

**JUST WAR, JIHAD, AND TERRORISM: A COMPARISON OF WESTERN AND ISLAMIC
NORMS FOR THE USE OF POLITICAL VIOLENCE**

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ABSTRACT

This paper presents and compares theories and definitions of just war and *jihad*, and *shahadat* and contrasts them with terrorism. This is to determine if there are analogues between the western notions of just war and the Islamic concepts of *jihad*/struggle and *shahadat*/martyrdom. By comparing these western and Islamic concepts for political behavior, specifically political behavior that employs violence as a means, it is possible to reach a more comprehensive understanding of not only Islamically motivated actions and actors, but of western actions and actors as well. Contrasting the analogous norms of just war and *jihad* with terrorism allows for the determination that the actions of actors such as Hamas, and the Islamic Salvation Front are not strongly rooted in Islamic norms. Rather they recontextualize Islamic concepts in order to provide legitimation for their actions.

INTRODUCTION

With the recent acts of terrorism of 11 September 2001 the gaze of Americans – citizens, policy makers, politicians, analysts, and academics – once again turns towards what seems to be a militant, reactionary, and violent Islam. Too often this face of Islam is the only face that many in the US actually perceive. We are deluged with nightly reports of “suicide bombings” in Israel, hostage takings in the Philippines, harsh capital punishment in Afghanistan, and the slave trade between the Sudan and Libya. While what we see on the news does actually happen, it does not represent the reality or totality of Islam and the Islamic experience.

The events of 11 September 2001 have refocused American and world attention upon reactionary Islamic extremism. The emerging information in regard to those responsible for the recent terrorist attacks is still sketchy and incomplete, however, Osama bin Laden, the expatriate Saudi religious leader, and members of his organization, al-Qaeda, have emerged as the prime suspects in the ongoing law enforcement investigations into the World Trade Center and Pentagon attacks. All nineteen of the hijackers have been identified as Arab Muslims with ties to Islamic revivalist movements in Algeria, Egypt, Saudi Arabia, the United Arab Emirates, and Yemen. As a result Americans have suddenly become very interested in Islam, as well as the religious and political histories of the Islamic world.

Scholars and analysts who specialize in the study of terrorism have been caught flat-footed by the recent incidents in New York and Washington, DC. The reason for this

is that they had not been paying attention to the power of identity.¹ In these recent incidents it appears that the Islamic identities of the nineteen hijackers, an identity based in a unique and peculiar interpretation of Islam not shared by the majority of Muslims, was so powerful that it allowed them to willingly go to their deaths. The nineteen hijackers probably perceived their actions as *jihad*, struggle, and *shahadat*, martyrdom, on behalf of Islam and against its enemies. Americans, however, view their actions as acts of suicidal aggression against noncombatants.

In order to better understand the recent events, as well as other acts of so called Islamic terrorism and “suicide bombings” it is necessary to review what Islam has to say about the use of political violence, compare these Islamic norms with western norms, and contrast them with the concept of terrorism. This is especially true as very few Muslims actually subscribe to or believe in the type of Islam that has once again grabbed attention in headlines and news reports. Such a review is necessary in order to dispel some of the myths that have developed regarding Islam’s position towards the non-Muslim world, myths that have filtered into academia, analysis, and policy making. The resulting discussion should enhance our understanding of what really happens when Islamic actors engage in terrorism.

I will first introduce the concept of just war theory. I then discuss the Islamic norms of *jihad* and *shahadat* and briefly review the definition and etiology of terrorism. I

¹ “Profiling Terrorists,” *National Public Radio*, 9/18/01. Martin Kramer, “The Moral Logic of Hizballah.” In *Origins of Terrorism: Psychologies, Ideologies, Theologies, States of Mind*. Walter Reich (ed). Cambridge: Cambridge University Press, 1990, pp. 131-160.

will then present western and Islamic examples and discuss how both just war and jihad are recontextualized in order to justify terrorism and then conclude.

METHODS

One of the most effective methodological tools for the study of cultural and contextual based phenomena is constructivism. There are two types of constructivism: tethered/thin and postmodern/thick constructivism.² As this inquiry is intended to present Western and Islamic norms pertaining to the use of warfare and political violence, I have chosen to utilize tethered/thin constructivism.

Tethered/thin constructivism is also referred to as positivist constructivism. This methodology developed within the field of cultural sociology and social anthropology in order to account for cultural and contextual matters, especially in a comparative framework, while also providing some form of empirical results. In tethered constructivism the researcher attempts to establish a baseline against which comparisons can be made. This is different from postmodern/thick constructivism in its most basic assumption. Tethered constructivism begins with the normative assumption that verifiable results can be obtained. Conversely, postmodern/thick constructivism begins with the opposite assumption; that all results are culturally specific and relative. As a result thick constructivists are sometimes referred to as deconstructivists - they attempt to obtain context specific results by taking apart and examining the contextual material being examined.

In regard to this research, I intend to establish a western and Islamic baseline. This baseline, the actual norms regarding warfare and political violence in both the

² Joel Best, "But Seriously Folks: The Limitations of the Strict Constructivist Interpretation of Social Problems." In *Constructionist Controversies: Issues in Social Problems Theory*. Gale Miller and James A. Holstein (eds). (New York: Aldine de Gruyter, 1993), pp. 109-127.

Western and Islamic traditions, will then be contrasted with the concept of terrorism. I will develop this baseline out of the textual evidence pertaining to these norms. An important part of the discussion of the similarities between just war, *jihad*, and *shahadat*, as well as how these norms are used to justify terrorism and other deviant actions, centers around the concept of recontextualization of an identity group's ideational components. Recontextualization occurs when members of a given tradition foreground³ (Katz 96) portions of their cultural contents. Through recontextualization leaders and adherents de-emphasize societal and cultural elements that are perceived to be superfluous. Instead focus and emphasis is placed on very specific pieces of content and context. As a result the conditions of the past that once allowed for certain types of action and behavior are overlaid on the conditions of the present. Through recontextualization members of identity based groups are able to maintain their subcultural boundaries while promoting, justifying, and restricting specific behaviors.

