# CONTEMPORARY HISTORICAL ANALYSIS ON LEGITIMACY OF "SUICIDE ATTACKS" AS A METHOD OF WAR

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#### Abstract

In this article, suicide bombings which have been resorted to by various organizations in our day and accepted by some religious groups as martyrdom (*istishhad*) activities have been examined in terms of religion. For this purpose, it is focused in this article on such issues as when and how this type of action that has caused a great upsurge in the whole world has begun to spread and become widespread, the structure of thought of organizations that use it, when and for what reasons the religiously qualified groups began to refer to these actions, its place in Islam and so on. In this framework, the evidence of those who defend the legitimacy of this action and those who forbid it have been evaluated. Then, it is analyzed how Abu al-Abdullah al-Muhajir, one of the spiritual guides of the jihadist Salafi mentality who regarded these attacks as an important element of his concept of jihad and transformed it into a military strategy for his struggle, justified this action, in his book (*Masail min Fiqh al-Jihad*), in terms of religion, especially whether the evidence or reasons he put forward from the Quran and the Sunnah are healthy, and they are analyzed in light of basic Islamic sources using descriptive analysis methodology. It has been concluded that Islam, which regards peace and justice as its basic principles and assures human security of property and life, is not possible to find such an action acceptable that could cost lives of innocent people.

Keywords: Suicide, Jihad, Martyrdom, Salafi, fiqh al-jihad

## Introduction

During the contemporary era mankind has been faced with a new type of attack met with astonishment. Modern technology has been transformed into a lethal slaughter vehicle. Mankind has begun to ruthlessly and collectively destroy the lives of innocent people, who the Supreme Creator saw innocent as long as they do not resort to a crime, with various products invented by modern technology. Initially, this kind of terrible action of this era did not take up much space on the agenda because it carried local and national characters when it was processed with ethnic or sociological motives in some terror groups in Asia started to draw attention of the whole world when it started to be realized under the Islamic sheath. Because these terrible acts are being performed in the name of a divine religion that builds the realms of peace and well-being. In different parts of the world, for religious reasons the living bombs cruelly brings the lives of people to an end, including their own lives. The question is if the religion of Islam known for its pro-peace attitude really finds such actions appropriate rightly attracts the curiosity of the whole world. Islam has made peace and security one of its most fundamental principles, but the appearance of the individuals who have depended on violence as a cornerstone of their actions, has led to a state of concern among the entire Muslim community as a result of the emergence of these extreme practices on Islam.

The religious evaluation of these attacks, which created a profound intellectual separation in the Islamic geography, is a great necessity to consider the references put forward as evidence for these attacks, especially verses and hadiths, in the light of the basic Islamic sources. These attacks, which strangled mankind with great sorrow, were handled and evaluated by researchers in different ways. The publications on suicide actions have mostly been dominated by ISIS and al-Qaeda for propaganda purposes. On the other hand, some studies address this issue from an objective perspective, such as Abu Bashir al-Tartusi's book "Mahazir al-Amaliyyat al-Isteshhadiyye aw al-Intihariyya". Another study by Talal Asad in his book entitled "Ani't-Tafcirati al-Intihariyya", focuses on the relationship between suicide activists and religion. Nawaf Hayil al-Tekrurî in his book "al-'Ameliyyat al-Istishadiyye fi Mizan al-Fiqh" deals with the subject from juristic perspective. On the other hand, Halil Aydınalp tried to interpret the relationship between religion and terror in the context of suicide bombings in his work entitled: "Religion and Terrorism in the Axis of Suicide Operations". Whereas, Hamza Aktan in his article entitled "Terror and Suicide Actions in the Light of the Qur'an and Sunnah" approached this issue from a general religious perspective. One of the most important works on this subject is the study of Muhammad Abu Rumman and Hasan Abu Haniyya, "Ashikat al-Shahada", who discussed the topic from the side of female suicide bombers. Some studies have been conducted by western researchers such as Robert Pape in his

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article "The Strategic Logic of Suicide Terrorism" deals with the use of such methods by different groups. However, an evaluation of the religious references on this issue, adequate research has not yet been done. As most of these studies discussed the suicidal acts from religious, philosophical, sociological and psychological sides. However, this study will analyze the justifications and evidences of those who defend these actions on religious grounds and regard them as martyrdom operations. It also employs descriptive and analytical approach, which seeks to track the practice of martyrdom operations. Besides, it will analyze the arguments of its promoters and discuss the evidence for it. Finally, this study evaluates the historical context. However, before doing so, it will be useful to review the emergence of suicide attacks and its development process.

# **Emergence of Suicide Attacks**

The world has been acquainted with suicide attacks in Sri Lanka, although recently by Muslim terrorists however it used to involve Tamil Elam Liberation Tigers, or Tamil Tigers, who have struggled for the independence of the region inhabited by the Tamil ethnic group. Tamil Tigers belonging to the Hindu religion have resorted to various actions, especially suicide attacks, because of the pressures of Buddhist Sinhalese they were fighting against. Tamil Tigers, incapacitated by military attacks against them, have caused many people to lose their lives in the 260 suicide bombings they carried out until 2003 to intimidate their opponents. The organization demanded that all militants carry cyanide capsules in their necks to commit suicide if caught.<sup>1</sup>

From 1980's onwards we see that these attacks started to take place in the Middle East region as well. The first suicide bombing in the Islamic world was an attack by an Iranian Shiite activist at 13 years of age against an Iraqi tank in Hüremshahr in 1980. After this attack, suicide actions passed through the Shiite movements in Lebanon to the Arab world. The first organizational suicide action against the Israelis was carried out by the Shiite Hezbollah organization on the Israeli invasion of Lebanon's southern region in 1982. In Lebanon's suicide bombings against Israel, not only the Shiite militia, which is the only religious side of these attacks, but also the socialist and Ba'th militias who have many secular and nationalist minds took part.<sup>2</sup> In these years, 38 attacks targeting Israel and the Americans carried out in Lebanon.

As shown, such attacks were quickly used by Palestinian organizations. This method, which was first applied by Fatah (PLO), was later used in organizations such as Hamas and Islamic Jihad, and started to be transformed into a war strategy.<sup>3</sup> The leader of Hamas Ahmad Yasin stated that everybody must fight for the enemy occupation without discrimination of men and women and that the suicide attacks to be organized are part of this jihad.<sup>4</sup> These organizations have often resorted to this method against Israel in the following years.

