

## ISLAM DEMANDS A MUSLIM RESPONSE TO THE TERROR OF SEPTEMBER 11

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In this paper it is my intention to assert that it is the moral duty of Muslims to not merely condemn the attacks on noncombatant Americans (including hundreds of Muslims) that took place on September 11, 2001, but to engage in a positive effort to identify the planners and material supporters of the attacks, to confront them with the fact that their actions have violated the *sharia`ah* in a most egregious manner, to urge them to repent, and to punish them if the families of the victims are unwilling to be merciful and accept compensation.

“Contend not on behalf of such as betray their own souls: for God loveth not one given to perfidy and crime. They may hide (their crimes) from men but they cannot hide (them) from God seeing that He is in their midst when they plot by night in words that He cannot approve: and God doth compass round all that they do. Ah! these are the sort of men on whose behalf ye may contend in this world; but who will contend with God on their behalf on the Day of Judgment or who will carry their affairs through?” (4:107-109)<sup>1</sup>

The FBI’s investigation to date has identified most of the hijackers as Arabs<sup>2</sup> and a letter was found in three of the hijackers’ suitcases employing Islamic jargon to steel the perpetrators to their task. These facts, plus the conformance of the attacks to the vision of a war between the Muslim world and America put forward by Usama bin Ladin and his associates in a directive dated February 1998,<sup>3</sup> gives substance to the presumption that the attack was committed by professing Muslims, notwithstanding the fact that the act was unquestionably in violation of Islamic Law.

A debate has emerged regarding the American response to the attack. Should they treat it as a crime or an act of war? Should they treat the Taliban as the “harborers of terrorists” and thus consider them combatants? How much “collateral damage” (i.e., incidental slaughter of civilians) is tolerable? This article is concerned not with those questions, but with the question of what is the Islamic duty of the *Muslim* community in the face of the September 11 carnage? What should we do and why are we not doing it? How might we begin? I shall argue that the Muslims should be taking the lead in the search for the perpetrators and in bringing them to justice and that this action should be conducted according to Islamic norms.

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Let us begin by noting what is being done. Muslims have overwhelmingly condemned the attacks.<sup>4</sup> These condemnations have come from Muslims in all parts of the world, Sunni and Shi`a, Arab-speaking and otherwise. A report in the Urdu language Karachi Ummat even quoted bin Ladin as condemning the attacks, in apparent contradiction to his praise of the attacks in a videotape sent to al-Jazeera television in Qatar and played on the day the Americans began bombing Afghanistan.<sup>5</sup>

A plethora of fatwas have been issued, notably including those by Yusuf Qaradawi, opining that bin Ladin is not competent to issue fatwas of his own,<sup>6</sup> another urging Muslims to fight in defense of the innocent civilians in Afghanistan<sup>7</sup> while in yet another asserting that it is permissible for American Muslims in the armed forces of the United States to fight against the Afghans.<sup>8</sup> The combined effect of the last two fatwas is to encourage Muslims to kill other Muslims in battle.

A hadith transmitted through Abu Musa prohibits Muslims from killing other Muslims “face to face”, i.e., in battle.<sup>9</sup> This is because Islam offers a system for the peaceful resolution of disputes and battle between Muslims should be only as a last resort after all other methods have been exhausted, that is after one side has rejected the lawful resolution and thus removed himself from the system and placed himself beyond the protection implied by the hadith.

The fatwas of Shaikh Qaradawi, like the resolution of the Organization of Islamic Conference, share a common assumption: that the Muslim community is too weak to take a proactive role in seeking justice and must merely react to American initiatives. Thus, the debate is focused on whether the Muslim reaction should be to adopt a subsidiary role in assisting the American government’s “war on terrorism” and on how to prevent America from exceeding the bounds of justice in their efforts. I challenge the premise that Muslim weakness excuses us from struggling to pursue justice. And propose Muslims take a leading proactive role in solving and punishing the crime.

