



Australian Journal of Islamic Studies

<https://ajis.com.au>

ISSN (online): 2207-4414
Centre for Islamic Studies and Civilisation
Charles Sturt University CRICOS 00005F
Islamic Sciences and Research Academy of Australia

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Salih Yucel

To cite this article:

Yucel, Salih. "Human Rights and Guilt by Association: Said Nursi's Renewal Approach." *Australian Journal of Islamic Studies* 4, no. 3 (2019): 19-33.



Published online: 30 December 2019



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HUMAN RIGHTS AND GUILT BY ASSOCIATION: SAID NURSI'S RENEWAL APPROACH

Salih Yucel*

Abstract: Violating human rights, committing crimes and mass killings due to guilt by association is as old as human beings. Most genocides in human history are committed because of guilt by association. The Universal Declaration of Human Rights is one of the most important steps regarding human rights, however, no article explicitly bans committing crime and killing due to guilt by association. Although guilt by association is considered unlawful in modern legal systems, it exists in all cultures, among adherents of religions and nations including Muslim countries. Despite the strong objection within the Qur'an, violating human rights due to guilt by association is common, in the past and present, across the Muslim world. Disregarding such important moral principles has caused great injustices and barbarous acts in the world.

In this article, I will analyse the word *haqq*, in its sense of meaning "right" in the sacred texts of Islam, focusing on its relation to guilt by association. Second, I will examine how the Qur'anic verse "No bearer of burdens can bear the burden of another"¹ bans guilt by association in exegetical works. This is shown to take on significance within Said Nursi's (1877-1960) renewal approach. Finally, this paper argues guilt by association causes great injustice, tyranny and crime. This study proposes it must be added to the Universal Declaration of Human Rights and banned by the UN.

Keywords: *Guilt by association, human rights, UN Human Rights Charter, Islam, Said Nursi, Islamic law*

INTRODUCTION

Guilt² by association is one of the greatest reasons for human rights violations and mass killings. The majority of humanity has been affected on different levels due to guilt by association. No distinctions are made between criminals and innocents regarding guilt by association. Goto et al discusses how current generations are assigned guilt for the actions of

* Salih Yucel is an associate professor at the Centre for Islamic Studies and Civilisation, Charles Sturt University, and part-time lecturer at Australian Catholic University.

¹ Qur'an, 6:164, 35:18 and 53:38.

² This paper was presented at the conference of "Religious Perspectives on Human Rights" at Catholic Theological College on Friday 25 October 2019.

their ancestors.³ It is socially constructed and experienced in interaction.⁴ Regrettably, this issue has not been sufficiently discussed as it deserves by academics in comparison to other issues related to human rights. Most of the available literature discusses the psychological aspects. The social, religious and legal aspects, particularly in Islam, need further research.

According to a legal dictionary, guilt by association means “the idea that an individual is guilty of a crime because he or she associates with the person who actually committed it.”⁵ Advanced systems of law accept the principle that guilt is personal.⁶ For example, in the US constitution, guilt is personal,⁷ but regarding the ‘War on Terror’ and occupying a country such as Iraq, guilt by association is justified. Similarly, there is a high risk of guilt within the new Australian Terrorism Law,⁸ as Ricketts identifies.

In biblical law, guilt by association or forms of corporate guilt do occur. The second commandment, against idolatry in Exodus 20:5, proclaims that God will visit the idolatrous sins of parents on their children up to the fourth generation.⁹ But v. 6 vastly overshadows this by proclaiming God’s ‘steadfast love to the thousandth generation of those who love me and keep my commandments’ (NRSV). But some Jewish scholars confined this to Jews, and justified oppression and killing of Gentiles.¹⁰ due to guilt by association.¹¹ But later in the prophets’ hereditary guilt by association is banned. ‘In those days they shall no longer say: ‘The fathers have eaten sour grapes, and the children’s teeth are set on edge.’ But everyone shall die for his own iniquity. Each man who eats sour grapes, his teeth shall be set on edge (Jeremiah 31:29–30).¹²

However, in the New Testament, there are key gospel passages that have been taken as blaming the Jews for Jesus’ death, condemning them all through guilt by association. This longest running example of collective responsibility continues almost two millennia later. Avner Falk argues that hatred against all Jews is theological and is typified by guilt by

³ Nobuhiko Goto et al., “The Sins of Their Fathers: When Current Generations are Held to Account for the Transgressions of Previous Generations,” *Political Psychology* 36, no. 4 (2015): 479.

⁴ Bert Klandermans, Merel Werner and Marjoka van Doorn, “Apartheid’s Legacy: Collective Guilt, Political Ideology, and Compensation,” *Political Psychology* 29, no. 3 (2008): 332.

⁵ *Legal Dictionary*, s.v. “Guilt by Association,” accessed October 23, 2019, <https://legaldictionary.net/guilt-by-association/>; *Dictionary.com*, s.v. “Guilt by Association,” accessed October 23, 2019, <https://www.dictionary.com/browse/guilt-by-association>.

⁶ David Cole, “Secrecy, Guilt by Association, and the Terrorist Profile,” *Journal of Law and Religion* 15 (2001): 284.

⁷ *Ibid.*, 284.

⁸ See, Aidan Ricketts, “Freedom of Association or Guilt by Association: Australia’s new Anti-Terrorism Laws and the Retreat of Political Liberty,” *Southern Cross University Law Review* 6 (2002).