THE JUST WAR TRADITION⁴

The just war tradition is intimately connected with the development of both the western Christian tradition and the modern states that have developed from it. St. Augustine was the first theologian to develop a set of criteria for what is termed a just war. Augustine set down these criteria to ensure that if war had to be fought then it

³ Nathan Katz, "Understanding Religion in Diaspora: The Case of the Jews of Cochin," in *Religious Studies and Theology*, (June 1996) Vol. 15, No. 1, pp. 7-8.

⁴ There are numerous variations on just war, just revolution, and crusade in the western tradition. Among them are Aristotle's, Cicero's, Augustine's, Thomas of Aquinas', and Bernard of Clairvouex's ethical systems for when it is appropriate to engage in political violence. The one presented here is a composite of Augustinian, Aquinine, Aristotelian, and other traditions.

would only be fought after deliberate moral consideration of all alternatives.⁵ He partially based his work on that of the Roman statesman Cicero, who was attempting to reconcile Socratic, Platonic, and Aristotelian concepts of warfare with those of the Roman legal code.⁶ Several centuries after St. Augustine, St. Thomas of Aquinas developed a four criteria system in the thirteenth century, based partially on Christian theology and partially on Aristotelian ethics.⁷

In order to create an ethical juxtaposition of the moral uses of force, the just war tradition criteria seek to make a virtue out of an immoral necessity – violence and killing. It is very important; however, that in an attempt to justify the need for war necessity is not reduced to utility.⁸ When this occurs it is possible to justify almost anything as being necessary. In attempting to make this point Walzer has argued that supreme necessity in an emergency can be used to justify a means of war that would not normally be permissible under the just war criteria⁹: the Dresden and Hiroshima/Nagasaki examples. Another important reason for the just war tradition is to reassure those who must resort to force that they are not simply committing murder.¹⁰

⁵ Jean Bethke Elshtain, “Reflections on War and Political Discourse: Realism, Just War, and Feminism in a Nuclear Age”, in *Perspectives on World Politics: A Reader*, Richard Little and Michael Smith (eds), (London: Routledge, 1991), pp. 460-461.

⁶ Cicero, *On Duties*, M. T. Griffin and E. M. Atkins (eds), (Cambridge: Cambridge University Press, 1991), pp. 14-15.

⁷ Abbott A. Brayton and Stephana J. Landwehr, *The Politics of War and Peace: A Survey of Thought*, (Washington DC: University Press of America, 1981), pp. 66-67.

⁸ John Howard Yoder, *When War is Unjust: Being Honest in Just War Thinking*, (Minneapolis: Augsburg Publishing House, 1984), p. 59.

⁹ James Turner Johnson, *Can Modern War be Just?* (New Haven: Yale University Press, 1984), p. 30.

¹⁰ Yoder, *When War is Unjust*, p. 56.

Within the just war tradition three different, but interconnected sets of criteria have evolved. The first set, *bellum justum*, contains over-arching criteria that apply to both of the other two sets: the *jus ad bellum* and the *jus in bello* criteria. The *bellum justum* requires that: (1) the proportion of good from the outcome of the war must outweigh the war's potential for harm, (2) the probability of success must outweigh the probability of defeat, and (3) all reasonable peaceful remedies must be exhausted prior to a state's entering into a given conflict.¹¹

The *jus ad bellum* criteria comprise three points that apply to whether or not a just war state can enter into a conflict. These requirements are: (1) the war must be called for/initiated by a competent authority, (2) just cause, specifically either individual or collective self-defense or the offensive protection of one's rights, and (3) right intention prior to initiating war. These criteria, governing a state's entrance into conflict, are intended to ensure that a given war will be entered into lawfully, that it will be fought in a redressive rather than a retaliatory manner, and that the war will be contested on the basis of morally acceptable intentions.¹²

The final three just war criteria are referred to as *jus in bello* and are intended to govern the conduct of the state once a conflict has been joined. These require the state to: (1) utilize military means in prosecuting the war that are proportional to the state's political and military ends, (2) discriminate in targeting and tactics; a state may not attack

¹¹ William V. O'Brien, *The Conduct of Just and Limited War*, (New York: Praeger, 1981), p. 73.

¹² O'Brien, *The Conduct of Just and Limited War*, p. 16.

non-combatants and non-military targets, and (3) the prohibition of certain military means – disproportionate types of combat and military conduct are prohibited.¹³

Although the nine criteria of the just war tradition are interconnected, it would appear that several of them make competing and often opposing claims upon a combatant. For instance, the *in bello* criterion of proportionality allows for a reciprocal reprisal by a just war state against a non-just war state. An example would be the Allied firebombing of Dresden which was a response to the German aerial blitz on London, Coventry, and other British municipalities. While the Dresden firebombing appears to be allowable under the proportionality criteria it seems to violate the prohibitions concerning appropriate targeting and tactics. This example of the often-conflicting nature of the just war criteria is not unique; other examples, such as the atomic bombings of Hiroshima and Nagasaki would also seem to fall outside of the just war tradition's attempt to place force and morality side by side.

If the Dresden firebombing can be covered by the just war tradition, so to can the atomic bombings of Hiroshima and Nagasaki. The Dresden bombings were acceptable because they allowed for a successful prosecution of the war against an enemy that was not adhering to a just war tradition and likely would have continued to engage in horrific acts of evil and depravity had it won that war. In the case of Hiroshima and Nagasaki, it was necessary in the estimations of US decision makers to use the atomic bombs in order to make the Japanese realize that they would not and could not win the war and that there was no need to fight to the last man, woman, and child. In the Japanese example, the

¹³ O'Brien, *The Conduct of Just and Limited War*, p. 37.

criteria of proportionality also comes into play: the nuclear destruction of Hiroshima and Nagasaki was used to save more lives than it took, both Japanese and Allied, by bringing the war to an end sooner rather than later.¹⁴

¹⁴ This is one of the two traditional views of whether the atomic strikes at Hiroshima and Nagasaki were morally justified. The other view is that the bombings were unethical and unjust as they targetted civilian populations in order to bring about a swifter conclusion to the war.

