

Dr. Prof. Leonid Syukiyaynen
National Research University
“Higher school of economics”,
Russia, Moscow

Extremism and Terrorism: Assessment of Modern Islamic Legal Thought

Much is being said and written about Islam in the contemporary world yet attention is mainly focused on certain sides only. "Islamic extremism" is the pet subject understood as political extremism that uses Islam as a banner and an ideological basis. "Fundamentalism", "Wahhabism", "Islamism," "political Islam", and certain other concepts are viewed as close or even identical ones. Those who try to assess the place of Islam in today's world mostly look at it as a factor of danger that threatens national security of a large number of states and the interests of their citizens. The events of 11 September, 2001 in the USA as well as the terrorist attack which occurred in Beslan in Russia and some other regions have obviously confirmed this view.

On the Islamic Ideological Sources of International Terror

The terrorist acts of 11 September, 2001 pushed political Islam back to the center of attention of scholars, journalists, national state structures and international organizations. People are inclined to think that it is Islam that is mainly responsible for the spread of terrorism and political extremism worldwide.

I should say that the leaders of the international anti-terrorist coalition, including the Russian and the American presidents, never tire of repeating that they are fighting terrorists, not the Muslims or Islam. Such statements are easy to make—it is much harder to apply them in practice. Those of the Islamic leaders who say that Islam has nothing to do with terrorism indulge themselves in wishful thinking. In fact there is an ideological link between them.

To justify terrorism Islamic extremists quote the Qur'an that says, in particular: "Fight and slay the Pagans wherever you find them... O Prophet, strive hard against the Unbelievers and the Hypocrites, and be firm against them" (9:5, 73.) Those who support the idea of an uncompromising struggle for Islamic consolidation at all costs like to quote from the Prophet Muhammad who allegedly permitted to use violence against unbelievers: "I was sent to fight people until they testify that there is no god but the God, and Muhammad is His Apostle, until

they start praying and pay "zakat." If they do all this I shall protect their lives and property. Otherwise they should be treated according to the laws of Islam, and they will be judged by Supreme Allah."¹

There is a popular conception based on several verses from the Qur'an used to justify violence over all those who refuse to obey the will of Allah. According to it the Muslim should encourage everybody to obey the Shari'a (Islamic law) and prevent violations of its rules: "Let there arise out of you a band of people inviting to all that is good, enjoining what is right, and forbidding what is wrong" (3:104.) The following words of the Prophet are taken for an instruction: "If anybody of you see anything that the Shari'a forbids he should alter it by his own hand. If he is unable to do this with his hand let him stop it with his tongue. If he cannot do this either—let him do this with his heart and this will be the weakest manifestation of his faith."² The terrorists prefer to concentrate on the first part that instructs to use hand, that is, violence, to prevent any digressions from the Shari'a.

Finally, the central plank in the terrorist platform is rejection of any form of power that parts way with the Shari'a. The terrorists use the following Qur'anic proposition: "O you who believe, obey Allah, and obey the Apostle, and those charged with authority among you" (4:59) as their main argument. The Islamic radicals translate this as a categorical rejection of any "unfaithful" power. They also quote other verses: "And never will Allah grant to the Unbelievers a way (to triumphs) over the Believers" (4:141) and "Therefore listen not to the Unbelievers, but strive against them with the utmost strenuousness, with the Qur'an" (25:52).

Significantly, the terrorists refuse to recognize power not only of the unbelievers but also of those Islamic rulers who have abandoned the Shari'a. To justify their position they quote the Prophet Muhammad: "Obedience and submission to the ruler belongs to him by right if he does not order his subjects to sin. If he orders them to sin there is no duty of obedience."³ The Islamic radicals believe that in this latter case any Muslim has the right to stop the ruler "by hand," that is, to use force. What is more, they liken the apostatic ruler to the unbelievers whose lives are not inviolable; any actions against him are considered as jihad. It is believed that this treatment is based on a fatwa of the outstanding Muslim theologian and legal scholar Ibn Taymiyyah (1263-1327) who treated the Mongolian conquerors who had adopted Islam but ignored the Shari'a as infidels. For this reason he permitted to murder negligent Muslims and their relatives.

¹ Quoted from: Muhammad Said Ramadan al-Bouti, *Jihad in Islam. How Do We Understand and Carry it Out?* Beirut-Damascus, 1993, p. 25 (in Arabic).

² Imam Abu Zakariyah Yahya bin Sharaf al-Nawawi, *Gardens of the Righteous*, Beirut, 1996, p. 125 (in Arabic).

³ *Sahih al-Bukhari in Concise Exposition*, Riyadh, 1992, p. 322 (in Arabic).

Islamic Thought Opposes Extremism

The above postulates that serve the terrorists as an ideological Islamic shield contradict quite a different interpretation of the Shari'a that concentrates on its major aims rather than on blind obedience to its words. It stresses the need to compare possible losses and gains of the practical implementation of the Shari'a. This is mainly related to the jihad.