⁹ Piotr Olaf Zylicz and Ludmila Poleszak, ‘Naturalistic Conception of Collective Guilt,’ *Humboldt Journal of Social Relations*, Vol. 29, No. 2, (2005):190.

¹⁰ Emil G. Hirsch, Judah David Eisenstein, Gentile, *Jewish Encyclopedia*, <http://jewishencyclopedia.com/articles/6585-gentile> accessed 04.11.2019

¹¹ J. Jeremiah, ‘Guilt by association, three words in search of a meaning,’ *The University of Chicago Law Review*, Vol. 17, No. 1 (1949):148.

¹² <https://biblia.com/bible/esv/Jer%2031.29-31> accessed 18.10.2019

association.¹³ Rabbi James Rudin cites guilt by association in Mark:15, 1-15, and Matthew 23:31-33.^{14 15}

Some Muslims blame Jews because the Palestinians have suffered and are suffering under hawkish Israeli politicians. Many Muslims blame all Western countries and all Jews for their current social, political, economical and sectarian problems. Some extremist Muslim groups, particularly those who try to achieve their goals through violence, call all non-Muslims, as well as Muslims who do not think like them, infidels, guilting large groups of people by associating with other than their ideals.¹⁶

In the last two decades, hundreds of thousands of Rwandans were killed because a plane carrying then-President Juvenal Habyarimana and his counterpart Cyprien Ntaryamira of Burundi – both Hutus – was shot down.¹⁷ Rohingyas were killed due to guilt by association because of assassinations of nine border police posts by armed individuals. Most of the victims of United Nations’ sanctions against Iraq were children. A survey by two scientists, Mary Smith Fawzi and Sarah Zaidi, found “as many as 576,000 Iraqi children may have died since the end of the Persian Gulf war because of economic sanctions imposed by the Security Council.”¹⁸

Guilt by association is a toxic rule. In almost every conflict in the world, guilt by association is used as justification by the groups or states going to war on an entire country or group just because of their, sometimes loose, association, rather than the specific individuals who are the cause of the conflict. Although individuals and groups may be responsible for violating human rights, guilt by association, justifies oppression and mass killing of entire groups of people. As such, guilt by association denies basic human rights, often of the very people who experience the greatest persecution from the individual or group who is the real target.

To understand how this applies from an Islamic perspective, it is necessary to explore how the word “right” is understood. The Arabic equivalent of “right” is *haqq*, which has a broad meaning. It means correct, fair, genuine, just, real, right, sound, truth and valid.¹⁹ The word *haqq* is considered the right that God gives to all humans as a gift at the degree of *ihسان* (perfection). All these senses of *haqq* are reflected in God’s name *al-Haqq*. Thus, to a certain extent, these rights are considered sacred. These fundamental rights cannot be sold or bought, decreased or increased, changed, modified or devalued by any state or authority except by God.

¹³ Avner Falk, ‘Anti-Semitism: A History and Psychoanalysis of Contemporary Hatred,’ ABC-CLIO, (2008):6-8.

¹⁴ Rabbi James Rudin, *Christians & Jews—Faith to Faith: Tragic History, Promising Present, Fragile Future*, Jewish Lights Publishing, (2013):89.

¹⁵ I would like to thank to Rev Dr Gordon Preece his assistance in writing the section related to guilt by association in the Bible.

¹⁶ They use the verse “Whoever (declines to confirm and) does not judge by what God has sent down, those are indeed unbelievers” – Qur’an, 5:44.

¹⁷ “Rwanda Genocide: 100 Days of Slaughter,” BBC News, April 4, 2019, accessed November 11, 2019, <https://www.bbc.com/news/world-africa-26875506>.

¹⁸ Barbara Crosette, “Iraqi Sanctions, Kill Children, U.N. Reports,” *The New York Times*, December 1, 1995.

¹⁹ Hans Wehr, *A Dictionary of Modern Arabic*, 3rd ed., ed. J. Milton Coven (Ithaca, New York: Spoken Language Service Inc, 1976), 192.

These rights are a part of the human being as much as the body and soul. Accountability for violating these fundamental rights is a central aspect of legal and eschatological practices. The word *haqq* is mentioned 247 times in the Qur'an.²⁰ and 806 times in authentic hadith books under various topics.²¹ The antonym of *haqq* is *kufr*, which means to cover or hide something.²² In its religious meaning, *kufr* is ungratefulness towards God and blasphemy of hiding the truth.

By discussing human rights and relating them to the manifestation of God's name, indicates human rights are also God-centric, having a strong spiritual dimension alongside their legal aspects. *Haqq* or right is classified into *huququllah* – God's rights, *huquq al ibad* – human rights and *huquq al-hayawan* – animal rights. In Islamic jurisprudence, human rights are further classified into private and public domains. Public rights are called 'the marks of Islam.' Since these marks concern all, all participate in them, such as calling the *adhan* (call to prayer) and building places of worships and schools. To interfere in them without the consent of the public is an infringement of the public's rights.²³

Applying these rights is considered an act of worship and moral obligation for every individual and community.²⁴ With the diversity of rights that exist, the remainder of this paper looks at human rights with a focus on their relation to guilt by association. According to Islamic theology, God-given rights come before all other rights and cannot be taken away by any state or human. Most of these fundamental rights are included in the Universal Declaration of Human Rights except for guilt by association. When it comes to *haqq* or human rights all human beings are considered equal, regardless of faith, race, culture and social status.²⁵ Human rights precede God's rights out of necessity in Islamic jurisprudence.²⁶ "Necessity is determined according to its extent" in Islamic jurisprudence. For example, illicit goods may be taken when necessary to the minimum degree, not more.²⁷ The prohibition against eating pork is revoked if threatened with starvation. There are many hadith of Prophet Muhammad (pbuh) that indicate sins, including God's rights, will be forgiven by doing some rituals or devotional acts²⁸ except human rights.

