

JIHADISTS “WRONG THEMSELVES” MORALLY: AN ISLAMIC-ARISTOTELIAN INTERPRETATION

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Abstract

Transnational terrorism *qua* “radical Islamism” presents questions pertinent to moral philosophy. Aristotelian ethics and Islamic ethics (*‘ilm al-akblāq*) articulated comparatively by George Hourani are here engaged. Hourani questions whether “jihadists” are morally blameworthy in the Qur’ānic sense of “wronging themselves” (*zalamtum anfusakum*). The distinction is important because: (a) religious doctrines supposedly authorizing jihadist violence do not account for the distinction, even though (b) there is reason in Islamic ethics to do so. I then relate Hourani’s assessment to Ibn Rushd’s discussion of good and evil. I conclude that Hourani’s interpretation provides a reasonably defensible account enabling a moral evaluation of jihadist actions. This theoretical account integrating Aristotelian and Islamic ethics is illustrated by an example from recent police action in Bangladesh.

Key Words: Aristotle, Hourani, *jibād*, terrorism, radical Islam, Islamic ethics.

Introduction

Nelly Lahoud (2010) observes that, “Jihadi ideologues mobilize Muslims, especially young Muslims, through an individualist, centered

Islam. Appealing to a classical defense doctrine, they argue that the mandates of jihad are the individual duty of every Muslim and therefore transcend and undermine both the authority of the state and the power of parental control.” At issue is the moral and legal authority of this claim of individual duty (*wājib* or *farḍ*) when related to an Islamic concept of “just war” against infidels and Muslims alleged to be guilty of blasphemy (*riddah*), heresy (*zandaqah*), or apostasy (*irtidād*).¹ John Kelsay (2007) engaged this concept, clarifying the extremist argument ostensibly warranting (both morally and legally) “terrorist” actions that jihadists call “martyrdom operations” (*‘amaliyyāt istishbādiyyah*). (Nanninga 2014). That argument includes several claims:

(1) Muslims have a duty to establish a particular kind of government – namely, government by divine law; (2) encroachments on historically Muslim lands by the United States and its allies constitute a failure on the part of Muslims to fulfill this duty; (3) armed force is necessary to rectify the situation; (4) resort to armed force is the right and duty of any and all Muslims, wherever they are situated; and (5) such force may be directed at any and all targets, including those ordinarily considered ‘civilian.’ (Kelsay 2010).

Bernard K. Freamon (2003) would add: “Classical Islamic juridical-religious doctrine dictates that when non-Muslim adversaries seriously threaten Islam or Muslim communities – because of their Islamic identity – Muslims are entitled to go to war to defend their religion, the community, and the *Dar al-Islam* [“the abode of Islam”].” This view is contraposed by the progressive Muslim view that terrorism (*al-ḥirābah*) is explicitly forbidden, thus illegal and immoral. These acts violate the right of Allah (*ḥaqq Allāh*) and the right(s) of humanity (*ḥaqq al-ādam*), whether occurring in a Muslim (*bilād al-Islām*) or a non-Muslim state (*bilād al-shirk*).²

¹ For an ample discussion of the Islamic conception of just war, see Al-Dawoody (2011), <https://doi.org/10.1057/9780230118089>.

² ElSayed Amin (2015, 133) clarifies “the lexical meaning of *ḥirābah*” as used in classical and modern Islamic jurisprudence to include “striking terror among the passers-by...” and counts *stricto sensu* as a crime with fixed penalty (*ḥudūd*). Thus, “terrorizing of innocents is a common element in all the Sunni definitions of *ḥirābah*...” even as Sherman Jackson (2001, 295) notes the Mālikī jurist Ibn ‘Abd al-Barr construes someone guilty of *ḥirābah* if s/he “disturbs free passage in the

Unavoidably, these are matters of interpretation (*ijtibād*) among Muslims relative to the diversity of beliefs of Sunnīs, Shī'ī, and Ṣūfī traditions as well as "conservative"/"traditionalist" versus more "reform-oriented"/"progressivist-adaptive" positions in the exegesis (*tafsīr*) of Islamic foundational sources. The Islamist argument represents an unsettled question about "right authority," i.e., who has the authority to decide doctrinal claims are true or defensible relative to Islamic law (*sharī'ah*). (Abū Zayd 2006; El Fadl 2007; Ramadan 2009) As Michael Cook (2003) observes, because of "distinct heritages of tradition," they tend "to regard each other, with some qualification, as infidels; truth [is] a zero-sum game, and only one sect could possess it." This sectarian stance is also articulated in legal traditions (e.g., Ḥanafī, Mālikī, Shāfi'ī, and Ḥanbalī schools), in schools of theology (*ilm al-kalām*),³ and in all interpretations of the concept, *jibād*. Islamists conceive *jibād* supposedly warranting doing harm to others through terrorist acts (again, which they construe as acts of martyrdom), whether against non-Muslim "infidels" (*kuffār*) or Muslims denigrated as blasphemers, heretics, or apostates, and no matter whether combatant or innocent civilian non-combatant is targeted.

Many contemporary Islamic scholars assess the jihadist's interpretation of *jibād* to be inaccurate. (Freamon 2003; El Fadl 2007;

streets and renders them unsafe to travel..." Wajis (1996) remarks, "The Mālikī school view that the act of terrorizing people is the most important element in *ḥirābah*." Walaa Hawari (2009) reminds, Saudi legal scholar Hady al-Yamy argues for construal of terrorism as *ḥirābah*, i.e., "waging war against society." This view is consistent with the definition of terrorism adopted in "The Arab Convention for the Suppression of Terrorism: A Serious Threat to Human Rights" (2002): "Any act or threat of violence, whatever its motives or purposes, that occurs in the advancement of an individual or collective criminal agenda and seeking to sow panic among people, causing fear by harming them, or placing their lives, liberty or security in danger, or seeking to cause damage to the environment or to public or private installations or property or to occupying or seizing them, or seeking to jeopardize national resources."

³ Cook (2003, 6) remarks, "The fundamental division here was between those who espoused the use of systematic reasoning in matters of theology and those who rejected it in favour of an exclusive reliance on Koran and tradition." Traditionalist/conservative positions are adopted chiefly by the Ḥanbalī sect, itself at the base of the contemporary Salafist perspective expressed in radical Islamist views.

García Sanjuán 2014; Kilani 2015; Amin 2015) Islamists err in their failure to distinguish properly the two senses of (1) ‘greater’ *jibād* (*al-jibād al-akbar*) and (2) ‘lesser’ *jibād* (*al-jibād al-aṣḡbar*). The former has to do with struggle for self-enlightenment, i.e., achieving an “enlightened” and “tranquil” soul (*al-naḡs al-muṡma’innah*), thus the “struggle” of the soul (*jibād al-naḡs*) in its transition from a soul inciting one to evil (*al-naḡs al-ammārah*) to one capable of self-reproach in personal conflict about good and evil (*al-naḡs al-lawwāmah*). The “lesser” *jibād* concerns reform of society, i.e., struggle for social justice, which *may* include (i.e., permits, but does not obligate) “military struggle collectively seeking to defend the religion or the community” (Freamon 2003, 301). “Military struggle” is not *jibād* as such but *qitāl*, “actual combat” authorized by legal authority. (Shah 2011)

Oliver Leaman (2009) observes that if a Muslim believes the message of Islam is obstructed, i.e., the intended “audience [is] prevented from hearing, or appreciating, the message through the activities of their infidel rulers or just through ignorance, then it might well be thought to be acceptable to intervene militarily to bring about the truth more speedily before the minds of unbelievers.” Such a Muslim sees his/her action as *al-jibād fī sabīl Allāh*, i.e., “struggling/striving for the sake of God” (Afsaruddin 2007, 97). Freamon (2003, 301) clarifies that, “It is the notion of the ‘greater *jibād*, with its emphasis on justice, rectitude, fidelity, integrity, and truth that gives the concept of *jibād* its profound meaning in Islamic theology and law.” The problem, however, is for the individual Muslim to understand the difference of the two senses and to practice *jibād* accordingly, without rationalizing acts of terrorism to be acts of martyrdom acceptably undertaken “for the sake of Allah.” Understanding terrorism as *ḡirabāh*, agents of terrorism (*muḡāribūn*) carry out actions that are juridically in error *per se*.