On September 11, 2001, more than 3000 people died in suicide bombings in the twin towers where the World Trade Center is located and Pentagon in the United States.<sup>5</sup> This incident has been passed down as the bloodiest suicide attack of human history. The September 11 attacks, allegedly committed by al-Qaeda, which fought against the Russians in the Afghan occupation, and who initially did not admit to organize suicide bombings, set a new ground for a new intervention in Afghanistan and the Middle East under the name of America's fight against terrorism. However, as referred to by Pape, with these new occupations of America, we are witnessing that suicide attacks are beginning to increase even more.<sup>6</sup>

With the US occupation of Iraq in 2003, various suicide bombings against Americans and collaborators have been carried out in Iraq by those who cannot be identified. On the other hand, al-Qaeda and other jihadist groups have carried out various attacks in Chechnya against Russia and its allies. We see that in Turkey, the PKK known for its separatists and socialist identity and in India some groups of Sikhs resorted to this method.<sup>7</sup>

<sup>&</sup>lt;sup>1</sup> Abbas Karaağaçlı, (2009), "Sri Lanka ve Tamil Kaplanları," http://www.bilgesam.org/incele/83/-sri-lanka-ve-tamil-kaplanlari/#.Wr-jyohuY2w (Access date: 31.03. 2018)

 <sup>&</sup>lt;sup>2</sup> Muhammed Abu Rumman & Hasan Abu Haniyya, (2017), *Ashikat al-Shahada*, Amman: Friedrich Ebert Stiftung Publication, pp. 164-165.
 <sup>3</sup> *Ibid*, p. 170.

<sup>&</sup>lt;sup>4</sup> Khalid Muhammad Safi, Ayman Talal Yusuf, (2007), "Mawqif al-Harakat al-Islamiyya 'Hamas' min Dawr al-Mar'at al-Askarî wa al-Siyasî 'Dirasa Mafahimiyya'," *Majalla Jamia al-Aqsa*, Vol. 11, no. 1, p. 48.

<sup>&</sup>lt;sup>5</sup> Peter L. Bergen (2001), "September 11 attacks," *Encyclopedia Britannica*, https://www.britannica.com/event/September-11-attacks (Access date: 10.01.2019)

<sup>&</sup>lt;sup>6</sup> Robert Pape (2006), "Dying to Win: The Strategic of Suicide Terrorism," Australian Army Journal, Vol. 3, no. 3, p. 33.

<sup>&</sup>lt;sup>7</sup> Abu Rumman and Abu Haniyya, Ashikat al-Shahada, p. 162.

As it is clear from the examples given, it is not right to link suicide attacks with any religion or thought. As Pape points out, linking these suicide operations to Islamic Fundamentalism is not appropriate.<sup>8</sup> These attacks have different causes, which are religious, ethnic, sociological, psychological and cultural.<sup>9</sup> Researches in this subject suggest that suicide bombings are largely a method of intimidation by groups that are militarily weaker.<sup>10</sup> Particularly those who are exposed to oppression, persecution and humiliation resort to such actions when they have no other means to resist. As Wolf points out, resistance is thus not a reason but rather a consequence.<sup>11</sup> As mentioned by Zedails, a 28 years old suicide bomber trainee who is a mother of five children says: "I have to tell the world that if they do not defend us, then we have to defend ourselves with the only thing we have, our bodies. Our bodies are the only fighting means at our disposal".<sup>12</sup>

A significant proportion of these groups are the groups that struggle for ethnic separation. It is known that very few of the 315 suicide bombings that took place between 1980 and 2003 were carried out by Islamic groups. For example, of the suicide bombings that took place in Lebanon during the 1980s, 8 were by Muslims, 3 were by Christians, and 27 were by socialist secular groups.<sup>13</sup> Most of these attacks were in response to Israel's repressive and oppressive policies. As Cronin points out, the motivations for suicide attacks are "attention to a cause, personal notoriety, anger, revenge and retribution against a perceived injustice".<sup>14</sup>

However, it is not right to say that suicide attacks are completely away from religion or religious motives. It is surely that in the suicide attacks against Israel by al-Qaeda, Hamas, Fatah (PLO), and Islamic Jihad, the religious feelings are the important source of motivation, as well as the national sentiments. The motivation of those who say that they are fighting for jihad, like al-Qaeda and ISIS, is almost entirely based on religion.

It is considered that Islamic groups have been intensively resorting to these actions since 2003. For example, in 2004 and 2005, 489 suicide attacks were carried out in the world and about 90% of these occurred in Iraq.<sup>15</sup> In their application to this method, the following causes are effective:

- 1. Love of martyrdom; desire to sacrifice himself for Islam. In particular, if those who have done so are living in a state of humiliation, they do not hesitate to sacrifice their lives for a more honorable life.
- 2. The chaos in the countries caused by the invading forces and the anger in their people. This is the case of countries such as Palestine, Afghanistan, Iraq, Syria and Chechnya.
- 3. The fact that people do not have a choice to make changes in their lives. In the chaotic environment that occurs together with the occupations, those who lose their sacred values such as their goods, property and honor etc. also lose their hopes. It can be seen another reason for these attacks that those who do not have something to lose will be willing to put an end to their lives.<sup>16</sup>

Those who see these attacks as legitimate call them suicide to express it, and those who think they are not legitimate call them as suicide attacks. The commencement of suicide bombings as martyrdom attacks has been expressed in the context of the actions taken by Palestinians, desperate for the disproportionate armed attacks of the Jews who occupy Palestine, to intimidate the enemy and, they were accepted, rather than by the jihadists Salafists, by some contemporary scholars in official or semi-official institutions and organizations of various countries like Wahba Zuhayli, Yusuf al-Qardawî, Ali al-Sawa, Said Ramadan al-Butî, Ujeyl al-Nashmî, Muhammad Sayyid Tantawî, of al-Azhar sheikhs, Ahmad Kaftaru, the Mufti of Syria, Nasir al-Din al-Albanî, Abd Allah b. Humayd, Abd Allah al-Bassam, Abd Allah b. Muni', Hamud al-Ukla and Muhammad b. Usaymin, the Saudi scholars.<sup>17</sup>

<sup>&</sup>lt;sup>8</sup> Robert Pape (2003), "The Strategic Logic of Suicide Terrorism," American Political Science Review Vol. 97, no. 3, p. 7.