*Jihad and Shahadat*¹⁵

JIHAD

Jihad is an Arabic term that means struggle. In its Islamic context it can refer to everything from striving to be a better person to waging war on behalf of G-d. The plasticity of the term, especially in regards to its context has made it the source for much debate. In the West, however, it has become a synonym for the terms “holy war” and “terrorism”. The pigeonholing of both the term and its range of meanings does a disservice and often leads people to a misunderstanding of Islamic behavior. In order to understand the meaning of *jihad* in its proper context one must see how it is used in the *Qur'an*. The oldest reference to *jihad* in the *Qur'an* is in *Sura al-Haj*.¹⁶

To those against whom war is made, permission is given to fight, because they are wronged; - and truly, G-d is most powerful for their aid; - They are those who have been expelled from their homes in defiance of right - for no cause except that they say ‘Our Lord is G-d’. Did not G-d check one set of people by means of another, There would surely have been pulled down monasteries and churches, synagogues and mosques, in which the name of G-d is commemorated in abundant measure. G-d will certainly aid those who aid His cause; - for verily G-d is full of strength, exalted in might, and able to enforce his will.

Verses 39-40, the oldest verses revealed regarding *jihad* establish how, when, and why *jihad* may be waged. In order for one to engage in *jihad* one must be defending oneself and attempting to redress an unjust action. These verses address two of the criteria for

¹⁵ I have chosen to focus on these two normative Islamic concepts in creating my comparative analysis. There are; however, other Islamic concepts that while related to *jihad* and *shahadat* are outside of the scope of this paper. The most conspicuous of these is *fitnah*. *Fitnah* has been interpreted to mean everything from the oppression of Muslims by Polytheists to anarchical civil behavior to seditious speech. In terms of Islamic history it refers to two specific civil insurgencies against the caliphate of 'Ali.

¹⁶ Q 22: 39-40.

just war: 1) the criterion of right intention and 2) the criteria of proportionality. They indicate that one can only act in order to right a wrong and in defense.

It is also important to understand the historical context in which these verses were revealed. Abdullah Yusuf Ali, a translator of and commentator on the *Qur'an*, indicates that these *ayat* were revealed during the Medinan period. It was at this time that the Prophet and his followers were no longer able to avoid violence with the Meccans¹⁷, avoidance that had taken the form of two types of self imposed exile, to Ethiopia and to Medina. In other words these verses were revealed on the first occasion when violence was not only necessary for defense of the Muslim community, but also unavoidable.

There is also another verse within *Sura XXII* that is of vital importance to the analysis of the concept of *jihad*. Verse sixty states: “And if one has retaliated to no greater extent than the injury he received, and is again set upon inordinately, G-d will help him: for G-d’s is one that blots out sins and forgives again and again.”¹⁸ This *ayat* clearly shows that *jihad* includes a concept of proportionality, one may not respond in greater manner than he received.

Two sets of verses in *Sura VIII*, *Sura al-Anfal*, provide instructions about what to do prior to resorting to war. “Against them make ready your strength to the utmost of your power including steeds of war, to strike terror into the hearts of the enemies of G-d and your enemies, and others besides, whom you may not know but G-d does know.”¹⁹

¹⁷ *The Holy Qur'an: Text, Translation, and Commentary*, Abdullah Yusuf Ali (trans), (New York: Thrike Tarsile Qur'an Inc., 1988), p. 861.

¹⁸ Q 22:60.

¹⁹ Q 8:60.

This verse seems to instruct Muslims to assemble a force as a deterrent to war. Verse sixty-one of the same *sura* indicates that there should, whenever possible be an inclination towards peaceful solutions and relations. “But if the enemy incline towards peace, you too should incline towards peace, and trust in G-d: for He is the one that hears and knows all things.”²⁰ These two verses taken together seem to create an analogue to the third criteria of the West’s just war theory, that war should be the last resort.

In the second *sura* of the *Qur’an*, *Sura al-Baqara* there are two verses that provide an Islamic mirror of the second and sixth just war criteria, right intention and moderation. Verse 190 clearly indicates that they are limits that can not be crossed in the implementation of *jihad*. “Fight in the cause of G-d those who fight you, but do not transgress limits, for G-d loves not those who transgress”²¹ clearly declares that there is a limit that the Muslims can not pass in their struggles/wars with others. Verse 193 of the same *sura* delineates just what the struggle is to be fought for. “And fight them until there is no more tumult or oppression, and there prevail justice and faith in G-d; but if they cease let there be no hostility except to those who practice oppression.”²² Moreover, there is one verse that clearly proscribes what *jihad* can not be used for; it can not be used to impose faith. *Sura* 2:256 states “let there be no compulsion in religion.” This makes it quite evident that one is not to force faith on another. Similar to this is a verse from *Sura* IX, *Sura al-Tawba*, which states that the Muslim should even fight against “the People of

²⁰ Q 8:61.

²¹ Q 2:190.

²² Q 2:193.

the Book”/Jews and Christians, but only “until they pay the *jizyah*/the head tax.”²³ Here religion cannot be forced, and hostilities must cease once the head tax is paid.

This set of Islamic precepts for the use of political violence, however, have been interpreted and applied in an interesting manner. Shortly after the death of Prophet Muhammed many of the Arabian tribes that had accepted his authority and converted to Islam began to abandon the Islamic community.²⁴ The leaders of these tribes argued that since their agreements to enter into Islam and submit to Islamic authority were made with Muhammed these agreements ceased to be binding after his death. As a result the Islamic community, the *ummah*, faced a challenge to authority and loss of social, political, economic, and religious cohesion. The response of Abu Bakr, Muhammed’s successor as leader of the Muslims, was to declare the Arab tribes apostate. Abu Bakr justified the use of force to bring them back into the *ummah* and under Islamic control as an attempt to control apostasy. These conflicts are referred to as the *rida* wars or wars of apostasy.²⁵

Once these tribes were subdued Abu Bakr turned the attention of the *ummah*, including the warriors of the Arab tribes, to spreading the message of Islam. Abu Bakr emphasized the *Qur’anic* imperatives to bring the teachings of Islam to all those who had not received it²⁶ and de-emphasized the prohibition about forcing adherence to religion. As a result Abu Bakr was able to accomplish two very important objectives. He

²³ Q 9:29.

