by letting loose a reign of terror or arresting people without reason and without any evidence of crimes, or to indulge in plunder and destruction of property, factories, harvest in the farms or commit arson. It could also include delivering inflammatory speeches, impose restrictions on masjids, madrassas and illegally interfere into the religious affairs of a community. Even all such actions that force people to give up their religion or get marginalized, cutting down services such as water, power or supply of essentials, or unnecessary deployment of police in the mohallas of certain community, or proscription of microphones for issuing azans and procrastination of cases against them and taking no responsibility for the loss of their lives and property are included in the definition of terrorism. Religion of Islam negates all these.
- 2- All these must be considered terrorism.
- 3- If a particular section or a community is targets for perpetration of injustice, it is obligatory upon them that they protest or react against it within their jurisdiction

• Miftahul Uloom, Mau

of law. If the victims rise against any injustice, or secure their legitimate rights, it would not be considered terrorism. But defence would be launched within the perimeters of law as it should not fall within the category of revolt.

- 4- If a section or a few individuals of a community are perpetrating injustice, the victims should approach the court for legal prosecution of the oppressors. They should not take the law and order in their hands and launch violent attacks against them. If they do so, it is feared that it will lead to endless cycle of violence.
- 5- If the roots of the terrorism lie in socio-economic injustice, and the administrator of the land happens to be a Muslim, it is not appropriate for Muslims to revolt against him. Islam enjoins Muslims to maintain patience while the administrator would incur divine wrath. If he happens to be a non-Muslim, the Muslim subjects or populace should adopt the commonly practiced approach of sit-in strikes, agitation, or presenting the memorandum to the administration. If these measures fail, other measures to secure the legitimate rights could be adopted.
- 6- If the life, property and honour and dignity of an individual comes under the attack, he should take all measures to defend them all. The Hadith from the Prophet has advised such individuals to defend it with entire might and if he lays down his life while doing this, he will be called a martyr. Of if the attacker dies in the ensuing struggle, he will be thrown into hellfire.

Imam Nawawi on the strength of Hadith of the Prophet says that one is permitted to kill an extortionist. Ibnul Munzir says, one is permitted to fight against the thieves and

robbers. Abdullah bin Umar, may Allah be pleased with him, drew his sword when he caught a thief who had intruded into his house. Salim who witnessed it, said, he would have killed the thief if he (Salim) would not have been there. Ibrahim Nakhayee says, if you apprehend that a thief would attack you, you should take upon him and attack him. Hazrat Hassan Basari says, if a thief intrudes into your house, you should kill him. Imam Abu Hanifa says, if a thief commits a theft in a house and was pursued by the owner of the house and was killed by him, he will not be liable for any punishment. What the entire discussion boils down to is that a Muslim is permitted to defend his life, property and honour and dignity by all means and it is mandatory. An oppressor or criminal can be killed in the process. But overall Islam makes a few suggestions: 1- Be conscious of Allah, 2- Seek Allah's help in your mission, 3- Seek intervention of the officials and administration, and finally, 4- to fight against the oppressors and kill him if it comes to that.

Islamic Viewpoint Regarding Terrorism

Maulana Muhammad Irshad Qasmi •

- 1- It must be borne in mind that terrorism is a term that has entered the lexicon only in the recent times. It finds no reference in the Shariah. Even those who are using it *ad nauseum* today have not been able to define it. Even when the Americans were planning to invade Afghanistan, and trotted out terrorism for justification, they could not evolve a definition of the word that could have a consensus. Anything that ran counter to the interest of Europe and America simply came to be known as terrorism. Any group practicing Islamic teachings, fighting against injustice and disseminating the commandments of Allah and his Prophet is today dubbed a group of terrorists. Finally, all these oppressive elements from Europe and America have ganged up against Islam and termed Jihad as terrorism. For them, all those who follow Islam in its entirety are terrorists.
- 2- Terrorism is any activity that amounts to killing individuals without any justice and justification, destruction of property and creating disorder. Today it also includes indulging in secretive killings. If a

• Riyazul Uloom, Goraini, Jaunpur (U.P)

government commits injustice against a particular community resulting in loss of lives or property, it will not be known as terrorism. Terrorism consists of oppression with elements of surprise and secrecy in response to non-compliance of some demands.

- 3- The victims of injustice and unfair treatment could undoubtedly exercise their democratic right to protest. This is not only permissible, but at certain times it becomes mandatory while on other occasions it could even be suspended if more harm than benefit is apprehended. The Quranic verse *La yuhibullahill al-jahar bissoui min al-qauli illa man zulim* legitimizes the exercise of the right to protest with peace and earnestness. Razi interprets it to mean raising voice against the excesses committed by an oppressor. (*Ahkaam Al-Quran*, vol. 2, page 410).

Qurtubi while interpreting this verse says: Allah does not want people to raise their voice to a high pitch except when they have been wronged and are registering protest. (*Al-Jameul Ahkaam Al-Quran*).

It however does not extend to indulge in violence, destruction of public property, jamming the thoroughfares etc as these in themselves constitute excess. If there is no protest against injustice, it is likely that more people would be victimized and women and children too would be harmed. In such circumstances, the protest becomes obligatory. However, if it leads to more harm than benefit, it is better to exercise restraint. However the Islamic scholars opine that if there are even chances of benefit or harm, it is better not to resort to protest as Islam accords precedence to avoiding the harm over benefit. (*Al-Qawaid Al-Faqeeh Al-Mahmoodah*, p. 75).

What it finally boils down to is that any such protest that may lead to loss of lives or destruction of property, should not be resorted to and is not permissible.

- 4- It is not at all proper to indiscriminately retaliate against the oppressors in such a manner that even those who are free from the blame are hit in the process. For instance Allah expressed His disapproval when the followers of a prophet were camping at the base of a tree and the group killed all the ants when one of their colleagues was stung by an ant.

