

# ISLAMIC LEGAL PERSPECTIVES ON SUICIDE BOMBING: A CRITICAL EXAMINATION OF THE NAIROBI U.S. EMBASSY BOMBING

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## ABSTRACT

*This study examines suicide bombing from an Islamic Shariah perspective through analysis of the 1998 United States Embassy bombing in Nairobi, Kenya. This research attempts to answer the following question: What is the Islamic ruling on suicide bombing during war and peace? Using qualitative doctrine and analytical approaches, the study investigates Islamic legal rulings on suicide bombing by examining the Quran, Sunnah, classical juristic opinions, and contemporary scholarly interpretations. The study further evaluates whether the Nairobi bombing can be justified under Islamic legal principles governing warfare, public interest, and the protection of human life. In analyzing the case study of the US embassy, this study takes into consideration several Islamic legal principles, including the ethics of war (adab al-harb) and public interest (masalih al-ammah), mischief in land (fasad fi al-ardh) among others. The findings reveal that suicide bombing targeting civilians fundamentally contradict*

*the objective of Shariah (maqāṣid al-sharī'ah), particularly the preservation of life, justice, and public welfare. The study concludes that the Nairobi Embassy bombing violated core Islamic legal and ethical principles and represents a misuse of religious texts to legitimize violence. The findings contribute to contemporary discussion on Islamic law, counterterrorism, and the prevention of extremist interpretations of religion.*

**Keywords:** *counterterrorism, Nairobi US Embassy, extremist ideology, Shariah law*

## **INTRODUCTION**

Suicide is increasingly a concerning issue that has caused significant tension worldwide. In Islamic law, it is explicitly and unequivocally prohibited. Islam views suicide as one of the gravest sins a Muslim can commit, as it is considered an affront to the sanctity of life, which Allah SWT has bestowed upon humanity. The preservation of life is a key principle in Islam, and thus, a person who takes their own life is seen as violating the trust God has placed in them regarding the protection of their soul and body. They are viewed as wronging themselves by disregarding this sacred trust. The protection of life is among the central objectives of Islamic law (*maqāṣid al-sharī'ah*), making it a fundamental duty for individuals to safeguard their lives, as the soul belongs to Allah (al-Raysuni 1992, 36).

At the same time, Islam instructs believers to be willing to sacrifice their lives for the sake of Allah when necessary. In situations where there is a conflict between personal interests and the interests of religion, the latter takes precedence. In this regard, jihad-striving or fighting in the cause of Allah-was commanded. Jihad was first legislated during the Medinan period, after the establishment of the Islamic state. Prior to this, Muslims were instructed to refrain from using force, as emphasized by the verse:

*“Restrain your hands and establish prayer.”*

(Surah al-Nisa', 4: 77).

However, after the formation of the state, God initially permitted jihad in self-defense:

*“Permission to fight is given to those who are being fought against, because they have been wronged. And indeed, Allah is capable of granting them victory.”*

(Surah al-Hajj, 22: 39).

It is the first verse in which permission to fight (*jihad*) was revealed for Muslims, as Allah (SWT) permitted the believers to defend themselves after they had suffered injustice, aggression, and expulsion from their homes at the hands of the polytheists of Mecca, thereby confirming His absolute ability to grant them victory. Subsequently, the scope of jihad was expanded to allow Muslims to initiate combat in certain contexts, particularly to remove obstacles to the free practice of religion and to end persecution:

*“And fight them until there is no more fitnah (trial or persecution), and religion is for Allah alone.”*

(Surah al-Baqarah, 2: 193).

Al-Saadi says: Then God Almighty mentioned the purpose of fighting in His cause, and that it is not intended to shed the blood of the disbelievers and take their money, but rather it is intended that “the religion be for God Almighty,” so that the religion of God Almighty prevails over all other religions, and repels everything that opposes it, from polytheism and other things, and this is what is meant by the tribulation. So if this purpose is achieved, then there is no killing or fighting. “But if they cease” from fighting you at the Sacred Mosque, “then there is to be no aggression except against the oppressors” - that is: there is no aggression against them from you, except from those among them who commit oppression, for they deserve to be punished according to the extent of their oppression (al-Saadi, 2000: 321).

Throughout these battles, Muslim fighters adhered to principles of truth, justice, and mercy. Historical records indicate that Muslim armies generally avoided the massacres, plundering, and assaults on civilians that are common in many conflicts, including civil wars. Moreover, Islam was not forcibly imposed on the populations of conquered lands. The “People of the Book” (Jews and Christians) were allowed to maintain their religions, and many still practice their faiths in areas once governed by Muslims, reflecting Islam’s teachings on religious tolerance. Preserving and protecting life is not only a religious obligation but also a fundamental human need, aligned with natural instincts and moral values. It is universally acknowledged across all faiths that one of the gravest crimes on earth is murder, whether it is the taking of one’s own life or another’s. Today, we find ourselves in an era where chaos reigns, and the senseless killing of innocent people has become widespread. This grim reality echoes the words of the Prophet Muhammad, peace be upon him, who said: “By the One in Whose Hand is my soul, a time will come upon the people when the killer will not know why he killed, and the one killed will not know

why he was killed.”<sup>1</sup> In modern times, a controversial method of combat has emerged: suicide bombing. In this tactic, an individual straps explosives to their body or hides bombs in their clothing or vehicles, then detonates them amidst enemy targets, often with the intention of martyrdom.