Islamists err in their appeal to *sharī‘ah* also insofar as (1) the Qur’ān specifically proscribes murder (*qatl*) of the innocent or “protected soul” (*al-naḡs al-muḡtaram*) (e.g., Q 4:29-30; 4:93; Q 5:32) and (2) there are specified conditions of law (e.g., retaliation, *qiṡāṡ*) that make killing (not murder) permissible. (Al-Marzouki 2005, 411-417; Pervin 2016⁴) Murder is a crime against the rights of Allah, i.e., *ḡudūd*. But,

⁴ Interpolating the text of the Qur’ān (17:3) in the context of criminal law, e.g., Pervin interprets: “And do not kill anyone which Allah has forbidden, except for just cause. And who is killed (intentionally with hostility and oppression and not

even so, there remains the issue of the logic of motivation, whatever the occasion, on the basis of which a jihadist acts and chooses to commit an act of terror that stakes his own life while taking the life of others. Partly, this depends on the definition of "innocent" and "just cause," terms subject to rationalization (distinguishing "rationalization" as prejudicial false belief from 'justification' in the sense of justified true belief). For example, Q 17:33 commands, "*And do not kill the soul which Allah has forbidden, except by right. And whoever is killed unjustly – We have given his heir authority, but let him not exceed limits [in the matter of taking life, indeed, he has been supported [by the law]].*" (وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَمَنْ قُتِلَ مَظْلُومًا فَقَدْ جَعَلْنَا لَوْلِيهِ) (سُلْطَانًا فَلَا يُسْرِفُ فِي الْقَتْلِ إِنَّهُ كَانَ مَنْصُورًا). The interpretation is problematic; it is debatable who causes "corruption" (*fasād*) or "mischief" "in the land." The jihadist believes (falsely) that an individual is not an innocent if s/he is declared an infidel, blasphemer, heretic, or apostate and, thereby, declared one causing corruption/mischief in the land. The jihadist believes (falsely) s/he has "just cause" to "kill" without this being an act of "murder" as defined by law.

The foregoing concept links inevitably to assorted interpretation about a fundamental Muslim duty, stipulated in the Qurʾān (3:104; 3:110; 9:71), of "commanding right" and "forbidding wrong" (*al-amr bi-l-maʿrūf wa-l-nahy ʿan al-munkar*), "roughly speaking, [meaning] the duty of one Muslim to intervene when another is acting wrongly" (Cook 2003, 3). One unavoidably says "interpretation" here because, as Cook (2003, 3) observes, "There is no certainty that the Koranic phrase originally meant what the later Muslim scholars took it to mean. The Koranic uses of the phrase are vague and general, and give no indication of the concrete character of the duty, if any." Nonetheless there is ample room for decision as to acceptable practice, in light of "the familiar saying of the Prophet with its three modes: 'Whoever sees a wrong, and is able to put it right with his hand, let him do so; if he can't, then with his tongue; and if he can't, then in his heart, and that is the bare minimum of faith.'" (Cook 2003, 12) Here there is also no specification of priority of mode – whether by one's own hand, by one's tongue, by one's heart – or when to defer to authority.

by mistake), We have given his heirs (*walī*) the authority to demand *qisās* (Law of Equality in punishment) or to forgive, or to take *diyab* (blood money). But let him not exceed limits in the matter of taking life (i.e., he should not kill except the killer only); for he is helped (by the Law)."

K. M. Fierke (2009, 156) rightly asks: “How is the meaning of an act of self-destruction packaged, such that individuals who choose this path may understand themselves to be making a rational or even an heroic choice?” The operative assumption is that the jihadist makes a “rational” choice in favor of self-destruction viewed as a heroic act. From his/her Islamist perspective, s/he chooses to be a “martyr” (*shabīd*), although s/he has the option of self-preservation. For the jihadist, “martyr” is a rational signifier of a (presumably) morally legitimate action, an act of martyrdom deliberately contrasted from an act of suicide (*qatl nafsihī*), given Islamic injunctions prohibiting suicide. The jihadist does not say s/he commits suicide or even “suicide operations” (*‘amaliyyāt intiḥārīyyah*) (Hafez 2007; Cook 2009; Moghadam 2011; Lohlker 2012). The jihadist believes s/he is doing what is morally and legally permissible (*ḥalāl*), even obligatory (*wājib*), under the circumstances of “defense” of Islam, especially when the jihadist distinguishes “the land of Islam” (*dār al-Islām*) and “the land of war” (*dār al-ḥarb*). However, it may be argued that the jihadist’s choice of self-destruction so interpreted violates the Islamic understanding given in the Qur’ān (e.g., 5:32) – a counsel in this text consonant with an acknowledged historically prior Jewish/rabbinic understanding of the same point, given in the Talmud (*Mishnah Sanhedrin* 4:5), that when one slays one human life it is as if he slays the whole of humanity. The jihadist produces “reasons” for his/her destructive act; so, at least in that minimal sense, s/he deliberates about and chooses the act of terror, either as an act of defense of the faith or, when emotion overcomes reason, as a non-rational act of aggression.

In general, it may be argued then that, one who makes a defensible choice presumably acts on the basis of some rational principle. S/he is expected to deliberate about a specific *means* relative to a given *end* (goal, purpose) s/he has in view. The fact of deliberation does not assure the reasoning (explicit or implicit) is indeed rationally defensible when subjected to critical review. Notable contemporary Islamic scholars argue the jihadist’s actions represent error in judgment, misunderstanding and misinterpreting referenced sources. Furthermore, there is emotive content present in the moment of decision: It seems, “... the emotional pull of the sacrifice is greater than the emotional resistance to death.” (Fierke 2009, 156) This emotional element, influencing the jihadist’s disposition, does not remove the fact of a choice being made. The jihadist claims a rational ground to his/her

act of terror. At issue, then, is to distinguish a justified true belief from an unwarranted false belief in the jihadist's choice of action.

Fierke (2009, 167-168) observes, "The martyr gives up earthly life with the promise of continuing life in paradise. It is the dignity of Allah (God) that is the ultimate justice to be restored, but this dignity also resides in the potential for justice toward the *ummah* (Islamic community)." Fierke (2009, 171-172) adds, "the [one might say, "more proximate"] objective of the human bomb is to guarantee that the enemy population will be traumatized ..." The jihadist's motivating factors are many:

"Most [...] have experienced trauma, arising from an on-going experience of loss, of watching the death of neighbors and loved ones, of witnessing countless acts of violence, of losing self-value, given frequent experiences of humiliation and lost opportunities, either of education or employment, thus a loss of those features of life that constitute a sense of human dignity" (Fierke 2009, 172).

"Dignity" here includes a threefold conception, what Naşr Ḥāmid Abū Zayd (2006, 61) calls "individual dignity" (*karāmah fardiyyah*), "collective dignity" (*karāmah ijtimā'iyah*), and "political dignity" (*karāmah siyāsiyyah*).

The foregoing observations elicit two moral questions of concern:

- (1) Do jihadists also "*do (moral) harm*" to themselves when they perpetrate acts of terror against others?
- (2) Do they "*wrong*" themselves morally when they engage in these acts of terror?

These are pertinent questions, to be understood in the context of contemporary moral philosophical understanding and ethics in international affairs such as must be clarified in national and international security policy vis-à-vis transnational terrorism. Such assessment is important if there is to be some scope of independent reasoning (in the Islamic philosophical sense of *ijtihād*) in such matters, without automatically deferring to a "traditionalist" perspective.⁵ I propose to engage these two questions in the context

⁵ By 'traditionalist' I mean the term as used by Oliver Leaman (2004, 147): "It is difficult to overemphasize the significance of legal discussions in the origination of controversies concerning the nature of ethics in Islam. The traditional view of the

of a discussion articulated by George F. Hourani. I select Hourani here because of his philosophical grounding in both Western and Islamic thought and, in present case, because of his effort to relate an Islamic interpretation to the moral philosophy of Aristotle.⁶ In this respect, Hourani follows the example of Ibn Rushd (Averroës). Accordingly, I will then relate Hourani's thought to that of Ibn Rushd in his commentary on Aristotle's *Nicomachean Ethics*. This choice of Ibn Rushd is relevant insofar as: (1) Ibn Rushd has the status of "the Commentator" par excellence on Aristotle's corpus; (2) Hourani published a translation of Ibn Rushd's *On the Harmony of Religion and Philosophy* (*Kitāb faṣl al-maqāl*) [Ibn Rushd 1961/2012]; and (3) Hourani has also commented on Ibn Rushd's thought about the distinction of good and evil, clearly pertinent to sorting out jihadist rationalizations of their actions as "good" when others construe them as "evil" done to others, not to mention evil done to themselves. (Hourani 1962)

I. Hourani's Philosophical Question

In *Reason and Tradition in Islamic Ethics* (1985) Hourani asks what it means to 'injure oneself,' as expressed in various passages of the Qur'ān, but in the light of what Aristotle says in his *Nicomachean Ethics* about whether it is meaningful to say that an individual "wrong himself" in a given situation of action. (Hourani 1985) The Qur'ān (e.g., 2:52-55) seems to state that sinners "wrong themselves" (*anfusabum yazlimūn; fa-qtulū anfusakum*). Hourani doubts this is a correct meaning, given his reading of Aristotle, hence the conceptual distinction of "wronging oneself" and "harming oneself."

divine law held that legal judgments must be based on nothing but the law, and if necessary derived indirectly from that law by some approved technique such as analogy, often interpreted in rather a restricted sense. The more innovatory position of those who adhered to opinion (*ra'y*) argued that in cases where the law provides no obvious guidance one must use one's own rational judgments alone in arriving at conclusions to disputes in law and ethics ... [Thus, 'rationalists' insisted] that we can know much of what is right and obligatory by independent reasoning, while the 'traditionalists' acknowledged only revelation as an appropriate source for such knowledge."

