

Human Rights and Guilt By Association: Said Nursi's renewal approach

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Abstract

Violating human rights, committing crimes, and mass killing due to guilt by association is as old as human beings. The Universal Declaration of Human Rights is one of the most important steps regarding human rights, however, there is no article that explicitly bans committing crime and killing due to guilt by association. Although guilt by association is considered unlawful in modern day legal systems, it exists in all cultures, among adherents of religions and nations including Muslim countries. Despite the strong objection occurring within the Qur'an, violating human rights due to guilt by association, it has been common, in both the past and present, across the Muslim world.

In this paper, 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. Secondly, I will examine how the Qur'anic verse 'No bearer of burdens can bear the burden of another' (6:164) bans guilt by association in the exegetical works. This is shown to take on particular significance within Said Nursi's (1877-1960) renewal approach. Finally, this study proposes that guilt by association must be added to the Universal Declaration of Human Rights and banned by the UN.

Introduction

Guilt by association is one of the greatest reasons behind 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 historical aspects, i.e. how current generations are assigned guilt for the actions of their ancestors.¹ It is also socially constructed and experienced in social interaction.² Regrettably, guilt by association is relatively undiscussed by academics in comparison to other issues. Most of the available literature discusses its psychological aspects. The social, religious, and legal aspects, particularly in Islam, need further research.

According to the 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'.³ Advanced systems of law accept the principle that guilt is personal,⁴ for example in the US constitution.⁵ But regarding 'war or terror' and

¹ Nobuhiko Goto, 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): a 479.

² Bert Klandermans, Merel Werner and Marjoka van Doorn, 'Apartheid's Legacy: Collective Guilt, Political Ideology, and Compensation', *Political Psychology* 29, no. 3 (2008): 332

³ <https://legaldictionary.net/guilt-by-association/>, <https://www.dictionary.com/browse/guilt-by-association>.

⁴ David Cole, 'Secrecy, Guilt by Association, and the Terrorist Profile', *Journal of Law and Religion* V.XV (2001): 284.

⁵ David Cole, 'Secrecy, Guilt by Association', 284.

occupying a country such as Iraq, guilt by association is justified. Similarly, there is a high risk of such guilt within the new Australian terrorism law,⁶ as Ricketts shows.

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.⁷ 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 Gentiles⁸ due to guilt by association.⁹ 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).¹⁰

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 association.¹¹ Rabbi James Rudin cites guilt by association in Mark:15,1-15, and Matthew 23:31-33.¹²

Some Muslims blame the Jewish people because the Palestinians have 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 that try to achieve their goals through violence, call all non-Muslims, as well as Muslims who do not think like them, infidels, guiltily large groups of people by associating them with other than their ideals.¹³

Two decades ago, 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.¹⁴ Rohingyas were killed due to guilt by association because of alleged attacks on nine border police posts by armed individuals. Most of the victims of the United Nations' sanctions against Iraq were children. A survey by two scientists, Mary Smith Fawzi and Sarah Zaidi, found that 'as many as 576,000 Iraqi children may have died since the end of the Persian Gulf war

⁶ 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): 133-150

⁷ Piotr Olaf Zylicz and Ludmila Poleszak, 'Naturalistic Conception of Collective Guilt', *Humboldt Journal of Social Relations* 29, no. 2 (2005): 190.

⁸ Emil G. Hirsch, Judah David Eisenstein, Gentile, *Jewish Encyclopedia*, <http://jewishencyclopedia.com/articles/6585-gentile>.

⁹ J. Jeremiah, 'Guilt by association, three words in search of a meaning', *The University of Chicago Law Review* 17, no. 1 (1949): 148.

¹⁰ <https://biblia.com/bible/esv/Jer%20>.

¹¹ Avner Falk, 'Anti-Semitism: A History and Psychoanalysis of Contemporary Hatred', ABC-CLIO (2008): 6-8.

¹² Rabbi James Rudin, *Christians & Jews—Faith to Faith: Tragic History, Promising Present, Fragile Future*, Jewish Lights Publishing (2013): 89.