However, if some people are known to be partners, be it financially, logistically or administratively in committing oppression against others even if they did not indulge in physical operation of the oppressive activity, they too will be brought to justice. Shami is also of the opinion that partners in injustice could be targeted. If it is not done, it is likely that they would shield the real culprits from being brought to justice thereby emboldening the oppressors. Those who despite being part of the community of unbelievers, did not participate in the excesses and helped the Muslims, they will not be victimized in any manner. Similarly, those unbelievers who remained steadfast with their peace treaties with Muslims, will be protected and the sanctity of their lives and property will be respected. But the retaliation against those of the unbelievers, who broke their commitments to peace and violated their treaties of peace, will be legitimate.

- 5- Muslims are commanded to initiate measures against combating terrorism through propagation of moral principles, promotion of human rights and by creating general awareness against evil effects of injustice and excesses on the society.

If any group of Muslims in a country like India is attacked, it is obligatory to defend their lives and property and the manner of defence and use of force for the purpose, would be decided in keeping with the circumstances. In today's circumstances, the

attacks are organized with considerable pre-planning which presupposes a collective decision on the part of the attackers. If the same cannot be repulsed, it is feared that the attackers will feel encouraged and the entire society will be snared into the vortex of violence and oppression. Shami says it is obligatory for those who live near the place from where the attacks are initiated to defend the place against attackers. If they do not afford to do that, the ones living close to them should take up this obligation. If a whole group of attackers comes out leading the onslaught, the people residing near them should come out in defence as a whole. However, if they are not properly equipped or are under-armed, it is not obligatory. The resistance will be obligatory in keeping with the means the group possesses. However, it is preferable to resist attackers and defend against the attacks. And if one dies while doing this, he will be considered a *shaheed* or martyr.

Islamic Standpoint on Terrorism

Mufti Anwar Ali Azmi[•]

Aggressive and oppressive action against individuals or people by other individuals, groups or governments that may result in loss of life, property and threat to their faith and religion is termed as terrorism. This includes violence, scare-mongering and intimidation too. All activities that cause disorder and threat to public safety, life and liberty of citizens and national security or threat to wayfarers are also included within terrorism. Similarly all activities that may cause destruction of national, social and physical resources too would be termed terrorism.

Terrorism also encompasses all activities forbidden by Allah in the Holy Quran as has been mentioned in chapter Qasas which says: “Do not create mischief on the earth, for God does not like those who create mischief.”

State Terrorism

The refusal or failure to do justice to citizens and to tolerate social, political or economic injustice towards certain sections constitutes State Terrorism. It could be of several kinds. Distortion of history or saffronization of curriculum is cultural and ideological terrorism. Failure to protect the places of worship or religious importance of a certain section is also a

[•] Darul Uloom, Mau (U.P)

variant of it. Even episodes such as communal riots and genocide in Gujarat should be included within the State Terrorism as the riots were meticulously planned by the rioters several months before they broke out.

As for international terrorism, we have been witness to the genocide in Bosnia Herzegovina and in Palestine.

Injustice towards certain sections of people could take many forms. Apathy or callousness towards extending civic facilities such as road connectivity, power and water supply could be one form of it. It could even encompass deprivation of certain sections of people in matters of government employment. It is quite valid for Muslims to protest against such denials and deprivations. But it is not obligatory. Muslims should not show callousness in realization of their legitimate rights while employing due measure of caution. They should employ all legitimate and democratic means to register their protest and secure their rights.

It becomes imperative for Muslims to defend themselves when faced with violence and assault on their lives, property, honour and dignity. In a country like India, even those Muslims who live in areas not affected by violence should lodge protest against attacks against them in a particular area as the mischief mongers have a pan-Indian presence. But the victims should never indulge in retaliatory action against those who are innocent and have not participated in violent attacks or offensive action against them. It will be against principles of Islamic justice.

It must be remembered that Muslims should never turn away from the path of justice and should not resort to use of force against other nations and should always give peace a chance and try to resolve differences through negotiations while exercising forgiveness and tolerance.

Muslims should exercise restraint against the adversaries and dignity of human beings should always be accorded priority. Farms should not be ravaged and genocide should never be committed. They should always remember that their leader, the holy Prophet was sent as a mercy towards the entire mankind (ref. Anbiya: 107).

The Shariah has allowed Muslims to defend their lives, property, honour and dignity. Hadith to this effect that says: “One who dies while defending his property is a martyr...” and so on (*Sahih Muslim*) has been cited earlier in this context.

However, while defending oneself, one has to exercise maximum restraint and use minimum force that could be sufficient to repulse the attacker. If the attacker could just be made to escape by hurting him, it is not valid to kill him. If worse come worse and the attack cannot be averted, the attacker could even be killed.

If a whole section or community of people is facing violence, it is imperative for that section to defend itself collectively. It will also be the moral duty of even those not affected to help the ones facing the assault. However, it could not be held obligatory.

Islam: Peace and Security

Maulana Ishtiyag Ahmed Azmi[•]

Aggressive and oppressive action against individuals by other individuals, groups or governments that cause loss of life, property and threat to their faith and religion is termed as terrorism. This includes violence, scare-mongering and intimidation too. All activities that cause disorder and threat to public safety, life and liberty of citizens and national security or threat to wayfarers are also included within terrorism. Similarly all activities that may cause destruction of national, social and physical resources too would be termed terrorism.

The definition of terrorism as decided by the Islamic Fiqh Academy, Makkah (as cited in papers earlier) could also be considered.

The refusal or failure of the governments of the day to do justice with its citizens or certain sections of people and to allow political, cultural and economic injustice against certain sections is State Terrorism and State Rowdyism.

It is permissible for Muslims to protest against failure to provide access to civic amenities and discrimination in matters of employment against them. It is imperative for Muslims to strive to secure justice and their rights through legitimate means.

[•] Darul Uloom Mau (U.P)

Injustice could also take the form of attack on the people belonging to a particular section on their lives, property, honour and dignity. In such circumstances, it is absolutely obligatory for those being attacked to defend themselves while it is valid for those the ones who are not in the direct line of attack, to help those being attacked in defensive action.

