The Development of the Theological and Political Aspects of Jihadi-Salafism

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Contents

Acknowledgments

Glossary of Key Islamic Terms

Al-Jizya: Compensation, poll tax levied on non-Muslims as a form of tribute and in exchange for an exemption from military service.

bayʿa: An oath of allegiance or the act by which a certain number of persons, acting individually or collectively, recognize the authority of another person.

Dar al-Kufr: Any territory where the Shariʿa law is not applied.

Dar al-Harb: Any *dar Kufr* which has no treaty of peace or non-aggression with Muslims.

Dar a-Islam: Any territory where the Shariʿa law is applied.

Fatwa: an authoritative legal opinion given by a mufti (legal scholar) in response to a question posed by an individual or a court of law. Religious scholars also issue fatwas providing their religious-based opinion regarding a specific issue.

Hadith: Reports of the words and deeds of the Prophet Muhammad, consisting of a text preceded by a chain of authorities who transmitted the text to later generations

Ijtihad: Independent juristic reasoning by a competent scholar who uses scriptural sources to deduce a legal ruling.

Jihad: has various meanings but Jihadi-Salafis place more emphasize on its meaning as to fight. It is either offensive and defensive. An offensive attack requires a rightful authority, such as the caliph, to sanction it. Defensive jihad is applied when a country or city belonging to Muslims is attacked. Defensive jihad is *al-fard ʿayn,* while offensive is *al-fard kifayah*, which means if one group of Muslims fulfils the obligation then it is sufficient for all Muslims. If there are no Muslims fulfilling the obligation, then all are considered sinful.

Khawarij: The literal meaning is those who left Islam. It is a sect that developed during the dissension after the assassination of the third caliph, Uthman, in 656. Khawarij are accused of disobedience to the righteous authority. Al-Khawarij demanded that all rule should belong to God and that anyone can become a caliph as long as he is just. The term is often used as a slur by Salafis against their opponents.

Qisas: The principle of equal retaliation, retaliation in kind, or lex talionis. It is part of Islamic criminal jurisprudence allowing the victim to seek retribution in kind against the perpetrator of a particular crime.

Taghout: Quranic term for false god or idol. Also applied to tyrannical rulers who arrogate God's absolute power and use it to oppress people.

Wajib: Denotes acts that are understood as obligatory for every individual (*fard al-ʿayn*), such as prayer, or on the entire community (*fard al-kifayah*), such as burying the dead. In the latter case, if some members perform the act, the obligation on the rest of the community is removed.

List of Abbreviations

JTJ	Jamaʿat al-Tawhid wa al-Jihad
MSC	al-Mujahidin Shura Council in Iraq
IS	The Islamic State or the Caliphate
ISI	The Islamic State in Iraq
ISIS/ISIL	The Islamic State in Iraq and al-Sham/the Levant
AQ	al-Qaʿeda
AQC	al-Qaʿeda Central Command
AQM/AQI	al-Qaʿeda in Mesopotamia/Iraq

Introduction and Aim

Since the terrorist attacks of 9/11, scholars have increasingly turned their attention to the rise and influence of jihadi-Salafism.[1] For the most part, though, the focus of this body of work has been on the sociology and activities of organizations such as al-Qaʿeda (AQ), with less attention paid to the details of the movements' ideologies. Editors of Perspective on Terrorism journal Alex P. Schmid and James J. Forest, list the religious beliefs of jihadi-Salafi groups as one of the 150 unresearched or under-researched topics within the field of jihadism.[2] The lack of studies, however, should not suggest that religious beliefs, which stem from theology, do not play an important role in jihadi-Salafi political violence. At the same time, it is not safe to claim that theology is the main or the only driver behind the military activities of jihadi-Salafi militants. This report interrogates the complicated relationship between the theological concepts of these groups and the ever-changing socio-political context in which these concepts have developed.

Undoubtedly, significant political events such as the US invasions of Afghanistan and Iraq have galvanized *jihadi* fighters from all over the world to join jihad against the US and its allies. The nature of this jihad – its goals, manners and rules – have been theorized by jihadi-Salafi *ʿulamaʾ* and leaders, whose works are analysed in this report. This does not suggest that jihadi-Salafism is a homogenous movement, united under one religious authority that sets the conceptual and theological guidelines for its followers. Like other interpretations of Islam, jihadi-Salafism has its fault lines which largely emanate from the different conceptualization of the same terms. This report also explores these fissures between jihadi-Salafi *ʿulamaʾ* and leaders over specific issues – such as the debate over who should be fought first: 'the near enemy' represented by Muslim rulers and their regimes, or the far enemy represented by the US and its allies.

While different conceptualizations of jihadi-Salafism have been provided by scholars of political science and

Islamic studies,[3] this report adopts Shiraz Maher's definition of the movement. According to him, five features characterize jihadi-Salafism: Jihad (struggle for sake of Allah which means abstaining from committing sins but also means fight), *tawhid* or monotheism, *takfir* or excommunication, *al-hakimiyya* or applying Allah's rule, and *al-walaaʾ wa al-baraʾ* or loyalty to Muslims and disavowal to non-Muslims.[4] Maher contends that these five characteristics define jihadi-Salafism and are concerned with two things – protection and promotion.

Protection of the faith comes through jihad, al-walaaʾ wa-l-baraʾ, and takfiir; while its promotion is linked to tawhid and al-al-Hakimiyya. It is the first part of this equation that interests Salafi-Jihadis the most because it is battlefield-related, providing the raison d'être for their modus operandi.[5] For jihadi-Salafis who believe in following the path of *al-salaf al-salih* or 'righteous predecessors,' Islam needs to be protected and maintained from the outside enemy and promoted to reach more people.[6]

DATA AND SUMMARY

To explore these concepts and their development in the light of ever-changing socio-political contexts, this report analyses influential fatwas (religious rulings), statements, and books written by jihadi-Salafi *ʿulamaʾ* or religious scholars and leaders. The data contains various fundamental texts such as 'The Ladenese epistle', which was issued by Osama bin Laden in 1996 to legalise jihad against the American military presence in Saudi Arabia. Two years after the publishing of his epistle, bin Laden, with Ayman al-Zawahiri and other jihadi *ʿulamaʾ*, authored 'The Declaration of the World Islamic Front', which is a fatwa promoting the killing Americans and their allies – civilian and military – and plundering their money. This manifested itself in the tragic attacks of 9/11. Months later, the prominent jihadi-Salafi ideologue Abu Muhammad al-Maqdisi (b. 1959) penned a famous

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1. As noted by Thomas Hegghammer, the term 'jihadi-Salafism' is somewhat a neologism which only appeared in academic literature in 1998 in the writings of Gilles Kepel and Kamil al-Tawil about the Algerian Civil War. It was, however, used before by Ayman al-Zawahiri in 1994.

2. Alex P. Schmid & James J. Forest, *150 Un- and Under-Researched Topics and Themes in the Field of (Counter-) Terrorism Studies*, (Perspective on Terrorism Journal 2018).

3. See for example: Mohammed Hafez, *Suicide Bombers in Iraq: The Strategy and Ideology of Martyrdom* (Washington, D.C.: United States Institute of Peace, 2007). Jarret Brachman, *Global jihadism* (London, Routledge, 2008).

4. Shiraz Maher, *Salafi-Jihadism: The History of an Idea* (London: C. Hurst & Co, 2016).

5. Ibid. p. 15.

6. 'The righteous predecessors' includes the generations of the Prophet and his first and second successors.

letter titled 'This is my religious belief,' in which he also provided a theological justification for the 9/11 attacks.[7]

Abu Muhammad al-Maqdisi: A Palestinian-Jordanian jihadi-salafi ideologue. According to the United States Military Academy (USMA) al-Maqdisi 'is the most influential living *Jihadi* Theorist … and by all measures, Maqdisi is the key contemporary ideologue in the Jihadi intellectual universe'

Following the US invasion of Afghanistan, AQ had to adapt to the loss of its safe haven. It gradually transformed itself from a hierarchical organisation with a visible presence into a more resilient, decentralised and flexible one, influenced by the ideas of the *jihadi* strategist Abu Musʿab al-Suri, whose book *Call to Global Islamic Resistance* is also examined in this report. Another major development that dramatically affected the development of global jihadism in terms of vision and strategy, was the US invasion of Iraq in 2003. This was when the first seeds of the Islamic State (IS), the self-proclaimed caliphate, were sown.

Founded in 2004 by Abu Musʿab al-Zarqawi, IS's mother organization, Jamaʿat al-Tawhid wal al-jihad (JTJ), emerged as a challenger for AQ's leadership over global jihadism while trying to operate under AQ's banner. The complicated relationship between the two organisations is also investigated in this report through an analysis of letters written by ʿulamaʾ and leaders from both parties.

Furthermore, this report explores two important books written by jihadi-Salafi ideologues, *The Management of Savagery* and *Jurisprudence of Jihad* (also known as The Jurisprudence of Blood) by Abu Bakr Naji and Abi Abdullah al-Muhajir (d. 2016), respectively. *The Management of Savagery* is considered the strategic playbook for both JTJ and IS and as such it has been explored academically. *Jurisprudence of Jihad*, on the other hand, arguably represents the theological grounds for these groups' brutal activities, such as suicide operations, the mutila-

tion of corpses, beheading, and the killing of children and non-combatants.[8] Although of huge significance, al-Muhajir is a 'critically understudied figure', and his book has not been translated into English.[9]

Abu Bakr Naji: pseudonym of an unidentified jihadi thinker whose writings provided a strategic vision regarding the establishment of an Islamic state.

Abi Abdullah al-Muhajir: an Egyptian jihadi-Salafi ideologue whose ideas has influenced the former leader of al-Qaʿedain Iraq, Abu Musab al-Zarqawi.

If jihad, *tawhid*, *takfir*, *al-Hakimiyya* and *al-walaa' wa al-bara'* are the main characteristics of jihadi-Salafism, then the establishment of an Islamic caliphate, is an end goal for its adherents. Therefore, the concept of the caliphate is also explored by looking at the writings of the prominent Muslim Brotherhood ideologue Sayyid Qutb (d. 1966), whose seminal book *Milestone* can be considered the 'constitution' of jihadi-Salafi militants.

Sayyid Qutb: an Egyptian ideologue whose writings became the constitution of jihadi groups nowadays. he was convicted of plotting the assassination of Egyptian president Gamal Abdel Nasser and was executed by hanging.

This report is an exploration of theological concepts that have been theorized by jihadi-Salafi ʿulamaʾ. It engages with these concepts and analyses their developments in the light of different socio-political contexts. Some of the materials analysed in this report have already been translated from Arabic. For the materials that remained in Arabic at the time of my analysis, the translation from Arabic to English is my own.

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7. For more about al-Maqdisi ideas see: Joas Wagemakers , *A Quietist Jihadi: The Ideology and Influence of Abu Muhammad Al-Maqdisi*. (Cambridge: Cambridge University Press, 2012).

8. Hassan Abu Haniyeh, Arab Jihadism: *Defiance and Empowerment between ISIL and al-Qaeda* (Doha: Arab Center for Research and Policy Studies, 2018).

9. Tore Hamming, Polemical and Fratricidal Jihadists: *A Historical Examination of Debates, Contestation and Infighting Within the Sunni Jihadi Movement*, (The International Centre for the Study of Radicalization and Political Violence 2019).