<sup>&</sup>lt;sup>9</sup> For more information, see Abu Rumman and Abu Haniyya, *Ashikat al-Shahada*, p. 161.

<sup>&</sup>lt;sup>10</sup> Ibid, p. 162.

<sup>&</sup>lt;sup>11</sup> Eric R. Wolf (2000), *Köylüler* (Peasants), translated by Abdulkerim Sönmez, Ankara: İmge Kitabevi, p.12.

<sup>&</sup>lt;sup>12</sup> Debra D. Zedails (2004), *Female Suicide Bombers*, Hawaii: University Press of the Pacific, p. 1.

<sup>&</sup>lt;sup>13</sup> Abu Rumman and Abu Haniyya, *Ashikat al-Shahada*, p. 162.

<sup>&</sup>lt;sup>14</sup> Audrey K. Cronin (2003), "Terrorists and Suicide Attacks," *CRS Report for Congress*, Congressional Research Service, p.6. <u>http://www.fas.org/irp/crs/RL32058.pdf</u> (Access date: 20.01.2019)

<sup>&</sup>lt;sup>15</sup> Riaz Hassan (2008), "Global Rise of Suicide Terrorism: An Overview," Asian Journal of Social Science Vol. 36, no. 2, p. 272.

<sup>&</sup>lt;sup>16</sup> Salman al-Awda, (2018), "Hukm al-Amaliyyat al-Isteshhadiyya," https://ar.islamway.net/article/2244/printable (Access date: 04.04.2018.)

<sup>&</sup>lt;sup>17</sup> Abu Rumman and Abu Haniyya, Ashikat al-Shada, p. 170.

# The Reasons of Those Who Admit Suicide (Isteshhad) Attacks

It is difficult to find an explanation in the sources of Islamic law about suicide attacks as it is today. Because such attacks are carried out with new invented technological products in our day such as bombarded vests, bags, vehicles, aircraft, etc. Those who see this style and accept it as martyrdom tried to defend its legitimacy through the similarities they established with some sacrificing events that occurred during wars in previous periods.

In recent years it is seen that those who advocate the legitimacy of these attacks are mostly those who adopt the Jihadi Salafism and almost all of the events they used to prove are the events that focus on the main idea of a Muslim's diving into the enemy ranks (*al-inghimas fi'l-adou*), despite the danger of death.<sup>18</sup> These events will be elaborated later on in detail as the thought of Abu Abd Allah al-Muhajir, who is considered to be one of the jihad theoreticians of this tendency, is analyzed. Apart from adopting the salafi method, but trying to stay away from acts of violence, Saudi scholar Salman Awda, as a result, finds these attacks permissible, but he links them to various conditions and made them, as much as possible, to be defensible. In order to make a healthier assessment of this issue, it will help us to examine the events he suggests as evidence and the conditions necessary for these attacks could be accepted as the attacks of martyrdom. Salman al-Awda claims the following evidence for the legitimacy of the suicide attacks:

- 1. Muadh b. Afra asked Messenger of Allah: "O Messenger of Allah! What is it that Allah is pleased with His servant? Messenger of Allah said "to fall into the enemy because of his sorrow". Upon this Muadh threw his armor, rushed into the enemy and fought until he died.
- 2. One asked Barra b. Adhiba "If a person attacks a group of thousand people, does that mean to put himself in danger? Barra answered "No, to throw oneself in danger is one's committing sin by his own hands and then not to repent. Abu Ayyub al-Ansari, Abu Musa al-Ashari did not object to the person walking on numerous enemy troops".
- 3. When for one of the Muslims who fell to the Byzantine ranks in the battle of Constantinople, people said, "He took himself in danger with his own hands", Abu Ayyub al-Ansari said: "No, you misinterpret this verse. This verse descended on the Ansar. As Allah strengthened His religion and the supporters increased, we secretly said to each other while not with the Messenger of Allah, "Allah has strengthened the religion, the supporters have multiplied, we lost a lot of our goods, we'll have our goods now," Upon this, the verse "Do not put yourself in danger with your own hands" descended.
- 4. Barra b. Malik asked his friends to throw himself into the garden of Banu Hanifa by tying him to the tip of his spears, fighting with them after being thrown into the garden and succeeding in opening the door from behind. Berra was injured from eighty odd places of his body that day.
- 5. When Abu Ishaq asked Barra "Will the person walking on the idolaters be in danger with his own hands?", he replied "No, because Allah sent the Messenger of Allah saying him: "Then fight (O Muhammad!) in the cause of Allah, you are not asked (held responsible) except yourself"<sup>19</sup>
- 6. Attitude of Young in the narrative about the parable of Ukhdud mentioned by Suhayb. Young said to ruler: "You cannot kill me unless you do what I will tell you". Ruler said "What is that?". Young replied as follow: "You gather the people in a place and you hang me up in a tree. Then you get an arrow from my wallet. Place this arrow in the middle of the arc saying to me, "In the name of Allah, the Lord of this young", If you do that, you'll kill me." Narrative tells us that the king did this and the young was killed in this way. This young person told the king how to kill himself.
- 7. The Prophet Muhammad said "Those who are in the first stage and do not turn their faces to the other side until they are killed will be rested in comfort rooms in heaven. The Lord will show them a smile. Verily, if the Lord shows a smile to a people, there is no question to them."
- 8. When Mudrik b. Awf said to the Amir al-Muminin Umar about his uncle who rushed into enemy and was killed "People say that he put himself in danger" Umar said "No, he gave the world and bought afterlife".
- 9. Muhammad b. Hasan al-Shaybanî said "How dangerous is the person who has reached the martyrdom to walk on the enemy and make use of for eternal life to make the religion strong! If you know that you will be killed, there is nothing wrong with that. Because a group of the companions had done this in front of Messenger of Allah in the war of Uhud and he praised them for this."