¹³ They use the Qur'anic verse 'Whoever (declines to confirm and) does not judge by what God has sent down, those are indeed unbelievers' (Qur'an, 5: 44).

¹⁴ 'Rwanda genocide: 100 days of slaughter', <https://www.bbc.com/news/world-africa-26875506>.

because of economic sanctions imposed by the Security Council'.¹⁵ A 1999 UNICEF report found that 500,000 children died as a result of sanctions.¹⁶

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 caused the conflict. Although individuals and groups may be responsible for violating human rights, guilt by association, the great injustice, 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.

Rights in Islamic Perspective

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 of correct, fair, genuine, just, real, right, sound, truth, and valid.¹⁷ The word *haqq* is considered the right which God gives to all humans as a gift according to degrees of *ihsan* (perfection). All of these senses of *al-haqq* are reflected in God's name *al-Haqq*. Thus, to a certain extent, these rights are considered to be sacred. These fundamental rights cannot be sold or bought, decreased or increased, changed, modified and devalued by any state or authority except by God. These rights are a part of the human being as much as the body and soul. Accountability for violating these fundamental rights is a fundamental aspect of legal and eschatological practices. The word *haqq* is mentioned 247 times in the Qur'an.¹⁸ The antonym of *haqq* is *kufr* which means to cover or hide something.¹⁹ In its religious meaning *kufr* is ungratefulness towards God and involves the blasphemy of hiding the truth. The word *haqq* is mentioned 806 times in authentic hadith books under various topics.²⁰

Discussing human rights and relating them to the manifestation of God's name indicates that 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. These include calling adhan (call to prayer), the right of worship, the building of places of worship and schools. To interfere in them without the consent of the public is an infringement of the public's rights.²¹

Applying these rights is considered an act of worship and a moral obligation for every individual and community.²² With the diversity of rights that exist, the remainder of this paper focuses on human rights with a particular focus on their relation to guilt by

¹⁵ Barbara Crosette, 'Iraqi Sanctions, Kill Children, U.N. Reports', *The New York Times*, 1st December 1995.

¹⁶ For UNICEF report see http://iraq.undg.org/uploads/doc/4113-Child_and_Maternal_Mortality_Survey_1999_part_a_.pdf.

¹⁷ Hans Wehr, *A Dictionary of Modern Arabic*, edited by J. Milton Coven, third edition (Ithaca, New York: Spoken Language Service Inc., 1976), 192.

¹⁸ Muhammed Fuad Abdul Baqi, *Al-Mujam al- Mufahras li Alfaz al-Qur'an* (Istanbul: Cagri Yayinlari, 1990), 208-212.

¹⁹ Hans Wehr, *A Dictionary of Modern Arabic*, 832.

²⁰ <https://sunnah.com/search?q=%D8%AD%D9%82>.

²¹ Said Nursi, *The Letters*, trans. Sukran Vahide (Istanbul: Sozler Publications, 2006), 465.

²² Mustafa Cagirci, *Kull Hakki*, C 26 (Ankara: TDV Islam Ansiklopedisi, 2002), 350-352.

association. According to Islamic theology, God-given rights come before all other rights and cannot be taken away by any state or human — such as the right of every human to be free. Most of these fundamental rights are included in the Universal Declaration of Human Rights with the exception of 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.²³ Human rights precede God's rights out of necessity in Islamic jurisprudence.²⁴ '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.²⁵ The prohibition against eating pork is revoked if one is threatened with starvation. There are many hadiths of Muhammad (pbuh) which indicate that sins involving God's rights will be forgiven by doing some rituals and devotional acts²⁶ — except human rights.

Guilt by association is banned according to Qur'an 6:164, 35:18, 53:38. Over 70 major Qur'anic exegeses about these verses indicate its consistency. There is unanimous agreement (*ijma*) among the 70 indicating that no one will be accountable for others' sin or wrongdoing in this world and hereafter. Nasr argues that Qur'anic verse (6:164) indicates that moral culpability is an individual responsibility.²⁷ However, none of the Qur'anic exegetes explicitly detail the meaning of guilt by association except a 20th century scholar, Said Nursi. Qur'anic exegetes leave the details to Islamic jurists, both 'independent jurists' and 'state embedded jurists'.