The Theological Development of al-Qaʿeda (AQ)

In 1988, an Islamist militant group, called *al-Qaʿeda al al-ʿaskariya* or the military base, was established by Osama bin Laden and a handful of Arab jihadis in Afghanistan, with the explicit goal of aiding fellow Muslims in the fight against the Soviet Union.[10] AQ's goals, however, have changed overtime and in reaction to new challenges manifested in different political realities. After the Soviet withdrawal from Afghanistan in 1989 and the US military deployment in Saudi Arabia in 1990, following the Iraqi invasion of Kuwait, AQ shifted its attention to the US military presence in the Arabian Peninsula. In December 1992, with the arrival of the American troops in Somalia, AQ carried out its first operation against American targets, bombing two hotels that were used by the American forces in the city of Aden in Yemen. This was the point at which the group shifted its focus from 'training towards … spreading its operations, influence and know-how to different jihadist fronts across the world.'[11]

In 1996, AQ released its famous document, 'Declaration of Jihad Against the Americans Occupying the Land of the Two Holiest Sites', written by its leader, Osama bin Laden. Two years later, along with other *jihadi* group leaders, he penned another document entitled 'Declaration of the World Islamic Front'. These two texts provided the theological grounds for waging jihad against the American troops in Saudi Arabia and American troops and civilians all over the world.[12]

DECLARATION OF JIHAD AGAINST THE AMERICANS OCCUPYING THE LAND OF THE TWO HOLIEST SITES[13]

The first document, 'Declaration of Jihad Against the Americans Occupying the Land of the Two Holiest Sites,' which is sometimes referred to as 'The Ladenese Epistle,' is a *fatwa* that legalises jihad against the American military presence in Saudi Arabia. In this text, a lengthy piece interspersed with Quranic verses and hadith such as 'expel the Jews and the crusaders out of the Arab peninsula' (Sahih Bukhari, 58:3168), bin Laden defines the enemy and suggests how it should be fought. He argues that the 'Jewish-Christian alliance and their collaborators' had been imposing 'aggression, inequality, and injustice on Muslims in countries like Tajikistan, Burma, the Philippines and many others'.[14] This was the first time where AQ publicly states its worldview of dividing the world into Muslims and non-Muslims, represented by the 'Jewish-Christian alliance and their collaborators'.

Nonetheless, the *fatwa* did not call on Muslims to fight the 'non-Muslim' enemies everywhere. Rather, it focused on the American military presence in Saudi Arabia. Bin Laden accused the 'Christian army of the Americans and their allies' of occupying the land of the two holiest sites, which 'represented the worst catastrophe since the death of the Prophet.'[15] Therefore, 'liberating the sacred places' in the land of the two holy sites is the *wajib*, or duty and cause, of all Muslims.[16]

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10. Peter Bergen & Paul Cruickshank, *Revisiting the Early Al Qaeda: An Updated Account of its Formative Years* (Studies in Conflict & Terrorism 2012).

11. Peter Bergen & Paul Cruickshank, *Revisiting the Early Al Qaeda: An Updated Account of its Formative Years* (Studies in Conflict & Terrorism 2012) P18.

12. The signatories to the 'Declaration of the World Islamic Front' included: Ayman al-Zawahiri of the Egyptian Islamic Jihad; Abu-Yasir Rifai Ahmad Taha of the Egyptian Islamic Group; Mir Hamzah, the secretary of the ʿulamaʾ organisation in Pakistan; and Fazlur Rahman, the leader of the Jihad Movement in Bangladesh.

13. Osama Bin Laden, Declaration of Jihad Against the Americans Occupying the Land of the Two Holiest Sites 1996. Retrieved from https://www.cia.gov/library/abbottabad-compound/A4/A44A01C05D097BC6F34D6F072701C232   كتاب اعلان الجهادعلى الأمريكين الأمريكين المحتلين بلاد الحرمين.pdf.

14. Ibid.

15. Ibid.

16. According Oxford dictionary of Islam c, *wajib* acts can be obligatory for every individual (*fard al-ʿayn*), such as prayer, or on the entire community (*fard al-kifayah*), such as burying the dead. In the latter case, if some members perform the act, the obligation on the rest of the community is removed http://www.oxfordislamicstudies.com/article/opr/t125/e2472.

The implication of publicly recognising jihad against the American troops in Saudi Arabia as a *wajib* cannot be overstated for two reasons. First, it sets the stage for the next fatwa, released in 1998, in which the head of AQ announced jihad not only against the American army but also American civilians all over the world. Second, it showed that AQ had constructed a consistent vision at the time that prioritised the 'far enemy', represented by the US, over the 'near enemy', the Arab regimes.

The document also touched on the operational aspects of AQ. Bin Laden acknowledged the imbalance between his forces and American troops; therefore, 'suitable means of fighting must be adopted.'[17] Explaining 'suitable', the leader of AQ called on Saudi Muslims to carry out guerrilla warfare by forming small groups able to operate fast and in total secrecy.[18] This tactic, which is known as *qital al-nikaya*, or fight of defiance and inflicting harm on the enemy's interest, became the modus operandi for most AQ affiliates worldwide until the emergence of ISI in 2006. It is worth mentioning that although the establishment of a caliphate over a territorial entity is an end goal of AQ, the organisation did not urge Saudi Muslims to topple the royal family take control of Saudi Arabia. Perhaps, by then, AQ had not envisioned how and where the caliphate should be established, or perhaps it was aware of the need for public support within the Muslim world to reach this final stage.

For bin Laden, two essential jihadi-Salafi pillars were challenged by the Saudi royal family: *al-hakimiyya* and *al-walaʾ wa al-baraʾ*. Although he did not excommunicate the Saudi royal family, he lambasted 'its suspension of Islamic laws and replacing it with statuary laws, embarking upon bloody confrontation with devoted scholars and righteous youths', and failing to protect the country by 'allowing the Crusaders-American forces to occupy the land for years.'[19] By doing so, the Saudi state ignored the rule of Shariʿa and demonstrate loyalty to non-Muslims, according to bin Laden.

DECLARATION OF THE WORLD ISLAMIC FRONT

In February 1998, the Arab newspaper *al-Quds al-Arabi* published a document, which had been allegedly sent by al-Qaʿeda Central Command, AQC, under the name of 'The Declaration of the World Islamic Front for Jihad against Jews and Crusades.'[20] The declaration was authored by bin Laden, al-Zawahiri, Abu-Yasir Rifai Ahmad Taha of the Egyptian Islamic Group, Mir Hamzah, the secretary of the *ʿulamaʾ* organisation in Pakistan, and Fazlur Rahman, the leader of the Jihad Movement in Bangladesh. Through this text, the authors issued a *fatwa* for killing 'the Americans and their allies, civilians and military… and plundering their money wherever and whenever' they are.[21]

Similar to the first document, the declaration emphasised the need to fight the Americans, who had been 'occupying the Arabian Peninsula' and 'imposing aggression on the Iraqi people' as well as 'serving the Jews' petty state.'[22] Since Muslims are facing this aggression, the authors argued, it is their duty to repulse it. Therefore, they recognised killing the American military and civilians as a defensive jihad, which according to Islamic Shariʿa is *fard ʿayn*, a legal obligation that must be performed by each individual Muslim capable of performing it.[23] To substantiate their fatwa, the authors used the following Quranic verses:

> **And why should ye not fight in the cause of Allah and of those who, being weak, are ill-treated (and oppressed)? -- women and children, whose cry is: 'Our Lord, rescue us from this town, whose people are oppressors; and raise for us from the one who will help. (Quran 4:75)**

17. Osama Bin Laden, *Declaration of Jihad Against the Americans Occupying the Land of the Two Holiest Sites* 1996. Retrieved from https://www.cia.gov/library/abbottabad-compound/A4/A44A01C05D097BC6F34D6F072701C232_كتاب اعلان الجهاد على الأمريكيين المحتلين لبلاد الحرمين.pdf.

18. Ibid.

19. Osama Bin Laden, *Declaration of Jihad Against the Americans Occupying the Land of the Two Holiest Sites* 1996. Retrieved from https://www.cia.gov/library/abbottabad-compound/A4/A44A01C05D097BC6F34D6F072701C232_كتاب اعلان الجهاد على الأمريكيين المحتلين لبلاد الحرمين.pdf.

20. AQ seniors and other jihadi groups' leaders, *The Declaration of the World Islamic Front for Jihad against Jews and Crusades*, https://fas.org/irp/world/para/docs/980223-fatwa.htm 1998.

21. Ibid.

22. Ibid.

23. There are two types of jihad as in fight: offensive and defensive. An offensive attack requires a rightful authority, such as the caliph, to sanction it. Defensive jihad is applied when a country or city belonging to Muslims is attacked. Defensive jihad is *al-fard ayn,* while offensive is *al-fard kifayah*, which means if one group of Muslims fulfils the obligation then it is sufficient for all Muslims. If there are no Muslims fulfilling the obligation, then all are considered sinful.

Ibn Taymiyyah: Ibn Taymiyyah is thought by some to be the main influence behind the emergence of Salafism. He placed an emphasis on understanding Islam as it was understood by the *salaf* (the first three generations of Muslims).

They also cited the medieval Islamic scholar Ibn Taymiyyah (d. 1328), whose writings have had a great impact on jihadi-Salafi theology:

> As for the fighting to repulse [an enemy], it is aimed at defending sanctity and religion, and it is a duty as agreed [by the ʿ*ulamaʾ*]. Nothing is more sacred than belief except repulsing an enemy who is attacking religion and life.[24]

THEOLOGICAL JUSTIFICATION FOR 9/11

The first two documents released by AQ's leader and other *jihadi* scholars theologically legalised carrying out terrorist attacks such as 9/11. Other texts written by *jihadi* ideologues that emerged after the tragic attacks provide further theological justifications for them. Perhaps the most important document was written by Abu Muhammad al-Maqdisi who, in a sixty-page letter called 'This is my Religious Belief', criticised those he calls the 'sheikhs of Sultans' and 'monks of governments', referring to Muslim theologians and clerics who follow their 'infidel' rulers rather than the 'true' Islam.[25] Among those al-Maqdisi chided was the well-known Islamic scholar Yusuf al-Qaradawi, who condemned the 9/11 attacks, criminalised the perpetrators, and called on Muslims to bring them to justice. Similar to bin Laden, al-Maqdisi recognised the 9/11 attacks as godly punishment inflicted by Allah on the US for its misdeeds in killing Muslims and destroying their countries.[26]

Furthermore, al-Maqdisi stated his full support for the attacks and provided theological justification for targeting the 'crusaders'. 'The infidels' enmity towards Muslims', according to al-Maqdisi, is a fact stated in the Quran that is based on 'Never will the Jews or the Christians be satisfied with you unless you follow their form of religion'

(Quran 2: 120). Using the concept of *al-walaʾ wa al-baraʾ*, he argued that it is forbidden for Muslims to support the 'infidels', represented by 'Jews and Christians', against Muslims everywhere and particularly in Afghanistan.[27] To stress the impermissibility of doing so, al-Maqdisi cited:

> O you who believe! Take not the Jews and the Christians for your friends and protectors. They are but friends and protectors to each other. And he amongst you that turns to them (for friendship) is of them. (Quran 5:51)

To theologically justify terror attacks such as 9/11, al-Maqdisi used the concept of *takfir*, or excommunication. To do so, he applied a classical legal concept of dividing the world into *dar al-Islam*, the abode of Islam, and *dar- al-Kufer*, the abode of disbelief. While the former refers to any territory that applies Shariʿa law, the latter refers to non-Muslim territory that does not apply Shariʿa law and has no treaty of peace or non-aggression with Muslims.[28] *Dar-kufr*, argued al-Maqdisi, is to be considered *dar al-Harb* or abode of war, and its states *dawla muhariba*, or belligerent states. Therefore, jihad should be waged against them.[29] Additionally, he called on Muslims to ignore any peace treaty struck by the leaders of their countries with the US, as these rulers represent the *taghut* or tyrants whom Muslims should also disavow.[30]

As for the issue of targeting American civilians, including children and women, al-Maqdisi pointed out that while it is well-known that Islam forbids Muslims from intentionally targeting non-combatants,[31] three additional points need to be considered. First, when avoiding killing women and children during the war becomes impossible, it is authorised to do so based on a prophetic *Hadith* in which the Prophet was asked whether it was permissible to attack a group of non-Muslim warriors at night with the probability of exposing their women and children to danger. The Prophet replied:

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24. Ibn Taymiyyah (1263–1328) was one of Islam's most forceful theologians, who, as a member of the Pietist school founded by Ibn Ḥanbal, sought the return of the Islamic religion to its sources: the Quránn and the sunnah, revealed writing and the prophetic tradition.

