

CLASSICAL AND CONTEMPORARY MUSLIM JURIDICAL VIEWS OF TERRORISM

Abstract

Terrorism, which has become a very hot topic, might become the twenty-first century's most important issue, depending upon the methods used to combat it. The methods now being used, however, might actually lead to more terrorism. Regardless of how the perpetrator views his/her action, it is guaranteed to capture everyone's attention and become part of the ongoing political, social, economic and religious discourses. This paper discusses Islam's views of terrorism in general and those of the classical jurists in particular. I will discuss this issue by relating its concepts, terminologies, thoughts, Qur'anic verses and prophetic traditions in order to show that Islam rejects terrorism. Furthermore, I argue that Islam, ever since it first appeared, has called for the implementation of security in practice, as opposed to theory, and therefore advocates the protection of essential and legitimate human concerns (i.e., religion, life, the right to live in peace, mind/reason and wealth). This paper presents historical events and cases that refute the claims of western media and some scholarly view that Islam favors and supports terrorism.

Key Words: Terrorism, jurists, Islam, Muslim, Scholars

Introduction

Given the current turmoil afflicting global security and the ongoing events of the Arab Spring that have created groups of pro-democracy freedom fighters, one must clarify the Islamic view of what has come to be called "terrorism" by referring to authentic Islamic sources. Such an endeavor involves, by necessity, an examination of Islam's oft-asserted association with terrorism. This paper will demonstrate that Islam seeks to secure one's social and individual life and that any attempt to undermine this goal is fundamentally against its teachings.

The problem, according to the researcher, is the absence of a common definition of terrorism. Islam and Muslims have become popular targets for

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western media personnel who are quick to associate Islam with any terrorist incident committed (or assumed to be committed) by a Muslim individual in a rather blind and sensationalistic manner. This problem is further compounded by the apparent failure of the Arab and the larger Muslim world's media to balance these inaccurate perceptions by providing a better informed and more accurate account of events, particularly of the role of Muslims in what are considered terrorist events.²

My methodology is primarily focused upon the analytical scientific method that involves extrapolating information from Islam's primary sources. I also refer to secondary supporting religious texts, especially the relevant jurisprudential doctrines, and analyze them to provide a possible answer to the research questions. The relationship of Islam and terrorism is further articulated via contemporary references.

It is essential to identify and explain the technical Islamic legal terms associated with the issues of war, peace, security and obligations as derived from the Qur'ān and the prophetic traditions (viz., the primary sources of Shari'ah). Therefore, I will relate Islam's position on terrorism by citing the relevant primary sources.³

The Qur'ān proclaims:

The recompense of those who wage war against Allāh and His Messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off from the opposite sides, or be exiled from the land. That is disgrace in this world, and great torment is theirs in the Hereafter. Q. 5:33.

Currently, *terrorism* lacks a precise definition because it is a complex issue with many interpretations. But all of them do have at least one element in common: Terrorism is an act of violence, threat and force, whether it is applied to individuals, groups or states⁴.

Legal experts are doing their best to agree upon a single legal definition of terrorism, even if the one they accept is not the one agreed upon by differing individuals, groups or parties. This section addresses the views of Islam and Muslim jurists concerning violence, threat and force, whether it is applied to individuals, groups or states.

Western media outlets directly accuse Islam of encouraging terrorism, as if the religion itself advocates terror. However, Muslims assert that their religion's principles strongly oppose all acts that terrorize and kill the innocent,

2 See for example the work of Edward W. Said, *Covering Islam: How the media and the experts determine how we see the rest of the world*, Vintage Books, New York, 1997; Jack G. Shaheen, *Reel Bad Arabs: How Hollywood Vilifies a People*, Olive Branch Press, New York, 2001; idem, "Hollywood's Muslim Arabs", *The Muslim World*, vol. 90. Spring 2000.

3 Q. 5:33

4 Aneela Sultana, Digging Islamic Roots of Jihad to Unveil the Truth, *Politics and Religion Journal*, vol. II, No. 1, 2008, Belgrade, pp. 31-47.

regardless of the perpetrator's motives. Islam states that these are criminal (and therefore strictly prohibited) acts and therefore punishable by Islamic law. Many western studies routinely ignore or dismiss such evidence, a practice that allows the common stereotype of Islam as a violent and terrorist religion, along with other myths and misconceptions, to survive and spread. What they do not realize, however, is that the Muslim ummah (the global community), as well as any other civilization, has the right to protect its internal peace by pursuing legitimate military action against those who seek to dominate it and to undermine it in order to pursue their own interests⁵. There is a clear difference between the Arabs' and the Muslims' legitimate struggle to ensure their peace and security, and the terrorism that kills the innocent and causes the unwarranted destruction of public and private property. In other words, those who make such accusations have confused two entirely separate things: a nation's right to defend its citizens and territory, and another nation's unwarranted aggression against the first nation's innocent people.

The position of Islamic jurisprudence on terrorism

The lexical meaning of *ḥarābah*

Muslim jurists and scholars adopted the legal concept *ḥarābah*, which they defined as "banditry." According to Ibn Manzūr, the Arabic words for "robbery" and "lawlessness," among others, can be traced back to the root *ḥarb*, which means "to fight in a battle or wage war." In other words, it is the opposite of "peace."⁶ Al-Fayūmī regards it as indicating a state of fatigue or exhaustion in the sense that one's money has been taken, as being involved in a confrontation, the flare-up of an ongoing war, the outbreak of fierce fighting, and the difficulty of seeking or pursuing salvation. It also has a spiritual meaning, as seen in the phrase *miḥrāb al-muṣālī* (the niche is a mosque's wall indicating the prayer direction), which is derived from *muḥārabah* (a Muslim's spiritual struggle, combat, fight, battle, or warfare with Satan in order to purify his/her heart.⁷ Fayrūz Abādī, author of *al-Qāmuūs al-Muḥīṭ*, mentions a *miḥrāb* man as being a brave warrior.⁸ Finally Ibn Manzūr remarks that an armed fighter is an angry looter and plunderer who exposes people clothes.⁹

The term *war* has multiple meanings, as seen in the following Qur'anic verses:

And if you do not do it, then *take a notice of war* from Allāh and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and shall not be dealt with unjustly

5 See: Natalia Vlas, Is Religion Inherently Violent? Religion as a Threat and Promise for the Global Security, *Politics and Religion Journal*, Vol. IV, No. 2, 2010, Belgrade, pp. 297-314

6 Ibn Manzūr, *Lisān al-'Arab*, vol. 1, p. 304.

7 Fayūmī, Aḥmad Muḥammad ibn 'Alī, *al-Muṣbāh al-Munīr*, Dār al-Mu'ārif, Cairo, p. 127

8 Fayrūz Abādī, *al-Qānuūs al-Muḥīṭ*, vol. 1, p. 53.

9 Ibn Manzūr, *Lisān al-'Arab*, vol. 1, p. 304.

(by receiving less than your capital sums). Q. 2: 279.

The recompense of those who wage war against Allāh and His Messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off from the opposite sides, or be exiled from the land. That is disgrace in this world, and great torment is theirs in the Hereafter. Q. 5:33.

The legal meaning

Scholars and jurists differed over the exact legal definition of *ḥarābah* – banditry, robbery or lawlessness – due to their differences as regards the extent of its coverage when applied to the concept of “corruption in the land.” In addition, there are no universally agreed-upon terms and condition for what constitutes a warrior and how to define the crime banditry, since “banditry,” “robbery” and “lawlessness” all have one meaning in common: blocking a public road within the Islamic state and thereby subjecting those who use it to potential danger. The views of the four Sunnī schools of legal thought on *ḥarābah* are presented in the next section.