While there is no doubt that the Muslim *ummah* is weak, we must be honest enough to acknowledge that the source of this weakness is not lack of numbers nor lack of resources. It is due to a lack of substance. The source of unity is not the act of taking directions from a particular leader, but determination to act in accord with injunctions of the provisions of the law on which there is consensus. That is to say, that the *ummah* must be united not around personalities but around principle.

The hijackings have been an embarrassment to Muslims. What made them possible is the error Muslims committed at the time of the Gulf War, errors rooted in the same sense of weakness.<sup>10</sup> When Saddam Hussein invaded Kuwait, the efforts of the Arab League to mediate a withdrawal were trumped by George Bush senior’s insistence on an international coordinated response under the direction of the Americans. Knowing the controversy of allowing Muslims to kill other Muslims in battle would be compounded by having the coalition headed by non-Muslims, a gathering of legal scholars was convened in Saudi Arabia to issue an opinion on the permissibility of a coalition of non-Muslims and Muslim forces. The decision that emerged was that provided certain strict

conditions were met, a coalition of Muslims and non-Muslims was permissible. That a military coalition with non-Muslims was deemed permissible was publicly disseminated, but the list of conditions was not. That list includes that must coalition must be under Muslim command and that the battle must not be against fellow Muslims, conditions clearly not met in the case of the Gulf War.

The result of the Gulf War was predictable. Although Saddam Hussein was evicted from Kuwait, he remains in power to this day. Anger at America which had hitherto mainly centered around its unconditional support for Israel, now expanded to include condemnation of the deaths (including many children) of innocent Iraqis due to the trade embargo on that country and on the presence of foreign troops in the land of the Two Holy Mosques. For the first time in history anti-American feelings reached the boiling point in Saudi Arabia exploding in the bombing of a U.S. military base there at the Khobar Towers in 1996.

At the same time that Saudi anger was stoked, Egyptian anger was also escalated through the prosecution of the 1993 World Trade Center bombing case. Iraqi Ramsey Yusuf was the mastermind behind that bombing and was convicted for it. Yet, thanks to the dubious testimony of an unreliable Egyptian intelligence operative, the world identifies the bombing more closely with a blind and elderly Egyptian shaikh whose animosity was aimed at the Egyptian leadership, not at America. Thus, Iraq scored a “twofer,” physically attacking its American enemy and blaming Saddam’s other enemy, the Islamists, for the attack.

The point of reviewing this history is to recall that at the time Saddam was vilified as the new “Hitler.” Actually, he was more like the Kaiser, seeking to establish an Iraqi regional hegemony. Just as the humiliation of Germany in the wake of the Kaiser’s defeat gave birth to Hitler and National Socialism, so has the humiliation of the Muslim world in the wake of Saddam’s defeat given rise to the perverse interpretation of Islam that seems to have been the driving force behind the more recent attack on the World Trade Center.

Who does not remember history is doomed to repeat it. If the response to September 11 is again to be Muslim humiliation as a rightfully angry America, unable to locate and punish the perpetrators, instead engages in shotgun attacks that kill Afghani peasants, U.N. workers, and Red Cross warehouses, then who can doubt that an even more virulent hatred will be bred and unleashed upon the world?

Before answering that question of what is to be done, let us make clear what is not to be done. The first thing Muslims must not do is to repeat gossip. Admittedly it is difficult for we who know our religion’s commitment to justice to accept that some professing Muslims may have done this deed. Still, we must not jump into wishful thinking that in the absence of solid evidence, or in the presence of discredited rumors (like the claim that Israel warned 4,000 Jews to stay away from the World Trade Center that day), allows us to assume that someone else must have done it.<sup>11</sup> That Israel benefits from the discrediting of Muslims in the eyes of America that the destruction of the World Trade

Center provokes does not necessarily mean that the Mossad is behind it. “But if anyone earns a fault or a sin and throws it on to one that is innocent He carries (on himself) (both) a falsehood and a flagrant sin.” (4:112)