25. Abu Muhammad al-Maqdisi, 'This is my Religious belief' http://www.ilmway.com/site/maqdis/MS_65.html.

26. Ibid. p. 13.

27. Ibid. p. 14.

28. Dar al-Harb, Oxford Islamic Studies Online, http://www.oxfordislamicstudies.com/article/opr/t125/e490.

29. Abu Muhammad al-Maqdisi, *This is my Religious belief*, p 15 http://www.ilmway.com/site/maqdis/MS_65.html.

30. Abu Muhammad al-Maqdisi, *This is my Religious belief*, p. 27 http://www.ilmway.com/site/maqdis/MS_65.html.

31. Ibid. p. 34.

> **They (i.e. women and children) are from them (i.e. pagans) … The institution of *Hima* (protection) is invalid except for Allah and His Apostle. (Sahih Bukhari 56: 221)**

In other words, the Prophet targeted the people defined as infidels while knowing that their children and women might be harmed. He also did not recognise the sanctity of their lives, arguing that they would be protected only if they were Muslims, according to al-Maqdisi's interpretation.

Second, al-Maqdisi questioned the definition of childhood itself, as a child according to the positive laws and international community standards might not be so according to his interpretation of Islam.[32] Al-Maqdisi contended that puberty is the borderline between childhood and maturity. In other words, a human being who reaches adolescence is not a child anymore, regardless of their age.[33] Al-Maqdisi inferred his reasoning from a *hadith* narrated by al-Tirmidhi about the invasion of the tribe of *Qurayza* which took place in the 7th century. This was a battle between Muslims and Jews during which the Prophet differentiated between the child and adult captives based on puberty age.[34]

Last but not least, American people should be 'held responsible' for voting for a government that supports Israel, kills Muslims, and persecutes their ʿulamaʾ.[35] Accusing American civilians of having vicarious liability for their government's actions was also mentioned by bin Laden in a letter titled 'Why we are fighting you' in 2002.[36] Bin Laden argued that since the American system is based on democracy, in which civilians choose their president, they should be held responsible for their choice. Therefore, targeting them (civilians) is not only *qisas*, or retaliation for Muslim civilians killed by the US government, but also because they are liable for their choice of president.[37] The argument was reiterated by al-Zawahiri, who blamed the American people for funding the military campaign against Muslims: 'They chose the liar (George W. Bush) two times, so let them pay the price for their choice.'[38]

The 9/11 attacks were justified by most jihadi-Salafi ideologues based on classical legal concepts such as *al-walaʾ wa al-baraʾ, takfir*, and *qisas.* Although these ideologues generally agreed on the impermissibility of targeting non-combatant women and children, they authorised killing them when avoidance is impossible.

Ground zero memorial in New York. Photo: Oleg Illarionov

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32. Ibid. p. 40.

33. Ibid. p. 41.

34. Sunan Al-Tirmidhi, *Kitab al-seyar of the prophet.* p. 173.

35. Abu Muhammad al-Maqdisi, *This is my Religious belief*, p 26 http://www.ilmway.com/site/maqdis/MS_65.html.

36. Raymond Ibrahim, *The Al Qaeda Reader* (New York, NY Broadway Books, 2007), p. 197.

37. Ibid. p. 200.

38. Interview with shaykh Ayman al-Zawahiri, part 3, al-Sahab media April 2007.

The Influence of Abu Musab al-Suri

The 9/11 attacks prompted the US to launch the so-called 'War on Terror', starting with the invasion of Afghanistan to obliterate AQ. The invasion achieved military success against AQ by assassinating and capturing many of its senior members, destroying its training camps, and removing the group's safe refuge in the mountains of Afghanistan. The US also intensified its intelligence activities aimed at watching and tracking AQ's movements and members all over the world. This meant that AQ had to look for new strategies to be able to recruit, train, and operate under this intensified radar. To adapt to the new reality and keep the organisation alive, AQ started to transform itself from a hierarchical organisation into a more resilient, decentralized one.[39]

Arguably, AQ's organizational shift can be attributed to the *jihadi* strategist Abu Musab al-Suri (b. 1958), whose writings have influenced AQ's structural and operational aspects since 9/11. In his book *Daʿwit al-muqawama al-ʾislamiyya al-ʿalamiyya*, or Call to Global Islamic Resistance, which was disseminated after 2004, al-Suri concerns himself with three tasks: tracing back the trajectory of *jihadi* movements throughout history; diagnosing their failure to achieve their eternal goal, which is represented by establishing the caliphate; and providing adaptive solutions for *jihadis* to cope with the 'War on Terror.'[40] Al-Suri's diagnoses of the jihadi movement's weakness can be divided into two main categories: errors in thought and errors in structure and organization.[41]

Abu Musab al-Suri: Mustafa bin Abd al-Qadir Setmariam Nasar. Syrian-Spanish jihadi thinker who was a member of the Syrian Muslims Brotherhood and fought against the Syrian regime in 1980s. In 2005 the American forces in Pakistan captured and handed him to the Syrian state.

Tackling the first error, al-Suri believes that extremist ideas have infiltrated the path of some *jihadi* groups to the extent that *jihadi* and *takfiri*, or excommunicator, have been used interchangeably to describe the fighters of these groups. This stigma has been exploited by international intelligence forces and the clerics of Muslims rulers to dissuade Muslims from joining these groups and cut them off from their local support.[42] Moreover, al-Suri criticizes some jihadi-Salafis for monopolising the concept of jihad and claiming that it should be applied according to their interpretation and under their banner. For him, 'fighting for the sake of Allah' is more than ever in need for support, and as long as other Muslims (not just jihadi-Salafist followers) adhere to the path of Sunna, jihadi-Salafis should overlook ideological differences with them. Al-Suri's influence in that regard could be sensed in AQ's former wing in Syria, Jabhat al-Nusra (JN). Particularly after the Arab spring, JN fought along factions from the Free Syrian Army, which consisted of non-jihadi-Salafi factions, overlooking their doctorial differences.[43]

Al-Suri attributes the failure of *jihadi* groups to achieve its goals to their unnecessary ideological and doctrinal 'side battles' with other Islamist movements and unaffiliated Muslims.[44] To garner the latter's support, their religious and political grievances should be addressed rather than focusing on dry theological concepts such as *al-Hakkimmya* and *al-Wala wa al-baraaʾ*. Discussing the meaning of these Islamic terminology, according to al-Suri, requires an extensive understanding of Islamic theology, which most 'ordinary' Muslims lack. Additionally, it distances *jihadis* from their communities and rather than transforming jihad into a popular practice, it encourages its elitist nature.

As for the structural and organizational errors, al-Suri points out that the typical structure of *jihadi* groups has always been based on regional divisions and characterized by secrecy and hierarchy.[45] First, in organizing regionally, these groups become fragile, fragmented,

39. Paul Cruickshank & Mohannad Hage Ali, *Abu Musab Al Suri: Architect of the New Al Qaeda*, (Studies in Conflict & Terrorism 2007).

40. Al-Suri, Abu Musʿab, Call to Global Islamic Resistance, pp. 798-960 (unknown date).

41. Al-Suri, Abu Musʿab, Call to Global Islamic Resistance, p. 841.

42. Ibid. p. 842.

43. Charles Lister, *Al-Qaeda Versus ISIS Competing Jihadist Brands in the Middle East*, (Washington, D.C. The Middle East Institute, 2017).

44. Ibid. p. 857.

45. Ibid. p. 851.

and exposed to uneven confrontations with their political regimes. Second, the secretive nature of *jihadi* groups deprives its members of gaining the 'proper' *tarbiya*, or doctrinal cultivation, to strengthen their ideology and empower their creed. This process requires regular meetings between clerics and students, which cannot be achieved because of the tight security conditions and the secretive nature of these groups.[46]

Third, and most importantly, al-Suri contends that the classical structure of *jihadi* organizations is the chink in the movement's armour due to its hierarchal nature. While this structure provides the leadership with power and control over the group, as orders go from top to bottom, it cannot stand against the measures of the 'War on Terror'. In this structure, *jihadis* know their peers and leaders, and when captured and tortured by authorities they could confess and expose their group.[47] The following figure is al-Suri depiction of the classical structure of AQ cell that needs to be changed.
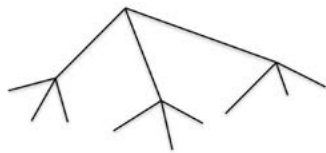
Other issues pertaining to the structural and organizational errors can also dimmish the efficacy of these groups, according to al-Suri. These include the lack of field leadership due to the tight security conditions, the lack of finance, the absence of *Shura* or consultation and the weakness of the internal security apparatus within *jihadi* groups.

To overcome all these problems, al-Suri theorized for a new and different type of terrorism, which is "the individual terrorism". This means forming small and autonomous *jihadi* cells with as few as one member. These cells, known as the Islamic Resistance cells, share ideological beliefs as well as the ultimate goal of carrying out jihad but they do so without organizational ties between the cells.[48] Al-Suri argued for what he termed *nizam, la tanzim* or system, not organization. The main aim of al-Suri's theory is to enable every Muslim to carry out their own jihad regardless of their organizational affiliations. By operating in limited number without having organizational ties with other cells or *jihadi* groups, jihad would reach the global arena while avoiding international surveillance. Paul Cruickshank and Mohannad Hage Ali noted that 'the terrorist strikes in Bali, Casablanca, Istanbul, Madrid, and London were all initiated by exactly the sort of small locally recruited cells for which al-Suri was calling'.[49] Al-Suri's influence over global jihadism after 9/11 cannot be overstated.[50] It can be argued that al-Suri is the principal architect of AQ's post 9/11 strategy and structure and 'no individual has done more to conceptualize AQ's new strategy.'[51]

AL-QAʿEDA IN MESOPOTAMIA (AQM) AND THE RELATIONSHIP WITH AL-QAʿEDA CENTRAL COMMAND (AQC)

In October 2004, a *jihadi* group called Jamaʿat al-Tawhid wa al-Jihad (JTJ), led by the Jordanian Abu Musab al-Zarqawi (d. 2006) gave *Bayʿa* to Osama Bin Laden and formed Al-Qaʿeda in Mesopotamia, AQM. This marriage between JTJ and AQC was the result of eight months of negotiations between the two leaders. Adhering to jihadi-Salafism, both groups shared the same fundamental principles, including *tawhid, takfir, jihad al-walaa' wa al-bara'*, *al- Hakimiyya*, and the same goal of establishing an Islamic state, yet they had divergent visions regarding the definition of the enemy and priorities of the struggle.[52]

Abu Musab al-Zarqawi: Ahmad Fadeel al-Nazal al-Khalayleh who became AQ's leader in Iraq. He was famous for the excessive use of violence and brutal approach towards Shiʿa.

