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## **THE HOLLOW JIHAD: THE UNRESTRICTED NATURE OF AL-QAEDA'S WAR**

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2 September 2008

*The heretical nature of Al-Qaeda's understanding of jihad is in its loose interpretation of this religious principle. It is not rooted in the tradition of early Muslim scholars and goes against the spirit of the shari'ah or Islamic law. Accordingly, their "jihad" defies any logic, reason, religion and convention – and thus falls hollow.*

THE DESTRUCTIVE nature of war is universally recognised, and many societies have, since ancient times, tried to minimise its ill effects. The Roman, Greek, Persian, Christian and Islamic traditions all share this belief, and have contributed the gradual evolution of the current international conventions on war and conflict.

Conversely, if one were to study materials and pronouncements on the limits of armed struggle produced by Al-Qaeda, the most prominent instigator of "jihad" today, hardly any can be found. This failing needs to be highlighted to all Muslims, who are targeted incessantly by Al-Qaeda's propaganda in gaining support. Muslims need to see that Al-Qaeda's views of war and jihad are against not only Islam but also universal norms.

### **Al-Qaeda's Unrestricted Jihad**

Al-Qaeda's notion of unrestricted jihad can be seen in three major areas: zone of operation; target group; and type of combatants deployed.

Their bombing operations clearly show that war zones are not restricted to a battlefield where belligerents fight against each other. For Al-Qaeda, the whole world is a battlefield. This concept of unrestricted zones of operation is common in Al-Qaeda's pronouncements instigating Muslims to launch attacks against Western countries and their Muslim lackeys. One such justification is the book *Aku Melawan Teroris* (I Fight the Terrorists) by Imam Samudra, the ringleader of the first Bali Bombing. Samudra argues that globalisation alters the nature of warfare. Therefore, the conventional understanding that armed jihad could only be conducted in a battlefield is obsolete, he argues, and should therefore be abandoned.

Having established the world as their battlefield, Osama bin Laden famously pronounced: “The ruling to kill the Americans and their allies - civilians and military - is an individual duty for every Muslim who can do it in any country in which it is possible to do it.” Having eliminated the distinction between soldiers and civilians, operations such as 9/11, London, Madrid, Bali with their massive casualties are easily justified. Muslim victims are either apostates who are legitimate targets, or unavoidable collateral damage, who will receive a reward from Allah. Thus Al-Qaeda is free from any responsibility for their actions, as the “greater good” or “the lesser of two evils” justification also applies.

More restrictions are revoked by invoking jihad as *fard `ain* (personal obligation) upon all Muslims, bypassing consent of parents, husbands, creditors or appropriate authorities. But the most disturbing aspect of the increasingly permissive development of Al-Qaeda’s jihad is the use of children and individuals of unsound mind in Iraq and Afghanistan.

### ***Shari`ah* Viewpoint**

Like other traditions, Islam recognises the destructive nature of war and seeks to restrict it, contrary to Al-Qaeda’s approach.

Although there is nothing directly equivalent to the just war theory in Islam, the majority of scholars on Islam recognises the existence of the rules of war that do not support the idea of jihad as an unrestricted form of warfare.

First, Muslim scholars view that the use of arms against members of a hostile state is permissible if they are active combatants at an appropriate place, i.e. in a recognised conflict zone. This is stated in major books of exegesis (Quran, 9:6). This verse specifies the equivocal nature of the preceding verse (Qur’an, 9: 5) that is (mis)used by Al-Qaeda to justify killing the enemy anywhere they can be found.

Although there is no precise definition of civilians and combatants, there is plenty of evidence to show that Islamic tradition upholds the principle of discriminative targets in war. Islam prohibits the killing of certain categories of people, such as women and children, and sanctifies human life, as entrenched in the Qur’an (32:5), which in turn requires the restrictions on taking the lives of others to be tightened, not loosened.

On the contrary, Al-Qaeda’s jihad operations have instead victimised the following targets: civilians of Western countries, for paying taxes to governments that are allegedly hostile to Islam, a segment of Muslims for being apostates or mere hindrances to their cause, and another segment for unavoidable collateral damage. This unrestricted killing undermines the spirit of the *shari`ah*.

The use of children and persons of unsound mind, again, contradicts consensus among traditional Muslim scholars as they do not meet the qualification in fulfilling the *shari`ah* obligation. Children are considered immature to make their own decisions while persons of unsound mind lack the rational capacity to be held accountable for their actions.

The Prophet stated that three types of people are not accountable for their actions: a child until he attains puberty; an insane person until he recovers (is of sound mind); and one who is asleep until he wakes up (Narrated by Ibn Majah). It follows therefore, the first two categories are thus not required to be mobilised for military service. In fact, there is a *hadith* (Prophet’s Tradition) about Ibn `Umar, whom the Prophet forbade from fighting at the Battle of Uhud when he was 14 years old, but who was permitted to fight at the Battle of Khandaq once he turned 15 (Narrated by al-Bukhari).

### **Unprecedented armed struggle**

In essence, Al-Qaeda's jihad is armed struggle that can be executed anywhere and everywhere, by any Muslim, and targets anybody, as long as its intention is to achieve glory for Islam. In their view, the only way to re-establish the glory of Islam, the supreme obligation, is through armed jihad. Accordingly, this motivates them to invoke the principle of permitting small acts of evil for the greater good (glory for Islam) -- overriding all constraints.

The permissiveness of Al-Qaeda's jihad departs not only from the original spirit of the religion, but also views held by a large number of early Muslim scholars. Al-Qaeda's claim of adherence to the tradition of the *Salaf* (pious predecessors of the *ummah*) thus falls apart. Consequently, this unprecedented practice of jihad defies any logic, reason, religion and convention -- except their own.

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