<sup>&</sup>lt;sup>18</sup> Abu al-Hasan al-Filistinî (1431h.), al-Bushra al-Mahdiyya li Munaffizî Amaliyyat al-Istishhadiyya, Iraq: Markaz al-Fajr li al-l'lâm, p.7. Abu Hammam Bakr b. Abd al-Aziz al-Asarî (2013) another important leader of the Jihadî Salafism and a member of the Shari'a Committee also suggests almost the same arguments in his fatwa "What is the rule of istishad actions?," see. https://justpaste.it/3cz7 (Access date: 04.04.2018)

<sup>19</sup> Al-Nisa 4:84.

- 10. Ibn Hajar said about a person who plunges among a large number of enemies: most of scholars said that if he does it reasonably well, such as to encourage Muslims, to frighten the enemy, it is not inconvenient.
- 11. Ibn Arabi said: "It is true that it is permissible for someone to walk on multi-person enemy, for there are four benefits: reaching the martyrdom, intimidating the enemy, encouraging the Muslims against them, disrupting the enemy's psychology. If one does this, he will show them what many people can do.
- 12. Ibn Taymiyya sees permissible that one can fall into the enemy, provided that it is for the benefit of the Muslims. Otherwise it will not be permissible.<sup>20</sup>

These are the events and narrations that Selman al-Awda put forward as evidence for the suicide attacks. According to him, since these events are considered legitimate, because of the similarity between them, it is possible to see the attacks of suicide in comparison with them.

It is not necessary to enter into a debate over the authenticity of these narrations. Even if we accept that they are all authentic, it is difficult to say that they constitute evidence for suicide attacks with such significant consequences. Almost all narratives, except for the narrative of Ukhdud in which the Young taught the king how to kill himself, are the narratives about one or several of the Muslims who walked courageously on the supreme enemy. Most of these events are related to the actual war environment. The heroes mentioned in the events fought fearlessly against the enemy on the front and tried to harm them to influence the course of the crash. They are willing to sacrifice their lives only if necessary, for the victory of the Muslims in the actual war environment. In doing so, they did not think that they would certainly die. As a matter of fact, Berra has not lost his life despite the fact that he received eighty odd coups. Therefore, none of these events or narratives exhibits a similarity to suicide bombings, which are so serious as to be costly to the lives of hundreds of people, especially, lives of attacker. Therefore, none of these events are so serious as to be costly to the lives of suicide. All these matters, whose implication is not certain, cannot be seen as proofs of such a severe act that disturbing the conscience of mankind.

Salman al-Awda, on the basis of these narratives, would have given permission to the suicide attacks, but he thought that these attacks could only be carried out under the following conditions:

- 1. It should be for the purpose of glorifying religion of Allah.
- 2. It must be certain or believed that it will encourage the Muslims and annihilate the enemy. If there is a possibility that this cannot be done, it should not be done. This should not be left to the opinion of individual; specialist Muslims who have military and political experience should decide on this.
- 3. These attacks must be against those who have waged a war against the Muslims themselves. No one can be subjected to this attack because he is only a kafir.
- 4. The Isteshad (or suicide) attack must be on the areas where infidels are present, or on occupied grounds where Muslims try to take them out.

5. The parents of the attacker must also allow it.<sup>21</sup>

Al-Awda tried to ensure that these attacks should not be carried out against the civilians but only with military conditions. This framework that he has set out and the frame that Abu al-Abd Allah al-Muhajir, one of the jihad theoreticians of the jihadist Salafism, set out, which we will now deal with are significantly different. It is seen that the groups that accept warfare jihad as a priority have ignored these conditions mentioned by al-Awda and they have resorted to various attacks on civil targets in accordance with al-Muhajir's thoughts.

# Suicide Attacks in Jihad Salafism

Suicide attacks in the first years in al-Qaeda network, which is the axis of Jihadi Salafism, have not been seen as appropriate. Towards the middle of the 1980s, a search for al-Qaeda began when several fatwas were being given about the permissibility of the suicide bombings against invasions, centered on the occupation of Palestine. This search continued until the mid-1990s. Upon the fact that Islamist and national groups frequently resorted to this method, al-Qaeda and its jihadist Salafi sub-groups have begun to apply it. With a fatwa issued by "International Islamic Front for the War with the Crusaders and Jews" founded by al-Qaedas leader, Usame b. Laidn in 1998, it declared that it is permissible to organize attacks against Americans and collaborators and began to organize suicide attacks.<sup>22</sup>

<sup>&</sup>lt;sup>20</sup> al-Awda, *Ibid*.

<sup>&</sup>lt;sup>21</sup> al-Awda, *Ibid*,

<sup>&</sup>lt;sup>22</sup> Abu Rumman and Abu Haniyya, Ashikat al-Shahada, p. 172.

Abu Abd Allah al-Muhajir, who gained the respect of all the jihadists, especially al-Qaeda and ISIS, dealt with the suicide attacks for the first time in a wide variety of ways and claimed their legitimacy.<sup>23</sup> al-Muhajir, who is one of the prominent leaders of al-Qaeda organization that is one of the main actors of the Afghan jihad, allocated a chapter on this topic in his book titled "*Mesail min Fiqh al-Jihad*" and explained the subject in various aspects. Al-Muhajir defended the legitimacy and necessity of suicide\_attacks by using the views of some scholars from certain hadiths and scholars who have gained fame in different branches. Al-Muhajir, who was respected in al-Qaeda network, continued to remain a spiritual leader for ISIS, which later left al-Qaeda and continued his activities as a separate organization. Al-Muhajir, especially in matters such as the fighting of the "enemy" and the accusing Shia with apostasy (*Taker*). He saw acts such as suicide attacks, extortion, kidnapping, head breaking, violence and fear release as legitimate with the conviction of his book. The thought world of ISIS, which followed the same method after him, has been largely shaped by the opinions of this book. The view of ISIS towards Shia, the spirit of its struggle in Iraq and the relationship with other groups are all shaped by this thought.<sup>24</sup>

Al-Zarkavî went to Afghanistan after he went out of prison in 1999, and he did not allow suicide activities until he met al-Muhajir.<sup>25</sup> Under the influence of al-Muhajir, whom he had stayed with while fighting in the ranks of al-Qaeda in Afghanistan, al-Zarkawi not only permitted the suicide attacks but also he turned this into an indispensable military strategy for the ISIS. After Al-Zarqawi, we see that the organization frequently resorted to these attacks and saw them as an important element of their jihad.