The first point of contention between al-Zarqawi and AQC was targeting the Shiʿa community in Iraq which, along with the American policies, embroiled the country in a conflict between Sunni and Shiʿa Muslims. Though its enmity to Shiʿa is unquestioned, AQC was less interested in instigating violence against them. For

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46. Ibid. p. 852.

47. Ibid. p. 855.

48. Ibid. p. 1395.

49. Paul Cruickshank & Mohannad Hage Ali, *Abu Musab Al Suri: Architect of the New Al Qaeda*, (Studies in Conflict & Terrorism 2007) p. 9.

50. For more about al-Suri, See Brynjar Lia, Architect of global jihad: The Life of Al-Qaeda Strategist Abu Mus'ab Al-Suri. (Oxford: Oxford University Press, 2009).

51. Ibid P. 2.

52. Ibid. p. 223.

al-Zarqawi, however, targeting the Shiʿa community was a priority on which he was not willing to compromise. In a letter sent to bin Laden in February 2003, just eight months before giving his *bayʿa* to AQC, al-Zarqawi made clear that targeting Sh'ia was a priority, describing them as 'the insurmountable obstacle, the lurking snake, the crafty and malicious scorpion, the spying enemy, and the penetrating venom.'[53] He excommunicated them by referring to various jurisprudential texts and *fatwas*, such as the famous one of Ibn Taymiyya in which he prioritized fighting Shiʿa over *al-Khawarij*. More importantly, al-Zarqawi emphasised that if bin Laden was not willing to accept targeting Shiʿa and other issues raised, he would give no *bayʿa* to AQC.[54]

Jihadi-Salafi ideologues do not recognize Shiʿa as 'true' Muslims but they disagree on how to deal with them. In a letter sent to Abu Musab al-Zarqawi, Ayman al-Zawahiri, who was the second in command in AQC in 2005, expressed his concerns regarding al-Zarqawi's targeting of Shiʿa.[55] Al-Zawahiri argued that many of the suicide attacks against Shiʿa were 'unnecessary'[56] and that, practically speaking, *jihadis* should exploit all their resources to fight the American occupation rather than Shiʿa. Moreover, al-Zawahiri reminded al-Zarqawi about the approximately one hundred members of AQ—including senior members – who had fled to Iran after the American invasion of Afghanistan and could face repercussions should the Shi'a in Iraq be targeted. Al-Zawahiri also stressed that Iran and AQ share the US as a common enemy, which al-Zarqawi needs to take into consideration.[57] From a religious point of view, al-Zawahiri contended that 'ordinary Shiʿa (not clerics) should not be excommunicated because they are ignorant about the 'True Islam.'[58] His inference stems from the Islamic principle of *al-ʿdhir bi al-jahil*, or "excuse

by ignorance", which is contested among jihadi-Salafi ideologues when discussing the Shiʿa position.

Another influential jihadi-Salafi ideologue who voiced his reservations regarding al-Zarqawi's brutal attacks against Shiʿa was his one-time mentor, Abu Muhammad al-Maqdisi. In a public statement published on his website, al-Maqdisi warned al-Zarqawi against targeting Shiʿa mosques instead of focusing on the American occupation.[59] He also used al-Zawahiri's argument about excusing 'ordinary' Shiʿa for their ignorance of Islam, adding that they are to be treated like 'ordinary Sunnis' who do not know their religion. Al-Zarqawi's response to his mentor, however, was far from expected. He strongly advised al-Maqdisi against following the 'path of infidels' which aims to 'disperse the unity of *al-Mujahidin*.'[60] After criticising al-Maqdisi for publishing his statement, al-Zarqawi claimed that Shiʿa started the conflict and 'ordinary Shiʿa' are not similar to 'ordinary Sunni' – rather, they are infidels and cannot be excused for their ignorance.[61]

Another two interconnected points of contention between AQ and al-Zarqawi were the relationship with Sunni community groups in Iraq and his focus on the 'near enemy'. As discussed before, after the American invasion of Afghanistan, which deprived AQ of its safe bases, AQ called for a different approach theorized mainly by Abu Musab al-Suri.[62] One of the most crucial points, according to al-Suri, was the relationship with local communities. Seeking to secure local incubators and turning jihad into a popular act, AQ has since insisted on a more lenient and accepting approach towards other Sunni communities, even if it requires showing flexibility in some Islamic principles.[63] This view harmonizes with al-Zawahiri's recommendations to al-Zarqawi regarding the importance of popular support.[64] In the same letter mentioned above, al-Zawahiri recognized popular sup-

53. Abu Musab al-Zarqawi, *The collective archive, A letter from Abu Musab al-Zarqawi to sheikh Osama Bin laden*, February 2004 https://archive.org/details/zarqawee_201505 p. 58.

54. Ibid. p. 75.

55. Aymen al-Zawahiri, *Letter from al-Sheikh Dr. Ayman al-Zawahri to al-Sheikh Abu Musab al-Zarqawi* 2005. https://fas.org/irp/news/2005/10/letter_in_english.pdfss.

56. Ibid. p. 9.

57. Ibid. p. 10.

58. Ibid. p. 11.

59. Abu Muhammad l-Maqdisi, *Al-Zarqawi: Advocacy and Advice, Hopes and Pains*, 2004. http://www.tawhed.ws/r?i=dtwiam56.

60. Abu Musab al-Zarqawi, *The collective archive, A response to al-Shiehk al-Maqdisi's interview with al-Jazeera channel* 2005. https://archive.org/details/zarqawee_201505 p. 332.

61. Ibid. p. 334.

62. See AQ's organizational shift after 9/11 section.

63. See AQ organizational Shift after 9/11 section.

64. Aymen al-Zawahiri, *Letter from al-Sheikh Dr. Ayman al-Zawahri to al-Sheikh Abu Musab al-Zarqawi*, 2005. https://ctc.usma.edu/app/uploads/2013/10/Zawahiris-Letter-to-Zarqawi-Translation.pdf p. 4.

port, which comes from 'involving the Muslim masses in the struggle the battle, and to bringing the *jihadi* movement to the masses and not conduct the struggle far from them,' as a precondition for achieving the 'victory of Islam and the establishment of the caliphate.'[65]

Al-Zarqawi, on the other hand, saw the Sunni community that does not support his ideology as equal to the Shiʿa, placing them as a priority of his struggle. In a letter sent by him to bin Laden in February 2005, al-Zarqawi asserted that there are two battles: the first on a covert level 'against a hostile enemy, and a clear infidel,' which is the US and its allies or the 'far enemy,'[66] and the second against a 'cunning enemy dressed as a friend.' This enemy is primarily Shiʿa, however, 'implanted agents – among the Sunnis – those are the real danger we face,' referring to the 'near enemy.'[67]

Although AQ did not share al-Zarqawi's vision regarding violence against Shiʿa and the primacy of targeting the 'near enemy' and the relation with local communities, it eventually succumbed to his preconditions to gain his *bayʿa.* There are several suggestions as to why AQ compromised on its standards and vision for al-Zarqawi. Nelly Lahoud, an assistant professor of political theory at Goucher College, suggested that AQ had faced a real blow by 2003, while al-Zarqawi had shown himself as a powerful *jihadi* leader in Iraq. Hence, he had the upper hand in the negotiating process and forced AQ to accept his terms.[68] The expert on *jihadi* movements, Hassan Abu Haniya, concurred with Lahoud's explanation, adding that al-Zarqawi's success in convincing influential fi-

gures from al-Qaʿeda in the Arabian Peninsula (AQAP) about his vision, which partially resulted from AQC's failure to keep them under its wing, gave al-Zarqawi the leverage to impose his conditions.[69]

The last explanation comes from the researcher of *jihadi* groups Aaron Y. Zelin, who argued that the formation of AQM/AQI was a marriage of convenience between JTJ and AQC. Before giving a *bayʿa* to bin Laden, al-Zarqawi had established himself as a brutal *jihadi* leader who was able to inflict harm on the American troops and the Shiʿa community. As a result, more *jihadi* foreign fighters joined his group, requiring more resources. Bin Laden did not want to be surpassed by al-Zarqawi, whose group might render AQC irrelevant, taking into consideration AQC's retreat after the American invasion of Afghanistan.[70] The marriage between the two groups provided al-Zarqawi with AQ's private network of donors and made bin Laden seem relevant as the general Amir of AQM.[71]

INVADING IRAQ 2003

Following the US invasion of Iraq in 2003, the country faced a political and security vacuum that helped *jihadi* groups not only to emerge but also to recruit and flourish. The nucleus of IS was formed after the invasion with the creation of Abu Musab al-Zarqawi's JTJ and the subsequent *bayʿa* to bin Laden and the creation of AQM in 2004. The table below summarises the evolution of the group in phases from 2004 to the present.

65. Ibid. p. 4.

66. Abu Musab al-Zarqawi, *The collective archive, A letter from Abu Musab al-Zarqawi to sheikh Osama Bin laden*, February 2004 https://archive.org/details/zarqawee_201505 p. 63.

67. Ibid. p. 64.

68. Nelly Lahoud, *The Islamic State and Al-Qaeda*, *in Jihadism Transformed: al-Qaʿedaand Islamic State Global Battle for Ideas* (C. Hurst & Co 2016).

69. Hassan Abu Haniya, *Arab Jihadism: Defiance and Empowerment between ISIL and Qaidat al-Jihad* (Arab Centre for Research and Policy Studies 2018) P 208.

70. Aaron Y. Zelin*, The War between ISIS and al-Qaʿedafor Supremacy of the Global Jihadist Movement*. (The Washington Institute For Near East Policy 2014).

71. Ibid.

Group	Years active	Leader
Jamaʿat al-Tawhid wal Jihad (JTJ)	April 2004 – Oct 2004	Abu Musab al-Zarqawi
Al-Qaʿeda in Mesopotamia (AQM) or in Iraq (AQI)	Oct 2004 – Jan 2006	Abu Musab al-Zarqawi
al-Mujahidin Shura Council in Iraq (MSC)	Jan 2006 – Oct 2006	Abu Omar al-Baghdadi
Islamic State in Iraq (ISI)	Oct 2006 – Apr 2013	Abu Omar al-Baghdadi
Islamic State in Iraq and al-Sham (ISIS, ISIL)	Apr 2013 – Jun 2014	Abu Baker al-Baghdadi
The Islamic State (IS)	Jun 2014 – present	Abu Baker al-Baghdadi

In January 2006, AQM, along with twelve local armed Islamist groups, formed Majlis al-Shura al-Mujahidin, or the Mujahidin Shura Council, in Iraq (MSC).[72] With this, al-Zarqawi gave away his leadership position – at least nominally – to Abdullah bin Rashid al-Baghdadi, known as Umar al-Baghdadi. Nelly Lahoud argues that al-Zarqawi could not disregard the growing number of Sunni militias that were established after the de-Baʿthification of Iraq, or it was AQC pressure that pushed him for unity with other local groups, or a combination of both.[73] It is worth mentioning that although the formation of the MSC was met with a blessing from AQC, it was a contentious issue in 2013 when AQC and ISIS's disagreements became uncontainable.