Across multiple disciplines, suicide bombing has attracted extensive scholarly attention this includes, religious studies, security studies, political science, and international relations. There have been efforts by scholars such as Robert Pape (2005), Mia Bloom (2007), and Mohammed Hafez (2007) to examine suicide terrorism from strategic, political, and ideological perspectives. Limited attention has been devoted to evaluating specific incidents through the framework of Islamic jurisprudence although these studies provide valuable insights into the motivations and consequences of suicide attacks. In particular, since the 1998 Nairobi U.S. Embassy bombing has largely been examined from security and political perspectives, This study seeks to address a significant gap regarding its assessment under Shariah law.

This study seeks to explore the Islamic legal perspectives on suicide bombing, with a focus on analyzing the theological and jurisprudential debates surrounding the practice, especially in the context of the Nairobi bombing. While some contemporary scholars and extremists justify such acts by invoking selective interpretations of Islam, traditional Islamic jurisprudence and mainstream scholarship overwhelmingly reject suicide attacks as inconsistent with Islam’s core teachings. This dissonance between extremist interpretations and mainstream Islamic thought calls for a closer examination of how Islamic law has been interpreted or misused to legitimize acts of terrorism. The research aims to achieve two primary objectives: first, to assess the theological and legal basis for suicide bombing from an Islamic standpoint; and second, to use the Nairobi bombing as a case study to explore the ethical and legal dilemmas associated with such actions. By analyzing foundational Islamic texts, classical jurisprudence, and contemporary scholarly opinions, this study will highlight the divide between extremist ideologies and mainstream Islamic teachings. Ultimately, it will contribute to a broader understanding of how religious doctrine has been manipulated to justify violence and offer insights into the ethical and legal boundaries of Islamic thought in relation to modern acts of terror.

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<sup>1</sup> Muslim ibn al-Ḥajjāj ibn Muslim al-Qushayrī al-Naysābūrī, (1334) *Ṣaḥīḥ Muslim*, vol 8. Turkey: Dār al-Ṭībā’ah al-‘Āmirah, 183, ‘Bab al-Tazkiyah, ḥadīth no. 2908.

## LITERATURE REVIEW

Suicide in Arabic, known as Al-Intihār, refers to death caused by intentionally harming oneself with the intent to die. Numerous legal texts indicate the prohibition of suicide, with Islam viewing it as a grave sin deserving of divine punishment. The Prophet Muhammad (pbuh) said, “He who throws himself from a mountain and kills himself will be thrown down into the fire of Jahannam and remain in it forever and ever.”<sup>2</sup> This noble hadith clearly states that a person who commits suicide will dwell in the Hellfire for eternity and will be punished in the Hereafter in the same manner in which they ended their life. If one kills themselves with an iron object, their punishment will be to have it pierced into their stomach in the fire on the Day of Resurrection; similarly, one who drinks poison will face a corresponding punishment in the fire, and so on.

Moreover, preserving life is one of the five essential objectives in Islam. The religion regards attacking a single life as equivalent to attacking all of humanity, thereby emphasizing the gravity of such a crime. Likewise, saving a life is viewed as saving all of humanity. As clearly mentioned in the following verse:

*“That is why We ordained for the Children of Israel that whoever takes a life-unless as a punishment for murder or mischief in the land-it will be as if they killed all of humanity; and whoever saves a life, it will be as if they saved all of humanity.”*

(Surah al-Ma’idah, 5: 32)

The concept of suicide operations, known in Arabic as Al-Amaliyah Al-Fidaiyah or Al-Istishhadiyah, has become one of the most contentious and widely debated issues in contemporary discourse. Modern suicide bombings, as we understand them today, did not exist in this form in the past. Historically, what we might now consider a “suicide attack” was often an individual act of extraordinary bravery, where a warrior, motivated by a desire for martyrdom, would willingly put themselves in extreme danger to strike a decisive blow against the enemy.

An early example is the story of Ali ibn Abi Talib, may God be pleased with him, who risked his life during the Prophet Mohammad’s (pbuh) migration to Madinah. The Quraysh had plotted to assassinate the Prophet that night, but Ali, fully aware of the danger, took his place, risking his life to return

<sup>2</sup> Jalāl al-Dīn al-Suyūṭī, (2005) *al-Jāmi‘ al-Kabīr*, vol 9. Cairo: al-Azhar al-Sharīf, 735, Harf Mim, ḥadīth no. 22672.

the people's deposits entrusted to the Prophet and to mislead the assassins. Despite knowing that he might be killed, either because he was mistaken for the Prophet or out of retribution, Ali accepted this perilous task with the full knowledge of its consequences (Manswab, 2025: 66).