The Ḥanafī definition

In his *Sharḥ Faḥ al-Qadīr*, Ibn al-Hamām defines *ḥarābah* as the group or individual abstinence from engaging in highway robbery or taking money or killing oneself.¹⁰ In his *Mabsūt*, al-Sarakhsī explains that if some Muslims or *dhimmīs* (non-Muslims protected by the Muslim government) block a safe road and kill and/or steal another person’s money or property, the Imām should cut off their right hand and left legs. This penalty can be strengthened in order to warn others not to engage in such activities..¹¹ Al-Kāssānī and other jurists indicate that *ḥarābah* means to block a safe road and rob those traveling on it, whether the road block involved a group or an individual using force, whether a weapon was or was not used, and whether the act was intended to scare the person involved or the general public..¹² Many Ḥanafī jurists consider *ḥarābah* an act of grand larceny based on a metaphor stated in *Sharḥ al-Faḥ al-Qadīr*.¹³ Ibn ‘Ābdīn agrees with his school’s fellow jurists on this definition because of its significant negative impact upon the Muslim community.¹⁴

10 Ibn al-Hamām, Kamāl al-Dīn Muḥammad ibn ‘Abd al-Wahāb, *Sharḥ Faḥ al-Qadīr*, Dār al-Fikr, Beirut, 1977, vol. 5, p. 422.

11 Al-Sarakhsī, Shams al-Dīn, *al-Mabsūt*, Dār al-Ma‘ārif, Beirut, 1978, vol. 9, p. 195.

12 al-Kāssānī, ‘Alā’ al-Dīn Abū Bakr ibn Mas‘ūd. *Badā’i’ al-Ṣanā’i’ fi Tartīb al-Sharā’i’*, Dār al-Kitāb al-‘Arabi, Beirut, 1990, vol. 7, pp. 90-91

13 Ibn al-Hamām, *Sharḥ Faḥ al-Qadīr*, vol. 5, p. 422.

14 Ibn ‘Abdīn, Muḥammad Amīn ibn ‘Umr. *Ḥāshiyat Radd al-Muḥtār ‘alā al-Dur al-Mukhtār*, Dār al-Fikr, Cairo, 1979, vol. 4, p. 133

The Mālikī School

Mālikī jurists regard *ḥarābah* as taking money by force, subtle, killed or to just cut the way neither the command nor mollified or enmity.¹⁵ Ibn Farḥūn indicates that every act is intended to take the money by force,¹⁶ whereas al-Dasūqī writes that *ḥarābah* means to block the road to rob whoever is using it.¹⁷ According to Ibn al-Ḥaṭṭāb, a bandit (*muḥārib*) both blocks the road and scares people by employing force against them. Whether just one person or a group of people are involved is immaterial, as is also the case with their gender.¹⁸

Mālikī jurists expand the term's meaning to include various places (e.g., in the desert or in residential areas) and those who enter a person's residence or land with the intent to steal and/or kill the owner (or whoever is there). This definition also encompasses groups who participate in criminal acts, including murder.¹⁹

The Shāfi'ī School

Shāfi'ī jurists define *ḥarābah* as banditry or outcropping, taking money, killing, terrorism, stubbornness, depending on the furor of fighting with the dimension for relief.²⁰ Bandits (*muḥāribūn*) are those who use arms to rob people,²¹ via force, of their money and kill them if they resist.²² The Shāfi'ī jurists, as opposed to their Mālikī counterparts, limited banditry to the specific act committed in aggravating circumstances. It is, therefore, not restricted only to individual or groups who rob others in remote places.

The Ḥanbalī School

Ḥanbalī jurists defines this term as robbing people of their possessions.²³ Ibn Qudāmah writes that the term *muḥāribūn* (warriors or bandits) refers to

15 al-Ḥaṭṭāb, Muḥammad ibn Muḥammad 'Abd al-Raḥmān, *Mawāhib al-Jalīl li-Sharḥ Mulkaṣṣar Khalīl*, Dār al-Kutub al-'Ilmiyyah, Beirut, 1995, vol. 6, p. 314.

16 Ibn Farḥūn, Ibrāhīm ibn Muḥammad, *Tabsīrat al-Hukām fi Uṣūl al-Aqḍiyah wa-Minhāj al-Aḥkām*, Dār al-Kutub al-'Ilmiyyah, Beirut, 1986, p. 184.

17 al-Dasūqī, Muḥammad ibn Aḥmad, *Ḥāshiyat al-Dasūqī 'alā Sharḥ al-Kabīr*, Beirut, 1980, vol. 4, p. 348.

18 al-Garāfi, Shihāb al-Dīn Aḥmad ibn Idrīs, *al-Dakhīrah*, edited Muḥammad Ḥajjī, Dār al-Gharb al-Islāmī, Beirut, 1994, vol. 12, p. 123.

19 Muṣṭafā 'Amir Ḥusayn, *al-Ḥarābah: Dirāsah Fiqhiyyah Mu'āṣirah*, Dār al-Itihād al-'Arabiā, Cairo, 1986, p. 45.

20 al-Ramble, Shams al-Dīn Muḥammad ibn Abe 'Abbās ibn Shulāb, *Nihaūyet al-Muḥtāj 'ilī Sharḥ al-Minhāj 'alā Madhya al-Imām al-Shāfi'ī*, Dār al-Fikr, Beirut, 1984, vol. 8, p. 302.

21 Shāfi'ī Muḥammad ibn Idrīs, *al-Umm*, Dār al-Ma'rifah, Beirut, 1973, vol. 5, p. 152

22 Māwardī, 'Alī ibn Muḥammad, *al-Aḥkām al-Sultāniyyah fi al-Wilāyāt al-Dīniyyah*, Dār al-Kutub al-'Ilmiyyah, Beirut, 1982, p. 124.

23 al-Bahūti, Maṣṣūr ibn Idrīs, *Sharḥ Muntahā al-Irādāt*, Ri'āsat Irada.t al-Buḥūth al-'Ilmiyyah w-al iftā' wal -Da'wah wal-Itshād, Riyad, vol. 3, p. 375; al-Duwān, Ibrāhīm ibn Muḥammad, *Manār al-Sabil fi. Sharḥ al-Dalīl*, edited Zuhr al-Shāwīsh, al-Maktab al-Islāmī, Beirut, 1982, vol. 10, p. 393.

those who confront people in the desert and take their money by force.²⁴ According to Ibn Taymiyya, if these people commit their crimes in residential areas, as opposed to the desert, they are considered “looters” because the required realize if appeal by the people.²⁵

The founders of the four Sunnī schools of legal thought held the same opinion as to whether the term *ḥarābah* could be applied to such crimes that occur in a residential area or the desert. Although they differed on which punishment should be applied when such an act occurs in a residential area, they agreed that it should be more severe because residential areas are places of security and tranquility, places where people cooperate with each other, and places where one keeps all of his/her wealth. It is different in the desert, however, for the traveler does not carry all of his/her wealth and can be attacked with numerous types of weapons.. In short, the majority of Sunnī scholars have ruled that whoever initiates the robbery is guilty of *ḥarābah*.²⁶ Furthermore, the *muḥāribūn* (bandits) are those who attack people with weapons, even a stick or a stone, be it in the desert, in a residential area, or on the sea. In addition, they rob others by force. Therefore, such an action is not considered theft.²⁷

Based on the above discussion, one can say that *ḥarābah*, despite the many definitions, is an act based on one’s strength and invincibility, intensity fighting , and the attempt to scare people regardless of where they happen to be when they are attacked. Some have extended their definition to include all actions that engender panic and fear in the people.