After the weakening of al-Qaeda whose important leaders, especially Osama, were killed, along with the striking suicide attacks of ISIS which drew attention to itself and declared itself as the caliphate state began to take part again in the foreground on the world agenda. ISIS attacked many targets in Iraq, Syria, some countries in Europe and Turkey, and brutally put an end to many people's lives. Along with these actions carried out by al-Qaeda and ISIS, two main branches of Jihadi Selefism, suicide attacks have begun to be introduced as a form of religious activity.

Although al-Muhajir unhesitatingly defended the legitimacy and necessity of suicide bombings, he had to admit that such actions did not take place in the history of Islam. According to him, however, this was not because of their illegitimacy, but modern technology and aggressive materials did not exist in the past. According to Al-Muhajir, if these technology and explosive materials were found in the past, they would also give permission to the attacks to intimidate the enemy.

Like al-Awda, al-Muhajir also stated that there was not a fatwa given by Islamic scholars for these events as they are today. According to him, although there is no such a fatwa in the Islamic Sharia, there are various events and narratives that can be shown as proof of the legitimacy of these attacks. As a result, these events show similarities with today's suicide actions in various ways. Based on hese similarities it is possible to say that suicide attacks are permissible. The events and narrations that al-Muhajir compared to adjudge the legitimacy of suicide attacks are explained as follows:

# a. Muslims' plunge into many enemies even if they know it is dangerous

After giving examples from some heroic attitudes exhibited in the wars by the Companions of the Prophet in the Asr al-Saadah and saying that if necessary, believers alone bravely fell into the ranks of enemy and waged their lives in a dangerous way, al-Muhajir states that these examples point to the necessity of self-sacrificing for Islam, if necessary. The most striking example given by al-Muhajir is the story, of Anas b. al-Nadr in Sahih al-Bukhari. Anas, who could not attend to the battle of Badr, came to the Messenger of Allah and said: O Messenger of Allah! I could not attend the first war you fought against the polytheists. If Allah gives me the opportunity to meet the polytheists, He knows what I will do to them. When the situation of Muslims emerged in the battle of Uhud, he said (referring to Muslims), O Allah, I wish you forgiveness for their actions; (referring to the idolaters) I take refuge in you from what they do. Then he stepped forward in battle and met Sa'd b. Muadh. Anas said to Sa'd: O Sa'd! I swear to the Lord of al-Nadr that heaven is here, I take his smell from the bottom of Uhud. Sa'd said to the Messenger of Allah: O Messenger of Allah! I could not do what he did. Anas, who narrated, said as follows:

<sup>&</sup>lt;sup>23</sup> *Ibid*, p. 172.

<sup>&</sup>lt;sup>24</sup> Hasan Abu Haniyya and Muhammad Abu Rumman (2015), *Tanzim al-Dawlat al-Islamiya*, Amman: Friedrich Ebert Stiftung Publication, p. 32.

<sup>&</sup>lt;sup>25</sup> Abu Rumman and Abu Haniyya, *Ashikat al-Shahada*, p. 171.

We saw on him 80-odd sword, arrow or spear strikes. We realized that the polytheists tore him apart after killing him. We thought that the verse "*Among the believers there are men who have been true to their covenant with Allah; and some of them are still waiting, but they have never changed in the least.*"<sup>26</sup> descended on him and others.<sup>27</sup>

Al-Muhajir, who said that with this movement Nadr showed that believers is possible to dive into enemies even if they know it to be dangerous, argued that Umar, Barra and Abu Ayyub al-Ansari said that this kind of movements were not within the scope of the verse "*Do not throw yourselves into destruction*"<sup>28</sup> and this is an evidence for the permissibility of suicide attacks.<sup>29</sup>

Anas b. Nadr's courageous attitude towards the enemy in an actual war environment is a clear strain to show it as an evidence for suicide attacks, because it is difficult to establish a similarity between his attitude and today's attacks. Anas walked on the enemy, who was actually fighting on the front, and tried to neutralize them. Suicide attacks, including civilian targets and costing innocent people's lives, are of a completely different feature. We know in many places, including suicide bombings in Turkey that hundreds of innocent people who have nothing to do with war have lost their lives. Most of the targets are civilian areas and it is obvious that every kind of people, including elderly, children, disabled people, will be found there. All of the people who lost their lives in a bombed suicide attack undertaken by ISIS in Ankara's most populous region were civilians. The deceased had nothing to do with the war that ISIS was carrying out in Iraq or Syria. Among the deceased people, they could also be those who support the ISIS. These attacks are carried out under the name of jihad based on Islam. However, the majority of the Turkish people are Muslim and religious. It is a great injustice to Islam to target the market of a country with a suicide attack without any discrimination. Anas, exemplified by al-Muhajir, in the battle of Uhud, showed heroism as a necessity of his strong faith in a battleground where Muslims needed the most, and attacked the enemy at the cost of sacrificing his life and achieved significant war achievements with this attitude. Moreover, he has fallen into the ranks of enemy with the intention to distribute the enemy and to gain superiority on the front, not with the intention to die. There were polytheists who actually attacked the Muslims. Enemy soldieries whom he heroically attacked deserved it the most. Therefore, it is no more than a strained attitude to establish a similarity between his attitude and the secretly executed suicide bombings. Putting aside whether ISIS is right or wrong, the dimensions of the debate we are doing here would of course be different, if ISIS confined the suicide attacks only to the military targets in the actual war environment. But the bloodiest of the suicide bombings took place against civilian targets and innocent people who were not to do with war. This evidence, which Al-Muhajir put forward, can never be a legitimate proof for these actions.