The relationship between AQC and al-Zarqawi was dominated by disputes over the nature of the conflict and the priority of the enemy. By abolishing AQM and creating MSC, al-Zarqawi managed to maintain 'friendly' ties with AQ without abandoning his extremist ideological intransigence, which was mainly based on the writings of Shaykh Abu Abdullah al-Muhajir.

Ideologically, al-Zarqawi cut his teeth in Jordan, Afghanistan and Pakistan when he met with and learned from prominent jihadi-Salafi ideologues such as Abu Muhammad al-Maqdisi, Abu Qutada al-Falastini and Abu Abdullah al-Muhajir. It was the latter who had the greatest impact on al-Zarqawi's extremist thoughts, manifested in his brutal methods when fighting his enemies. Al-Muhajir, who is thought to have been killed by an American strike in Syria in 2016, taught Shariʿa in al-Zarqawi's camp in Afghanistan during the 1990s. His extremist views led him to accuse the Taliban, and even bin Laden, of being too soft in applying the 'true Islam.'[74] According to Maysara Al-Gharib, who was the media officer of JTJ, al-Zarqawi liked and praised al-Muhajir,[75] and wanted him to join JTJ and run the Shariʿa committee.[76] Al-Gharib further stated that al-Zarqawi's ideological stance was particularly influenced by al-Muhajir's book *Masʿail min Fiqh al-Jihad* or 'Issues on the Jurisprudence of Jihad', better known as 'The Jurisprudence of Blood.'[77]

Abu Qutada al-Filastini: A Palestinian-Jordanian jihadi-Salafi ideologue who is known for his controversial fatwas 'The Permissibility of killing the Women and Children', through which he legalized the killing of the wives and children of those standing against the Algerian Armed Islamic Group in the 1990s.

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72. See statement of announcing the creation of Majlis Shura al-Mujahidin on the 15th of January 2006 at CTC Library.

73. Nelly Lahoud, *The Islamic State and Al-Qaeda, in Jihadism Transformed: al-Qaʿedaand Islamic State Global Battle for Ideas* (C. Hurst & Co 2016).

74. Charlie Winter & Abdullah K. Al-Saud, *The Obscure Theologian Who Shaped ISIS*, (The Atlantic, 4th December 2016) https://www.theatlantic.com/international/archive/2016/12/isis-muhajir-syria/509399/ (accessed 11th May 2018).

75. See Maysara al-Gharib*, From the Mysteries of History, My knowledge of al-Zarqawi*, Part 2. https://archive.org/details/ozaaloza_gmail_20131019_1057.

76. The influence of Abu Abdullah al-Muhajir on al-Zarqawi was first noted by Hassan Abu Haniya. In his book Arab Jihadism: Defiance and Empowerment between ISIL and Qaidat al-Jihad.

77. Al-Muhajir, Abu Abdullah, The Jurisprudence of Jihad, https://archive.org/details/ozaaloza_gmail_20131108.

'The Jurisprudence of Jihad' – al-Zarqawi's Ideology

This section explores al-Muhajir's main theological arguments regarding the use of excessive violence. The twenty-chapter book provides jurisprudential discussions on the application of jihad, based on the Quran, hadith and the four Sunni Islamic schools of jurisprudence, with the greatest emphasis on the Hanbali school. The central purpose of the book is to authorise jihad against non-Muslims and Muslims under certain circumstances. This section of the current report explores only 12 chapters of the book where the theological grounds for brutal and abhorrent behavior, such as suicide operations, mutilation, beheading, and kidnapping are provided. What can be noticed from the book is al-Muhajir's literal interpretation of the Quran, hadith, and incidents from periods of the first three generations of Islam (al-salaf al-salih) and his ability to decontextualize texts from Islamic history and apply their rulings on the present time.

In the first three chapters, al-Muhajir infers that the modern political system of nation-states represents apostasy and disbelief because it is based on nationalism and they apply positivist laws. Therefore, jihad must be waged against them. He also concurs with al-Maqdisi and bin Laden's classical binary division of the world into the abode of Islam and the abode of disbelief, which is by default an abode of war.[78] With this division, al-Muhajir polarizes Muslims under a religious identity and places them in a state of enmity with whoever is not part of this identity. According to al-Muhajir, Muslims are allowed to 'desecrate the blood and property of infidels [who live in the abode of war] as they please.'

In chapters four and five, al-Muhajir addresses the issues of assassinating 'infidels' and suicide attacks, respectively. He claims that Muslims are allowed and even ordered to kill and assassinate their enemies, using treacherous means without committing to any legal or ethical code, based on the following verse:[79]

> **But when the forbidden months are past, then fight and slay the pagans wherever you find them, and seize them, beleaguer them, and lie in wait for them in every stratagem [of war]; but if they repent, and establish regular prayers and practice regular charity, then open the way for them: for Allah is Oft-Forgiving, Most Merciful (Quran 9:5)**

To justify suicide attacks, al-Muhajir resorts to *fiqh al-nawazil* or the jurisprudence of calamities or momentous events. When the Quran and the hadith do not provide a ruling for a specific case, the latter is considered *nazila* and therefore it requires a *fatwa* from the *'ulama'*.[80] Since suicide attacks were not mentioned in either source, al-Muhajir recognises it as *nazila* and concludes its permissibility from similar incidents in Islamic history, a fatwa issued by the medieval Islamic theologian Ibn Taymiyya, and general texts from the Quran, such as:[81]

> **Allah has purchased of the believers their persons and their goods; for theirs (in return) is the Garden (of Paradise): they fight in His Cause, and slay and are slain: (Quran 9:111)**

> **Think not of those who are slain in Allah's way as dead. Nay, they live, finding their sustenance in the presence of their Lord (Quran 3:169)**

With the first verse, al-Muhajir argues that the exchange between Allah and the believers requires them to die for the sake of Allah regardless of the method. However, he emphasises that suicide operations should be conducted only out of the desire for martyrdom and to lift Allah's religion.[82] Finally, al-Muhajir differentiates between committing suicide and suicide attacks. While the former is forbidden as it is only Allah's right to take human life, the second is permissible and even desirable as long as

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78. Abu Muhammad al-Maqdisi, *This is my Religious belief*, p 15.

79. Ibid. p. 65.

80. Abu Abdullah Al-Muhajir, *The Jurisprudence of Jihad*, P 79. https://archive.org/details/ozaaloza_gmail_20131108.

81. Ibn Taymiyyah: One of Islam's most forceful theologians, who, as a member of the Pietist school founded by Ibn Ḥanbal, sought the return of Islam to its sources: the Qurʾān and the sunnah, revealed writing and the prophetic tradition. He is also the source of the Wahhābiyyah, a mid-18th-century traditionalist movement of Islam. He is considered the most influential theologian in salafi-Jihadism.

82. Abu Abdullah Al-Muhajir, , *The Jurisprudence of Jihad*, P 93. https://archive.org/details/ozaaloza_gmail_20131108.

the intention of the actor to inflict harm on the enemy for the sake of Allah.[83]

In chapter six, al-Muhajir discusses the killing of non-combatant 'infidels.' Although he recognizes the various hadith which forbid the killing of non-combatants, which includes women, children, traders, craftsmen, employees, and the elderly, he argues that it is authorized to kill them if they are involved in military activities.[84] Furthermore, he recognizes killing them as a matter of practicality. Al-Muhajir uses warfare terms such as *al-Tatarrus*, or barricading, and *al-Ighara* or surprise attacks. 'When infidels use non-combatants as barricades' or 'when Muslims plan a surprising attack to defeat the infidels', it is difficult to avoid harming non-combatants, and they are considered collateral damage.[85] 'The story of the Prophet using the mangonel in one of his battles is indicative, as the latter does not discriminate between children and women.'[86] He argues that 'avoiding infidels because of their *tatarrus* with non-combatants mean ceasing jihad', meaning it is permissible to kill them so jihad can be maintained.[87]

Chapters seven and eight are dedicated to authorising killings in two categories: The killing of 'infidels' by different means such as drowning, burning, poisoning and using weapons of mass destruction, and the killing of Muslims whom generally it is unlawful to kill, but it is permitted under certain circumstances. Addressing the first category, al-Muhajir cites the following verse:

Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into (the hearts of) the enemies, of Allah and your enemies, and others besides, whom you may not know, but whom Allah does know. Whatever you shall spend in the cause of Allah, shall be repaid unto you, and you shall not be treated unjustly (Quran 8:60).

Again, the key issue here is the interpretation, where al-Muhajir explains that 'the utmost of your power' means that Allah ordered Muslims to use all possible means and powers to fight the enemy. Furthermore, al-Muhajir

emphasises the permissibility of indiscriminate killing by referencing the following hadith:

It is narrated that 'Uqbah Bin 'Amir said: 'I heard the Messenger of God when he was on the Minbar, saying {And make ready against them all you can of power}: indeed the essence of power is shooting [arrows], indeed the essence of power is shooting [arrows], indeed the essence of power is shooting [arrows] … Makhul narrated that the Prophet arrayed mangonels against the people of Taʾif for 40 days.'

Since the Prophet indiscriminately targeted his enemies for 40 days, al-Muhajir argues that it is permitted for Muslims to follow his path.[88]

As for the killing of Muslims whom it is unlawful to kill, al-Muhajir equates them with the non-combatant category by repeating the same *al-tatarrus* argument. Although he acknowledges that the impermissibility of killing Muslims is well established in all schools of Islam, he determines that when they are used as barricades that prevent Muslims from defeating the enemy, it is permitted to target them.[89] Those Muslims who are killed by their fellow Muslims 'will be judged upon their intentions' based on:

It is narrated from ʿAʾisha:

Messenger of Allah said, 'An army will raid the Kaʿbah and when it reaches a desert land, all of them will be swallowed up by the earth.' She asked; 'O Messenger of Allah! Why all of them?' He answered, 'All of them will be swallowed by the earth but they will be raised for Judgement according to their intentions.' (Riyaad-us-saliheen Book of Miscellany No:2)[90]

Al-Muhajir also cites Ibn Taymiyya, who justified targeting Muslims if they are used as a barricade by the enemy based on the Islamic principle of *al-Maslaha*

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83. Ibid. p. 102.
84. Ibid. p. 120.
85. Ibid. p. 151.
86. Ibid. p. 159.
87. Ibid. p. 156.
88. Ibid. p. 167.
89. Ibid. p. 191.
90. Ibid. p. 207.

wa al-Mafsada, or 'weighing out the harms and the benefits'.[91] Ibn Taymiyya contended that if a Muslim army abstains from targeting their enemy because the latter use Muslims as a barricade, two harms are committed. First and foremost, jihad would cease, and the Muslim army would eventually lose the battle. Second, those Muslims who would be killed are considered martyrs, and jihad should not stop 'if martyrdom is the result.'[92] Based on that, the harms resulting from not killing them, as collateral damage, are greater than the benefits, Ibn Taymiyya argued, and hence it is permitted to kill them.[93]

In addition to reiterating the argument of chapter seven, in which he authorizes using all means to fight the enemy, in chapters nine and ten al-Muhajir discusses the legality of destroying the property, facilities and lands of the enemy and abducting and kidnapping its fighters. To authorize destroying the properties of the enemy, he cites:

