Suicide bombers: The 'just war' debate, Islamic style

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Tucked away in an account of the Jewish resistance to Antiochus Epiphanes is the story of a hero's sacrifice. The Book of 1 Maccabees describes the prebattle scene. Jewish forces are encamped at Bethzechariah with the enemy directly opposite them, fully armed and ready to fight. As the Jewish soldiers watch, their counterparts prepare elephants—the heavy artillery of ancient warfare. Wooden towers are fastened onto elephants, with each tower bearing four armed men who will fight from this raised position. The army is a fearsome spectacle: "The sun shone on the shields of gold and brass, the hills were ablaze with them and gleamed like flaming torches. . . . All who heard the noise made by their multitude, by the marching of the multitude and the clanking of their arms, trembled, for the army was very large and strong."

Fighting ensues, and then a member of the Jewish resistance makes a move:

> Eleazar, called Avaran, saw that one of the animals was equipped with royal armor. It was taller than all the others, and he supposed that the king was on it. So he gave his life to save his people and to win for himself an everlasting name. He courageously ran into the midst of the phalanx to reach it; he killed men right and left, and they parted before him on both sides. He got under the elephant, stabbed it from beneath, and killed it; . . . it fell to the ground upon him and he died. (1 Macc. 6:43-46)

Eleazar's action offers one of the enduring images of war. In giving his life for a cause, he also provides a context for discussing the suicide bombings that are now a feature of the conflict between Palestinians and Israelis. If we are to understand why Palestinians engage in such acts, we must begin with their categories. For many Palestinians, the bombers are not "suicides" but like Eleazar, "martyrs." And their actions are "martyrdom operations."

In this context, the important issues have less to do with the social-psychological dynamics of suicide and more to do with the concerns of military ethics. Martyrdom operations are tactics by which Palestinians attempt to engage an enemy militarily. As such, they must be evaluated in terms of the criteria of the just war tradition, or in Muslim terms, of the Shari‘a provisions governing armed conflict.

On March 27, 2001, a Palestinian detonated explosives next to a bus in the French Hill sector of Jerusalem, killing himself and injuring 30 Israelis. The next day, another Palestinian did the same in Neve Yamin, killing himself and two Israeli teenagers. These incidents occurred in connection with the al-Aqsa intifada, which began in the fall of 2000. But they fit a pattern that began after the 1993 signing of the Oslo Accords and has become ever more familiar. In these, as in most such attacks, responsibility was claimed by Hamas, which calls itself the specifically Islamic party within the larger Palestinian movement.

A month later, the highest-ranking official of the Saudi religious establishment questioned the legitimacy of such attacks. Fighting must be governed by the Shari‘a, said Shaykh Abd al-Aziz bin Abdallah al-Shaykh, and he warned that the deaths of those who kill themselves “in the heart of the enemy’s ranks” are “merely” suicides, and thus contravene God’s command.

By appealing to the Shari‘a, the Saudi scholar invoked well-established practices by which Muslims debate the rights and wrongs of particular acts. The term stands for the ideal way of living. Scholars like the shaykh are responsible for interpreting the Qur’an, the example of the Prophet, and precedents from prior generations in order to establish analogies between these sources and the questions of contemporary Muslims. The shaykh considered the practice of suicide bombings without precedent in Islam, and thus illegitimate.

Responding to this argument, Yusuf al-Qaradhawi, a prominent leader of the Muslim Brotherhood, emphasized the importance of intention and argued that the “mentality of those who carry out [martyrdom operations] has nothing to do with the mentality of one who commits suicide.” Suicide involves taking one’s life for selfish reasons; those who die in the course of suicide attacks aimed at Israeli targets are anything but selfish, he argued. They sacrifice their lives for the sake of others. As Shaykh Qaradhawi put it, to speak of these acts as “suicide attacks” is misleading because they are really “heroic acts of martyrdom [that] have nothing to do with suicide.” Instead of sinful contraventions, they are “the supreme form of struggle in

the path of God."