To rise against oppression does not come under terrorism as has been described under the light of the verse 194 of the chapter Baqrah of the holy Quran earlier. Islam exhorts the Muslims to help both, the oppressors as well as the oppressed, which (as explained earlier) is interpreted as defence of those being oppressed and stopping those committing oppression. Muslims should never target the innocent people from the community of attackers. There is prohibition against attacking women, the children and the non-combatants. Mufti Kifayatullah states: It is quite legitimate to arrest or take revenge from the real culprits but it is not at all appropriate to attack or kill the innocents (*Kifayatul Mufti*, vol. 9, page 339)

Terrorism could be ended by adopting the Islamic system of justice based on equality for all, dignity of human beings, and by promoting the cooperation in all acts of virtues and beneficence. Similarly, Allah forbids from all acts of atrocities, oppression and vices. Islam has dignified the life of each and every individual. Life of a non-Muslim under the Islamic state is as sacrosanct as the life of a Muslim individual. The Shariah has permitted defence against attack on life and one could even defend himself even by killing the attacker if it becomes inevitable.

It is obligatory for a woman to defend her honour even if it amounts to killing the attacker. Similar is the commandment for a person who is an onlooker of such an act. It is obligatory for him to save the woman even by killing the rapist, if it is not possible to save her honour from any alternative means.

Islam has clear guidelines in matters of defence. One should apply the minimum force to avoid the danger and avert the attack. If just hurting the attacker is enough to make him flee, then killing should be avoided. If just verbal defence is sufficient, physical force should be avoided.

If a whole group or community is under attack, it is obligatory for the entire group to defend itself. Those of the members of the community, who are not under attack, should help them in their defence.

Islam and World Peace

Maulana Khursheed Ahmed Azmi^{*}

Anyone—individual or group—who employs tactics or techniques to spread scare or terror among people either through violence or explosive material for the sake of certain political objectives such as installing a group in the seat of power or to subjugate others will be known as a terrorist. But the powerful governments today apply this definition against all such individuals or groups which counter its ideology and interests.

From the Islamic point of view Terrorism could be defined thus: “All acts of aggression and excesses by an individual, group or government which amount to causing hurt to life liberty, property and faith and doctrine are terrorism”.

It does not seem appropriate to apply the term of terrorism to unfair treatment of certain section and social, political and economic injustice done to a particular section or sections. These essentially come under the category of negligence or apathy of the government. However, if such acts are accompanied by intimidation or element of striking terror into the hearts of a group of people, it would be termed Terrorism.

It is permissible for any group to protest against apathy, discrimination or bias. But it is not obligatory. One could strive

^{*} Raghunath Pura, Mau (U.P)

to secure his rights within the jurisdiction of the Islamic Shariah and the victims themselves should not become oppressors.

The Article 7 of the Universal Declaration of Human Rights states: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

The Article 8 of the Charter says: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the Constitution or by law.

It is quite well known that standing up against the oppression by a victim will not be considered an act of Terrorism. It is also evident from the incidents in which Abu Jundal and Abu Baseer took up cudgels against the oppressors. It is quite valid for a victim to kill an oppressor from among non-believers if he cannot be stopped by any other means. What Abu Baseer did will not be termed mutiny or violation of a treaty, for he defended himself and his faith against oppression and he will not be liable to pay any blood money? (*Fathul Bari*, vol. 5, page 351, Kitabus Shuroot)

It must be borne in mind that the recompense for hurt caused by anyone is equal hurt (Ref. Baqrah: 194). Interpreters of the Quran state that though the Quran allows retaliation in comparable measure, but it is just permissible, not obligatory.

If the excesses have been committed by a group or community, it is not right to target the innocents and the non-participant members of the community while retaliating.

A Muslim is entitled to defend himself from attack, atrocities and oppression. He could seek help of other in his defence and could even kill an attacker if one is convinced that the oppressor cannot be stopped by any other means.

Islam: Citadel of Peace and Security

Maulana Qamaruz Zaman Nadvi*

Islam stands for peace and its teachings consider all human beings to be equal and the holy Prophet used to profess this fact in his *dua* (supplication) in his pre-dawn (*tahajjud*) prayers by saying: O My Lord! I bear witness that all human individuals are brothers among themselves. This testifies to the fact that wherever Muslims exist on this globe, they are tied to their non-Muslim brethren in a relationship of trust. Islam accords priority to peace over war.

Definition of Terrorism

Though no consensus has been arrived in matters of fixing a definition of terrorism, various nations and communities define it with context to their own interests and situations. Most governments dub the expression of resentment and agitation by their political opponents as terrorism while the opponents describe the suppression of dissent and employment of strong arm methods by the Government as State Terrorism.

Maulana Abdul Hameed Noamani (Ref. *Deen e Mubeen*, Monthly, Bhopal) offers this definition: "Use of force and

* Partapgarh (U.P).

oppression against the innocent people for securing some objective in a manner that they get terrorized is Terrorism. It could emanate from an individual, group or organization or from the State”.

Denial, deprivation and discrimination against certain sections of the people too would constitute terrorism. All such acts that lead to loss of lives or property of people belonging to particular sections too would fall into this category.

It is obligatory to protest against injustices by the Government against certain sections. However these protests should be within the democratic and Constitutional parameters. Similarly, it should be seen that innocent people among the group or community who have committed excesses should not be targeted while directing retaliatory action.

Writings in Brief

- ❖ **Maulana Sultan Ahmad Islahi**
- ❖ **Maulana Mohd. Shamsuddin Muzahiri**
- ❖ **Mufti Habibullah Qasmi**
- ❖ **Maulana Dr. Zafarul Islam Qasmi**
- ❖ **Maulana Ataullah Qasmi**
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- ❖ **Maulana Abu Al Qasim Abdul Azeem**
- ❖ **Mufti Mujahidul Islam Qasmi**
- ❖ **Mufti Tanzeem Alam Qasmi**

World Peace and Islamic Standpoint

Maulana Sultan Ahmed Islahi*

If one makes it permissible for himself the killing of another person or persons from another group, it would be termed Terrorism. However, it would be necessary to explain that this term has been coined by the media hostile to Islam just as Fundamentalism was coined a few years ago. Similarly, State sponsored Terrorism too should not be excluded from the definition of Terrorism. Currently, the United States of America leads the list of such states that engage in terrorism. Earlier, it was sponsored by Great Britain and even Russia was involved in such activities. Latest example is one from Gujarat where mayhem was sponsored by the State Government. State terrorism is more heinous than the individual terrorism.