Contrary to what the terrorists are saying jihad is much more than a war against the unbelievers. Precisely speaking it is not war in proper by its genuine nature and main goals. Prominent Muslim jurists say that jihad is, first and foremost, a call to follow the road of Allah; it is an effort to achieve self-perfection and to create a genuinely Islamic society based not so much on literal obedience to the Shari'a but mainly on a creative application of its guiding principles, values, and aims. The call to the non-Muslims to follow the will of Allah excludes violence. The Qur'an says about this: "Let there be no compulsion in religion" (2:256), "Invite (all) to the Way of your Lord with wisdom and beautiful preaching and argue with them in ways that are best and most gracious" (16:125).

Armed struggle as one of the forms of jihad is allowed for defense only. In other words, a war against the non-Muslims is not a means of uprooting the tack of faith but a means necessary to fight an aggression. In addition, the word jihad can be applied only to armed struggle waged to protect the Islamic values and to strengthen them.⁴ Obviously the acts of the terrorists who claim that their interpretation of the Shari'a is the only correct one do not fit the above criterion.

Their positions have nothing in common with the ideas of the most respected Islamic thinkers (including those whom the Islamic extremists regard as their teachers) as far as many other points of radical ideology are concerned. This includes the key thesis of the terrorists who treat the contemporary state (in the Muslim countries as well) as imposing lack of faith on the Muslims; the radicals refuse to cooperate with the state and even call on people to fight it with arms in hand.

Formally, at first glance this corresponds to the Shari'a and is even confirmed by what the Prophet said: "The subjects should not obey their ruler who sins."⁵ But a closer look, in fact, reveals that the greatest Muslim lawyers are not equally straightforward: they go deep into the Shari'a taking into account its entire range of values and priorities. Put in a nutshell their ideas say that even an unfaithful ruler is a boon for the Muslims because the Prophet said: "It is only the imam that can give a better life to people, no matter whether the ruler is faithful or unfaithful. If he is unfaithful his faithful subjects will venerate the Creator until the unfaithful ruler has

⁴ See: Muhammad Said Ramadan al-Bouti, op. cit., pp. 44-72

⁵ Ibn Taymiyyah, *The Shari'a Policy as an Instruction for the Shepherd and His Flock*, Beirut, 1988, p. 8 (in Arabic).

lived his life."⁶ By way of explanation Ibn Taymiyyah said that if the ruler did not follow the Qur'an and the Sunnah the Muslims had to obey those of his orders that are in line with the will of Allah and quoted from the Qur'an: "Help you one another in righteousness and piety, but help you not one another in sin and rancor" (5:2). He further wrote that experience had confirmed the truth "Sixty years with a despotic imam is a greater boon than one night without a ruler."⁷

How should Muslims treat those actions of the authorities that digress from the Shari'a? How can they "disobey the sinning ruler"? The answer is simple and clear: such rulers should be admonished, people should consistently insist that they should retract. This position is based on the words of the Prophet that Allah wished that the Muslims "should advice those whom He charged with settling their affairs." This should be done in good faith without rudeness. There are numerous hadiths about this. This is one of them: "Truly, Allah is kind and prefers softness; He returns softness in the way He never responds to rudeness."⁸

I should like to stress here that this pronouncement is quoted in connection with the way people should treat the unjust power. As for cutting short "unfaithful" policies with open attacks this is dismissed with the following words of the Prophet: "Those who will see in the actions of their emir something revolting should remain patient and continue obeying him."⁹ One of the greatest Muslim legal scholars Ibn Qayyim al-Jawziyyah (1292-1350) commented on this hadith: "If the effort to cut short the prohibited inevitably causes grave sins and even greater displeasure of Allah and His Apostle then it cannot be tolerated... In this way cutting short the authorities' unjust actions by acting against them leads to all sorts of evil and troubles for all times... Those who will give thought to the causes behind the great and small troubles' pestering Islam will see that they are a result of the total oblivion of this principle, an unwillingness to tolerate the prohibited that should be uprooted. This leads to even greater harm."¹⁰

This warning is directly related to the position taken by the Muslim jurisprudence in relation to terrorism. It points out that Allah treats man as a creature superior to all other creatures of the Creator in a special way: "We have honored the sons of Adam" (17:70). The Qur'an openly prefers peace to a war against the unfaithful: "But if the enemy inclines toward peace, you (also) incline toward peace" (8:61.) Allah is always prepared to severely punish robbery and all other actions that spread evil and mischief: "The punishment of those who wage war against Allah and His Apostle, and strive with might and main for mischief through the land

⁶ *Important Advice about Three Problems*, Riyadh, 1995, p. 48 (in Arabic).