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

The Classical period independent jurists agree no one should be accountable or punished for others who commit a crime or a sin.²⁸ Imam Abu Yusuf (738-798) says that 'no person can be imprisoned on the basis merely of accusation'.²⁹ The Prophet Muhammed (pbuh) never had anyone imprisoned because somebody accused him of having committed a crime. In his covenant with Christians in Najran he shows that guilt by association is not legal. Prophet Muhammad stated and documented that 'They shall not be held responsible for any wrong deed or bloodshed in pre-Islamic time [nor] for the guilt of the other'.³⁰

²³ Ibn Majah, Hadith No 3055, <https://sunnah.com/urn/1280850>.

²⁴ For details see Al-Qurtubi, Al-Jamiu'l Ahkam al-Qur'an, <https://www.altafsir.com/Tafasir.asp?tMadhNo=1&tTafsirNo=5&tSoraNo=6&tAyahNo=145&tDisplay=yes&Page=2&Size=1&LanguageId=1>.

²⁵ Said Nursi, *Flashes*, trans. Sukran Vahide (Istanbul: Sozler Publications, 2001), 193.

²⁶ For tens of hadiths see <https://sunnah.com/search/?q=forgiven>.

²⁷ Seyyed Hossein Nasr, 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), 899.

²⁸ For details see Imam Shafii, al-Umm, Beirut, 1973, Ibn Nujaym, el-Ashbâh Wa'n-Nezâir, Damascus, 1986, Ibn Rusd, Bidâyetü' l - Müctehid ve Nihayetü ' l - Muktesid, İstanbul, 1985, Samsu'l Eimme Sarakhsi, Usûlü's-Sarakhsi, İstanbul, 1984, I-II and Wahbe Zuhayli, , *Usûlü'l-Fikhi'l-İslâmî* (Damascus: 1996), I-II.

²⁹ Imam Abu Yusuf, *Kitab al-Kharaj* cited in S. M. Sayeed, 'Human Rights in Islam', *Hamdard Islamicus*, Vol. IX No. 3 (1980): 73-74 (67-75).

³⁰ Al-Baladhuri, *Kitab Futuh al- Buldan*, trans Phillip Khuri Hitti (New York: Colombia University, Longmans, Green &Co Agents, 1919), 101.

Similarly, in the hadith literature, there is an explicit mention that every child is free from sin.³¹ 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.³² Whereas when someone asked Aisha, the wife of the Prophet, about the child which was born due to fornication, she said the child has no responsibility and will not be accountable because of the father and mother's act.³³

During the caliphate of Ali, a new sect, called the *Khwarij*, developed. They developed a belief similar to the present day anarchists and nihilists. The *khwarji* openly declared their position 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'.³⁴ On another occasion he sent another message saying: 'We shall not take up arms against you so long as you do not create disorder'.³⁵

Modern period jurists likewise state that 'no one will be accountable for the sin of others'.³⁶ Similarly, in *Majalla*, a codification of Islamic law made during the Ottoman empire, articles 8 and 9 show that guilt by association is unacceptable.³⁷

State Embedded Juridical Support for Sin by Association

The state embedded jurists are assigned by the rulers and governments. Instead of following the footsteps and methodological blueprint of Great Jurists regarding *fatwas* relating to guilt by association, they act and express their opinions according to the interests of regimes. Their *fatwas* are ideological and state-focused 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 that their *fatwas* aim to silence political uprising and justify corruption, oppression and injustice. Particularly, since colonisation, guilt by association has become common and resulted in great oppression and cruelty by rulers in the Muslims world. Almost all these rulers justified their oppression and cruelty with *fatwas* by assigned jurists or muftis whom Said Nursi calls '*Ulama Su*'³⁸ 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'³⁹ in the contemporary Muslim worlds. The offices of Muftis are manipulated by the states, particularly from colonisation to the present. Under the state, particularly undemocratic states, the autonomous legal tradition of Islamic law transformed into the legalisation of state ideology with an Islamic mask and legalised guilt by association. This is out of the scope of this study. Guilt by association is not just

³¹ Muslim, hadith no 2643, <https://sunnah.com/muslim/46>.