It is obligatory for Muslims to boldly face and encounter oppression and injustice against themselves. Mere protest is not enough. "The verse no. 39 from chapter Shoorah says: "And those who protect (defend) themselves when an oppressive tribulation is imposed on them." It is useful to be reminded that this chapter was revealed in Makkah. On similar line, it is stated in Hadith that those who strengthen the oppressors or help him while being in full knowledge of his being an oppressor, he cuts himself away from Islam. (*Baihaqi*,

* Dudhpur, Aligarh (U.P)

Mishkaat vol. 4). Another Hadith states that Allah gets annoyed with a group of Muslims if it tolerates oppression and does not react to it. (Abdur Rauf Al-Manadi: *Al-Tayseer*, with reference to Masnad Ahmad bin Hanbal and Tabrani)

If the oppressed rise against the oppressors, it will not come under the definition of Terrorism.

It is not appropriate to take revenge from the innocent who may be part of the group from which oppression has been initiated. However, if they maintain silence, or indirectly or secretly help the oppressors, they too would be included in the category of oppressors. However, the treatment of such group would fall into a separate category.

As for the social and political injustices against Muslims, they should focus upon strengthening their economic condition by directing their struggle to educationally uplift the community and nurturing the competitive spirit among the youth to enter the Government service. Even the Arabic Madrassas should play their role in making their graduates capable of entering the official jobs. Even participation in the legislatures calls for planned effort in the field of politics.

In matters of attack on the honour and dignity of the Muslims, it is imperative to opt for defensive measures. This is not possible in individual capacity. Rather collective planning would be necessary. There could also be scope for initiating such measures that would pre-empt attacks and oppression.

Islam: The Religion of Peace

Maulana Mohd. Shamsuddin Mazahari[•]

Terrorism comprises attempts to oppress and terrorize innocent and guiltless people belonging to a particular section in order that peace is destroyed. But Americans have turned the definition on its head. According to them, any move, effort or initiative that harms the American interests is Terrorism.

All such acts that tend to do injustice with certain sections of the people, or their safety and security is deliberately neglected, such an attitude would be categorized under Terrorism. A government is duty bound to treat all sections and individuals equally and equitably.

Injustice towards a community might be of two kinds: 1- Injustice towards the community as a whole, and 2- Injustice towards the community due to its faith in a manner that aspersions are cast over the religion of the community. Protest is valid against the first kind while it will be obligatory when the injustice affects the faith of the community. It becomes obligatory for people to protect the religion both by helping it in a positive sense as well as by contradicting the negative propaganda.

Response against injustice or oppression should be balanced and never exceed the original hurt. Innocent people among the

[•] Jamia Islamia Jalalia, Hojai, Assam

sections from whom the oppression has been committed should never be touched. Retaliation against oppression cannot be termed Terrorism.

If a section of people or a Government tries to wrest or take control of the economic resources, it should be resisted and countered by force by the Government whose resources are being wrested.

If the life, liberty, property, honour and dignity of a community is under attack, those being attacked should defend themselves with equal force and would be quite justified in killing the attackers if it becomes inevitable. However, minimum force, just enough to scare the attacker and avert the harm from him, should be exercised.

Religion of Islam and Terrorism

Mufti Habibullah Qasmi^{*}

Every nation and community has tried to define Terrorism according to its own light. As for me, Terrorism results in oppression which may occur in several ways. Anyone who causes bloodshed without any legitimate reason is a terrorist. If a group of people or a community tries to defend itself from oppression, it does not constitute Terrorism.

Failure or refusal to do justice with all sections of people is also a variant of Terrorism. Deliberate negligence towards security of a group of people or to adopt such measures that they suffer from loss of lives and property should also be considered Terrorism.

The Shariah allows the oppressed to defend himself against the oppression. Any defensive measures taken by those who have been attacked or suppressed cannot be termed Terrorism.

People who have been oppressed should adopt defensive measures but should not retaliate in a manner that they exceed the original hurt caused by the aggressor. Innocent should not

^{*} Founder & Rector, Jamia Islamia Darul Uloom, Muhazzabpur, Azamgarh

be touched, even if they belong to the community from whom oppression has been committed.

Muslims should take the legal course to secure justice and should not digress from the path of peace. If the attack is physical, it should be physically repulsed and if it is in terms of social and economic injustice, one should adopt legal and Constitutional means to secure their legitimate rights.

Islamic Concept of Peace

MI. Dr. Zafrul Islam Siddiqi[•]

Islam does not approve creation of mischief as the Quran declares that Allah does not like those who create mischief or disorder on the earth (ref Chapter Qasas, verse 77). It similarly prohibits the people from committing any kind of obscenity and excesses. Allah loves justice and commands people to deal with justice and beneficence.

Going by these general instructions, all activities that are aggressive or offensive in nature or are likely to inflame passion or cause destruction or create scare among people and strike terror in their hearts and lead to loss of lives or property and public safety and order, should be defined as Terrorism.

Terrorism has several variants, by individual, State terrorism, intellectual and ideological terrorism, cultural terrorism, and biotech terrorism. If there are attempts at the state level to adopt such measures that cause discrimination against some groups or cause hurt to their lives, property and honour and dignity, or are simply unjust, these would fall into the category of Terrorism. It is the prime duty of the State to deal with all people with justice and it holds key to building a peaceful society.