⁷ Ibn Taymiyyah, op. cit., p. 138.

⁸ Imam Abu Zakariyah Yahya bin Sharaf al-Nawawi, op. cit., pp. 302-303.

⁹ *Sahih al-Bukhari in Concise Exposition*, p. 563.

¹⁰ Ibn Qayyim al-Jawziyyah, *Instruction for Those Who Speak in the Name of the Lord of the Worlds*, Vol. 1, Beirut, [s. a.], p. 4.

is execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land" (5:33).

Finally, the Muslim lawyers point out that religious fanatics and terrorists sow havoc in Muslim souls that does them harm contrary to the Shari'a. The Qur'an says: "And those who annoy believing men and women undeservedly, bear (on themselves) a calumny and a glaring sin" (33:58).

There is another much-quoted pronouncement of the Prophet who said: "For each Muslim blood, honor, and property of another Muslim are forbidden."¹¹ Muhammad also said: "It is forbidden to a Muslim to sow fear among the faithful."¹² The Prophet said the following: "None of you should take up arms against your brother because none of you can know whether his hand is guided by Satan."¹³ What was more the Apostle condemned even those whose glances might spread fear: "Those who cast a frightening glance at a Muslim without a reason will be frightened by Allah on the Day of Judgment."¹⁴

Here is one of the examples of the fundamental difference between the extremist and moderate trends in Islamic thought and political practice that approach the same phenomena from opposite positions.

Abd al-Rahman bin Abd al-Khalek, an ideologist of radical Islam well known in the Gulf countries, in his book about Ibn Taymiyyah pointed to the above-mentioned fatwa on the Tartars (by the Tartars the Mongols who conquered Syria in the early 14th century are meant) that called the occupants who had formally embraced Islam infidels. The author described the scholar's personal participation in burning the shops of wine traders and the vessels the Tartars used to drink wine from as an example of "cutting short practices forbidden by the Shari'a."¹⁵

Another well-known Islamic thinker of today Yousuf al-Qaradawi pointed to a different fact that had taken place during the same events. In one of his articles he recounted a story by al-Jawziyyah about his teacher Ibn Taymiyyah. The latter, together with friends and students, passed a group of Tartars who were drinking wine. His friends wanted to stop those who violated the Shari'a but Ibn Taymiyyah said: "Let them drink and be merry: Allah prohibited wine because it interfered with remembering Him and with prayers. These drunkards are kept away from bloodshed and plunder by wine."¹⁶ In other words, the scholar believed that by allowing the

¹¹ Qahtan Abd al-Rahman al-Douri, "Islam and Terrorism," *The State and Terrorism*, Baghdad, 1988, p. 11 (in Arabic).

¹² *Ibid.*, p. 12.

¹³ *Ibid.*, p. 15.

¹⁴ *Ibid.*, p. 16-17.

¹⁵ See: Abd al-Rahman bin Abd al-Khalek, *Sheikh of Islam Ibn Taymiyyah and Activities of the Muslim Community*, [s. 1.], 1990, p. 13 (in Arabic).

¹⁶ "The Muslim Jurist and Challenges of Contemporary Life," *Papers of the Cultural Season of 1408-1409*, Riyadh, 1997, p. 22 (in Arabic).

Tartars to violate the Shari'a he prevented an even graver sin. He was convinced that the meaning of the Shari'a was not in following blindly all detailed norms but in comprehending their meaning and realizing their general aims.

This example proves that out of the vast Islamic heritage, including the part that belongs to Ibn Taymiyyah Muslim radicals select those ideas that confirm what they think of Islam and the Shari'a. But it is very significant that even their ideological leaders sharply criticize such theoretical narrow-mindedness and aggressive practices. For instance, Ibn Qayyim al-Jawziyyah wrote: "As for the fanatics, they can place any problem upside down. When they turn to the Sunnah they borrow only what corresponds to their pronouncements and contrive tricks to push away evidence that does not suit them. If they come across a similarly convincing or even less convincing evidence that supports their positions they immediately accept it and use it as an argument against their opponents."¹⁷ This can hardly be better said. Here is what Muhammad ibn Abd al-Wahhab (1703-1792) thought: "Some of the religious minded people stop the banned practices and they are right doing this. But in their zeal to do this they drive brothers to quarrels— and this is wrong."¹⁸

There Are Allies Not Only in the West

Those lawyers who support this approach agree that the Shari'a condemns terrorism.¹⁹ Legislation of many Islamic countries is based on this principle. This is true even of those countries that are frequently reproached of supporting international terrorists especially Saudi Arabia.