⁶ For an overview of Aristotle's philosophy in historical relation to Islamic thought, see Francis Edwards Peters, *Aristotle and the Arabs: the Aristotelian Tradition in Islam* (New York: New York University Press, 1968).

The comparative philosophical task is to have (at the least) a meaningful *clarification* or (better) an *integration* of morally pertinent concepts from the two traditions of practical rationality. This task may be characterized as an interpretive exercise in “Islamic Aristotelianism.”⁷ In this way, it is hoped, one may find a resolution in meaning that allows one to answer the moral-philosophical question whether the jihadist is morally blameworthy for his/her act(s) of terror, not in the rather obvious sense that he harms/wrongs others but in the sense of whether s/he harms/wrongs him/herself. The assumption is that if s/he wrongs himself/herself, then s/he does what Allah deems an act of injustice. I begin this effort at clarification first by accounting for Aristotle’s extended argument given in the *Nicomachean Ethics*. Then, I consider Hourani’s elaboration of the general conceptual issue vis-à-vis the text of the Qur’ān, this in relation to the practical rationality upheld by Ibn Rushd. Finally, I elaborate an “applied” assessment that, by way of illustration of jihadist action, is jointly Aristotelian/Qur’ānic in the sense articulated by Hourani.

II. What Does Aristotle Say?

In his *Nicomachean Ethics* (Bk. 2, Ch. 4, §3; 1105a20 ff.), Aristotle clarifies that a person *qua* agent of an action acts in accordance with the virtues (e.g., justice, *dikē*, *dikaïosunē*) if: (1) he acts with knowledge (“interpreted as meaning both knowledge of what he is doing (the act must not be unconscious or accidental), and knowledge of moral principle (he must know that the act is a right one)”; (2) he deliberately chooses the act for its own sake; and (3) his action proceeds from a fixed and permanent disposition of character (*ēthos*) (Aristotle 1934). What matters here is the good achieved by action (*to prakton agathon*) (1097a22-24). Such action is differentiated from what Aristotle (Bk. 3, Ch. 1, 1110a1 ff.) calls actions that are “involuntary” (*akousion*), i.e., either (a) “unwilling’ or ‘against the will” or (b) “not voluntary” (*ouk bekousion*).⁸ Virtue or moral

⁷ My thanks to an anonymous reviewer for this insight and my revision that includes a subsequent section specifically on Ibn Rushd’s position.

⁸ In his translation, Rackham interprets ‘not willing’ to describe “acts done in ignorance of their full circumstances and consequences, and so not willed in the full sense; but such actions when subsequently regretted by the agent are included in the class of *akousia* or unwilling acts, because had the agent not been in ignorance he would not have done them.

excellence (*aretē*) is, of course, a *state of character* made firm by habitual action (*praxis*; habit = *ēthos*), related to practical wisdom (*phronēsis*) and contrasted to theoretical wisdom (*sophia*) and technical skill (*technē*). Aristotle is concerned with “the way of the educated man” (*pepaideumenos*). Whether the educated man is distinguished in rational capacity from “the many” (*hoi polloi*) is a matter of interpretive debate.

For Aristotle, further, while there are actions (virtue) that admit of a mean (*meson*, *metrion*) between excess (vice) and deficiency (vice) there are also actions that do not admit of a mean and are “beyond the limits of vice” (1107a1 ff.). Among these is the act of murder, an act evil in itself. Aristotle is clear: “It is impossible ... ever to go right with regard to [murder]; one must always be wrong.” Here ‘wrongness’ has nothing to do with the *person* who is wronged (i.e., one may have murdered “the wrong person”); or the *time* (i.e., the act was “ill-timed”); or the *way* in which the wrong is done (i.e., the instrument in use might have been something other than the one chosen). Simply, Aristotle claims, to murder is to go wrong. Indeed, says Aristotle (110b20), “it is true that all wicked men are ignorant of what they ought to do and [ought to] refrain from doing ...” Thus, the act of murder is causally related to the wicked person’s ignorance.

Aristotle (Bk. 2, Ch. 7, §1) also reminds that, “conduct deals with particular facts.” We are not concerned with generalizations or the universal as such, but with the specifics of an individual’s conduct, right and wrong evaluated relative to the individual and the various virtues Aristotle identifies, justice among them. Granted, Aristotle recognizes the presence of emotion in human action. He characterizes one, e.g., who has excess of anger “an irascible sort of person” and one who is implacable, remaining angry, a “bitter-tempered” person. An individual whose action manifests the relative mean between excess and deficiency is considered morally praiseworthy; an individual whose action manifests either excess or deficiency in relation to the given mean is considered morally blameworthy. Aristotle does allow a place for “righteous indignation” (*nemesis*), construed as “a mean between envy and spite.” When one moves to declare an individual morally blameworthy in his action, one must be mindful, Aristotle (Bk. 2, Ch. 9, §8) says, that “to what degree and how seriously a man must err to be blamed is not easy to define on principle. For in fact no object of perception is easy to define; and such questions of degree depend on particular circumstances, and the decision lies with perception.”

This is, then, a matter of inductive argument (probability), not a matter for demonstration (certainty).

Aristotle also recognizes (Bk. 3, Ch. 1) that individuals sometimes act “from fear of greater evils” even as they sometimes act “for some noble object.” Therefore, he grants that whether such actions are voluntary or involuntary is debatable. Whatever one says, however, one’s assessment must have “reference to the moment of action.” Aristotle also opines that a man may be blamed in the situation in which he endures “the greatest indignities for no noble end or for a trifling end,” this being “the mark of an inferior person.” Since virtue relates to knowledge, Aristotle (Bk. 3, Ch. 1, §13) also argues that:

An act done through ignorance is in every case not voluntary. [...] since a man who has acted through ignorance and feels not compunction at all for what he has done, cannot indeed be said to have acted voluntarily, as he was not aware of his action, yet cannot be said to have acted involuntarily, as he is not sorry for it. Acts done through ignorance therefore fall into two classes: if the agent regrets the act, we think that he has acted involuntarily; if he does not regret it, to mark the distinction we may call him a ‘non-voluntary’ agent.

Hence, one who acts knowingly (*de eidos*) is to be held accountable for the action that he does knowingly, to be praised or blamed as the occasion warrants when what he does is voluntary (*hekousin*). In contrast, one who acts “through [by reason of] ignorance” acts, therefore, unknowingly – he does not know what he is doing, in which case. It seems he is not reasonably to be blamed for what he does, be it involuntary (*akoúision*) or non-voluntary (*ouk ekoúision*), even though the action is wrong. Aristotle (Bk. 3, Ch. 1, §14) distinguishes “acting through ignorance” and “acting in ignorance” (e.g., “when a man is drunk or in rage” the man acts in ignorance “owing to one or another of various contributing conditions”).

Aristotle distinguishes between actions that admit of a mean and actions that are simply evil. But, further, Aristotle (Bk. 3, Ch. 1, §14) states, very clearly: “Now it is true that all wicked men are ignorant of what they ought to do and [what they ought to] refrain from doing, and that this error is the cause of injustice and of vice in general.” Here Aristotle distinguishes various senses of ‘ignorance’: (1) ignorance from “mistaken purpose” (i.e., a mistake about the end/goal, *telos*), which leads to wickedness; (2) “ignorance of the universal,” for which men are blamed; and (3) “ignorance of particulars,” i.e., “ignorance of

the circumstances of the act and of the things affected by it ...” All are involuntary actions, involving pain and repentance. All involve injury to someone, of course; but they differ. One type of injury done in ignorance amounts to *error*; an injury that happens contrary to reasonable expectation amounts to a *misadventure*, and injury done without evil intent is *culpable error* (since the cause is internal, e.g., due to excess of passion).