Guilt by association is banned according to Qur'anic verses 6:164, 35:18 and 53:38. Over 70 major Qur'anic exegeses about these verses indicate consistency in forbidding guilt by association. There is unanimous agreement (*ijma*) among Qur'anic exegetical works that indicate no one will be accountable for another's sin or wrongdoing in this world or the

²⁰ Muhammed Fuad Abdul Baqi, *Al-Mujam al- Mufahras li Alfaz al-Qur'an* (Istanbul: Cagri Yayinlari, 1990), 208-212.

²¹ Sunnah.com, accessed November 4, 2019, <https://sunnah.com/search/?q=%D8%AD%D9%82>.

²² Wehr, *A Dictionary of Modern Arabic*, 832.

²³ Said Nursi, *The Letters*, trans. Sukran Vahide (Istanbul: Sozler Publications, 2006), 465.

²⁴ Mustafa Cagirci, *Kull Hakki*, C 26, (Ankara: TDV Islam Ansiklopedisi, 2002), 350-352.

²⁵ Ibn Majah, *Sunan Ibn Majah*, vol. 4, book 25, hadith no. 3055, accessed November 11, 2019, <https://sunnah.com/urn/1280850>.

²⁶ For details, see Al-Qurtubi, *Al-Jamiu'l Ahkam al-Qur'an*, accessed November 7, 2019, <https://www.altafsir.com/Tafasir.asp?tMadhNo=1&tTafsirNo=5&tSoraNo=6&tAyahNo=145&tDisplay=yes&Page=2&Size=1&LanguageId=1>.

²⁷ Said Nursi, *Flashes*, trans. Sukran Vahide (Istanbul: Sozler Publications, 2001), 193.

²⁸ For examples of hadiths, see Sunnah.com, accessed November 4, 2019, <https://sunnah.com/search/?q=forgiven>.

hereafter. Nasr argues the meaning of verse 6:164 indicates that moral culpability is an individual responsibility.²⁹ However, the scholarly comments do not give details. None of the Qur'anic exegetes explicitly detail the meaning of guilt by association except 20th century scholar Said Nursi. The Qur'anic exegetes leave the details of guilt by association to be sorted by Islamic jurists.

The application of guilt by association is classified by Islamic jurists into two groups, which could be defined as 'independent jurists' and 'state embedded jurists.'

Independent scholars are not assigned by the rulers or governments and do not receive any financial benefit, position or gifts from those in power. They stand peacefully against injustice, tyranny and corruption, often putting their life at risk. The founder of four *madh'habs* – Imam A'zam (699-767), Imam Shafi'i (767-820), Ahmad ibn Hanbal (780-855) and Imam Malik (711-795) – were independent scholars. They believed the rulings (*fatwa*) of state-embedded jurists (*qadis*) justifying guilt by association, clearly contradict the Qur'an and *sunna*. They gave *fatwa* against injustice and oppression.

The Classical period independent jurists agree that no one should be accountable or punished for others who commit a crime or a sin.³⁰ Imam Abu Yusuf (738-798) says "no person can be imprisoned on the basis merely of accusation."³¹ Prophet Muhammad (pbuh) never had anyone imprisoned because of an accusation of having committed a crime. His covenant with the Christians in Najran shows guilt by association is not legal. Prophet Muhammad stated,

They shall not be held responsible for any wrong deed or bloodshed in pre-Islamic time. None of them, however, shall be held responsible for the guilt of the other. And as a guarantee to what is recorded in this document.³²

Similarly, in hadith literature, there is explicit mention that every child is free from sin,³³ This is contrary to the widespread but not universally accepted Christian doctrine of hereditary original sin which accepts that the children of Adam and Eve are punished because of their original parents' sins.³⁴ Someone asked Aisha, wife of the Prophet, about a child born due to fornication. She said the child has no responsibility and will not be accountable because of their father and mother's act.³⁵

During the caliphate of Ali, a new sect, called the *Khawarij*, developed. They developed a belief similar to present-day anarchists and nihilists. The *Khawarij* openly declared their position

²⁹ Seyyed Hossein Nasr et al., *The Study Quran: A New Translation and Commentary* (New York, Harper Collins, 2015), 899.

³⁰ For details, see Imam Shafii, *al-Umm*, Beirut, 1973, Ibn Nujaym, *el-Aşbâh Wa'n-Nezâir*, Damascus, 1986, Ibn Rusd, *Bidâyetü' l - Müctehid ve Nihayetü 'l - Muktesid*, İstanbul, 1985, Samsu'l Eimme Sarakhsi, *Usûli's-Sarakhsi*, İstanbul, 1984, I-II. in Wahbe Zuhayli, *Usûlü'l-Fikhi'l-Islâmî*, (Damascus: 1996) I-II.