> **It is He Who got out the Unbelievers among the People of the Book from their homes at the first gathering [of the forces]. Little did you think that they would get out: and they thought that their fortresses would defend them from Allah! But the (Wrath of) Allah came to them from quarters from which they little expected (it), and cast terror into their hearts, so that they destroyed their dwellings by their own hands and the hands of the believers. Take warning, then, O you with eyes [to see] (Quran: 59:2)**

Al-Muhajir's inference stems from 'so that they destroyed their dwellings by their own hands and the hands of the believers.' For him, this verse gives an explicit license to Muslims to vandalize their enemies' properties.[94]

In chapter eleven the author provides a theological ground for rulings regarding mutilation and cutting body organs, while in chapter twelve he argues for the permissibility of beheading enemies. Al-Muhajir recogni-

zes mutilation as a forbidden act according to different hadith such as:

> **According to Imran bin Husayn, the Messenger of God used to encourage us to do charitable deeds and he forbade mutilation ... The Prophet also used to say: ... do not embezzle the spoils; do not break your pledge; and do not mutilate.**[95]

However, he asserts that there are three cases in which mutilation becomes lawful. First, if it happens during a battle while the enemy is alive, based on:

> **Remember your Lord inspired the angels (with the message): 'I am with you: give firmness to the believers: I will instil terror into the hearts of the Unbelievers: smite you above their necks and smite all their finger-tips off them (Quran 8:12)**[96]

Second, if it is done under the name of *al-qisas* or retaliation in kind, which is a technical term in Islamic law, based on the Quranic verse:

> **And if you do catch them out, catch them out no worse than they catch you out: but if you show patience, that is indeed the best [course] for those who are patient (Quran 16:126)**[97]

Last, it is permitted to mutilate the enemy's organs, according to al-Muhajir, when applying *had al-Hiraba*, which means punishment for those who 'terrorize people for robbery or other purposes.'[98] He cites the following Quranic verse to support his point:

> **The punishment of those who wage war against Allah and His Messenger, and strive with might and main for mischief through the land is execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter (Quran 5:33)**[99]

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91. Ibid. p. 209.

92. Ibn Taymiyyah: The Fatwa book (547:28).

93. Abu Abdullah Al-Muhajir, , *The Jurisprudence of Jihad*, p. 210. https://archive.org/details/ozaaloza_gmail_20131108.

94. Ibid. p. 221.

95. Ibid. p. 252.

96. Ibid. p. 253.

97. Abu Abdullah Al-Muhajir, , *The Jurisprudence of Jihad*, P 260. https://archive.org/details/ozaaloza_gmail_20131108.

98. Malik Ibn Anas, *al-Mudawwana al-Kubra*, al-Saada press, Cairo, 1905.

99. Abu Abdullah Al-Muhajir, *The Jurisprudence of Jihad*, P 261. https://archive.org/details/ozaaloza_gmail_20131108.

As for decapitation, al-Muhajir refers to Quranic verses, hadith and stories from the Prophet's life which legalize the act, such as the following verse and hadith:

Therefore, when you meet the Unbelievers [in fight], smite at their necks; at length, when you have thoroughly subdued them, bind a bond firmly [on them]: thereafter [is the time for] either generosity or ransom: until the war lays down its burdens…. deeds be lost. (Quran 47:4)

That the Prophet said: 'Spread the [greetings of] Salam, feed others, strike the heads [of the enemy disbelievers]; you will inherit Paradise.' (Jami' at-Tirmidhi 1954)[100]

Al-Muhajir concludes that 'beheading infidel fighters and slitting their throats whether they are dead or alive are considered among the obvious and established matters, since Muslims have practiced it in their jihad of the enemies of God, generation after generation, from the time of the Prophet and until this day.'[101]

Chapter eighteen explores how Muslims should deal with prisoners of war. Al-Muhajir states that there are two main categories of options: either killing them or leaving them alive under certain circumstances. The first is to kill them 'since there is an explicit ruling for the issue in the Quran':

It is not fitting for a Prophet that he should have prisoners of war until he has thoroughly subdued the land. You look for the temporal goods of this world; but Allah looks to the Hereafter: and Allah is Exalted in might, Wise (Quran 8:67)[102]

The author asserts that the end goal of fighting the infidels is to subdue rather than capture them. However, once the infidels are subdued, Muslims can take captives and either enslave them, set them free, take ransom or use them in prisoner-exchange based on:

Therefore, when you meet the Unbelievers (in fight), smite at their necks; at length, when you have thoroughly subdued them, bind a bond firmly (on them): thereafter (is the time for) either generosity or ransom: until the war lays down its burdens. Thus (are you commanded): but if it had been Allah's Will, He could certainly have exacted retribution from them (Himself); but (He lets you fight) in order to test you, some with others. But those who are slain in the Way of Allah, – He will never let their deeds be lost (Quran 47:4)[103]

Al-Muhajir's legacy of legalizing jihad against non-Muslims and Muslims in certain circumstances; consolidating jurisprudential ground for an extreme and brutal application of jihad, such as killing non-combatant children and women; and theologically authorizing the excessive use of suicidal operations, burning enemies alive and beheading them cannot be overstated, as it would live after al-Zarqawi's death to become the ideological and theological playbook for ISI and its subsequent incarnations.

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100. Ibid. p. 270.

101. Ibid. p. 278.

102. Ibid. pp. 420-28.

103. Ibid. p. 430.

The Islamic State of Iraq (ISI)

Establishing an Islamic state, which would lead to reviving the caliphate, is the ultimate goal of jihadi-Salafi groups such as MSC and AQ. In April 2006, al-Zarqawi showed his face in a video for the first time and hailed MSC as 'the starting point for establishing an Islamic state.'104 Shortly after al-Zarqawi's death in June 2006, al-Zawahiri wrote a eulogy in which he urged *jihadis* to continue with the caliphate project: 'know that … it is necessary for you to establish the Islamic State in Iraq, then to make your way toward captive Jerusalem and restore the caliphate.'105

In October, Muharib al-Juburi, who would be the information minister of the new entity, released a video announcing the establishment of the Islamic State of Iraq (ISI).106 The proclamation statement of the newly born 'state' called on 'all the Jihadists, Iraqi scholars, tribal leaders, and all of the Sunni community to pledge allegiance to the amir of believers, the honourable Shaykh Abu Omar al-Baghdadi, to obey and hear his command in ease and in hardship, and to work diligently to strengthen the foundations of this State.'107 According to the statement, ISI's territories included the cities of 'Baghdad, Anbar, Kirkuk, Salah al-Din, Nineveh, and parts of provinces of Babil and Wasit.'108

Theologically speaking, calling the new leader of ISI, Abu Omar al-Baghdadi, *amir al-mu'minyn,* or the commander of the faithful, was the first step toward the establishment of the caliphate, as the title is traditionally given to the caliph. On the same note, the ISI *shura* council issued a piece of 'research' called 'Informing the Mankind of the Birth of the Islamic State' to justify the establishment of the state.109 This research argues that there are three legal ways for the ruler to assume power: being elected by an elite group of electors known as *ahl al-hall wa'l-'aqd,* or those who loosen and bind; being nominated by the previous leader; or by seizing power by force. Abu Omar al- Baghdadi's assumption of power was based on the first option as he was chosen by those who had fought against the Americans.110

The establishment of ISI might initially seem a major success for AQ and its former affiliate, as both groups had been striving to achieve the (re-)establishment of the caliphate. However, as Cole Bunzel noted, AQC was not enthusiastic about the establishment of the state, most probably because it was excluded from the state-building process and weary of the hard-line ideology and disobedience of its former affiliate.111 By April 2013, all these differences came to the fore and led to an irremediable schism between AQC and the ISI.

QITAL AL-NIKAYA VERSUS QITAL AL-TAMKIN – STRATEGIC DIVERGENCE

As noted before, AQ's post-9/11 organizational shift to a decentralized entity was influenced by the writings of Abu Musab al-Suri. Furthermore, it maintained its vision of targeting the 'far enemy' through *qital al-nikaya* or harming the enemy and its interests. ISI's strategic and organizational vision, on the other hand, was inspired by the ideas of jihadi-Salafi ideologue al-Maqdisi and strategist Abu Bakr Naji.

In an article published on his website, al-Maqdisi states that *qital al-nikaya* is righteous and legitimate as it 'inflicts harm on the enemies, enrages and terrorizes them,' based on the literal interpretation of Quranic verses such as:112

104. Abu Musab al-Zarqawi, this is a Declaration for the People (April 24, 2006). P 515–524.

105. Ayman al-Zawahiri, Eulogy for the Martyr of the Umma and the Emir of Isteshhadiyyn Abu Musab al-Zarqawi (Mu'assasat al-Sahab, June 2006.) https://archive.org/download/fgfrt/2b.pdf.

106. Muharib al-Juburi, *The Announcement of the Establishment of the Islamic State of Iraq* (October 15, 2006) https:// nokbah. com/~w3/?p=536.

107. Ibid.

108. Ibid.

109. Uthman ibn abd al-Rahman al-Tamimi, Informing the Mankind About Estanlshing the Islamic State, (Mu'assasat al-Furqan, 2007). http://www.tawhed.ws/dl?i=436zeuhb. For more on this treatise see Brian Fishman, Fourth Generation Governance.

110. Cole Bunzel, *From Paper State to Caliphate: The Ideology of the Islamic State* (The Brookings Institute 2005) p. 19.

111. Ibid. p. 17.

112. Abu Muhammad al-Maqdisi, *Stances on the fruit of jihad*. http://www.ilmway.com/site/maqdis/MS_155.html.

Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into [the hearts of] the enemies, of Allah and your enemies, and others besides, whom you may not know, but whom Allah does know (Quran 8:60)

Nonetheless, al-Maqdisi argues that Muslims should mobilize their forces and pursue *qital al-tamkin* or the fight for empowerment and controlling territories*,* as its benefits not only include hurting the enemy and liberating Muslim countries from *taghut* and foreign occupiers, but also empowering Muslims by consolidating their presence over a geographical territory.[113] Al-Maqdisi contends that the goal of *qital al-Tamkin* is to establish an Islamic State that would be run by leadership well-versed in Shariʿa. While he does not downplay the significance of *qital al-nikaya,* al-Maqdisi believes that it sometimes misses opportunities and wastes resources that could be used to achieve the end goal of an Islamic state.[114]

While al-Maqdisi's article outlines the differences between *qital al-tamkin* and *qital al-nikaya* and urges *jihadis* not to abandon the latter*,* Abu Bakr Naji's *The Management of Savagery* provides a more holistic understanding, with detailed guidelines on how jihad should be performed to achieve Muslims' goals. Both authors' writings advocate that the goal of jihad is to establish an Islamic state. Naji, however, recognizes *qital al-nikaya* as the first stage of achieving it. He claims that the Muslim *umma* will go through three stages before establishing its state: the phase of *shawkat al-nikaya wa al-Inhak*, or the power of vexation and exhaustion; the phase of *idaret al-tawahush*, or the administration of savagery; and finally, *shawkat al-Tamkin* or the power of establishment – establishing a state.[115]

Naji identifies why and how each phase should be executed to establish an Islamic state. The first phase aims to achieve four essential goals: exhausting the enemy and its regime collaborators by carrying out attacks against its interests – primarily economic, attracting new *jihadi* youth by conducting large attacks to grab their

attention, eradicating the enemy's control over areas of future *jihadi* control, and psychologically and practically preparing and training the groups that have succeeded in this phase to run the following phase, the administration of savagery.