# b. The consensus of the scholars on the permissibility of accepting dangerous things in jihad

Al-Muhajir argued that the believers could fight in positions that might be dangerous to harm the enemy during the jihad by giving some examples from the period of Companions of the Prophet, and that Islamic scholars made it possible to do so, which also proves the suicide attacks. Al-Muhajir tried to ground the matter saying that al-Bukharî in his Sahih gave a place to a chaper (bâb) named "chapter of preferring being beaten, being killed and humiliated to infidelity" and mentioned the following narrative from Anas. According to the narrative, Anas said as follows: The Messenger of Allah (pbuh) said: "*He who has three things in himself has tasted the sweetness of faith: The fact that Allah and His Messenger are more lovable to him than anything, he loves one only for Allah, he sees falling into kufr equivalent to falling into fire.*"<sup>30</sup> Ibn Hajar in his commentary on this hadith said "Bilal is one of those being beaten and humiliated to pronounce infidelity. Habbab and the ones mentioned with him are also in the same situation. Ammar's mother and father died under torture." Based on these examples, al-Muhajir says that it is permissible for the person to attack that will lead him to death. He argues that the expression in Sura al-Nisa 29 "Do not destroy yourself" is not an obstacle to this, because it is said in the following verse, "Whoever does this by overcoming and persecuting him, we will throw him into the fire of hell", thus the cruelty and hostility are preconditioned. For this reason, those who destroy themselves for Allah are not included here. Al-Muhajir also claims that there exists a consensus that 'it is permissible to fall in danger in jihad'.

<sup>&</sup>lt;sup>26</sup> Al-Ahzab 33:23.

<sup>&</sup>lt;sup>27</sup> Abu Abd Allah al-Muhajir (n.d), *Masail min Fikqh al-Jihad*, n.p., p. 80. The Hadith has been narrated by al-Bukhari, (Jihâd and Siyar, 12); Muslim, (Imara, 148).

<sup>&</sup>lt;sup>28</sup> Al-Baqara 2:195.

<sup>&</sup>lt;sup>29</sup> Al-Muhajir, *ibid*, p. 82-83.

<sup>&</sup>lt;sup>30</sup> Bukhari, Iman 9; Muslim, Imân 67.

There is a difficulty in recognizing how al-Muhajir makes evidence from these hadiths and attitudes for suicide attacks. The cause of two events is completely different from each other. It is an obvious strain to make this judgment by comparing one with another. The Prophet used these expressions in this hadith to declare how grave it was to be able to come out of faith, and implied that the infidelity was equivalent to falling into the fire. Those who are mentioned, especially Bilal, did not consent to the infidelity and they put up with torture for this cause. Their attitude is a manifestation of their strong faith. They put up with torture for their faith and put forth an honorable attitude. In a suicide attack, this is not the case. If the attackers do not do this attack, their faith will not be harmed. They are not forced to make a choice between faith and infidelity. With their attitude the aforesaid companions only caused them to be tortured; they did not give damage to others. The person carrying out the suicide attack destroys not only his life, but also the life of the innocent people as in the case of attacks on civilian targets. The expression in the verse "And don not kill yourselves. Surely, Allah is Most Merciful to you. And whoever commits that through aggression and injustice, We shall cast him into the Fire""<sup>31</sup> does not support the view of al-Muhajir. Is it not a transgression to these innocent people who have not been involved in the war or have not even known what is happening, and have been present in that area by chance and exposed to this attack?

# c. The legitimacy of self-destruction for the sake of religion

The third point that Al-Muhajir compares for the legitimacy of suicide attacks is the legitimacy of human destruction for the sake of religious propaganda. By giving as a proof a number of heroisms in the Asr al-Saadah, the Ukhd<u>uo</u>d parable in the Quran, and a hadith related about it and making an allegory between them, al-Muhajir tried to defend his view of suicide bombers.

One of the examples given by al-Muhajir is the event narrated from Anas b. Malik: in the battle of Uhud Messenger of Allah (pbuh) remained between the seven from Ansar and two from Quraysh. When he was exposed to the siege of the enemy, he said: "*Whoever keeps them away from us, there is a paradise for him or he will be my intimate friend in heaven*."<sup>32</sup> Upon this, one of the Ansar stepped forward and fought until he was killed. This situation continued until the seventh was killed. Al-Muhajir, after giving this event and other examples, reached the following conclusion: All these events prove very clearly the legitimacy of self-destruction in order to spread the religion.

God Almighty said about the people of Ukhd<u>uo</u>d (the Ditch): "*Cursed were the people of the Ditch, of fire fed with fuel, when they sat it, and they witnessed that they were doing the believers.*"<sup>33</sup> Al-Muhajir tried to elaborate on the issue by describing the hadith in Muslim narrated from Suhaib as marfu' about Ukhd<u>uo</u>d parable. After the description of how some people were killed by the King of that period, since they did not give up their religion, it is said as follows:

"... Then the boy was brought, and it was said to him, "Abandon your religion." He refused and so the king sent him to the top of such and such mountain with some people. He told the people, "Ascend up the mountain with him till you reach its peak, then see if he abandons his religion; otherwise throw him from the top." They took him and when they ascended to the top, he said, "O Allah! Save me from them by any means that You wish." So, the mountain shook and they all fell down and the boy came back walking to the king. The king said, "What did your companions (the people I sent with you) do" The boy said, "Allah saved me from them." So, the king ordered some people to take the boy on a boat to the middle of the sea, saying, "If he renounces his religion (well and good), but if he refuses, drown him." So, they took him out to sea and he said, "O Allah! Save me from them by any means that you wish." So they were all drowned in the sea.

Then the boy returned to the king and the king said, "What did your companions do" The boy replied, "Allah, saved me from them." Then he said to the king, "You will not be able to kill me until you do as I order you. And if you do as I order you, you will be able to kill me." The king asked, "And what is that" The boy said, "Gather the people in one elevated place and tie me to the trunk of a tree; then take an arrow from my quiver and say: 'In the Name of Allah, the Lord of the boy.' If you do this, you will be able to kill me." So he did this, and placing an arrow in the bow, he shot it, saying, "In the Name of Allah, the Lord of the boy." The arrow hit the boy in

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<sup>&</sup>lt;sup>31</sup> Al-Nisa 4:<u>29,</u>30.

<sup>&</sup>lt;sup>32</sup> Muslim, Imara, 117.