³¹ Abu Yusuf, *Kitab al-Kharaj*, cited in S. M. Sayeed, "Human Rights in Islam," *Hamdard Islamicus* IX, no. 3 (1980): 73-74.

³² Al-Baladhuri, *Kitab Futuh al- Buldan*, trans. Phillip Khuri Hitti (New York: Colombia University, Longmans, Green &Co Agents, 1919), 101.

³³ Muslim, *Sahih Muslim*, hadith no. 2643, accessed October 3, 2019, <https://sunnah.com/muslim/46>.

³⁴ Romans 5:12–21, 1 Corinthians 15:21-22 though most scholars see this as representative not strictly hereditary.

³⁵ Ibn Abi Khatim, *Tafsir al-Qur'an al-Azim*, (Makka al-Mukarramah: Maktabatu Nazar al-Baz 1997), 1436.

against the state, trying to subvert it. Caliph Ali sent them a message saying “Live anywhere you like to live, the only condition between us and you is that you will not shed blood, you shall not commit highway robbery and you shall not commit oppression.”³⁶ On another occasion, he sent a message saying “We shall not take up arms against you so long as you do not create disorder.”³⁷

Modern jurists state “no one will be accountable for the sin of others.”³⁸ Similarly, in *Majalla*, a codification of Islamic law established during the Ottoman empire, articles 8 and 9 show that guilt by association is unacceptable.³⁹

STATE EMBEDDED JURIDICAL SUPPORT FOR SIN BY ASSOCIATION

State-embedded jurists are assigned by the rulers and governments. Instead of following the footsteps and methodological blueprint of great jurists⁴⁰ regarding *fatwas* related guilt by association, they act and express their opinions according to the interests of regimes. Their *fatwas* are ideological and state based rather than religious. Their function is more political than religious as they are obliged to defend the rulers’ policy through their legal rulings. This often means their *fatwas* aim to silence political uprising and justify corruption, oppression and injustice. Since colonisation, guilt by association has become common and resulted in great oppression and cruelty by rulers in the Muslim world. Almost all these rulers justified their oppression and cruelty with *fatwas* by assigned jurists or muftis, whom Said Nursi calls “*ulama su*,”⁴¹ which means ‘bad scholars.’

Kamali states the “*fatwa* under the Shari’ah is a vehicle that facilitates the free flow of thought and expression in religious issues, whereas now it has in many countries become an instrument of restriction on freedom of expression in religious matters”⁴² in the contemporary Muslim world. The offices of muftis are manipulated by the states, particularly since colonisation. Under the state, particularly undemocratic ones, the autonomous legal tradition of Islamic law transformed to legalisation of state ideology with an Islamic mask and legalised guilt by association. Further discussion of this point is outside the scope of this article. However, what can be seen is that guilt by association is not applied just between two different adherents of a religion, it is applied amongst adherents of the same religion.

There are hundreds of *fatwas* validating guilt by association by the appointed jurists or muftis, which are deducted to defend injustice, oppression or tyranny in the Muslim world. A

³⁶ Sayeed, “Human Rights in Islam,” 73-74.

³⁷ Ibid.

³⁸ Osman Şahin, “Islam Hukuku Metodoljisinde Istishab,” *Ondokuz Mayıs Üniversitesi İlahiyat Fakültesi Dergisi* sayı 12-13 (2001): 511.

³⁹ Ahmet Akgündüz, *Karşılaştırmalı Mecelle-i Ahkâm-ı Adliye: Mecelle ta’dilleri ve gerekçeleriyle birlikte* (Istanbul: Osmanlı Araştırmaları Vakfı Yayını, 2013), 56.

⁴⁰ Such as Imam A’zam, Imam Shafi’i, Imam Malik and Ahmad ibn Hanbal

⁴¹ Nursi, *The Letters*, 464.

⁴² Mohammad Hashim Kamali, *Shari’ah Law: An Introduction* (Oxford: Oneworld Publication, 2008), 175.

recent example can be found in Egypt. The *Ikhwan al Muslimeen* (Muslim Brotherhood) leader Mohamed Morsi was elected by 51.73% of votes in 2012, making him the democratically elected leader in Egypt. At the beginning of the uprising, the Grand Mufti of Egypt and Head of al-Azhar University gave a *fatwa* to defend President Husni Mubarak. After Mubarak was overthrown, the Grand Mufti of Egypt and Head of al-Azhar University gave a *fatwa* in favour of Mohammed Morsi. After the military coup and Muhammed Morsi was overthrown, the Grand Mufti of Egypt and Head of al-Azhar University then gave *fatwas* against the Muslim Brotherhood, calling them a group that is outside of Islam (*firaq dallah*) and accused them of blasphemy.⁴³ Similarly, Mehmet Gormez, Directory of the Ministry of Religious Affairs, gave a *fatwa* calling the Hizmet Movement, which has 6-7 million sympathisers and is the largest Muslim faith-based movement in the world, a *firaq dallah*.⁴⁴ So far, the Turkish Diyanet, the Directory of the Ministry of Religious Affairs, has published over 45 books and articles arguing that the Hizmet Movement is a *firaq dallah*. Ironically, there was no clash between the Hizmet Movement and the AKP (the ruling party) until late 2013, before which Gormez praised the Movement and its activities throughout the world.