Up to this point, Qaradhawi spoke for the majority of Muslim scholars. But the Shaykh al-Azhar responded by noting that "the suicide operations are classified as self-defense and are a kind of martyrdom, so long as the intention behind them is to kill the enemy's soldiers, and not women or children." The intention of a martyr, in other words, is understood in relation to the target that he (or more recently, she) attacks. Here, the highest authority in Egyptian Islam had in mind the saying of Muhammad:

"When you fight, do not cheat or commit treachery. Do not kill or mutilate women, children or old men." To put it another way: a just warrior never directly and intentionally targets civilians. In this matter, the Shari'a parallels the just war tradition and its concern for discrimination or noncombatant immunity.

How then do devout Muslims justify martyrdom operations? Civilians have died or been injured in attacks on buses, in restaurants and grocery stores, at discotheques and even during a Passover seder. Despite this apparent contravention of the Shari'a, the consensus of most of those participating in the discussion was summarized by Qaradhawi: "Israeli society is militaristic in nature. Both men and women serve in the army and can be drafted at any moment." In other words, there are no civilians in Israel.

What about children or elderly people? Qaradhawi says, "If a child or an elderly person is killed in this type of operation, he or she is not killed on purpose, but by mistake, and as a result of military necessity. Necessity makes the forbidden things permitted." In other words, if the bomber does not intend or plan for children or elderly people to be the target of attack, the operation does not violate Shari'a norms. All Israeli men and women who are eligible by age to serve in the military are legitimate targets for direct attack, whether they are currently on active duty, members of reserve forces on vacation, or not yet drafted.

As to children or elderly people killed as collateral damage, the martyr is excused from culpability. Those who participate in these attacks are fulfilling an obligation to defend the territory and values of Islam. The superior military capacity of the enemy justifies the unusual tactics. As two groups of scholars from al-Azhar put it: "When the Muslims are attacked in their homes and their land is robbed, the struggle in the path of God turns into an individual duty. In this case, martyrdom operations

become a primary obligation and Islam's highest form of struggle."

Do extreme conditions justify indiscriminate tactics? This is a question not only for Muslims in Palestine; those who carried out the attacks on the World Trade Center and the Pentagon gave similar justifications for their actions. Ayman al-Zawahiri, an Egyptian known as "bin Laden's physician," argues that martyrdom operations should be the preferred tactic of a worldwide struggle for Muslim rights, since they inflict the most damage at the least cost to the Muslim community. Zawahiri and others consider distinctions between civilian and military targets irrelevant. Like Qaradhawi, they speak of an armed struggle imposed upon Muslims by anti-Muslim forces that have invaded historic Islamic territory.

Those forces deprive Muslims of basic rights; they threaten the very existence of the Islamic community, or at least its ability to carry out its historic mission of commanding good and forbidding evil. They are a threat to humanity, since God appointed the Islamic *umma* as an arbiter of the differences that lead the diverse nations into a state of perpetual war. Muslims are thus in an emergency situation in which armed struggle is a duty for each and every Muslim. And all of the enemy's people are guilty of oppression, for those who do not fight nevertheless support and benefit from the injustice of their political and military leaders.

Qaradhawi and representatives of al-Azhar unanimously condemned the attacks of September 11 and the al-Qaeda network's indiscriminate tactics. For example, in speaking of the 1998 attacks against U.S. embassies in Kenya and Tanzania, the Shaykh al-Azhar said: "Any explosion that leads to the death of innocent women and children is a criminal act, carried out only by people who are base cowards and traitors. A rational person with only a small portion of respect and virtue refrains from such operations." No fine points here about the "intention" or "mentality" of the one carrying out such attacks.