There are two opposite approaches to the Shari'a in Saudi Arabia (like in any other Muslim country): a dogmatic one oriented toward a limited interpretation of the hadiths and the traditions of the righteous ancestors (ahl ai-hadith) and a rational one concentrating on a creative approach to the Shari'a meanings and aims (ahl al-ray.) The orthodox thinkers emphasize an aggressive interpretation of jihad; the moderate thinkers lean toward ijtiḥad (a rational quest for answers to the questions to which the Koran, Sunnah or the practice of the righteous ancestors provide no answers). Typically enough that the Islamic Jurisprudence Academy of the Muslim World League confirmed that the "gates of ijtiḥad are open" and emphasized that the

¹⁷ Ibn Qayyim al-Jawziyyah, op.cit, p. 76 (in Arabic).

¹⁸ *Important Advice about Three Problems*, p. 50.

¹⁹ See: Jumaa Amin, *The Problem of Terrorism; Analysis and Solution*, Cairo, 1998 (in Arabic).

contemporary problems should be addressed in the context of contemporary conditions and the Shari'a general aims.²⁰

The rivalry of these two interpretations of the Shari'a and the traditions of the righteous ancestors is directly related to the global problem that lately acquired special urgency. I have in mind international terrorism that presents real danger to mankind.

The Saudi Arabia has lived through several terrorist acts perpetrated by extremists that appealed to Islam. Its official position on this issue is quite clear. The country guides itself not only by the interests of its own security but also by the legal Islamic principles. It was in 1999 that the Collegium of the Senior Ulema passed a decision about punishments for terrorist activities. It is interesting to note that this was a response to terrorist attacks of Islamic extremists because the document directly points to terrorism of those who have lost values and have no strong faith. The Collegium introduced death penalty for terrorism by analogy with the punishment the Shari'a envisages for plunder (spreading mischief in the land as is said in the Qur'an), and rioting. It is especially interesting to note that the document underlies the fact that terrorists aim at the values protected by the Shari'a: religion, life, reason, dignity, and property.

In the wake of the events of 11 September Saudi Arabia severed relations with the Taliban because it was discrediting Islam in the eyes of the world community. In other words, what the Taliban was doing aimed against religion as the main value protected by the Shari'a.

The Grand Mufti of the Kingdom of Saudi Arabia was guided by the same considerations when he called the terrorist acts in the United States actions that contradicted the Shari'a and had nothing in common with Islam. He has pointed out that the Islamic principles do not allow anybody to cause injustice and violate laws in relation to others even if there are reasons for enmity and hatred.

The Al-Azhar Academy of Islamic Research supported this position by stating that Islam proceeded from the principle of plurality of cultures, civilizations, legal systems and nations, as well as of their cooperation. It also said that jihad in Islam aims at the triumph of law, at cutting short evil and establishing justice and security. Armed struggle and violence are allowed in exceptional cases such as defense of the land of fathers, stopping strife among the Muslims and protect their faith. Even under these circumstances the Shari'a categorically forbids encroachments on the lives of old people, children, and women and all those who have not taken up arms against Muslims.

These examples provide convincing evidence that the Islamic ideological heritage contains opposite trends: some of them justify extremism and terrorism under Islamic banners

²⁰ For the text of the decision, see: *Journal of Contemporary Research of Fiqh* (Riyadh), Vol. 1, No. 3, 1985, pp. 208-210 (in Arabic).

while others stake on moderation, caution and realization of the Shari'a's major aims. The trends have been competing among themselves for a long time: the events of 11 September added intensity to their rivalry. Unfortunately the measures undertaken after these terrorist acts have not succeeded to stop the international terror activities linked with Islamic ideology. Contrary to this the positions of the most radical and uncompromising interpretation of the Shari'a have become even more strong in some regions of the Muslim world. We shall live and see whether the humanitarian and moderate interpretation of Islam is able to take the initiative. The outcome of this opposition depends to a great degree on whether the so-called civilized world is able to approach Islam in a civilized way that will help separate Islamic radicalism from the genuine Islamic and Shari'a values.

This opens up wider horizons for the whole world of wide international cooperation aimed against terrorism. It should be fought not only in the Western coalitions but also side-by-side with those Islamic states that have already been victims of terrorists. It is hardly enough to fight together against something—there should be joint efforts for positive prospects. Here I have in mind the future of today's Western world cooperation with Muslim states in an effort to strengthen the genuine Islamic values as an alternative to extremism and terrorism under the banner of Islam. This is an evil that threatens not only the West but also the Islamic, or to borrow a contemporary term, civilized Islamic world. The United States and the other Western countries together with Russia are allies where military, financial, organizational and information levels are concerned. But in their ideological and theoretical opposition to Islamic terrorism they should join forces with the moderate Islamic regimes and the authoritative centers of enlightened Islamic thought. The Islamic factor should become an important part of their relationships with the Muslim countries designed to strengthen their security and protect their national interests. In other words, the West including Russia and the Islamic states can, and should, ideologically disarm the Muslim radicals. The remedy for extremism and terrorism under the Islamic banners should be sought for in Islam.