In the aftermath of the murder of journalist Jamal Khashoggi, Sheikh Abdulrahman al-Sudais, imam of Masjid al-Haram (Grand Mosque), delivered his Friday sermon from a written script announcing Prince Mohammed bin Salman as a divine gift to Muslims and implied the crown prince was the *mujtahid* sent by God to revive the Islamic faith in our age.⁴⁵ There are similar *fatwas* in almost all Muslim countries. So, it could be said that some *muftis* are like a sunflower. As sunflowers direct their growth in response to sunlight, those *muftis'* *fatwas* are responses according to the policy of regimes or states.

During periods of oppression or limited freedom, there have always been independent scholars who follow the footsteps and methodological blueprint of great jurists in the light of the sacred text. Muhammad al-Tahir Ibn Ashur (1879-1973) in Tunisia and Said Nursi in Turkey are two examples in the 20th century.

NURSI'S RENEWAL APPROACH AGAINST GUILT BY ASSOCIATION

After witnessing the first and second world wars and suffering under the aggressive secularists' rulers, Said Nursi approached guilt by association with a new perspective. Following the so-called Shaykh of Said of Palu (1865-1925) revolt against the secularisation of the state by Mustafa Kemal Atatürk (1881-1938) in 1925, Nursi was arrested and sent into exile in Burdur, despite never participating and declining Sheik Said's request for assistance. Nursi's approach to guilt by association examines the issue holistically, considering the issue from spiritual, social and political perspectives.

⁴³ David H. Warren, "Cleansing nation of the dogs of the hell: Ali Juma's nationalist legal reasoning in support of the 2013 Egyptian coup and its bloody aftermath," *International Journal of Middle East Studies*, v 49, Issue 3, (2017): 457-477

⁴⁴ See, Din Isleri Yuksek Kurulu, *Kendi Dilinden Feto* (Ankara: Diyanet Isleri Baskanligi Yayinlari, 2017).

⁴⁵ Khaled M. Abou El Fadl, "Saudi Arabia is Misusing Mecca," *The New York Times*, November 12, 2018, <https://www.nytimes.com/2018/11/12/opinion/saudi-arabia-mbs-grandmosque-mecca-politics.html>.

This topic is widespread and can be found throughout in his magnum opus, *Risale-i Nur* (Treatise of Light). Nursi wrote extensively about guilt by association compared to other Qur'anic exegetes. He was highly critical of the application of guilt by association by individuals, groups and states. Nursi calls the way guilt by association has been typically applied as wilderness, cruelty and barbarism in his works. Like other independent scholars in history, such as Imam A'zam and Ahmad ibn Hanbal, he stands peacefully against the application of guilt by association. He commented on verse 6:164 and recontextualised it. To him, guilt by association is banned by the Qur'an and must be incorporated as an article into the constitution of every Muslim nation.⁴⁶

Nursi was a victim of guilt by association, as mentioned above. He also witnessed over a hundred million innocent people killed during the first and second world wars due to guilt by association. Nursi viewed the states who killed civilians during the first and second world wars as performing heinous or barbaric acts. Nursi went so far as to suggest even favouring one side should be considered a sin because to do so justified, even implicitly, the killing of civilians on the opposing side.

For this reason, Nursi's view was that the civilians killed during World War II were martyrs by default.⁴⁷ During World War II, Nursi did not listen to news of the war. When his students asked why he did not listen, he stated, if he listened, he may give preference to one side. Regardless, civilians were being killed, which Nursi stated could not be justified because the Qur'an does not allow one to incline towards injustice even by heart.⁴⁸ Sometimes, one curiously following the struggles of war comes to earnestly support one side. In doing so, they look favourably on the tyranny and become [spiritually] a partner to it.⁴⁹ Nursi said,

Let us suppose that you were on a ship, or in a house, with nine innocent people and one criminal. If someone were to try to make the ship sink or to set the house on fire, because of that criminal, you know how great a sinner he would be. You would cry out to the heavens against his sinfulness. Even if there were one innocent man and nine criminals aboard the ship, it would be against all rules of justice to sink it.⁵⁰

He continues,

The rights of an innocent man cannot be cancelled for the sake of all the people. A single individual may not be sacrificed for the good of all. In the view of Almighty God's compassion, right is right, and there is no difference between great and small. The small may not be annulled for the great. Without his consent, the life and rights of an individual may not be sacrificed for the good of the community. If he consents to sacrifice them in the name of patriotism, that is a different matter.⁵¹

⁴⁶ Said Nursi, *Emirdağ Lâhikası* (Ankara: Ihlas Nur Nesriyat, 2004), 110.

⁴⁷ Said Nursi, *Kastamonu Lahikası* (Ankara: Ihlas Nur Nesriyat, 2004), 75.

⁴⁸ "And do not incline toward those who do wrong, lest you be touched by the Fire, and you would not have other than Allah any protectors; then you would not be helped (Qur'an, 11:113).

⁴⁹ Said Nursi, *The Rays*, trans. Sukran Vahide (Istanbul, Sozler Publications, 2006), 256.

⁵⁰ Nursi, *The Letters*, 312.

⁵¹ Nursi, *Flashes*, 75.