Finally, we must account for Aristotle’s description of choice (*prohairesis*), which “seems to be voluntary” (Bk. 3, Ch. 2, §2). But, while a “sudden act” (i.e., an act done on the spur of the moment) is voluntary it is not chosen, since choice involves deliberation (about the means to a given end) within the range of what is possible. “Choice,” Aristotle says (Bk. 3, Ch. 2, §9), “seems to be concerned with things within our control.” And, “it is our choice of good or evil that determines our character.” (Bk. 3, Ch. 2, §11) In that sense, one chooses to become a good person. But, one does not choose to become a wicked person, if it is true that a wicked person acts through or in ignorance, i.e., s/he is ignorant both of what s/he ought to do and what s/he ought to refrain from doing, blameworthy for acts of omission (not doing good) and acts of commission (doing evil). Says Aristotle (Bk. 3, Ch. 8, § 1), “it is their voluntary performance that constitutes just and unjust conduct. If a man does them involuntarily [e.g., through accident or compulsion], he cannot be said to act justly, or unjustly, except incidentally, in the sense that he does an act which happens to be just or unjust.” Aristotle concludes (Bk. 3, Ch. 8, §3), “An involuntary act is therefore an act done in ignorance, or else one that though not done in ignorance is not in the agent’s control, or is done under compulsion ...”

In Bk. 3, Ch. 5, §4, Aristotle claims that, “it is ... not true that wickedness is involuntary,” in the sense that the cause is himself (he is “the originator and begetter of his actions,” i.e., the *efficient* cause). That is, the wicked man moves himself to do the wickedness – he has the power to do or not to do wickedness, being “the author of his own actions” (it seems the wicked man acts neither under compulsion nor through ignorance). So, Aristotle claims (Bk. 3, Ch.5, §12), “Therefore only an utterly senseless person can fail to know that our characters are the result of our conduct; but if a man knowingly acts in a way that will result in his becoming unjust, he must be said to be voluntarily unjust.” One can think here of a series of causes and effects in the relation of initial means to intermediate means/ends in relation to the

(final) end being pursued. Hence, Aristotle (Bk. 3, Ch. 5, §14) holds that, "the unjust ... might at the outset have avoided becoming so, and therefore they are so voluntarily, although having become unjust ... it is no longer open to them not to be so." Why not possible? It is not possible in the sense of the formation of character through habituated action: wicked acts a wicked man makes, through the repetition of the wicked acts. His character is habituated to wickedness, which becomes his "second nature."

It seems unusual to think that a man does wickedness while expressly believing he deliberately pursues a wicked act. Rather, it may be said that, like all men, the wicked man desires "the apparent good" – i.e., he desires what *appears* to him to be good but what in point of fact, *really*, is evil. Aristotle argues (Bk. 3, Ch. 5, §17): "... on the hypothesis that each man is in a sense responsible for his moral disposition, he will in a sense be responsible for his conception of the good, if on the contrary this hypothesis be untrue, no man is responsible for his own wrongdoing. He does wrong through ignorance of the right end, thinking that wrongdoing will procure him his greatest good ..." If one does not accept this claim, then, the implication is that in general no one is responsible for his own evil deeds.

In Bk. 5, Ch. 1, §18, Aristotle discusses justice (*dikaioῦnē*) and injustice, both "distributive" and "corrective," as they apply in universal and particular senses. Aristotle speaks of "the worst man" as one "who practices vice towards his friends as well as in regard to himself." If one who does a wicked act does so *towards him/herself*, even as s/he may do so towards his or her friends, then it seems the wicked person *does wrong* both *to him/herself* and to his or her friends. The same holds true if one speaks instead of enemies. Yet, one must account for the *origin* of this action. The act may originate in passion (e.g., anger) rather than in deliberate choice; in which case, one may say the person *acted wickedly*, but we may not say that *therefore* s/he is *a wicked person*. Similarly, Aristotle (Bk. 5, Ch. 8) acts that proceed from anger "are rightly judged not to be done of malice aforethought; for it is not the man who acts in anger but he who enraged him that starts the mischief," given that "it is apparent injustice that occasions rage." Here one finds a defense of "provocation."⁹ Anger that manifests in excess

⁹ See here Ashworth, 1976, discussed in reference to English law. Thus, "In English law the defence of provocation operates to reduce to manslaughter a killing which

as rage lacks forethought and temperance (*enkráteia*); it is not in accord with the virtue of prudence (*phronēsis*) (involving both forethought and practicality as to what is to be done in a given situation) or temperance.

In Bk. 5, Ch. 11, §5 & 6 Aristotle comments:

... an act of injustice must be voluntary and done from choice, and also unprovoked; we do not think that a man acts unjustly if having suffered he retaliates, and gives what he got. But when a man injures himself, he both does and suffers the same thing at the same time. Again if a man could act unjustly towards himself, it would be possible to suffer injustice voluntarily. [...] Furthermore no one is guilty of injustice without committing some particular unjust act. [...] And generally, the question, “Can a man act unjustly towards himself?” is solved by our decision upon the question, Can a man suffer injustice voluntarily.

Aristotle (Bk. 5 Ch. 11, §§1-3) points out further:

[On] the question, “Is it possible or not for a man to commit injustice against himself?” (1) One class of just actions consists in those acts, in accordance with any virtue, which are ordained by law. For instance, the law does not sanction suicide (and what it does not expressly sanction, it forbids). Further, when a man voluntarily (which means with knowledge of the person affected and the instrument employed) does an injury (not in retaliation) that is against the law, he commits injustice. But he who kills himself in a fit of passion, voluntarily does an injury (against the right principle [of retaliation]) which the law does not allow. Therefore the suicide commits injustice; but against whom? It seems to be against the state rather than against himself; for he suffers voluntarily, and nobody suffers injustice voluntarily.

Aristotle’s point, that such a man does not act unjustly towards himself though *he suffers harm voluntarily*, underscores the fact that virtuous action requires practical wisdom, according to which an individual can see what is good *for himself* and what is good *for men*

would otherwise be murder.” This distinction is important in a context in which “Killings were presumed to proceed from malice aforethought: if there was no evidence of express malice, then the law would imply malice.” Relevant to the issue engaged here is the recognition of provocation in (1) “the sight of a friend or relative being beaten” and (2) “the sight of a citizen being unlawfully deprived of his liberty.”

in general, thus what is good *for the state* – not merely the former, but *both together*.

But at what point in life is it to be said that one possesses practical wisdom? This depends on an individual’s deliberative capacity to understand both the universal and the particulars of action, thus rightly to choose the means in relation to the desired end (*telos*). Aristotle argues that practical wisdom is concerned with both *universals* and *particulars*. The latter become familiar from experience. Clearly, a young man has no experience dealing with particulars. The point of deliberative capacity is to discern the universal in the particulars, hence the “practicality” of the individual’s deliberation that “tends to attain what is good.” However, observes Aristotle (Bk. 6, Ch. 9, §4), “A man of deficient self-restraint or a bad man may as a result of calculation arrive at the object he proposes as the right thing to do, so that he will have deliberated correctly, although he will have gained something extremely evil; whereas to have deliberated well is felt to be a good thing.” How so?

The bad person’s *state of character* is problematic here; for s/he has *become* a bad person from the “origin” (*archē*) of his or her action, the “end” (*telos*) inextricably linked to that origin: The aim having been wide of the right mark from the beginning, the means likewise are badly chosen. The consequence is the person’s wickedness. Thus, says Aristotle (1144a31-36): “wickedness perverts us and causes us to be deceived about the starting-points of action. Therefore it is evident that it is impossible to be practically wise without being good.” The wicked person may be clever, but s/he is not practically wise. Indeed, the wicked person is habituated “beyond the limits of vice,” so much so that his or her soul is “rent by faction” (Bk. 9, Ch. 4), “following as [s/he] does evil passions,” so much so that “to be thus is the height of wretchedness.”

Might one, then, have hope of reform or rehabilitation of the wicked person? This is a very unlikely outcome. Given that (1) this person’s soul has “been cultivated by means of habits,” and, (2) s/he “lives as passion directs,” the bad person “will not hear argument that dissuades him [or her], nor understand it if [s/he] does; and how can we persuade one in such a state to change his [or her] ways? ... What argument would remold such people? It is hard, if not impossible, to remove by argument the traits that have long since been incorporated in the character ...” (Bk. 10, Ch. 9) Rather, Aristotle recommends, “a bad

[person] ... is corrected [if s/he is to be corrected at all] by pain like a beast of burden.”