It is imperative for the Muslims to defend themselves against any hurt or attack on lives, property, honour and dignity and

[•] Principal & Shaikhul Hadith, Darul Uloom, Mau (U.P).

intellect. Anyone who defends these cannot be termed a Terrorist. Those who participated in the freedom struggle of India were actually doing so only to defend the lives and property of Indians and preserving their honour and dignity. They cannot be termed Terrorists.

Those who have not participated in any oppressive action from among the community of oppressors should never be attacked or harmed. Innocent people should not be touched. It is not appropriate to arrest the innocent people in lieu of those who are the actual culprits and responsible for mischief.

Imam Auzayee wrote to the administrator of his province a letter in which he chastised him for punishing certain people by passing an order of exile against them for the crime certain other individuals from their community had committed.

It is essential for the rulers to deal with justice with everyone living under their realm and should take cognizance of what is in general interest and for benefit of all. (Mawardi, *Ahkamus Sultanieyh*)

The Islamic Sharia has discussed in detail the various situations in which one is duty bound to defend himself or it is just permissible to initiate defensive measures. A few scholars say it is permissible for anyone to kill an individual who is trying to usurp one's property, regardless of its volume and cost. But some Maliki scholars say that it is not permissible to kill anyone if the property one is trying to wrest is something as insignificant as food or clothing. But most Ulema consider it obligatory when honour and dignity of an individual comes under the attack.

Terrorism and Islamic Viewpoint

Maulana Ataullah Qasmi^{*}

Any such activity that creates discontent, dissatisfaction and fear and scare among people or a section of people, whether it is by an individual, or a group or the State, is terrorism.

If certain actions from the State cause discontents and scare among people or a section among them, it would be termed Terrorism.

It is obligatory for a section whose rights has been suppressed or has suffered exploitation and injustice to protest against the injustice. To rise against injustice is not Terrorism. It is birthright of people to defend themselves against oppression and injustice.

One should take revenge only from those who have been oppressors. Innocent people should not be targeted when retaliation is directed against the oppressors. Islam prohibits excessive response against oppression.

It is obligatory for people to defend themselves when life, property and honour and dignity are under attack. If one gets killed in such circumstances, he will be a martyr.

The general commandment should always be observed i.e., Beware! The enmity of certain people should not lead you to do injustice against them. Be just, because it is close to piety. (chapter Maida, verse 8)

^{*} Jamia Imdadul Uloom, Kopaganj, Mau (U.P).

Terrorism and Islam

Dr. Abdul Azeem Islahi*

Terrorism is a military strategy which is often employed to terrorise the enemy or military rivals. It need not be countered militarily. Mere enhancement of the firepower or armed might could effectively silence the enemy. However, it might even need practical and physical initiative such as gathering military arsenals. Terrorism is also employed in order to demoralize the enemy and to keep him from underestimation of the might of the rivals. Terrorism is an infamous term which could be considered equivalent of *Fasad fil Arz* (or mischief on earth). Any such activity that amounts to unnecessary show of strength or to terrorize the people could be considered terrorism. It might emanate from an individual, group or the State.

Any inequitable and unjust treatment of its citizens or a section of them would be termed injustice, not terrorism. Such attitude of the Government mostly leads to dismay and disappointment among the victims, not the sense of terror. However, if any Government initiates such actions that endanger the lives, existence and property or their future generations of citizens or a section of them and they begin to harbor doubts and fear about themselves, it would amount to Terrorism.

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If a community or section of people suffers from injustice, it could opt for various legitimate means of protest such as presenting memorandum, *rasta roko* (blockading the thoroughfares), *kaam chhodo* (tool down strike), boycott, *dharna* (sit-in strike), or to mobilize the public opinion, or publicity in the media or to knock at the doors of the court. These could be adopted in a gradual process. These are the known and acceptable means of protest. If one skirts this process and resorts to violence, it would lead to more violence and would result in terrorism. Islam stands for peace and insists on adoption of means and methods that are peaceful and do not cause disorder. There is no escape from it, howsoever severe might be the disparities and deprivations. The Holy Prophet had predicted that there would come several rulers who would indulge in oppression and tyranny but asked the people to tolerate them till they follow the policy of establishing prayers (this could be interpreted as facilitating the system of worship for followers of diverse faiths). But if people are left with no choice to follow peaceful means, they could take recourse to violent means. This would not be termed terrorism, but it will be like engaging in a struggle between life and death.

Islam prohibits people from attacking innocent people, non-combatants, children, women, old aged people and the sick. Even those who could have been part of the armed forces but have not participated in any military engagement should be spared. Therefore it will be unethical to attack or assault those who innocent and have not participated in the oppression.

Mischief on the Earth and Islamic Viewpoint

Maulana Mohiuddin Ghazi Falahi*

Islam views the issue from a wider angle. Terrorism is certainly not the focus of Islam. It is 'mischief on earth'. Currently we are following the Western definition of Terrorism. Terrorism is creation of the West. The Muslim world is victim of it. The *Encyclopedia Brittanica* has the following definition of Terrorism to offer:

The Systematic use of terror or unpredictable violence against government, publics or individuals to attain a political objective.

The Western states would like to define the following : 1- the struggle against restriction of certain liberties, 2- suppressed rights of people and 3- resistance against the suppression of freedom, in their definition of Terrorism.

To the contrary, the West has begun to exclude the harassment of weak states by the superpowers and the suppression of rights of certain sections from the definition of terrorism. From the Islamic point of view, the abovementioned actions should be defined as Terrorism while the latter are excluded from it.

* Lucknow (U.P)

Even if the latter are not included within the definition of Terrorism, they fall under the category of mischief on earth. In my opinion, if the injustices do not have any far-reaching impact and have merely a short-term impact, it is quite permissible to protest. But if such injustices harm the prospects of the future generations, then it becomes imperative for Muslims to adopt long-term strategy to defend the community from its harm.

To rise against the oppression does not constitute Terrorism. It is a natural right of victims to fight against injustice. If the oppressors and tyrants are not afraid of reaction, nothing would deter them from continuing with their oppressive policies.