If we include all of the above views and relate them to modern times, it is possible to define *ḥarābah* as those actions committed by an individual or a group of people to terrorize Muslims and non-Muslims living in Islamic lands by forcibly taking their money and attacking either them or their honor due to their superior strength, regardless of where they happen to be when this assault occurs. This includes all types of events (e.g., kidnapping, armed robbery, assassinations, bombings and others) designed to induce panic, terror and fear in the hearts of unsuspecting people.

The rule of banditry and its patterns

Banditry is among the major crimes/sins forbidden by Allāh Almighty on the grounds that it threatens a society’s internal security and stability, and those who are guilty of committing such deeds are to be punished severely.

24 Ibn Qudāmah, ‘Abdullah ibn Aḥmad, *al-Mughnī*, Maktabat al-Riyāḍ al-Ḥadīthah, Riyad, 1981, vol. 8, p. 387; Ibn Taymiyyah, *al-Fatāwī*, vol. 28, p. 309; al-Balīḥī, Šāliḥ ibn Ibrāhīm, *al-Salsabil fi Ma’rifat al-Dalīl*, Riyad: Maṭābi’ Dār al-Hilāl, Riyad , 1980, vol. 3, p. 946.

25 Ibn Taymiyyah, *al-Fatāwī*, vol. 28, p. 309.

26 Ibn Taymiyyah, *al-Fatāwī*, vol. 28, pp. 315-316.

27 Bahwatī, Maṣūf ibn Yūnis, *al-Rawḍ al-Muraba’ Sharḥ Zād al-Mustanqa’*, Maktabat al-Riyadh al-Ḥadīthah, Riyad, 1970, vol. 3, p. 330.

Evidence from the Qur'an:

The Qur'an proclaims that Allāh forbids all forms and manifestations of corruption in the land. Two of the many relevant verses are presented below.

O my people! Worship Allāh! you have no other *Ilāh* (God) but Him. Verily, a clear proof (sign) from your Lord has come unto you; so give full measure and full weight and wrong not men in their things, and do not mischief on earth after it has been set in order, that will be better for you, if you are believers. Q. 7:85.

And one of mankind there is he whose speech may please you in this worldly life, and he calls Allah to witness as to that which is in his heart, yet he is the most quarrelsome of the opponents. And when he turns away his effort in the land is to make mischief therein and to destroy the crops and cattle, and Allāh likes not mischief. Q. 2: 204-205.

Almighty God condemns corruption and those who commit mischief in the land. The latter groups of people are to be punished severely, for the Qur'an states:

The recompense of those who wage war against Allah and His Messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off on the opposite sides, or be exiled from the land. That is their disgrace in this world, and a great torment is theirs in the Hereafter. Q. 5:33.

According to Shawkānāī, waylaying others,, causing bloodshed, looting, prostitution, and the destruction of public property are among the many forms of corruption in the land.²⁸

This verse informs us that those who refuse to follow legitimate Muslim leaders, as well as those who fight both them and intimidate innocent Muslims, are guilty of a great sin. They are, in fact, fighting Allāh and His Messenger, fighting Islam and Sharī'ah, by attacking a Muslim governor and a Muslim nation. Thus they are thus threatening Islam and spreading corruption in the land, the most serious forms of corruption.²⁹ While people cannot actually fight Allāh, they can ignore his will that they help the poor, the unfortunate and the vulnerable, as declared in the following verse:

Who is he that will lend to Allah a goodly loan, then (Allah) will increase it manifold to his credit (in repaying), and he will have (besides) a good reward (i.e. Paradise). Q. 57:11.

According to al-Qurṭubī's *tafsīr*, this verse urges Muslim to show compassion to such people.³⁰ Al-Jaṣṣāṣ reports in his *Aḥkām al-Qur'ān* that 'Umar ibn al-Khaṭṭāb (the second rightly guided caliph) once observed the Companion Mu'āḍ ibn Jabal crying. When he asked him about this, Mu'āḍ replied that he

28 Shawkānāī, *Faḥḥ al-Qadīr*, vol. 2, p. 31.

29 Sayyid Qutub, *Fi Zilāl al-Qur'ān*, vol. 6, p. 879.

30 Qurṭubī, *Aḥkām al-Qur'ān*, vol. 5, p. 150.

had heard Prophet Muḥammad (PBUH) saying that usury is forbidden, that one who attacks those whom Allāh loves fight God, and that one who attacks a Muslim to take his/her wealth also attacks those whom Allāh loves.³¹ In other words, Allāh has made it quite clear that those people who commit acts of banditry will face great shame in this life and a great punishment, as stated in the following verse:

The recompense of those who wage war against Allāh and His Messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off on the opposite sides, or be exiled from the land. That is their disgrace in this world, and a great torment is theirs in the Hereafter. Q. 5:33.

Al-Ṭabarī writes that this verse proclaims that *ḥarābah* is a very destructive act because it prevents people from earning, for most of a person's wealth derives from trading with others and seeking lawful income,³² as stated in "...others travelling through the land, seeking of Allāh's Bounty (Q. 73:20). Furthermore, al-Qurṭubī explains that if a public fear of banditry makes people stay at home, refrain from trading with such persons, and have their lawful earnings interrupted, God severely punishes the bandits, as mentioned above, to deter them from their actions and to encourage them to engage in permissible trade with others.³³ In short, the goals here are to protect the society's security and tranquility, maintain the public order, and to deter bandits..

The Prophetic Sunnah

The prophetic Sunnah contains many traditions on banditry. According *Ṣaḥīḥ al-Bukhārī*, the chapter on *ḥarābah* included the case of a group of people who asked Prophet Muḥammad (PBUH) about their health. He advised them to drink camel milk until they recovered. After they did so, they killed the shepherd and fled. The Prophet sent some Companions to capture them. When they were brought before him, the Prophet punished them severely.³⁴

Ibn 'Abbās narrated an interesting prophetic tradition concerning a group of non-Muslims (viz., the Ahl al-Kitāb [People of the Book]) who violated their covenant with the Prophet. In return, he gave them the choice of death or the severe punishment as ordained by Almighty Allāh.³⁵ Many prophetic traditions

31 Al-Jaṣṣās, Aḥmad ibn al-Ḥusayn ibn 'Alī, *Aḥkām al-Qur'ān*, Dār al-Kitāb al-'Arabī, Beirut, 1999, vol. 2, p. 406.

32 Ṭabarī, Abu Ja'far Muḥammad ibn Jarīr, *Jāmi' al-Bayān 'an Ta'wīl Ayy al-Qur'ān*, Dār Hijr, Cairo, 2001, vol. 9, p. 575; Ibn Kathīr Abū al-Fidā Ismā'īl, *Tafsīr al-Qur'ān al-Azīm*, Beirut: al-maktabah al-'Aṣriyyah, vol. 4, 1996, pp. 396-397.

33 Qurṭubī, *Aḥkām al-Qur'ān*, vol. 5: 157; Ṭabarī, Abu Ja'far Muḥammad ibn Jarīr, *Jāmi' al-Bayān 'an Ta'wīl Ayy al-Qur'ān*, Dār Hijr, Cairo, 2001, vol. 6, p. 142.

34 Ṭabarī, *Jāmi' al-Bayān*, vol. 6, p. 133; This incident narrated by Mālik ibn Anas and recorded by al-Bukhārī, *Kitāb al-Muḥaribun*, vol. 8: 291; Muslim, *Kitāb al-Qasāmah: Bāb Ḥukm al-Muḥāribīn wal-Mutradīn*, vol. 3, p. 1297.