III. Hourani's Explication with Reference to the Qur'ān

Hourani focuses on Chapters 9 and 11 of Book 5 of Aristotle's *Nicomachean Ethics*. The word in use is the verb *adikein*. One use concerns “doing wrong” by going “against the aim of the laws;” the other concerns “treating someone unjustly” by violating fair or balanced distribution of some good. Hourani also accounts for properly moral injustice (*adikein*) distinguished from “merely doing unjust things (*adika prattein, poiein*),” the former involving deliberation and being voluntary while the latter injustice occurs incidentally, i.e., without *intention* to do injustice. The former is the strict sense in which someone is accounted blameworthy for the wrong s/he does. Hourani observes, “One may suffer unjust effects (*adika paskhein*) at one's hands, but without being treated unjustly (*adikeisthai*) by any moral agent. [...] but at most [one] only suffers harm (*blaptetai monon*).” (Hourani 1985, 51)

Hourani then considers the Qur'ān. Can one doubt that *zulm al-nafs* means “wronging oneself”? Hourani considers some problematic cases. For example, “most strikingly, when a martyr chooses to suffer an unjust death rather than betray his convictions or his colleagues.” Hourani is aware that one must evaluate such cases relative to Aristotle's principle: “Aristotle's solutions to the problem never abandon his principle that *accepting an injustice cannot be voluntary*.” (Hourani 1985, 51; italics added) But, in the example here given of a martyr, the unstated assumption is that this individual is perceived to be a good person (not a wicked person) who suffers an unjust death involuntarily. That is, “no one willingly accepts evil for himself” – such a person *knows* the act to be evil (he does not act from ignorance) and suffers the act *involuntarily*, perhaps in view of “counterbalancing goods” in which he will share, e.g., “honor.” It may be so with the martyr – s/he suffers injustice (passive sense) but does not thereby do wrong (active sense) to him/herself.

Hourani is clear that the Qur'ānic text concerns wrongdoers, sinners; e.g., Q 2:54, “*And when Moses said unto his people: O my people! Ye have wronged yourselves by your choosing of the calf (for worship) ...;*” Q 3:117, “*... a people who have wronged themselves ... Allah wronged them not, but they do wrong themselves;*” Q 4:64, “*...*

And if, when they had wronged themselves ...;” etc.¹⁰ Accordingly, Hourani states the interpretive issue, i.e., what is a matter of *ijtihad*: “This ... leads us to ask, even if (contrary to Aristotle) there are some people who really wrong themselves [voluntarily] ... The Qur’ān, too, must be taken seriously ...” (Hourani 1985, 52) Hourani appreciates Aristotle’s philosophical insight; but he also appreciates the force of the Qur’ān’s instruction. Both should be reconciled if this can be done through interpretation. (In this regard Hourani follows Ibn Rushd, about more shortly.) From this perspective, these are wrongdoers “who bring on themselves the punishment of the next life. The Qur’ān leads us emphatically to think that they deserve what they get; their punishment is just. So, how can it be said that they wrong themselves?” How do they *wrong themselves* in the sense of a *voluntary deliberated action* – “willful evildoing” – not in the sense of “merely ‘harming,’ ‘paining,’ in a way that might be accidental [incidental, unintended]?”

It seems, from the Qur’ān, that “the injury to oneself is not anything that occurs at the time of the act; it is, rather, the fact that *the act is the cause of a later punishment*.” (Hourani 1985, 53) What, then, is the correct interpretation? Hourani rules out two possibilities: (1) evildoers wrong their souls; (2) *zulm* means only “harm” or “hurt” but not “wrong.” He interprets differently: “... most likely ... both ‘harm’ and ‘wrong’ are present in *zulm al-nafs* in a close association which is *not made explicit* but which *can be inferred* because it makes the best sense of the phrase in all passages.” (Hourani 1985, 55; italics added) Thus: “The *zālīmī anfusabum* [sic] are in the first instance *zālīmūn*, plain wrongdoers. But *all wrongdoers also harm themselves* as a result of their own acts. The harm comes inescapably as punishment for these acts.” (Hourani 1985, 56) Given this interpretation, Hourani prefers to combine the senses of “wrong” and “harm” to mean “injuring oneself.”

IV. Ibn Rushd’s Islamic Aristotelianism

Hourani writes influenced by Ibn Rushd. One may then consider in summary what Ibn Rushd understands from his own engagement of Aristotle’s *Nicomachean Ethics*. Ibn Rushd’s thought represents what some consider Islamic Arab philosophy’s “interpretive maturity.” (Al Wali and Kadhim, 2012) Following Aristotle, the Muslim philosophers understood that one is properly “deliberative” (*fikrī*) when “one

¹⁰ Cited passages are from <http://www.altafsir.com>, English translation.

considers, with respect to what one wishes to do, wherever he wishes to do it, whether it can be done or not, and if it can, how that action should be done.” (Fakhry 1991, 80)

Ibn Rushd argues that one needs both revelation and reason – revelation “laying down Laws” which “cannot be laid down by human education.” Important to his epistemology, Ibn Rushd argues:

A knowledge of the laws cannot be acquired except after a knowledge of God, and of human happiness and misery; and the acts by which this happiness can be acquired, as charity and goodness and the works which divert men from happiness and produce eternal misery, such as evil and wickedness. Again the knowledge of human happiness and misery requires a knowledge of the soul and its substance, and whether it has eternal happiness or not. (Ibn Rushd 1921, 252)

Here ‘happiness’ (*sa‘ādab*) refers to Aristotle’s *eudaimonia*, both revelation and reason directed at the goal (*telos*) of happiness. For Aristotle and Ibn Rushd, happiness means “an action of the rational soul in accordance with virtue.” (Leaman 2004, 181)

Ibn Rushd is motivated to preserve religious truth, but his instruction by Aristotle and the Islamic philosophers prior to al-Ghazālī dispose him to a careful exercise of reason:

One party [in classical Islamic disputation] chose to censure the philosophers, while the other agreed to interpret the Law, and make it conform to philosophy. All this is wrong. The Law should be taken literally, and the conformity of religion to philosophy should not be told to the common people. For by an exposition of it we should be exposing the results of philosophy to them, without their having intelligence enough to understand them. It is neither permitted nor desirable to expose anything of the result of philosophy to a man who has no arguments to advance, for there are no arguments either with the learned people [i.e., the theologians] who have a mastery over both the subjects, or with the common people who follow the exoteric of the Law (Ibn Rushd 1921, 188-189).

Ibn Rushd here seeks to defend Muslim philosophers, against the view of such as al-Ghazālī who attacked the philosophers for “interpretive error” ostensibly amounting to unbelief (*kufī*). Ibn Rushd, as with al-Ghazālī, accepts that knowledge is formed around consensus (*ijmā‘*) yielding certainty (the “categorical” knowledge of demonstration, syllogistic reasoning); but, differing with al-Ghazālī,

Ibn Rushd argues that what is inductively true (“speculative” knowledge, what is “generally accepted,” *mashbūrah*) is open to interpretation (*ijtihād*) and permits dissent rather than unanimity. Ibn Rushd allows for *ijtihād* while rejecting *taqlīd*, i.e., blind obedience to clerical authority.¹¹

Given Ibn Rushd’s claim about philosophy’s relation to Islamic belief, Leaman (2004, 181) writes, “the method of reasoning involved in philosophy explains in paradigmatically rational form why *sharī‘ah* has the characteristics it does, and this rational explanation is permitted, indeed *demande*d by Islam.” Thus, “Since the truth of Islam lies in revelation through prophecy,” Leaman (2004, 185) adds:

... all believers believe for the same reason. But the philosophers can justify the belief in another way [e.g., through syllogistic reasoning] as well as through acceptance of revelation ... [Both] the philosopher and the ordinary believer can be happy, but they will be happy in different ways. The ordinary believer’s happiness will lie in his observance of the *sharī‘ah* and social norms, while the happiness of the philosopher will lie in addition to such observance in his personal development of intellectual virtues.

Moral virtue is important for all, but intellectual virtue is the reserve of the philosophers. Ibn Rushd accepts Aristotle’s distinction of intellectual (*nuṭqī*) and moral (*kbuluqī*) virtue.

In his *Commentary on Aristotle’s ‘Nicomachean Ethics’* Averroes [Ibn Rushd] shows how practical reason could be used to ‘correct’ religious law. He is here considering Aristotle’s definition of the equitable as ‘a correction of law where it is defective owing to its generality’ and relates this to Islamic law concerning holy war or *jihād*. It is generally obligatory on all Muslims to wage war against non-Muslims at all times. Yet it is clear that such a general policy would on occasions be of considerable disutility to the Islamic regions. Following rigidly such a general instruction is said by Averroes to be a result of ‘ignorance of the intention of the lawgiver, and for this reason it should be stated that peace is preferable, and war only occasionally relevant. (Leaman 2004, 171, citing here the Latin text from Bk. 5, Ch. 10, folio 248r)

¹¹ See here Ebrahim Moosa, “Between Ghazali and Ibn Rushd – Ethics, Reason, Humility,” Muslim Institute Third Ibn Rushd Lecture, 10 June 2015, London UK, <https://www.youtube.com/watch?v=VoY4fvL58YI>, accessed May 14, 2018.