The second thing we must not do is to assume that noble words alone will redeem Islam in the eyes of the world when what is demanded by our religion is action. What happened on September 11 was not an act of war, but a crime. Islam demands justice and if the perpetrators were Muslims then Islam demands that we punish them. It is no excuse that the United States is keeping whatever evidence it has classified. If the United States will share whatever evidence it has with the Muslims world, all to the better. But if the United States refuses to share the evidence, or if it has no good evidence, that does not excuse us from our Islamic duty. It only means that we must ourselves carry the responsibility of a serious effort at detective work. It means that any Muslim who knows anything substantially helpful (not gossip, rumor, hearsay, or speculation) must take it to a reliable authority capable of following up on it, or if that is impossible due to the corruption of local governments, then to a reliable agent of the news media (like al-Jazeera).

In deliberating over the situation, let us begin by acknowledging that no state of war exists between Muslims and America. The 1998 declaration of war signed by bin Ladin cannot be accepted as such. Bin Ladin is not authorized to declare war on behalf of the ummah. He has no *bay`ah* from the general Muslim community. Even if a state of war had existed between the Muslims and the Americans on September 11, there can be no doubt that the attack on the World Trade Center would constitute not an act of war permissible under Islamic law but a war crime. Bin Ladin testifies to this himself in the Karachi Ummah article. Thus it appears to be the consensus (*ijmā`*) of the ummah as well as of the scholars that the act was a criminal act and therefore it is mandatory that the criminals be identified and punished.

It is important that we be clear that our criticism of bin Ladin’s declaration of war is completely independent of any accusation that he materially aided or participated in the events of September 11. Even if bin Ladin had nothing to do with the September 11 events, there is sufficient evidence (including his own boasts) that he instigated the acts of terror. His pseudo-fatwa condoning attacks on civilians is an attack on Islam and on civilization. The Muslim community must decide how it shall deal with a Muslim who is neither a scholar of the shari`a nor an elected or appointed leader, nor with any large body of followers pledged to him by a *bay`a*, but who presumes to speak for the entire *ummah*, in issuing a declaration of war and putting the *ummah* at risk. (Already, his actions have rained down violence on the people of Afghanistan.) At the very least such a man needs to have his transgression pointed out to him and given an opportunity to learn the actual teachings of Islam that he might redirect his wealth and energy into channels that may actualize his professed aims (ending the suffering of the Iraqi people, securing the rights of the Palestinians, and ending the presence of foreign troops on Saudi soil) instead of undermining them. Perhaps, as many seem to believe, bin Ladin is a sincere Muslim who is merely misguided. How can he be guided aright, if none will speak truthfully to him? He needs to hear the critique of other sincere Muslims and not

just the politically motivated denunciations of those who oppose the professed aims listed above.

Now comes the true test of our Islam. We are duty-bound to find the criminals and punish, but we must do so within the confines of the *shari`ah*. What does this mean?

The greeting to every Muslim to every other Muslim is “Peace be upon you.” This is not only because with acceptance of God’s sovereignty comes an inner peace, but because entering into the brotherhood of Islam means entering into a system for the peaceful resolution of all disputes.

“Never should a believer kill a believer; but (if it so happens) by mistake (compensation is due)...If a man kills a believer intentionally his recompense is Hell to abide therein (for ever): and the wrath and the curse of God are upon him and a dreadful penalty is prepared for him.” (4:92-93)

A Muslim who willfully violates the Islamic law and commits the murder of noncombatants can hardly be considered a believer and is subject to capital punishment upon conviction. But one cannot call another a disbeliever without proof: “O ye who believe! when ye go abroad in the cause of God investigate carefully and say not to anyone who offers you a salutation: ‘Thou art none of a believer!’ Coveting the perishable goods of this life: with God are profits and spoils abundant. Even thus were ye yourselves before till God conferred on you His favors: therefore carefully investigate for God is well aware of all that ye do.” (4:94)