35 Ṭabarī, *Jāmi' al-Bayān*, vol. 6, p. 133.

ordered the preservation, retention, and protection of a Muslim's blood, honor, and their money, as well as prohibited assault. The Prophet forbade using weapons, harming, and encroaching upon fellow Muslims, all of which indicates that any such acts are forbidden and tantamount to waging war against Allāh and His Messenger.

In addition, Muslim scholars and jurists reached a consensus prohibiting banditry on the grounds that it is contrary to Islamic principles and undermines nation-building.

Say come, I will recite what your Lord has prohibited you from: Join not anything in worship with Him; be good and dutiful to your parents; kill not your children because of poverty - We provide sustenance for you and for them; come not near to *al-fawahish* (shameful sins, illegal sexual intercourse, etc.) whether committed openly or secretly, and kill not anyone whom Allah has forbidden, except for a just cause (according to Islamic law). This He has commanded you that you may understand. Q. 6:151.

As Ibn Ḥajar al-Haythamī (d. 965) indicated, one of the greatest sins is blocking public roads for such acts, even in the absence of theft, disturb public peace and encourage public fear.³⁶

Muslim scholars and jurists views of *ḥarābah*

I. Muslim scholars and jurists have agreed on four cases of *ḥarābah*. The first is terrorizing public roads or trade routes, for closing such roads is intended to scare and intimidate the public. Mālikī jurists consider these acts as warring against God and His Messenger.³⁷ They also extended this term's definition to include all types of corruption, the most serious of which are causing chaos and turmoil. Thus whenever banditry occurs, members of the public become scared even if they are not killed or robbed.³⁸

And when he turns away, his effort in the land is to make mischief therein and to destroy the crops and the cattle, and Allah likes not mischief. Q. 2:205.

In his *tafsīr*, al-Ṭabarī states that the above verse best expresses all of these situations and therefore are acts against Allāh and His Messenger.³⁹

The Mālikī understanding is the most suitable one for the present day, because it includes such modern events kidnapping, bombings, sabotage, and assassination, all of which are designed to undermine security and/or society. As their goal is to intimidate the public, they are listed among those acts that constitute fighting against Allāh and His Messenger and therefore deserving of the stipulated penalty:

36 al-Haythamī, Ahmad ibn Muhammad ibn Ḥajr, *al-Zawajir 'an Irtikāb al-Kabā'ir*, Dār al-Ma'rīfah, Beirut, 1987, vol.2, pp. 145-147.

37 Abū Zahrah, Muhammad, *al-Jarīmah wa-l 'Aqūbah fī al-Fiqh al-Islāmī*, Dār al-Fikr al-'Arabī, Cairo, 1974, p. 155

38 al-Jaṣṣāṣ, Aḥmad ibn al-Ḥusayn ibn 'Alī, *Aḥkām al-Qur'ān*, vol. 2, p. 410.

39 Ṭabarī, *Jāmi' al-Bayān*, vol. 6, p. 410.

The recompense of those who wage war against Allah and His Messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off on the opposite sides, or be exiled from the land. That is their disgrace in this world, and a great torment is theirs in the Hereafter. Q. 4:33.

Secondly, combat against the self

The scholars' opinions of what should happen when a bandit blocks the road in order to undermine the people's livelihoods and kill them without purpose are pretty much in agreement.⁴⁰ Differences occur, however, when the bandit's intention is debated: Was it to kill another person or to instill public fear, and was the resulting murder accidental? The jurists proposed two courses of action: (1) regardless of whether the killing was intended or not, the punishment itself demands the death sentence. This severe punishment, which also seeks to deter future bandits, is held by the Ḥanafī, Mālikī, and Zaydī schools⁴¹ and (2) if the murder was semi-intentional or accidental, there is no penalty because it is the intention that determines the penalty. The Shāfi'ī and Ḥanbalī schools ruled that in such a case, the bandit adds to the crime of murder by intimidating the passers-by, which increases the severity of the punishment.⁴²

Thirdly, banditry for wealth:

In this case, the bandit seeks to acquire additional wealth by force and fear, but without killing or inflicting serious harm upon his/her victims. But this cannot be considered *ḥarābah* because the element of aggression is absent. Some jurists opine that this crime's main objective is money. Every such act, regardless of who is attacked, is intended to secure another person's money peacefully and without resorting to weapons, strangulation, poison, and other methods. Such people are bandits.⁴³

The jurists also make several stipulations: the money is taken for profess, force, dominance and not hidden. Money is in the form of paper currencies (i.e., dirhams, dinars, and bonds) and should consist of an amount larger than mere pocket money. In addition, it should be real, as opposed to counterfeit, in order to avoid suspicion.⁴⁴

40 Ibn Hamām, *Sharh Faṭḥ al-Qadīr*, Dār al-Fikr, Beirut, 1977, vol. 5, p. 422; al-Ḥaṭṭāb, *Mawāhib al-Jalīl*, vol. 6, p. 314; al-Māwardī, 'Alī ibn Muḥammad, *al-Aḥkām al-Sulṭāniyyah*, Dār al-Kitāb al-'Arabī, Beirut, 1999, p. 124; Ibn Qudāmāh, 'Abduallh ibn Aḥmad, *al-Mughnī*, Maktabat al-Riyad al-Ḥadīthā, Rihyad, 1981, vol. 8, p. 292; Ibn Ḥazm, 'Alī ibn Aḥmad, *al-Muḥlā*, Beirut: Dār al-Fikr, vol. 8, p. 308.

41 Abū. al-Rīsh, Muḥammad Ismā'īl, *Jarīmat Qaṭ' al-Ṭarīq wa Atharuhā fi tashdīd al-'Auqūbah*, Maṭba'at al-Amānah, Cairo, 1990, p. 133

42 Ibidem.

43 Ibn Farḥūn, *Tabṣīrat al-Ḥukām*, p. 184.

44 Abū. al-Rīsh, Muḥammad Ismā'īl, *Jarīmat Qaṭ' al-Ṭarīq wa Atharuhā fi tashdīd al-'Auqūbah*, p. 88.

Fourthly, fights over individuals and earned money

When the bandit frightens those with the intention to either murder or rob them in order to steal their wealth, many jurists opine that this constitutes banditry, for it involves assaulting individuals, stealing their money, and then killing them with a weapon. The main objective is to rob people, and murder, which induces terror and/or panic, serves as the means by which that purpose is realized.⁴⁵

Muslim scholars and jurists views of *ḥarābah*:

II. a. Not all Muslim jurists define *ḥarābah* in the same way. In the case of fighting over honor, for example, the bandit's intention is a direct attack upon the victim's honor. Some Shāfi'i jurists consider this *ḥarābah*.⁴⁶ Al-Ramlī (d. 1596/1005) defined the bandit as one who subjects a strong and proud Muslim to harassment and robbery.⁴⁷ Mālikī jurists rule that participating in acts that lead to waylaying others, thereby using fear and havoc to take their money and possibly killing them, along with committing those acts that Allah has forbidden, makes the person a bandit and subject to the divinely mandated punishments.⁴⁸ If the original intention was to frighten the intended victim by displaying weapons, that is, in and of itself, worse than taking money.⁴⁹ As Q. 5:33 explicitly states: "...Do mischief in the land..."