Ibn Rushd's appropriation of Aristotle's insight on equity aligns with Hourani's attention to this feature of Aristotle's thought in relation to his question whether the jihadist wrongs him/herself. But, one must be careful here about the concept of *jihād* in use, recalling the importance of the individual attending first and foremost, as a matter of moral virtue, to the greater *jihād* that conduces to proper formation of the soul. As Leaman (2004, 153) observes, "A large proportion of the Qur'an consists not just in arguing for the performance of particular kinds of acts but also the cultivation of the virtues, or the acquisition of dispositions to carry out such acts." Ibn Rushd understood this; hence, his appropriation of Aristotelian practical rationality conduced to a unity of thought about how one may "promote virtue," "prevent vice," and "avoid evil."

However, one sense of "the wicked person" is for Ibn Rushd somewhat different from that of Aristotle. Ibn Rushd defers to the Qur'an as he considers the disputation among Islamic authorities. He accounts for the Mu'tazilīs, their belief that "man's wickedness or virtue is his own acquirement," while the Jabrīs hold that "man is compelled to do his deeds." These views contrast to that of the Ash'arīs, who "say that man can do action, but the deeds done, and the power of doing it, are both created by God." These views are all "contradictory" arguments, Ibn Rushd notes, emanating from the Qur'an and the Tradition. In contention with these views, Ibn Rushd allows for a "mean between compulsion and freedom" – an Aristotelian strategy of resolving the contradiction. He seeks "to reconcile them by means of a middle course, which is the right method." (Ibn Rushd 1921, 266)

Relating Aristotelian practical rationality to Islam assumes compatibility with an Islamic doctrine of free will (*iktisāb, kasb*), although Ibn Rushd acknowledges one may have "diametrically opposed arguments which can be advanced in support of both free will and predestination," as Majid Fakhry (2001, 11) puts it and clarifies:

[d]eterminism (*jabr*) may be criticized on the ground that it renders religious obligation meaningless and any provision for the morrow, in the expectation of bringing about certain advantages and warding off certain disadvantages, entirely irrational. [...] To reconcile the two views, as Scripture itself appears to demand, we should understand, as Averroës argues, that human actions are the product of those internal faculties which God has implanted in us *as well as* those external forces which allow for the realization of our deliberately chosen aims.

That said, Ibn Rushd allows for God’s “prior will” operative in individual conduct:

[t]here shall exist among the innumerable variety of existing entities some wayward people, I mean, some who are disposed by their own natures to go astray, and that they are driven thereto by what surrounds them of internal and external causes that lead them astray.” (Fakhry 2001, 12)

Appealing to the authority of the Qur’ān in expounding upon the doctrine of divine “direction,” Ibn Rushd acknowledges that God has created some humans with “evil natures,” according to his divine wisdom:

For the nature and constitution of men, in His very creation, are such that they require some men, though very few, to be wicked and evil by their nature. Such is also the case with the outer causes, made for directing the people to the right path, which requires that some men must be bad. If many had been good then the divine law would not have been fulfilled, because either there had not been created things in which there is little evil and much good, for the good would have disappeared on account of that little evil, or there had been created things with much good and little evil. Now it is well known that the existence of many good ones with a few evil ones, is better than the non-existence of much good for the sake of little evil. (Ibn Rushd 1921, 284)

Ibn Rushd’s epistemological distinction of categorical and speculative knowledge means one cannot judge with certainty whether the jihadist is a wicked person “by nature,” according to God’s creative will; one can only speculate that it might be so. Where the jihadist acts in fact not by nature but according to his or her own volition, then one evaluates his/her actions on the basis of the presence or absence of ignorance, in the sense clarified earlier.

V. Consider the Jihadist: “Wronging,” “Harming,” “Injuring” Himself?

If we accept Hourani’s preferred interpretation of the meaning of the passages in the Qur’ān, then the jihadist who does injustice through his acts of terror is a wrongdoer (*ẓālimūn*) to others and also wrongs and harms himself as a result of his acts – he is properly denominated *ẓālimī anfusabum*. He is, therefore, rightly to be

punished in the present lifetime (by the judicial institutions of the state) even as he can expect due punishment in the afterlife for having violated the right to life of those who are legitimately innocent. There is possible objection to this view, if the jihadist defends him/herself on the basis of Islamic tradition's "ethical voluntarism" or "theistic subjectivism" – i.e., "the theory that good and evil, justice and injustice, are defined entirely by reference to the commands of God, as revealed to man in the *sharī'ah*."¹² In this case the jihadist depends wholly on his or her interpretation of what this divine command requires in the specific context of his or her action. As Daniel Heller-Roazen (2006, 413) reminds, "... the Law (*šarī'a*) [in contrast to faith or dogma, is] the single revealed body of prescriptions and prohibitions understood by Islamic tradition to be simultaneously civil and religious, temporal and spiritual." Thus, questions of right or wrong conduct can be only juridical, i.e., as a matter of jurisprudence (*fiqh*).

We must bear in mind several major points in relating Hourani's account to what Aristotle says:

- A wicked person *goes wrong* from the beginning (*archē*), his/her aim being wide of the right mark, which is the right end (*telos*).
- A wicked person's actions, e.g., murder, are beyond the limits of vice, and in that sense "simply evil" acts – murder is never morally right.
- In the foregoing sense, the wicked person *chooses* incorrectly, his or her *means* to the end being wrong even as his and her chosen end is merely an *apparently* good end, not a *really* good end.
- Having chosen the wrong means as well as the wrong end (i.e., the apparently good end) the wicked person acts such that s/he *habituates* her/himself towards wickedness in these acts and, therefore, (usually in the company of like-minded "friends") *becomes* a wicked person, his or her *state of character* in due time *being* that of a wicked person.
- Since all persons are responsible for their state of character, insofar as this state is produced by acts that are voluntary

¹² See here Hourani 1962, 15.

(*hekousin*), the wicked person is likewise responsible for his or her state of character and morally blameworthy accordingly.

Relative to these points, the wicked person's acts involve choice, thus a sort of deliberative capacity. However, we must recall Aristotle says, very clearly: “Now every wicked man is ignorant of what he ought to do and what he ought to abstain from, and it is by reason of error of this kind that men become unjust and in general bad.” Following Aristotle here, the wicked person has only *cleverness of calculation*, not practical wisdom (*phronēsis*). Lacking prudence, his or her act excludes genuine forethought. Lacking genuine forethought, it seems, the wicked person does not act “with malice aforethought.” Hence, the wicked person's *ignorance* of the right end (*telos*) is at the root of his or her error. Genuine forethought involves choice in relation to the right end; cleverness is a mere preoccupation with the means to a wrong end.

L. Gómez Espíndola clarifies the concept, thus:

Aristotle claims we can distinguish actions *caused* by ignorance [*di' áгноian*] and actions *done in* ignorance [*agnoon*]. An action is caused by ignorance if it is performed because the agent ignores the particulars which the action consists in and is concerned with. The agent does not really know, for example, what he is doing, toward whom his action is directed or what will be the consequences of the performance of the action. [...] In contrast, an action done in ignorance could be performed while perfectly knowing the particulars which define the action. In this case the ignorance is about universal, ignorance regarding what *kind* of action we must do or avoid. This ignorance – Aristotle says – is the cause of vice (Gómez Espíndola 2005, 2).

The jihadist, it seems, is responsible for an action not caused by his or her ignorance. But, it is an action done *in ignorance* of the universal, not the particulars of the act pursued. Following Gómez Espíndola's clarification, we can argue, by parity of reasoning, that the jihadist is not ignorant of the particulars – i.e., s/he *knows* what s/he is doing (hence, his or her *intent*); *knows* the person(s) (e.g., “innocent” civilians, construed as guilty because of the actions of his or her government; other “Muslims” construed as blasphemers, apostates; etc.) toward whom the act is done; *knows* the instrument (e.g., the explosive device) by which s/he acts; and *knows* the (likely) consequences of his or her action (e.g., the deaths of innocents or infidels; the installation of terror in the broader community; etc.). But

this act is done in ignorance precisely insofar as s/he is ignorant of the universal – “What [s/he] does not know is that performing this kind of actions [sic] is not right, but that is not a reason for saying [s/he] acted unwillingly. (1110b25-1111a7).” The jihadist does “willful evil” that, as an act of *murder* (contrasted here from a “just cause” killing), is *always* wrong, *simply* wrong (always *beyond* the limits of vice). There is no moral or legal defense such as the jihadist’s subsequent appeal to his or her ignorance of the particulars. On Aristotelian terms, then, the jihadist *qua* wicked person is responsible for his or her evil acts and is, therefore morally blameworthy.