Similarly, the scholar Ibn Kathir (1986: 325) recounts the heroic actions of Al-Barra bin Malik during the battle against the tribe of Hanifa. Al-Barra, in a decisive moment, urged his comrades to throw him over the wall of a fortified garden where the apostates of Yamamah were entrenched. Once inside, Al-Barra fought valiantly, opening the gate and allowing the Muslim forces to overrun the enemy and claim victory. His actions, while certain to bring harm or death upon himself, were seen as acts of courage and martyrdom in the service of Islam.

The story of Abu Ayyub al-Ansari during the siege of Constantinople is another significant example. During a battle, a Muslim warrior charged fearlessly into the Roman ranks, and some onlookers feared he was throwing himself into destruction. However, Abu Ayyub corrected them, explaining that the Quranic verse they referenced, which warns against self-destruction, had a different context. He clarified that it was revealed when some of the Ansar considered retreating from their duty to focus on personal wealth after Islam had become victorious. True destruction, according to Abu Ayyub, lies in abandoning one's commitment to jihad for worldly gain, not in acts of bravery or self-sacrifice for the sake of Islam (Uqal, 2021: 77).

These historical instances illustrate that early Muslims, including the Prophet's companions, engaged in acts of self-sacrifice with the knowledge that they might not survive. Yet, these actions were driven by their faith and their commitment to serving Allah's cause. Notably, none of the Prophet's companions disputed these acts at the time, signifying that such forms of martyrdom were accepted as part of their devotion.

In this light, the contemporary phenomenon of suicide bombings, often referred to as martyrdom operations, can be viewed as a modern manifestation of an ancient principle. While the methods have changed due to advancements in technology and weaponry, the underlying concept of self-sacrifice in the service of one's faith remains consistent with these earlier examples from Islamic history.

In recent times, new and innovative methods of confronting the enemy have emerged, largely unknown in earlier warfare. Among the most prominent of these are suicide operations, where a Mujahid (a warrior engaged in jihad) straps a belt laden with explosives to their body or fills a vehicle or bag with bombs before infiltrating an enemy target. These operations often take place

in densely populated areas or shared transportation, such as planes, buses, or trains, with the aim of causing maximum devastation. The individual carrying out the operation is acutely aware of their fate—they are positioned closest to the explosives and will almost certainly perish in the blast.

Although these methods appear modern, elements of self-sacrificial tactics have been employed throughout history. Wars such as the American Civil War (1861-1865), the Boer War (1899-1902), and the Vietnam War (1959-1975) all contributed to the development of suicide bombing and guerrilla warfare tactics. In the mid-20th century, fedayeen operations in Gaza in 1955 and 1956 marked a turning point, where self-sacrifice for a larger political and military cause became more visible. These early instances laid the groundwork for the rise of modern suicide bombings (Sami, 2010: 76-85).

The methods used in martyrdom operations today are diverse, evolving to adapt to the changing nature of warfare. A multitude of weapons and tactics have been employed, making it challenging to list all forms of such attacks. A few notable examples of suicide operations include the 1956 attack on the French ship *Jean Bart* during the Suez Crisis, the September 11, 2001, hijackings in the United States, and the August 7, 1998, bombing of the U.S. Embassy in Nairobi, Kenya.

The Nairobi bombing, attributed to al-Qaeda, caused devastating loss of life and severe injuries. The attack claimed 224 lives, including 12 Americans, and left more than 4,500 injured (FBI, 1998). The explosion inflicted massive damage on the embassy building and led to the collapse of the nearby Ufundi Building, where many of the casualties were students and staff of a secretarial college. The intense heat from the blast spread between the buildings and ignited a crowded commuter bus on Haile Selassie Avenue. Windows within a half-mile radius were shattered by the force of the explosion, and many bystanders were injured by flying glass. Some of the injured had rushed to windows after hearing gunfire and a hand grenade explosion, only to be caught off guard by the main blast, which followed shortly after (US, Department of State, 1998). Reports indicate that the Nairobi attack was likely a retaliatory act for the U.S. extradition and alleged torture of four members of the Egyptian Islamic Jihad (EIJ). These individuals had been arrested in Albania just two months earlier for their involvement in a series of murders in Egypt. Other commentators, such as Lawrence (2006: 272), suggested that the U.S. Embassy was targeted due to American involvement in Somalia, where U.S. forces were seen as foreign invaders. The underlying motivations behind such suicide operations often reflect broader political and ideological grievances, with

the attacks viewed by their perpetrators as a form of retribution or resistance against perceived injustices.