It is not appropriate to take revenge against the innocent people, even if they belong to the community from whom the oppression has emanated. It is also not right for general public to remain silent while the government elected by their votes continues to oppress certain sections of the people.

In this context, we need to ponder if all the Jews who have come and settled in the State of Israel are not guilty of complicity in the atrocities perpetrated by the Israeli State against the Palestinians.

If one could defend the attack on life, property and honour by causing ordinary hurt, such defence would be permissible.

Islam and the Concept of Violence

Maulana Abul Aas Waheedi*

The current international situation vis-à-vis Muslims owes itself to two factors: 1- Non-Muslims have grave misgivings about Islam, Muslims, concept of Jihad and Islamic history, and 2- Islam's growing popularity in the West, is causing fear in the heart of the powers that be in the West. Good number of people are turning to Islam in the West and Islam seems to be gaining ideological dominance. It is why we need not worry about the bogey of Terrorism raised by the West.

Post 9/11, the West raised the bogey of Terrorism with great force. But the West could not come to a consensual definition regarding this.

The holy Quran and the Ahadith from the holy Prophet provide the terms like *zulm* (oppression), *udwan* (tyranny), and mischief on the earth. All those who create mischief on the earth and violate the commandments of Allah, are terrorists in the sight of Islam. The Rabita Al-Alam Al-Islami had offered the following definition of Terrorism at its conference held in Johannesburg, South Africa in 1423 AH:

“Terrorism is oppression committed by individuals, groups or states against people's faith, lives, property, honour and

* Siddharth Nagar (U.P).

wisdom. It encompasses all kinds of harassment, torture, threats, killing, robbery, bloodletting, rendering the passages on land and sea insecure or blocking highways. It also includes all kinds of violent activity that aims at striking fear among people in pursuit of some definite project and making people's lives, property, honour, natural resources and means of production insecure. There are various variants of *fassad fil arz* (mischief on earth) from which Muslims have been asked to stay away in the Quran: Do not create mischief on the earth, verily Allah does not like people who create mischief."

Any action that amounts to threatening or scaring the people into submission to one's demand is Terrorism. It need not be pointing the gun alone. If one could attain his objective by a threat of using strong arm methods or by intimidation, it could be called Terrorism.

In short, any action motivated by usurpation of other's wealth or taking control of other nation's resources, as it happened during the two World Wars, it would be defined as Terrorism. (Ref. Md. Suhail, biweekly *Dawat, Dehshatgardi ya Amn e Aalam ki zamanath*).

If some group makes a move against the injustice perpetrated by a State or a government, it will not fall into the category of Terrorism, nor will it be held unjustified. In a secular and democratic dispensation, it could be only called appropriate.

Protest or reaction against any injustice is permissible. Therefore rising against oppression will not be held as Terrorism.

If some sections within the group of oppressors have not participated in committing atrocities by the group but have indirectly helped them or have shown their consent of the oppressive action by remaining silent, it will be right to include them in the retaliatory action.

Islam suggests certain basic principles for curbing the factors that lead to Terrorism. These could be:

- 1- The foundation of the society should be laid on the basis of equality of human beings and promotion of love and harmony.
- 2- A system to teach rights and duties of individual and imparting training to everyone in the society.
- 3- Establishment of a system of governance in which everyone is guaranteed of his security of life, liberty, access to economic opportunities and justice.

If there is an attack on an individual or group's life or property or honour, it would be obligatory upon them to defend themselves. Death caused while defending will be termed martyrdom. Defending side should not exceed while retaliating. One should defend for securing his legitimate rights.

Islam and the Concept of Peace

Maulana Sayeedur Rahman Farooqui*

Terrorism is defined as *fasad fil arz* (mischief on the earth) in the holy Quran. A very comprehensive definition of Terrorism has been given by Maulana Riyasat Ali: Terrorism is a Persian term which means ‘to go beyond limits, to harass innocent people, exploit people and to commit atrocities in pursuance of certain illegitimate goals and create scare among the people’.

It could be achieved by wielding any kind of weapons or by throwing bombs or launching rockets or by causing terror by any action through words or gesture. But if force is used to resist oppression or to avert danger to the humanity would not be termed Terrorism (*Islam, Amn aur Dehshatgardi*, page 19-20).

It is obligatory to undertake any effective protest that could halt oppression provided the protestors are convinced of the legitimacy of their methods. It will not be obligatory if the protest is aimed at securing some political objective.

It is not permissible to take revenge from innocent people. Every life is sacred and should be respected.

* Mumbai (Maharashtra)

Mufti Abdur Raheem Lajpuri opines in *Fatawa Rahimiya* (vol. 1, page 471): If the rival is a *kafir* (infidel) and has killed a Muslim and poses danger to life and is assisting killers, he could be killed. If the rival is innocent, it is not permissible to kill him.

The holy Quran recommends nipping the mischief in the bud. It says: 1-Hypocrisy is a crime. 2-Lying is prohibited. 3- Cheating is not permitted. 4- There should be no subjugation of people. 5- It is not appropriate to suppress anyone's rights. Elimination of terrorism from the world will presuppose ending hypocrisy, lying, cheating, and dismissal of incompetent officials and protection of everyone's rights is guaranteed. Evidently, most hypocrites mask their criminal activities with theories of peace and harmony. It is therefore essential that people introspect and give up hypocrisy and stay away from activities that suppress others' rights.

Everyone should have the right to defend himself from attack or assault. It is quite legitimate for one to defend himself from physical attack. One who does not defend himself despite being physically capable of averting the attack, he will make himself vulnerable to extreme danger.

Islam and the Reality of Terrorism

Maulana Mohd. Zafar Alam Nadvi*

In its most comprehensive interpretation, Terrorism should be translated as *fitna* or *fasad* (mischief) which is intensely disapproved by Islam. Tyranny against the weak, to usurp the rights and freedoms of people, to cause their dislocation, to cause hurt and distress to them, to mislead the people and to suppress and mask the truth, to wage war to wrest control of their resources, to commit atrocities against the followers of truth and to bring about moral, civilisational, and cultural and political crises and disruption, are covered under the term of *Fasad* (mischief).