In his *Aḥkām al-Qur'ān*, Ibn al-'Arabī (d. 543/1148) indicates that dishonoring a person is a type of *ḥarābah*. While he was serving as a judge, some bandits captured a group of Muslims and forcibly removed a woman from her husband. The council of *muftīs* that he consulted told him that this act could not be considered banditry because that term relates only to the act of taking money by force; whether one's honor was violated is irrelevant. Ibn al-'Arabī disregarded this opinion and stated that violating one's honor is worse than the forcible theft of one's money. As many people, if given the choice, would chose honor over money, the punishment for violating one's honor must outweigh the one for theft.⁵⁰ Mālik ibn Anas (d. 179/795) agrees that an adulterer as well as a bandit can be punished in the same manner as long as the conditions are known; whether he/she is an adulterer or a bandit is irrelevant.⁵¹ This ruling is based on Q. 5:33, which pertains to adultery, theft, murder, and the

45 Abu Zahrah, Muhammad, *al-Jarīmah wa-l 'Aqūbah fī al-Fiqh al-Islāmī*, p. 152.

46 'Abd al-Qādir 'Oudeh, *al-Tashrī' al-Jinī al-Islāmī muqāraran bil- Qānūn al-Waḍī*, Dār al-Kitāb al-'Arabī, Beirut, 2008, vol. 2, p. 640.

47 Ramlī, Aḥmad ibn Muḥammad, *Nihayat al-Muḥtāj fī Sharḥ al-Minhāj fī Fiqh al-Imām al-Shāfi'i*, al-Maktabah al-Islāmiyyah, Beirut, 1988, vol. 8, p. 2.

48 Ibn 'Abd al-Barr, Abū 'Umr, *55 al-Kāfi fī Fiqh Ahl al-Madīnah*, Maṭba'at Ḥassān, Cairo, 1980, vol. 8, p. 374.

49 Qurtubī, *Aḥkām al-Qur'ān*, vol. 5, p. 156.

50 Ibn al-'Arabī, Muḥammad al-Ya'ārifi, *Aḥkām al-Qur'ān*, Maṭba'at 'Issā al-Ḥalībī, Cairo, vol. 2, p. 597.

51 Abu Zahrah, Muhammad, *al-Jarīmah wa-l 'Aqūbah fī al-Fiqh al-Islāmī*, vol. 11, p. 308.

destruction of crops and cattle.⁵²

The Zāhirī jurists consider the act of dishonoring a person to be a form of adultery and therefore subject to the same punishment for banditry, as stated in Q. 5:33,⁵³ which is similar to the verse given below.

The woman and the man guilty of illegal sexual intercourse, flog each of them with a hundred stripes. Let not pity withhold you in their case, in a punishment prescribed by Allah, if you believe in Allah and the Last Day. And let a party of the believers witness their punishment. (This punishment is for unmarried persons guilty of the above crime but if married persons commit it, the punishment is to stone them to death, according to Allah's Law). Q. 24:2.

The Zaydī School has the same opinion with respect to adultery. Whoever forces a woman to commit adultery should be killed regardless of age or religion, regardless of whether one is a slave or a free person. For those who associate adultery with *ḥarābah*, this means that the former was committed due to coercion and oppression.⁵⁴

II. b. Killing via *gīlah* (murder)

Al-gīlah (murder) is the act of taking money through deception.⁵⁵ One opinion is that this is not an act of banditry, even though it is like other crimes that are subject to punishment. The difference between them is that the concerned party can forgive or accept *diyya* (blood money):

And do not kill anyone which Allah has forbidden, except for a just cause. And whoever is killed (intentionally with hostility and oppression and not by mistake), We have given his heir the authority [(to demand Qiṣāṣ, Law of Equality in punishment or to forgive, or to take Diyya (blood money)]. But let him not exceed limits in the matter of taking life (i.e. he should not kill except the killer only). Verily, he is helped (by the Islamic law). Q. 17:33.

Given that the murder was not the result of combat, the majority of the Ḥanfī, Shāfi'ī, Ḥanbalī, Zāhirī, and Zaydī jurists state that it does not require a harsh or an even a more severe punishment.⁵⁶

The second opinion is that the guilty person should be punished by execution and subjected to the relevant *ḥudūd* (criminal rulings). For example, Mālikīs believe that the murderer is like a bandit and should be subject to

52 Ṭabarī, *Jāmi' al-Bayān*, vol. 6, p. 136.

53 Ibn Ḥazm, 'Alī ibn Aḥmad, *al-Muḥlā*, vol. 11, p. 308.

54 al-Shāḍilī, Ḥassan ibn 'Alī, *Athar Ṭaṭbīq al-Ḥudūd fi al-Mujtama'* Mu'atamar al-Fiqh al-Islamī, King Muhammad ibn Su'ūd University, Riyad, 1977, p. 82.

55 Ibn Manzūr, *Lisān al-'Arab*, Dār lhyā' al-Turāth al-'Arabī, Beirut, 1997, vol. 10, pp. 160-161; al-Fayrūz Abādī, Majd al-Dīn Muḥammad Ya'qūb, *al-Qāmus al-Muḥīṭ*, Mu'asassat al-Risālah, Beirut, 2003, p. 1040; 'Abd al-Qādir 'Oudeh, *al-Tashrī' al-Jinī al-Islāmī muqāranan bil- Qānūn al-Waḍī*, vol. 2, p. 641.

56 al-Shāḍilī, Ḥassan ibn 'Alī, *Athar Ṭaṭbīq al-Ḥudūd fi al-Mujtama'*, vol. 1, p. 322.

criminal rulings.⁵⁷ Ibn al-'Arabī indicates that a murderer and a bandit is worse than one another; however, the meaning of *ḥarābah* remains within its conduct. The meaning of banditry which exists even some of those who came out in society to kill by using the sword and taken the strongest whole and it does not robbed in cold blood and the act of *gīlah*/murder is the ugliest of its phenomenon. Therefore, it becomes subject to amnesty in the manifested killing, and it is punishable and it does not count as an act of *gīlah*/murder rather it subject to criminal code.⁵⁸

The Hanbalī school agrees with Ibn Taymiyyah (d. 728/1328), who relates that jurists have two views about this crime: (1) murder is the same as banditry, since the former is unreasonable because it harms others and, even worse, cannot be prevented and (2) that assassination is subject to blood money. Ibn Taymiyya favors the first opinion, for it is more likely to be within the spectrum of Sharī'ah.⁵⁹ This view refers to Caliph 'Umar ibn al-Khaṭṭāb's ruling five or seven men killed a man in cold blood and 'Umar said that even if all the people of Ṣan'ā' help one commit such an act that he would kill all of them.⁶⁰

The Islamic penalty of *ḥarābah*

The Qur'ān classifies *ḥarābah* as a serious crime that deserves a harsh punishment. Such persons are described as those who wage war against Allāh and His Messenger, thereby committing a serious sin. Creating public fear, killing others for money, defiling a person's honor, and threatening public safety and security all transgress the limits set by Allāh. Therefore, they are to be punished severely so that others will not attempt to engage in similar activities and create further social harm. The Islamic punishment is commensurate with the severity and cruelty of such acts, as stated in Q. 5:33.⁶¹

57 Ibn 'Abd al-Barr, Abū 'Umr, *al-Kāfi fi Fiqh Ahl al-Madīnah*, vol. 2, p. 375; al-Ḥaṭṭāb, Muḥammad ibn Muḥammad 'Abd al-Raḥmān, *Mawāhib al-Jalīl li-Sharḥ Mulktasār Khalīl*, 1995, vol. 6, p. 314; Ibn Farḥūn, Ibrāhīm ibn Muḥammad, *Tabṣirat al-Ḥukām fi Uṣūl al-Aqḍiyah wa-Minhāj al-Aḥkām*, 1986, vol. 2, p. 195; Some indicates this is also the opinion of al-Shāfi'ī, see for example: Ṭabarī, Abu Ja'far Muḥammad ibn Jarīr, *Jāmi' al-Bayān 'an Ta'wīl Ayy al-Qur'ān*, vol. 6, p. 136.