The question of whether suicide bombing is an act of martyrdom, deserving of divine reward, or an act of suicide, forbidden and punishable by hellfire, has become one of the most pressing and controversial theological debates in contemporary times. To understand the nature of this debate, it is essential to examine the distinctions between the concepts of suicide and suicide operations, which on the surface may appear similar but are fundamentally different in their motivations and legal interpretations. Suicide is typically driven by despair and a desire to escape pain, while suicide bombing is motivated by the belief in sacrificing one's life for a higher cause, such as religious or ideological duty, with the hope of attaining paradise. This difference in intention-escape versus sacrifice-is central to the debate, but opinions diverge on whether such acts are truly acts of martyrdom or misguided, sinful actions. Ultimately, the classification depends on the interpretation of religious and ethical principles surrounding life, death, and sacrifice.

Despite the widespread controversy surrounding suicide bombings, some contemporary Muslim jurists permit such acts under specific conditions, with a particular emphasis on the underlying intent and the broader context of the operation. One of the key conditions these jurists impose is that the primary goal of the operation must be to seek the pleasure of Almighty Allah and to elevate the flag of Islam. Moreover, the intention behind jihad varies, as illustrated by the following hadith: "One man fights for booty, one for the reputation of fighting, and one for his bravery to be recognized; which of them is in God's path?" The Prophet replied, "The one who fights so that God's word may have preeminence is in God's path."<sup>3</sup> As previously noted, the suicide bombings at the U.S. Embassy were carried out as acts of retaliation, either in response to the capture of certain Mujahidin or in reaction to the invasion of Somalia. The second condition of a suicide bombing is to inflict harm on the enemy while serving the interests of the Muslim community.

In this context, the scholar Ibn Abidin (1992: 127) stated that it is permissible for a person to use a weapon if it is certain to cause harm to the enemy; otherwise, it is prohibited, as it would not contribute to the promotion of religion. This condition does not appear to be fulfilled because innocent people, including Muslims, have been killed and wounded. Furthermore, the Muslim community continues to face challenges posed by the Kenyan government. For instance, Muslims have been victimized simply for wearing

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<sup>3</sup> Aḥmad ibn Ḥanbal, (2001) *Musnad al-Imām Aḥmad ibn Ḥanbal*, vol 32. Beirut: Mu'assasat al-Risālah, 517, Ḥadīth Abī Mūsā al-Ash'arī, ḥadīth no. 9740.

traditional attire such as the *kanzu* or *hijab* in public, often being treated as suspects. Additionally, nearly all foreign Muslim organizations operating in Kenya have been shut down, with the exception of Al Muntada. The third condition of a suicide bombing is to embolden Muslims, raise their morale, and restore the spirit of jihad to Muslims (al-Qurtubi, 2000: 364).

This condition does not apply in Kenya because the majority of the population is Christian. Further jihad is not permissible unless several conditions are met. First, the primary motive must be to seek the pleasure of Allah, serve Islam, and elevate the banner of monotheism. Second, Muslims must possess the necessary strength to make victory a realistic possibility. Third, engaging in jihad should not result in greater harm or corruption than the harm caused by refraining from it. Fourth, the jihad must have a well-defined objective and clear leadership, ensuring that the cause is not driven by political or partisan agendas. Finally, it must be authorized by the legitimate ruler (Othman, 2019: 265). The act of carrying out a suicide bombing requires sufficient strength and capability; otherwise, it would be akin to throwing oneself into destruction with one's own hands (al-Kaylānī, 1982: 79).

Such operations must be strategically planned, as demonstrated by Hamas in Palestine or during the conflicts in Chechnya. In these cases, success is determined by the operation's effectiveness and the greater benefit it achieves compared to the potential harm. However, in the case of the U.S. embassy bombing, the intended benefit was not realized, as only 12 Americans died out of the 224 total people. Another condition of suicide bombing is often claimed to be the liberation of Muslim lands from enemies and the defense of their honor, as the Prophet Mohammad (pbuh), said: "Whoever is killed defending his wealth and is killed unjustly, Paradise will be his."<sup>4</sup> However, Kenya is a democratic country, as clearly stated in its Constitution (2010: 15-16) under Article 4, Declaration of the Republic: "The Republic of Kenya shall be a multi-party democratic State founded on the national values and principles of governance referred to in Article 10."

According to the U.S. government in (2022: 2) estimates from 2019 indicate that about 85.5 percent of the population identifies as Christian, while approximately 11 percent are Muslim. Other religious groups, such as Hindus, Sikhs, Baha'is, and followers of traditional indigenous beliefs, each make up less than 2 percent of the population. The final condition of a suicide bombing is only permissible as a last resort when no other means exist to defeat the enemy. If there is any alternative that achieves the objective without the need for

<sup>4</sup> Muḥammad ibn 'Abd Allāh al-Khaṭīb al-Tabrīzī, (1985). *Mishkāt al-Maṣābīh*, vol 2. Beirut: al-Maktab al-Islāmī, 1028, Kitāb al-Qisas, ḥadīth no. 3452

suicide, it becomes obligatory to pursue that option. Committing suicide when other viable methods are available would be considered haram (forbidden) (al-Kaylānī, 1982: 79). There is no justification for suicide bombing in Kenya, according to the National Crime Research Centre (2017: 9), as many people, including tourists, are being kidnapped and killed. If the above-mentioned conditions are met, suicide bombing is considered permissible under Sharia law.