Yet the Shaykh al-Azhar supports Palestinian martyrdom operations. Is the Palestinian case different because it is "homeland defense"? Do those who justify martyrdom operations in Palestine simply disagree with bin Laden, al-Zawahiri and others regarding the scope of the legitimate struggle? Some advocates of Palestinian martyrdom operations draw a line between operations inside Israel's pre-1967 borders and operations in the rest of Palestine/Israel. Apparently only a clear incursion of enemy forces into Muslim territory justifies extreme measures. Otherwise, the extraordinary measures involved in martyrdom operations are either

not justified, or those carrying out such operations must exercise greater care in distinguishing between civilian and military targets.

For some Palestinians, these distinctions do not justify indiscriminate tactics. On June 19, a group of 55 Muslims and Christians issued a communiqué calling for an end to military operations aimed at citizens in Israel. Arguing on pragmatic grounds, the group noted that “these operations achieve no progress towards the realization of our plan calling for freedom and independence.” Instead, they deepen hatred and “provide excuses” for the Sharon government to continue its aggressive policies. Sari Nusseibeh, president of Al Quds University and PLO representative in Jerusalem, later explained that the communiqué was aimed at indiscriminate military operations, those attacks that fail to distinguish between civilian and military targets. Such attacks are counterproductive, and should be stopped.

Judging from the response of Hamas and others, this argument was unconvincing. On June 30, 150 people signed a communiqué opposing Nusseibeh and his colleagues: “What is required today from the Arab Palestinian people of all factions is to resist the occupation and remove from our land *by all ways and all means*, primarily armed struggle *with all weapons that can be found*, in response to the Zionist military machine armed with American weapons and its overt bias against our people, our cause and all the causes of the Arab world” (emphasis added).

In response to suicide bombings, many commentators focus on the despair fostered by political and economic hopelessness. It is hopelessness, they say, that leads people to suicide. Other commentators connect the motivation for bombings with promises of rewards, either heavenly (enjoying the pleasures of Paradise) or earthly (monetary rewards to families of martyrs). Still others worry about the countries and organizations that exploit young and desperate men and women. These concerns are a valid part of any inquiry into the phenomenon.

But if we take Palestinian, and especially Muslim accounts seriously, we are not talking about suicide bombings but about operations in which someone carries out an attack and sacrifices his or her life for a larger cause. Such martyrdom operations awaken feelings like those that accompany readings of the story of Eleazar, or of Muslim martyrs like Anas ibn Nadr, whose sacrifice during the battle of Uhud in 625 led his companions to exclaim to Muhammad: “O messenger of God, I could not fight as he fought.” The annals of Islam are full of Eleazars who have given their lives to save their people and to win for themselves an everlasting name.

Like the acts of martyrs in these ancient stories, the suicide bombings take place in military contexts, involve military tactics, and should be evaluated accordingly. In Muslim discussion, the critical issue is the distinction between civilian and military targets. Despite disagreement among Muslim leaders, Shari‘a precedents do not support a contravention of the rule “never directly and intentionally target civilians.” Nor do they support the judgment that “there are no civilians in Israel.” No society is so militarized as to have no distinction between civilian and military targets. Nor does an appeal to “intention” or “mental reservation” work. Targeting a bus that picks up and drops off passengers along a route designated for public transportation is a violation of Shari‘a rules. The idea of an emergency in which each and every Muslim has a duty to fight makes sense in terms of Shari‘a reasoning. But doing away with the need to distinguish between targets does not.

Many Palestinians will ask, “What about our civilians, killed or wounded by Israelis? Are the lives of all civilians of equal worth?” The answer must be yes. If the challenge for Muslims is to find ways to seek justice while honoring the distinctions between civilian and military targets, the challenge for Israel (and for the U.S. and its allies as they seek to limit the capacity of terrorists to inflict harm) is to honor the notion of proportionate means.

From the standpoint of both the just war tradition and the canons of Shari‘a, the conduct of war must be governed by two concerns: discrimination between civilian and military targets, and proportionality in means. Both present new challenges as the conditions and technology of warfare change. Both must be honored if those who carry out military activity are to stand in the legacy of Eleazar.