<sup>&</sup>lt;sup>33</sup> Al-Burûj 85: 4-7.

the temple, and the boy placed his hand over the arrow wound and died. The people proclaimed, "We believe in the Lord of the boy!" Then it was said to the king, "Do you see what has happened That which you feared has taken place. By Allah, all the people have believed (in the Lord of the boy)."So he ordered that ditches be dug at the entrances to the roads and it was done, and fires were kindled in them. Then the king said, "Whoever abandons his religion, let him go, and whoever does not, throw him into the fire." They were struggling and scuffling in the fire, until a woman and her baby whom she was breast feeding came and it was as if she was being somewhat hesitant of falling into the fire, so her baby said to her,"Be patient mother! For verily, you are following the truth!")<sup>34</sup>

Al-Muhajir argues that this short story is evidence of the permissibility for sacrificing his life for a religious purpose and is even a proof for the permissibility of suicide attacks today, because the young person himself led the king to kill him. That is, he was pleased to be killed.

Al-Muhajir tried to argue that there is no difference between the death by enemy or by his own hand if it is for the sake of religion, and that the suicide attack is in the same category, because both cases have the same goal and the same target. What matters is not the shape but the spirit and the meaning. If those who perform this action for the martyrdom are getting the heaven, would not they have done a more useful job of suicide attack by raising fear to the heart of the enemy, frightening them, weakening their power? It is never right to find it forbidden as an act of suicide and it is a great slander. Those who say it will account before Allah.<sup>35</sup>

It is clear that all of these events described by al-Muhajir do not constitute evidence for suicide attacks. As we pointed out when evaluating his previous analogy, there is an error of analogy. Because there are differences in the ontological nature between the events compared and suicide attacks. Those who are willing to sacrifice their lives in these events have sacrificed their lives by making sacrifices for the sake of their faith; they had not any effect on the third parties. They did not harm anyone with this attitude they carried out. In the suicide attacks, the attackers end lives of others with their own lives. With the attacks they resorted to, sometimes they cause hundreds of innocent people to die. Moreover, those who they lose their lives during attacks on civilian targets generally do not have any responsibility to deserve it. The assertion that Islam accepts these kinds of attacks that can result in death of innocent people is nothing but a baseless claim. When the Prophet saw that a woman was killed in the war, he reacted by saying, "*This woman was not fighting*." and sent a message to Khalid b. Walid, head of the vanguard forces, forbidding the killing of women and children.<sup>36</sup> To cause the death of innocent people, it is a great injustice to attribute it to the prophet. The reason "for religion" put forward by al-Muhajir also is not valid. Nobody can say that these attacks are for the benefit of religion. These attacks even have no benefit in military terms.

# d. The legitimacy of self-sacrificing for the sake of martyrdom.

After stating that this situation points at a more special case than that mentioned in the previous chapter, al-Muhajir argues that there are many clear proofs about this subject. According to him, one of the Hadiths which Abu Hurayra narrated from the Messenger of Allah (pbuh) that clearly reveals this point is the following one. Abu Hurayra said: I heard that the Messenger of Allah (pbuh) said: "I swear to Allah, who has power over all things, if I knew that some of the believers would not be sorry for staying separate from me and that I could provide them with mounts, I would not be back from any platoon that went to war in the way of Allah. I would like to die in the way of Allah, to be raised and then to be resurrected and to be killed again, and to be resurrected and murdered".<sup>37</sup>

Al-Muhajir says: It is the most precious and open hadith that expresses the legitimacy of man's self-sacrifice for the purpose of martyrdom. Messenger of God (pbuh), the prophet of the son of Adam, the most precious of the worlds for Allah, by whom the sins are forgiven, the last of the prophets with whom people will be raised, and the Messenger, intercessor of the Ummah on the Day of Resurrection says so. Mentioning other variants of the same hadith, and many other similar accounts, al-Muhajir argues that it is permissible for a person to sacrifice himself in the sake of martyrdom and this suggests that suicide attacks are legitimate.

<sup>&</sup>lt;sup>34</sup> Muslim, Zuhd, 73.

<sup>&</sup>lt;sup>35</sup> Al-Muhajir, *ibid*, p. 100.

<sup>&</sup>lt;sup>36</sup> Ibn Maja Jihad, 30.

<sup>37</sup> Bukhârî, Jihad and Siyar 7.

Our previous evaluation is also valid for this comparison of al-Muhajir. The fact that the Prophet wished to be killed and to be raised in the way of Allah is to express the value of the martyrdom in the way of Allah. It would be a waste of effort to prove suicide attacks on civilian targets that end their lives for no reason.

After Al-Muhajir, Ahmet Taha, well-known with the name of Abu'l-Hasan al-Filastini, one of the leaders of ISIS who examined the suicide attacks in a book of small volume titled *al-Bushra al-Mahdiyya li Munaffizi Ameliyyat al-Ishtishhadiyye* and introduced himself as the Shariah accountant of Rafidain Qaeda, in order to argue that the suicide attacks are legitimate, specified the features necessary for the legitimacy of these and explained them and tried to ground these attacks. Al-Filastini listed these features as follows: to dive into the enemy, to aim to create fear, to be for the benefit of Islam, for the purpose of martyrdom, to suppose or know for certain to die or to be killed, to cause to the self-sacrifice, to begin to sacrifice his life, to be in the way of Allah.<sup>38</sup>

Despite the fact that al-Filastini\_has set out an independent examination, it seems that it has not put a significant new idea in this subject. The verses, hadiths and events he mentioned are the arguments concerning the incitement of the war jihad. None of them is clear to prove the legitimacy of suicide bombings that would result in the death of civilian people. Since he is aware of that, he tried to compensate this deficiency with a rule he invented. According to him, "It is also understood to dive into the enemy from every verse that commands and encourages jihad, encourages martyrdom and its virtues. Because the purpose of these verses and purpose of "diving into enemy" are the same at "to intimidate the enemy, to demand martyrdom, benefit of Islam, and in so doing, death will be inevitable and certain"<sup>39</sup> According to al-Filastini , since diving into the enemy is considered appropriate, the attacks of suicide should be seen as appropriate if compared to it.