It is our duty to fully investigate the question of who is responsible for the attacks of September 11. Any Muslim who has information as to the planners and perpetrators of these acts is duty bound to produce the evidence and make it public. Any who object to this on the grounds that Muslims have their hands full defending the rights of Muslims without trying to defend the mightiest nation on earth, misses the point. Standing up for justice is a duty owed to Allah (*swt*), not to the United States. “O ye who believe! stand out firmly for justice as witnesses to God even as against yourselves or your parents or your kin and whether it be (against) rich or poor: for God can best protect both. Follow not the lusts (of your hearts) lest ye swerve and if ye distort (justice) or decline to do justice verily God is well-acquainted with all that ye do.” (4:135)

I am not here speaking of an obligation to share information with United States. On the contrary it is the United States that should be sharing obligations with those Muslims intent on pursuing justice. Our shaikhs or other representatives should draft a letter to the U.S. Department of State saying that we intend to act, but would benefit from their cooperation. Provide us with the evidence they have and if it is convincing we shall take it to those who may be in a position to locate the perpetrators and planners.

When the perpetrators and planners have been found they should be confronted with their acts and offered the opportunity to repent of them. By this means they would demonstrate that they are believers who have sinned and repented of their sins. Then

they would have the right to plead for mercy from the families of the victims. It is for the families of the victims to decide whether they should receive the capital punishment prescribed for murderers or to pay the blood money as compensation. If they refuse to acknowledge the evil of their actions then they have defined themselves as rejectors of God's word and law and of justice. On what grounds could they appeal to be spared punishment? "... We ordained ... that if anyone slew a person unless it be for murder or for spreading mischief in the land it would be as if he slew the whole people: and if anyone saved a life it would be as if he saved the life of the whole people. Then although there came to them Our apostles with clear Signs yet even after that many of them continued to commit excesses in the land." (5:32)

The argument that Muslims cannot be expected to conduct such an investigation or to bring the hypocrites from amongst ourselves to justice due to our weakness is an argument of no weight. If Prophet Muhammad had accepted such an argument would he have fought at Badr against odds of three to one in manpower and 50 to one in cavalry? Nor should the hypocrisy of the American government in demanding that Muslim countries support their fight against alleged Muslim terrorists while they continue to arm the terrorists in Israel be used as an excuse to shirk our duty to demand justice.

"O ye who believe! Stand out firmly for God as witnesses to fair dealing and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to Piety: and fear God for God is well-acquainted with all that ye do." (5:8)

It is time for us to remember that the reason Islam spread so quickly in the first centuries of its existence was not because Arabs were better armed or more skilled in the art of war than the empires of Byzantium and Persia. It was because their consistent commitment to justice and truth overwhelmed the corruption of the lands into which Islam expanded so that the people welcomed the Muslims even when they did not become Muslims themselves. For what other reasons would the Christians of Syria have wished the Muslims victory over the Byzantines when they Muslims refunded the *jizya* on the grounds that they could no longer promise the protection for which the *jizya* was intended to compensate?<sup>12</sup>

Some Muslims have become heartsick that Americans act as if they have not heard the Muslim denunciations of the attacks of September 11. They think that the words of condemnation must be repeated over and over until the message gets through. They are mistaken. No words will ever speak loudly enough. Only actions can be heard over the din of outrage. We cannot say "God is sufficient for us" and then say let America pursue and punish the evildoers. This is our duty and we will have earned nothing but contempt so long as we shirk it, however noble the words we utter.

Can any action the Muslim *ummah* takes be effective? The perpetrators were surprisingly sophisticated, but they cannot have been so sophisticated as to leave no trace at all. It is not for the Muslim governments to find them, but for all Muslims, every individual and NGO, to come forth to whomever they trust among the Muslims or the international agencies with what they know and to collectively require those we respect

from among us to speak to whomever has done these intolerable deeds as the Arab league attempted to speak to Saddam Hussein before the United States in its haste cut them off. If those who did these deeds are misguided Muslims, then we have the Book that can guide them aright. If they are hypocrites, then we have the authority to deal with them in a way that will demonstrate that their deeds are unsanctioned by Islam in a manner that no punishment they may suffer at the hands of others could possibly demonstrate.