There are several principles related to suicide bombing, outlined as follows: (i) Prohibition of Treachery and Perfidy: If a suicide bomber pretends to be a civilian or a soldier feigns surrender (such as by waving a white flag), they are granted non-combatant immunity and will not be targeted by the armed forces they approach. However, if the individual then detonates a bomb to kill enemy soldiers, it is considered an act of treachery or perfidy, which is strictly forbidden under both Islamic law and international humanitarian law (Protocol I to the Geneva Conventions, 1997: 555). Such actions violate the enemy's trust, potentially causing future distrust of genuine civilians or surrendering soldiers. Similarly, suicide attacks on civilians are strictly prohibited due to their protected status in both bodies of law.

Suicide attacks carried out by soldiers against enemy combatants, without pretending to be civilians, are regarded as a legitimate tactic of warfare. The Prophet Muhammad (pbuh) and his rightly guided successors strongly prohibited treachery and perfidy. The Prophet (pbuh) emphasized this prohibition on multiple occasions. In the eighth year after his migration to Medina, the Prophet issued directives to his departing army, instructing them: "Fight in the name of God and in the path of God. Combat those who disbelieve in God. Fight, but do not cheat, do not betray trust, do not mutilate, and do not kill minors."<sup>5</sup> Under Islamic law, if a Muslim commander or any of his soldiers offers an enemy soldier a pledge of protection or safe passage, that promise is binding on all Muslims, and no one is allowed to break it. The Prophet Muhammad (pbuh) strongly condemned those who broke their pledges, calling them hypocrites.

He also warned that on the Day of Resurrection, those who violate their promises will be exposed by the hoisting of a flag, the size of which will reflect the gravity of their betrayal. He emphasized that the greatest treachery is that committed by a leader of a nation. During the time of 'Omar I, the Second Caliph, in a war between the Islamic state and the Persian Empire, a Persian soldier sought refuge at the top of a tree. A Muslim soldier told him in Persian,

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<sup>5</sup> Jalāl al-Dīn al-Suyūṭī, (2005). *al-Jāmi' al-Kabīr*, vol 1. Cairo: al-Azhar al-Sharīf, 721, Hamza ma Ain, ḥadīth no. 3655.

“ma tars” (don’t be afraid), leading the Persian soldier to believe he had been given protection. The Persian soldier came down, but was tragically killed by the Muslim soldier. When this incident was reported to the Caliph, he issued a policy that anyone who used such words to an enemy soldier and then killed them would be prosecuted for murder and sentenced to death (Badruddin, n.d: 94). (ii) Non-combatant immunity is a fundamental principle in Islamic jus in bello (laws of war), which mandates that civilians must not be targeted or killed during conflict. This protection is clearly supported by both the Quran and numerous traditions of the Prophet Mohammad (pbuh). As a general rule, civilians are not to be harmed during warfare. The Quran states:

*“Fight in the way of Allah against those who fight against you, but do not initiate hostilities. Verily, Allah does not love aggressors.”*

(Surah al-Baqarah, 2: 190)

Therefore, the killing of non-combatant civilians is unequivocally forbidden under Islamic law in all circumstances. (iii) Reciprocity: The principle of reciprocity is directly addressed in the Quran, specifically in verse 9:7, where Allah states, “As long as they remain true to you, be true to them.” This emphasizes that relations between communities must be based on mutual respect and fairness. Muslim jurists elevated this idea to a guiding principle. Imam Sarakhsi (2000: 85) stated, “Relations between us [Muslims] and non-Muslims are based on reciprocity.” An example of this principle can be seen during the Treaty of Hudaibiyya. When the Muslims reached Hudaibiyya, just outside Mecca, they were initially stopped by the Meccan infidels. After negotiations, both sides signed a peace treaty. Among its terms was an agreement that the Muslims could return to perform ‘Umrah the following year.

However, when the time came, the Muslims were apprehensive about betrayal, fearing that the Meccans might prevent them from entering or attack them during the sacred month, when self-defense would not be allowed. In response, Allah clarified that a sacred month is only honored on a mutual basis, meaning that Muslims were permitted to defend themselves if the Meccans violated this principle, as the sanctity of the sacred months is upheld only through reciprocity (Ashoor, n.d: 210); (iv) Reprisals: refer to the right of Muslims to defend themselves if they are attacked during the sacred month. However, this does not justify the killing of innocent civilians through suicide attacks. In his explanation of this principle, the scholar Qurtubi (1964: 240) argues that if someone is wronged, they are entitled to seek justice or compensation from the wrongdoer. However, this should not extend to harming the wrongdoer’s family members, such as their parents, children, or relatives.

Therefore, in cases of retribution, only the person directly responsible for the wrongdoing is punished, and their relatives cannot be held accountable for their actions.