³² Romans 5: 12-21, 1 Corinthians 15: 21-22 - though most scholars see this as representative and not as strictly hereditary.

³³ Ibn Abi Khatim, Tafsir al-Qur'an al-Azim, Makka al-Mukarramah: Maktabatu Nazar al-Baz 1997), 1436.

³⁴ S. M. Sayeed, 'Human Rights in Islam', *Hamdard Islamicus* IX, no. 3 (1980), 73-74.

³⁵ Sayeed, 'Human Rights', 73-74.

³⁶ Osman Şahin, 'Islam Hukuku Metodoljisinde Istishab', *Ondokuz Mayıs Üniversitesi İlahiyat Fakültesi Dergisi* sayı, 12-13 (2001): 511.

³⁷ Ahmet Akgündüz, *Karşılaştırmalı Mecelle-i Ahkâm-ı Adliye: Mecelle ta'dilleri ve gerekçeleriyle birlikte*. (İstanbul: Osmanlı Araştırmaları Vakfı Yayını, 2013), 56.

³⁸ Nursi, *The Letters*, 464.

³⁹ Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld Publication, 2008), 175.

applied between two different adherents of a religion. It is also applied within the same religion's adherents.

There are hundreds of *fatwas* validating guilt by association by the appointed jurists or muftis which are designed to defend injustice, oppression and tyranny in the Muslim world. A recent example can be found in Egypt. The *Ikhwan al Muslimeen* (Muslim Brotherhood) leader Mohamed Morsi was elected by 51.73 per cent of votes in Egypt in 2012, making him the democratically elected leader. At the beginning of the uprising, the Grand Mufti of Egypt and Head of al-Azhar University gave *fatwa* to defend President Husni Mubarak. After Mubarak was overthrown, both the Grand Mufti of Egypt and Head of al-Azhar University gave *fatwa* in favour of Mohammed Morsi. After the military coup in which Muhammed Morsi was overthrown, both the Grand Mufti of Egypt and Head of al-Azhar University gave *fatwas* against the Muslim Brotherhood, calling them a group that is outside of Islam (*firaq dallah*) and accused them of blasphemy.⁴⁰

Similarly, Mehmet Gormez, of the Turkish 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 group outside of Islam (*firaq dallah*).⁴¹ So far it 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 AKP, the ruling party until late 2013, before which Gormez praised the Movement and its world-wide activities.

In the aftermath of the murder of journalist Jamal Khashoggi, Sheikh Abdulrahman al-Sudais, the Imam 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 that the crown prince was the *mujtahid* sent by God to revive the Islamic faith in our age.⁴² There are similar *fatwas* in almost all Muslim countries. So, it can be said that most of the Muftis are like a sunflower. As sunflowers direct their growth in response to sunlight, Muftis' *fatwas* are responses according to the policy of regimes or states.

Nursi's renewal approach against sin by association

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 were two examples in the 20th century. We will focus on Nursi.

After witnessing the first and second world wars and suffering under the aggressive secularist rulers, Nursi approached the theme of guilt by association with a new perspective. Following the so-called Shaykh of Said of Palu's (1865-1925) revolt against the secularisation of the state by Ataturk in 1925, Nursi was arrested and sent into exile in Burdur, despite declining Sheikh Said's request of assistance. Nursi's approach to guilt by association examines the issue wholistically, from spiritual, social, and political perspectives.