Exhausting the enemy through targeting its interests and partners aims to create failed states in Muslim countries. Naji calls these places 'areas of savagery' and gives the example of Afghanistan before the Taliban assumed power.[116] The prevailing savagery would provide *jihadis* with a 'convenient' opportunity to replace the states. Their tasks in this phase can be divided into two categories. The first concerns the relationship with the local community and includes providing security, services and elevating the level of belief and training of the youth.[117] The second set of tasks concerns state-building processes and securing allies for the final phase, including establishing Shariʿa courts and spreading its science, creating an intelligence agency and spreading spies, deterring the 'hypocrites' with proof and other means and forcing them to repress and conceal their hypocrisy. Additionally, trying to expand by attacking enemy areas, plundering their resources and keeping them in a constant state of apprehension, while creating coalitions with other permissible groups.[118]

To reach the last phase, Naji suggests that *jihadis* must master the art of management as well as education and learning within the group, and rely on proven military plans, strategies and attacking the enemy's weakest points. Moreover, they must focus on understanding the political reality, mobilising Muslims to take part in jihad and polarising the masses into an existential battle, mastering security and surveillance, and infiltrating the enemy by spreading spies.[119]

Naji's book seems to have circulated less than al-Muhajir's *Jurisprudence of Jihad* among *jihadi* groups and leaders. Nonetheless, the trajectory of ISI from al-Zarqawi to Abu Bakr al-Bagdadi shows that the group has been through the three phases of Naji's theory.

By 2007, ISI controlled the Diyala governorate in the east and established strongholds in al-Anbar governorate in

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113. Ibid.

114. Ibid.

115. McCants, William, trans. 2006. 'The Management of Savagery: The Most Critical Stage Through Which the Umma Will Pass.' Accessed on 4 August 2015. https:// azelin.files.wordpress.com/2010/08/abu-bakr-naji-the-management-of-savagery-the-most-critical-stage-through-which-the-umma-will-pass.pdf.

116. Ibid.

117. Ibid. p. 12.

118. Ibid. p. 13.

119. Ibid. p. 1.

the west, as well as in cities like Fallujah and Qaim.[120] Its attacks targeted Shiʿa and Sunni communities, government officials and buildings and US military posts.[121] To counter ISI's military advances, the US used a new method of counterinsurgency which included deploying additional troops and forming the 'Sons of Iraq' (SoI), security forces from Sunni tribal fighters.[122] The initial success of this strategy led ISI to shift to insurgency mode, temporarily abandoning territorial expansion and adopting guerrilla warfare tactics targeting the leaders of the SoI and Iraqi ministries and public figures.[123] The new strategy, a return to al-Zarqawi's approach, reflected the group ability to adapt to losses by shifting from *qital al-tamkin* to *qital al-nikaya,* as imposing territorial control had become difficult.

Another point to consider is the focus on the 'near' enemy. As mentioned before, ISI had targeted both the 'far' and the 'near' enemy since al-Zarqawi's time. A lack of resources as well as the territorial losses, however, pushed the group to concentrate its efforts on inflicting harm on the enemy within its reach. In an audio statement released by ISI, Abu Omar al-Baghdadi, the leader of the group at the time, explicitly identified the new strategy.[124] He even cited the Quranic verse which urges the Muslims to do so: 'O you who believe! Fight the Unbelievers who gird you about and let them find firmness in you' (Quran 9:123).

Less than a year after his statement, Abu Omar al-Baghdadi was killed along with the ISI war minister by Iraqi and US forces. While the US initially claimed a strategic victory, ISI's ability to adapt to new realities, American mistakes during and after the invasion, along with the unaddressed and increasing grievances of the Sunni population resulting from the sectarian policies of Iraq's predominantly Shiʿa government allowed ISI to return.

A ruined old home in Sinjar following the war with the Islamic State. Photo: Levi Clancy on Unsplash.

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120. *'Iraqi tribes launch battle to drive al-Qaida out of troubled province'* October 2006, The Guardian, Retrieved in 10 October 2019. https://www.theguardian.com/world/2006/oct/03/alqaida.iraq.

121. In November 2006, ISI car bombing targeted the Shiʿa populated city of al-Sadr killing more than 215 people. In April, it attacks the Iraqi parliament and in May it targeted a US military base killing seven personals.
Insurgents claim Baghdad attack, April 2007, BBC News, Retrieved in 10 October 2019. http://news.bbc.co.uk/2/hi/middle_east/6553063.stm.

122. Farook Ahmed, *Sons of Iraq and the Awakening Forces, Backgrounder* (Institute for the Study of War, February 21, 2008).

123. Hassan Abu Haniyeh, Arab Jihadism: *Defiance and Empowerment between ISIL and al-Qaeda* (Doha: Arab Center for Research and Policy Studies, 2018).

124. Abu Omar al-Baghadi, *The good Harvest.* (March 2003) https://www.paldf.net/forum/showthread.php?t=386791.

The Syrian Conflict

On the morning of the 8th of April 2013, the world awoke to Abu Bakr al-Baghdadi announcing the expansion of ISI from Iraq into Syria[125] and the merger of ISI and Jabhat al-Nusra (JN), one of the largest jihadi-Salafi factions engaged in the Syria conflict, the abolition of the names of these two groups and the establishment of a new group called the Islamic State in Iraq and al-Sham (ISIS). Only one day after the announcement, a JN outlet known as the al-Manarah al-Bayda Foundation released a recorded speech by Abu Mohammad al-Jolani, the leader of JN, in which he refused the merger without denying the ties between the two groups.[126] Making things more complicated, al-Jolani *bayʿa* to the head of al-Qaʿeda Central (AQC), Ayman al-Zawahiri. Tensions escalated between the two groups until the dispute was referred to al-Zawahiri in his capacity as the head of AQC.[127]

In June 2013, al-Zawahiri's supposedly secret letter, which included the verdict, was leaked to the media. The letter said that both groups had made mistakes: ISI in establishing ISIS, and JN for announcing its ties with AQC, as neither group had consulted him in these issues.[128] In addition to announcing the abolition of the newly formed ISIS, the letter declared JN an independent entity from ISI, affiliated with AQC. Finally, al-Zawahiri's letter stated that each group should operate under its old territories: ISI in Iraq and JN in Syria.[129] In June 2013, al-Baghdadi issued a recorded speech in which he refused to obey and insisted that ISIS has been already established and that it would remain in Iraq and Syria.[130]

The split between JN and ISIS in 2013 resulted in a major rupture between AQ and ISIS. In February 2014, AQ officially disavowed ISIS stating that it was 'not responsible for Islamic State group's actions.'[131] The statement also pointed out that the Islamic State was originally a 'branch' of AQ that had reneged its *bayʿa*. The ISIS response came from its spokesperson Abu Muhammad al-Adnani, who harshly criticised al-Zawahiwi's statement and argued that his group had never given a *bayʿa* to AQ.[132] Other jihadi-Salafi ideologues also participated in the debate regarding the legality of the split. Roughly speaking, two blocks with distinctively different opinions emerged. The first, which was promoted by prominent ideologues such as Abu Muhammad al-Maqdisi and Abu Qutada al-Filastini, sided with AQ and called on *jihadi* fighters in Syria to join JN. Pro-ISIS ideologues, such as Turki al-Binali and Abu Sad al-Amili, stood with ISIS and chided those who did not recognise its authority over JN.[133]

125. Abu Bakr al-Baghdadi, 'Give Good News the Believers.' 2013.

126. Abu Muhammad al-Jolani, 'About the Fields of Al-Sham.' 2013.

127. For a detailed account on the split between JN and ISIS, see Orwa Ajjoub, 'War of Theology', The Theological Aspect of the Split between Jabhat al-Nusra and the Islamic State in Iraq in 2013. Master Thesis, Lund Univeristy.

128. Ayman al-Zawahiri 'Letter to Resolve the Dispute between JN and ISI.' 2013.

129. Ibid.

130. Abu Bakr al-Baghdadi, 'Remaining in Iraq and al-Sham,' 2013.

131. 'A statement Regarding the Relationship between AQ and ISIS group.' Shahada Network, 2014.

132. Abu Muhammad al-Adnani, *Excuse me, the commander of al-Qaeda*, (al-Fourkan media network, 2014) https://archive.org/details/kalimah_201405.

133. Joas Wagemakers, *What should an Islamic State Look Like? Jihadi-Salafi debates on the War in Syria,* (The Muslims World: 2016).

The Caliphate

Before discussing the polarizing debate among jihadi-Salafi ʿulamaʾ regarding the establishment of IS's caliphate, it is important to highlight the ideological underpinnings of the concept itself. According to the Princeton Encyclopaedia of Islamic Political Thought, the caliphate (al-khilāfa) is the term denoting the form of government that came into existence in Islamic lands after the death of the Prophet Muhammad and is considered to have survived until the first decades of the 20th century.[134] For some Muslims, the caliphate brings to one's imagination a period of Islamic history when Islam was pure, and Muslims were more disciplined and willing to sacrifice their lives for the sake of Allah.[135] For others, it conjures up an image of a time when Muslims were the prominent rulers of the world during the caliphates of the Abbasids and the Ottomans.[136] Following the abolition of the Ottoman caliphate in 1924, two attempts were made to restore the caliphate. The first attempt was made by Hussein bin Ali, the sharif of Mecca, who participated in the Arab revolt against the Ottoman Empire and proclaimed the caliphate in the same year. The second attempt was made by King Farouk in Egypt in 1926.

For jihadi-Salafis, the concept of an Islamic state represented by the caliphate enjoys a great significance and is perceived as an end goal that must be achieved. The ideological understanding of the caliphate, however, was crystallized in the writings of the famous Muslim Brotherhood ideologue Sayyid Qutb. In his book *Islamic Concepts and Their Characteristics*, Qutb theorized 'an organic connection between religion and politics,' based on his understanding of the early community of Islam as represented by the Prophet and his companions,[137] meaning that Islam is not only a spiritual religion but also a state that organises all aspects of life. Needless to say, Qutb's argument existed before him and was used by the Ottoman Empire to legitimize its rule over Muslim populated regions. Qutb's major contributions, however, manifested in conceptualizing this connection between religion and politics and explaining how it should be.

To do so, Qutb emphasized three crucial interconnected concepts: *al-tawhid*, which can be translated as both monotheism and the oneness of God; *al-jahiliyya*, or the state of ignorance; and *al-hakimiyya*, or applying Allah's rule instead of manmade laws.[138] *Al-tawhid* is the central pillar of Islamic theology and is achieved by pronouncing the Islamic *shahada* 'There is no god except God and Muhammad is the Messenger of God.'[139] Explaining *al-tawhid*, Qutb contended that 'Divinity belongs exclusively to Allah most high, while creatureness is common to everyone and everything else.'[140] Since Allah is the only divine being, argued Qutb, divine attributes and the right to rule and legislate belong to him alone.[141] The implication of this argument is consequential. Those who do not apply Shariʿa are excommunicated and therefore jihad against them can be waged.