²⁴ Arthur Goldschmidt, Jr., *A Concise History of the Middle East*, (Boulder: Westview Press, 1988), pp. 55-57.

²⁵ Bernard Lewis, *The Political Language*, (Chicago: The University of Chicago Press, 1991), p. 85.

²⁶ Lewis, pp. 73.

essentially neutralized the internal threat of the Arab tribesmen by directing their energy to those outside of Islam. By directing the tribesmen's attention towards the frontiers and borders of Islam he was able to use them to expand Islam's sphere of influence and enlarge the Islamic community.

Abu Bakr's use of the concept of *jihad* is both an example of its normative use and its recontextualization. As caliph, Abu Bakr was empowered to issue the call for *jihad* and in this respect his actions were normative. He recontextualized *jihad*, however, by ignoring the injunction against compulsion in religion. By sending his troops out beyond the borders of Islam in order to subdue these areas and bring Islam to their inhabitants he seems to have violated one of the provisions that govern the use of *jihad*. The manner in which Abu Bakr understood and used *jihad* was followed by his immediate successors as caliph, Umar and Uthman, who followed his lead in expanding and consolidating Islamic holdings and acquisitions.

All of the Islamic interpretations of *jihad* are ultimately based on the *Qur'an*. While not all of the verses that deal with *jihad* have been presented, since a full list would include more than thirty *ayat* in some ten different *suras*, those that have been are fairly representative of the nature and tone of the totality of the revelations regarding *jihad*. In regards to this subject, what remains to be done is to explore how Muslims have interpreted these passages about *jihad*. During the medieval Islamic period several legal scholars advocated a very militant view of *jihad*. For these *mujtahids*²⁷ *jihad* is not merely an internal struggle to be a good Muslim, but also an external fight in order to

²⁷ A *mujtahid* is a master of Islamic jurisprudence, interestingly the term is derived from the same root as *jihad*.

protect Islam from non-Muslim aggression. The first of these advocates was Ibn Hazm al-Andulusi (d. 1064 CE). Al-Andulusi, as well as his contemporaries Ibn Salamah (d. 1032 CE) and *Qadi*²⁸ Iyadh (d. 1149 CE), called for the waging of *jihad* as a *fard ayn*, a personal obligation.²⁹ The Hanbali scholar Taqi al-Din ibn Taymiyyah (d. 1328 CE) expanded this belief that every Muslim had to wage an external battle on behalf of Islam. Ibn Taymiyyah seems to be the personal embodiment of the militant theoretician and activist defender of the faith. Not only did he call for *jihad* against the Mongols, *Ismailis*, *Alawis*, and *Druze*, he wished to place heavy restrictions on non-Muslims living under Muslim rule.³⁰ Fighting in a *jihad* for Ibn Taymiyyah constituted a higher obligation than *haj*/pilgrimage, *salat*/prayer, or *zom*/fasting.³¹

Ibn Taymiyyah practiced what he preached: he actually went and fought against the Tatars.³² It is this piece of information that provides us with the vital clue as to why Ibn Taymiyyah adopted such an extreme view of *jihad*. During his lifetime, the borders of Islam were threatened by the Tatars as they attempted to cut a swath across central Asia and Asia Minor. Ibn Taymiyyah's call for *jihad* was at its root a call for defense against invasion. Moreover, his calls for *jihad* against the *Ismailis*, *Alawis*, and *Druze* was an attempt to fulfill those revelations on *jihad* that call for *jihad* against disbelief and

²⁸ A *qadi* is an Islamic judge and arbitrator.

²⁹ R. Hrair Dekmejian, *Islam in Revolution: Fundamentalism in the Arab World*, (Syracuse: Syracuse University Press, 1985), p. 39.

³⁰ Dekmejian, *Islam in Revolution*, pp. 39-40.

³¹ Dekmejian, *Islam in Revolution*, p. 40.

³² Dekmejian, *Islam in Revolution*, p. 40.

hypocrisy, symptoms each of these three alternate Islamic systems seem to put forward in the view of traditional Islam. Many of the later scholars who advance a concept of *jihad* against all that is not Islam, such as Muhammad Ibn Abd al-Wahhab, Rashid Rida, Abu al-Ala Mawdudi, Sayyid Qutb, Shakri Mustafa, Abd al-Salam Faraj, and Juhayman al-Utaybi, often call upon the rulings and interpretations of Ibn Taymiyyah. They attempt to achieve what Ibn Taymiyyah did in his jurisprudence: draw a connection between their situation and his, just as he tried to with his time and circumstances and those of the imperiled Medinans.

In many places the interpretation of *jihad* goes hand in hand with an attempt to implement the *Qur'anic* injunction to command the good and forbid the evil. The formation of a right and just society is one of the examples of implementing this injunction. Islam tries to establish a society that covers all aspects of human life, that has political and economic aspects, and that commands the good and forbids the evil, this struggle is also *jihad*.³³ Murtada Mutahhari posits that while war can be aggressive, *jihad* is a response to aggression that has conditions.³⁴ The conditions are that the adversary must be in a state of aggression towards an Islamic community and/or that the adversary is unjustly oppressing some group, either Muslim or non-Muslim.³⁵ Furthermore, *jihad* encompasses the defense of life, property, wealth, land, independence, and principles.

The most valuable form of *jihad* is not in defense of oneself, but rather in defense of

³³ Murtada Mutahhari, "*Jihad* in the *Qur'an*", in *Jihad and Shahadat: Struggle and Martyrdom in Islam*, Mehdi Abedi and Gary Legenhausen (eds), (Houston: Institute for Research and Islamic Studies, 1986), p. 89.