This topic is widespread and can be found throughout his Magnum Opus, *Risale-i Nur* (Treatise of Light) in comparison with other Qur'anic exegetes. He was highly critical of the application of guilt by association by individuals, groups, and states. Nursi calls

⁴⁰ 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* 49, no. 3 (2017), 457-477

⁴¹ See Din Isleri Yuksek Kurulu, *Kendi Dilinden Feto* (Ankara: Diyanet Isleri Baskanligi Yayinlari, 2017).

⁴² Khaled M. Abou El Fadl, 'Saudi Arabia Is Misusing Mecca', *The New York Times*, 12th November 2018, <https://www.nytimes.com/2018/11/12/opinion/saudi-arabia-mbs-grandmosque-mecca-politics.html>

the way that concept has been typically applied as wilderness, cruelty, and barbarism. Like other independent scholars in history such as Imam A'zam and Ahmad ibn Hanbal, he stands up peacefully against the application of guilt by association. He commented on the verse (6:164) and recontextualised it. To him, guilt by association is banned by the Qur'an and this must be incorporated as an article into the constitution of every Muslim nation.⁴³

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 the Second World Wars due to guilt by association. Nursi viewed the states which killed civilians then as performing heinous or barbaric acts. He even suggested that favouring one side could be considered a sin, because to do so justified, even implicitly, the killing of civilians on the opposing side.⁴⁴

For this reason, Nursi claimed that the civilians killed during the Second World War were martyrs by default.⁴⁵ At the time, Nursi did not listen to news of the war. When his students asked why, he stated that 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 (Qur'an, 11:113).⁴⁶ Sometimes, the one curiously following the struggles of war comes to earnestly support one side. In doing so, one looks favourably on the tyranny and becomes a partner to it.⁴⁷ 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.*⁴⁸

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.*⁴⁹

According to Nursi's philosophy, killing any innocent civilian at any time cannot be justified and is considered a heinous act. This principle also extends to a state during war. 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

⁴³ Said Nursi, *Emirdağ Lâhikası-II* (Ankara: Ihlas Nur Nesriyat, 2004), 110.

⁴⁴ Said Nursi, *The Rays*, trans. Sukran Vahide (Istanbul, Sozler Publications, 2006), 256.

⁴⁵ Nursi, *Kastamonu Lahikası* (Ankara: Ihlas Nur Nesriyat, 2004), 75.

⁴⁶ '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).

⁴⁷ Said Nursi, *The Rays*, trans. Sukran Vahide (Istanbul: Sozler Publications, 2006), 256.

⁴⁸ Nursi, *The Letters*, 312.

⁴⁹ Nursi, *Flashes*, 75.

kill civilians in the name of justice or self-defence. Due to a minority's crimes, the majority will not be held accountable.⁵⁰

Regrettably, sacrificing innocent people for the national interest is common in the contemporary world. Nursi states that because of 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 the aggressors and oppressors. He concludes that conserving public order is an obligation. Breaching this duty will lead to abusing human rights and killing of innumerable innocents.

In Nursi's works, regardless of the group in question, the killing of innocents for political and 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.

For Nursi there are three main reasons for guilt by association. Firstly, individuals may be sacrificed for the welfare of the government and the preservation of public order. Secondly, the cruel rule of nationalism: Everything may be sacrificed for the well-being of the nation. For his opponents who justify this kind of sacrifice, rule is based on racialism and nationalism. Thirdly, the traditional reason of rivalry between states.⁵¹

Nursi believed that an era of reason and knowledge had arrived and that civilised people needed to be convinced, not forced, to believe the power of Qur'anic verses.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 name of peace, justice, security, nationalism, patriotism and religion.

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

1. Alienation: Individuals, groups, or states will be cut off or separated from a person or group or allies.
2. Demonisation: It is a fact that cannot be overlooked that guilt by association is accompanied by deceitful material and efforts to justify actions against a group or nation by propaganda and secret methods with which society is not familiar at all. Propaganda techniques will be used to promote hatred against an individual, group, or state. Whatever the general public dislike or hate will be used.
3. Isolation: An individual, group, or state is made to be alone and cut off from friends and help.
4. Criminalisation: Their activities will be stereotyped as criminal actions. Conspiracy theories will be fabricated to increase fear among the public. Spies among them may cause a crime and then label everyone responsible for it.
5. Annihilation: This involves causing another, whether individual, group, or state, to cease to exist.