If the Governments do not mete out justice against people or some sections among them, or deliberately neglect the security of their life, liberty, property and honour, or initiate such measures against them that would cause them loss of lives or property, such a treatment would fall under the category of Terrorism.

If the State treats a community or section of people unjustly, it will be obligatory upon them to protest. However, if such protest is likely to cause more damage or bring in bloodier reprisals, such measures should be adopted that do not cause

* Nadwatul Ulama, Lucknow (U.P)

any harm. If oppressed people rise against oppression, it would not be called Terrorism.

Retaliatory action should be directed against the oppressors, not the innocent people among their community and it should be such that it should not violate the basic Islamic norms.

It is permissible to adopt defensive measures to protect the lives, property, honour and dignity as much as possible and affordable.

Islam and Violence

Mufti Abdur Rahim Qasmi*

Terrorism means fear and worry (*Lughat Kishwari*, p. 199)

Famous Arab philosopher Abu Zahra while analyzing the world situation says the crisis is rooted in man's desire to dominate the world and gain control of the entire resources the world is endowed with. Some powerful nations are therefore developing and amassing all kinds of lethal weapons to gain control of the world, subjugate other nations and wrest control of their resources.

Islam stands for peace and is opposed to all kinds of domination and consequent violence. It enjoins its followers to sue for peace with the enemy even if the enemy may have intention to enter into a treaty just to gain time for preparation for a more organized effort for a battle.

The governments that deny social and economic justice to their people are oppressive regimes and their oppression could be termed Terrorism. It is permissible for people who have been denied justice to react and protest. It is permissible for them to launch civil disobedience. However, the protestors should not exceed the limits which might result in bloodier reprisals.

* Jamia Khairul Uloom, Bhopal (M.P).

It is not appropriate to attack the innocent people among the community from which excesses have been committed.

Terrorism is rooted in suppression of rights of people and the desire of a few people, section or nations to control other people, communities or nations. It must be resisted by the weak, however resourceless they might be. The Prophet has advised his followers to defend themselves against attack on their lives, and property. If the attackers are killed while defending oneself, no blood money be paid. If the defender gets killed, he will be termed *shaheed* or martyr.

Islam and World Peace

MI.Niyaz Ahmed Abdul Hameed Al-Madani[•]

The Rabitat Al-Alam Al-Islami had defined terrorism in its conclave held at Johannesburg in South Africa on 26 Jamadi ul Aakhir, 1423. (Please see paper by Maulana Abul Aas Waheedi)

Any reaction or practical retaliation by the victims against injustices committed by a government will not be termed terrorism. However, caution must be exercised and one should not do any such thing that could cause more violence. Life is priceless and it will be better for Muslims to exercise patience and allow the administration to have its writ on the people.

Standing up against the injustice will not be termed Terrorism.

While taking retaliatory action, it is quite appropriate to include the ones who give their consent to members of their group to commit atrocities against others by remaining silent. The incident of Abu Baseer is a guide in this matter. The Prophet had not prohibited him from doing this.

Islam suggests certain basic principles for curbing the factors that lead to Terrorism. These could be:

[•] Al Jamiatul Islamia Khairul Uloom Domariyaganj, Siddharthnagar, (U.P)

- 1- The foundation of the society should be laid on the basis of equality of human beings and promotion of love and harmony.
- 2- A system to teaching rights and duties of individual and imparting training to everyone in the society.
- 3- Establishment of a system of governance in which everyone is guaranteed of his security of life, liberty, access to economic opportunities and justice.

If there is an attack on an individual or group's life or property or honour, it would be obligatory upon them to defend themselves. Death caused while defending will be considered martyrdom. Defending side should not exceed while retaliating. One should defend for securing his legitimate rights.

Concept of Peace in Islam

Maulana Asad Qasim Sambhali

Maulana Syed Muhammad Rabey Hasani Nadwi had defined Terrorism in the following words while giving an interview to the Saudi daily *An-Nadwa*: To commit excesses and atrocities against others while having no authority and to create fear in the atmosphere in order to demoralize the rivals, is Terrorism.

It is not on some occasions, but certain powerful states of the world have been responsible of directing terrorist activities against some Muslim States and against some Muslim minorities for the last fifty years under the patronage of the United Nations Organization. All these should be considered State Terrorism.

There could be two ways to protest or react against unjust moves by the Government. One way to do it is to restrain oneself and have patience. The other way is to gather strength and resources for defence in future. These should be applied as per the circumstances. If the victims rise against oppression, it would not be termed Terrorism.

If all the people of a state or the members of a community who are committing excesses vocally or silently endorse the action of their group or their government, retaliatory action could be directed against all of them. In the state of war, there could be

only two sides. It is not possible to differentiate between the innocent and the perpetrators. Those who while being part of a nation, do not prevail upon their Government to stop its excesses; they are themselves partners in its atrocious behavior.

It is one's birthright to defend his life, property and honour and dignity. Allah does not like those who are oblivious of the need to protect themselves and hand over the advantage to the rivals.

Reality of Violence in Islam

Maulana Aqeelur Rahman Qasmi[•]

If one were to ask the definition of Terrorism from the Islamic point of view, it could be said that Terrorism is all about committing atrocities against innocent and guiltless people and to create fear among them and cause bloodshed.

If the Government of a State does not deal with a section of people with justice, we need to assess if such moves fulfill the demands of justice. If it is so, it will not be termed Terrorism. If they are unjust, it has to be considered Terrorism.

There could be two variants of injustice with a particular section of the people. We need to see if the injustice pertains to religious affairs or not. If the injustice is not due to religious reasons, we could resort to democratic and Constitutional means such as strike, demonstration etc. It is not appropriate to opt for such means that cause inconvenience to people such as blockading the thoroughfares etc. If the reasons are related to the faith of the section of people, they need to raise their voice and seek justice.