58 Ibn al-'Arabī, Muḥammad ibn 'Abdullah ibn Muḥammad al-Ya'arīfi, *Aḥkām al-Qur'ān*, vol. 2, p. 598.

59 Ibn Taymiyyah, *al-Fatāwī*, vol. 28, p. 317; idem *al-Siyāsah al-Shar'iyyah fi Iṣlāh al-Ra'iyyah*, Dār al-Kitāb al-'Arabī, Beirut, 1999, p. 81.

60 Mālik ibn Anas, *al-Muwaṭṭa' al-Maktabah al-'Asriyyah*, Beirut, 2000, p. 478; Bukhārī, Muḥammad ibn Ismā'īl, *Ṣaḥīḥ al-Bukhārī*, al-Maktabah al-Thaqāfiyyah, Beirut, 1990, vol. 9, p. 14.

61 Ibn Hamām, *Sharḥ Faṭḥ al-Qadīr*, vol. 5, pp. 424-424; al-Kāsānī, Alā' al-Dīn Abū Bakr ibn Mas'ūd (d. 587/1191), *Badā' i' al-Ṣanā'i' fi Tartīb al-Sharā'i'*, Dār al-Kitāb al-'Arabī, Beirut, 1990, vol. 7, pp. 93-94; Ibn Qudāmah, 'Abdullah ibn Aḥmad, *al-Mughnī*, Beirut, 1981, vol. 8, p. 388; Ṭabarī, Abu Ja'far Muḥammad ibn Jarīr, *Jāmi' al-Bayān 'an Ta'wīl Ayy al-Qur'ān*, vol. 6, pp. 136-139; Samarqandī, 'Alā' al-Dīn, *Fiqh al-Fuqahā'*, Dār al-Kutub al-'Ilmiyyah, Beirut, 1984, vol. 3, p. 156; Shāfi'ī, Muhammad ibn Idrīs, *al-Umm*, Dār al-Ma'rifah, Beirut, 1973, vol. 5, p. 152; Mālik ibn Anas, *al-Mudawanah*, Dār Ṣayād, Beirut, 1998, vol. 5, p. 298; Ibn Rusḥd,

Views of contemporary scholars of terrorism

Many renowned Muslim scholars of Islam denounce terrorism, extremism, fanaticism, and hyperbole and assert that Islam is innocent and does not countenance such evil conduct.

For example, the issue of suicide bombings and terrorist bombings carried out by Muslims is one of the most important issues of contemporary jurisprudence. When Muslims conduct such an ignorant deed, they are actually undermining Islam. The views of learned Muslims should be considered when dealing with this painful reality. Many such acts committed by Muslims have killed countless innocent Muslim and non-Muslim civilians. These deeds cannot be associated with Islam in any way, for Allāh has clearly forbidden them.

Contemporary terrorists do not depend upon religious proof or legitimate authorities when committing acts that hurt many innocent civilians. Islam orders Muslim to look after those non-Muslims who live among them and who are protected by a treaty, as well as those *musta'mins* (enemy aliens) who have received the Muslim leadership's pledge of security regardless of their faith.⁶² Many modern terrorist acts are offensive to Islam, which preaches wisdom and moderation in all things. Terrorism in the name of Islam reflects negatively upon Islam and Muslims; in fact, they justify the western media's negative portrayal of Islam.

Any such actions carried out in the "name" of Islam or in "accordance" with its teachings undermine the advocacy efforts undertaken by Muslim individuals, groups, and movements that seek to highlight Islam in its correct form: a message of peace, justice, and charity; the supremacy of the mind and wisdom; a call for moderation and freedom. All of these authentically Islamic meanings are destroyed by those ignorant Muslims who claim to serve Islam⁶³. Such acts are contrary to the Qur'ān and prophetic traditions, both of which condemn all acts that lead to taking innocent lives:

Because of that We ordained for the Children of Israel that if anyone killed a person not in retaliation of murder, or (and) to spread mischief in the land - it would be as if he killed all mankind, and if anyone saved a life, it would be as

Muhammad ibn Ahmad (595/1198), *Bidāyat al-Mujtahid wa-Nihāyat al-Muqtaṣid*, Dār al-Kutub al-'Ilmiyyah, Beirut, 1988, vol. 2:455; Ibn Ḥazm, 'Alī ibn Aḥmad, *al-Muḥlā*, vol. 1, p. 313; Shawkānī, Muḥammad ibn 'Alī, *Nayl al-Awṭār*, Dār al-Jalīl, Beirut, 1973, vol. 7, p. 807.

62 Ibn Qayyim al-Jawziyya, *Aḥkām Ahl a-Dhimma*, Dār al-'Ilm lil-Malāyīn, Beirut, 1983; 'Abd al-Karīm Zaydān, *Aḥkām al-Dimmiyīn w-al Musta'manīn fi Dār al-Islam*, Mu'asassat al-Risālah, Beirut, 1982; Sarakhṣī, *al-Mabsūṭ*, 10: 86; Kāsānī, *Badā'ī' al-Ṣanā'ī'*, 9, p. 4324; Ibn Humām, *Fath al-Qadīr*, 4, p. 293; Zayla'ī, *Tabyīn al-Ḥaqqā'iq*, 3, pp. 245-246; Ibn Nujaym, *al-Baḥr al-Rā'iq*, 5, p. 85; Abū Yūsuf, *Kharāj*, pp. 224-225; *al-Fatāwā al-Hindiyya*, 2, p. 196; 'Abd al-Ghanī ibn Ṭālib al-Ghunaymī, *al-Libāb Sharḥ al-Kitāb*, 4, p. 120; *al-Ikhtiyār li-Ta'līl al-Mukhtār*, 4, pp. 189-190; Labeeb Bsoul, *International Treaties (Mu'āhadāt) in Islam: Theory and Practice in the Light of Islamic International Law (Siyar) according to the Orthodox Schools*, Lanham, MD: University Press of America, USA, 2008, pp. 2-3.

63 Aneela Sultana, Taliban or Terrorist? Some Reflections on Taliban's Ideology, *Politics and Religion Journal*, vol. III, No. 1, 2009, Belgrade, pp. 7-24.

if he saved the life of all mankind. And indeed, there came to them Our Messengers with clear proofs, evidences, and signs, even then after that many of them continued to exceed the limits (e.g. by doing oppression unjustly and exceeding beyond the limits set by Allah by committing the major sins) in the land! Q. 5:32.

Contemporary scholars agree that any act that leads to bloodshed and the destruction of public funds, as well as those that enable those who oppose Islam to interfere in the Muslims' internal affairs, are forbidden.⁶⁴

Conclusion

Although a universally agreed-upon definition for terrorism does not exist, several attempts have been made to formulate one. This lack is indicative of how different members of the international community define terrorism as well as its many types of terrorism, both of which leave the terrorism researcher divided in terms of who is a terrorist, how the act is carried out, and at which level it occurs. One must search for the motives and causes of terrorism, both those related to perpetrator's personal character and societal motivations, for trying to understand such factors will help us learn why these acts occurred and how we can prevent future incidents.

Terrorism is hardly a new phenomenon. It is, in fact, as old as human history because it is rooted in human and social behavior. The only thing that is different is the new range of use in the relations between the state and individuals, as well as between some countries, that benefit from the development made in all fields.

Terrorism is a serious issue because of the breadth of its practice, the increasing number of its victims, and the emergence of new forms. Because it differs from other criminal phenomena (e.g., organized crime and political violence), it requires genuine international cooperation based on honesty and transparency. In other words, no nation can use such efforts as a pretext to pursue its own interests vis-à-vis other nations. Terrorism does not threaten the security of the individual; it threatens a state's national security.