According to Nursi's philosophy, killing any innocent civilian at any time cannot be justified and is considered a heinous act. This principle extends to a state during war as well. Nursi relies on the Qur'anic principle that no one can be held accountable for another's acts. A nation under siege or an individual or group under oppression cannot kill civilians in the name of justice or self-defence. Due to a minority's crimes, the majority will not be held accountable.

Regrettably, sacrificing innocent people for the national interest is common in the contemporary world. Nursi states that using the justification of this notion (e.g. by Turkey) many dreadful crimes and killings have been committed. The notion of "everything can be sacrificed for the nation" has been justified by aggressors and oppressors. He concludes that conserving public order is an obligation. On the contrary, breaching this duty will lead to abusing human rights and killing innumerable innocents.

In light of Nursi's works, regardless of the group, killing innocents for political or religious reasons falls under the definition of terrorism. Consequently, this leads to three forms of terrorism: individual, group and state. In the modern world, terrorist acts are limited to those committed by individuals and groups. However, Nursi extends this classification to include state terrorism, where civilians are killed indiscriminately.

According to Nursi, there are three main reasons for guilt by association. First, individuals may be sacrificed for the welfare of the government and preservation of public order. Second, the cruel rule of nationalism: everything may be sacrificed for the well-being of the nation. For his opponents who justify the sacrifice rule is based on racialism and nationalism. Third, the traditional vein of rivalry between states.⁵²

Guilt by association is one of the main causes, probably the biggest cause, of ethnic cleansing and wars in human history. Regrettably, these crimes and wars have been committed in the names of peace, justice, security, nationalism, patriotism and religion.

Individuals, groups and states justify guilt by association in five stages.

1. Alienation: the individual, group or state is cut off or separated from a person, group or allies.
2. Demonisation: propaganda techniques are allocated to promote hatred against the individual, group or state for public support and to hurt others. It cannot be ignored that guilt by association is accompanied by deceitful material and ways to justify actions against a group or nation by propaganda and secretive methods. Whatever the general public dislike or hate will be used.
3. Isolation: the individual, group or state is made to be or feel alone and cut off from friends and help.
4. Criminalisation: the individual's, group's or state's activities are stereotyped as criminal actions. Conspiracy theories will be fabricated to increase fear among the public or the spies among them will create a crime then label everyone with it.

⁵² Nursi, *The Letters*, 77-78.

5. Annihilation: this is the final stage for committing a barbaric crime, causing the individual, group or state to cease to exist.

It seems Nursi was aware of the dirty games played within political circles about guilt by association. Nursi's comments on the verses of the Qur'an is "not the contextual reading of the verses but rather recontextualization of verses in the light of modern challenges of living together."⁵³ Nursi approaches the measuring of religiosity on how an individual deals with others, not just their practise of obligatory duties. He does not comment on it but also experienced guilt by association under the aggressive secularists for 35 years in Turkey. His compassionate nature extended beyond consideration for only other humans as Nursi taught his students to show compassion to harmful insects or snakes.⁵⁴

Nursi's approach to guilt by association is highly idealistic. The history of humanity testifies that it is unlikely to be applied by the majority. It has rarely been applied in Islamic history. However, if the people are educated morally and guilt by association made illegal, it can contribute to reducing the application of guilt by association to a certain extent.

ANALYSIS

In my view, there are six major reasons for the existence of guilt by association in Nursi's work, *Risale-i Nur*. Three are worldly and three are ideological.

- The first worldly reason is the politics that revolve around self-interest, group interest or national interest. Nursi calls this savagery⁵⁵ rather than human dignity. Human beings are political by nature, as Aristotle indicated.⁵⁶ If this political naturalism is not disciplined with universal values, then it can be harmful and even self-destructive. The goal is that politics should be universal centric not individual or national interest centric.
- The second reason is the politicisation of human rights. Politicisation creates more problems regarding human rights and complicates the issue of guilt by association.
- The third is the precedence given to fear over *aql* (reasoning). Fear is used as a tool to justify guilt by association. Fear manipulates judgement in a harsher and swifter manner than reason. For Nursi, fear is the greatest weakness of humankind.⁵⁷ Fear is an instinct and functions to preserve life.⁵⁸ Nursi focuses mainly on three aspects of fear in his works. The first is positive fear (*tatli korku*) or sweet fear, which is incorporated in human

⁵³ Hakan Yavuz, "The Sufi Conception of Jihad: The Case of Said Nursi," Bediuzzaman Said Nursi, n.d., accessed October 20, 2019, <http://www.bediuzzamansaidnursi.org/en/icerik/sufi-conception-jihad-case-said-nursi>.

⁵⁴ Salih Yucel, "An Islamic Perspective of the Natural Environment and Animals: Said Nursi and his Renewalist Philosophy," *Umran: International Journal of Islamic and Civilisational Studies* (2018): 58-59.

⁵⁵ Said Nursi, *Damascus Sermon* (Ankara: Ihlal Nur Nesriyat, 2004), 105.

⁵⁶ Miller, Fred, "Aristotle's Political Theory," *The Stanford Encyclopedia of Philosophy*, Winter 2017 ed., ed. Edward N. Zalta, accessed October 20, 2019, <https://plato.stanford.edu/archives/win2017/entries/aristotle-politics/>.

⁵⁷ Said Nursi, *Emirdag Lahikalari* (Istanbul: Sahdamar Yayinlari, 2014), 283.