³⁴ Mutahhari, "*Jihad* in the *Qur'an*", p. 93.

³⁵ Mutahhari, "*Jihad* in the *Qur'an*", p. 96.

humanity and human rights.³⁶ Those that perform this type of *jihad* literally and figuratively enjoin the good and forbid the evil.

SHAHADAT

In the *Qur'an* there are twelve verses that deal directly with the concept of *shahadat*/martyrdom. Among these the two most interesting and important set of verses are verse 169 in *Sura III, Sura al-i-Imran* and verses 58 and 59 of *Sura XXII, Sura al-Hajj*. *Qur'an* 3:169 runs: "Think not of those who are slain in the way of G-d as dead. Nay, they live finding their sustenance in the presence of their Lord."³⁷ *Ayat* 58 and 59 of *Sura XXII* run: "Those who leave their homes in the cause of Allah and are then slain or die - on them will G-d bestow verily a good Provision: truly G-d is he who bestows the best Provision. Truly He will admit them to a place with which they shall be well pleased: for G-d is all-knowing, most forbearing."³⁸ These verses imply that those who become *shahids* do not really die, in fact they are to receive an excellent reward in the afterlife. As a result of what these verses reveal one of the greatest western misconceptions about Islamic political behavior can be resolved. Those who participate in self-martyring operations are not committing suicide by doing so, and do not receive the Islamic stigma associated with one who commits suicide. This is supported by many interpretations. Ahmad Ibn Naqib al-Misri details that:

There is no disagreement among scholars that it is permissible for a single Muslim to attack battle lines of unbelievers headlong and fight them even if he

³⁶ Mutahhari, "*Jihad* in the *Qur'an*", pp. 104-105.

³⁷ Q 3:169.

³⁸ Q 22:58-59.

knows he will be killed. But if one knows that he will not hurt them at all, such as if a blind man were to hurl himself against them, then it is unlawful.³⁹

al-Misri's interpretation further removes the stigma of suicide from the *shahid*.

He does indicate, however, that a probable degree of success is a requirement for this type of action. It is this belief that the *shahid* is exalted before the Lord that has long made the *shahid* a model for Islamic behavior. Those companions of the Prophet who threw themselves into battle at the *ghazwas*, raids on behalf of Islam, at Badr and Uhud did so against amazing odds. At Badr the Muslim combatants were outnumbered by more than three to one.⁴⁰ Some of the most prominent Muslims fell at these early battles while others died later and in other ways, the most notable of these are `Ali ibn Abi Talib and his son, Husayn. `Ali survived all of the *ghazwa* only to become a *shahid* much later in his life when he was assassinated by the *kharijites*. Husayn was martyred when he refused to accept the political authority of the Umayyid dynasty, the regime that Muawiya established.

`Ali Shari`ati using the examples of those who fell in the *ghazwas* and those who became *shahids* later in life developed two distinct types of *shahadat*. The first type of *shahid* is one who gives up his life through *jihad*, he is chosen by *shahadat*. The second type rebels and consciously welcomes death, he chooses his own *shahadat*.⁴¹ The most

³⁹ Ahmad Ibn Naqib al-Misri, *The Reliance of the Traveler: A Classic Manual of Islamic Sacred Law*, (Evanston: Sunna Books, 1991), p. 718. Sect. Q2.4(4).

⁴⁰ The Great *Ghazwa* of Badr" in *A Reader on Islam: Passages from Standard Arabic Writings Illustrative of the Beliefs and Practices of Muslims*, Arthur Jeffery(ed), (S-Gravenhage: Mouton and Company, 1962), pp. 290-300.

⁴¹ Ali Shariati, "A Discussion of *Shahid*", in *Jihad and Shahadat: Struggle and Martyrdom in Islam*, Mehdi Abedi and Gary Legenhausen (eds), (Houston: Institute for Research and Islamic Studies, 1996), pp. 234-235 and p. 240.

revered of the *shahids* that chose *shahadat* is Husayn. He was killed after refusing to avoid a confrontation with a regime, which though illegitimate, vastly outnumbered Husayn's forces. Husayn's example, which only involved injury and death to combatants, has been used to legitimate martyrdom which have inflicted many collateral deaths on non-combatants. The reason that some willingly choose this new type of self-martyrdom is that *shahadat* is seen as a way to draw attention to injustice so that action can be taken against it.

TERRORISM

Before examining the relationship between religiously inspired violence and terrorism, it is necessary to better understand how the linkage between them is created. The traditional definition of terrorism is that it is the systematic use of violence by individuals in the service of political, social, religious, or ethno-linguistic objectives. The intended psychological impact of the event considerably surpasses the physical results and the victims are not necessarily the same as their targets. The ultimate intention of the actor(s) is to utilize the fear and intimidation created by their actions to bring about socio-political change.⁴² While this definition explains terrorism from the law enforcement perspective, it fails to account for many of the important structural components of terrorism. As a result I suggest the following alternative etiology:

Terrorism is the systematic use of violence by actors who have a subcultural identity attachment – either subjective or objective. Terrorism is the attempt to bring about social and political change through fear and intimidation. Terrorism

⁴² Alex P. Schmid and Albert J. Jongman, *Political Terrorism: A New Guide to Actors, Authors, Concepts, Databases, Theories, and Literature*, (Amsterdam: North Holland Publishing Company, 1988), p. 37.

is one way that subcultural actors attempt to resolve the disputes between themselves and the larger culture or between themselves and other subcultures. Terrorism is an attempt to assert the constitutive and regulatory subcultural norms of the actors onto the larger culture and/or other subcultures.

This subculturally based definition of terrorism takes into account several important concepts that are left out of the traditional law enforcement perspective. For instance, it places the terrorist within a specific context – the subculture. The subculture provides the terrorist with his identity and her ideational and physical resources, as well as an understanding of the disputes and grievances that need to be resolved. While not all subcultures spawn terrorism, or subcultural members become terrorists, the literature on terrorism exerts a great deal of focus on the identity basis of terrorist groups.