Both the Qur'an and prophetic traditions condemn terrorism. The term used is *rahab* (to frighten) and its derivatives. This term appears eight times, indicating how Islam renounces terrorism. The western media's claim that Islam encourages, if not actually mandates, terrorism distorts the religion's im-

64 The names of the modern scholars are not important as much as to note that they all second the opinion of classical jurists and scholars regarding the *al-ḥarābah*/banditry. It is also important to note that a consensus between the classical and modern Muslim jurists and scholars regarding mischief, injustice, hurting and killing innocent people and it is a sin and violation of the command of Allah and to the prophetic traditions. In order to read further on the modern scholars opinions regarding *al-ḥarābah*/banditry or terrorism please see and: Nawāf Hāyel al-Takrūrī, *al-'Amaliya.t al-Istishhādiyyah fi al-Mizān al-Fiqhī*, Dār al-Fikr, Beirut, 1997, pp. 71-111.

age, abuses Muslims, misleads and controls global public opinion, and undermines Muslim countries' security and stability.

Verily, Allah enjoins Al-Adl (i.e. justice and worshipping none but Allah Alone - Islamic Monotheism) and Al-Iḥsān [i.e. to be patient in performing your duties to Allah, totally for Allah's sake and in accordance with the Sunnah (legal ways) of the Prophet in a perfect manner], and giving (help) to kith and kin (i.e. all that Allah has ordered you to give them e.g., wealth, visiting, looking after them, or any other kind of help, etc.): and forbids Al-Fahshā' (i.e. all evil deeds, e.g. illegal sexual acts, disobedience of parents, polytheism, to tell lies, to give false witness, to kill a life without right, etc.), and Al-Munkar (i.e. all that is prohibited by Islamic law: polytheism of every kind, disbelief and every kind of evil deeds, etc.), and Al-Baghy (i.e. all kinds of oppression), He admonishes you, that you may take heed. Q. 16:90.

In addition to the factors leading to the achievement of those objectives, which include inciting hatred and intolerance against Islam and Muslims, western domination of the media is one reason why the Muslim media remain so underdeveloped. Islamic jurisprudence clearly condemns terrorism by its prohibition of injustice, wrong conduct, and killing of innocent people, as well as its harsh punishment for such crimes. All of these approaches are designed to deter people from engaging in such criminal behavior. The Islamic approach to terrorism seeks to avoid the scourge of crime and confine it to an ever-narrower area because it is the approach ordained by Allah, who created the correct solution for each and every crime.

O you who believe! Stand out firmly for Allah and be just witnesses and let not the enmity and hatred of others make you avoid justice. Be just: that is nearer to piety, and fear Allah. Verily, Allah is Well-Acquainted with what you do. Q. 5:8.

References

'Abd al-Ghanī al-Ghunaymī, *al-Libāb Sharḥ al-Kitāb*, Dār al-Kitāb al-'Arabī, Beirut, 2001.

'Abd al-Karīm Zaydān, *Aḥkām al-Dimmiyīn w-al Musta'manīn fī Dār al-Islām*, Mu'asassat al-Risālah, Beirut, 1982.

'Abd al-Qādir 'Oudeh, *al-Tashrī' al-Jin'ī al-Islāmī muqāraran bil- Qānūn al-Waḍ'ī*, Dār al-Kitāb al-'Arabī, Beirut, 2008.

Abū. al-Rīsh, Muḥammad Ismā'īl, *Jarīmat Qaṭ' al-Ṭarīq wa Atharuhā fī tashdīd al-'Auqūbah*, Maṭba'at al-Amānah, Cairo, 1990.

Abū Yūsuf, *Kharāj*, Abū Zahrah, Muḥammad, *al-Jarīmah wa-l 'Aqūbah fī al-Fiqh al-Islāmī*, Dār al-Fikr al-'Arabī, Cairo, 1974.

al-Bahūtī, Manṣūr ibn Idrīs, *Sharḥ Muntahā al-Irādāt*, Ri'āsat Irada.t al-

Buḥūth al-'Ilmiyyah w-al iftā' wal -Da'wah wal-Itshād, Riyad, 1999.

al-Balīhī, Ṣāliḥ ibn Ibrāhīm, *al-Salsabīl fī Ma'rifat al-Dalīl*, Riyad: Maṭābi' Dār al-Hilāl, Riyad, 1980.

al-Duwyān, Ibrāhīm ibn Muḥammad, *Manār al-Sabīl fi. Sharḥ al-Dalīl*, edited Zuhr al-Shāwīsh, al-Maktab al-Islāmī, Beirut, 1982.

al-Dasūqī, Muḥammad ibn Aḥmad, *Ḥāshiyat al-Dasūqī 'alā Sharḥ al-Kabīr*, Beirut, 1980.

al-Fayrūz Abādī, Majd al-Dīn Muḥammad Ya'qūb, *al-Qāmus al-Muḥīṭ*, Mu'asassat al-Risālah, Beirut, 2003.

al-Garāfī, Shihāb al-Dīn Aḥmad ibn Idrīs, *al-Dakhīrah*, edited Muḥammad Ḥajjī, Dār al-Gharb al-Islāmī, Beirut, 1994.

al-Ḥaṭṭāb, Muḥammad ibn Muḥammad 'Abd al-Raḥmān, *Mawāhib al-Jalīl li-Sharḥ Mulkaṣar Khalīl*, Dār al-Kutub al-'Ilmiyyah, Beirut, 1995.

al-Haythamī, Ahmad ibn Muhammad ibn Ḥajr, *al-Zawajir 'an Irtikāb al-Kabā'ir*, Dār al-Ma'rifah, Beirut, 1987.

al-Jaṣṣāṣ, Aḥmad ibn al-Ḥusayn ibn 'Alī, *Aḥkām al-Qur'ān*, Dār al-Kitāb al-'Arabī, Beirut, 1999.

al-Kāsānī, 'Alā' al-Dīn Abū Bakr ibn Mas'ūd. *Badā'ī' al-Ṣanā'ī' fī Tartīb al-Sharā'ī'*, , Dār al-Kitāb al-'Arabī, Beirut, 1990.

al-Māwardī, 'Alī ibn Muḥammad, *al-Aḥkām al-Sulṭāniyyah*, Dār al-Kitāb al-'Arabī, Beirut, 1999.

al-Ramble, Shams al-Dīn Muḥammad ibn Abe 'Abbās ibn Shulāb, *Nihaūyet al-Muḥtāj 'ilā Sharḥ al-Minhāj 'alā Madhya al-Imām al-Shāfi'ī*, Dār al-Fikr, Beirut, 1984.

al-Sarakhsī, Shams al-Dīn, *al-Mabsūṭ*, Dār al-Ma'ārif, Beirut, 1978.

al-Shāḍilī, Ḥassan ibn 'Alī, *Athar Ṭaṭbīq al-Ḥudūd fī al-Mujtama'* Mu'atamar al-Fiqh al-Islāmī, King Muhammad ibn Su'ūd University, Riyad, 1977.

Bahwatī, Manṣūr ibn Yūnis, *al-Rawḍ al-Murabā' Sharḥ Zād al-Mustanqa'*, Riyadh: Maktabat al-Riyadh al-Ḥadīthah, Riyad, 1970.

Bukhārī, Muḥammad ibn Ismā'īl, *Ṣaḥīḥ al-Bukhārī*, al-Maktabah al-Thaqāfiyyah, Beirut, 1990.

Fayrūz Abādī, al-Qānūs al-Muḥīṭ, Fayūmī, Aḥmad Muḥammad ibn 'Alī, *al-Muṣbāh al-Munīr*, Dār al-Mu 'ārif, Cairo, 1999.