VI. An Illustration from Police Action in Bangladesh

The foregoing assessment images a jihadist experienced with life but whose ignorance of the universal has led him or her to calculate and commit acts of terror, thereby willingly to have become a wicked person. But, what of the child who is persuaded to act as a “suicide bomber” or to “fight to the death” against those alleged to be unbelievers, heretics, blasphemers, or apostates? What of a woman who, as wife, follows her husband into an association of terrorists, initially motivated by emotional attachment, acting under coercion, but carrying out the terrorist action nonetheless?

Consider a recent example involving such a boy and woman. It was reported in a Bangladesh newspaper on 16 December 2016 that, during an anti-terror operation in Azimpur, a suburb of the capital city of Dhaka, 14-year old Afif Kaderi rejected a call from police to surrender, opened fire, and was either killed in the exchange or he committed suicide. (Islam and Mollah 2016) In the same operation, jihadist Maynul Musa (a top leader in the radical group “Neo JMB,” the new *Jama‘at-ul-Mujabideen Bangladesh*, “Assembly of Jihadists”), communicating by way of an encrypted mobile phone messaging application, “instructed his wife Trisha Moni to wear a suicide vest and blow up herself along with their four-month-old daughter instead of surrendering to law enforcers.” According to the news report, “Trisha, however, did not carry out the instruction as her motherly love for the baby stopped her from detonating the vest.”

Afif is the son of one named Tanvir Kaderi, a leader of the Neo-JMB, no doubt “radicalized” by his father’s Islamist indoctrination. Some observers argue that Afif acted *voluntarily*, despite his age. He *intended* (a) to kill others and (b) *to become a martyr*, in the Islamist

sense of neo-JMB ideology. It *seems* that Afif is not ignorant of the particulars of his action but perhaps likely ignorant of the universal. If so, then his actions are done voluntarily, i.e., willingly. But, of course, this is a matter of perception; our perception may be in error. We have to ask whether it was really open to Afif (i.e., subject to his free, deliberative choice) to do or not to do what he did (i.e., not surrendering and instead committing to his act of militant *jibād*). Is his act simply evil/wicked in the sense of an act of *ḥirābab*?

Gómez Espíndola reminds us that Aristotle distinguishes “different ways to willingly harm a community (cf. 1135b13-27).” Accounting for these ways, we can then place Afif’s action in context, evaluating accordingly.

- The first way is by “nonrational feelings: We can perform an action willingly but without previous deliberation and decision.” (Gómez Espíndola 2005, 5) The action is merely impulsive. “In these cases we could say that the agent acted unjustly, but not that he is an unjust person. He did not decide to perform an unjust action, but the circumstances led him to act unjustly.”

Thus, if Afif was moved by impulse, his action impulsive under the circumstances, then *he acted unjustly* but *he is not an unjust person* – i.e., he does not have (in actuality) the state of character of a wicked man (though he has that character potentially).

- The second way is “by vice: This kind of action is also voluntary ... However ... the cause ... [is] a previous deliberation and decision ... If he deliberated and decided to do this unjust action, it is because he is unjust. Thus, these actions are indicators of the moral state of the agent.” (Gómez Espíndola 2005, 5)

Hence, if Afif acted consequent to deliberation and decision, it is *because* he is an unjust person, i.e., one who commits a wicked act (causing destruction, *fasād*). It is unlikely any one would say that Afif did not act unjustly. But, it is also unlikely that one would say reasonably that Afif is a wicked person, given his age (already one of puberty, *bāligh*, but not of full maturity) and his lack of experience with respect to *knowing* either the universal or the particulars relative to a morally right or wrong act. In other words, most likely we would say that, given his age, Afif (1) “has not yet become vicious” and (2) “has not yet become wicked,” although he acts unjustly towards the police authorities who seek his surrender to save his life (despite

punishment following due process of law).¹³

Like any other child, Afif acts motivated by non-rational feelings. This is a cause, in Ibn Rushd's sense, internal to himself. However, he lacks practical reason, "the capacity for decision;" for, Aristotle says explicitly: Practical wisdom (*phronēsis*) "is concerned not only with universals but with particulars, which become familiar from experience, but *a young man has no experience*, for it is length of time that gives experience ..." (emphasis added). Having no such experience that comes with time lived, Afif cannot (and did not) have the deliberative capacity really to evaluate either the particulars or the universal that relates to his actions. In Islam, similarly, it is said that, "the basic criterion of responsibility (*taklīf*)" is "the possession of mental faculty of mind (*ʿaql*), although this is subject to review in the case of the child who has attained age of puberty" (Wajis 1996). Therefore, lacking this practical wisdom, Afif (1) did not act with malice aforethought, although (2) he acted unjustly in the setting of the police operation. His was a *non-rational* response to his circumstances.

Is Afif, then, *morally* responsible for his act? Would Afif be morally responsible, morally *blameworthy*, were he to have been successful with an act that resulted in what is (from his perspective of Islamist indoctrination) an act of martyrdom? The answer is "no." He is neither morally responsible nor morally blameworthy, even though he does what is unjust. Gómez Espíndola provides the applicable clarification: "... the kind of action a mature person performs indicates his character and is his full responsibility, whereas actions of children ... indicate their circumstances and, at the best, their natural constitution, for which they are not responsible." (Gómez Espíndola 2005, 6) Afif's action indicates his circumstances and his non-rational feelings in those circumstances. Afif's father, as *external cause*, motivated Afif's disposition – a central feature of Afif's circumstances of life. Had Afif continued living under conditions where his disposition (guided by his father and other such Islamist associates) would play itself out in acts of terror, killing innocents or even police officials through the

¹³ It is to be noted that if accounted guilty of *ḥirābah*, the penalty under *sharīʿah* is fixed, although the judge (*qāḍī*) has discretion as to the method of inflicting the punishment. (Wajis 1996)

instrument of explosive devices, etc., Afif most likely *would* have become an evil person.

We have one remaining question: Does Afif, through his act, *wrong himself* in the Qur'ānic sense of sinning, liable to divine punishment? If we accept Hourani's interpretation, preferring the expression "injures himself" (including both 'wrong' and 'harm'), then the answer is "yes, Afif wrongs himself." But, he does so only *proximately*; since, in the most important sense of the word, he wrongs Allah, going against the just aim of life Allah sets in proscribing murder of the innocent, despite the false belief they are not genuinely innocent. Similarly, on the Aristotelian account, Afif harms himself, acting against the right and duty of life that is his, "suicide" being an act that violates the duty (justice) to preserve life. In the most important sense, he wrongs the State, in this case, Bangladesh. Afif was subject to the punishment of the State insofar as he acted unjustly against the State; for, the State proscribes suicide not only as a matter of its legislation of a criminal act, but also in the context of the Islamic faith that informs the laws of Bangladesh as a Muslim-majority nation. Therefore, because the State, through its criminal law, proscribes suicide and the *sharī'ah* proscribes a Muslim's act of suicide, Afif acts against Allah.

Violating the sacrosanct right to life of those who are innocent, Afif cannot be and is not a martyr (*shabīd*), i.e., one who surrenders his life for a noble (just) cause. Given his age, Afif has not the years of life lived allowing him to lay claim to that stage of development of soul that is the enlightened self (*al-nafs al-muṭma'innah*). Only on the basis of a properly phronetic decision is a noble or heroic deed consistent with justice. At best, Afif's state of psychological development is that of a soul struggling with itself to discern the good from the bad, i.e., *al-nafs al-lawwāmah*. At this stage, Afif is subject to both internal and external motivating factors that move him in the direction of the virtues (*ma'rūfāt*), the vices (*munkarāt*), or wickedness (*sharr*). The latter, if performed habitually, eventually (i.e., as a cumulative effect) establishes itself in the character of a wicked person (as "second nature"), his or her sinful action (*sayyi'āt*) having exceeded his or her pious actions (*ṣāliḥāt*) to the point of injury to self, hence the wicked person "wronging" him/herself.

What now of the woman Trisha? The assessment is rather more obvious. She is of age to make a moral decision, having deliberative capacity in relation to the particulars of the moment to choose either

virtue or vice. She is subject to a judgment that finds her morally praiseworthy or morally blameworthy relative to the choice made. Clearly, Trisha deliberated: She understood the police orders to surrender; she understood her husband's directive to wear and detonate the explosive device; she evaluated her circumstances, including the emotional appeal present in her love for her daughter; she understood the likely consequences of her decision, be it (1) from the Islamist perspective, suicide/martyrdom and subsequent divine judgment, or (2) from the Bangladesh government/judicial perspective, subsequent punishment for participation in a criminal (terrorist) activity. Her action in respect to these particulars is decidedly voluntary, manifest with the intent to commit a terrorist act.