“Why should ye be divided into two parties about the hypocrites? God hath upset them for their (evil) deeds. Would ye guide those whom God hath thrown out of the way? For those whom God hath thrown out of the way never shalt thou find the way. They but wish that ye should reject faith as they do and thus be on the same footing (as they): but take not friends from their ranks until they flee in the way of God (from what is forbidden). But if they turn renegades seize them and slay them wherever ye find them; and (in any case) take no friends or helpers from their ranks.” (4:88-89)

Regardless of whether the perpetrators were professing Muslims ignorant of the actual principles of our religion or agents acting on behalf of forces hostile to Islam, they must be tried fairly and with justice. If the World Trade Center is the Muslims’ Mei Lei, then we cannot be guilty of what the leftists accused the Americans in that case. Like the World Trade Center bombings, the massacre at Mei Lei was a war crime. A mere lieutenant was made to pay the price for it although many believed that he was following a policy handed down by others of superior rank. Muslims must not pull out some minor minion and make him the scapegoat nor should we frame some likely non-Muslim. We must seek out the planners at the very top, whether they are outlaw Kharajites pompously claiming to be holier than the rest of us or corrupt government officials who oppress their own people in the name of religion or in the name of secularism. We must have proof of their guilt and they must be given the opportunity to repent.

In order to facilitate the recommended actions, it would be helpful for Muslim NGO’s together with the O.I.C. and such Muslim nations as support the concepts expressed here to establish a special international task force of Muslim legal scholars, intellectuals and activists held in the highest regard across the board to be the recipients of such information as may be useful in determining who is responsible for the crimes of September 11 in a manner that will protect the welfare of those who provide the evidence, and to be charged with the task of persuading the perpetrators of their duty repent and to return to the fold. Muslims who are afraid to cooperate with American agencies could report evidence to such a commission as I here propose without fear.<sup>13</sup> Such a commission would be in charge of coordinating cooperation with the Americans who are, after all, the aggrieved party, and should be given the opportunity to participate in the pursuit of justice even as we insist that this injustice must not become the excuse for further injustice.<sup>14</sup>

We cannot teach except through action. If we wish the world to understand why fighting “in the path of God” is not terrorism, then we must be firm in rooting out terrorism amongst us. The West has tried to confuse the issue by claiming that guerrilla warfare or armed resistance or suicide bombing<sup>15</sup> is by definition terrorism (when engaged in by

Muslims) while violence against a subject population of Muslims is not terrorism. We have rightly scorned their hypocrisy, but we lose any righteousness if we engage in hypocrisy of our own. If we succeed in bringing those among us who have transgressed the limits of God to justice, then we shall be well-placed to demand the same of the rest of the world.

There is a final reason to engage in this *jihâd* against the terrorists. If we want America to stop funding the terrorists in Israel and in the corrupt regimes in the Muslim lands, we must help America to understand its own priorities. America has never been a war zone before. (Even the attack on Pearl Harbor was an attack on an American *possession*. Hawaii did not become a state until eighteen years later.) American non-Muslims are demanding to know what Muslims think about this kind of horrible devastation. There are those in America who want to turn the American outrage into a force for a war on the whole Muslim world. They would start with Afghanistan, move on to Iraq and Sudan, then Lebanon and (through the Israelis) Palestine, and then Iran. (One atheist bought a full-page ad in the *Washington Post* calling on America to attack Iran now.) If HAMAS and Hizbullah were to be among the detectives, the prosecutors and, if necessary, the executioners, who bring those who killed thousands of innocent Americans to justice, then Americans may see that the militancy of those groups is not against Jews or Christians, but against evildoers.

In other words, George W. Bush is right that there must be a war against terrorism, but it must be fought against all terrorists whether they profess Islam, Christianity, Judaism, or secular humanism. Muslims must not be mere partners in this fight, but we owe it to God and to ourselves to be in the forefront. Our targets must be evil and injustice. Whether we succeed or not is in the hands of Almighty God. Whether we choose to attempt this is in our hands and on the Day of Judgment we shall see our choice recorded on the scroll.