Modern society, as perceived by Qutb, represents a state of *al-jahiliyya* because it accepts and follows laws that are not revealed by God. Therefore, according to Qutb, modern society is based on rebellion against Allah's sovereignty on earth represented by his right to rule and legislate.[142] The use of the term *al-jahiliyya* is indicative, as it is traditionally used to refer to the pre-Islamic society in the Arabian Peninsula that was predominantly ruled by polytheists who worshipped multiple gods and applied 'un-Islamic' laws to govern their life. 'Saving' modern society from its *jahiliyya,* argued Qutb, requires confessing that divinity belongs only to Allah and acknowledging that *al-al-hakimiyya* (the right legislate in this context) belongs to none but Allah. This means that Allah is the only *hakim*, or sovereign, and has the right to ordain the programme of human life. Therefore, people must live according to the shari'a ordained by

134. Wadad Kadi, Aram A. Shahin, *The Princeton Encyclopedia of Islamic political Thought*, (New Jersey, Princeton University Press 2013) P.81.

135. Hugh Kennedy, *Caliphate the History of An Idea*, (New York, Perseus Books Group 2016) P.10.

136. Reza Pankhurst, *The Inevitable Caliphate? A History of the Struggle for Global Islamic Union, 1924 to the Present,* (Oxford, Oxford University Press 2013).

137. Albert J.Bergesen, *The Sayyid Qutb Reader: Selected Writings on Politics, Religion and Society*, (New York, Routledge 2008).

138. Sayyid Qutb, *Milestones*, (Kingdom of Saudi Arabia, Dar al-Shoruk 1979).

139. Shiraz Maher, *Salafi-Jihadism, The History of An Idea* (C. Hurst & CO 2016).

140. Sayyid Qutb, The Islamic Concept and its Characteristic (Plainfield, IN: American Trust Publications, 1991) P 2.

141. Ibid.

142. Albert J.Bergesen, *The Sayyid Qutb Reader: Selected Writings on Politics, Religion and Society*, (New York, Routledge 2008).

Allah in the Quran and the Sunnah.[143] The possibility of establishing a political system based on and governed by *al-hakimiyya* can only be found under a caliphate or an Islamic state. Thus, establishing this religious-political entity is the end goal to which jihadi-Salafi groups strive.

Qutb's argument can be summarized in the following: Islam is the religion of monotheism which is based on the oneness of God and God as the creator of all beings and the universe. It is both spiritual and political, and the link between the two is inseparable. Society, nowadays, exists as a state of *jahiliyyah* because although it claims to be Muslim and practices Islamic duties, such as prayer and fasting, it is governed by manmade laws instead of Allah's ordained revelation. To end this state of *jahiliyyah,* society must apply *al-hakimiyya,* which can be only achieved by toppling the existing political system through waging jihad against it.

Children walking through the ruins of the old marketplaces in Sinjar, following the war with the Islamic State.
Photo: Levi Clancy on Unsplash.

143. Sayed Khatab, *'Al-Hakimiyya h' and 'Jahiliyyah' in the Thought of Sayyid Qutb, (Middle Eastern Studies, 2002).*

The Caliphate of the Islamic State Group (IS)

By June 2014, ISIS controlled huge swathes of territory from Raqqa in Eastern Syria to Mosul in Western Iraq. On the 29th of June, its spokesperson, Abu Muhammad al-Adnani, declared the establishment of the 'caliphate', or IS, which further escalated tensions between jihadi-Salafi ideologues, particularly those affiliated with either AQ or IS. For the former, the newly born 'caliphate' challenged AQ's position as the mother organisation of most *jihadi* groups and its authority over global jihadism. Al-Adnani stated that 'with the announcement of the caliphate, it has become obligatory for all Muslims to give *bayʿa* and support to Caliph Ibrahim,'[144] in a direct challenge to AQ's authority. Moreover, he stressed that the legitimacy of all *jihadi* groups and organisations would become 'void,'[145] and presented IS as the only legitimate representative of the 'true' Islam.

As mentioned earlier, jihadi-Salafis consider the caliphate as *dar al-Islam*, or the abode of Islam, to which Muslims are invited to migrate to live under 'Islamic' governance. Although both AQ and IS share this goal, the political question of who establishes and runs the caliphate has been a major point of contention between the two groups. In his report 'From Paper State to Caliphate: The Ideology of the Islamic State,' Cole Buzel demonstrated how AQ and its loyalist *ʿulamaʾ* challenged the legality of IS's caliphate by arguing that the only legitimate 'caliph' was Mulla Umar of the Taliban movement.[146] AQ's first response to IS's caliphate was to release an old video of bin Laden describing his *bayʿa* to Mullah Umar as 'a supreme *bayʿa*,' which is traditionally given to the caliph.[147]

After a couple of months, AQ released another video featuring al-Zawahiri who announced the establishment of a new AQ franchise in the Indian subcontinent and emphasised that it is 'similar to AQ,' under the banner of the Islamic Emirate and its leader the 'commander of the faithful' Mulla Umar.[148] However, Al-Zawahiri's position was different in 2008, when he stated that Mulla Umar was only the emir of the Islamic Emirate of Afghanistan. He further elaborated that across the world 'we, along with other faithful Muslims, are striving to restore' the caliphal state.[149] Another objection to the IS caliphate came from one of its former loyalists, Abu Mundher al-Shanqiti, who had previously supported its positions regarding the split with JN. Al-Shanqiti parroted AQ's argument regarding Mulla Umar as the only legitimate caliph since the announcement of the 'Islamic Emirate' in Afghanistan in 1996.[150] He argued that Shariʿa law does not provide clear lines between the emir and the caliph and therefore Mulla Umar was to be considered both.[151]

The polarizing debates surrounding the rupture between AQ and IS and the legality of the caliphate have divided jihadi-Salafi *ʿulamaʾ*. Although they all agree on the centrality of establishing the caliphate among Islamic concepts, they have debated the religious legitimacy of IS's caliphate. However, theological rulings from both IS and AQ *ʿulamaʾ* regarding the legality of IS's caliphate should not be seen as the main catalyst behind both groups' behaviors. Indeed, the struggle for power and representation of global jihadism has predominantly shaped the conflict between the two groups.

144. Abu Muhammad al-Adnani, *This is The Promise of Allah,* (Al-Battar Network, 2014) https://archive.org/details/wa3d_allah/mode/2up.

145. Ibid.

146. Cole Bunzel, *From Paper State to Caliphate: The Ideology of the Islamic State* (The Brooking Institute 2005) P. 33.

147. Olama Bin Laden, *Bushrayat*, al-Sahab media network, Jun 2001. Transcript: https://emaad.net/بشريات-للشيخ-أسامة-بن-لادن-رحمه-الله/

148. For more on this subject see William McCants, *'Zawahiri's Counter-Caliphate,'* War on the Rocks, 5 September 2014, http://warontherocks.com/2014/09/zawahiris-counter-caliphate/.

149. Aymman al-Zawahiri, *Open Discussion with Sheikh Aymman al-Zawahiri- The second Part*, Manbar al-jihad wal tawhid. http://www.ilmway.com/site/maqdis/MS_19720.html.

150. Abu Mundher al-Shanqiti, *The Shariʿa position on the Declaration of the Caliphate*, Manbar al-jihad wal tawhid. https://www.ilmway.com/site/maqdis/MS_5959.html.

151. Ibid.

Conclusion

The tentative nature characterizing interpretations of Islam including jihadi-Salafism cannot be conceived as constituting a homogeneous movement united under one banner. Although groups such as AQ and IS share fundamental theological concepts such as jihad (meaning fight in this context), *tawhid* or monotheism, takfir or excommunication, *al-hakimiyya* or applying Allah's rule, and *al-walaa' wa al-bara'* or loyalty to Muslims and disavowal to non-Muslims, they differ in their interpretations of these concepts. Therefore, the applications of these concepts on the ground also differ between these two groups.

The evolution of jihadi-Salafism could be divided into five historical and conceptual phases in which articulations of different ideological and theological trajectories have been subject to both geo-political rivalry and the movement's own reconfiguration of theological concepts. During its first phase in the 1980s, jihad was mainly focused on helping fellow Muslims in Afghanistan to drive out the Soviet forces out of the country.

The socio-political context of the US military deployment in Saudi Arabia following the Iraqi invasion of Kuwait 1990, and its repercussions ushered in the second phase in the development of jihadi-Salafism. In 1996 and 1998 respectively, Bin laden and other *jihadi* ideologues issued two fatwas through which they made the case for jihad against the US military in Saudi Arabia and later against civilians of the US and its allies' all over the world. Bin laden and the other *jihadi* ideologues framed jihad as *fard ʿayn*, which means that it is a legal obligation that must be performed by each individual Muslim capable of performing it. This radicalized conceptualization of jihad manifested in the tragic attacks of 9/11. It was further consolidated by the ideas of *jihadi* ideologues such as Abu Muhammad al-Maqdisi who provided theological justifications for them.

The third phase of the movement's evolution started with the US invasion of Afghanistan. Military success against AQ was achieved by capturing and assassinating many of AQ's senior members and depriving the group from its safe haven. But thanks to AQ former strategist Abu Musab al-Suri for introducing the concept of 'individual terrorism' helping jihadis carrying out global terrorist attacks in their home countries without having organizational

ties with AQ. Moreover, al-Suri called for a decentralized organizational structure that *jihadi* groups can follow to survive the international war on terror.

The US invasion of Iraq and the toppling of Sadam Hussain's regime mark the fourth phase in the trajectory of jihadi-Salafism. These actions led to security vacuum as well as the marginalization of the Sunni community in favor of the Shi'a Iraqi population. This in turn has created social, political and religious grievances, which were addressed by the jihadi-Salafi group of ISI and used to recruit frustrated young Sunni Muslims. With the death of al-Zarqawi in 2006 and the dissolvement of AQM, a new group emerged under the name of ISI or the Islamic State of/in Iraq. By shifting between two warfare methods, qital al-Nikaya versus qital al-Tamkin, ISI and its subsequent organisation of ISIS and IS managed to survive the attacks of the US and the Iraqi militaries.

Furthermore, the American military withdrawal from Iraq in 2011 took place at the same time that Syria was facing extreme instability due to the escalation of the civil war. The establishment of ISI's and AQ wing in Syria, Jabhat al-Nusra, marks the last phase, which manifested in jihadi-Salafi groups' engagement in Arab spring as well as their irremeable split over ISI dispute with Jabhat al-Nusra in April 2013. A watershed moment in this phase was the announcement of the establishment of the caliphate by ISI. As previously explained in this report, the establishment of a caliphate is an end goal that jihadi-Salafi groups aim to achieve. However, IS's caliphate was contested by AQ, as its legitimacy and leadership over global jihadism have been challenged.

The discussions of these evolutionary phases of jihadi-Salafism help us better understanding the reasons behind the emergence of the radical interpretation of Islam and therefore its political violence. To do so, one needs to look at the dialectical relationship between the theology of jihadi-Salafi groups and the different socio-political contexts in which they have developed. The reasons behind the growth and survival of IS and like-minded groups still exist now as before, including authoritarian regimes of post-colonial states with their repressive means of governance, endemic social and political conflicts and security vacuums, and endless economic stagnation and crises.

The Victory Arch (Qaws an-Nasr) in central Baghdad, Iraq. Photo: Pixabay.

Since the terrorist attacks of 9/11, scholars have increasingly turned their attention to the rise and influence of jihadi Salafism. For the most part, though, the focus of this body of work has been on the sociology and activities of organizations such as al-Qa´eda (AQ) and the Islamic State (IS), with less attention paid to the details of the movements' ideologies.

This report explores the historical development of the theological concepts of jihadi Salafism and their implications on the ground. By doing so, it interrogates the complicated relationship between these concepts and the ever-changing socio-political context in which they have developed.

About the author

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