# e. Reasons of those who do not permit suicide attacks

Suicide attacks have not been accepted by the majority of the ummah in the Islamic world. As we have already mentioned, a considerable number of those who have legitimized such an attack have accepted it mostly in the context of the defense of countries such as Palestine, Afghanistan, Chechnya which were subjected to occupation and persecution. Those who oppose this attack have put forward many justifications. As far as we can see, the Syrian scholar Abu Basir al-Tartusi, who made the most comprehensive assessment on this subject, insistently opposed these attacks and argued that they were forbidden for the following reasons:

- 1. Self-sacrificing is not permissible at all. There are dozens of evidences in the Islamic Shari'ah clearly stating that it is not permissible. In Surat al-Nisa verse 29 it is said "And do not kill yourselves. Indeed, Allah is to you ever Merciful." In the Hadiths it said "Whoever kills himself with something sharp like a knife will be punished with it in the fire of hell."40 "Whoever drinks poison and kills himself will be punished constantly in hell while the poison cup in his hand."41 "He who strangles himself (in the world with rope and like) will *strangle himself* in hell, whoever hits himself in the world, hits himself in the hell (his punishment is so".<sup>42</sup> There are many more hadiths saying that it is a great sin for man to kill himself. The evidence such as "permissibility of walking on the enemy, diving into its ranks, the story of the Young with King, the killing of those used as shields" which are mentioned about the permissibility for the person to kill himself in order to intimidate the enemy do not allow the person to kill himself. On the contrary, they are about one's being killed not by his own hand but by an enemy or others. Moreover, none of the evidence cited in these matters is clear and certain about the permissibility of the man's killing himself in order to intimidate the enemy. It is possible that these are also refers to another meaning and interpreted in other ways. It is not true to use evidence whose implication is not definite in such an important case. It is wrong to come to this conclusion based on these, while there is clear and definite evidence that it is not permissible for man to kill himself.
- 2. If the uncertain proofs Mutashabih (vague) are used to judge in this matter, this means to leave the judgment based on the definite evidence, and this is not permissible. The Islamic sharia orders to approach to the nass as a whole. It does not find true to take refuge behind abrogation (naskh) and restriction of unrestricted judgement, if not necessary. In the points mentioned, one's plunging into the ranks of enemy and being killed by the enemy for the interest of Islam are clearly stated. It would be wrong to count it as evidence for someone to kill himself. If the Muhkam (airtight) verses prohibit someone to kill himself, it is not appropriate to do so with vague evidence.

<sup>&</sup>lt;sup>38</sup> Al-Filistinî, *ibid*, p. 10.

<sup>&</sup>lt;sup>39</sup> *Ibid*, p. 46.

<sup>40</sup> Bukharî, Janaiz, 84.

<sup>&</sup>lt;sup>41</sup> Muslim, Imân, 175; Tirmizdhi, Tibb, 7; Nasâî, Janâiz, 68, Dârimi, Diyât, 10.

<sup>42</sup> Bukhârî, Janâiz 84,

- 3. As seen in the suicide bombings, many innocent people lose their lives, Muslims or non-Muslims, in these actions. It is a great sin to cause people to die unfairly. About this, it is said in some verses "Whoever kills a believer intentionally, his recompense is Hell to abide therein; and the Wrath and the Cure of Allah are upon him, and a great punishment is prepared for him."<sup>43</sup> "Do not kill anyone whose killing Allah has forbidden, except for a just cause."<sup>44</sup>, "Had there not been believing men and believing women whom you did not know, that you may kill them and no whose account a sin would have been committed by you without (your) knowledge".<sup>45</sup> The Prophet pointed at this issue in many times. In one of his hadiths, he declared that one of the seven destructive things is "the Life God forbids to kill except by right". In another hadith, he said, "Muslim's blood, goods and chastity are forbidden to Muslim".<sup>46</sup> The issue of "the killing of those used as shields", which is shown as the most important evidence on this subject, is far from being evidence for suicide attacks. It is given permission only if there is no other way, that is, when abandoned, if the Muslims have problems the compensation of which is not possible.
- 4. The activists used in these attacks are unnecessarily wasted. These people, who are so faithful to Islam that they will sacrifice their lives, are in the position of indispensable treasure. They do not grow up easily. It is a great injustice and a sin, and loss of wealth and labor to turn them into an activist who exploits themselves without giving opportunity to spend the next part of their lives in more useful affairs to Islam. It is not right to waste human resources of ummah in this way.<sup>47</sup>

# Conclusion

There are ethnical, religious, sociological and psychological reasons for the suicide attacks carried out with explosives as an invention of our era. It is not right to describe them as the products of any thought or to relate them to any religion. It is seen that the persons or groups belonging to almost every thought apply to such actions. The most important reason of these attacks is that the armed groups that are militarily inadequate against their opponents want to discourage them by causing fear and anxiety.

Lack of freedom, tyranny and oppression of regimes, inequity distribution of wealth, schizophrenia-like feelings caused by thinking of great mighty past and inferior and backward present, Occupations in geographies like Palestine, Afghanistan, Chechnya have prepared the ground for some Islamic groups to resort to these actions. The heavy destruction caused by these occupations has been influential in the judgement of some Islamic scholars for the permission of these attacks. Subsequently, the invasion of America and its allies into Iraq and Syria, the jihadistic Salafi groups have sought to apply this method more frequently and such attacks have been made an indispensable part of the military struggle carried out by these groups. However, whatever the reason, it is not true to attribute such attacks to Islam or to claim that they are found acceptable by Islam. There is no definite evidence in the main sources of Islam that find it acceptable. Those who give fatwa find it permissible based on the individual attitudes in the war environments in the past. However, it is a clear strain to see these events, which took place in the actual war environment and were regarded as examples of personal heroism, as evidence for the suicide attacks today. Because these events mostly explain the concerned side's fighting by throwing their own lives at risk or risking death. The figures mentioned in these events struggled only to put their own lives in danger; they had no influence on the third parties. The suicide bombings of today's groups are carried out against both military and civilian targets. During attacks on civilian targets, hundreds of innocent people who have not been involved in warfare and have no crime have lost their lives. However, Islam has secured the safety of people and property unless there is a valid reason for it.

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<sup>43</sup> Al-Nisa 4:93.

<sup>&</sup>lt;sup>44</sup> Al-Isra 17:33.

<sup>&</sup>lt;sup>45</sup> Al-Fath 48:25.

<sup>&</sup>lt;sup>46</sup> There are dozens of hadiths that Tartusi mentions about this issue and all of them forbid to kill. Due to space limitation we do not need to mention the others. See Abu Basir Al-Tartusî (2013), "Mahazir al-Amaliyyat al-Istishhadiyya aw al-Intihariyya," https://justpaste.it/3cx9 (Access date: 03.04.2018)
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