“Not equal are those believers who sit (at home) and receive no hurt and those who strive and fight in the cause of God with their goods and their persons. God hath granted a grade higher to those who strive and fight with their goods and persons than to those who sit (at home): unto all (in faith) hath God promised good: but those who strive and fight hath He distinguished above those who sit (at home) by a special reward. Ranks specially bestowed by Him and Forgiveness and Mercy. For God is Oft-Forgiving Most Merciful. When angels take the souls of those who die in sin against their souls they say: ‘In what (plight) were ye?’ They reply: ‘Weak and oppressed were we in the earth.’ They say: ‘Was not the earth of God spacious enough for you to move yourselves away (from evil)?’ Such men will find their abode in Hell what an evil refuge! Except those who are (really) weak and oppressed men women and children who have no means in their power nor (a guide-post) to direct their way. For these there is hope that God will forgive: for God doth blot out (sins) and forgive again and again. He who forsakes his home in the cause of God finds in the earth many a refuge wide and spacious: should he die as a refugee from home for God and his Apostle his reward becomes due and sure with God: and God is Oft-Forgiving Most Merciful.” (4:95-100)



## Endnotes

<sup>1</sup> Qur'anic translations from Abdullah Yusuf Ali, *The Holy Qur'an* (Elmhurst, NY: Tahrikur Tarsile Qur'an 1988).

<sup>2</sup> In at least several cases there have been allegations of identity theft. In at least four cases identity theft has been confirmed in that the persons identified have been proven to be still alive.

<sup>3</sup> Shaykh Usamah Bin-Muhammad Bin-Laden, Ayman al-Zawahiri, Abu-Yasir Rifa'i Ahmad Taha, Shaykh Mir Hamzah, and Fazlul Rahman (signatories), "Text of World Islamic Front's Statement Urging Jihad Against Jews and Crusaders"—Al-Quds al-'Arabi, English translation by Emergency Response and Research Institute, Chicago (9/24/2001) <http://www.emergency.com/bladen98.htm> (last accessed 9/24/2001). That this translation is reasonably accurate has been attested to by Tariq Hamdi of the International Institute of Islamic Thought who has in his possession a copy of the Arabic text as it was received by fax by the London based *al-Quds al-Arabi*.

<sup>4</sup> Typical is the declaration signed by forty-six Muslim scholars and intellectuals Mustafa Mashhur, Yusuf Qaradawi, et al. "A Clear Criterion: Muslim Scholars and Intellectuals Condemn Attacks in New York and Washington," MSAnews <http://msanews.mynet.net/MSANEWS/200109/20010917.15.html> (9/14/01).

<sup>5</sup> The translation provided in *The Muslim Observer* (III #41 Oct. 19-25, 2001, p. 14) offers the following translation of bin Ladin's views on the killing of civilians: "I had no knowledge of these attacks, nor do I consider the killing of innocent women, children, and other humans as an appreciable act. Islam strictly forbids causing harm to innocent women, children and other people. Such a practice is forbidden even in the course of battle."

<sup>6</sup> Kate Goldberg, "Islam 'Hijacked' by Terror," BBC News Online (10/11/01) [http://news.bbc.co.uk/1/hi/english/world/americas/newsid\\_1591000/1591024.stm](http://news.bbc.co.uk/1/hi/english/world/americas/newsid_1591000/1591024.stm) quotes Qaradawi as giving a fatwa that "Osama bin Laden could not call himself a Muslim."

<sup>7</sup> Caryle Murphy, "Muslim Leaders Speak Out," *Washington Post*, (Oct. 13, 2001) B9.

<sup>8</sup> Islamonline Fatwa Committee "Ulama's Fatwas on American Muslim Participating in US Military Campaign," <http://www.islam-online.net/fatwaapplication/english/display.asp?hFatwaID=52014> (Oct. 16, 2001)

<sup>9</sup> Ibn Maja #3964, Ahmad #19112 and 19193, an-Nasa'i #4118.