Trisha is admittedly influenced, if not coerced, to act by her husband (bearing in mind the patriarchic, hierarchical structure of a Muslim family in the sociopolitical context of Muslim-majority Bangladesh). One cannot judge with certainty that Trisha acted on the basis of practical wisdom or on the basis of her emotional state. Trisha made a choice. Given her comments to police authorities and our perception of her act, one assesses her act to have been chosen *in accordance with virtue* rather than in accordance with vice. Certainly, her choice avoided an evil act that is, as Aristotle says, always simply wrong. In the decision of the moment, Trisha neither wronged the State nor did she wrong herself in the sense Hourani clarifies. Under the circumstances of her deliberation, Trisha signaled her commitment to life rather than to death – she had the right aim (*telos*) and the correct means, thereby manifesting a correct (even if only tacit and incidental) evaluation of the particulars in relation to the universal.

VII. Hourani and Ibn Rushd's *Tafsīr* on Aristotle's Ethics

Ibn Rushd could surely understand, today, how a radical Islamist might appeal to the doctrine of ethical voluntarism arguing that s/he is obligated to act only and entirely with reference to the commands of Allah, as revealed in the *sharī'ah*. Such subjectivism, as Hourani (1962) noted, was the dominant theory of value in medieval Islam. As noted earlier, Ibn Rushd considered both scripture and reason reliable for moral deliberation and decision.¹⁴ He argued that, "it is self-evident

¹⁴ Heller-Roazen (2006, 424) explains that for Ibn Rushd (as clarified in the *Decisive Treatise*), "The methods of demonstrative science may lead to the knowledge of a subject not mentioned in the teachings of the Law; they may also lead to the

that justice [*al-ʿadl*] is good [*khayr*] and injustice [*al-jawr*] is evil [*sharr*] – meaning good “in itself” and evil “in itself,” thus not “by supposition” and notwithstanding what scripture says. (Hourani 1962) He clarifies with example: “... associating [other gods] with [Allah] would not be unjust or wrong (*ẓulm*) in itself, but only from the standpoint of the Law [*sharīʿah*], and if the Law had prescribed an obligation to believe in an associate of [Allah], then that would have been just ...” (Hourani 1962) Ibn Rushd’s example here shows the absurdity of ethical voluntarism, for “according to subjectivism these [most sacred] duties [of Islam] would have only a conventional and not an intrinsic value.” (Hourani 1962)

Justice, *al-ʿadl*, then, is not merely a matter of convention. There is an objective, intrinsic value to justice that the law seeks to realize. Ibn Rushd argues with reference to the Qurʾān (10:44) that Allah is “righteous” (*bi-l-qist*) and, therefore, not a “wrongdoer,” in which case *when wrong is done it is attributable causally to men*: “Surely [Allah] wrongs not men anything, but themselves men wrong.” [*إِنَّ اللَّهَ لَا يَظْلِمُ*] [*النَّاسَ شَيْئًا وَلَكِنَّ النَّاسَ أَنْفُسَهُمْ يَظْلِمُونَ*]. (Hourani 1962) That is, they wrong their own souls. Thus, Hourani (1962) clarifies, Ibn Rushd argues, “any person is evil when he does certain types of acts or creates certain things having in themselves a real [not merely “apparent”] character of evil ...” This unavoidably relates to human choice (*al-ikhtiyār*), “a condition of human obligation:” “Since we are certainly under obligation we must therefore have a choice. This means that we will our own acts.” (Hourani 1962) If and when men go astray, Ibn Rushd opines, it is because they are “predisposed to go astray by their natures, and impelled to it by causes of misguidance, both internal and external, which surround them.” (Hourani 1962) Here, “nature” accounts for Allah’s creative act involving “natural elements” (*al-ṭabīʿah*) and “composition” (*al-tarkīb*) in the formation of humankind. The quest for human happiness (*al-saʿādah*) proceeds only with this understanding of the composite nature of a human being.

Clearly, then, despite the composite human nature, the majority of individuals have the rational capacity to achieve good and avoid evil

knowledge of one mentioned by them. If the subject is indeed not addressed by the Law, there can be no conflict with wisdom; the matter in question simply has the status of the statutes passed over in silence, which the jurist infers by means of Law-based syllogistic reasoning’ ...”

(although not all equally)¹⁵: "... Ibn Rushd believed that reason can find out at least a part of what is right ..." (Hourani 1962) This is a matter of both theoretical and practical reason. Wrongdoing, if it is to be avoided, depends on both intellectual and moral virtue, the latter according to the proper function of the rational soul exercising right thinking, right judgment, and right action as prudence, temperance, fortitude, and justice require, all to the exclusion of both vice and evil (*munkar*). Moral judgment in this sense is a matter of practical wisdom, different from "legal reasoning or legal analogy" (*qiyās fiqhī*), i.e., "deduction of moral decisions from scripture." (Hourani 1962) Practical wisdom depends on life experience and not merely the text of scripture and divine command. A Muslim, for Ibn Rushd, has "right of free opinion" (*ijtibād al-ra'y*). In his *Commentary on Aristotle's Nicomachean Ethics* (Bk. 5, Ch. 10), Ibn Rushd illustrates this view, pertinent to the present discussion because it concerns the "military" sense of *jihād*. Hourani (1962, 39) recalls this and comments:

He quotes Aristotle's definition of equitable as "a correction of law where it is defective owing to its generality," and illustrates this from the Islamic law of *jihād*. [...] Such correction of positive law by equity implies the existence of a natural right, to which the Legislator conformed, and by our direct knowledge of which we may interpret his intentions.

In short, any Muslim interpreting *jihād* in the military sense that involves armed conflict with non-Muslims cannot take that imperative as absolute. It applies to the exception, to individual and collective acts of self-defense, not offensive war, not acts of aggression. Radical Islamists *qua* jihadists presuming themselves to be following this injunction err. Given Ibn Rushd's opinion, thereby they manifest ignorance of the intention present in the injunction. Acting in ignorance of this intent, therefore they do wrong – not only to others, but also to themselves.

¹⁵ In his *Decisive Treatise*, Ibn Rushd distinguishes three classes of people: those of rhetoric (*al-khaṭābiyyūn*) who are not adept at interpretation; those of dialectic (*al-jadaliyyūn*), adept "by nature or by habit" at dialectical interpretation; and those of demonstration (*al-burbāniyyūn*), who are capable of interpretation (*ta'wīl*) and the philosophical wisdom (*falsafah, ḥikmah*) proper to "science" (*ahl al-'ilm*).

One cannot forget here Ibn Rushd's allowance for God's prior will that creates some humans to be "by their nature" evil. By their nature they are *disposed* to do evil and very likely to do evil when motivated either by internal or external causes. For such individuals, this is not first and foremost to be explained as action due to ignorance that might have been remedied. These individuals function according to that larger divine direction that allows a minor portion of evil (*qabīḥ*) and a majority of good (*khayr*) in the foundation of God's creative act.

Conclusion

We have completed a Qur'ānic and Aristotelian interpretation of wrongdoing that allows for the similarity of the two modes of practical rationality in the formulation of an interpretive resolution of the question posed at the outset. In the Qur'ānic reading, the *religious* context concerns the individual's relation to Allah; whereas, the *political* context of Aristotle's *Nicomachean Ethics* concerns the individual's relation to the *polis*, i.e., to the State. In the former case, the wrongdoer wrongs Allah and, thereby, wrongs him/herself in view of his/her prospective punishment in the afterlife. Whereas, in the latter case the wrongdoer wrongs the State and thereby wrongs (harms/injures) him/herself in view of the prospective punishment that the laws of the State prescribe. Either way, we conclude that, consistent with Islamic Aristotelianism such as articulated by Ibn Rushd, Hourani properly integrates the two modes of practical rationality by way of the more refined interpretive concept he has preferred, viz., "to injure oneself." In that sense, for both the Qur'ān and Aristotle, we may say the wrongdoer wrongs (injures, harms) him/herself. Accordingly, on this interpretation, a militant jihadist always wrongs him/herself through his or her act of terror, even as s/he wrongs other persons and the State in particular.

However, it is clear, as Aristotle understood, that an individual's state of character manifests itself as either virtue or vice consequent to habituated action. For Aristotelian ethics, acts of murder and suicide fall into the category of evil simply, these acts beyond the limits of vice as such. Mature adults who commit such evils while having the capacity of rational deliberation are properly evaluated as wrongdoers, while children (teenagers especially) are to be evaluated differently (as illustrated by example above). This holds true for both Aristotelian ethics and Islamic ethics in the sense of the integration of the two practical rationalities reviewed here.

Hence, those evaluating the actions of militant jihadists cannot lose sight of the significance of moral rectitude *qua* Islamic virtue, hence the importance of *‘ilm al-akblāq* for a proper understanding of *jibād* to disabuse Muslims of the error of individual wrongdoing that is “militant” *jibād*.

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