The notion of identity, at the core of the etiology of terrorism that I have presented, also seems to lie at the heart of the recent attacks on the World Trade Center and the Pentagon. As more and more details emerge it appears that a group of Arab, Muslim men, believed to be linked to Osama bin Laden, willingly sacrificed their own lives in order to inflict severe social, political, and economic damage on the US. The role that identity plays in the motivation of terrorism is important and powerful. Individuals learn what is and is not appropriate behavior from their primary identity associations. Akers' theory of social learning asserts that one learns the definitions that permit, restrict, and justify one's actions from the group context. Moreover, grievances, the issues that need to be addressed also often arise out of one's identity.⁴³

⁴³ Ronald L. Akers, *Deviant Behavior: A Social Learning Approach*, (Belmont, CA: Wadsworth, 1985).

The terrorist attacks of 11 September 2001, as well as a good deal of the other terrorist incidents that occur seems to be related to the identity based grievances of the terrorists. The martyrs of the *Hamas*, *Hezbollah*, and Islamic Jihad all have specific identity based grievances for their actions: the existence of Israel and the lack of an Islamically acceptable society and polity. The Basque terrorists of the ETA and the terrorists affiliated with the various Irish Republican movements also have an identity based set of grievances: the lack of a Basque homeland and a united Ireland respectively.

Even the terrorism of Timothy McVeigh is based on his adoption of the identity of the American Patriot Movement. This identity calls for the dismantling of the federal government, the social, political, and economic protection of white Christians, and the return of the majority of political power to the local level of government. Moreover, it recontextualizes familiar parts of American social, religious, political, and economic culture in manner that justifies white supremacy and anti-government sentiment. It includes the belief that there is an organic constitution, comprised of the Ten Commandments, the bill of rights, and the articles of confederation. The “patriot” identity also includes an emphasis on gun ownership, the civilian/citizen militia, and the only legitimate political official being the county sheriff - the concept of posse comitatus.⁴⁴ McVeigh’s actions were bound within the “patriot” identity that he had adopted – he had a responsibility and obligation to hold the government accountable for its actions. In each of these examples the identity that is adopted not only provides or

⁴⁴ Micheal Barkun, *Religion and the Racist Right*, (Chapel Hill: The University of North Carolina Press, 1994), pp. 103-120.

reinforces the grievances and issues of the adherents, it also recontextualizes pieces of the identities tradition in order to justify the acts of terrorism.

DISCUSSION

It does seem that a large portion of the Islamic motivations for *jihad* and *shahadat* are analogous to western concepts of just war. In both the West's conception of just war, and Islam's conception of *jihad* and *shahadat* one can find concepts of proportionality, redress, limitations on combat, defense, and the need to exhaust other methods before resorting to violence. Even though these two sets of norms are parallel they are often used to justify terrorism. A good American example of this is the behavior of Timothy McVeigh in blowing up the Murrah Federal Building in Oklahoma City.

After washing out of special forces training and disputing an IRS audit of his payroll withholding while serving in the US Army, McVeigh grew increasingly frustrated with and angry towards the US federal government. After the standoff between federal law enforcement agents and the Branch Davidians at the Mt. Carmel complex in Waco, Texas, McVeigh became convinced that the federal government had become tyrannical and had to be held accountable for its illicit actions. McVeigh justified his behaviors by recontextualizing both the American norms for use of political violence, just war, as well as other elements of American political culture. McVeigh viewed the Murrah building as a legitimate target because it housed offices of the Federal Bureau of Investigation and the bombing as proportional to what occurred at Waco. He viewed his actions as legitimate by recontextualizing the meaning of the Declaration of Independence, some of Jefferson's writings, and parts of the first and second amendments to the Bill of Rights.

McVeigh believed in the insurrectionist interpretation of the second amendment. This understanding of the right to keep and bear arms, separated from the need to serve in a well regulated militia, is frequently used in the American Patriot movement to justify armed demonstration and insurrection against the American government.⁴⁵

Similarly Hamas, the Islamic resistance movement for Palestine, also recontextualizes norms, in this case Islamic norms, to justify the actions of some of its members. *Hamas* has established and maintains hospices, food services, and schools to enjoin the good and forbid the evil, all actions that are not only very necessary but also very far from armed resistance. *Hamas* also resorts to an interpretational legerdemain in its charter in order to justify its political violence. *Hamas* claims to be waging a *jihad* against what it calls Zionist Israeli aggression. *Hamas* claims that there is no solution to the Palestinian condition except by *jihad*.⁴⁶ Article eleven of the *Hamas* charter establishes all of Israel/Palestine as an Islamic *waqf*, an area set aside for G-d. Article fifteen of the *Hamas*' Charter calls for *jihad* to end the usurpation of this particular *waqf* from those who are not permitted by G-d to have it. *Hamas* has attempted to establish its call for armed struggle on the basis that they are defending Islamic territory, and therefore their actions are both legitimate expressions of *jihad* and of attempting to enjoin the good and forbid the evil.

In order to do this; however, Hamas has had to stretch the meaning of *waqf*. Eventually *Hamas* will have to choose which type of enjoining the good and forbidding

⁴⁵ Thomas Halpern and Brian Levin. *The Limits of Dissent: The Constitutional Status of Civilian Militias*. (Amherst: Alethia Press), 1996, p. 83-86.

⁴⁶ From the *Hamas* Charter, article 13.

the evil it wishes to participate in. By establishing all of Palestine as a *waqf* it can then make the call to protect it through *jihad* and *shahadat*. Even if this jurisprudential manipulation was unnecessary, the activities of those who choose *shahadat* call their Islamic motivation into question. Shari`ati argues that the *shahid* chooses *shahadat* in order to expose injustice in an unjust society so that others will then know to engage in a *jihad* to end the injustice. He does not, however, posit that when exposing injustice one should annihilate as many innocents and non-combatants as possible. *Hamas'* *shahids* would be true *shahids* if they sacrificed only themselves in the enactment of *shahadat*. By killing innocents and non-combatants they place themselves within the West's conception of terrorists, regardless of their status vis-à-vis Islam. Throughout history many men and women have offered up their lives to point out injustice in society and did so without sacrificing the lives of innocents. Amongst them stand great men and women, both Muslim and non-Muslim. People like `Ali ibn Abu-Talib, Husayn, Joan of Arc, and Dr. Martin Luther King Jr. chose either *shahadat* or their religion's equivalent without sacrificing the lives of the innocent.