Based on the literature review on suicide bombing, Muslim jurists have discussed suicide bombing in general and particularly during the Jihad. No scholarly work has been written on suicide bombing within the specific context of the 1998 Nairobi American Embassy bombing. Most existing literature focuses on the security, political and historical on Nairobi aspects of the U.S. Embassy bombing. This research therefore seeks to evaluate Nairobi embassy bombing and assess whether such acts can be justified under Shariah law. Theoretically, the study contributes to the expanding body of literature on Islamic legal responses to violent extremism by discerning legitimate military self-sacrifice in classical Islamic jurisprudence from contemporary suicide bombing operations targeting civilians. The findings from a policy perspective, may assist governments, religious institutions, and counterterrorism agencies in advancing educational and preventive strategies aimed at countering extremist narratives that the misuse of Islamic texts to justify violence.

## **METHODOLOGY**

This study adopts a qualitative, doctrinal, and analytical approach to examine Islamic legal perspectives on suicide bombing, using the 1998 Nairobi US Embassy bombing as a case study. It begins by analyzing primary Islamic legal sources, including the Quran, Hadith, and fiqh (Islamic jurisprudence), to explore Islamic rulings on suicide, martyrdom, and the ethics of war. The study reviews both classical and contemporary scholarly opinions from various Islamic schools of thought to understand their views on suicide bombings. The 1998 Nairobi US Embassy bombing is used to contextualize these legal perspectives, providing a historical overview, examining the perpetrators' justifications, and evaluating the attack through the lens of Islamic law, focusing on issues such as the targeting of civilians and the intentions behind the attack.

The study also compares this bombing to other significant cases of suicide attacks in the Islamic world to identify broader trends in justification or condemnation. A comprehensive literature review will be conducted, incorporating both classical Islamic texts and contemporary scholarly work on suicide bombings and martyrdom. Data were gathered from primary sources, such as religious texts and fatwas, as well as secondary sources like academic articles and terrorism reports. The data were analyzed thematically to identify

key themes, such as the distinction between suicide and martyrdom, the ethics of warfare, and civilian protection. Ethical considerations were made to ensure a respectful and balanced discussion of sensitive topics.

Ultimately, the study will synthesize its findings to assess whether suicide bombings, such as the Nairobi attack, are consistent with or violate Islamic legal principles, and will offer recommendations to prevent the misinterpretation of religious teachings to justify violence. For theoretical and policy reasons, the selection of the Nairobi U.S. Embassy bombing as a case study is theoretically justified, the attack depicts one of the earliest and most significant transnational terrorist incidents in East Africa, providing an important context for examining the application of Islamic legal principles to contemporary acts of terrorism. From a policy perspective, the attack resulted in substantial civilian casualties and continues to influence counterterrorism policies, interfaith relations, and security discourse within Kenya and the wider East African region. through the lens of Shariah law, examining this event contributes to efforts aimed at preventing the legitimization of violence through misuse of religion.

## RESULTS AND DISCUSSION

Muslim jurists have expressed diverse perspectives on the issue of suicide bombing, particularly in scenarios where the individual is likely to die. These views generally fall into two main categories:

- (i) The majority of scholars, particularly in the context of jihad, argue that it is permissible for a *mujahid* (fighter) to engage in actions that may lead to their own death if the intention is to inflict harm on the enemy. This is based on the principle that such acts, though dangerous, serve a greater purpose in battle. For instance, Al-Sarakhsi noted that a Muslim who charges alone into a group of polytheists, knowing he will harm them, commits no wrongdoing. However, if the action is deemed futile, meaning no harm will come to the enemy, it contradicts Quranic verses like: “*And do not kill yourselves*” (Surah al-Nisa’, 4: 29) and “*Do not throw yourselves with your own hands into destruction*” (Surah al-Baqarah, 2:195) thus rendering it impermissible

Scholars have further illustrated this concept by referencing historical examples, such as the Battle of Uhud. During this battle, some Companions of the Prophet Mohammad (pbuh) charged alone into the enemy ranks, and the Prophet did not object to their actions. Some even received glad tidings of martyrdom for their courage. Al-Nawawi, when discussing the case of Umair bin Al-Humam, confirmed that immersing oneself into the enemy ranks, even

at the risk of death, is generally accepted by most jurists. The four main Sunni schools of thought-Hanafi, Maliki, Shafi'i, and Hanbali-largely concur on the permissibility of such acts when the goal is to harm the enemy. Ibn Hajar, in *Fath al-Bari*, (n.d: 316) echoed this consensus by stating that scholars agree on the permissibility of taking extreme risks in jihad, provided the intention is to damage the enemy.

Al-Ghazali emphasized that there is no dispute among scholars on the permissibility of a Muslim attacking the enemy, even knowing they may be killed. However, he made a key distinction: if the action is pointless or self-destructive without the possibility of harming the enemy, such as a disabled person recklessly charging into battle, it becomes forbidden, as it would fall under the Quranic prohibition of self-destruction (al-Ghazali, n.d.: 319). Other scholars assert that suicide-like actions are permissible only when there is a clear and significant potential to harm the enemy. They argue that any act that results in death must have a tangible and strategic benefit for the Muslim community ('Uqal, 2005: 79). This viewpoint acknowledges that while martyrdom in battle is highly regarded, there must be a balance between sacrifice and tactical effectiveness. If the act does not significantly harm the enemy, it may be seen as reckless and forbidden, as it wastes life without benefit.