⁵⁰ Nursi, *The Letters*, 312.

⁵¹ Nursi, *The Letters*, 77-78.

⁵² Sener Dilek, *Risale-i Nur Method and Aim*,
http://www.nur.org/en/nurcenter/nurlibrary/The_Risale_i_Nur_s_Method_And_Aim_148.

Nursi was aware of the dirty games played within political circles to bring about guilt by association. His commentary on the Qur'an is 'not the contextual reading of the verses but rather recontextualisation of verses in the light of modern challenges of living together'.⁵³ Nursi measures religiosity based on how individuals dealt with others, not just their practise of the obligatory duties. He did not comment on it, but also experienced guilt by association under aggressive secularism for 35 years in Turkey. His compassionate nature also extended beyond consideration for 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 is made illegal, this 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 revolves around self interest, group interest, or national interest. Nursi calls it savagery⁵⁵ rather than human dignity. Human beings are political by nature, as Aristotle indicated.⁵⁶ If this political naturalism is not disciplined by 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 worldly reason is the politicisation of human rights. The politicisation will create more problems in regard to human rights and complicate the issue of guilt by association.

The third is the precedence given to fear over *aql* (reasoning). Fear is being used as a tool to justify guilt by association. Fear manipulates judgement in a harsher and swifter manner than reason. For Nursi, fear is almost a weakness of the human being.⁵⁷ Fear is a natural 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, that which is incorporated in human nature to preserve life. He considers fear of God as *tatli* fear as well. The second type is *wahm* (imaginary fear). Lastly, external fear. The intensified fear will gradually lead to denying the basic rights of others, including their actual existence.

There are three ideological reasons for justifying guilt by association. The first is to ideologise religious values in regard to human rights. This leads the religion to become a dogma without compassion and love.

⁵³ Hakan Yavuz, *The Sufi Conception of Jihad: The Case of Said Nursi*, <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*, no. 1 (2018): 58-59.

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

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

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

⁵⁸ Nursi, *Flashes*, 487-488.

The second reason is an egocentric carnal soul (*nafs*) approach towards others—that is, viewing everyone from one outlook.

The last ideological reason involves a failure to practice values which can build an identity. Individuals, groups or states need enemies and create monsters in order to unite people and build an identity. Each of the above-mentioned reasons needs 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. This understanding can be classified into two groups:

- a. Passive labelling of guilt by association which creates negative perception and hatred. Jasper calls such guilt metaphysical.⁵⁹
- b. Active guilt by association that hatred transforms into violence. The first type 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, understanding others, pluralism, human-centric politics, sharing, establishing equality and justice, focusing on the inner human dimension and making guilt by association illegal, it 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 the establishment of many civilisations, in regard to the application of guilt by association, humanity is still in a primitive and totalitarian state, and is 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 the areas of science and technology. This leads us to think that we have equally progressed and become more civilised. Yet, on the other hand, more innocents and civilians were killed in the last century more than in the whole history of humanity due to guilt by association. Russian intellectual Pitirim Sorokin asks 'Are we becoming civilised or are we still in primitive society?'⁶⁰ Application of Guilt by association means retreating from civilised society to primitive society.⁶¹ It is a substantial threat to human freedom, liberty and safety. It is a fact that there is a sore lack of a human rights culture in regard to guilt by association in Muslim societies⁶² as well as in the wider world.

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

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

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 J. Jeremiah, 'Guilt by association, three words in search of a meaning', *The University of Chicago Law Review* 17, no. 1 (1949): 149.

⁶² Najma Moosa, 'Human Rights in Islam', *South African Journal on Human Rights* 14, no. 4 (1998), 508-524.

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 was suggested that it is unlikely to be applied in its highest form. It is hoped that this research will trigger further studies on the topic.

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

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