A good illustration of this point is made in a *Sixty Minutes* interview with a Palestinian named Salameh.⁴⁷ Mr. Salameh is the man who planned the bombing of *Eged* Bus number eighteen in 1996. When asked as to why he planned this act, Salameh responded that it was in retaliation for the Israeli assassination of Yehye Ayyash. Ayyash was the *Hamas* member known as the "engineer" for his bomb making skills. If Salameh had planned an operation where either only the participant died in order to call attention

⁴⁷ "The Suicide Bombers", *Sixty Minutes*, CBS, 10/12/97.

to the assassination of Ayyash, or where the Israeli directly responsible for terminating Ayyash were killed, his actions, while violent, would have fit within both western justifications for political violence, as well as Islamic concepts of *jihad* and *shahadat*. If the option had been carried out in either of these two ways then it would have been redress, instead of retaliation, a retaliation in which innocents and non-combatants lost their lives.

Another Islamic example is not quite so neat and clear cut. In Algeria the Islamic Salvation Front (the FIS) stood poised to win a democratically held and western monitored election to form a government in 1991. Fearing that it would lose its control over Algeria the military negated the election results, usurped political authority, and established an illicit regime. Several Islamically motivated groups, most notably the FIS and the Armed Islamic Group (the GIA), began to combat the new regime. At first the majority of targets were connected with the military regime, they were military and government installations and personnel. Up to this point the majority of the actions in regards to this *jihad* would meet both the West's criteria for acceptable political violence and Islamic concepts of *jihad*.

The battle for the hearts, souls, and power in Algeria, however, quickly deteriorated into senseless bloodshed and horrifying massacre. With the disintegration of acceptable resistance the insurgency gave way to wholesale slaughter and several thousand Algerian innocents died both in the name of Islam and in the call to protect Algeria from Islam. In 1996 the highest Muslim spiritual leader in Algeria, Shaykh

Mezarag who heads the FIS and is considered to be the national *amir*,⁴⁸ announced that the wanton slaughter is a violation of Islam and called for a cease-fire and a search for other options to end what is a ten year old civil war.⁴⁹

Algeria's civil insurgency has clearly had three distinct phases: 1) legitimate *jihad* against an illicit regime, 2) acceptable and unacceptable uses of political violence, and 3) terrorism. The first phase, the phase that can be categorized under the Islamic concept of *jihad*, involved the FIS and the GIA targeting only governmental and military targets. The second phase, begun when the Islamic combatants realized that the insurgency would not be quickly resolved, includes both examples of acceptable and unacceptable political violence. During this phase the Islamic actors added attacks on non-combatants to their attacks on governmental and military targets. These attacks included violence against members of the media and tourists. It is clear that in the second phase of the Islamic insurgency some of the political violence was acceptable while some was not, depending upon the target. The third distinct phase of the Algerian Islamic insurgency is the phase that is currently ongoing. In this, the present phase, the Islamic actors have hijacked airplanes and threatened to blow them up, attacked targets as far afield as Paris, and massacred and slaughtered thousands of Algerians who can not in any way be considered combatants.

Three large questions still need to be dealt with in greater detail. The first is why have past acts of Islamically motivated terrorism largely gone uncondemned by Muslim

⁴⁸ *Amir* is Arabic for commander and is short for *amir al-mutminim*, which means the commander of the faithful, and was a title attributed to the *khalifa* since the time of the first successors to Muhammed.

⁴⁹ *The Miami Herald*, 9/25/97, p. 19A.

leaders, both within and without the Muslim world. There are two fairly straightforward reasons for this: the lack of a hierarchical and centralized Muslim religious authority and fear of reprisal. With the exception of Shi'i Islam, especially twelver shi'ism as practiced in Iran, Islam does not have a centralized clerical structure. As a result there is no one Muslim cleric or organization of Muslim religious leaders who can be turned to for comment on any given issue. As a result when an act of terrorism occurs there are no clerics who have any greater standing than any others to step up and condemn these acts of violence.

The lack of centralized authority, however, can not excuse individual religious scholars who fail to speak out and condemn acts of terrorism committed in the name of Islam. Moreover, many in the Muslim world are intimidated by the reactionarily violent elements within their communities. As a result they have said nothing rather than draw attention to themselves. By not coming forward non-Muslims are left to wonder if Muslim silence in regard to the use of terrorism has meant Muslim approval. In the wake of the recent attacks on the World Trade Center and Pentagon a large number of Muslim leaders have come forward to condemn the acts of terrorism and try to explain that they are not really justified by Islam or condoned by most Muslims. One has to wonder that if some of these leaders had come forward in regard to earlier events in Europe, the US, the Middle East, and Central Asia some of the atrocities committed in the name of Islam might have been prevented.

The second issue is why does the reactionary and extremist versions of Islam seem to have such a great amount of mass appeal. It appears that the extreme Islamic

revivalist movements thrive in those places that have the least developed and open polities and the worst economic conditions. Reactionary Islamic revivalism seems to be strongest in places like Egypt, which is an authoritarian police state run by a former military officer. It is also present in places where the state and civil society has either failed or has never seemed to exist.⁵⁰ Lebanon, Afghanistan, Algeria, and the West Bank and Gaza strip are good examples of the breeding ground for reactionary Islam. Islamic revivalism gives the inhabitants of these areas an identity, a sense of what is expected and allowed in regard to behavior, and focuses the anger and frustration of its adherents at a clear enemy: non-Muslims.⁵¹ It is important to remember that the rise of a Shi'i revivalist regime in Iran was the result of the Shah's authoritarian and despotic rule. Moreover, Iranian Islamic anger at the United States was the result of our unflinching support for a monarch that we viewed as an ally and whose subjects viewed as an oppressive tyrant.