Ibn 'Abd al-Barr, Abū 'Umr, *al-Kāfi fī Fiqh Ahl al-Madīnah*, Maṭba 'at Ḥassān, Cairo, 1980.

Ibn 'Abdīn, Muḥammad Amīn ibn 'Umr. Ḥāshiyat Radd al-Muḥtār 'alā al-Dur al-Mukhtār, Dār al-Fikr, Cairo, 1979.

Ibn al-'Arabī, Muḥammad ibn 'Abdullah, *Aḥkām al-Qur'ān*, Maṭba'at 'Issā al-Ḥalībī, Cairo, 2000.

Ibn al-Hamām, Kamāl al-Dīn Muḥammad ibn 'Abd al-Wahāb, *Sharḥ Faṭḥ al-Qadīr*, Dār al-Fikr, Beirut, 1977.

Ibn Farḥūn, Ibrāhīm, *Tabṣirat al-Ḥukām fī Uṣūl al-Aqḍiyah wa-Minhāj al-*

- Aḥkām, Dār al-Kutub al-ʿIlmiyyah, Beirut, 1986.
- Ibn Hamām, *Sharh Faḥ al-Qadīr*, Dār al-Fikr, Beirut, 1977.
- Ibn Ḥazm, ʿAlī ibn Aḥmad, *al-Muḥlā*, , Dār al-Fikr, Beirut, 1980.
- Ibn Kathīr Abū al-Fidā Ismāʿīl, *Tafsīr al-Qurʿān al-Azīm*, Beirut: al-Maktabah al-ʿAṣriyyah, 1996.
- Ibn Manzūr, *Lisān al-ʿArab*, Dār lhyāʿal-Turāth al-ʿArabī, Beirut, 1997.
- Ibn Nuḡaym, *al-Baḥr al-Rāʿiq*, al-Maṭbaʿah al-ʿIlmiyyah, Beirut, 1994.
- Ibn Qayyim al-Jawziyya, *Aḥkām Ahl a-Dhimma*, Dār al-ʿIlm lil-Malāyīn, Beirut, 1983.
- Ibn Qudāmah, ʿAbduallh, *al-Mughnī*, Maktabat al-Riyad al-Ḥadītha, Riḥyad, 1981.
- Ibn Ruṣhd, Muhammad ibn Ahmad, *Bidāyat al-Mujtahid wa-Nihāyat al-Muqtaṣid*, Dār al-Kutub al-ʿIlmiyyah, Beirut, 1988.
- Ibn Taymiyyah, *al-Fatāwī*, Dār lhyāʿal-Turāth al-ʿArabī, Beirut, 1989.
- Ibn Taymiyyah, *al-Siyāsah al-Sharʿiyyah fī Iṣlāḥ al-Raʿiyyah*, Dār al-Kitāb al-ʿArabī, Beirut, 1999.
- Labeeb Bsoul, *International Treaties (Muʾāhadāt) in Islam: Theory and Practice in the Light of Islamic International law (Siyar) according to the Orthodox Schools* Lanham, MD: University Press of America, USA, 2008.
- Mālik ibn Anas, *al-Muwaṭaʿ* al-Maktabah al-ʿAṣriyyah, Beirut, 2000.
- Māwardī, ʿAlī ibn Muḥammad, *al-Aḥkām al-Sulṭāniyyah fī al-Wilāyāt al-Dīniyyah*, Dār al-Kutub al-ʿIlmiyyah, Beirut, 1982.
- Muṣṭafā ʿAmir Ḥusayn, *al-Ḥarābah: Dirāsah Fiqhiyyah Muʾāṣirah*, Dār al-Itihād al-ʿArabiā, Cairo, 1986.
- Nawāf Ḥāyel al-Takrūrī, *al-Amaliya.t al-Istishhādiyyah fī al-Mizān al-Fiqhī*, Dār al-Fikr, Beirut, 1997.
- Qurṭubī, *Aḥkām al-Qurʿān*, Dār al-Kātib al-ʿArabī, Beirut, 1967.
- Qutub Sayyid, *Fī Zilāl al-Qurʿān*, Dār al-Shurūq, Cairo, 1981.
- Ramlī, Aḥmad ibn Muḥammad, *Nihāyat al-Muḥṭāj fī Sharḥ al-Minhāj fī Fiqh al-Imām al-Shāfiʿī*, al-Maktabah al-Islāmiyyah, Beirut, 1988.
- Said Edward W., *Covering Islam: How the media and the experts determine how we see the rest of the world*, Vintage Books, New York, 1997.
- Samarqandī, ʿAlāʾ al-Dīn, *Fiqh al-Fuqahāʾ*, Dār al-Kutub al-ʿIlmiyyah, Beirut, 1984.
- Sarakhsī, *al-Mabsūṭ*, Maṭbaʿat al-Saʿadah, Cairo, 2000.
- Shāfiʿī, Muhammad ibn Idrīs, *al-Umm*, Dār al-Ma ʿrifah, Beirut, 1973.
- Shaheen Jack G., *Reel Bad Arabs: How Hollywood Vilifies a People*, Olive Branch Press, New York, 2001.
- Shaheen Jack G., *Hollywood's Muslim Arabs, The Muslim World*, Spring, USA, 2000.
- Shawkānī, *Faḥ al-Qadīr*, Muṣṭafā al-Bābī al-Ḥalabī, Cairo, 1965.
- Shawkānī, Muḥammad ibn ʿAlī, *Nayl al-Awṭār*, Dār al-Jalīl, Beirut, 1973.

Sultana Aneela, Digging Islamic Roots of Jihad to Unveil the Truth, Politics and religion journal, vol. II, No 1/2008, Belgrade, 2008.

Sultana Aneela, Taliban or Terrorist? Some Reflections on Taliban's Ideology, Politics and religion journal, vol. III , N 1 , Belgrade, 2009.

Ṭabarī, Abu Ja'far ibn Jarīr, *Jāmi' al-Bayān 'an Ta'wīl Ayy al-Qur'ān*, Dār Hijr, Cairo, 2001.

Vlas Natalia, Is Religion Inherently Violent? Religion as a Threat and Promise for the Global Security, Politics and Religion Journal, Vol. IV, N 2, Belgrade, 2010.

Zayla'ī, *Tabyīn al-Ḥaqqā'iq* , Dār al-Kātib al-'Arabī, Beirut, 2000.

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КЛАСИЧНИ И САВРЕМЕНИ ПРАВНИ МУСЛИМАНСКИ ПОГЛЕДИ НА ТЕРОРИЗАМ

Резиме

Тероризам, који је постао веома „врућа“ тема, може постати и најважније питање двадесет првог века, у зависности од метода које се користе у борби са њим. Методе које се тренутно користе могу међутим довести до пораста тероризма. Независно од тога како интерпретатори виде његову/ њену акцију, она ће сигурно заокупити сву пажњу и постати део тренутног политичког, друштвеног и религијског дискурса. Овај рад се бави исламским погледом на тероризам у глобалу и посебно погледом класичних правника. Бавиће се овом темом тако што ће повезивати њен концепт, терминологију, мишљења, стихове из Курана и пророкове суне и циљу да покаже како ислам одбацује тероризам. Аутор тврди да Ислам, још од свог појављивања, тражи имплементацију безбедности у пракси, супротно теорији, и да се као такав залаже за заштиту суштинских и легитимних људских права (нпр. право на вероисповест, живот, право на живот у миру, мишљење/разум и богатство). Овај рад даје један историјски преглед догађаја и случајева који одбацују тврдње западњачких медија и неких научника да је Ислам близак тероризму и да га подржава.

Кључне речи: тероризам, правници, Ислам, муслимани, научници

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