⁵⁸ Nursi, *Flashes*, 487-488.

nature to preserve life. He considers fear of God as *tatli* fear as well. The second type is *wahm* (imaginary fear). Last is external fear. The intensified fear gradually leads to denying others' basic rights, including their actual existence. There are three ideological reasons.

- The first ideological reason is to ideologise religious values regarding human rights. This leads the religion to become a dogma without compassion and love.
- The second reason is the egocentric carnal soul (*nafs*) approach towards others. Viewing everyone from one outlook.
- The last one lacks values or practicing values that can build an identity. So, individuals, groups or states need enemies and create monsters to unite people and build an identity.

Each of the abovementioned reasons need further research.

Ideologisation of collective guilt by association is a political ideology that has roots in the literal understanding of the sacred text, political ideologies and cultures. Their understanding can be classified into two groups. The first group is passive or labelling of guilt by association, which creates negative perception and hatred. Jasper calls such guilt metaphysical.⁵⁹ The second group is active guilt by association where hatred transforms into violence. The first group is part of human nature but the second is manipulated by ideologues for their individual, group or national interest.

As long as humanity exists, there will be guilt by association. However, through education, understating others, pluralism, human-centric politics, sharing, establishing an equality justice, focusing on the inner human dimension and illegalising, guilt by association can be reduced to a certain extent.

CONCLUSION

The Universal Declaration of Human Rights is one of the most important steps regarding human rights but it neglects guilt by association. Despite human progress and establishing many civilisations, regarding the application of guilt by association, humanity is still in a primitive and totalitarian state, not a civilised society. Attaching the guilt or responsibility for criminal acts upon an individual, group and nation are not characteristics of a civilised society. On one hand, humanity has progressed in areas of science and technology. This leads us to think we have equally progressed and become more civilised. Yet, on the other hand, more innocent people and civilians were killed in the last century than in the whole history of humanity due to guilt by association. Russian intellectual Pitirim Sorokin asks: "Are we becoming civilised or still are in primitive society?"⁶⁰ Application of guilt by association means retreating from civilised society to primitive society.⁶¹ It is like draconian laws. It is a substantial threat to human freedom, liberty and safety. It is a fact there is a sore lack of a

⁵⁹ Karl Jaspers, *The Question of German Guilt* (New York: Capricorn Books, 1967), 71.

⁶⁰ William Eckhardt, "Civilizations, Empires, and Wars," *Journal of Peace Research* 27, no. 1 (1990): 23.

⁶¹ Jeremiah, "Guilt by Association," 149.

human rights culture in regard to guilt by association in Muslim societies⁶² as well as in the world.

In the world today, human rights mainly are not human centric. Rather, they are based on the benefit of individuals or national centric. The strong or powerful is considered right, but the rights of the weak will depend on the strongest or powerful individual or national interest.

In this article, I elaborated on how guilt by association is banned by Islamic sacred texts and independent jurists. However, appointed jurists and muftis validate guilt by association, contrary to the Qur'an and *sunna* of the Prophet by giving *fatwas* in favour of corrupt rulers, oppressive governments and totalitarian regimes.

This led to a discussion of Said Nursi's renewal approach. He considers the application of guilt by association as wilderness and cruelty. His approach is highly idealistic and, because of this, it is unlikely to be applied in its highest form, however, any move in that direction would be a positive.

Finally, this article proposes that guilt by association must be added to the Universal Declaration of Human Rights. Even though its application can be very difficult due to selfish individuals, corrupt leaders and states in our time, its inclusion could reduce the application of guilt by association.

⁶² Najma Moosa, "Human Rights in Islam," *South African Journal on Human Rights* 14, no. 4 (1998).

BIBLIOGRAPHY

- Abdul Baqi, Muhammed Fuad. *Al-Mujam al- Mufahras li Alfaz al-Qur'an*. Istanbul: Cagri Yayinlari, 1990.
- Akgündüz, Ahmet. *Karşılaştırmalı Mecelle-i Ahkâm-ı Adliye: Mecelle ta'dilleri ve gerekçeleriyle birlikte*. Istanbul: Osmanlı Araştırmaları Vakfı Yayını, 2013.
- Al-Baladhuri. *Kitab Futuh al- Buldan*. Translated by Phillip Khuri Hitti. New York: Colombia University, Longmans, Green &Co Agents, 1919.
- Al-Qurtubi. *Al-Jamiu'l Ahkam al-Qur'an*. Accessed November 7, 2019. <https://www.altafsir.com/Tafasir.asp?tMadhNo=1&tTafsirNo=5&tSoraNo=6&tAyahNo=145&tDisplay=yes&Page=2&Size=1&LanguageId=1>.
- Cagrici, Mustafa. *Kull Hakki*, C 26, Ankara: TDV *Islam Ansiklopedisi*, 2002.
- Cole, David. "Secrecy, Guilt by Association, and the Terrorist Profile." *Journal of Law and Religion* 15 (2001): 267-288.
- Crosette, Barbara. "Iraqi Sanctions, Kill Children, U.N. Reports." *The New York Times*, December 1, 1995.
- Din Isleri Yuksek Kurulu. *Kendi Dilinden Feto*. Ankara: Diyanet Isleri Baskanligi Yayinlari, 2017.
- Eckhardt, William. "Civilizations, Empires, and Wars," *Journal of Peace Research* 27, no. 1 (1990): 9-24.
- El Fadl, Khaled M. Abou. "Saudi Arabia is Misusing Mecca." *The New York Times*, November 12, 2018. <https://www.nytimes.com/2018/11/12/opinion/saudi-arabia-mbs-grandmosque-mecca-politics.html>.
- Falk, Avner. *Anti-semitism: A History and Psychoanalysis of Contemporary Hatred*. Santa Barbara, CA: ABC-CLIO, 2008.
- Goto, Nobuhiko, Jolanda Jetten, Minoru Karasawa and Matthew J. Hornsey. "The Sins of Their Fathers: When Current Generations Are Held to Account for the Transgressions of Previous Generations." *Political Psychology* 36, no. 4 (2015): 479-487.
- Ibn Abi Khatim, *Tafsir al-Qur'an al-Azim*, Makka al-Mukarramah: Maktabatu Nazar al-Baz 1997.
- Ibn Majah. *Sunan Ibn Majah*, vol. 4, book 25, hadith no. 3055. Accessed November 11, 2019. <https://sunnah.com/urn/1280850>.
- Jaspers, Karl. *The Question of German Guilt*. New York: Capricorn Books, 1967.
- Jeremiah, J. "Guilt by Association, Three Words in Search of a Meaning," *The University of Chicago Law Review* 17, no. 1 (1949): 148-162.
- Kamali, Mohammad Hashim. *Shari'ah Law: An Introduction*. Oxford: Oneworld Publication, 2008.