The jurists supporting this view often cite the actions of the Prophet's Companions, who engaged in suicide operation during battles but always aimed to maximize harm to the enemy forces. They argue that the intention behind the action and its potential to damage the enemy must always be considered before declaring it permissible. It was narrated that Sa'id ibn al-Musayyab said: Suhaib emigrated to join the Prophet (pbuh), and a group of Quraysh pursued him. He dismounted, took out the arrows from his quiver, and said: "O people of Quraysh, you know that I am the best archer among you. By Allah, you will not reach me until I have shot every arrow in my quiver. After that, I will strike with my sword until nothing remains in my hand, and then you may do whatever you wish. But if you prefer, I will show you the location of my wealth and property in Mecca, and you can take it, allowing me to leave." They agreed, and when Suhaib reached the Prophet (pbuh), the Prophet said: "A profitable transaction, indeed! A profitable transaction!" (Zaghlul, 1411: 67)

Almighty Allah revealed,

*"And among the people is he who sells himself, seeking the pleasure of Allah."*

(Surah al-Baqarah, 2: 207)

The verse and the context of its revelation indicate that exposing oneself to the possibility of being killed can be considered a form of jihad with one's self, which God loves and is pleased with. Another evidence, It has been reported on the authority of Anas b. Malik that (when the enemy got the upper hand) on the day of the Battle of Uhud, the Messenger of Allah (pbuh) was left with only seven men from the Ansar and two men from the Quraish. When the enemy advanced towards him and overwhelmed him, he said: Whoso turns them away from us will attain Paradise or will be my Companion in Paradise. A man from the Ansar came forward and fought (the enemy) until he was killed. The enemy advanced and overwhelmed him again and he repeated the words: Whoso turns them away, from us will attain Paradise or will be my Companion in Paradise. A man from the Ansar came forward and fought until he was killed.

This state continued until the seven Ansar were killed (one after the other). Now, the Messenger of Allah (pbuh) said to his two Companions: We have not done justice to our Companions. The hadith highlights a significant moment when one man from the Companions of the Prophet rose up to confront a group of polytheists, despite the near certainty that it would lead to death. This is exemplified by the sacrifice of seven members of the Ansar, who were martyred one after the other in obedience to the Prophet's command, peace be upon him. Despite the deadly outcome, the Prophet, (pbuh), praised their courage and assured them of a great reward for their noble act. Their selfless action was honored and seen as an act of valor in defense of their faith (Nawawi, 1972: 147).

Finally, Dr. Yossef Hamid (1994: 317) states: there is no doubt that sacrificing oneself to support Islam or to achieve a general benefit for Muslims is permissible, as the interest of religion takes precedence over personal interest, and the collective interest supersedes individual concerns. Thus, risking one's life in defense of religion and welfare of Muslims is a noble act, commendable both in sight of God and among people.

(ii) It is strictly forbidden for a Mujahid to charge into the enemy's ranks alone, even if his intention is to harm or provoke the infidels. This position stands in stark contrast to the more prevalent opinion among the Malikis, who may view such actions differently. This view is also supported by contemporary Muslim scholars.

Sheikh Nassir Din al-Bani was once asked about the permissibility of suicide bombing. He responded that he could not definitively say whether it was allowed or not, explaining that its permissibility depends on the circumstances. He clarified that such an act could be allowed if the state fully implements

Islamic law and if the soldier does not act on personal judgment but follows the orders of a legitimate commander. In this case, the act may be considered permissible. However, he emphasized that when a soldier acts independently, as many do today in committing suicide bombings, it is impermissible because it is a personal decision, not sanctioned by a commander. When asked if there is currently an Islamic army fighting in the way of God, he answered, “No, because there is no Caliph.” (At-Tikrawi, 1997: 70-71)

Sheikh Al-Uthaymeen was asked about the legal ruling on someone who places explosives on their body and detonates themselves among infidels in an attempt to harm them. He responded firmly, stating that whoever kills themselves in this manner will be punished in the afterlife with the same means by which they took their own life, as established by the words of the Prophet Mohammad, (pbuh): “He who throws himself from a mountain and kills himself will be thrown down into the fire of Hell and remain in it forever.”<sup>6</sup> (Bukhary, 1422: 139) Sheikh Al-Uthaymeen then quoted the Quranic verse,

*“And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful.”*

(Surah al-Nisa’, 4: 29)

He questioned the effectiveness of such actions, asking whether these bombings have achieved their intended goals. Rather than leading to victory, he pointed out that these acts often provoke greater hostility from the enemy, as evidenced by the situation in Palestine, where such attacks have only intensified the enemy’s arrogance and aggression.