As for the question of legitimacy of raising voice against injustice, it could be noted that it cannot be termed Terrorism.

[•] Madrasa Islamia Jalalia, Naugaon, Assam.

To fight against oppressors is Jihad, not terrorism. If one loses his life in the process, he would be declared *Shaheed* or martyr.

The victims are entitled to take revenge from those who have committed excesses against them and not the innocents and commensurate to the hurt they have inflicted. Detailed instructions regarding these have appeared in papers presented by the predecessors.

Imagining Peace in Islam

Maulana Abul Qasim Abdul Azeem^{*}

Terrorism could be of several kinds, e.g., political terrorism, intellectual terrorism, religious terrorism, cultural terrorism, and individual terrorism. For instance, the veto power given to some superpowers is a kind of political terrorism. Bogey of Globalization and environmental pollution are variants of intellectual terrorism. Hindutva is religious terrorism. Orientalism, and media outcry over blasting of Buddha statues in Bamiyan are types of cultural terrorism. Communal riots in Gujarat, genocide in Bosnia and Chechnya and Israeli atrocities against Palestinians could be cited as examples of State Terrorism. Forest brigand Veerappan's activities in the forests of South India could fall into the category of individual terrorism.

If one could refer to the holy Quran, creation of mischief seems to be the most appropriate term that applies to Terrorism. It could be from individuals, State or groups. If they indulge in any activities that oppress others, cause loss of lives, property or rupture honour and dignity of people, or damage intellect or cause hurt to the faith and religion leading to bloodshed, mayhem, mass killings and fear among the people's hearts, such activities would be termed Terrorism. It could be anything

^{*} Mau (U.P).

ranging from dacoity to waylaying, to plunder of property and may result in mass fear.

Any moves by the Government that lead to such outcomes would be called Terrorism. The tyranny by the Pharaohs of the Egypt too would be termed Terrorism.

The victims of terrorism should either react or protest against such actions as per their capacity and circumstances. If they do not afford to react or protest, they should exercise patience or take help with prayers. Constant silence is meaningless.

If the excesses have been committed against individuals, revenge too would be directed against individuals. Similarly, if they have been committed by groups, it will not take into cognizance the individuals. War has a separate category.

In order to curb terrorism, Islamic laws of Jihad (struggle) and war could be implemented in their fullest sense. Victims of oppression have the right to defend which could be obligatory or permissible as per circumstances of the group that has been victimized. One could exercise patience or could use his discretion in the matter.

Reality of Terrorism in Islam

Mufti Mujahidul Islam Qasmi[•]

Terrorism covers all such activities that lead to creation of fear in the hearts of people to secure certain sinister objectives. Any action or activity that could cause harassment of people or could strike terror into their hearts either by administrative moves or by wielding of weapons is terrorism.

Islam is a religion of peace. It is rooted in alphabets *s-l-m* and the Islamic manner of greeting *assalamu alaikum* (peace be upon you) has been derived from it. Hence, Islam and terrorism have nothing in common. Rather they are opposed to each other. The two could not be joined together.

The oppressive action by the State is included in the category of Terrorism. The Quran asked the administrative heads to deal justly with people and be compassionate and beneficent towards all those around oneself. (Ref. Nahl: 9). All that obstructs the peaceful conduct of society's affairs such as oppression, abusing, baseless allegations etc constitute acts of terrorism.

In the event of discrimination and unjust treatment of a particular section of people, it is obligatory upon people to

[•] Assam

react and protest against such an attitude of the Government. However, only peaceful means such as taking out procession, presenting the memorandum to the authorities etc should be adopted. The victim's standing up against injustice will not constitute terrorism. It will not be appropriate to include the innocent members of the rival group in the retaliatory action.

Islam enjoins a welfare state. The Holy Prophet made it a duty upon the Islamic State to make arrangements for basic amenities such as food, clothing and shelter for even a single individual living within the state. No person should be left in debt and no complaints from the victims should remain unattended.

If one dies while defending his life or property, he will be deemed martyr.

World Peace and Islam

Mufti Tanzeem Alam Qasmi*

The word 'Islam' is derived from the root word *s-l-m* which means peace, amity and security. The holy Prophet said, a real believer is one from who his neighbors should remain and feel safe.

Terrorism comprises all kinds of injustices, suppression of and encroachment upon others' rights, confrontation and all that hurts others psychologically, physically and economically. However there could be degrees of intensity of Terrorism. For instance, abusing someone is a lesser kind of hurt than killing which is extraordinary kind of terrorism. Therefore, terrorism and oppression are synonymous. Just as oppression (*zulm*) is *haraam* under Islam, terrorism too is extremely illegitimate.

Terrorism sprouts in an atmosphere of dismay and despondency caused by failure to secure justice. Sometime it may be triggered by exploitation by the capitalists and sometimes it may stem from political injustice and deprivation. Even communal violence may lead to terrorism. There cannot be any immediate and strong arm methods to root out these factors. There should be cool contemplation over the factors and ways and means should be found out to end them.

* Darul Uloom Sabeelus Salam, Salalah Barkus, Hyderabad (A.P).

Islam does not permit suppression of any section of people and does not favour distribution of posts, placements and designations on the basis of class or community. It has to be done on the basis of merit and capability. Islam preaches tolerance and does not want innocents to be targeted in any circumstances.

Islam provides scope for dissent and freedom of expression and the right to people to present their opposing viewpoint and to oppose the rulers, leaders or the ruling parties. If the opposing viewpoint is reasonable, it will have to be accepted, if not they will have to be satisfied. Islam asks its followers to enjoin the good and forbid from the wrong and stand witness to the truth. Allah also recommends that the evil should be removed and righteousness should be promoted. Islam is champion of peace and justice and asks its followers to develop forbearance and forgiveness. All these would effectively end terrorism.

If someone lays down his life while defending his life, property and honour and dignity, he will be granted the status of *shaheed* (martyr). (Hadith in this regard has been cited earlier.)