- Klandermans, Bert. Merel Werner and Marjoka van Doorn. "Apartheid's Legacy: Collective Guilt, Political Ideology, and Compensation." *Political Psychology*, no. 3 (2008): 331-349.
- Miller, Fred. "Aristotle's Political Theory." *The Stanford Encyclopedia of Philosophy*, Winter 2017 ed. Edited by Edward N. Zalta. Accessed October 20, 2019. <https://plato.stanford.edu/archives/win2017/entries/aristotle-politics/>.
- Moosa, Najma. "Human Rights in Islam." *South African Journal on Human Rights* 14, no. 4 (1998): 508-524.
- Muslim. *Sahih Muslim*, hadith no 2643. Accessed October 3, 2019. <https://sunnah.com/muslim/46>.
- Nasr, Seyyed Hossein, Caner K. Dagli, Maria Massi Dakake, Joseph E. B. Lumbard, Mohammed Rustom. *The Study Quran: A New Translation and Commentary*. New York: Harper Collins, 2015.
- Nursi, Said. *Flashes*. Translated by Sukran Vahide. Istanbul: Sozler Publications, 2001.
- Nursi, Said. *Damascus Sermon*. Ankara: Ihlas Nur Nesriyat, 2004.
- Nursi, Said. *Emirdag Lahikasi*. Istanbul: Sahdamar Yayinlari, 2004.
- Nursi, Said. *Kastamonu Lahikasi*. Ankara: Ihlas Nur Nesriyat, 2004.
- Nursi, Said. *The Letters*. Translated by Sukran Vahide. Istanbul: Sozler Publications, 2006.
- Nursi, Said. *The Rays*. Translated by Sukran Vahide. Istanbul, Sozler Publications, 2006.
- Rudin, James. *Christians & Jews—Faith to Faith: Tragic History, Promising Present, Fragile Future*. Woodstock, Vermont: Jewish Lights Publishing, 2013.
- Ricketts, Aidan. "Freedom of Association or Guilt by Association: Australia's new Anti-Terrorism Laws and the Retreat of Political Liberty." *Southern Cross University Law Review* 6 (2002): 133-150.
- "Rwanda Genocide: 100 Days of Slaughter." BBC News, April 4, 2019. Accessed November 11, 2019. <https://www.bbc.com/news/world-africa-26875506>.
- Sahin, Osman. "Islam Hukuku Metodoljisinde Istishab." *Ondokuz Mayis Universitesi Ilahiyat Fakultesi Dergisi* sayi 12-13 (2001): 490-516.
- Sayeed, S. M. "Human Rights in Islam." *Hamdard Islamicus* IX, no. 3 (1980): 67-75.
- Warren, D.H. "Cleansing nation of the dogs of the hell: Ali Juma's nationalist legal reasoning in support of the 2013 Egyptian coup and its bloody aftermath," *International Journal of Middle East Studies*, v 49, Issue 3, (2017): 457-477
- Wehr, Hans. *A Dictionary of Modern Arabic*, 3rd ed. Edited by J. Milton Coven. Ithaca, New York: Spoken Language Service Inc, 1976.

Yavuz, Hakan. "The Sufi Conception of Jihad: The Case of Said Nursi." Bediuzzaman Said Nursi, n.d. Accessed October 20, 2019. <http://www.bediuzzamansaidnursi.org/en/icerik/sufi-conception-jihad-case-said-nursi>.

Yucel, Salih. "An Islamic Perspective of the Natural Environment and Animals: Said Nursi and his Renewalist Philosophy." *Umran: International Journal of Islamic and Civilisational Studies* 1 (2018): 56-68.

Zuhayli, Wahbe, *Usûlü'l-Fıkhî'l-İslâmî*, Damascus, 1996.

Zylicz, Piotr Olaf, and Ludmila Poleszak. "Naturalistic Conception of Collective Guilt." *Humboldt Journal of Social Relations* 29, no. 2 (2005): 185-206.