<sup>10</sup> "The efforts of Arab leaders to redress Iraq's infraction were without success. At the Cairo Summit meeting in August 1990, attempts at a solution arrived at through Arab mediation were disregarded by the majority of the Arab states. Kuwait considered any suggestions or advocacy of Arab mediation to be an act of 'betrayal' that should be treated as a 'pro-aggression' stand. A divided Summit sanctioned U.S. intervention." Clovis Maksoud, *From June 1967 To June 1997: Learning From Our Mistakes*, Al-Hewar <http://www.alhewar.com/Clovis67-97.htm> (2/24/99).

<sup>11</sup> The susceptibility of some Muslims to believe such rumors may be attributed to the fact that the suppression of some much actual news by the media has made them reluctant to believe that the absence of a story from the media constitutes evidence that it is unfounded. For example, the story of the five Israelis arrested for suspicious behavior in the roof of a building in New Jersey was a true story (see, e.g., Yossi Melman, "Five Israelis Jailed, Grilled, and Tortured by FBI for 'Puzzling Behaviour' After WTC," *Ha'aretz* <http://www.haaretzdaily.com/hasen/pages/ShArt.jhtml?itemNo=7526> (9/17/01) that was largely neglected by the American media.

<sup>12</sup> "When Heraclius massed his troops against the Moslems and the Moslems heard that they were coming to meet them at al-Yarmuk, the Moslems refunded to the inhabitants of Hims the karaj [tribute] they had taken from them saying, 'We are too busy to support and protect you. Take care of yourselves.' But the people of Hims replied, 'We like your rule and justice far better than the state of oppression and tyranny in which we were. The army of Heraclius we shall indeed, with your 'amil's' help, repulse from the city.' The Jews rose and said, 'We swear by the Torah, no governor of Heraclius shall enter the city of Hims unless we are first vanquished and exhausted!' Saving this, they closed the gates of the city and guarded them. The inhabitants of the other cities—Christian and Jew—that had capitulated to the Moslems, did the same, saying, 'If Heraclius and his followers win over the Moslems we would return to our previous condition, otherwise we shall retain our present state so long as numbers are with the Moslems.' When by Allah's help the 'unbelievers' were defeated and the Moslems won, they opened the gates of their cities, went out with

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the singers and music players who began to play, and paid the kharaj.” Paul Halsall, *ed.*, “Medieval Sourcebook: Al-Baladhuri: The Battle Of The Yarmuk (636) and After,” Internet Medieval Sourcebook (FordhamUniversity Center for Medieval Studies 4/25/96) <http://www.fordham.edu/halsall/source/yarmuk.html> (accessed 11/28/01) from The Origins of the Islamic State, being a translation from the Arabic of the Kitab Futuh al-Buldha of Ahmad ibn-Jabir al-Baladhuri, trans. by P. K. Hitti and F. C. Murgotten, Studies in History, Economics and Public Law, LXVIII (New York, Columbia University Press, 1916 and 1924), I, 207-211.

<sup>13</sup> Such fears are justified. Consider the over 1,000 Muslim immigrants to the United States now held without charge and on secret evidence. Apart from hesitations due to fear, potential witnesses may be deterred by a seeming non-responsiveness. When I attempted to provide the FBI with some information I was repeatedly put on hold and disconnected.

<sup>14</sup> An independent Muslim commission is worth instituting for additional purposes beyond the particular ones discussed here including future peacemaking and reconciliation.

<sup>15</sup> Islam forbids both suicide and terrorism, but this does not make them the same thing. “O ye who believe! eat not up your property among yourselves in vanities: but let there be amongst you traffic and trade by mutual good-will: nor kill (or destroy) yourselves: for verily God hath been to you Most Merciful.” (4:29) “The Prophet said, ‘... whoever commits suicide with piece of iron will be punished with the same piece of iron in the Hell Fire.’ Narrated Jundab the Prophet said, ‘A man was inflicted with wounds and he committed suicide, and so God said: My slave has caused death on himself hurriedly, so I forbid Paradise for him.’” (Sahih Bukhari v. 2 #445)