Based on the two previous opinions, the permissibility of suicide operations in Islam is a complex issue that hinges on the context in which they occur. According to jurist opinions, such operations may be considered permissible on the battlefield, particularly when they involve direct assaults on the enemy that offer no hope of survival. In such cases, if the act results in a strategic advantage for the Muslims or causes harm to the enemy, it could be viewed as legitimate and even recommended within the framework of jihad. However, this permissibility is strictly confined to a war setting where combatants face one another. In times of peace or when innocent civilians are involved, such as in the bombing of the US Embassy in Nairobi in 1998, suicide operations are categorically forbidden under Islamic law. The attack, which resulted in the deaths of 224 people and injured over 4,500, is a clear violation of the sanctity of life that Islam upholds. Allah (SWT) commands in the Quran,

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<sup>6</sup> Muḥammad ibn Ismā‘īl al-Bukhārī (1422). *Sahih al-Bukhari*, vol. 3. Dar Tuq al-Najah, 139, Kitāb al-Ṭibb, ḥadīth no. 5778

*“And do not kill the soul which Allah has forbidden, except by right.”*

(Surah al-An‘am, 6: 151)

This directive applies not only to others but also to one’s own life, as suicide is prohibited in all circumstances. The Prophet Mohammad (pbuh) reinforced this by warning against the killing of non-combatants, women, children, and religious figures, stating, “Do not kill women or children or non-combatants, and do not kill the monks in monasteries.” Such teachings emphasize that in Islam, warfare has strict ethical guidelines that safeguard the lives of the innocent, even during armed conflict.

For instance, some protagonist of suicide bombing adduce examples of the Prophet’s Companions who knowingly exposed themselves to danger during battle, fundamental differences can be noted between these historical incidents and modern suicide bombings. First, the Companions engaged in one-on-one combat against enemy men-at-arms within a recognized battlefield context, whereas modern suicide bombings frequently target civilians and non-combatants. Second, there was no intentional destruction of lives by the companion; they rather accepted the risk of death while seeking legitimate military objectives. In contrast, deliberate destruction of one’s own life is an essential component of the operation. Third, suicide bombings involve deliberate self-destruction, whereas the military actions of the companions occurred under legitimate leadership and within the ethical framework governing warfare in Islam. These distinctions are enough proof that the historical events cannot be enough evidence to validate contemporary suicide bombings against civilian populations.

The bombing of the US Embassy violated these principles, as it indiscriminately targeted civilians, including women, children, and non-combatants. Such actions are not only morally reprehensible but also contradict the fundamental purpose of jihad, which is to resist oppression and corruption while upholding justice. The legal maxim principle of “preventing harm takes precedence over achieving benefits” was clearly disregarded, as the attack caused immense suffering to innocent people, including those who experienced long-term psychological trauma and injuries. Furthermore, the attack did not achieve any of the legitimate goals of jihad, such as removing corruption or defending Muslims from aggression. Instead, it brought further harm to the Muslim community in Kenya, leading to the closure of foreign Muslim organisations and a negative impact on Islamic institutions and humanitarian efforts. Ultimately, the bombing of the US Embassy in Nairobi stands as a violation of Islamic legal and moral principles, which call for

justice, the protection of life, and the avoidance of corruption on earth. Acts of terrorism like this not only transgress Islamic ethical boundaries but also fail to fulfil the true objectives of jihad, which are to promote justice, resist tyranny, and protect the innocent.

## **CONCLUSION**

In examining the 1998 Nairobi US Embassy bombing from an Islamic legal perspective, it becomes clear that the act of suicide bombing is permissible on the battlefield only if certain conditions are met. The study of the 1998 Nairobi US Embassy bombing through an Islamic legal lens reveals a stark contrast between the principles of Islamic jurisprudence and the nature of such attacks. Islamic law, grounded in the Quran and Sunnah, places immense value on the sanctity of life and forbids the killing of innocents, including through suicide. Any form of suicide is condemned in Islam, and the intentional targeting of non-combatants, women, children, and civilians during conflict is strictly prohibited. The Nairobi bombing, which resulted in the deaths of over 200 civilians, represents a blatant violation of these key Islamic principles. Despite claims by perpetrators that such acts are justified under jihad, they fail to meet the strict ethical and legal criteria required for legitimate armed struggle in Islamic law. True jihad, as outlined in classical Islamic jurisprudence, is about the defence of justice and the protection of innocent lives, not the deliberate killing of civilians or the use of terror. The misuse of Islamic teachings to justify suicide bombings not only contradicts Islamic legal norms but also distorts the image of Islam, a religion that advocates for peace, mercy, and justice. Islamic scholars worldwide have condemned these acts, affirming that terrorism and suicide bombings cannot be justified within the framework of Islamic teachings. In conclusion, from an Islamic legal perspective, the Nairobi US Embassy bombing, like other terrorist acts, constitutes a grave violation of Islamic law and ethical standards for warfare, underscoring the need for a clearer application of Islamic principles in addressing modern extremism.

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