The example of Iran is important to understanding the appeal and spread of reactionary Islam beyond a popular base. In Iran, just as in many other predominantly Muslim countries, many of the leaders and most active adherents within the Islamic movements are from the middle and upper classes (religious leaders, scholars and students, and merchants). They are well educated and often well off. This also seems to be the case with those involved in the attacks on the World Trade Center and Pentagon. Osama bin Laden is extremely wealthy and from one of the most powerful Saudi families. The suspected lead hijacker, Muhammed Atta, is reported as being the son of a

⁵⁰ Fareed Zakaria, "The Allies Who Made Our Foes," In *Newsweek*, 10/1/2001, p. 34.

⁵¹ Fouad Ajami, *The Arab Predicament: Arab Political Thought Since 1967*, 9New York: Cambridge University Press, 1989), pp. 177-181.

highly respected and Cairo lawyer. This seems to indicate that the message of reactionary Islam has both mass appeal, as well as appealing to those in society with greater religious and economic resources.

Another answer to the question of why is reactionary Islam attractive to some Muslims is that it is often the only version of Islam taught.⁵² The Saudi regime, in deference to its political partners within Hanbali/Wahhabi Islam, finances the construction of *madrassahs* (Islamic schools) throughout the Islamic world that are dedicated to teaching Wahhabi Islam. Wahhabism is the strictest and most reactionary version of the four schools of Sunni Islam. It is also the type of Islam that has been traditionally practiced in Saudi Arabia. It calls for the adherence to a strict code of conduct in a manner that the other three branches of Sunni Islam does not. The exportation of Wahhabism by the House of Saud is an attempt to appease its own constituency; however, it has had the unanticipated effect of spreading the most inflexible version of Islam to places like Afghanistan. It is important to note that Ibn Taymiyyah; the religious scholar who recontextualized the meaning of *jihad* and *shahadat* during the Tatar invasions was a Wahhabi cleric. It should come as no surprise that those Muslims who have engaged in acts of terrorism in the US, Algeria, Egypt, the West Bank and Gaza Strip, Pakistan, India, the Philippines, and Indonesia are predominantly adherents of Wahhabbi Islam.

The third possible issue to be dealt with is more contentious and problematic than the previous two. Some have argued that the problem is not in Islam and its teachings per

⁵² Zakaria, p. 34.

se, but rather in the way that they are expressed in Arabic.⁵³ The argument is that the language that is used to make social, religious, and political points is inherently given to exaggerated, and sometimes extreme, formulations that are not meant to be taken literally. Another related argument is that this political language and rhetoric contains multiple different shades of meaning and nuance. This flexibility within Arabic vocabulary allows Arab and Islamic leaders to make statements that are intended to be understood one way by their followers and another way when translated for non-Arabic speakers and non-Muslims. This is Lewis' argument in regard to the term *jihad*. He argues that while the Arabic word for war is *harb* the term *jihad* is used in the *Quran* and the related religious literature (*hadith* and *fiq*) to refer to violent conflict between Muslims and non-Muslims. As a result Lewis asserts that it is not accurate to state that the primary meaning of *jihad* is the struggle to improve oneself instead of fighting on behalf of and to spread Islam.⁵⁴

CONCLUSIONS

It is possible through a detailed presentation, analysis, and comparison of western concepts of just war with the Islamic concepts of *jihad* and *shahadat* to realize that the west's and Islam's concepts are both at their cores analogous. Both sets of norms of acceptable violence in regard to political behavior incorporate concepts of proportionality, redress, moderation, exploration of other options, and defense within their respective systems. There are also numerous similarities in regards to unacceptable

⁵³ Ajami, pp. 26-27.

⁵⁴ Lewis, pp. 70-72.

political behavior, behavior that the west labels as terrorist. It is very important to note that one of the reasons, if not the most important reason, that *jihad* and *shahadat* strike such a cord in the west is that it clearly reminds westerners of religious crusade. This concept makes westerners uncomfortable because it is a clear indicator of what happens when religion and politics are tightly interwoven, a notion that the west rejected some two to three hundred years ago.

It is clear that much of the so-called Islamic behavior that the west terms terrorism is outside the norms that Islam holds for political violence. A large part of this Islamic terrorism occurs when Islamically motivated actors, both group and individual, play fast and loose with Islamic norms. The concept of the *jihad* clearly calls for it to be a redressive action with specific limitations and that it is to be employed as a last resort. Likewise, the concept of the self-choosing *shahid* calls only for the sacrifice of the *shahid* it does not call for the killing of innocents and non-combatants. Furthermore, it is curiously frustrating to western perceptions that Muslims who have any form of authority have rarely denounced terrorist acts that are claimed to be Islamic by their perpetrators. It is often pointed out that when Baruch Goldstein killed over twenty Muslims at the Tomb of the Patriarch's Mosque in Hebron, Jewish religious and political leaders immediately and resoundingly denounced his actions. Moreover, when the IRA, a Catholic sectarian organization, performs a terrorist act, Catholic leaders, both religious and secular denounce the acts. The same is true of Protestant leaders in regard to Protestant violence in Ulster. Quite often non-Muslim observers of supposed Islamic

events feel that the lack of a response by Muslim authorities and leaders amounts to condoning the actions through silence.

Playing fast and loose with the rules, as well as descending into barbarism is not confined to Islamic actors who have slid over the line. There are numerous instances in the west, when western actors, state, non-state groups, and individual have willingly walked across the line. The Spanish Inquisition, the bombings of Dresden, the forcing of an unconditional surrender on the Japanese after WW II, and the My Lai massacre are just a few items off of a long list of either violations of the norms of just war or examples of deviant political violence in the west. The best way to proceed in the future is for both the west and Islam to attempt a better understanding of the norms and rules governing the other side. In addition, adherents of each view must police themselves. Furthermore, by emphasizing the similarities in norms between the two views a more equal and balanced approach towards resolving the problems that lead into the human tragedy that is often the result of political violence.

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